



18 September 2019

**AM2016/15 - 4 Yearly Review of Modern Award – Plain Language Exposure Draft –
Pharmacy Industry Award – Submission**

1. This submission is made in response to the Fair Work Commission (the '**Commission**') Full Bench Decision of [2019] FWCFB 6077 on 2 September 2019 in respect of the Pharmacy Industry Award 2010 (the '**PIA**').
2. The Decision expressed a provisional view that the variations made within the moderns awards outlined in Tranche 1 achieve the modern awards objective as outlined in Attachment C where relevant to a particular award.
3. In general, the Pharmacy Guild of Australia (the '**Guild**') does not object to this provisional view.
4. The Decision at [24] indicated that the Commission did not receive any submissions to 44 Exposure Drafts as listed which contained the PIA.
5. The Guild disagree with this view, as a submission was filed by the Guild on 15 March 2019 and uploaded on the Commission website with effect 18 March 2019. The submission noted several minor typographical errors, formatting errors, or omissions within the exposure draft.
6. In accordance with Decision directions at [35], the Guild submits the following points for consideration within the exposure draft:
 - a. Clause 10.3 – the terminology 'proportionate basis' may need to be considered in reference to [2019] FCAFC 138 decision.
 - b. Clause 16.1, Table 3-Minimum Rates
 - i. In accordance with [2019] FWCFB 3949 at [14] and PR709577, the Pharmacist Employment classification hourly rate is to be increased with effect 1 October 2019; and
 - ii. As submissions in reply are not directed to be filed until 2 October 2019, 6b[i] should be included in PIA.
 - c. Clause 18 – [2019] FWCFB at [27] indicated as a provisional view Model 3 should be included in the PIA – as no objections were filed on the inclusion.
 - d. In accordance with [2019] FWCFB 3949 at [12-13], an allowance for the performance of Home Medicine Reviews or Residential Medication Management Reviews is to be included in the PIA.

Clause 19.1 Home Medicine Reviews and Residential Medication Management Reviews

An employee classified as a Pharmacist, Experienced Pharmacist, Pharmacist in Charge or Pharmacist Manager who is required by the employer to perform Home Medicine Reviews or Residential Medication Management Reviews shall be paid an additional allowance of \$106.40 per week.

- i. As submission in reply are not directed to be filed until 2 October 2019, the above inclusion should be inserted.
- e. Renumbering of Clause 19's subclauses with the inclusion of new allowance at Clause 19.1.
- f. Outstanding substantive claim from SDA regarding 'District Allowance' AM2014/190 – decision pending
- g. Clause 20.3(c) as indicated below:

(c) The employer must pay the amount authorised under clauses 20.3(a) or ~~20.3(a)~~ 20.3(b) no later than 28 days after the end of the month in which the deduction authorised under clauses 20.3(a) or ~~20.3(a)~~ 20.3(b) was made.
- h. Clause 20.4 as indicated below:

Unless, to comply with superannuation legislation, the employer is required to make the superannuation contributions provided for in clause 20.2 to another superannuation fund that is chosen by the employee, the employer must make the superannuation contributions provided for in clause 20.2 and pay the amount authorised under clauses 20.3(a) or ~~20.3(a)~~ 20.3(b) to one of the following superannuation funds or its successor:
- i. Clause 20.5 as indicated below:

Subject to the governing rules of the relevant superannuation fund, the employer must also make the superannuation contributions provided for in clause 20.2 and pay the amount authorised under clauses 20.3(a) or ~~20.3(a)~~ 20.3(b)
- j. Clause 21.1(a) as indicated below:

(a) Subject to section 62 of the Act and clause ~~21.1(a)~~ 21.1(c), an employer may require an employee to work reasonable overtime hours at overtime rates.
- k. Table 6 – remove reference to Sunday penalty rate decrease of June 2018 to July 2019 from the Table.
- l. Schedule B – Summary of Hourly Rates of Pay
 - i. Change all Pharmacist's employment classification hourly rates in accordance with [2019] FWCFB 3949 at [14] and PR709577, the Pharmacist Employment classification hourly rate is to be increased with effect 1 October 2019.

- ii. B1.1 and B2.1 Tables description of times is changed to reflect chronology order as defined in other Schedule B tables.
- iii. Insert a gap below employment classification groups for a clearly distinction.
- m. Schedule C – Summary of Monetary Allowances
 - i. In accordance with [2019] FWCFB 3949 at [12-13], an allowance for the performance of Home Medicine Reviews or Residential Medication Management Reviews is to be included in the PIA.

Regards

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Pharmacy Guild of Australia