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**Sent:** Wednesday, 25 August 2021 4:03 PM

**To:** Hamish.Harrington@aigroup.com.au; Chambers - Bissett C <Chambers.Bissett.c@fwc.gov.au>; Alister Kentish <akentish@cfmeu.com.au>; rcoluccio@professionalsaustralia.org.au; Adrian.Morris@ashurst.com; yolla@etuaustralia.org.au; abha.devasia@amwu.org.au; david@dghrservices.com.au

**Subject:** RE: AM2020/25 - Proposed tables in Schedules C and D [ASH-AUS.FID2909577]

Dear Associate

We confirm that the CMIEG supports the position set out by the AiGroup.

Yours sincerely

## Trent Sebbens

Partner

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**From:** Hamish Harrington <[Hamish.Harrington@aigroup.com.au](mailto:Hamish.Harrington@aigroup.com.au)>

**Sent:** Wednesday, 25 August 2021 3:50 PM

**To:** Chambers - Bissett C <[Chambers.Bissett.c@fwc.gov.au](mailto:Chambers.Bissett.c@fwc.gov.au)>; Alister Kentish <[akentish@cfmeu.com.au](mailto:akentish@cfmeu.com.au)>; 'Robert Coluccio' <[rcoluccio@professionalsaustralia.org.au](mailto:rcoluccio@professionalsaustralia.org.au)>; Morris, Adrian 66025 <[Adrian.Morris@ashurst.com](mailto:Adrian.Morris@ashurst.com)>; 'yolla@etuaustralia.org.au' <[yolla@etuaustralia.org.au](mailto:yolla@etuaustralia.org.au)>; 'abha.devasia@amwu.org.au' <[abha.devasia@amwu.org.au](mailto:abha.devasia@amwu.org.au)>; 'david@dghrservices.com.au' <[david@dghrservices.com.au](mailto:david@dghrservices.com.au)>; Sebbens, Trent 66313 <[Trent.Sebbens@ashurst.com](mailto:Trent.Sebbens@ashurst.com)>

**Subject:** Re: AM2020/25 - Proposed tables in Schedules C and D

Good morning,

### AM2020/25 - Black Coal Mining Industry Award

We have reviewed the proposed changes to Schedules C and D and do not oppose the amendments made.

Aside from the correction of the errors already noted in the below correspondence, we have noticed that cl. C.1.5 – Regular weekend workers (pursuant to clause 21.2(b)(ii)), as reflected in the parties' most recent Report, is absent from Schedule C. Consistently with the parties' agreement to have this table included in the Schedule, we propose that it be reinserted as cl. C.1.10 (accommodating the renumbering in the Commission's reworked tables).

In addition to the above, the employer parties note additional issues pertaining to the reflection of the overtime rates for 'regular weekend workers' in Schedules C and D.

- No table for 'regular weekend workers' was proposed for inclusion in Schedule D – Summary of Hourly Rates of Pay – Staff Employees. This may give rise to an incorrect implication that the special overtime rates mandated under proposed cl. 21.2(b)(ii) are restricted to production and engineering employees. Given that proposed cl. D.1.3 - Full-time and part-time staff employees other than 6 day roster and 7 day roster employees—overtime rates (D.1.5 in the Commission's reworked draft) already indicates that the special overtime rates in cl 21.2(b)(ii) apply to staff employees, we do not anticipate that our position on this point would be controversial.

- If the Commission agrees that the overtime rates for 'regular weekend workers' should also be reflected in Schedule D, this would necessitate the inclusion of two tables. One for full and part-time employees and another for casual employees, given the structure of the schedule which separates these types of employment.
- The reference to the calculation of overtime rates in 'cl. C.1.5 – Regular weekend workers (pursuant to clause 21.2(b)(ii))' on the casual minimum hourly rate makes little sense given that the Award does not provide for engagement of casual employees in the production and engineering stream.

To address these concerns, we propose the following changes to the reworked draft:

*Re-include cl. C.1.5 as C.1.10 and amend as follows*

**C.1.10 Full and part-time production and engineering employees - Regular Weekend workers (pursuant to clause 21.2(b)(ii)) – Overtime Rates**

	<del>% of minimum hourly rate or for casual employees, the casual minimum hourly rate</del>
Overtime worked on a Public Holiday	300%
All other overtime	200%

*Include cl. D.1.10 as follows*

**D.1.10 Full and part-time production and engineering employees - Regular Weekend workers (pursuant to clause 21.2(b)(ii)) – Overtime Rates**

	% of minimum hourly rate
Overtime worked on a Public Holiday	300%
All other overtime	200%

*Include cl. D.2.10 as follows*

**D.2.10 Casual Regular Weekend workers (pursuant to clause 21.2(b)(ii)) – Overtime Rates**

	% of casual minimum hourly rate
Overtime worked on a Public Holiday	300%
All other overtime	200%

We understand that the Coal Mining Industry Employer Group supports the above position but have not yet received confirmation of this.

I am available to discuss this if further clarification is required.

Regards,



**Hamish Harrington**

Senior Adviser – Workplace Relations Policy

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