



Memo

To: Justice Ross, President

Date: 21 July 2016

From: Senior Deputy President Hamberger

Subject: Report on *Broadcasting and Recorded Entertainment Award 2010* [MA000091]
(AM2014/259)

I refer to paragraph [14] of your Statement of 24 February 2016 ([2016] FWC 1191), in which you directed the employer representative to file a report outlining the status of issues relating to the *Broadcasting and Recorded Entertainment Award 2010* [MA000091].

I received that report on 22 March 2016 and held a conference on 19 May 2016. The following parties were represented at the conference:

- Birch Carroll & Coyle Limited;
- The Hoyts Corporation Pty Ltd;
- The Greater Union Organisation Pty Ltd;
- Village Cinemas Limited;
- the Independent Cinemas Association of Australia and its members;
- the Media, Entertainment and Arts Alliance; and
- Live Performance Australia.

Following the conference, the parties held further negotiations. Today, I received a report advising that the parties have reached agreement on all issues, the details of which are set out in annexure A.

It therefore does not appear that a separate Full Bench will be necessary to deal with disputed issues. The parties do, however, request that their agreement be taken into account by the Full Bench that will be constituted to review Group 4 of the modern awards generally.

Annexure A

1. Part-time employment

It is agreed that clauses 54 & 55 may be amended as follows:

- 54.3(a) A part-time employee is an employee who works less than 76 ordinary hours in a 14 day cycle (or less than 152 hours in a 28 day cycle by written agreement between the employer and the employee, which may be terminated as provided in clause 55.1(d)); has regular, reasonably predictable and continuous employment within the terms of this clause and clause 55.1(c); and receives, on a pro rata basis at the rate of 1/38th of the weekly rate, equivalent pay and conditions to those full-time employees who do the same kind of work.
- 55.1(c) Part-time employees will be required to work an agreed number of ordinary hours in a 4 day cycle (or 28 day cycle by written agreement). The agreement about the number of ordinary hours to be worked will be in writing and may be changed at any time by agreement between the employer and employee which will also be in writing. Part-time employees may by agreement be employed as full-time employees during school holidays.
- 55.2(d) To the extent practicable, the rostering process shall be undertaken in consultation with individual employees affected and, in respect of part-time employees, the employer will endeavour to provide a reasonably regular pattern of work which accommodates the fluctuating operational requirements of the employer.

2. Classifications

It is agreed that:

- 2.1 a new classification be inserted as Cinema Worker Level 3 at Grade 4;
- 2.2 current Cinema Worker Levels 3 to 6 be redesignated Cinema Worker Levels 4 to 7 respectively;
- 2.3 Schedule E be amended by inserting the following:

E.1.3 Cinema Worker Level 3

- (a) *A Cinema Worker Level 3 is an employee who is appointed by the employer as a team leader in a designated area and who performs work within the scope of this level using applied knowledge and necessary skills.*
- (b) *Consistent with their training and in addition to the competencies and tasks performed by an employee at level 1 and level 2:*
- (i) *solves straightforward problems using readily available information;*
 - (ii) *works to complex instructions and procedures;*
 - (iii) *provides supervision and assists with training level 1 and 2 employees in a designated area;*
 - (iv) *coordinates, organises and allocates work, materials and equipment in an efficient and effective manner for four or more level 1 and 2 employees in a designated area; and*

(v) *is responsible for work undertaken.*

(c) *Tasks which an employee at this level may perform area:*

(i) *indicative tasks for level 1 and level 2 employees;*

(ii) *supervision of level 1 and 2 employees in a designated area; and*

(iii) *assist in training of level 1 and 2 employees*

2.4 Schedule E be amended be redesignating paragraphs E.1.3 to E.1.6 as paragraphs E.1.4 to E.1.7 respectively and making consequential amendments to those paragraphs;

2.5 Clause 4.2(d) be amended by the insertion of 'Cinema Worker Level 3'; and

2.6 Clause 14.2(e), (g), (h) & (i) be amended to redesignate Cinema Worker Levels 3 to 6 as Cinema Worker Levels 4 to 7 respectively.