

From: Richard Calver [<mailto:richard.calver@natroad.com.au>]
Sent: Thursday, 25 January 2018 3:39 PM
To: 'Brent Ferguson'; Paul Ryan; 'Legal'; therese.walton@twu.com.au
Cc: Chambers - Hamberger SDP
Subject: RE: Road Transport (Long Distance Operations) Award 2010 - part-time employment

NatRoad supports the amendments as proposed by AiG.

Regards

Richard Calver
Adviser, Compliance and Workplace Relations
T: (02) 6295 3000
F: (02) 6295 3500
A: PO Box 3656, Manuka ACT 2603



Please consider the environment before printing this email.

The content of this email, including attachments, may be confidential and is subject to the National Road Transport Association's Materials and Advice disclaimer. To view the National Road Transport Association's full disclaimer, visit www.natroad.com.au/disclaimer or contact the National Road Transport Association office on (02) 6295 3000. Any unauthorised use of the contents is expressly prohibited. If you have received this message in error, please advise us by telephone and then delete the message and any attachment(s). Any views expressed in this email are those of the individual sender, except where the sender expressly, and with authority, states them to be the views of the National Road Transport Association. If you do not wish to receive future communications via email, please reply to the sender

From: Brent Ferguson [<mailto:Brent.Ferguson@aigroup.com.au>]
Sent: Thursday, 25 January 2018 3:04 PM
To: Paul Ryan <paulryan@bigpond.net.au>; 'Legal' <legal@twu.com.au>; therese.walton@twu.com.au; Richard Calver <richard.calver@natroad.com.au>
Cc: 'Chambers - Hamberger SDP' <chambers.hamberger.sdp@fwc.gov.au>
Subject: RE: Road Transport (Long Distance Operations) Award 2010 - part-time employment

Dear All,

Ai Group would not oppose the TWU suggested amendment to our proposal. For clarity, the new clause 26.4 should provide:

26.4 For all time worked by a full-time or part-time employee on a public holiday, payment must be made at the following rates:

(a) on Good Friday and the Christmas Day holiday—30% of the applicable minimum weekly rate specified in clause 13.1(a) plus payment for the work performed in accordance with the designated method of payment specified in clause 13.

(b) on any other holiday—20% of the applicable minimum weekly rate specified in clause 13.1(a), plus payment for the work performed in accordance with the designated method of payment specified in clause 13.

An employee must be paid for a minimum of four hours' work.

Ai Group would not oppose the TWU's additional change to clause 26.5. Although, we note that this change is not essential.

Regards,

Brent Ferguson

National Manager – Workplace Relations Advocacy & Policy



51 Walker Street, North Sydney NSW 2060
T: 02 9466 5530
M: 0405 448 119
E: Brent.Ferguson@aigroup.com.au
www.aigroup.com.au



From: Paul Ryan [<mailto:paulryan@bigpond.net.au>]

Sent: Thursday, 25 January 2018 2:28 PM

To: 'Legal' <legal@twu.com.au>; Brent Ferguson <Brent.Ferguson@aigroup.com.au>;
therese.walton@twu.com.au; 'Richard Calver' <richard.calver@natroad.com.au>

Cc: 'Chambers - Hamberger SDP' <chambers.hamberger.sdp@fwc.gov.au>

Subject: RE: Road Transport (Long Distance Operations) Award 2010 - part-time employment

Dear all,

ARTIO agrees with the TWU – the current LDO Award only contains a 13.1 - but the proposed draft inserts a 13.1 (a) – same as current 13.1 – and a 13.1(b).

So working off the draft det then 13.1 (a) should be included as it sets out the 'minimum weekly rates of pay'.

If this is included then ARTIO will support.

Kind Regards

Paul Ryan
National Industrial Advisor
ARTIO

0415331031

From: Legal [<mailto:legal@twu.com.au>]
Sent: Wednesday, 24 January 2018 5:50 PM
To: Brent Ferguson <brent.ferguson@aigroup.com.au>; therese.walton@twu.com.au; Paul Ryan <paulryan@bigpond.net.au>; Richard Calver <richard.calver@natroad.com.au>
Cc: Chambers - Hamberger SDP <chambers.hamberger.sdp@fwc.gov.au>
Subject: Re: Road Transport (Long Distance Operations) Award 2010 - part-time employment

Dear all,

We agree that the words to be removed as proposed by Brent should be removed but do not agree with the reference to the applicable minimum weekly rate being 13.1.

The TWU submits that the reference should be to 13.1 (a) which is the applicable minimum weekly rate.

If 13.1(b) were to apply for part-time employees, they would receive payment for working on a public holiday which was less than a full-time employee. The 30% and 20% is the penalty for working on a public holiday and is not linked to the employment status of an employee.

This is supported by 26.5 of the Award which provides the same penalty provisions for casual employees and full-time employees. Casual employees could conceivably work less hours than a part-time employee and yet be afforded the benefit of 30% and 20% as for full-time employees.

The draft determination should also amend clause 26.5 so that the reference is to 13.1(a).

Regards,

Wendy

Wendy Carr
Director of Legal & Operations
Tel: +61 (0) 2 8114 6500
Mobile: + 61 (0) 407 211 776



+61 2 8114 6500 +61 2 9261 5416
www.twu.com.au twu@twu.com.au

From: Brent Ferguson <Brent.Ferguson@aigroup.com.au>
Date: Wednesday, 24 January 2018 2:19 pm
To: Wendy Carr <legal@twu.com.au>, "therese.walton@twu.com.au" <therese.walton@twu.com.au>, Paul Ryan <paulryan@bigpond.net.au>, Richard Calver <richard.calver@natroad.com.au>
Cc: Chambers - Hamberger SDP <chambers.hamberger.sdp@fwc.gov.au>
Subject: RE: Road Transport (Long Distance Operations) Award 2010 - part-time employment

Apologies Wendy. That wasn't deliberate. I simply failed to delete the words "divided by 38" from (b). The provisions should state:

26.4 For all time worked by a full-time or part-time employee on a public holiday, payment must be made at the following rates:

(a) on Good Friday and the Christmas Day holiday—30% of the applicable minimum weekly rate specified in clause 13.1 plus payment for the work performed in accordance with the designated method of payment specified in clause 13.

(b) on any other holiday—20% of the applicable minimum weekly rate specified in clause 13.1, plus payment for the work performed in accordance with the designated method of payment specified in clause 13.

An employee must be paid for a minimum of four hours' work.

Regards,
Brent

From: Legal [<mailto:legal@twu.com.au>]

Sent: Wednesday, 24 January 2018 2:11 PM

To: Brent Ferguson <Brent.Ferguson@aigroup.com.au>; therese.walton@twu.com.au; Paul Ryan <paulryan@bigpond.net.au>; Richard Calver <richard.calver@natroad.com.au>

Cc: Chambers - Hamberger SDP <chambers.hamberger.sdp@fwc.gov.au>

Subject: Re: Road Transport (Long Distance Operations) Award 2010 - part-time employment

Brent,

It's not clear to me why (a) and (b) are different in that you still have "divided by 38 etc" in (b).

Wendy

Wendy Carr

Director of Legal & Operations

Tel: +61 (0) 2 8114 6500

Mobile: + 61 (0) 407 211 776



Transport Workers Union of Australia

Tony Sheldon National Secretary

2nd Floor, 388-390 Sussex St

Sydney NSW 2000

+61 2 8114 6500 +61 2 9261 5416

www.twu.com.au twu@twu.com.au

From: Brent Ferguson <Brent.Ferguson@aigroup.com.au>

Date: Wednesday, 24 January 2018 1:01 pm

To: "therese.walton@twu.com.au" <therese.walton@twu.com.au>, Paul Ryan <paulryan@bigpond.net.au>, Richard Calver <richard.calver@natroad.com.au>, Wendy Carr <legal@twu.com.au>

Cc: Chambers - Hamberger SDP <Chambers.Hamberger.sdp@fwc.gov.au>

Subject: Road Transport (Long Distance Operations) Award 2010 - part-time employment

Dear All,

Further to today's conference, Ai Group suggests that paragraph 10 of the draft determination be amended to read as follows;

26.4 For all time worked by a full-time **or part-time** employee on a public holiday, payment must be made at the following rates:

(a) on Good Friday and the Christmas Day holiday—30% of the applicable minimum weekly rate specified in clause 13.1 plus payment for the work performed in accordance with the designated method of payment specified in clause 13.

(b) on any other holiday—20% of the applicable minimum weekly rate specified in clause 13.1, divided by 38, plus payment for the work performed in accordance with the designated method of payment specified in clause 13.

An employee must be paid for a minimum of four hours' work.

The proposal differs from the current draft determination in that it deletes the words "...divided by 38, multiplied by the number of hours agreed in accordance with clause 10.3(b)" and also seeks to amend cl.26.4 to deal with both full-time and part-time employees. The inclusion of these words in the current draft determination is problematic as Clause 10.3(b) does not necessitate agreement on the number of hours that will be worked on a particular day. Rather, it deals with the agreed hours of work per week. The alternate approach that we are suggesting would afford part-time employees a pro-rata entitlement to that received by full-time employees.

I am happy to discuss if anyone has any concerns or questions.

Regards,

Brent Ferguson

National Manager – Workplace Relations Advocacy & Policy



51 Walker Street, North Sydney NSW 2060
T: 02 9466 5530
M: 0405 448 119
E: Brent.Ferguson@aigroup.com.au
www.aigroup.com.au

