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Fair Work Act 2009
FAIR WORK COMMISSION
s. 156 – 4 yearly review of modern awards – *Construction Awards*
AM2019/17

AWU SUBMISSIONS CONCERNING THE LATEST EXPOSURE DRAFT FOR THE BUILDING AND CONSTRUCTION GENERAL ON-SITE AWARD 2010

Background

1. On 8 October 2020, the Fair Work Commission (“**FWC**”) issued a draft variation determination and tracked exposure draft in relation to the *Building and Construction General On-site Award 2010* (“**On-site Award**”).
2. The Australian Workers’ Union (“**AWU**”) makes the following submissions concerning the latest version of the exposure draft for the On-site Award.

Issues identified

3. Clause 16.5(c): The first sentence should relevantly read: “... that is agreed between the employer and the employee...”
4. Clause 17.1(e): It appears the early morning shift can be added as a shift captured by this provision.
5. Clause 18.1(a): The corresponding provision in the current On-site Award, clause 35.1(a), refers to a break of “no less than 30 minutes”. The exposure draft omits these underlined words.
6. Clause 21.3(e)(i): The words “by clause 21.3(e)” appear unnecessary and erroneous.
7. Clause 23.9(a): This definition is repeated in clause 2.
8. Clause 28.5: It appears the cross-reference to clause 28.1(a) should be clause 28.2. Clause 28.1(a) merely refers to superannuation legislation, it is clause 28.2 that imposes an obligation to make contributions.

STEPHEN CRAWFORD
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