



SUBMISSION ON BEHALF OF THE AUSTRALIAN FEDERATION OF
EMPLOYERS AND INDUSTRIES (AFEI)

AM2008/15

AWARD MODERNISATION

AFEI
Australian Federation of
Employers & Industries

BEFORE THE AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

AWARD MODERNISATION

MATTER NO. AM2008/15

BUILDING, METAL AND CONSTRUCTION GROUP

DRAFT EXPOSURE DOCUMENTS

JOINERY AND BUILDING TRADES AWARD 2010

1. AFEI has provided submissions to the Commission concerning the Building, Metal and Construction Group and participated in the Commission's consultations.
2. AFEI has several concerns with the Commission's Exposure Draft Joinery and Building Trades Award which, if introduced, and in particular as it relates to employers currently covered by the: Notional Agreement Preserving the Joiners (NSW) State Award (the Joiners NAPSA); the Notional Agreement Preserving the Building Employees Mixed Industries (State) Award (the Building Mixed Industries NAPSA); and the Notional Agreement Preserving Concrete Pipe and Concrete Products Factories (NSW) State Award (the Concrete NAPSA).

Coverage

3. AFEI does not support the inclusion of pre-cast concrete manufacturing in the proposed award. We note that the National Joinery and Building Trades Award (the national award) currently applies to pre-cast concrete manufacturing in South Australia. The limited application of the current national award provides no justification for the application of the modern award to this industry sector on a national basis.

4. Pre-cast concrete manufacturing which is carried out in a factory environment has no relationship to Building Trades as otherwise covered by the Exposure Draft. The Commission has identified Concrete Products as an industry sector for consideration in Stage 3. AFEI submits that any consideration of pre-cast concrete manufacturing should occur at that stage.
5. AFEI would not support an extension of the proposed award's application to any other industries not already specified in the Exposure Draft.

Casual Employees

6. Clause 12.3 of the Exposure Draft indicates that the minimum engagement of a casual employee must be 7.6 hours. Currently the minimum engagement of casual employees under the Building Mixed Industries NAPSA is four hours. AFEI submits a minimum engagement of 7.6 hours is unduly restrictive and inconsistent with the flexibility required in a modern award.

Allowances

7. Clause 24.1 (b) concerns an Industry Allowance at the rate of 142.4% of the standard rate, \$23.985 per week, and it appears that this allowance is intended to apply to pre-cast concrete manufacturing. The current Industry Allowance provided by the Concrete NAPSA is a substantially lower amount (\$14.50 per week). As indicated above, AFEI does not support the inclusion of pre-cast concrete manufacturing in the modern award.

Superannuation

8. Clause 27 of the Exposure Draft provides for the payment of superannuation contributions at any employee's normal rate while the employee is absent from work and receiving workers compensation. Unlike the Exposure Draft, however, both the Joiners NAPSA and the Building Mixed Industries NAPSA both specifically provide that employers are not required to make superannuation contributions during periods of absence without pay.
9. AFEI submits that the extension of the obligation to employers who are not currently subject to this obligation, is not consistent with the Full Bench Decision of 19 December 2008 concerning the maintenance of a pre-existing safety net.

Annual Leave

10. Consistent with the Consolidated Ministerial Request, AFEI submits that the modern award provide for cashing out of annual leave, subject to the conditions outlined in the Request.