

# DRAFT REPORT

*Fair Work Act 2009*

s.156 - 4 yearly review of modern awards

## 4 yearly review of modern awards

### PEST CONTROL INDUSTRY AWARD 2010

(AM2014/279)

COMMISSIONER CIRKOVIC

MELBOURNE, 9 MAY 2017

*4 yearly review of modern awards – Pest Control Industry Award 2010.*

[1] On 29 March 2017 and 26 April 2017 conferences were held to discuss the Summary of Submissions – Technical and Drafting (the summary) in relation to the review of the *Pest Control Industry Award 2010* (the Award).

[2] The following items in the summary were discussed at the conference:

- Item 1: Agreed, as per Australian Federation of Employers and Industries (AFEI) proposal.
- Item 2: ~~The Australian Workers' Union (AWU) submit the \$8.45 meal allowance is payable for all meals while an employee is travelling to or between a country work location. AFEI submit it may be the case that all meals are included in the \$90.44 and the extra \$8.45 should not be paid from destination A to the country. It further submits there may be a different issue between travelling to the country and then between actual country locations. As agreed at the conference, the AWU has proposed an amendment dated 30 March 2017 for comment of other parties. To be discussed further at the next conference. Actions: AMOD to update the summary to reflect parties' positions. AWU and AFEI to provide further submissions by close of business 12 May 2017. Actions: AMOD to update the summary to reflect parties' positions.~~
- Item 3: Agreed, alternative wording put forward by the AWU to be adopted.
- Item 4: ~~The AWU submit the Award lacks a definition of a shift worker which creates a grey area around shift penalties, and suggested it needs further clarification. Actions: AMOD to provide guidance on the scope of the clause for circulation to the parties. If needed, parties can make submissions for discussion at the next conference. AWU and AFEI to consider matter further and if they wish to provide further submissions they are to do so by close of business 12 May 2017.~~
- Item 5: ~~The parties have clarified their positions in response to the Commission's question. As agreed at the conference, the AWU has confirmed its position concerning the calculation of annual leave loading under the Award in its submission dated 30 March 2017. AWU to provide submissions in support of its~~

proposal that the leading hand allowance be considered an all-purpose allowance by close of business 12 May 2017. AFEI to provide submissions in response.

- Item 6: The AWU has clarified its position in response to the Commission's question. AFEI noted it does not have a position on this issue and that it appears no party has proposed to amend the clause.
- Item 7: Agreed, there is nothing to be added and the packages listed are up to date.

[3] The matter is listed for further conference at **10:00am Wednesday 31 May 2017** in Sydney. Any comments on the accuracy of the draft record are to be filed by no later than **5:00pm on Tuesday 16 May 2017**.

COMMISSIONER