

This table is a summary of proposed variations lodged for this award on or before 5.00 pm 17 November 2017.

Funeral Industry Award 2010

Some of the items contained in this summary may be determined by the Group 4 Award Stage—Technical and Drafting Full Bench while others may be referred to a separately constituted Full Bench (to be discussed at a conference before an individual Member of the Commission).

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
S1.	BSA	Sub-2Mar15	14.1	Minimum wages No junior employees in modern award, had been included in previous awards. Party consulting further with members and may pursue variation to clause.	Page 9	WITHDRAWN – see Sub-29-Sep-16 , para 5.1
S2.	BSA	Sub-2Mar15	21.2	Spread of ordinary hours of work Party consulting further with members regarding spread of ordinary hours and may pursue variation.	Page 9	WITHDRAWN – see Sub-29-Sep-16 , para 5.2
S3.	BSA	Sub-2Mar15	22.1	Shiftwork Party consulting further with members regarding spread of ordinary hours and may pursue variation.	Page 9	WITHDRAWN – see Sub-29-Sep-16 , para 5.2
S4.	BSA	Sub-2Mar15	24.2 & 22	Overtime and penalty rates Interaction of clauses is ambiguous as to when overtime and shiftwork penalties apply. Party consulting further with members and may pursue variation to clause.	Page 9	OUTSTANDING - Submits this claim is a technical and drafting issue, may pursue clarification in future - Sub-29-Sep-16 , para 5.3 – moved to summary of technical and drafting

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						issues
S5.	QFDA & FDANSW	Sub-3Mar15	10.5	Casual employees Party agrees with the submissions made by AIG and requests the clause be amended in accordance with terms set out by AIG, only to the extent that they refer to the minimum engagement for casual employees. Propose to vary clause to provide minimum engagement of 3 hours.	Point 10	WITHDRAWN – see Sub-28-Sep-16
S6.	QFDA & FDANSW	Sub-3Mar15	25	Annual leave No term in award dealing with a requirement to take annual leave or enabling an employee to cash out their annual leave entitlement. Party seeks a determination that clause be amended. Suggested wording in submission.	Point 7	WITHDRAWN - claim no longer being pursued following Full Bench Decision – Sub-28-Sep-16
S7. / 10	UV	Sub-16/12/16	16.3(c)	Uniform allowance <i>In response to question raised by Commission</i> Clause applies to all employees. Refers to cl.10.2(c) ED.	Para 7	OUTSTANDING – formerly classified as technical and drafting (item 10)
	AFEI	Sub-18/01/17		Applies only to full-time employees.	Para 35	
	ABI & NSWBC	Sub-18/01/17		Applies only to full-time employees.	Para 9.5	
	AWU	Sub-20/01/17		Applies to all employees. Term ‘full-time’ should be deleted from clause.	Para 8	
	UV	ReplySub-22/02/17		Disagrees with AFEI. Clause applies to all employees.	Paras 4-6	

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	AFEI	ReplySub-22/02/17		Agrees with submission from ABI & NSWBC.	Para 47	
	AWU	ReplySub-22/02/17		Disagrees with AFEI. Allowance applies to all employees required to wear a uniform.	Paras 4-5	
	AWU	Sub-03/07/17		Reiterates position, provides further submissions	Paras 11-28	
	AFEI	Sub-20/07/17		Reiterates position, provides further submissions	Para 2	
	ABI & NSWBC	Sub-24/07/17		Reiterates position, provides further submissions	Paras 2-3	
S8. / 17	UV	Sub-16/12/16	20.1(a)(i) 20.1(b)	Work on Saturday and Sunday <i>In response to question raised by Commission</i> Any interpretation of provisions should consider that cl 20.1 is a penalty rate provision. Clauses apply to full-time employees who would not otherwise have a minimum engagement. More beneficial minimum engagements for part-time and casuals still apply on a Saturday.	Paras 10-14	OUTSTANDING – formerly classified as technical and drafting (item 17) – AWU maintains this issue is technical in nature – see Sub-03/07/17
	ABI & NSWBC	Sub-18/01/17		Both clauses are intended to cover the field for this type of work.	Para 9.9	
	AWU	Sub-20/01/17		Minimum engagement of 4 hours must apply - it is a second engagement. This will ensure consistency with cl.10.5, 11.4.	Paras 10; 13	
	UV	ReplySub-22/02/17		Opposes ABI&NSWBC's position. Reiterates previous submissions.	Para 12	
	AFEI	ReplySub-		Agrees with submissions by ABI &	Para 50	

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		22/02/17		NSWBC.		
	AWU	ReplySub-22/02/17		Supports submissions of UV. Disagrees with submissions of ABI & NSWBC. Suggests drafting for cl 20.1.	Paras 11-13	
	ABI & NSWBC	ReplySub-22/02/17		Oppose submissions of AWU and UV.	Para 7.3	
	AFEI	Sub-20/07/17		Reiterates position	Paras 3-4	
	ABI & NSWBC	Sub-24/07/17		Reiterates position, provides further submissions	Paras 2, 4	
S9. / 18	AWU	ReplySub-22/02/17	20.1(c)(ii)	Suggest minimum payment of two hours for time worked on public holidays.	Para 12	OUTSTANDING – formerly classified as technical and drafting (item 18)
	AWU	Sub-03/07/17		Reiterates position, provides further submissions	Paras 11-14, 29-36	
	AFEI	Sub-20/07/17		Reiterates position	Para 5	

List of abbreviations (in alphabetical order)

BSA

Business SA

QFDA & FDANSW

Queensland Funeral Directors Association & Funeral Directors Association of New South Wales Ltd