

IN THE FAIR WORK COMMISSION

FOUR YEARLY REVIEW OF MODERN AWARDS

REAL ESTATE INDUSTRY AWARD 2010

AM2016/6

Submission in response to the proposed variations by Queensland Real Estate Industrial Organisation of Employers RE part time commission-only

10 December 2018

Introduction

1. REEF SA/NT make this submission in response to the Directions issued by the Full Bench on 12 November 2018.
2. This submission is specifically in response to the Queensland Real Estate Industrial Organisation of Employers (QREIOE) draft proposed variation to the Real Estate Industry Award in relation to part-time employment for commission-only employees.

Part-Time Arrangements

3. Whilst REEF SA/NT continues to stand by our submission that part-time commission-only employment is a necessary provision of the Award, it cannot support the variations proposed by QREIOE.
4. In our view the proposed variation by QREIOE significantly contradicts the purpose of commission-only employment. Commission-only employees are rewarded based on results, not time, and as such the introduction of an hourly rate of pay for part time

commission-only employees would be inconsistent with the purpose of commission-only employment arrangements.

5. Commission-only employees enjoy a greater level flexibility in their working arrangements and generally expect or demand a higher rate of commission than a salaried/wage-based salesperson.
6. QREIOE's proposal of imposing a mandatory record keeping regime and hourly rate of pay for time worked beyond a part time commission-only employee's contracted hours of work, diminishes the flexibility enjoyed by commission-only employees and contradicts the purpose of commission-only employment.
7. To be clear, REEF SA/NT continues to strongly support the existing part time commission-only arrangements enjoyed by many employers and employees in the industry. However, we cannot support the draft proposal of QREIOE in its current form.

Filed on behalf of: Real Estate Employers' Federation of South Australia and the Northern Territory

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