

ALPINE RESORTS AWARD – AM2016/30

FOUR YEARLY REVIEW OF MODERN AWARDS

AUSTRALIAN SKI AREAS ASSOCIATION

SUBMISSIONS MADE IN REPLY TO THE AUSTRALIAN WORKERS UNION

- 1 The Australian Ski Areas Association (“**Association**”) refers to the Australian Workers Union (“**AWU**”) submissions filed on 8 December 2017 (“**AWU Submissions**”) in relation to the Association’s Draft Determination, filed on 29 November 2017.

- 2 The Association refers to and relies upon its oral and written submissions made to date in these proceedings, and specifically paragraphs 2.3(c), and 2.4 to 2.6 of its Outline of Submissions dated 22 December 2016, which state as follows:
 - 2.3 The Consent Position reached was conditional on the approval of a package of variations and included, inter alia, the following:

...

(c) the Association agrees to the AWU’s proposed variation entitling casual employees, other than Snowsports Instructors, to a penalty rate for overtime hours worked. The overtime penalty rates will be inclusive of the 25% casual loading.
 - 2.4 The Consent Position has been negotiated pragmatically between the Association and the AWU as a total package. Both parties have made a number of concessions in the interests providing mutual benefits for both employers and employees covered by the Award.
 - 2.5 The Association recognises that the Commission is not bound by the Consent Position but submits that it should be given significant weight in these proceedings.
 - 2.6 As the Consent Position has been negotiated as a total package, the Association opposes any decision of the Commission whereby only some, or none, of the above proposed variations are made to the Award. The Association and AWUs position on the issues agreed between the parties may change if the ‘whole package of variations’ is not given effect.

- 3 At paragraph 7 of the AWU Submissions, the AWU “...*accepts that it reached an agreement with the ASAA, and the Full Bench is entitled to hold the AWU to this agreement*”. The Association relies upon this statement, and respectfully requests the Full Bench endorse the carefully-calibrated consent position previously agreed between the Association and the AWU.

Harmers Workplace Lawyers

13 December 2017