



Turbot St
EXIT ↗

CCIQ Submission: 4 Yearly Review of Modern Awards

CHAMBER OF COMMERCE AND INDUSTRY QUEENSLAND

3 FEBRUARY 2014



CCIQ Submission: 4 Yearly Review of Modern Awards

1. CCIQ is Queensland's peak industry organisation for small and medium business. We welcome the opportunity to make a submission in response to the Issues Paper released by the President of the Fair Work Commission on 24 January 2014.
2. CCIQ will be in attendance at the conference that has been convened on 5 February 2014, at which some of the issues highlighted in submissions in response to the Issues Paper can be discussed.

Responses to propositions outlined in the Issues Paper

3. With respect to the draft propositions set out in the Issues Paper, CCIQ refers to section (ii), relating to the Modern Awards Objectives set out in section 134 of the *Fair Work Act 2009* (the FW Act). Comment is sought on the new section 134(1)(da) of the FW Act, which was inserted by the *Fair Work Amendment Act 2013* and which commenced on 1 January 2014. This section adds as a modern awards objective

the need to provide additional remuneration for:

- (i) employees working overtime; or*
 - (ii) employees working unsocial, irregular or unpredictable hours; or*
 - (iii) employees working on weekends or public holidays; or*
 - (iv) employees working shifts.*
4. At this stage, CCIQ wishes only to note that as this section was not legislated during the Transitional Review of Modern Awards, and has only just taken effect, some time may need to be spent during the 4 yearly review of modern awards defining the scope and operation of this section given that it will be of significant importance to a number of common issues raised by parties.

Common claims/issues

5. The Issues Paper invites parties to identify "(a)ny claims they wish to pursue which affect multiple or all modern awards (i.e. 'common issues')". CCIQ will be primarily making applications or submissions with respect to awards in the fourth tranche.
6. Without placing limits on any other issues that we may pursue during the awards stage of the review, CCIQ considers that relevant common issues in the fourth tranche of the Award stage will include:
 - a. Penalty rates;
 - b. Public holidays; and
 - c. Flexible part-time provisions.
7. These issues were addressed in the Transitional Review of modern awards. Given the proposition that the 4 yearly review may be "broader in scope than the Transitional Review", we consider that it is appropriate that these issues be considered in this broader context.

CCIQ Submission: 4 Yearly Review of Modern Awards

8. Where possible, CCIQ will seek to work with other industry employer groups to “present a joint position or agreed set of facts” in relation to applications to vary awards with respect to common issues. However, we note that individual parties are not precluded from making applications or submissions in respect of a ‘common issue’ in its own right.
9. CCIQ looks forward to the Fair Work Commission releasing further information in respect of timetabling for the Review.