

Fair Work Commission
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Melbourne, VIC 3000
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22 February 2017

Re: AM2014/279 AWU reply submissions on drafting and technical issues in the Exposure Draft for the *Pest Control Industry Award 2010*

Background

1. On 21 December 2016 the President, Justice Ross published Amended Directions directing parties to file submissions in reply to drafting and technical issues raised in Group 4 exposure drafts by 22 February 2017.
2. The following parties filed submissions on drafting and technical issues found in the Exposure Draft for the *Pest Control Industry Award 2010* ('the Exposure Draft') as published on 3 November 2016:
 - Australian Workers' Union (**AWU**)¹
 - Australian Federation of Employers and Industries (**AFEI**)²
3. The AWU submissions in reply appear below.

Reply submissions

Definitions

4. **Clause 4.2** [AFEI paragraph 37]: We agree that the definition of the '*pest control industry*' contained in clause 4.2 of the Exposure Draft can be removed as it is already contained in clause 2.

Safety clothing and equipment

5. **Clause 17.4(c)** [AFEI paragraph 38]: We agree with the AFEI that clause 15.8(c) of the Current Award does not impose a general obligation on an employer to provide reasonable facilities for the safe keeping of equipment.

¹ <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/am2014279-sub-awu-200117.pdf>

² <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/am2014256andors-sub-afei-180117.pdf>

6. The AWU suggests the following wording for clause 17.4(c):

*"This equipment will remain the property of the employer and will be replaced by the employee if lost by them or destroyed through the employee's negligence, **provided that** reasonable facilities are ~~to be~~ made available by the employer for the safe keeping of such equipment."*

Annual leave – payment and loading

7. **Clause 22.3** [AFEI paragraph 39]: The AFEI and the AWU appear to agree on the calculation of annual loading under clause 22.3(b).

Yours Faithfully,

A handwritten signature in dark ink, appearing to be 'ZD', with a long horizontal flourish extending to the right.

Zachary Duncalfe
NATIONAL LEGAL OFFICER