



ARTIO
Australian Road Transport
Industrial Organisation
ABN: 63 734 697 902

AUSTRALIAN ROAD TRANSPORT INDUSTRIAL ORGANISATION

Respect, Respond and Represent

IN THE FAIR WORK COMMISSION

Exposure drafts in the following matters: AM2014/212; AM2014/211; AM2014/216

The Australian Road Transport Industrial Organisation (ARTIO) makes the following submissions with respect to the various transport awards:

1. February 2019 Exposure draft – Road Transport and Distribution Award (the RTD Draft) – AM2014/212

- a. ARTIO has had the opportunity of reading the submissions in this matter filed by the National Road Transport Association (NatRoad) and generally supports those submissions. However, ARTIO makes the following additional submissions:
 - i. ARTIO notes that ‘employee handling money’ is defined in the RTD Draft but it would be better defined as ‘handling money’ and omitting the word ‘employee’ – this would make it a more clear and simple definition. Also, it is not clear as to what time period is covered by the amount of money handled – is it a day, week, month or occasion? It has been generally accepted that it is per week so it could be easily addressed by inserting the words ‘per week’ after ‘For any amount handled’ in the top left-hand box.
 - ii. In clause 15.3 Shift Allowances – the amount paid to shift-workers for working ‘ordinary hours’ is defined as a percentage of the ‘ordinary hourly rate’ so the ‘ordinary hourly rate’ for shift-workers becomes confusing, especially when calculating overtime in Clause 15.5 when payment is made at 150% or 200% respectively, of the ‘ordinary hourly rate. This could be construed to mean the ‘loaded shift rate’ which would totally contradict the well-established practices in the industry – whereby the shift allowance is not included when calculating overtime payments to shift-workers.

ARTIO National

PO Box 5, South Melbourne, Victoria 3205

T 03 9646 8590 | W Artio.org.au | E ARTIO@vta.com.au

State Branches

ARTIO VIC	PO Box 5, South Melbourne, Victoria 3205	T 03 9646 8590	E reception@vta.com.au
ARTIO QLD	PO Box 325, Stones Corner, Queensland 4120	T 07 3394 4388 F 07 3397 9324	E admin@qta.com.au
ARTIO NSW	PO Box 277, Hurstville, New South Wales 2220	T 0412 880861 F 02 9579 2333	E hughmc@artionsw.com.au
ARTIO TAS	PO Box 2069, Spreyton, Tasmania 7310	T 0427 366 742	E ed@tta.org.au

- iii. ARTIO submits that this should be clarified by stating that the shift allowances are not included in overtime calculations.
- iv. Clause 15.4 can also create confusion around whether or not the casual loading and shift loadings are cumulative, that is, is the 25% for the casual loading calculated on top of the loaded shift rate or is the 25% obtained from the 'minimum hourly rate' specified in clause 12.1? It is well understood that the 'minimum hourly rate' approach is the accepted custom and practice in the transport industry and ARTIO submits that this should be made very clear in the wording by inserting the words 'which is calculated from the minimum hourly rate in clause 12.1' after the figure of '25%' in clause 15.4.

2. February 2019 Exposure Draft – Road Transport (Long Distance Operations) Award (the LDO Draft)

- a. ARTIO has had the opportunity of reading the submissions in this matter filed by the National Road Transport Association (NatRoad) and generally supports those submissions. However, ARTIO makes the following additional submissions:
 - i. The word 'CPK' should be defined to mean 'cents per kilometre' in Schedule F.
 - ii. Sub-clause 6.5 (c) prescribes that a casual employee should be paid a 25% loading when engaged in 'loading/unloading' duties – it should be made clear that the 25% loading is paid on the 'minimum rate'. This issue also arises in sub-clause 11.6 (c) and should be addressed accordingly.
 - iii. Sub-clauses 8.5(b) and 8.5(d) are inconsistent in how each determines the payment rate for a rostered day off (RDO). Sub-clause 8.5(d) prescribes that it should be paid at the 'minimum weekly rate' whereas 8.5(b) prescribes the correct method of payment for an RDO as being 20% of the 'minimum weekly rate'. The '20% figure' needs to be included in sub-clause 8.5(d).
 - iv. In Schedule F the term 'long distance operation' appears twice – it is ARTIO's view that both 'long distance operation' and 'interstate operation' should appear

at the beginning of the LDO Draft in Clause 3 Coverage, so it becomes readily apparent to those employers and employees who are seeking to understand precisely what a 'long distance operation' involves.

3. February 2019 Exposure Draft – Waste Management Award (the Waste Draft)

a. ARTIO makes the following submissions:

- i. Clause 21.5(a) - Payment for work on public holidays has been corrected in this version but unfortunately it has not been corrected in Schedule A, specifically A.2.1. The correct figures are contained in clause 21.5 (a).
- ii. It does not appear as though the Waste Draft allows for 'ordinary hours' to be worked on a Saturday or Sunday. Given the increased opening hours of council waste facilities, including transfer stations, this creates an issue for both employers seeking work performed over week-ends and employees who only work, whether part-time or casual, on Saturdays or Sundays.



PAUL RYAN
National Industrial Advisor
Australian Road Transport Industrial Organization

8 March 2019