

Australian Industry Group

4 YEARLY REVIEW OF MODERN AWARDS

Submission

Finalisation of Exposure Drafts
- Tranche 3
(AM2019/17)

20 November 2020

Ai
GROUP

4 YEARLY REVIEW OF MODERN AWARDS TRANCHE 3 EXPOSURE DRAFTS

1. The Australian Industry Group (**Ai Group**) files this submission in response to paragraph [7] of the decision of the Fair Work Commission (**Commission**) dated 10 November 2020¹ and the Determination issued by the Commission on the same date in relation to the *Graphic Arts, Printing and Publishing Award 2020* (**Graphic Arts Award**).
2. Ai Group has reviewed the changes made to the Determination for the Graphic Arts Award and raises a minor issue regarding cl.11.5 that should be addressed.
3. The Determination issued on 10 November 2020 inserts cl. 11.5 as follows:

When a casual employee works overtime, they must be paid the overtime rates in clause 28
4. The reference to cl. 28 is insufficiently specific. At paragraph [40] of the Commission's 30 October 2020 Decision², the Full Bench agreed with submissions made by Ai Group that the clause which provides for a penalty rate to be paid for an employee who works 6 consecutive days or shifts and then is required to work without having had a 36 hour break, is inapplicable to casual employees. This clause is numbered 28.8 in the Determination.
5. Proposed cl.11.5 should be varied to replace the reference to cl. 28 with pinpoint references to clauses 28.2(b), 28.3(a)(ii) and 28.7(b).

¹ 4 yearly review of modern awards [2020] FWCFB 690.

² [2020] FWCFB 5636.