

IN THE FAIR WORK COMMISSION

2014 Award Review

(AM2016/35)

Community and Public Sector Union (CPSU) (PSU Group)

Submissions re: Abandonment of employment

In reply

1. On 19 May 2017 the CPSU filed submissions pursuant to Vice President Hatcher Directions of 27 April 2017 regarding the 'Abandonment of Employment' provisions in six awards. The CPSU has an interest in the *Contract Call Centres Award 2010* which contains at clause 16 an Abandonment of Employment clause. The CPSU sought the removal of that clause.
2. On 22 May 2015 the Australian Industry Group (Ai Group) filed submissions on all six affected awards saying, inter alia, those clauses should not be included in those awards. The Ai Group went on to propose a variation to the notice of termination provisions as follows:

22.2 Notice of termination by an employee

(a) The notice of termination required to be given by an employee is the same as that required of an employer except that there is no requirement on the employee to give additional notice based on the age of the employee concerned.

(b) If an employee fails to give the required notice the employer may withhold from any monies due to the employee on termination under this award or the NES, an amount not exceeding the amount the employee would have been paid under this award in respect of the period of notice required by this clause less any period of notice actually given by the employee.

(c) Subclause (b) applies in circumstances where termination is at the initiative of the employee, including circumstances where an employee abandons his or her employment.

3. On 1 June 2017 the CFMEU Construction and General filed submissions in reply. In those submissions the CFMEU opposed the Ai Group's proposed variation to the *Manufacturing and Associated Industries and Occupations Award 2010*.
4. The CPSU supports the CFMEU's submissions and opposes the variation sought by the Ai Group. The CPSU says, for the same reasons outlined by the CFMEU in their submissions, the variation proposed by the Ai Group should not be included in the *Contract Call Centre Award*.