

From: Michael Taylor [<mailto:hmtconsulting@optusnet.com.au>]
Sent: Thursday, 19 April 2018 5:21 PM
To: Chambers - Sams DP
Cc: Ross Gage; chris.campbell@aitkenlegal.com.au; liam.obrien@awu.net.au
Subject: ASSA Position Paper - Classification Matters Fitness Industry Award 4 yearly Review.

Dear Associate,

Please find attached a Position Paper, supplied on behalf of my Client , the ASSA, indicating its views on classification issues, relating to next Monday's video linked , report-back to the Deputy President. Could you please ensure that he has a copy of this document before him at the commencement of proceedings.

Regards,
Michael.

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Introduction:

Subsequent to proceedings before Mr Deputy President Sams on the 29th March and a teleconference of parties (including ASSA, ASCTA & AWU (Vic Branch), on 12th April the following seeks to demonstrate where ASSA currently stands on the issues relating to classification descriptors.

Modifications to descriptors proposed by ASSA (in green), or other parties – (in red), in March 2016.

Schedule A—Classification Definitions

A.1 Level 1

A.1.1 An employee at this level works under direct supervision with specific instructions and procedures and after appropriate in-house training. Duties may include any or all of the following:

- (a) general counter duties including reception, taking bookings, members and membership enquiries, sale of products, activities organising and customer liaison and assisting with swimming and water safety teaching;
- (b) general tidying/cleaning of immediate work area;
- (c) undertaking structured training/learning in the following areas:
 - (i) clerical assistant duties including switchboard operation, reception, information services, taking bookings;
 - (ii) providing general assistance to employees of a higher grade, not including cooking or direct service to customers;
 - (iii) cleaning, tidying and setting up of kitchen, food preparation and customer service areas, including cleaning of equipment, crockery and general utensils;
 - (iv) assembly and preparation of ingredients for cooking;
 - (v) handling pantry items and linen;
 - (vi) setting and/or wiping down tables, removing food plates, emptying ashtrays and picking up glasses;
 - (vii) general cleaning, gardening and labouring tasks; and
 - (viii) door duties, attending a cloakroom or car park not involving the handling of cash; and
 - (ix) providing general assistance to tennis coaches in the delivery of tennis coaching or classes; and
 - (x) swimming and water safety teaching.

A.2 Level 2

A.2.1 An employee at this level has qualified as a swimming and water safety teacher (which can include specialist qualifications relating to the likes of babies and toddlers, learners with disability, and towards competitive swimming), or swimming coach, or a pool plant operator, or has completed 456 hours within the scope of Level 1.

A.2.2 An employee at this level:

- (a) performs work above and beyond the skills of an employee at Level 1 and to the level of their training; and
- (b) works from instructions or procedures and under direct supervision either

individually or in a team environment, and is primarily engaged in one or more of the following duties:

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MA000094 25

- (i) assisting with classes and directing activities in a centre;
- (ii) attending to equipment and displays, e.g. pool attendant, **pool plant operating**;
- (iii) providing customer advice, sales and services;
- (iv) operating a switchboard and/or telephone paging system;
- (v) clerical duties, involving intermediate keyboard skills with instructions;
- (vi) program/ticket selling and general sales involving receipt of monies and giving change, including operation of cash registers, use of electronic swipe input devices;
- (vii) laundry and/or cleaning duties involving the use of cleaning equipment and/or chemicals;
- (viii) maintaining general presentation of grounds;
- (ix) door duties, attending a cloak room or car park;
- (x) serving from a snack bar, buffet or meal counter;
- (xi) supplying, dispensing or mixing of liquor, including cleaning of bar area and equipment, preparing the bar for service, taking orders and serving drinks;
- (xii) non-cook duties in a kitchen;
- (xiii) **teaching swimming and water safety, being the holder of a current qualification (with the relevant industry Competencies), coaching ‘junior’ squad level swimmers, being the holder of a current recognised swimming coaching qualification.**
- (xiv) **coaching beginner swimmers (including mini and junior squads), being a holder of a current Australian Swimming Coaches and Teachers Association (ASCTA) “Junior Squad and Assistant Coach” qualification or equivalent;**
- (xv) **coaching beginner tennis or providing general assistance to tennis coaches in the delivery of tennis coaching or classes, having completed an introductory coaching course or equivalent.**

Exposure draft – Fitness Industry Award 2015

26 MA000094

A.3 Level 3

A.3.1 An employee at this level works under general supervision which requires operation within defined areas of responsibility with adherence to established guidelines and procedures and who is employed to carry out work associated with the centre’s operations.

A.3.2 An employee at this level is able to fulfil a role at Level 1 and 2 where relevant and supervises Level 1 and 2 employees where requested.

A.3.3 An employee at this level may also be:

- (a) **a swimming and water safety teacher being a holder of any current qualification with the relevant Industry Competencies, who has:**
 - (i) **attended five hours per year of professional development (as recognised by a national industry body) and 350 hours of teaching at Level 2, or**
 - (ii) **who holds a second recognised swimming and water safety teaching qualification and delivered 350 hours of swimming and water safety teaching; or**

(b) coaching swimmers being a holder of a current recognised swimming coaching qualification.

(c) a pool lifeguard who has been appointed to the position of pool lifeguard by the employer and has completed a nationally-recognized Lifeguarding qualification.

Any dispute concerning an employee's entitlement to be paid at Level 3 as a swimming teacher or swimming coach may be referred to the Fair Work Commission for determination. The Fair Work Commission may require an employee to demonstrate to its satisfaction that the employee utilises skills and knowledge required at this level.

A.4 Level 3A

A.4.1 An employee at this level performs the duties of a Level 3 and who:

(a) holds an Fitness Industry or Sport Coaching (specialising in tennis) AQF Certificate Level III qualifications relevant to the classification in which they are employed or equivalent; and

(b) utilises the skills and knowledge derived from the Fitness Industry or Sport Coaching (specialising in tennis) AQF Certificate Level III competencies relevant to the work undertaken at this level.

A.4.2 Any dispute concerning an employee's entitlement to be paid at Level 3A may be referred to the Fair Work Commission for determination. The Fair Work Commission may require an employee to demonstrate to its satisfaction that the employee utilises skills and knowledge derived from the Fitness Industry Certificate III competencies, and that these are relevant to the work the employee is doing.

A.5 Level 4

A.5.1 An employee at this level works under limited supervision and guidance and is required to exercise initiative and judgment in the performance of their duties and who is employed to carry out work associated with the centre's operations.

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MA000094 27

A.5.2 An employee at this level receives broad instructions and their work is checked intermittently.

A.5.3 An employee at this level may also be:

- (a) a swimming and water safety teacher, being a holder of any current qualification with the Industry Competencies:
 - (i) attended five hours per year of professional development (as recognised by a national industry body) and performed 500 hours of swimming teaching at level 3, or
 - (ii) who holds a third recognised swimming and water safety teaching qualification and performed 500 hours of swimming teaching at level 3 ; or
- (b) a swimming coach being a holder of a current recognised swimming coaching qualification, who has:
 - (i) performed 12 hours per year of recognised workshops and 500 hours of coaching beginners and attended a recognised seminar/conference within the past 12 months, or
 - (ii) delivered 700 hours of coaching to swimmers.
- (c) a senior pool lifeguard, being a holder of industry-recognized pool lifeguard qualifications as detailed in 3.3 (c) and who has been appointed by the employer to

lead a team comprised of qualified pool lifeguards, and/or persons undertaking a nationally-recognized course of Lifeguarding to become pool lifeguards.

Any dispute concerning an employee's entitlement to be paid at Level 4 as a swimming teacher or swimming coach may be referred to the Fair Work Commission for determination. The Fair Work Commission may require an employee to demonstrate to its satisfaction that the employee utilises skills and knowledge required at this level.

A.6 Level 4A

A.6.1 An employee at this level performs the duties of a Level 4:

(a) holds an Fitness Industry **or Sport Coaching (specialising in tennis)** AQF Certificate Level IV qualifications relevant to the classification in which they are employed or equivalent;

(b) utilises the skills and knowledge derived from the Fitness Industry **or Sport Coaching (specialising in tennis)** AQF Certificate Level IV competencies relevant to the work undertaken at this level;

(c) **is employed to carry out work associated with the classification of tennis centre Club Professional.**

A.6.2 Any dispute concerning an employee's entitlement to be paid at Level 4A may be referred to the Fair Work Commission for determination. The Fair Work Commission may require an employee to demonstrate to its satisfaction that the employee utilises skills and knowledge derived from the AQF Certificate Level IV competencies, and that these are relevant to the work the employee is doing.

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28 MA000094

A.7 Level 5

A.7.1 An employee at this level:

(a) holds a Fitness Industry **or Management (specialising in tennis)** AQF Diploma level or equivalent;

(b) utilises the skills and knowledge derived from the Fitness Industry **or Management (specialising in tennis)** AQF Diploma Level relevant to the work undertaken at this level;

(c) is employed to carry out work associated with the classification of Fitness Trainer, **or Fitness Specialist, tennis centre Master Club Professional or tennis centre High Performance Coach;** and

(d) has demonstrated an ability to train or develop programs for special groups.

A.7.2 An employee at this level exercises high levels of initiative and judgment with broad instruction in the performance of their duties. An employee at this level would be able to supervise Level 4 employees where requested.

A.8 Level 6

A.8.1 An employee at this level has duties which include but are not limited to:

(a) supervision of front desk, including customer liaison and rostering of front office staff;

(b) supervision, training and co-ordination (including rostering) of employees within their respective work area to ensure delivery of service;

(c) those of a trade qualified person in a single trade stream and the giving of trade directions to Level 1 to 5 employees;

(d) supervision of floor staff; or

(e) overseeing the day to day activities and operations of the business.

A.9 Level 7

A.9.1 An employee at this level is engaged in supervising, training and coordinating

employees, is responsible for the maintenance of service and operational standards and exercises substantial responsibility and independent initiative and judgment with a requisite knowledge of their specific field and of the employer's business.

A.9.2 An employee at this level has:

- (a) worked or studied in a relevant field and/or has specialist knowledge, qualifications and experience;
- (b) formal trade or technical qualifications relevant to the employer in more than one trade or technical field, which are required by the employer to perform the job; or...

Modifications to descriptors proposed & or supported by ASSA (in green), or other parties – (in red), after 12th April 2018.

Schedule A—Classification Definitions

A.1 Level 1

A.1.1 An employee at this level works under direct supervision with specific instructions and procedures and after appropriate in-house training. Duties may include any or all of the following:

- (a) general counter duties including reception, taking bookings, members and membership enquiries, sale of products, activities organising and customer liaison **and assisting with swimming and water safety teaching**;
- (b) general tidying/cleaning of immediate work area;
- (c) undertaking structured training/learning in the following areas:
 - (i) clerical assistant duties including switchboard operation, reception, information services, taking bookings;
 - (ii) providing general assistance to employees of a higher grade, not including cooking or direct service to customers;
 - (iii) cleaning, tidying and setting up of kitchen, food preparation and customer service areas, including cleaning of equipment, crockery and general utensils;
 - (iv) assembly and preparation of ingredients for cooking;
 - (v) handling pantry items and linen;
 - (vi) setting and/or wiping down tables, removing food plates, emptying ashtrays and picking up glasses;
 - (vii) general cleaning, gardening and labouring tasks; **and**
 - (viii) door duties, attending a cloakroom or car park not involving the handling of cash; **and**
 - (ix) **providing general assistance to tennis coaches in the delivery of tennis coaching or classes; and**
 - (x) **swimming and water safety teaching, providing that such employee is not responsible for the delivery of a lesson (ASSA accepts and supports this form of words supplied by the AWU Vic Branch).**

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A.2 Level 2

A.2.1 An employee at this level has **qualified as a swimming and water safety teacher (which can include specialist qualifications relating to the likes of babies and toddlers, learners with disability, and towards competitive swimming), or swimming coach, or a pool plant operator, or has completed 456 hours within the scope of Level 1.**

A.2.2 An employee at this level:

- (a) performs work above and beyond the skills of an employee at Level 1 and to the level of their training; and
- (b) works from instructions or procedures and under direct supervision either individually or in a team environment, and is primarily engaged in one or more of the following duties:

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MA000094 25

- (i) assisting with classes and directing activities in a centre;
- (ii) attending to equipment and displays, e.g. pool attendant, **pool plant operating**;
- (iii) providing customer advice, sales and services;
- (iv) operating a switchboard and/or telephone paging system;
- (v) clerical duties, involving intermediate keyboard skills with instructions;
- (vi) program/ticket selling and general sales involving receipt of monies and giving change, including operation of cash registers, use of electronic swipe input devices;
- (vii) laundry and/or cleaning duties involving the use of cleaning equipment and/or chemicals;
- (viii) maintaining general presentation of grounds;
- (ix) door duties, attending a cloak room or car park;
- (x) serving from a snack bar, buffet or meal counter;
- (xi) supplying, dispensing or mixing of liquor, including cleaning of bar area and equipment, preparing the bar for service, taking orders and serving drinks;
- (xii) non-cook duties in a kitchen;
- (xiii) **teaching swimming and water safety, being the holder of a current qualification (with the relevant industry Competencies), coaching ‘junior’ squad level swimmers, being the holder of a current recognised swimming coaching qualification.**
- (xiv) coaching beginner swimmers (including mini and junior squads), being a holder of a current Australian Swimming Coaches and Teachers Association (ASCTA) “Junior Squad and Assistant Coach” qualification or equivalent;
- (xv) **coaching beginner tennis or providing general assistance to tennis coaches in the delivery of tennis coaching or classes, having completed an introductory coaching course or equivalent.**

Exposure draft – Fitness Industry Award 2015

26 MA000094

A.3 Level 3

A.3.1 An employee at this level works under general supervision which requires operation within defined areas of responsibility with adherence to established guidelines and procedures and who is employed to carry out work associated with the centre’s operations.

A.3.2 An employee at this level is able to fulfil a role at Level 1 and 2 where relevant and supervises Level 1 and 2 employees where requested.

A.3.3 An employee at this level may also be:

- (a) **a swimming and water safety teacher being a holder of any current qualification with the relevant Industry Competencies, who has:**
 - (ii) **attended five hours per year of professional development (as recognised by a national industry body) and 350 hours of teaching at Level 2, or**

- (ii) who holds a second recognised swimming and water safety teaching qualification and delivered 350 hours of swimming and water safety teaching, at Level 2 (ASSA accepts the incorporation of these words put forward by ASCTA in the statement of Mr Brendon Ward on 6th March 2018); or

(b) coaching swimmers being a holder of a current recognised swimming coaching qualification.

(c) a pool lifeguard who has been appointed to the position of pool lifeguard by the employer and has completed a nationally-recognized Lifeguarding qualification.

Any dispute concerning an employee's entitlement to be paid at Level 3 as a swimming teacher or swimming coach may be referred to the Fair Work Commission for determination. The Fair Work Commission may require an employee to demonstrate to its satisfaction that the employee utilises skills and knowledge required at this level.

A.4 Level 3A

A.4.1 An employee at this level performs the duties of a Level 3 and who:

(a) holds an Fitness Industry or Sport Coaching (specialising in tennis) AQF Certificate Level III qualifications relevant to the classification in which they are employed or equivalent; and

(b) utilises the skills and knowledge derived from the Fitness Industry or Sport Coaching (specialising in tennis) AQF Certificate Level III competencies relevant to the work undertaken at this level.

A.4.2 Any dispute concerning an employee's entitlement to be paid at Level 3A may be referred to the Fair Work Commission for determination. The Fair Work Commission may require an employee to demonstrate to its satisfaction that the employee utilises skills and knowledge derived from the Fitness Industry Certificate III competencies, and that these are relevant to the work the employee is doing.

A.5 Level 4

A.5.1 An employee at this level works under limited supervision and guidance and is required to exercise initiative and judgment in the performance of their duties and who is employed to carry out work associated with the centre's operations.

Exposure draft – Fitness Industry Award 2015

MA000094 27

A.5.2 An employee at this level receives broad instructions and their work is checked intermittently.

A.5.3 An employee at this level may also be:

- (a) an experienced swimming and water safety teacher, being a holder of any current qualification with the competencies detailed in clause A2.2 (b) (xiii) above, who has;
 - (i) attended 12 hours per year of recognised workshops and 500 hours of swimming and water safety teaching at Level 3, and who holds a third recognised teaching qualification, or
 - (ii) delivered 700 hours of swimming and water safety teaching at Level 3 or (ASSA accepts this wording put forward by ASCTA on 6th March, however, would prefer the use of the phrase “successfully completed”, in lieu of ‘attended’).

- (b) a swimming coach being a holder of a current recognised swimming coaching qualification, who has:
 - (i) performed 12 hours per year of recognised workshops and 500 hours of coaching beginners and attended a recognised seminar/conference within the past 12 months, or
 - (ii) delivered 700 hours of coaching to swimmers.
- (c) a senior pool lifeguard, being a holder of industry-recognized pool lifeguard qualifications as detailed in 3.3 (c) and who has been appointed by the employer to lead a team comprised of qualified pool lifeguards, and/or persons undertaking a nationally-recognized course of Lifeguarding to become pool lifeguards. Any dispute concerning an employee's entitlement to be paid at Level 4 as a swimming teacher or swimming coach may be referred to the Fair Work Commission for determination. The Fair Work Commission may require an employee to demonstrate to its satisfaction that the employee utilises skills and knowledge required at this level.

A.6 Level 4A

A.6.1 An employee at this level performs the duties of a Level 4:

- (a) holds an Fitness Industry **or Sport Coaching (specialising in tennis)** AQF Certificate Level IV qualifications relevant to the classification in which they are employed or equivalent;
- (b) utilises the skills and knowledge derived from the Fitness Industry **or Sport Coaching (specialising in tennis)** AQF Certificate Level IV competencies relevant to the work undertaken at this level;
- (c) **is employed to carry out work associated with the classification of tennis centre Club Professional.**

A.6.2 Any dispute concerning an employee's entitlement to be paid at Level 4A may be referred to the Fair Work Commission for determination. The Fair Work Commission may require an employee to demonstrate to its satisfaction that the employee utilises skills and knowledge derived from the AQF Certificate Level IV competencies, and that these are relevant to the work the employee is doing.

Exposure draft – Fitness Industry Award 2015

28 MA000094

A.7 Level 5

A.7.1 An employee at this level:

- (a) holds a Fitness Industry **or Management (specialising in tennis)** AQF Diploma level or equivalent;
- (b) utilises the skills and knowledge derived from the Fitness Industry **or Management (specialising in tennis)** AQF Diploma Level relevant to the work undertaken at this level;
- (c) is employed to carry out work associated with the classification of Fitness Trainer, **or Fitness Specialist, tennis centre Master Club Professional or tennis centre High Performance Coach;** and
- (d) has demonstrated an ability to train or develop programs for special groups.

A.7.2 An employee at this level exercises high levels of initiative and judgment with broad instruction in the performance of their duties. An employee at this level would be able to supervise Level 4 employees where requested.

A.8 Level 6

A.8.1 An employee at this level has duties which include but are not limited to:

- (a) supervision of front desk, including customer liaison and rostering of front

office staff;

(b) supervision, training and co-ordination (including rostering) of employees within their respective work area to ensure delivery of service;

(c) those of a trade qualified person in a single trade stream and the giving of trade directions to Level 1 to 5 employees;

(d) supervision of floor staff; or

(e) overseeing the day to day activities and operations of the business.

A.9 Level 7

A.9.1 An employee at this level is engaged in supervising, training and coordinating employees, is responsible for the maintenance of service and operational standards and exercises substantial responsibility and independent initiative and judgment with a requisite knowledge of their specific field and of the employer's business.

A.9.2 An employee at this level has:

(a) worked or studied in a relevant field and/or has specialist knowledge, qualifications and experience;

(b) formal trade or technical qualifications relevant to the employer in more than one trade or technical field, which are required by the employer to perform the job; or...

NOTE: This Award relates to the following competencies as amended from time to time by the Australian Skills Quality Authority (ASSA accepts this form of words put forward by ASCTA in its 6th March submission, in order to properly identify the appropriate competencies as they now are in the National Training Package - ASCTA to supply new listings for incorporation).