

From: Vivienne Wiles [<mailto:vwiles@tcfvic.org.au>]
Sent: Friday, 28 April 2017 8:07 AM
To: 'Roushan Walsh'; Michael.Robson@unitedvoice.org.au; JenniferZ@ef.org.au; jennifer.zadel@afei.org.au; Kate Thomson
Cc: Chambers - Cirkovic C
Subject: AM2014/264 - Dry Cleaning and Laundry Industry Award - Exposure Draft - Conference
Importance: High

Dear Parties and Commissioner,

**Dry Cleaning and Laundry Industry Award 2016 – Exposure Draft
Conference listed for 10.00am, Friday 28 April 2017**

Further to the Conference held on 27 March 2017, the TCFUA undertook to redraft clauses 33 – 37 of the Exposure Draft with the objective of reinserting the respective Job Search entitlement terms back under the respective provisions of 'Notice of Termination' and 'Redundancy'. Please find attached 2 documents (marked up and clean) which reflect the TCFUA's draft proposal, for further discussion at today's conference.

Please note the attached draft proposal does not address other substantive matters previously discussed and which are still to be resolved, such as:

- Item 24 (change of heading title)
- Item 25 (Employee leaving during redundancy period)

My apologies for providing this draft proposal at such a late time.

Regards

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DRY CLEANING AND LAUNDRY INDUSTRY AWARD 2016 – EXPOSURE DRAFT
TCFUA – REDRAFTING OF CLAUSES 33 – 37

PART 8 – TERMINATION OF EMPLOYMENT AND REDUNDANCY

33. Termination of employment

33.1 Notice of termination is provided for in the NES.

33.2 Notice of termination by an employee

The notice of termination required to be given by an employee is the same as that required of an employer except that there is no requirement on the employee to give additional notice based on the age of the employee concerned. If an employee fails to give the required notice the employer may withhold from any monies due to the employee on termination under this award or the NES, an amount not exceeding the amount the employee would have been paid under this award in respect of the period of notice required by this clause less any period of notice actually given by the employee.

33.3 Job Search entitlement for notice of termination of employment

Where an employer has given notice of termination to an employee, an employee must be allowed up to one day's time off without loss of pay for the purpose of seeking other employment. The time off is to be taken at times that are convenient to the employee after consultation with the employer.

34. Redundancy

34.1 Redundancy pay is provided for in the NES.

34.2. Transfer to lower paid job on redundancy

Where an employee is transferred to lower paid duties by reason of redundancy, the same period of notice must be given as the employee would have been entitled to if the employment had been terminated and the employer may, at the employer's option, make payment instead of an amount equal to the difference between the former ordinary time rate of pay and the ordinary time rate of pay for the number of weeks still owing.

34.3. Employee leaving during redundancy notice period

An employee given notice of termination in circumstances of redundancy may terminate their employment during the notice period. The employee is entitled to receive the benefits and payments they would have received under clause 34 – Redundancy had they remained in employment until the expiry of the notice, but is not entitled to payment instead of notice.

34.4 Job search entitlement – redundancy

'Without Prejudice'

*(AM2014/264) Dry Cleaning and Laundry Industry Award 2010 – Exposure Draft
Clauses 33 – 37*

*TCFUA proposal for redrafting to insert Job Search entitlements back into separate Termination and Redundancy clauses –
DRAFT 28 April 2017*

(a) Time off for seeking other employment

An employee given notice of termination in circumstances of redundancy must be allowed up to one day's time off without loss of pay during each week of notice for the purpose of seeking other employment.

(b) Proof of attendance

If the employee has been allowed paid leave for more than one day during the notice period for the purpose of seeking other employment, the employee must, at the request of the employer, produce proof of attendance at an interview or they will not be entitled to payment for the time absent. For this purpose a statutory declaration is sufficient.

DRY CLEANING AND LAUNDRY INDUSTRY AWARD 2016 – EXPOSURE DRAFT
TCFUA – REDRAFTING OF CLAUSES 33 – 37

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34.336. Employee leaving during redundancy notice period

An employee given notice of termination in circumstances of redundancy may terminate their employment during the notice period. The employee is entitled to receive the benefits and payments they would have received under clause 34 – Redundancy had they remained in employment until the expiry of the notice, but is not entitled to payment instead of notice.

~~37. Job Search entitlement~~

~~37.1 Job Search entitlement for notice of employment~~

'Without Prejudice'

*(AM2014/264) Dry Cleaning and Laundry Industry Award 2010 – Exposure Draft
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*TCFUA proposal for redrafting to insert Job Search entitlements back into separate Termination and Redundancy clauses –
DRAFT 28 April 2017*

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34.437.2 Job search entitlement – redundancy

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An employee given notice of termination in circumstances of redundancy must be allowed up to one day's time off without loss of pay during each week of notice for the purpose of seeking other employment.

(b) Proof of attendance

If the employee has been allowed paid leave for more than one day during the notice period for the purpose of seeking other employment, the employee must, at the request of the employer, produce proof of attendance at an interview or they will not be entitled to payment for the time absent. For this purpose a statutory declaration is sufficient.