

IN THE FAIR WORK COMMISSION

2014 Award Review

(AM2014/259)

Community and Public Sector Union (CPSU) (PSU Group)

Submissions in re Broadcasting and Recorded Entertainment Award Exposure Draft technical and drafting

1. On 26 August 2016 President Ross issued a Statement and Directions for Group 4 Awards as part of the 2014 Modern Award Review. Those Directions provided for a response to the Broadcasting and Recorded Entertainment Award Exposure Draft (“Exposure Draft”) drafting and technical issues by 21 December 2016. These submissions are made pursuant to those Directions regarding the *Broadcasting and Recorded Entertainment Award [MA000091]*.
2. The CPSU represents members performing work in commercial television and radio who are covered by the *Broadcasting and Recorded Entertainment Award* (the current Award). The CPSU does not provide commentary in this submission regarding parts of that award which do not relate to our areas of coverage.

Question on page 10, table at clause 7.2

3. In the Exposure Draft, the FWC question at page 10, table at 7.2 is whether clause 40.3, which relates to radio broadcasting allows agreement to a meal break during a shift with an individual employee or a group of employees. The CPSU says the expression ‘employees’ in clause 40.3 could be read as an individual employee or a group of employees.

Question on page 22, clause 14.3(d)

4. In the Exposure Draft, the FWC question at page 22, clause 14.3(d) is whether the telephone rental allowance should be updated for mobile phones. The CPSU does not object to that clause been modernised to clarify that it applies to mobile phones as well as land lines.

Question on page 39, clause 34.2(j)

5. In the Exposure Draft, the FWC question at page 39, clause 34.2(j) Director who works as Producer, is whether the Director is paid a 10% loading of their wage or the Producer’s wage. The CPSU refer to the pre-reform *Television Industry Award 2000* clause 25.6, which provides this entitlement, but used the expression ‘their minimum award wage’ to describe the salary upon which the 10% loading is applied. Following the predecessor instrument’s clause 25.6, the 10% loading is based on the minimum wage for that Directors classification.

Clause 34.2(h)(i) Videotape editing allowance

6. In the Exposure draft there is a series of dot points in clause 34.2(h)(i) where the final dot point dealing with the payment of a 4% loading should not be a dot point but a stand alone paragraph consistent with current Award clause 32.17(a).

Clause 40.2 Meal breaks during shifts for radio technical staff and 'minimum rate of pay'

7. Clause 40.2 of the Exposure draft deals with Meal breaks during shifts for radio technical staff and provides a penalty if a meal break cannot be observed based upon the 'minimum hourly rate'. This contrasts with the equivalent clause in 38.1 of the current Award which provides a penalty based upon the 'ordinary rate of pay'. Arguably there is a distinction between minimum and ordinary rates of pay, for example the inclusion of shift or other penalties, that ought to be included in the calculation for the penalty to be paid in this instance where meal breaks during shifts are not observed. The reference in that clause should be to 'ordinary rate of pay'.

Question at page 46, clause 43.1

8. In the Exposure Draft, the FWC question at page 46, clause 43.1, whether overtime is payable consistent with clause 42.1 and for time worked in excess of rostered daily hours. The CPSU says clause 43.1 derives from the pre-reform *Television Industry Award 2000* and reflects provisions that apply to Technical staff and others, while clause 42 applies to Announcers and Broadcaster/Journalists, and is derived from different pre-reform awards which did not apply to technical staff.
9. The overtime provisions which apply to technical staff are derived from the *Television Industry Award 2000*, clause 31.1 said: "All time worked by an employee in excess of the ordinary hours of work must be overtime. . .". This clause is not replicated in the current Award, which otherwise replicates the overtime provisions from the *Television Industry Award 2000*. The CPSU says the Award should be amended to reflect when overtime occurs consistent with the predecessor instrument.

21 December 2016

CPSU - SYDNEY