



REPORT TO THE FULL BENCH

Fair Work Act 2009

s.156 - 4 yearly review of modern awards

4 yearly review of modern awards – award stage

(AM2019/17)

Telecommunications Industry Award 2010

(MA000041)

COMMISSIONER BISSETT

MELBOURNE, 2 JUNE 2020

4 yearly review of modern awards – Telecommunications Service Industry Award – finalisation of outstanding issues – tranche 3

[1] On Monday 27 April 2020 the Full Bench issued a decision¹ (*April Decision*) with respect to the finalisation of exposure drafts for tranche 3 awards. Since that time a number of exposure drafts have been reissued in accordance with the decision with the revised Exposure Draft for the *Telecommunications Award 2010* published on 8 May 2020.

[2] In the *April Decision* the Full Bench indicated that a conference would be convened shortly to discuss matters raised in the decision, in particular:

- Clause 2 – definitions – ordinary hourly rate (at [377]-[382]);
- Clause B.2.4 – Full-time and part-time employees – overtime (at [383]-[388]);
- Schedule B – certain classifications exempt from various entitlement (at [389]-[397]).

[3] A conference of the parties was held on Friday 29 May 2020. Arising from that conference the outstanding matters identified in the April decision have been agreed.

Clause 2 – Definitions – ordinary hourly rate

[4] The parties have agreed that “clause 15.1” in the definition should be replaced with “clause 15”.

Clause B.2.4 – Full -time and part-time employees – overtime

[5] The parties agree that this matter is resolved by combining clause B.2.3 and clause B.2.4 into one single clause as follows:

B.2.3 Full-time and part-time employees - overtime rates

Employee classification	Monday to Sunday –first 3 hours	Monday to Sunday –after 3 hours	Public holidays (day work)	Public holidays (afternoon and night shifts)
	% of ordinary hourly rate ¹			
	150%	200%	250%	200%
	\$	\$	\$	\$
Customer Contact Trainee	31.23	41.64	52.05	41.64

...
¹ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2.

[6] Clause B.2.4 is abolished.

Schedule B – Footnote 1

[7] The parties agree that footnote 1 which appears under each table in Schedule B should be deleted.

Schedule B – missing rates

[8] A number of rates were not included in schedule B. The parties agree that, given the resolution of annualised wages clause, the tables should be fully populated. The non-included rates should therefore be inserted into the table.

[9] This resolves all outstanding issues in relation to this Award.



COMMISSIONER

Printed by authority of the Commonwealth Government Printer

Endnote:

¹ [2020] FWCFB 2124.