

20 January 2017

Fair Work Commission
Terrace Tower, 80 William Street
East Sydney NSW 2011
By email: amod@fwc.gov.au

Re: AM2014/267 – AWU submissions on the Exposure Draft for the *Fast Food Industry Award 2010*

Background

1. These submissions of the Australian Workers' Union (AWU) are made pursuant to the Amended Directions of Justice Ross, President of the Fair Work Commission, issued on 21 December 2016 in AM2014/250 and others.
2. Parties are directed to file submissions on drafting and technical issues in the exposure drafts for Group 4D, 4E and 4F awards by 18 January 2017. The submissions that follow refer to the exposure draft for the *Fast Food Industry Award* as republished on 16 November 2016.

Drafting And Technical Issues

Minimum hourly rate

3. The AWU makes comment that the use of the phrase “minimum hourly rate” (contained at clauses 2, 10.7, 11.1(a) has the potential to cause confusion.
4. The AWU submits that the current wording should be retained or that some other wording be inserted in order to obviate any confusion.

Breaks

5. The AWU notes that the proposed wording has a greater potential for misinterpretation than the wording currently contained in the Award.

Minimum wage

6. The AWU submits that the insertion of “adult” is unnecessary and should be removed.

Casual loading

7. The AWU notes that the amendments contained in clause 21 alter the way in which the casual loading is calculated in such times where penalties are applicable such as evenings and on Saturdays and Sundays.

Sunday Penalty Rate

8. The AWU notes that clauses 21.3 and 20.2(b) conflict and create a potential confusion.
9. The AWU accepts that there should be some reference made to the ordinary Sunday rate in clause 21.

Shiftworker Provisions

10. The AWU opposes the removal of the shiftworker provisions on the basis that that the removal of the provisions may disadvantage some employees should those provisions apply to them.

**The Australian Workers' Union
20 January 2017**