

IN THE FAIR WORK COMMISSION

Section 156 - 4 Yearly Review of Modern Awards

(AM2019/17)

FINALISATION OF EXPOSURE DRAFTS – TRANCHE 2 AWARDS

**SUBMISSION OF THE  
CONSTRUCTION, FORESTRY, MARITIME, MINING & ENERGY UNION  
(MANUFACTURING DIVISION)**

*Dry Cleaning and Laundry Industry Award 2010*

(6 November 2019)

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## BACKGROUND

1. On 14 October 2019, the Full Bench issued a decision [2019] FWCFB 6861<sup>1</sup> regarding the process for the finalisation of exposure drafts for tranche 2 awards (“the *October 2019 Decision*”).
2. The October 2019 Decision invited interested parties to comment on its *provisional* view regarding the Tranche 2 Exposure Drafts and the associated draft variation determinations, with submissions to be filed by 4:00pm, 25 November 2019.<sup>2</sup>
3. The CFMMEU – Manufacturing Division (“CFMMEU – MD”) provides the following submissions in relation to the Dry Cleaning and Laundry Industry Award 2010.

### **DRY CLEANING AND LAUNDRY INDUSTRY AWARD 2010 (“*Dry Cleaning Award*”)**

4. On 14 October 2019, a further revised Exposure Draft<sup>3</sup> and draft variation determination<sup>4</sup> were published with respect to the *Dry Cleaning Award*.
5. These submissions are directed towards the form of the Exposure Draft specifically. However, they equally apply to the form of the Draft Determination.

### ***Clause 11.8 – Right to request casual conversion***

6. At sub-clause 11.8(i) of the Exposure Draft it states in the second paragraph:

*If the employee does not accept the employer’s refusal, this will constitute a dispute that will be dealt with under the dispute resolution procedure in clause 33 – Consultation about changes to rosters or hours of work.*

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<sup>1</sup> S.156 - 4 yearly review of modern awards, (AM2019/17) Finalisation of Exposure Drafts – Tranche 2 awards [2019] FWCFB 6861(14 October 2019)

<sup>2</sup> [2019] FWCFB 6861 at [6] – [8]

<sup>3</sup> [MA000096] *Dry Cleaning and Laundry Industry Award 2010*, Exposure Draft, Republished 14 October 2019

<sup>4</sup> [MA000096] *Dry Cleaning and Laundry Industry Award 2010*, Draft Determination, published 14 October 2019

7. This would appear to be an incorrect reference. It should refer to '*clause 34 – Dispute Resolution*'. This would be consistent with the wording of the current clause 10.6(i) in the *Dry Cleaning Award*.

#### **Clause 20 – Allowances**

8. The following note appears twice in clause 20 of the Exposure Draft (before sub-clause 20.1 and following sub-clause 20.3(d):

*NOTE: Regulations 3.33(3) and 3.46(1)(g) of Fair Work Regulations 2009 set out the requirements for pay records and the content of payslips including the requirement to separately identify any allowances paid.*

9. We submit that the Note should appear only once in clause 20.
10. We submit that the proposed amendments be made to the Exposure Draft and the draft determination for the *Dry Cleaning Award*.

Filed on behalf of:

**Construction Forestry Maritime Mining and Energy Union  
(Manufacturing Division)**

Vivienne Wiles  
Senior National Industrial Officer and Co-ordinator  
6 November 2019