

Our ref:MDH:DHB:CFN:20141371
Please reply to: Sydney Office

15 May 2018

Vice President Hatcher
Fair Work Commission
11 Exhibition Street
MELBOURNE VIC 3000

Email to: chambers.hatcher.vp@fwc.gov.au

Dear Vice President Hatcher

AM2016/30 – ALPINE RESORTS AWARD 2010: CLARIFICATION REQUEST

As you know, we act for the Australian Ski Areas Association (“ASAA”) in relation to the above matter.

We refer to our letter dated 8 March 2018 (“**Letter**”), concerning the outcome of the recent Full Bench hearing into the *Alpine Resorts Award 2010* (“**Award**”).

In that Letter, amongst other things, we respectfully requested the Fair Work Commission (“**Commission**”) urgently clarify the present uncertainty surrounding the calculation of casual overtime rates under the Award. This request was made for the reasons set out in paragraph 1.8 of the Letter, which is reproduced below for the Commission’s convenience:

- a) *the ASAA’s members currently engage casual employees who are affected by the Fair Work Commission’s decision;*
- b) *the ASAA’s members are currently recruiting for the 2018 winter snow-season;*
- c) *the ASAA’s members are attempting to finalise their budgets for the 2018 winter snow-season;*
- d) *the ASAA’s members are currently planning rosters and determining the final composition of their respective workforces; and*
- e) *employees and employers will be relying on the Fair Work Ombudsman’s online tools, and could thereby find themselves in breach of the Award.*

The issue of the calculation of casual overtime rates under the Award remains a pressing concern for our client's members given the winter snow sports season is due to commence in June 2018 and recruitment is, accordingly, now well underway. Our client is naturally concerned that if the decision is handed down during the winter snow sports season, it will present a significant operational and administrative challenge to its members.


Additionally, since our last correspondence, a number of our client's members have begun enterprise agreement negotiations with their employees that necessarily involve consideration of employee remuneration, including the appropriate casual overtime rates. Without certainty of employee Award entitlements, our client's members and their employees are encountering significant difficulties in these negotiations.

We fully-appreciate the Commission is presently managing many pressing matters, including the drafting of the judgment of the Full Bench hearing into the Award and the finalisation of the 4 Yearly Review generally. Nonetheless, we are instructed to once again respectfully request the Commission urgently clarify the current uncertainty surrounding the interaction of casual loading and overtime times for employees covered by the Award.

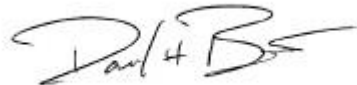
We of course remain at the Commission's disposal in relation to this matter, and we confirm we have copied in the other relevant parties to this correspondence.

Yours respectfully

HARMERS WORKPLACE LAWYERS



Michael Harmer



David Bates