



Fair Work
Commission

Modern Awards Review 2023-24 (AM2023/21)

Submission cover sheet

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Modern Award Review Stream:

Arts and Culture:

Job Security:

Work and Care:

Usability of awards:

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Signature:

Name: Natalie Dabarera

Date: 12 March 2024

SUBMISSION OF THE UNITED WORKERS UNION

1. These submissions relate to the work and care stream and are made in accordance with the directions in the Statement of the Fair Work Commission (“the Commission”) on 21 February 2024.¹
2. This area of the review is focused on 25 modern awards. Of these, United Workers Union (“UWU”) has a significant interest in the following:
 - a. Aged Care Award 2010 (Aged Care Award)
 - b. Children’s Services Award 2010 (Children’s Services Award)
 - c. Cleaning Services Award 2020 (Cleaning Award)
 - d. Fitness Industry Award 2020 (Fitness Award)
 - e. Hospitality Industry (General) Award 2020 (Hospitality Award)
 - f. Manufacturing and Associated Industries and Occupations Award 2020 (Manufacturing Award)
 - g. Miscellaneous Award 2020 (Miscellaneous Award)
 - h. Restaurant Industry Award 2020 (Restaurant Award)
 - i. Social, Community, Home Care and Disability Services Industry Award 2010 (SCHADS Award)
 - j. Storage Services and Wholesale Award 2020 (Storage and Wholesale Award)
3. UWU has responded to several discussion questions in this submission (specifically 1, 6, 7, 8, 9, 12, 13, 14, and 18). In respect of the other discussion questions, we support the position of the ACTU.
4. We make the following general points:
 - a. It is difficult to balance care responsibilities and work when workers are struggling to pay their rent, buy groceries or pay their bills, especially when workers may be financially responsible for children, partners, parents and/or other family members.

¹ [2024] FWC 476.

Increasing wages in modern awards and ensuring that workers can progress fairly through classification structures is a critical element in ensuring that workers can meet their caring responsibilities.

- b. Care is gendered. Women are more likely to have caring responsibilities.² The workplace impact of this is magnified by the undervaluation of feminised work. In sectors such as early childhood education and care (ECEC), aged care, disability support and home care, predominantly female workforces receive wages that do not reflect the true value of their work, and have working conditions that are generally less secure, regular, and predictable than those in male-dominated industries.
- c. Carers are more likely to work part-time.³ Decent part-time work conditions are an essential element in ensuring workers can better manage work and care responsibilities. Part-time workers should be able to obtain sufficient hours of work, fair minimum engagement periods, a reasonable span of hours, and overtime for additional hours. Further, modern awards should not incentivise employers to hire on a casual basis for work that is not genuinely casual. Casual employment must be restricted to work that is intermittent or irregular, or to cover absences, and conditions such as minimum engagement periods for casual employees must be no lower than part-time conditions.
- d. Work should be regular and predictable and allow workers the ability to plan around caring responsibilities. Workers should be able to access regular and predictable hours of work, receive rosters in advance, have sufficient notice of roster changes, and have the right to say no to roster changes.
- e. All work time should be paid time. Unpaid travel, administrative and training time encroaches on time workers may need to spend on caring responsibilities.
- f. Current leave entitlements are generally inadequate and should be improved to ensure that workers are better able to attend to caring responsibilities, including additional personal/carer's leave. Ceremonial leave should be available across all modern awards.

Response to the discussion questions

PART-TIME WORK

² Fair Work Commission, *Modern Awards Review 2023-34, Discussion Paper: Work and Care*, 29 January 2024, pg. 29.

³ Deloitte Access Economics, *The value of informal care in 2020*, May 2020, pg. 7.

- *Discussion question 1: Are there any specific variations to part-time provisions in modern awards that are necessary to ensure they continue to meet the modern awards objective?*
 - *Discussion question 9: Are there any specific variations to guaranteed hours or availability of hours provisions in modern awards that are necessary to ensure they continue to meet the modern awards objective?*
5. Workers with care responsibilities seek regular and predictable hours, to better permit them to plan around their responsibilities. However, in many award reliant sectors such as aged care, ECEC, disability support and hospitality, part-time employment hours and days of work vary week to week, workers are pressured to take on shifts at late notice, and despite many working above their contracted hours, overtime payments are a rarity. Part-time employment under such awards provides employers with maximum flexibility, allowing them to treat part-time employees as de facto casuals, but without having to pay a loading.
 6. To ensure that modern awards continue to meet the modern awards objective:
 - (a) Part-time employees should have an entitlement to regular and predictable hours, with an employer and an employee required to set the days, hours of work and start/finish times at the commencement of employment.
 - (b) Hours of work beyond contracted hours for part-time employees should be paid at overtime rates.
 - (c) Where additional hours are worked on a regular basis over 6 months, employees should have the right to elect to convert those additional hours to be part of their permanent ordinary contracted hours. There should be provision for 6 monthly reviews of part-time hours to facilitate this.
 - (d) Part-time employees should have an entitlement to sufficient minimum weekly hours.

Award specific issues:

7. The SCHDS Award (clause 10.3), the Hospitality Award (clause 10.4) and the Restaurant Award (clause 10.4) contain a requirement for an employer and a part-time employee to agree in writing on guaranteed hours but provide such flexibility to the employer that part-time employees are treated in effect as casuals. For example, our members in disability support group homes who are covered by the SCHDS Award have reported that both days of work and hours of work can vary week to week. Alongside poor rostering practices, part of the reason for this is workforce shortages, with employers trying to fill in gaps in service provision at late notice. This is a vicious cycle, as it is the same irregularity and unpredictability makes the sector less attractive to work in, which thus worsens workforce shortages.

8. The inclusion of guaranteed hours provisions in the Hospitality Award and the Restaurant Award was based on part in the very high incidence of casual employment in these industries, and a prediction that a form of flexibility such as this might increase the incidence of part time employment and decrease the incidence of casual employment.⁴ However, there is very little evidence that the changes have had this effect – the incidence of casual employment in these industries remains very high and has not been impacted upon since the change was made.⁵
9. If this approach to part time engagement, which contrasts with many other awards, has not had its desired effect to increase the incidence of part time engagement and reduce casual engagement, all it does is make the part time employment that does occur under these awards a less secure form of employment. UWU submits that these provisions are no longer consistent with the modern awards objective.
10. The Hospitality Award (clause 10.2) and the Restaurant Award (clause 10.2) provide that part-time employees must be engaged to work a minimum of 8 hours per week. UWU supports the setting of sufficient minimum weekly hours for part-time employees within modern awards, having regard to award specific circumstances (though we note 8 hours per week is low).
11. The Cleaning Award (clause 10.4) does not require the employer and employee, at the time of engagement, to agree in writing on minimum weekly hours. While this often does occur as a matter of practice, it is not required and can result in disputes over a part-time employee's minimum hours. UWU has also recently observed an increase in the use of fixed-term and maximum-term contracts in the cleaning services industry (up to a maximum of 2 years) as an alternative to ongoing part-time employment. UWU has proposed variations to address these issues in Appendix A.
12. The use of minimum hour contracts is endemic in the care and education sectors of aged care, disability support and ECEC. None of the relevant awards - the Aged Care Award, the SCHDS Award and Children's Services Award - provide overtime for hours in excess of ordinary hours.⁶ Without such a provision, employers have little incentive to roster effectively. Instead, employers can rely on providing additional hours at short notice to a workforce that is largely low paid, under-employed and desperate for additional hours.
13. As referenced within the Commission's Work and Care Discussion Paper, there is a stark contrast between the treatment of additional hours in feminised industries in comparison to male-dominated industries such as manufacturing, where overtime is provided for part-time

⁴ 4 yearly review of modern awards – Casual employment and Part-time employment [2017] FWCFCB 3541 at [524] – [526].

⁵ Discussion Paper: Work and Care, pg. 48.

⁶ Relevant clauses are: Aged Care Award 10.3 and 25.1(b); SCHDS Award 10.3 and 28.1(b) ; Children's Services Award 10.4 and 23.1.

employees who work in excess of their agreed hours (clause 32.1(c) of the Manufacturing Award).⁷

14. The Senate Select Committee on Work and Care recommended that the Australian Government, “*restrict the use of low base hour contracts, which can be ‘flexed up’ without incurring any pay penalty for additional hours worked beyond contract, and ensure permanent part-time employees have access to regular, predictable patterns and hours of work. This could include implementing penalty rates for any hours worked over the contracted amount.*”⁸ UWU supports this recommendation and submits that the current part-time engagement terms within the Aged Care Award, the SCHDS Award and the Children’s Services Award are inconsistent with the modern awards objective in this respect.

MINIMUM PAYMENT PERIODS AND HOURS OF WORK

- *Discussion question 6: Are there any specific variations to the minimum payment periods for part-time employees in modern awards that are necessary to ensure they continue to meet the modern awards objective?*
 - *Discussion question 7: Are there any specific variations to span of hours provisions in modern awards that are necessary to ensure they continue to meet the modern awards objective?*
15. As noted in the Discussion Paper, the Commission recently confirmed in 2021 that ‘*minimum engagement terms protect employees from exploitation by ensuring that they receive a minimum payment for each attendance at their workplace to justify the cost and inconvenience of each such attendance.*’⁹
16. For workers with caring responsibilities, the cost and inconvenience of short minimum payment periods is high. Short minimum payment periods may discourage carers from entering the workforce in the first place, which is a significant issue, given ongoing workforce shortages in essential sectors such as aged care, disability support and ECEC.¹⁰
17. When carers are in the workforce, the costs of arranging alternative care, travel and related expenses may erode the benefits to such an extent that the arrangement can be considered exploitative.

⁷ Discussion Paper: Work and Care, pg. 111-112.

⁸ Senate Select Committee on Work and Care, Final Report, March 2023, recommendation 25.

⁹ [2021] FWCFB 5244.

¹⁰ In ECEC, it is estimated that an additional 16,000 workers are needed by 2025, even without policy changes to increase access: Shaping Our Future, *A ten-year strategy to ensure a sustainable, high-quality children’s education and care workforce 2022-2031*, September 2021, pg. 11. In aged care, in 2022, CEDA forecast a cumulative shortfall of 110,000 workers by 2030: CEDA, *Duty of care: Aged-care sector running on empty*, 2023, pg. 5. The NDIS review estimated that the sector needs about 128,000 more workers by June 2025 to fully meet demand: Commonwealth of Australia, Department of the Prime Minister and Cabinet, *Working together to deliver the NDIS - Independent Review into the National Disability Insurance Scheme: Final Report*, pg. 191.

18. Further, excessive hours of work (through terms permitting averaging out of weekly hours arrangements, or extended span of hours) can also affect a worker's ability to meet their caring responsibilities, requiring them to be away from home for extended periods of time without, in many cases, fair compensation.
19. To ensure that modern awards continue to meet the modern awards objective:
 - (a) minimum payment periods within modern awards should be at least 4 hours for *both* part-time and casual employees. It is necessary to ensure that minimum payment periods for casual employees are in line with part-time employee minimum periods, as otherwise employers are incentivised to employ workers on a casual basis.
 - (b) Terms that permit averaging out of ordinary weekly hours of work across numerous weeks should be abolished or at the very least limited.
 - (c) Span of hours within modern award should be reasonable.

Award specific issues

20. The Aged Care Award, Children's Services Award, Hospitality Award, Miscellaneous Award, Restaurant Award, SCHDS Award, and Storage Services Award all contain minimum payment periods that are lower than 4 hours. The Cleaning Award and the Fitness Award have minimum payment periods as low as 1 hour.
21. In the hospitality and restaurant industry, casual employment is the norm and there is a minimum payment period of 2 hours (clause 11.3 in both the Hospitality Award and the Restaurant Award). Yet workers may have their shift cancelled just as they arrive, or a worker rostered on for a longer shift might be told after they start work that they are only needed for 2 hours. Workers who have paid for alternative care arrangements, such as attendance at ECEC for their children, may be worse off in these circumstances.¹¹
22. Low minimum engagement periods also commonly do not reflect the actual work required, and result in workers having to complete work tasks in their own time. This encroaches on time workers may need to spend on caring responsibilities. For example, in sectors such as aged care, disability support and ECEC, time for administrative tasks such as making client notes, programming and handover is not accounted for at all, or is accounted for insufficiently within rostered shifts, and workers end up having to complete those tasks in their own time.
23. In the fitness industry, workers are regularly rostered on for a one-hour shift to run a class. This does not account for arriving early to greet participants, set up, pack up, responding to questions after class, planning and learning choreography for the class (which changes

¹¹ In Australia, ECEC costs on average \$133.96 daily per child, with an average out-of-pocket fee of \$44.42: ACCC, *Childcare Inquiry, Final Report*, December 2023, pg.12.

regularly), all of which must then be done in the worker's own time. UWU's proposed variation to address this can be found in Appendix B.

24. In the Cleaning Award, clause 13.5 provides for minimum engagements for part-time and casual cleaners based on the size of the cleaning area. The minimum engagement periods often do not account for the actual time required to set up and undertake thorough cleaning of the area in line with safe workload standards. In addition, the term "total cleaning area" is not defined within the Award and is often applied differently by different employers. Employers often refuse to provide employees details of their methodology, calculations, and measurements of particular "total cleaning areas". This can lead to a lack of transparency and disputation around minimum engagements and workloads. Employers should be required to provide this information to workers and their representatives upon request. UWU's proposed variations to address this issue can be found in Appendix A.
25. The Hospitality Award (clause 15.1(b)) and the Restaurant Award (clause 15) both contain clauses that permit averaging out of ordinary hours in a period of up to 4 weeks. This creates difficulties for workers who are carers, who will have to work extensive hours during some weeks, which can make it difficult to attend to caring responsibilities. In addition, the irregularity of hours under averaging out provisions can make it difficult to set up alternative care arrangements. Further, averaging out provisions essentially bypass the need for employers to pay overtime, and this results in workers missing out on financial compensation they would otherwise be entitled to. Averaging out provisions should be abolished or strictly limited.
26. The long span of hours for home care workers in the SCHDS award is of concern. Clause 25.2(a) states that the span of hours for a day worker is "*will be worked between 6.00 am and 8.00 pm Monday to Sunday.*" Given the prevalence of broken shifts in this industry, and low minimum engagement periods, a worker may be working intermittently across the span of hours, up to 14 hours, yet may only be paid for say, 6 hours of work. Having to work across such a long period makes it difficult for home care workers to meet caring responsibilities, or even to make alternative care arrangements.

ROSTERING AND HOURS OF WORK

- *Discussion question 8: Noting the Work and Care Senate Committee Recommendation 21 that all employees should have at least 2 weeks' notice of their roster except in exceptional circumstances, are there any specific variations to rostering provisions in modern awards that are necessary to ensure they continue to meet the modern awards objective?*

27. Roster justice emerged as one of the most significant issues facing workers with care responsibilities during the Senate Select Committee on Work and Care consultation process.¹² This is consistent with the experiences of UWU members. Fair and predictable rosters, with a right for employees to say no to extra hours or late roster changes, are critical to ensuring workers can align their work and care responsibilities.
28. To ensure that modern awards continue to meet the modern awards objective:
- (a) Employers should be required to give advance notice of 28 days of rosters and genuinely consider employee views about the impact of proposed roster changes and to accommodate the needs of the employee.
 - (b) Roster changes should only be able to be made with 14 days' notice *and* with the agreement of the employee.
 - (c) Employees must have a 'right to say no' to extra hours or roster changes with protection from negative consequences.
 - (d) The circumstances under which a roster may be changed without notice and without agreement must be strictly limited. Where an award provides that a roster can be changed without notice in an emergency, the term emergency should be defined.

Award specific issues

29. The Cleaning Award does not specify notice of rosters (instead only providing for at least 7 days' notice of a roster change). This should be amended to ensure cleaners receive sufficient notice of their roster. UWU's proposed variations to address this issue can be found in Appendix A.
30. For UWU members working in home care and disability support under the SCHDS Award, fair rostering is a significant and pressing concern. Under the SCHDS Award (clause 25.5(d)(ii)(B)), rosters can be changed by the employer at any time "*to enable the service of the organisation to be carried on where another employee is absent from duty on account of illness, or in an emergency.*" This means that employers are constantly making changes to worker's rosters, and at *very* late notice. For example, a home care worker may receive a call at 6am in the morning, requiring them to be at a client's house by 7am. In addition, the client cancellation provisions (clause 25.5(f)), permit an employer to reschedule work within the next 6 weeks if a client cancels and the worker receives at least 12 hours' notice. Due to these provisions, home care workers and disability support workers often work a shift pattern that looks very different to the roster they received notice of. This makes it very difficult to plan around care responsibilities.

¹² Senate Select Committee on Work and Care, Interim Report, October 2022, pg. xx.

31. Rostering is also a concern in the fitness industry. UWU members covered by the Fitness Award have reported concerns over how employers consult on roster changes, finding that employers can be more interested in “ticking the boxes”, rather than engaging genuinely with worker’s concerns on how roster changes can impact on their caring responsibilities. Requiring consultation alone is insufficient; workers must have the right to say no to roster changes without facing negative consequences.

TRAVEL TIME AND UNPAID WORK

- *Discussion question 12: Are there any specific variations to travel time provisions in modern awards that are necessary to ensure they continue to meet the modern awards objective?*
32. A high incidence of unpaid travel and other time is found in the feminised sectors of aged care, disability support and home care and ECEC. All work time should be paid time. Unpaid travel, administrative and training time encroaches on time workers may need to spend on caring responsibilities. Further, as noted earlier, there are significant workforce shortages in these sectors, and poor working conditions are a significant contributing factor.
33. To ensure that modern awards continue to meet the modern awards objective:
- (a) Employees should be paid for all travel time undertaken in the course of duties.
 - (b) Training, administrative tasks, and handover time must be paid time.

Award specific issues

34. In-home care for older people and people with disabilities by necessity requires workers to travel to and from client’s homes and should be paid as work time. However, UWU members in disability support and home care covered by the SCHADS Award report having to undertake unpaid travel in the course of their duties.
35. UWU and other unions sought to have unpaid travel time addressed in the 4 yearly review of modern awards. In a May 2021 Decision, the Full Bench of the Commission stated that: *“As a general proposition we accept that employees should be compensated for the time spent travelling between engagements. But framing an award entitlement to address this issue raises several issues, including the circumstances in which any payment is to be made and the calculation of that payment.”*¹³ The Commission deferred its decision on travel time, instead setting a minimum payment period of 2 hours and placing restrictions on how many times a shift could be “broken up”.
36. In an August 2021 Decision, the Full Bench stated that: *“It seems to us that it is likely that employers will seek to change rosters and patterns of work in response to our decisions in*

¹³ [2021] FWCFB 2383, Paragraph [588].

respect of minimum payment periods and broken shifts. These changes may well reduce the incidence of unpaid travel time."¹⁴ The Full Bench stated that further consideration of the various travel time claims would be deferred until the variations in respect of minimum payment and broken shifts had been in operation for 12 months.¹⁵ In January 2023, the Commission finalised the review of the SCHDS Award.¹⁶

37. It is now over 18 months since the commencement of the variations to minimum payment periods and broken shifts. Unpaid travel time remains a pressing issue for UWU members.
38. All travel time should be paid, and paid based on actual time taken, not on employer estimations (which often underestimate the amount of travel required).
39. In a related issue, UWU members in disability support and home care covered by the SCHDS Award, in residential aged care facilities covered by the Aged Care Award, and educators covered by the Children's Services Award report having to undertake unpaid training, administrative tasks and handover. For example, in disability support group homes, a worker will often be rostered to finish a shift at the same time that the next worker is starting, with no handover time factored in. Without a proper handover, the incoming worker will lack key context about what has happened throughout the day. For example, during handover, an outgoing worker can inform the incoming worker that due to understaffing one client was not able to have their usual walk, is agitated and upset as a result, and will need some additional support across the next shift. This transfer of information is critical to ensuring continuity of care for clients and for ensuring a safe workplace so in practice many workers will stay back unpaid to complete it. Unpaid handover time also occurs within aged care residential facilities.
40. In-home disability support and home care workers are commonly paid for their shift at the client's home with no additional time rostered in to make progress notes about clients, despite this being an essential component of high-quality care. Often workers will end up making client notes and doing administrative follow-up in unpaid time.
41. In ECEC, educators have obligations under the National Quality Framework (NQF) to undertake programming and record children's progress and development. The award only provides for limited non-contact time in which to complete these tasks (clause 21.5), meaning workers end up completing tasks outside of work hours.
42. In all the above sectors, there is an increasing prevalence of being required to undertake work-related activities outside of work hours, in particular mandatory training. Employees required to complete online training modules at home and outside of their standard rostered hours must find additional time in their personal lives to perform work. This can include

¹⁴ [2021] FWCFB 5244 at [229].

¹⁵ As above, at [230].

¹⁶ [2023] FWC 19.

taking time out on rostered days off, going to bed late or getting up early to complete training before or after work, having to enlist another parent, family member or friend to watch children while the training is completed and incurring the cost of Wi-Fi and/or data usage, among other inconveniences.

LEAVE

- *Discussion question 13: Are there specific variations to annual leave provisions in modern awards, for example annual leave at half pay, that are necessary to ensure they continue to meet the modern awards objective?*
 - *Discussion question 14: Are there any specific variations to personal/carer's leave provisions in modern awards that are necessary to ensure they continue to meet the modern awards objective?*
 - *Discussion question 18: Are there any specific variations to ceremonial leave provisions in modern awards that are necessary to ensure they continue to meet the modern awards objective?*
43. Current leave entitlements within modern awards are generally inadequate. Leave entitlements, particularly paid personal/carer's leave, should be increased to ensure that workers are better able to attend to caring responsibilities.
44. In addition, changes to leave entitlements should be made to ensure workers who have caring responsibilities overseas are able to meet those responsibilities. UWU members have had difficulty obtaining leave to attend to care for relatives overseas, and to attend funerals.
45. Our concept of care should not be limited to immediate family or close relations. Being able to provide care for community is also important, especially as increasing temperatures due to climate change leads to more severe weather events. Currently community services leave is unpaid, and this is a serious impediment to workers being able to step in and assist the community in times of need. UWU submits that the Commission should adopt paid community services leave across modern awards broadly.
46. UWU supports extending ceremonial leave for First Nations workers across all modern awards. Ceremonial leave provisions should provide for paid leave. We have seen the submission of the ACTU, and we support their submissions in respect of ceremonial leave.

Award specific issues

47. In the Cleaning Award (clause 21.3), the part-time loading is only payable on annual leave for part-time employees working shiftwork (Monday to Friday) or rostered ordinary hours on a Saturday or a Sunday. This means a significant number of part-time employees do not receive the part-time loading while on annual leave. In addition, the part-time loading is not payable

when personal/carer's leave is taken. The effect of this is that workers lose out financially for having to take leave to attend to caring responsibilities. UWU's proposed variations to address this issue can be found in Appendix A.

48. The Commission should increase the quantum of paid personal/carer's leave across modern awards. For example, UWU members in ECEC and aged care are regularly exposed to viral and other illnesses in their workplaces. Members report that current personal/carer's entitlements are insufficient, with workers having to use their leave on personal illness and having little or no paid leave left over for caring responsibilities (or vice versa).

Filed on behalf of the

United Workers Union

12 March 2024

Appendix A: Proposed variations to the Cleaning Services Award 2020

1. Vary clauses 2 or 13 to insert definition of “total cleaning area”.
2. Insert a new clause 8.4 in the following terms:

An employer must not engage an employee on a fixed-term contract or a maximum-term contract unless the employee is genuinely backfilling for another employee on leave (including long service leave, maternity leave, workers compensation leave or unpaid leave).

3. Vary clause 10.4 by inserting a new subclause (d) in the following terms:

At the time of engaging a part-time employee, the employer and employee must agree in writing on all of the following:

- (a) the number of hours to be worked each day; and*
- (b) the days of the week on which the employee will work;*
- (c) the times at which the employee will start and finish work each day.*
- (d) the minimum number of ordinary hours which the employee will work each week.*

4. Vary clause 13.5 by inserting a new subclause (e) in the following terms:

(e) Upon request, an employer must provide all relevant information in relation to “total cleaning areas” referred to at clause 13.5(c) (including the employer’s measurements of each cleaning area) to part-time or casual employees and their representatives (if any).

5. Delete clause 13.6(a) and insert the following:

The employer must prepare a roster showing for each employee their name and the times at which they start and finish work 28 days prior to the commencement of the roster (except in exceptional circumstances).

6. Vary clause 21.3(a) as follows:

(a) For the purpose of calculating the amount that the employer is required by section 90 of the Act to pay an employee for a period of paid annual leave, the employee’s base rate of pay for the employee’s ordinary hours of work in the period must be taken to include any of the following that are payable to the employee:

- (i) a leading hand allowance; and*
- (ii) a first aid allowance; and*
- (iii) a part-time allowance for part-time employees ~~working shiftwork (Monday to Friday) or rostered ordinary hours on a Saturday or a Sunday.~~*

7. Vary clause 22 by inserting a new clause 22.1:

For the purpose of calculating the amount that the employer is required by section 99 of the Act to pay an employee for a period of paid personal/carer’s leave, the employee’s base rate of pay for the employee’s ordinary hours of work in the period must be taken to include a part-time allowance for part-time employees.

Appendix B: Proposed variations to the Fitness Industry Award 2020

1. Vary clause 12.3 as follows:

~~(a) Subject to clause 12.3(b), a casual employee must be engaged for a minimum period of 3 hours' work at the appropriate rate or be paid per engagement for a minimum of 3 hours' work at the appropriate rate.~~

~~(b) A casual employee who is classified as a Level 2, 3, 3A, 4, 4A or 5 instructor, trainer or tennis coach or as a trainee undertaking practical work involvement may be engaged for a minimum period of one hour's work at the appropriate rate or be paid per engagement for a minimum of one hour's work at the appropriate rate.~~