

23 June 2021

FAIR WORK COMMISSION

AM2021/54

CASUAL TERMS REVIEW 2021

**AUSTRALIAN CHAMBER OF COMMERCE AND INDUSTRY'S
NOTE ON THE FAIR WORK COMMISSION'S PROVISIONAL VIEWS**

1. This note is made following the Fair Work Commission (Commission) Statement and Directions^[1] of 22 June 2021.
2. ACCI contests the Commission's provisional view in relation to question 27 that *"Redrafting clause 11.5 of the Manufacturing Award so that it applies the residual right of conversion under the Act on the basis that an employee is eligible to make a request if the employee has been employed by the employer for a period of at least 6 months beginning the day the employment started, would make the award consistent and operate effectively with the Act."*
3. Whilst ACCI does not seek to contest the provisional view of the Commission insofar as it pertains to the beneficial nature or otherwise of the Manufacturing Award casual conversion clause contained in Question 25, ACCI wishes to raise our concerns around the statement contained in the provisional view which suggests that the Manufacturing Casual Conversion clause is more beneficial *"to the extent that it allows a request for conversion to be made after only 6 months' casual conversion"*.
4. ACCI respectfully submits that this view does not appear to fully recognise that the entitlement to elect to convert does not apply after 6 or 12 months' casual employment with an employer under the Manufacturing Award, but rather after 6 or 12 months engagement as a non-irregular casual employee – i.e. excluding periods of employment where the casual employee has been engaged to perform work on an occasional, non-systematic or irregular basis. As it stands therefore we do not believe it is technically the case that the Manufacturing Award casual conversion clause provides a right to request for conversion after only 6 months' casual employment as suggested in the provisional view.

^[1] [2021] FWCFB 3590