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Sent: Tuesday, March 26, 2024 4:56 PM
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Subject: Marked-up Version of ACCI Clerks Proposal

Dear Associate,

Please see attached a marked-up version of our proposal to vary clause 22 of the Clerks Award as requested by the President on 13 March 2024.

I've copied the parties who attended the consultation in these proceedings.

Should you need anything further, do not hesitate to contact me.

Regards,

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22. Rest period after working overtime (employees other than shiftworkers)

22.1 Clause 22 applies to full-time and part-time employees who are not working shifts.

22.2 ~~When overtime is required to be worked,~~ Employees must, wherever reasonably practical, have at least 10 consecutive hours off duty between hours worked on successive days ~~after working overtime.~~

22.3 ~~Despite clause 22.2 but subject to clause 22.4,~~ Where an employee, ~~due to overtime worked,~~ would be required to start working their ordinary hours without having had 10 consecutive hours off duty ~~due to working overtime,~~ an employer may either:

- (a) ~~the employer must~~ release the employee from duty ~~after finishing the overtime until the employee has had 10 consecutive hours off duty; and~~ for certain ordinary hours pursuant to clause 22.4; or
- (b) ~~the employee must not suffer any loss of pay for any ordinary hours that the employee did not work as a result of being released from duty in accordance with clause 22.3(a)~~ pay the employee at a higher rate pursuant to clause 22.5.

22.4 ~~If, at the direction of the employer, an employee continues work or resumes working ordinary hours without having at least 10 consecutive hours off duty in accordance with clause 22.3,~~ then all of the following apply:

~~Where an employer decides to release the employee from duty under clause 22.3(a):~~

- ~~(a) the employer must pay the employee at 200% of the employee's minimum hourly rate until such time as the employee is released from duty; and~~
- (a) ~~the employer must release~~ the employee is released from duty for sufficient hours until they have ~~employee~~ has had 10 consecutive hours off duty; and
- (b) the employee must not suffer any loss of pay for any ordinary hours that the employee did not work as a result of being released from duty ~~in accordance with clause 22.4(b).~~

22.5 Where an employer decides to pay the employee at a higher rate under clause 22.3(b):

- (a) the employer must pay the employee at 200% of the employee's minimum hourly rate until such time as the employee is released from duty;
- (b) after working the ordinary hours, the employer must release the employee from duty until the employee has then had 10 consecutive hours off duty; and
- (c) the employee must not suffer any loss of pay for any ordinary hours that the employee did not work as a result of being released from duty.

~~22.5~~ 22.6 For the purposes of clause 22, ~~Overtime worked in the circumstances specified in clause 21.5 — Return to duty~~ must not be regarded as overtime. ~~for the purposes of clause 22 — Rest period after working overtime (employees other than shiftworkers)~~