



Shop, Distributive and Allied Employees' Association

**THE UNION FOR WORKERS IN
RETAIL. FAST FOOD. WAREHOUSING.**

Fair Work Commission

AM 2014/93

Award Review 2014

**Vehicle Manufacturing, Repair Services and
Retail Award 2010**

SDA SUBMISSION

Exposure Draft issued April 2016

May 11 2016

1. The SDA makes the following submission in relation to the Exposure Draft issued in April 2016 by the Fair Work Commission. This document will be referred to as ED (April 2016).
2. The SDA confines this submission to issues arising between the current VMRS&R Award and the ED(April 2016) as the SDA does have an application to vary the casual console operator and roadhouse attendant Level 4 rates for which separate submissions have been made previously.
3. The ED(April 2016) at clause 23.2 provided for casual rates for driveway attendants, roadhouse attendants and console operators.
4. Clause 23.2(a) states:

(a) An adult employed on a casual basis principally to perform the following duties will be paid:

	Monday to Friday	Saturdays, Sundays and public holidays
	% of ordinary hourly rate	
Duties of a driveway attendant	131.75%	170%
Duties of a roadhouse attendant required to cook takeaway foods	131.75%	170%
Duties of a console operator, or roadhouse attendant if engaged to primarily cook other than takeaway meals	130.35%	167%

5. This is a new presentation of these rates by using %.
6. The % for the Monday to Friday are rounded using the costing rates, however the console% should be 131.15. Further, the % shown for Sat/Sun/Public Holidays is inaccurate. The current % loading for a driveway attendant is 71.86%, for a roadhouse attendant is 71.92% and for a console operator is 70.45%.
7. The ED(April 2016) has removed 2-3% from the current rates on a Sat/Sun/Public Holiday which is not appropriate.
8. Using the % in the ED(April 2016) this would result in decreases in wage rates depicted in the table below:

	Current Hourly Rate	ED(April 2016) Hourly Rate Clause 23.2	Decrease in Rate
Driveway	\$29.71	\$29.39	\$0.31
Roadhouse	\$30.58	\$30.24	\$0.34
Console	\$32.56	\$31.90	\$0.66

9. The translation of the current Sat/Sun/Public Holiday rate to a percentage is reflected in the exhibits (SDAEA Exhibit 6) that the SDA provided last year in this matter.
10. These showed the % above the Full time hourly rate for Sat/Sun/Public Holiday for casuals was:

71.86% for Driveway Attendants

71.92% for Roadhouse Attendants Level 2

70.45% for Console Operators and Roadhouse Attendants Level 4.

These are the relevant current percentages applying and no reduction should occur.

11. A second issue arises in 23.2(b) where junior % have been set as follows:

(b) **Junior Employees**

A junior employed on a casual basis in the duties in clause 23.2(a) will be paid as follows:

Age	%of adult rate
16 years and under	47.5%
17 years	50.0%
18 years	62.5%
19 years	75.0%
20 years	87.5%

12. In the current award 20 year olds are paid the full adult rate not the discounted 87.5% rate.
13. This is shown in the wages tables at clause 36.1 of the current award.
14. This draft provision at Clause 23(b) in the ED(April 2016) is a 12.5% reduction in rates paid to 20 year olds which is inappropriate. The table should show 20 year olds as 100%. No reduction should occur.
15. The third issue occurs in ED(April 2016) at 23.4(c) overtime rates.
16. This provides an overtime payment of 170% for casuals. This is a departure from the current standard when an additional \$ amount is added to either the Monday-Friday rate or to the Sat/Sun/Public Holiday Rate.
17. The existing methodology reflecting the 24 hour rate should be maintained as the ED(April 2016) method would result in casuals working overtime on a Sat/Sun/Public Holiday at a rate either lower or equivalent to their "ordinary" rate.
18. In the existing award, provision at clause 36 overtime rate for a casual driveway attendant Monday-Friday is \$35.46 and Sat/Sun/Public Holiday is \$42.40. The ED(April 2016) reduces this to \$29.93 for any time overtime. This rate is below the current Sat/Sun/Public Holiday rate of \$29.71.
19. The proposed ED(April 2016) introduces a substantial reduction in the rates paid to casual driveway, roadhouse and console operators which is not appropriate and justified.

20. The proposed ED(April 2016) breaks the 24 hour flat rate structure which has a different way of dealing with overtime that should be maintained. If the overtime is not to be treated in the "24 hour rate" methodology then 24 hour rates for Monday-Friday and Sat/Sun/Public Holiday should equally not apply and the "standard" casual methodology should be applied.
21. The various rates discussed above have been included at Schedule B4.
22. The wage tables at B.4.1, B.4.2 and B.4.3 reflect the current award hourly rates for casual driveway/roadhouse/console operators, so the schedules are correct but Clause 23 is incorrect as detailed above.
23. Schedule B.3.4 and B.3.5 provides junior rates.
24. Again, 20 year olds receive the adult rate.
25. Further, Schedule B.3.4(a) should not include console operators. The reverse applies to Schedule B.3.5(a) which should have console operators and roadhouse attendants cooking other than takeaway food and not include driveway attendants as the classifications that the wage rates apply to.

Other Issues

26. The SDA understands that other parties are dealing with the issues of separating/splitting the current VMRS&R Award, and will rely upon those submissions supporting the continuance of the existing award structure.
27. In respect to other "drafting" issues, the SDA notes detailed work from the AMWU-Vehicle Division will be provided and will address further omissions and errors that have occurred in the ED(April 2016). The SDA is likely to adopt these. The SDA will, if necessary, provide any further comments in line with the directions.