



The Australian Industry Group
51 Walker Street
North Sydney NSW 2060
PO Box 289
North Sydney NSW 2059
Australia
ABN 76 369 958 788

31 May 2016

By email:
chambers.asbury.dp@fwc.gov.au

Dear Associate

AM2014/247 - SUGAR INDUSTRY AWARD

We refer to the above matter and the Conference before Her Honour, Deputy President Asbury on Thursday 26 May 2016.

During that Conference, Ai Group agreed to provide proposed amendments and clarification on certain items it had raised in the Exposure Draft published by the Commission of the *Sugar Industry Award*.

Based on our Group 3 Exposure Draft submission (14 April 2016), Ai Group proposes the following amendments to Clause 11 – Breaks of the exposure draft to ensure the proposed clause aligns with the conditions in the current award:

Clause 11.1 – Meal breaks – day workers

- (a) A meal break of not less than 30 minutes and not more than 60 minutes must be allowed to each day worker.*
- (b) The meal break must commence no later than five hours after starting work or after resuming work from a previous meal break.*
- (c) Employees required to work through meal breaks must be paid 200% of the minimum hourly rate for all time so worked until a meal break is allowed.*
- (d) Meal times may be altered or staggered by agreement between the employer and the majority of employees directly affected.*
- (e) Meal times must be taken at a time so as to not to interfere with continuity of work.*



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11.2 – Crib breaks – shiftworkers

(a) Crib breaks will be taken without deduction of pay.

(b) Employees may be required to take their crib at their workplace.

(c) Where a shiftworker is not relieved for crib and is unable to have a break of 30 minutes for crib within a period of 40 minutes from the time of commencing crib, the employee will be entitled to an additional 30 minutes' pay at ordinary rates.

(d) Crib times must be taken at a time so as not to interfere with continuity of work.

Clause 11.5 - Meal breaks on overtime

(a) A day worker who is required to continue working at their usual work for more than one hour after the fixed finishing time must be allowed:

- (i) A meal break of 30 minutes after the first hour worked;*
 - (ii) A meal break of 45 minutes after each further four hours worked,*
- without deduction of pay.*

(b) An employee called out to work must be granted a meal break of 30 minutes after each four hours of work without deduction of pay.

(c) If an employee called out to work overtime in accordance with (b), is not notified of the requirement to work overtime in sufficient time to enable them to make arrangements for a meal or crib, a meal must be supplied free of charge provided the second and subsequent meals will be provided free of charge by the employer in all cases.

Clause 38.3 - Single contract hourly rate (current award), item 33 in summary list

Ai Group no longer presses for the inclusion clause 38.3 of the current award into the exposure draft and considers that the exposure draft clause 12.2(a) is sufficient.



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Please contact the writer should you require further information.

Yours sincerely

Nicola Street
National Manager - Workplace Relations Policy