

From: Ruchi Bhatt [mailto:Ruchi.Bhatt@aigroup.com.au]
Sent: Thursday, 26 May 2016 3:56 PM
To: Chambers - Clancy DP; AMOD
Cc: Louise Hogg; Karen Van Gorp; Liza Isho
Subject: AM2014/219 Clerks - Private Sector Award 2010

Dear Deputy President,

We refer to the above matter and the conference conducted before the Fair Work Commission (Commission) on 10 May 2016. During that conference, employer organisations that have expressed an interest in the *Clerks – Private Sector Award 2010* (Award) were directed to confer in order to identify any matters that are agreed. We write pursuant to the Commission’s request that your chambers be informed of any progress made in this regard.

Submissions regarding the *Exposure Draft – Clerks – Private Sector Award 2016* (Exposure Draft) have been filed by the Australian Industry Group, ABI and the NSW Business Chamber, Business SA and AFEI (the Employer Parties). Pursuant to the Commission’s direction, the Employer Parties have participated in discussions regarding the matters raised in each of the submissions filed.

The Employer Parties agree that, with reference to the Commission’s summary of submissions dated 23 May 2016, the following matters raised regarding the Exposure Draft remain outstanding:

- Item 28; and
- Item 39 (noting, however, that Business SA is no longer pursuing the insertion of the definition proposed in its submission of 15 April 2016).

In addition, during the course of discussions between the Employer Parties, an additional concern was identified in respect of clause 13.4 of the Exposure Draft. Relevantly, clause 13 is headed “Overtime rates and penalties (other than shiftworkers)”. Clause 13.4(c), however, is expressed to apply specifically to shiftworkers. The Employer Parties are concerned that the heading to clause 13 is potentially misleading in circumstances where one of the subclauses is relevant to shiftworkers. The Employer Parties propose that this matter be discussed further during the conference listed on 30 May 2016.

For completion, we note that the following substantive variations sought to the Award are not agreed to by one or more of the Employer Parties:

- Item 1;
- Item 2;
- Item 27;
- Item 44;
- Item 46; and
- Item 47.

Based on the material filed to date and the discussions held between the Employer Parties, it appears that the balance of the matters itemised in the Commission’s summary of submissions are not in dispute.

Kind regards,

Ruchi.

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