

Wednesday, 2 August 2017

VP Hatcher

Fair Work Commission

By email: chambers.hatcher.vp@fwc.gov.au
amod@fwc.gov.au

RE: 4 yearly review of modern awards – Casual employment and Part-time employment AM2014/196 and AM2014/197

We refer to the Directions contained in the Full Bench's decision of 5 July 2017 ([2017] FWCFB 3541) (the Decision) at PN641 and PN902.

On behalf of the union parties, [the Health Services Union, United Voice and the Australian Services Union,] we make these brief comments in reply to the draft determination filed by ABI & NSWBC in the Social, Community, Home Care and Disability Services Industry Award

The unions believe that the draft provided by ABI/NSWBC goes beyond the request of the Full Bench to give effect to the decision concerning the guaranteed number of hours each week for part-time employees [PN641]

To that end we propose the attached draft determination, which in the submissions of the union, deals explicitly with the issue raised by the Full Bench without going beyond the identified concern that employees and employers are aware that under the current provisions, an agreed part-time work arrangement does not necessarily have to provide for the same guaranteed number of hours in each week.

The wording proposed results in sub-clause reading as follows:

- 10.3 Before commencing employment, the employer and the employee will agree in writing on a regular pattern of work including the number of hours to be worked each week, the days of the week the employee will work and the starting and finishing times each day. Any agreed variation to the regular pattern of work will be recorded in writing. An agreed regular pattern of work does not necessarily have to provide for the same working hours in each week.

Leigh Svendsen
Senior National Industrial Officer



<<FileNo>> <<PrintNo>>

FAIR WORK COMMISSION

DRAFT DETERMINATION

Fair Work Act 2009

Part 2-3, Div 4 – 4 Yearly reviews of modern awards

Social, Community, Home Care and Disability Services Industry Award 2010

(AM2014/196/197)

Health and Welfare

JUSTICE ROSS, PRESIDENT

SYDNEY, XX, YYYY

Review of modern awards to be conducted.

[A] Further to the Decision and Reasons for the Decision FWCFB 3541 in AM2014/196 and AM2014/197 it is determined pursuant to section 156(2)(b)(i) of the *Fair Work Act 2009*, that the *Social, Community, Home Care and Disability Services Industry Award 2010* be varied as follows.

[Note as consideration of the exposure draft of this award is advanced, these draft variations address the current exposure draft as of 19 May 2017, republished on 10 July 2017.]

[B] By inserting at sub-clause 10.3 after the words ‘...pattern of work will be recorded in writing.’ as follows:

10.3 ... An agreed regular pattern of work does not necessarily have to provide for the same working hours in each week.

[C] The determination shall operate on and from <<date>>

PRESIDENT