

From: Matthew Chesher [mailto:matthew.chesher@meaa.org]

Sent: Friday, 14 September 2018 10:37 AM

To: AMOD

Cc: Owen Johnston; Kelly Wood; Erin Madeley; Elle Curran; Kingston Anderson; Gerard Butler

Subject: Broadcasting Recorded Entertainment and Cinema Award 2010

Dear Associate,

Please find **attached** a drafting document concerning the calculation of 50 hour weeks for the Motion Picture Production Part of the Broadcasting Recorded Entertainment and Cinema Award 2010.

This submission is made in response to Commission's invitation in proceedings before President Ross on 17 August 2018.

Regards,

Matthew Chesher



Matthew Chesher

Director, Legal and Policy

02 9333 0936

0422 411 772

Part XX Motion Picture Production – *Broadcasting Recorded Entertainment and Cinema Award*

XX. Hours of Work

xx.1 Ordinary hours of work for full-time employees will average 38 hours.

By agreement between the employer and employees, hours will be worked on one of the following bases:

- (a)** in days of up to 10 hours each over five days between Monday to Saturday, such hours to be worked continuously with the exception of meal breaks; or
- (b)** by agreement with a majority of employees by any other arrangement to a maximum of 152 hours per 28 day cycle.

xx.2 All time worked on a Sunday will be overtime and paid in accordance with clause **xx.X —Overtime** of this award.

xx.3 Except when living away from home and working on location, hours of work will commence and finish at a nominated place of call. A nominated place of call for the purposes of this award will mean, in the case of a capital city, a place nominated by the employer within 25 km of the GPO of such capital city or in other cases, a place nominated by the employer within 25 km of the employer's usual place of business.

xx.4 When living away from home and working on location, hours of work will commence and finish at the place where the employee is provided with accommodation.

XX. Overtime

xx.1 Overtime will be classified as scheduled or unscheduled in accordance with the provisions of this clause.

xx.2 Scheduled overtime is overtime which an employee has agreed to work and for which the employer has agreed to pay (whether worked or not) at the commencement of an engagement.

xx.3 Where a 50-hour week is worked, each day will comprise 7.6 ordinary hours and 2.4 hours of scheduled overtime.

xx.4 Scheduled overtime may be contracted as follows:

- (a)** where a five-day week is worked, scheduled overtime up to a maximum of 2.4 hours (2 hours and 24 minutes) per day may be contracted for; or
- (b)** where a six-day week is worked, scheduled overtime up to a maximum of 2.4 hours (2 hours and 24 minutes) per day for each day between Monday and Friday inclusive and up to a maximum of 10 hours on Saturday may be contracted for.

xx.5 Subject to other penalties prescribed in this award, payment for all overtime will be made as follows:

(a) Monday to Saturday— 150% of the ordinary minimum hourly rate for the first 2 hours and 200% of the ordinary minimum hourly rate after that; or

(b) Sunday— 200% of the ordinary minimum hourly rate; and

(c) any time worked on any day in excess of 12 hours—300% of the ordinary minimum hourly rate.

xx.6 Where overtime is worked on a day on which ordinary hours are not worked, payment will be made as for a minimum of four hours worked.

xx.7 Any employee recalled to work after leaving the employer's premises will be paid for a minimum of three hours work at the appropriate overtime rate.