



Business SA Submission

4 yearly review of
modern awards –
**CLEANING INDUSTRY
AWARD 2017 Plain
Language Award Specific
Clauses (AM2016/15)**
Plain Language
Exposure Draft

13 October 2017

Introduction

These submissions are made in accordance with Directions issued by President Ross on 19 September 2017 with respect to matters AM2016/15 and AM2014/69, the plain language Award-specific clauses of the Cleaning Industry Award 2017 (Cleaning Award) published on 8 September 2017.

Business SA has been involved in the drafting of the Plain Language Guidelines¹ and drafting of the all awards draft common and standard clauses arising from the Pharmacy Industry Award Plain Language Pilot².

Why this matter is important to South Australian businesses

As South Australia's Chamber of Commerce and Industry, Business SA is the peak business membership organisation in the State. Our members are affected by this matter in the following ways:

- South Australian businesses are impacted by any changes in the award system.
- South Australian employers and employees will jointly benefit from well drafted and effective modern awards, better enabling both parties to understand their rights and responsibilities.
- Small business owners make up a large proportion of our membership, these businesses are often not able to devote the necessary resources to fully understand Australia's complex workplace regulations.
- The modern award objective is to provide a fair and relevant minimum safety net of terms and conditions.³ Modern awards must be drafted such that those using the award are able to determine what they can expect and what is expected of them.
- The Plain Language re-drafting process must not simplify awards such that they lose legal clarity. Certainty must prevail over simplicity.

For further information from Business SA's policy team, please contact Karen van Gorp, Senior Policy Adviser, or Chris Klepper, Policy Adviser, (08) 8300 0000 or at karenv@business-sa.com or chrisk@business-sa.com.

¹ [2016] FWCFB 7968

² [AM2016/15](#)

³ *Fair Work Act 2009* (Cth) s 134(1).

Submissions

1. Clause 6.8

Clause 6.8 incorrectly refers to 6.9 when it should refer to 6.7(b).

2. Clause 9 Full Time Employment

Business SA submits this draft differs significantly to the current clause. The PLED clause requires that a full-time employee work under an **agreed** hours of work arrangement in all circumstances rather than referring to clause 13.1 regarding arrangement of hours. The PLED clause does not take into account the fact that casual employees may also work 38 hours in a week.

3. Clause 10 Part time Employment

Clause 10 differs significantly from the current award provisions which may lead to confusion as to how part time employees are to be paid.

4. Clause 11 Casual Employment

As raised in previous awards the casual clause has been significantly varied. Currently, a casual must be specifically engaged as such, and PLED modifies this. Submits under PLED, an employee will only be casual if they are not full-time or part-time under award. Submits PLED no longer makes clear who a casual employee is, requiring comparison of circumstances against two other clauses.

5. Clause 12 Classifications

The PLED makes significant changes to the application of the Classification Structure changing provisions in both 12.1 and 12.2.

6. Clause 13.1 Ordinary Hours of Work

As in clause 9 the PLED, the drafter refers to an “**agreed** hours of work arrangement”. This is not a current provision of the award.

7. Clause 14 Breaks

The PLED has made significant changes to the current provisions at 26.1 Breaks for Shift workers. Specifically, draft clause 14.1(c) opens up the access to an additional 10-minute paid break beyond that currently in the award which only applies to Full-time shiftworkers working a straight shift.

Conclusion

Business SA thanks the Commission for the opportunity to provide these submissions.