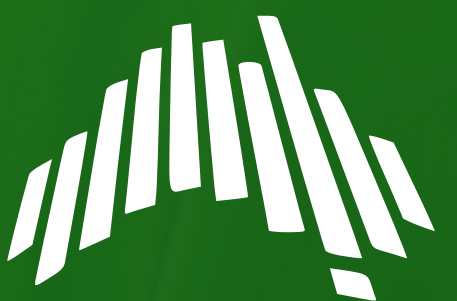


# National Farmers' Federation





# Modern Award Review

The Fair Work Commission is required to review all modern awards every four years:

Penalty  
Rates for  
Casuals

Four hour  
minimum  
engagement

Casual  
Conversion

Award coverage  
of packing  
sheds

TOIL  
Arrangements

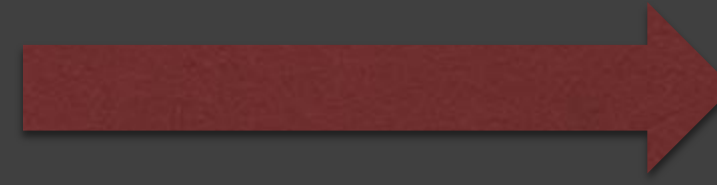
New  
Employees



# Casual and Part Time Proceedings



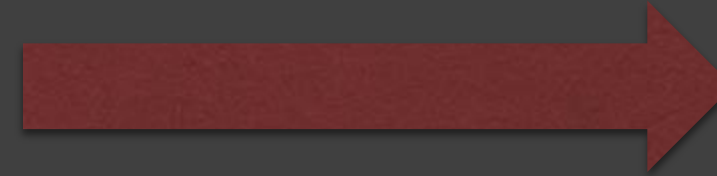
Overtime Pay  
for Casuals



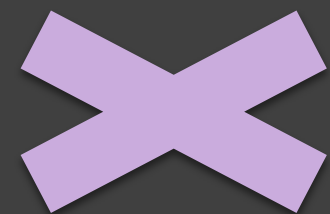
6am to 6pm Monday  
to Friday



Increase  
minimum  
engagement



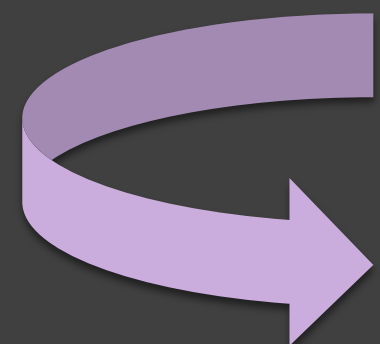
Standard 4 hours



No new casuals



Where existing  
casuals are working  
less than 38 hrs/wk



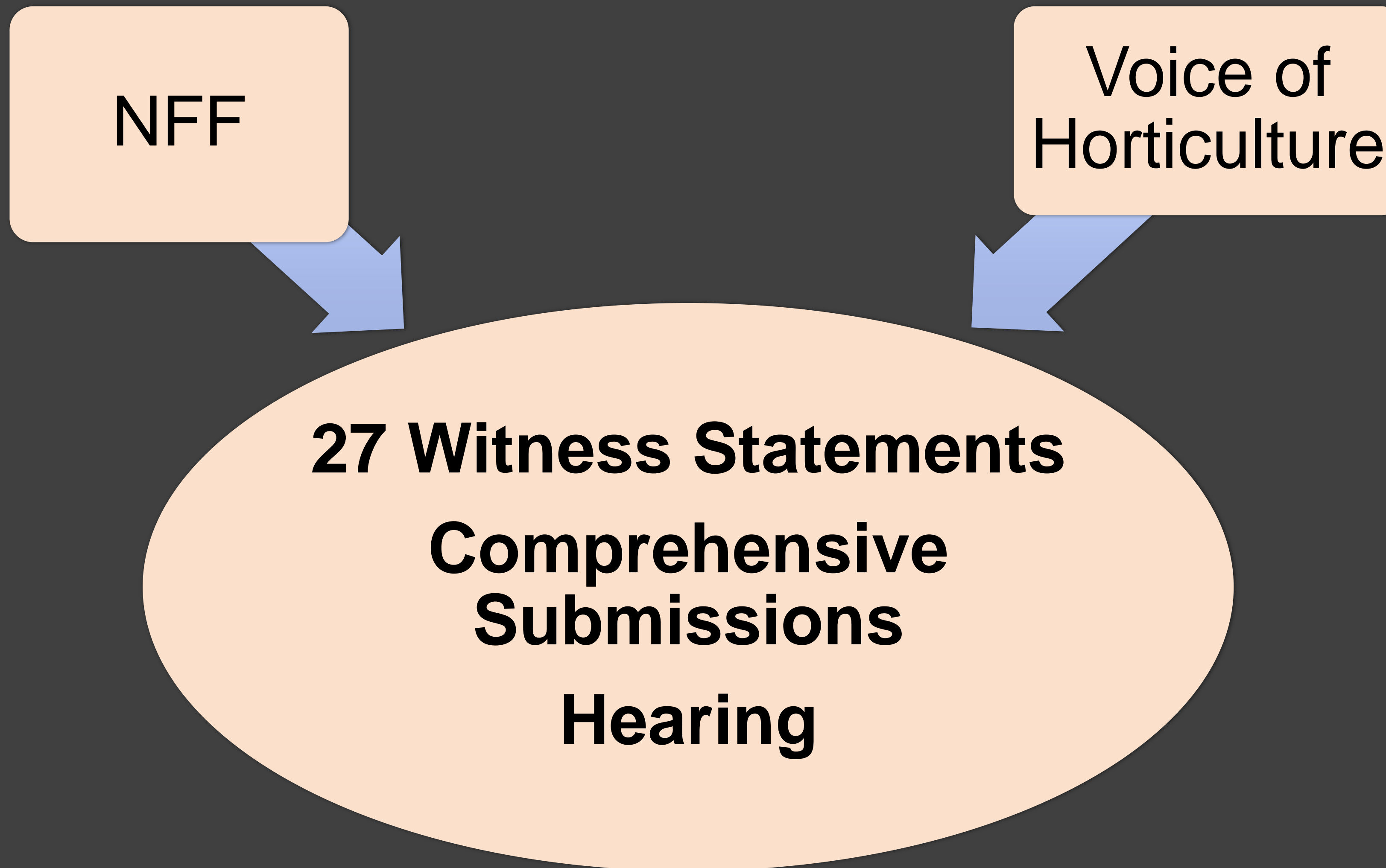
Casual  
Conversion



Retrospectively  
permanent after 6  
months



# Our Response to the claims



# The Outcome



Pending Decision ...

Averaging of  
Hours?

*“I can indicate to the bench that the union would consider it acceptable if the entitlement was only for in excess of 38 hours in the week, for casual employees. We would consider that. I mean we have read the concerns raised by farmers that they have to operate every day of the week and get the fruit or vegetables off when they do.” Mr Crawford, AWU.*



# Horticulture Award Coverage

Award  
Modernisation

Mitolo

Current Claim

*“not an agricultural holding or farm, but rather is best characterised as a mechanised vegetable processing facility”* FWC Full Bench



# What does this mean?

## **Confusion and concern!**

- Cooperatives and shared packing facilities?
- Relocation of packing sheds to low value land?
- Relocation of packing sheds to a better situated area?
- Packing services to other growers?



**On Farm  
Packing  
Sheds**

# What does this mean?

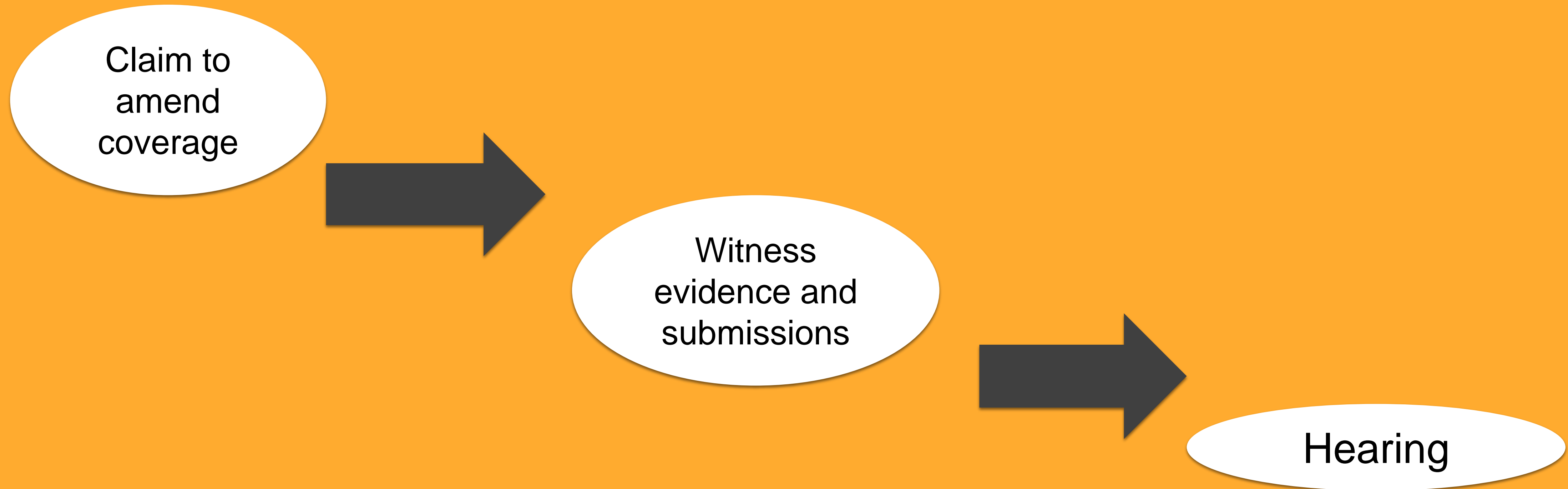
**Off Farm  
Packing  
Sheds**

<b>Horticulture Award</b>	<b>Storage Services Award</b>
6am – 6pm Monday to Friday	7am -5:30pm Monday to Friday
No overtime for casuals	Overtime for casuals
Three hour minimum engagement on Sunday	Four hour minimum engagement on Sundays
Employees can elect to work Sunday instead of Saturday at Saturday rates	No election permitted
Special provisions for hours at harvest time	No flexibility for harvest





# What are we doing about it?



- History of the Horticulture Award
- Intention during Award Modernisation
- Importance of flexibility for business structures
- Why an off-farm packing shed makes sense



# Crops Definition



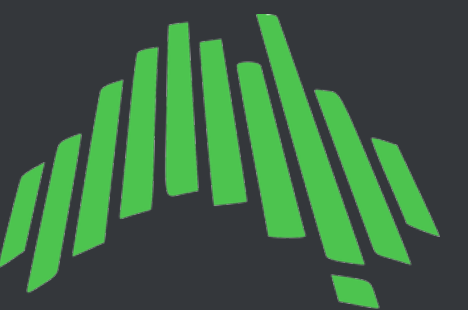
Broadacre or Horticulture?



# Other Relevant Proceedings

A few examples.....

Proceedings	Issues
Time off in Lieu (TOIL)	Has introduced a requirement for a TOIL Agreement
Annual Leave	Model term introduced that prevents employers from deducting an overpayment of annual leave from employees on termination if no agreement in writing; Excessive Annual Leave
Payment of Wages	When employees must pay on termination; how wages are paid
Family and Domestic Violence Leave	ACTU claim to introduce paid family and domestic violence leave
Exposure Draft Process	Unintended consequences from redrafting
Plain Language Redrafting	Unintended consequences from redrafting
Family Friendly Work Arrangements	New rights for employees during pregnancy or returning to work after having a child



**Thank you.**

