

From: John Broomhead
Sent: 4/3/2015

To: **The Hon Justice Iain Ross AO**
President
Fair Work Commission
11 Exhibition Street
Melbourne VIC 3000
amod@fwc.gov.au

Subject: AM 2014/196 and AM2014/197
Importance: High

RE: In response to Submissions on the Four Yearly Reviews: by John Broomhead

Casuals and Part-time Award Condition
AM 2014/196 and AM2014/197

Dear President Ross;

Please find below my response submission to the four yearly reviews on AM 2014/196 and AM2014/197

Regards
John Broomhead

IN THE FAIR WORK COMMISSION

4 Yearly Review of Modern Awards (Review)

Matter No.:

AM2014/196 – Part-time Employment

AM2014/197 – Casual Employment

Outline of Claim and Proposal for Awards: In response to submission to the Commission

DATE: 04 March 2015

Lodged by: John Broomhead

General

This is a submission based on 40 years' experience as a senior manager (and employer representative) and my 40 years in the construction, mining, and the new traffic control industry and as a general employee in the workforce at most levels of the workforce.

Over those 40 years, I have seen permanent jobs become casual, job security become none existent and the Government services and costs increase needlessly while employers gain significantly.

The casualisation of the workforce is now one of the biggest single issues destabilising the housing and car industries and regional and remote Australia

1. General Award conditions

There is still a lot of apprehension on whether Fairwork Commission has the ability or will to regulate and enforce award conditions. Particularly minimum conditions not only those included in the minimum standards but negotiating enterprise agreements. The average worker commenting on these issues are left to writing and hope and the cost of going to a major centre or Video links. Casual workers do not get paid to discuss awards condition, this taking time off work where awards do not allow time off is evident so far by the number of submissions received by FWC.

Many of these minimum conditions covering awards, particular to industries and are more important than realised. They are essential to the benefit of workers health's and longevity and remote and regional Australia.

Take hot weather, it is a condition that can be taken out of most awards but to outdoor workers, construction workers/traffic controller it is critically important particularly in Northern and Central Australia. Some are now working in 40°+ heat with long sleeve shirt and then the compulsory traffic jacket over the top, long pants, hard hats and then only allowed a break every two hours for 15 minutes. The Queensland Transport Department legislation (not the award) says worker can be used in another job during these breaks. Why should the Queensland Transport (QT) have say in condition and not the Commission or the Awards.

Many workers can attend a shed or get a drink of water from a drinking cooler. Breaks to a licensed traffic controller on duty for a minimum of 2 hours before a break critically important in extreme temperature. Qld legislation denotes breaks must be taken every two hours, where a worker can be used for another job, technically this is not a break be a job change

Qld Traffic Controller Accreditation Scheme says 5.5.4

A traffic controller must be capable of

- Giving approved traffic control signals whilst standing and holding a STOP/SLOW bat for periods of up to two hours without a break
- Concentrating on the tasks at hand for periods of up to two hours without a break

Qld Traffic Controller Accreditation Scheme says 10.1.4

Worksite supervisors should take all necessary steps to ensure that:

- Traffic controllers are given periodic breaks as required by the MUTCD Part 3
- Traffic controllers wear personal protective clothing and are fully complying with the dress code requirements of the TCASAP

Condition like these are set by people who do not fully understand heat and humidity is an issue. The other point many conditions in awards do not take Health and Safety standards into consideration properly. The other point why should working standards be controller by State legislation and not through the FWC

This is having effect of Casuals and Part-time workers. There is pressure on workers Casuals and Part-time workers not to take break because they are only there for a short period. Some companies say if it not in the award which is Federal legislation it's on advisory.

The Fairwork Commission to date has treated this area of award conditions as contemptible for licensed traffic controllers. In Enterprise agreements, the Fairwork Commission have allowed these conditions to be removed, and have not treated these conditions in awards as extremely important or understood why they were there in the first place.

Currently the system is broke. The Fairwork Commission sites as judge with little or no knowledge of the particular industry. It hopes someone with knowledge will contest the employer organisations (not employers) on the other side of the fence. There is no one defending general employees (none union workers) awards and conditions and it is near impossible to be able to be involved in a Fairwork Commission hearing as Fairwork Commission rules cut anyone interested out anyway.

Approved Lobby groups (mostly employer's organisations) who are registered participants are not acting equitably but have guaranteed say through registration, which is not the same for average workers, which are directly impacted.

As an example South Australian Hairdresser Association gets a say on the Civil award MA000020 yet a worker being paid under the MA000020 will not get a say in the MA000020 for a variation nor on the South Australian Hairdresser award, did they call that equity under the Fairwork Commissions rules.

This needs to change, workers at any time should be able to go to the Fairwork Commission on a matter to be heard where they believe there is a matter or reviews and variation without a solicitor including matter on Casuals and Part-time workers wages and conditions.

Where additional cost are being issued to workers, workers need to be able to bring actions without waiting for the four yearly reviews.

1.1. Award rates for casual and Part-time workers

The system needs to allow for allowances per week for new employees costs that employees incur. Take the example of traffic control licences (authorities in Qld) or security licences introduced over the last several years. If you are permanent, your employer is required to pay including the three yearly upgrades, which are now costing of \$750 (three years ago this was \$245) for each of the 4 level license plus

Traffic controller accreditation—3 years new application \$167.10 plus criminal history check fee of \$38.30 and industry authority smartcard or certificate of \$65.95 plus 20 hour unpaid work experience.

To renew a licence each three years

Then traffic controller accreditation—3 years renewal \$167.10 plus industry authority smartcard of \$65.95 10 plus a criminal history check fee of \$38.30 or one must remember there are 4 licences all with the same costs every three years.

If you are a casual, the employer just does not employ you until you have updated your licences. Thus, changes to allowances should cover the burden of State Governments imposed costs. Presently this is having a major impact on casual workers

Most awards now carry a 25% increase to cover conditions permanent workers have. This is now far short for many industries and should be around 37% to cover these extra costs

The current casual loading of 25% does not include training costs for blue or white cards, Industry RDO's some 12 to 13 days per year, company and job site induction costs, i.e. workers involved in attending inductions for subcontractor's site project induction as casual employees. Then there are the costs associated with FIFO, DIDO casual worker and loss of wages time. Variation in remote and regional compared to major cities cost. Issues like petrol pricings, these have major impact on casuals and are not waited correctly in the awards for casuals or are none existent.

Taking into consideration all the additional costs not including training and extra licenses or authorities the casual loading for remote and regional workers should be 40% as noted above and city casual worker between 35% and 37%.

I would also say an index of real costs of living which includes school fees and living away from home, FIFO, DIDO extra costs be included in the index. Those increases should be the minimum annual increase of awards but it must also relate to a regional and remote index of costs.

Wages are becoming too low to cover the general costs of day to day living in remote and regional Australia, yet the productivity has improved year after year. This is mostly due to Governments and big business putting up cost year by year. The Fairwork Commissions should take into consideration implied costs or separate industry costs or increased cost including attending Fairwork Commission hearing particularly for part-time and casuals and enterprise agreements. I am talking about regional and remote people not city people.

If you take as an example of council rates which together with compulsory services now run at 1% of house prices generally in regional Australia that is double of 20 years ago.

On 26th January 2015 petrol in Cairns was 35% more expensive than Brisbane yet Newstart was the same in all areas of Australia and wages principally the same.

Companies want people to work in regional and remote areas and industries like Traffic Control, Security, road maintenance all have their people travel to these remote areas for only one or two days. For casual they only get paid the hours they work therefore the inequity is large

In the modern awards, companies span the globe. The Fairwork Commission never make sure regional allowances are taken into consideration as critical to regional expenses yet every company I know charges extra in regional Australia. The Fairwork Commission hearings never do anything about these inequities. They just hand down across the board decisions which is not their charter. They are to excise fair and equitable decisions and when additional costs are found or introduced, these should be considered. All these costs relate to casual wages and casual loadings.

Under Government legislation workers are to make themselves available where possible for work in all areas. Companies expect workers to be available in all areas, yet no one want to pay the extra costs.

Take Qld since the floods of 2010 and 2012 insurance has risen in some cases 200% most by 40%. Since the cyclones of 2012 and 2013 cost in North Qld have risen considerably yet wages have not in these area but companies have increased charges, reduced the size of quantities or products yet the average worker coping it in the neck with these costs.

Regional Australians are paying continual higher rates for goods and services that includes dealing with the Fairwork Commission and Fairwork ombudsman. In enterprise agreements regional allowances are votes out by the majority of workers in the cities this is partially so in large companies under the overall better off rule, this needs to change, regional allowances and regional costs need to be paired back. One only has to compare the average wages in Canberra to any regional city or area. Compare the Prime Minister electoral seat to Deputy Prime Ministers electoral seat one is based on abundance the other on poverty. Even MacDonald's on the main highway closed down in Maryborough and had to move into town, now that is a record. People could not afford to pull over and buy a hamburger, that's poverty.

Just to show the difference on the 12 Feb 2015 3pm a big mac meal in Browns Plains was discounted to \$6.50 normally \$9.35 compared to Maryborough with no discount and normally \$9.85 yet wages and conditions are the same. Why. Why are wages in regional Australia not 6% more? Companies are profiting by 6% more as in this common example of regional Australia. The Fairwork Commission is oblivious to fair treatment in handing down its decisions.

American business magnate, investor, and philanthropist, Warren Buffett, has a net worth of \$73.5 billion. Berkshire Hathaway his main business acquired H.J. Heinz Co. with Brazilian billionaire Jorge Paulo

Warren Buffett Feb 2014, Chairman and CEO of Berkshire Hathaway said, "Heinz has strong, sustainable growth potential based on high quality standards, continuous innovation, excellent management and great tasting products. Their global success is a testament to the power of investing behind strong brand equities and the strength of their management team and processes.

The Sydney Morning Herald report 18 Aug 2014. A heavy restructuring of the balance sheet at Heinz's Australian operations and a recalibration of tax losses caused the Australian business known as Heinz Wattle's? to tumble to a loss of \$12.3 million in its latest financial year

Heinz Wattle's made a loss of \$12.3 million for the eight months to December 29, 2013 even though revenues were \$534 million for the same period

The simple fact yet another American company operating in Australia opted out of paying taxes yet worker cannot restructure to opt out of taxes. One cannot take companies at face value when they say costs are increasing, they have too many options of restructuring the books to suit a situation.

I would ask this Productivity Commission hearing to provide recommendations on how to pull back taxes on companies and a more equitable playing field particularly the right off of costs involved in earning wages or provide employees with the same options for opting out of paying taxes as companies.

Safety in which say all safety items including reflective clothing, boot, rain protection which is what civil workers, are required to wear is to be provided by the employer. Hence the basic awards do not line up with the other parts of legislation. There need to be included or where already included spelt out clearly what is included the award for casuals and Part-times workers

The second point, employers use this clause to say employer do not have to provide cloths when all safety clothing is to be provided by employers including boots, gloves pants, safety shirts (that is vented shirts that comply with reducing dehydration) traffic control vests ect..

These sorts of misguided errors says really there should be a special awards for special industries such as Licensed Traffic Controllers and not some add in to the MA000020 and all licensed traffic controller should be involved directly to the Fairwork commission of the new award not just employers and their organisations.

There should also be some sort of federal licensing system standard across the States before the systems are fully imbedded by State legislators.

Training is another area. Most if not all employers and HR staff and I will include the courts here, do not understand how a worker can gain more training and therefore gain a higher level of pay grade. This is not an employer right but a worker right. Everyone thinks once you are on a pay level and you go out of your way and gain more training, the company can benefit but not the employee. They say pay increases is only the right of employers. It need to be spelt out how training increase pay grades

1.2. Site safety Induction

As I have touched on before, some industries require site inductions. If you are a traffic controller attending a different site every day you are required by law to attend site inductions. Currently casual are expected to attend these inductions in their own time. Many are attending an induction each week.

They drive to the companies office site a one to two hour session and a small exam all at their own cost. If you are a Full time employee this is done in the employer time and at the employees cost.

As I have state before this is a major impost on casual worker and is not included on the casual loading rate, hence the casual loading rate must increase to cover these costs.

1.3. *Penalty rates*

Currently penalty rates do not reflect the real costs to family's. The Australian Constitution is based upon a family culture, so there needs to be a deterrent to companies employing outside the general working weeks. Our Aboriginal grounded English culture is family based and needs to be protected by high penalty rates as there is no other mechanism that employers understand other than costs. If everyone works 7 days a week 24 hours a day as some suggest or at least workers should be available for work on call in some way then employers should be paying call out fees and shift allowances. This should also be made available to casual workers as well as being spelt out much more clearly in the awards.

If one looks at the divorce rates and the introduced of the American FIFO, DIDO cultural over the last 20 years we see a major increase with the costs shifted to Government by way of Family Court costs, extra tensions of family's hence extra police, and other services all because employers want to make extra profits on the FIFO 24/7 workforce. This means worker are keeping two accommodation centres even though they get free accommodation and meal there are still extra cost involved

At some point in time, there has to be a point where enough is enough and that time is now. People cannot continue to live on lower casual rates and government handouts. Governments should not have to pick up the costs created by businesses wanting to make profits out of casual workers and not have these worker transferred to full time workers.

There needs to be some deterrent to companies having most of their workforce as casual. I am suggesting having research the number of worker in the Traffic Control industry that companies employing over 50% of their workforce pay an additional 7.5 % superannuation above the statutory superannuation levy. This will reduce the burden on Government in latter years and give companies employing full time workers a level playing field

If one look at the large Travel agents, or food seller most of these people are on casual rates. The construction industry is now copying these industries and moving to a casual workforce. To protect Government costs with pensions this has to stop or the cost shifted back to the end user and not workers

Why use superannuation. Because the ultimate cost is when a person reaches old age and retirement. Worker are not saving enough when employed as a casual. They cannot borrow for housing therefore they are not improving their underlying wealth. This will also improve the overall wealth of women who in many case are casual workers.

Moving companies who employ more than 40% or 50% of the workforce to a higher savings rate to offset Government costs on future pensions is a more equitable why of Government recouping a small part of the cost advantages companies are receive by moving to casual workforce.

As the Treasure has said all have to pay, Casual are paying the larger portion, this is one why companies can contribute

1.4. *Minimum Hours of engagement*

The minimum engagement times currently under the MA000020 and many awards is 4 hours. This was set to allow a level playing field under other awards many years ago.

The new age society is now forcing families to send their children's carers (mostly women) to work. The once one wage could keep a person at home. Now two wages is not enough. Our children are paying a considerable price for big business making excessively huge profits with restructuring and casualising the workforce.

Society is paying an enormous price for people working extra hours to meet the cost of living. Reducing the minimum times to less than 4 hours will only cause Governments to pay more in other ways and families will end up picking up the costs to work extra days to pay for the costs of living. If one really looks at the people who work in these industries one sees older workers, women working extra to make ends meet. They are not the rich nor the well to do, most are service industries, which can afford penalty rates by offsetting the cost to end users.

The other point here is most are associated to governments in some way, take traffic controller of which about 98% are casual employees. Most are called out for civil works or maintenance on a 4 hour callout. If that were changed to say 2 hours. They would not receive any more work nor would they receive more hours as the job would be fixed within say 3 hours. This would then give a person generally \$74 for the day, hence 3 days which most work currently. This would give less than the current Newstart allowance so any drop in payments would reflect back on Centrelink to pick up the tab.

As I stated before most traffic controller are older workers and many are on some form of government payments. The 4 hour minimum if move to 4 1/2 hours would shift the cost back on to major construction companies, mining companies, but more importantly increasing the penalty rates would save the States and Federal Government billions of dollars each year.

We are not talking about a few companies who save a few dollars by employing a few extra kid after school. We are talking about industries that employ thousands of workers hence any change will have a major impact on the Government bottom line if wage or hours are reduced. There are said to be over 30,000 licensed traffic controller in 2013 in Qld. A survey showed most of those workers worked 12 hours over a 7 day week on 3 engagements of \$23.08 per hour casual rate. That just under \$280 over the week. Centrelink pick up the extra costs through the low income supplement and or taxable income minimum of \$18000 and they are no were near the amount of money.

One should remember the Reserve Bank has now for a number of years used employment as a stick to control the economy. This is now sent the economy into poverty. If you use people in this way it eventually comes back to bit you hence the Government is now pay huge sums to the unemployed

1.5. *Unfair dismissal arrangements*

This is one area where companies exploit regularly, all you need to do is restructure and you can sack your workforce. That needs to be changed so companies cannot exploit restructuring for the sake of restructuring or for tax advantages.

Twenty years ago, companies took worker from one job to the other. Now days they run out of work, remove all workers and then rehire them up the road without paying removal or other costs. Companies now days do not take the workers to the next job by say if you move there yourself we can give you a job. Then they change to name of the job title and employ the person. That's big business currently in Australia

Where a company is found to have broken the law and have remove an employee in the last two years in that same department or area as they broke the law. That person removed should have recourse to unfair dismissal, which is not time bared.

Take the case in point. Major Construction company in Sarina and Bowen dismissed there environmental person. After three years, it was found the Major Construction Company in both Sarina and Bowen sites had broken the law and was fined. That environmental person had told the company it was breaking the law, which was the person's job. The company did not want to hear they were breaking the law so they remove that person under "this position is being made redundant". That person should have recourse two year after the fine was handed down by the courts.

The other point, persons re-employed by companies in the construction industries should not have the 3 month probation periods where that person has been in the same industry for more than 10 years or where the company has employed that person before. This probation period should be reduced to 2 weeks particularly for casual worker, as currently casual are rehired every time they are employed according to some.

1.6. *Casuals and temporary employees*

In Qld in 2012 there were over thirty three thousand persons holding traffic control authorities (licenses). These are new requirements introduced by Qld Transport at a cost to each employee of some \$700 renewable every three years (two licenses at \$700 each). This is becoming Australia wide

and there are in Qld 4 licenses at \$700 each every three years. It is estimated in Qld there are fifteen thousand active in the workforce each fortnight of which 99% are casually employed.

In a survey in 2012 the question was ask of 60 employees in one company. How many hours do they work and how many hours would they work if allowed and would they like to be full time on a 38 hour week. The answer was 3 days a week at 4 hours each engagement whether day or night. All wanted to be full time or more time. The company had at the time over 132 employees of which only three were full time, about 5 permanent part-time and the rest casual. 99% had the level two traffic control authority under Qld RTA requirements. All had spent 20 hours getting there first license working for a company for free, most supplied their own radios, steel cap boots, special night work pants ect.. safety gear which a company is required to supply by law.

In this one company not one of these worker could get a loan to buy a house as they were casual and did not know if they had work the next week. This new casual work culture developed by Fairwork and employers is having a devastating effect on the housing industry as no one can built a house or buy one. Bank don't lend to casual workers. Centrelink picks up the tab when they do not have work that is over half. The company completely reduced it cost rather than being more efficient when working with developers, mining companies, transport department ect.. They all could have been full time employees. The second point is the none payment of the correct award rates and conditions is becoming a bigger problem. As a casual, you have no say not even in enterprise agreements. Employers pick a day to discuss their enterprise agreement when only full time employee are there.

Over xmas when most industries close all these casual workers are out of work. They have no idea when they will be out of work and when they are likely to get work after xmas. The impact on the Qld economy is great but it is much greater in small communities. This must revert to full time worker for the sake of government costs and smaller communities otherwise, everyone will move to cities.

This is one of many industries that have acceded to causal workers. The security industry is the same as is the construction and mining industry, particular on the construction side of the mining industry. The point is that government has to stamp it out or pick up the tab for low superannuation funds in the long run and Centrelink payments in the short term, in other word people will end up on the pension. If on the other hand 50% were employed full time then the government has a chance of those people building up superannuation and building a house or at least buying one with a bank loan. Sure, you say employers have to offer full time or part time work after so many hours, what

crap! There is no one to enforce it employers can do what they want. Which one of these people going to take a large company to court when they may have to end up paying court costs, No. Courts are now for the rich, famous and foolish they are simply too expensive for someone on \$18.20 hour that works 12 hours a week

I should point out employers currently have to pay the 4 hour minimum, if the government were to remove this rule then Centrelink will have to pick up the payments.

The Fairwork Commission is looking at

- award flexibility/facilitative provisions ([AM2014/300](#))
- family and domestic violence clause (AM2015/1)
- family friendly work arrangements (AM2015/2)
- micro business schedule (AM2014/306)

Should any of above issues be introduced to award then casual worker loadings need to be increased accordingly to compensate for the changes

Proposed Changes

Casual employment Based on MA 00020

- X.1 A casual employee: is an employee engaged and paid as a casual employee for a minimum of 4 uninterrupted hours in any 24 hour period and in accordance with the provisions of this section
- X.2 A casual employee is entitled to all of the applicable rates and conditions of employment prescribed by this award except
- (i) annual leave,
 - (ii) paid personal carer's leave,
 - (iv) paid community service leave,
 - (v) notice of termination and redundancy benefits.
- X.3 A casual employee's **casual loading** is to cover items in section X.2 shall be paid 135% of a Full Time workers ordinary hourly rate
- X.4 A casual employees must have a continuous 10 hour break in every 24 hours period
- a) where extreme emergency works need to take place and the casual work works past the 14 hour period they shall be paid 300% of an Full Time workers ordinary hourly rate
 - b) If a worker feels they are fatigued and safety could be compromised they must stop work. The employer is responsible for making sure a worker is not fatigued where safety could be compromised.
 - c) Where clause x.4 (b) is breached any person may take legal action against the employer at any time
- X.5 A casual employee's travel time must not reduce the 10 hour continuous break by more than 30 minutes
- X.6 A casual employee is entitled to payment for a minimum of four hours' work per engagement, plus shift allowances, relevant fares and travel allowance and expenses prescribed by clauses XX—Living away from home—distant work and clauses XX—Fares and travel patterns allowance on each occasion they are required to attend work.
- a) Example of Shift: A casual employees is to be paid a shift allowances when a worker works a period of time of 10 hours or more in the first 24 hour period and then is replaced by another person and then the original workers returns to the same project after a 10 hours continuous break in the next 24 hour period for his or her shift. All shifts must be more than 4 continuous hours in duration in each 24 hours period
- X.7 An employer, when engaging a person for casual employment, must inform the employee, in writing, that the employee is to be employed as a casual, stating by whom the employee is employed, the job to be performed, the classification level, the actual or likely number of hours to be worked, and the relevant rate of pay.

- X.8 The employer or a casual employee may not vary the Awards ordinary hours of work
- X.8 A casual employee required to work overtime or weekend work will be entitled to the relevant penalty rates prescribed by clauses XX—Overtime, and clauses XX—Penalty rates, provided that:
- (a) where the relevant penalty rate is time and a half, the employee must be paid 185% of the ordinary time hourly rate prescribed for the employee's classification; and
 - (b) where the relevant penalty rate is double time, the employee must be paid 235% of the ordinary time hourly rate prescribed for the employee's classification.
- X.9 A casual employee required to work on a public holiday prescribed by the NES must be paid 275% of the ordinary time hourly rate prescribed for the employee's classification.
- X.10 Casual conversion to full-time or part-time employment
- (a) A casual employee, other than an irregular casual employee, who has been engaged by a particular employer for a sequence of periods of employment under this award during a period of six months, thereafter has the right to elect to have their contract of employment converted to full-time or part-time employment if the employment is to continue beyond six months.
 - (b) For the purposes of clause X.10(a), an irregular casual employee is one who has been engaged to perform work on an occasional or non-systematic or irregular basis.
 - (d) Any casual employee who has a right to elect under clause X10 (a), on receiving notice under clause X10 (a) or after the expiry of the time for giving such notice of one month, the casual employee may elect to have the casual employment revised every 6 months by giving notice to the employer
 - (e) The employer may convert their casual employment to full-time employment by giving four weeks' notice the employee. The employee must consent to or refuse the election but must not unreasonably refuse.
 - (f) Once a casual employee has elected to become and has been converted to a full-time or part-time employee, the employee may only revert to casual employment by written agreement with the employer.
- X.11 Employers shall not employ more than 50% of their workforce as Part-time and or casual workers on any one day on the year. This clause applies to employers in any one company or business unit where they have a workforce of more than 20 persons employed in the one company or business unit. Employer should not try to defeat this clause by employing Part-time and or casual workers in other company or business units

- a) where an employer does employ more than the 50% of their workforce as Part-time and or casual workers on any one day of the year. They shall pay all workers engaged an additional 7.5 % superannuation above statutory superannuation levy
- X.12 An employee must not be engaged and re-engaged to avoid any obligation under this award.
- X.13 The probation periods do not apply to casual or part-time workers where they have been previously employed by the company for three months and re-engaged by the company
- X.14 Any additional training for an authority or license prescribed by State Government Department shall increase the employees pay grade for each additional training unit so required
- X.15 Where a State Government Departments sets a training period to obtaining an authority or license. That period shall be the maximum length of the probationary hours or period for training. Once completed a worker is entitled to that new pay rate level or grade and no other training is required.
- X.16 Where a casual worker is required to holds an authority or license prescribed by State Government Department other than a driver license. They shall be entitle to an daily industry allowance to cover the training cost and the State Government Departments fees to obtain the authority or license
- X.17 Any additional required fatigue breaks prescribed by a State Government Department shall increase the employees breaks in additional to those required by the award
- X.18 An employer shall not increase the number of casual or part time employees without first allowing existing casual or part time employees engaged on similar work, whose normal working hours are less than [36 hours per week], an opportunity to increase their normal working hours by agreement.
- X.19 Agreement on RDOs for Casual or Part-Time workers. Where a Casual or Part-Time worker is employed more than 18-days in any four week cycle shall receive pro rata accrued entitlements for each day worked or regarded as having been worked in such cycle, payable for the rostered day off
- X.20 Casual employees shall be paid for time attending company and safety inductions.
- (a) Where Casual Worker are employed by subcontractors who are required their workers to attend other project or company inductions, safety or training inductions. Casual employees shall be paid to attend these inductions including travel allowances
- (b) Where the inductions last less than two hours. Casual Worker shall be paid two hours at 135% plus travel allowances
- (c) Where the induction is more than two hours in length then clause X1 applies

- (d) Inductions shall not be held on weekends or public holiday unless agreed to by the casual worker, then weekends or public holiday loading apply

Part-time employees

- XP.1 A part-time employee:
- (i) is engaged to work less than 36 ordinary hours per week or an average of less than 36 hours per week;
 - (ii) has reasonably predictable hours of work; and
 - (iii) receives, on a pro rata basis, equivalent pay and conditions to those of fulltime employees who do the same kind of work.
- XP.2 At the time of commencing employment, the employer and the part-time employee must agree in writing on the ordinary hours to be worked each week and the days these hours will be worked.
- XP.3 The employer and a part-time employee may vary the employee's ordinary hours of work by mutual agreement. Any agreed variation to the hours of work must be recorded in writing.
- XP.4 A part-time employee must be paid for ordinary hours worked at the hourly rate prescribed for the class of work performed.
- XP.5 Agreement on RDOs for Casual or Part-Time workers. Where a Part-Time worker is employed more than 18-days in any four week cycle shall receive pro rata accrued entitlements for each day worked or regarded as having been worked in such cycle, payable for the rostered day off
- XP.6 A Part-Time worker: is an employee engaged and paid as a Part-Time worker for a minimum of 4 uninterrupted hours in any 24 hour period and in accordance with the provisions of this section
- XP.7 A Part-Time worker must have a continuous 10 hour break in every 24 hours period
- a) where extreme emergency works need to take place and the Part-Time worker works past the 14 hour period they shall be paid 300% of an Full Time workers ordinary hourly rate
 - b) If a worker feels they are fatigued and safety could be compromised they must stop work. The employer is responsible for making sure a worker is not fatigued where safety could be compromised.

- c) Where clause x.7 (b) is breached any person may take legal action against the employer at any time
- XP.8 A Part-Time worker's travel time must not reduce the 10 hour continuous break by more than 30 minutes
- XP.9 An employer, when engaging a person for Part-Time worker, must inform the employee, in writing, that the employee is to be employed as a Part-Time worker, stating by whom the employee is employed, the job to be performed, the classification level, the actual or likely number of hours to be worked, and the relevant rate of pay.
- XP.10 The employer or a Part-Time worker by agreement may not vary the Awards ordinary hours of work
- XP.11 A Part-Time worker required to work overtime or weekend work will be entitled to the relevant penalty rates prescribed by clauses XX—Overtime, and clauses XX—Penalty rates, provided that:
- (a) where the relevant penalty rate is time and a half, the employee must be paid 150% of the ordinary time hourly rate prescribed for the employee's classification; and
 - (b) where the relevant penalty rate is double time, the employee must be paid 200% of the ordinary time hourly rate prescribed for the employee's classification.
- X.12 Part-time conversion to full-time
- (a) The employer may convert their Part-Time worker to full-time employment by giving four weeks' notice the employee. The employee must consent to or refuse the election but must not unreasonably refuse.
 - (f) Once a Part-Time worker has elected to become and has been converted to a full-time employee, the employee may only revert to Part-Time worker by written agreement with the employer.
- X.13 Employers shall not employ more than 50% of their workforce as Part-time and or casual workers on any one day on the year. This clause applies to employers in any one company or business unit where they have a workforce of more than 20 persons employed in the one company or business unit. Employer should not try to defeat this clause by employing Part-time and or casual workers in other company or business units
- a) where an employer does employ more than the 50% of their workforce as Part-time and or casual workers on any one day of the year. They shall pay all worker engaged an additional 7.5 % superannuation above statutory superannuation levy
- X.14 An employee must not be engaged and re-engaged to avoid any obligation under this award.

- X.15 The probation periods do not apply to part-time workers where they have been previously employed by the company for three months and re-engaged by the company
- X.16 Any additional training for an authority or license prescribed by State Government Department shall increase the employees pay grade for each additional training unit so required
- X.17 Where a State Government Departments sets a training period to obtaining an authority or license. That period shall be the maximum length of the probationary hours or period for training. Once completed a worker is entitled to that new pay rate level or grade and no other training is required.
- X.18 Where a part-time worker is required to holds an authority or license prescribed by State Government Department other than a driver license. They shall be entitle to an daily industry allowance to cover the training cost and the State Government Departments fees to obtain the authority or license
- X.20 Any additional required fatigue breaks prescribed by a State Government Department shall increase the employees breaks in additional to those required by the award
- X.21 An employer shall not increase the number of casual and or part time employees without first allowing existing casual or part time employees engaged on similar work, whose normal working hours are less than [36 hours per week], an opportunity to increase their normal working hours by agreement.
- X.22 Agreement on RDOs for Part-Time workers. Where a Part-Time worker is employed they shall be entitled to ROD's on a pro-rate basis

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