

10 November 2016

Screen Producers Australia's submission to the Fair Work Commission Broadcasting and Recorded Entertainment Award [MA000091] Review (AM2014/259) pursuant to the statement and directions of Justice Ross dated 26 August 2016

Screen Producers Australia confirms the following substantive claims are being pursued:

Claim 1

Draft variation determination:

By deleting Clause 10.5(b) and replacing it as follows:

A casual employee must be paid at the relevant minimum hourly wage plus a loading of 20%. Such loading is paid instead of all paid leave including annual leave, personal/carer's leave and public holidays not worked whether prescribed in this award or the NES.

This claim will be argued on its merits.

Claim 2

Draft variation determination:

By deleting Clause 23.7 and replacing it as follows:

Before the start of the employee's annual leave the employer must pay the employee:

- (a) subject to clause 30.8, instead of the base rate of pay referred to in s.90(1) of the Act, the amount the employee would have earned for working their normal hours, exclusive of overtime had they not been on leave; and*
- (b) if the employee has completed 12 months of service an additional loading of 17.5% of the relevant minimum wage for their classification as set out in this award.*

This claim will be argued on its merits.

Claim 3

Draft variation determination: the above Award be varied as follows:

By deletion of Clause 62.11.

This claim will be argued on its merits.

Claim 4

Draft variation determination:

By deleting Clause 74.2 and replacing it as follows:

Any employee required to work during the breaks prescribed by Clause 74.1 will be paid single time additional during those hours only.

This claim will be argued on its merits.

Claim 5

Draft variation determination:

By deleting clause 75.1 and replacing it as follows:

Meal breaks will commence not later than six hours from the start of the work session or the end of the last meal break, whichever is the latter.

This claim will be argued on its merits.

Claim 6

Draft variation determination:

By deleting Clause 77.1 and replacing it as follows:

Zone	Time	Loading
Zone A	<i>6.00 am to 9.00 pm (non-daylight savings hours) Monday to Friday OR</i>	Nil
	<i>6.00 am to 10.00 pm (daylight savings hours) Monday to Friday</i>	
Zone B	<i>9.00 pm to midnight Monday to Thursday (non-daylight savings hours)</i>	25%
	<i>10.00 pm to midnight Monday to Thursday (daylight savings hours)</i>	
	<i>12.01 am to 6.00 am Tuesday to Friday</i>	
	<i>6.00 am to 9.00 pm* Saturday (non-daylight savings hours)</i>	
	<i>6.00 am to 10.00 pm* Saturday (daylight savings hours)</i>	
Zone C	<i>9.00 pm to midnight Friday and Saturday (non-daylight savings hours)</i>	50%
	<i>10.00 pm to midnight Friday and Saturday (daylight savings hours)</i>	

Zone	Time	Loading
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12.01 am to 6.00 am Saturday

** Save that where an employee contracts to work a six-day week as provided for in clause 76.3(b) of this award the penalty payable for work between 6.00 am and 9.00 pm non-daylight savings hours or 6.00 am and 10.00pm daylight savings hours on a Saturday will be as for Zone A of this clause.*

This claim will be argued on its merits.