From: Vivienne Wiles <vwiles@cfmeumd.org>
Sent: Monday, April 15, 2024 4:34 PM
To: Awards <Awards@fwc.gov.au>; Chambers - Asbury VP <Chambers.Asbury.VP@fwc.gov.au>
Cc: Manufacturing Division Industrial <industrial@cfmeumd.org>
Subject: (AM2024/6) Variation of Modern Awards to include a delegates rights term

Associate to Vice President Asbury,

(AM2024/6) Variation of Modern Awards to include a delegates rights term
Consultations held Friday 12 April 2024

The CFMEU-Manufacturing Division (CFMEU-MD) appeared before the full bench at the Consultations held in Melbourne on Friday 12 April 2024.

During the CFMEU-MD's oral submissions, we referred to parts of a witness statement filed by the CFMEU-MD in a previous matter, (AM2021/54) Casual Terms Award Review 2021 - All documents for the Casual terms award review 2021 | Fair Work Commission (fwc.gov.au)

To assist the full bench in the current proceedings, we now attach a copy of the witness statement of Paris Nicholls filed in matter (AM2021/54) on 26 August 2021 and referred to by the CFMEU-MD at last Friday's consultations.

Kind Regards

Vivienne Wiles
Senior National Industrial Officer and Coordinator
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FAIR WORK COMMISSION

Cl. 48, Schedule 1 of the Fair Work Act 2009

(AM2021/54)

CASUAL TERMS AWARD REVIEW 2021

(GROUP 2 AWARDS)

WITNESS STATEMENT OF PARIS NICHOLLS

I, PARIS NICHOLLS, of ███ , National
Industrial Officer, state as follows:

<u>Background</u>

1. I am authorised to make this witness statement of behalf of the Construction Forestry
    Maritime Mining and Energy Union – Manufacturing Division (**"CFMMEU-MD"**).

2. I am employed by the CFMMEU-MD in the position of National Industrial Officer.

3. I have been employed in that role since March 2019.

4. In my role I directly report to Vivienne Wiles (Senior National Industrial Officer) of the
    CFMMEU-MD (**"Ms Wiles"**).

5. Prior to such time, I worked for approximately five years as a labour and employment lawyer
    in the United States.

6. I hold a Bachelor of Arts in Philosophy from the University of North Carolina and a Juris
    Doctor from New York University.

<u>Casual Terms Award Review 2021</u>

7. I am providing this witness statement as part of submissions prepared by the CFMMEU-MD
    with respect to the Stage 2, Group 2 Awards in the Casual Terms Award Review 2021,
    specifically with respect to the *Textile, Clothing, Footwear and Associated Industries Award
    2020* (**'TCF Award 2020'**).

8. As part of the CFMMEU-MD submissions, Ms Wiles requested that I undertaken research
    regarding ABS and labour force data relevant to the textile, clothing, footwear and
    associated industries.

<u>ABS - TableBuilder</u>

9. The Australian Bureau of Statistics (**"ABS"**) provides an online tool called "TableBuilder" to
    construct tables of Census data.

10. I have registered for a "TableBuilder Basic" account at the following website: https://www.abs.gov.au/websitedbs/censushome.nsf/home/tablebuilder.

11. I have prepared tables based on ABS publications and the TableBuilder function in order to include various data relevant to the textile, clothing and footwear industry as explained below. Attached to my witness statement and marked "**PN-1"** is a copy of these tables.

TCF Industry TableBuilder Data

12. Within TableBuilder, I have extracted 2016 Census data regarding certain employees in the Textile, Clothing and Footwear Industry. The class of employees I have used are those classified by the 2016 Census as within ANZSIC Subdivision 13 - Textile, Leather, Clothing and Footwear Manufacturing (within Division C – Manufacturing) ("TCF Industry"). I have further narrowed the group to exclude employees within the following OCCP occupations used by the Census: Managers, Professionals, Clerical and Administrative Workers, and Sales Workers, on the basis that these categories are unlikely, in most cases, to be covered by the TCF Award 2020.

13. After adding the class of individuals described in Clause 11 above to the column section of TableBuilder, I created separate tables with rows for values given by the Census for the following information:

    a. AGE10P Age in Ten Year Groups. (Fig. 3, PN-1)
    b. HSCP Highest Year of School Completed. (Fig. 4, PN-1)
    c. BPLP Country of Birth of Person (for this table, I have only included countries with more than 0.5% of the total). (Fig. 5, PN-1)
    d. LANP Language Spoken at Home (for this table, I have only included languages with more than 0.5% of the total). (Fig. 6, PN-1)
    e. INGP Indigenous Status. (Fig. 7, PN-1)

14. Definitions of the above variables can be found in the Census Dictionary, 2016, found at the following website: https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/2901.0Main%20Features12016
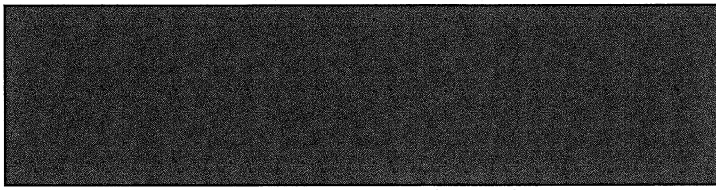
Employment Figures with Sex and Employment Status

15. I have created a table showing the yearly employment figures within the TCF Industry along with the number of males and females employed, with percentages, and the number of full-time and part-time employees, with percentages (Fig. 1, PN-1). This data was taken directly from ABS Publication 6291.0.55.001 – Labour Force, Australia, Detailed. The dates given for each year are as of May of such year.

Size of TCF Businesses

16. I have created a table showing the number of businesses, with further breakdowns by number of employees, for the years 2020 and 2019 (Fig. 2, PN-1). These numbers have been extracted from ABS Publication 8165.0 Counts of Australian Businesses, including Entries and Exits, June 2016 to June 2020. For each year, I have extracted and summed the end of financial year total given for the following groups, which constitute all groups within ANZSIC Subdivision 13 - Textile, Leather, Clothing and Footwear Manufacturing:

    a. Total Wool Scouring
    b. Total Natural Textile Manufacturing
    c. Total Synthetic Textile Manufacturing
    d. Total Leather Tanning, Fur Dressing and Leather Product Manufacturing
    e. Total Textile Floor Covering Manufacturing
    f. Total Rope, Cordage and Twine Manufacturing
    g. Total Cut and Sewn Textile Product Manufacturing
    h. Total Textile Finishing and Other Textile Product Manufacturing
    i. Total Knitted Product Manufacturing
    j. Total Clothing Manufacturing
    k. Total Footwear Manufacturing

Paris Nicholls

National Industrial Officer, CFMMEU-Manufacturing Division

(26 August 2021)

EXHIBIT PN-1

Figure 1 - Employment Figures

(Numbers given in thousands taken from May of each year)	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Total employed	47.5	42.6	40.7	39.5	29.6	34.7	35.9	33.5	41.3	30.3	31.8	40.7
Males Employed	19.1	16.8	17.9	13.2	13.4	15.1	13.1	15.6	18.0	12.1	12.5	17.0
Females Employed	28.4	25.8	22.8	26.3	16.2	19.6	22.7	17.9	23.3	18.1	19.3	23.7
Percentage Female	60%	61%	56%	67%	55%	56%	63%	53%	56%	60%	61%	58%
Full Time Employed	38.5	31.0	29.3	29.8	23.1	26.6	26.3	22.8	29.1	18.7	20.7	27.3
Part-time employed	9.0	11.6	11.4	9.7	6.5	8.1	9.6	10.7	12.2	11.5	11.0	13.4
Percentage Part-Time	19%	27%	28%	24%	22%	23%	27%	32%	30%	38%	35%	33%

Figure 2 - Size of Businesses

Year	2019	2020
Total Operating Businesses	6,263	6,138
Non-Employing businesses	3,321	3,331
1-19 Employees	2,666	2,524
20-199 Employees	250	257
200+ Employees	13	8
Total Employing businesses	2,929	2,789
Percentage of all business with no employees	53%	54%
Percent of employing businesses with 1-19 employees	91%	90%
Percent of employing businesses with 20+ employees	9%	10%

2016 Census Data

Figure 3 - Age in Ten Year Groups

10-19 years	1.61%
20-29 years	11.26%
30-39 years	13.07%
40-49 years	24.35%
50-59 years	31.68%
60-69 years	15.66%
70-79 years	2.06%
80-89 years	0.20%
90-99 years	0.03%

Figure 4 - Highest Year of School Completed

Year 12 or equivalent	46.37%
Year 11 or equivalent	10.40%
Year 10 or equivalent	24.24%
Year 9 or equivalent	7.73%
Year 8 or below	7.35%
Did not go to school	2.64%
Not stated	1.35%

2016 Census Data Cont'd

Figure 5 - Country of Birth of Person (over 0.5% only)

Australia	45.48%
Vietnam	14.02%
China (excludes SARs and Taiwan)	7.11%
New Zealand	3.58%
Philippines	3.37%
England	3.06%
India	1.78%
Cambodia	1.63%
Not stated	1.45%
Italy	1.12%
Hong Kong (SAR of China)	0.84%
The former Yugoslav Republic of Macedonia	0.69%
Thailand	0.65%
Sri Lanka	0.65%
Greece	0.63%
Korea, Republic of (South)	0.60%
Laos	0.58%
Timor-Leste	0.56%
Myanmar	0.55%
Malaysia	0.54%
South Africa	0.53%
Indonesia	0.52%
Fiji	0.51%

2016 Census Data Cont'd

Figure 6 - Language Spoken at Home (over 0.5% only)

English	55.04%
Vietnamese	13.03%
Mandarin	5.24%
Cantonese	5.04%
Tagalog	1.74%
Italian	1.56%
Greek	1.21%
Khmer	1.16%
Filipino	1.10%
Macedonian	0.78%
Spanish	0.72%
Korean	0.63%
Hindi	0.58%
Punjabi	0.57%
Croatian	0.53%
Russian	0.51%
Thai	0.51%

Figure 7 - Indigenous Status

Non-Indigenous	98.46%
Aboriginal	0.90%
Torres Strait Islander	0.02%
Both Aboriginal and Torres Strait Islander	0.02%
Not stated	0.55%