

s. 156 - Four Yearly Review of Modern Awards

Pharmacy Industry Award 2010

AM2014/209

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Joint Union Submission

Plain language re-drafting - [2017] FWCFB3337

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By



**Shop Distributive and Allied Employees' Association (SDA)**

**Association of Professional Engineers, Scientists and Managers, Australia (APESMA)**

**Health Services Union (HSU)**

**Dated:** 4 July 2017

**Lodged by:**

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1. The Shop Distributive and Allied Employees' Association (SDA), the Association of Professional Engineers, Scientists and Managers Australia (APESMA) and the Health Services Union (HSU) makes these submissions on the – Pharmacy Industry Award – Plain Language Draft (20 January 2017) in accordance with the decision issued by the Full Bench on 21 June 2017<sup>1</sup>.

#### **Clause 4.3 On-hire**

2. The union parties agree with the provisional view of the Full Bench of the FWC expressed in PN 9 of its decision on 21 June 2017 and that clause 4.3(a) of the January exposure draft is appropriate and should be adopted.
3. The union parties rely on our previous submissions and have no further submissions to make in relation to clause 4.3(b).

#### **Clause 18.5 – Use of the word 'Township'**

4. The union parties rely on the submissions<sup>2</sup> filed on 10 December 2015 by the SDA regarding the use of the word 'township' in clause 19.4 of the current Award (18.5 of the January exposure draft).

#### **Clause 4 Coverage**

5. The union parties agree that the deletion of the words 'by retail' in clause 4.1 and the provisional view of the Full Bench to delete all of the words after 'government' in clause 4.1(c) satisfies the issues raised in submissions and during the hearing on 15 December.
6. We submit that this redraft resolves any outstanding issues in relation to the coverage clause.

#### **Broken Hill Allowance**

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<sup>1</sup> [2017] FWCFB3337

<sup>2</sup> <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/am2014209-sub-plainlanguage-sda-101215.pdf>

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7. The union parties support the insertion of the clause 19.7 of the current Award which provides the Broken Hill Allowance as per PN [13] and [14] of the decision issued on 21 June 2017.

**Clause 23 – Personal/carer’s and compassionate leave**

8. The union parties support the re-draft of clause 23.3 to provide consistency with the NES and the drafting proposed does not appear to change the legal intent of the clause.
9. There does appear to be an error with the re-drafting at 23.3(d). The re-draft provided in the decision is:

*23.3(d) Casual employees are not entitled to paid leave under clause 16.3 (a)  
(Pharmacy students).*

10. We submit that the clause reference should be 23.1 and the words in italics (Pharmacy students) should be omitted.