

Fair Work Commission
Level 10, Terrace Tower, 80 William Street
East Sydney NSW2011
By email: amod@fwc.gov.au

06 July 2016

Re: AM2014/286 AWU submissions on the Exposure Draft for the *Supported Employment Services Award 2016*

BACKGROUND

1. On 10 May 2016 the President, Justice Ross published a Statement and Directions regarding a plain language pilot and Group 4 awards.
2. The Directions require the filing of submissions regarding drafting and technical issues in Group 4A, B and C exposure drafts by 30 June 2016.
3. The submissions of the Australian Workers' Union (AWU) in relation to the exposure draft for the *Supported Employment Services Award 2016* (the Exposure Draft) as published on 17 May 2016 appear below.

DRAFTING AND TECHNICAL ISSUES

Definition of casual ordinary hourly rate

4. Clause 2 and clause 11: The term 'casual ordinary hourly rate' is defined at this clause but only referred to at Schedule B.2. The definition confirms the dual effect of clause 11.2 and 11.4 in that the casual loading is payable for all purposes. We suggest the definition at clause 2 be deleted and utilised (at underlined) at clause 11.4 as follows:

The casual loading is payable for all purposes. All other payments such as shift penalties, overtime etc will be paid in addition to the loaded rate.

5. As a consequential amendment, the AWU also consider it would be appropriate to delete the word 'casual' from row 3 of Table B.2.2 and row 2 of B.2.3 given that 'ordinary hourly rate' will be the applicable defined term at clause 2.
6. We also suggest swapping the locations of clause 11.3 and 11.4 due to the close conceptual relationship between clause 11.2 and 11.4.

Ordinary hours – casual employee

7. Clause 11.1: This clause describes a casual employee as an employee engaged on an hourly basis. This is in conflict with the minimum engagement requirement set out at clause 11.6. For clarity, although ordinary hours are

set out at clause 13, we also suggest a reference to maximum hours per week. We propose the following wording to replace clause 11.1:

An employee who does not meet the definition of a part-time employee, and who is not a full-time employee, will be employed as a casual employee, and will work a maximum of 38 ordinary hours per week.

The underlined wording is derived from the Commission's 16 June 2014 Exemplar Award.

8. Clause 18.5: In response to the Commission's question, the AWU do not consider this clause should be changed at this time.

END



Roushan Walsh
NATIONAL LEGAL OFFICER