

Our Ref: 18D-0181

19 December 2018

Vice President Hatcher  
Fair Work Commission  
By email: chambers.hatcher.vp@fwc.gov.au

Dear Vice President

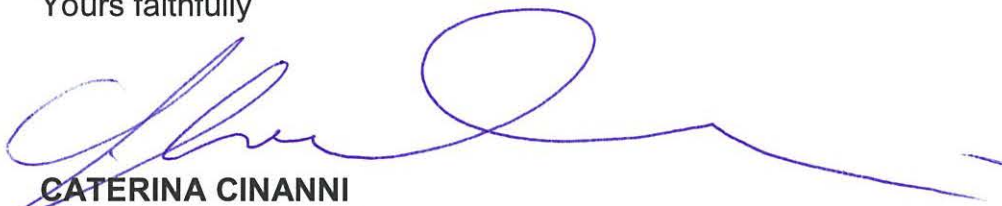
**AM2014/197 - Overtime Penalty Rates For Casual Employees - Horticulture Award 2010**

We refer to the 5 July 2017 decision of the Fair Work Commission (**FWC**) that the Horticulture Award 2010 (**the Award**) should contain overtime penalty rates for casual employees. The FWC invited further submissions in relation to the daily hours of work and span of ordinary hours for casual employees and the period over which weekly ordinary hours should be averaged.

The NUW is concerned that a significant number of employers are taking advantage of this period to apply for approval of enterprise agreements that (amongst other things) do not provide for overtime penalty rates for casual employees.

We note that on 30 August 2018 the FWC published a draft determination in relation to the Award and interested parties were given 21 days to make further submissions in relation to it. It would be greatly appreciated if the FWC could provide an update regarding how it intends to proceed.

Yours faithfully



**CATERINA CINANNI**  
**NATIONAL PRESIDENT**

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