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Sent: Friday, 22 May 2020 2:55 PM
To: Chambers - Ross J <Chambers.Ross.j@fwc.gov.au>; AMOD <AMOD@fwc.gov.au>
Cc: Stephen Crawford <stephen.crawford@nat.awu.net.au>
Subject: AM2019/17 Finalisation of Exposure Drafts - Pharmaceutical Industry Award 2010

Dear Associates,

We refer to the above matter and a statement issued by the Fair Work Commission on 6 May 2020 ([2020] FWCFB 2384).

The Australian Industry Group (**Ai Group**) and the Australian Workers' Union have conferred and agreed that clause 19 of the exposure draft should be varied as proposed in the **enclosed** document. The proposed changes would, in Ai Group's view, address the issues raised in our submission of 27 November 2019 at paragraphs 96 – 99.

Yours sincerely,

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19. **Overtime and Penalty Rates**

19.1 **Definition of overtime**

- (a) For a full-time or casual employee overtime is any time worked outside ordinary hours of work, as defined by clause 13.:
- (i) ~~outside the times of beginning and ending work in any one day;~~
 - (ii) ~~within the times of beginning and ending work but in excess of 8 hours in any one day;~~
 - (iii) ~~on a Saturday, Sunday, public holiday or rostered day off.~~
- (b) For a part-time employee, overtime is any time worked in excess of the employee's hours as agreed in accordance with clauses 10.2 and 10.3.

19.2 **Overtime rates**

~~Where an employee works overtime the employer must pay to the employee the overtime rates as follows:~~ Where an employee performs work described in the table below, the employer must pay the employee the corresponding rate prescribed:

For overtime worked on:	Overtime rate % of minimum hourly rate	Minimum payment
	%	
Day workers		
Monday to Friday working overtime within the times of beginning and ending work but in excess of 8 hours in any one day:		
– first 2 hours	150	–
– after 2 hours	200	–
Shiftworkers		
Monday to Friday working overtime within the times of beginning and ending work but in excess of 8 hours in any one day:		
– first 3 hours	150	–
– after 3 hours	200	–

For overtime worked on:	Overtime rate % of minimum hourly rate	Minimum payment
	%	
All employees		
Monday to Friday outside the times of beginning and ending work in any one day:		
– first 2 hours	150	–
– after 2 hours	200	–
Saturday		3 hours
– first 2 hours	150	
<u>– after 2 hours</u>	<u>200</u>	
<u>Saturday – after 2 hours</u>	<u>200</u>	<u>3 hours</u>
Sunday all day	200	3 hours
Rostered day off <u>(except where the employee is provided with a day off on a future date – see clause 19.3)</u>	250	–
Public holiday all day	250	