

5 March 2015

The Registrar / AMOD  
Fair Work Commission  
11 Exhibition Street  
**MELBOURNE VIC 3001**

**By email: [Amod@fwc.gov.au](mailto:Amod@fwc.gov.au)**

Dear Award Modernisation Team,

**Re: Four Yearly Review of Modern Awards – Stage 3 and 4 Awards**

We write to signal our intention to pursue variations to a number of modern awards during stage 3 and 4 of the four yearly review of modern awards.

We also write to advise our significant interest in a number of other modern awards in these groups.

**Modern Awards for which AFEI has an interest**

**Sub-group 3A**

- Banking, Finance and Insurance Award 2010
- Clerks Private Sector Award 2010
- Fitness Industry Award 2010
- Labour Market Assistance Industry Award 2010
- Legal Services Award 2010
- Market and Social Research Award 2010
- Miscellaneous Award 2010
- Real Estate Industry 2010
- Sporting Organisations Award 2010

**Sub-group 3B**

- Educational Services (Post-Secondary Education) Award 2010
- Educational Services (Schools) General Staff Award 2010
- Higher Education – General Staff Award 2010

**Sub-group 3D**

- Gardening and Landscaping Services Award 2010
- Horticulture Award 2010
- Nursery Award 2010
- Pastoral Award 2010
- Wine Industry Award 2010

#### **Sub-group 4A**

- Aboriginal Community Controlled Health Services Award 2010
- Aged Care Award 2010
- Children's Services Award 2010
- Educational Services (Teachers) Award 2010
- Social, Community, Home Care and Disability Services Industry Award 2010
- Supported Employment Services Award 2010

#### **Sub-group 4C**

- Car Parking Award 2010
- Cemetery Industry Award 2010
- Food, Beverage and Tobacco Manufacturing Award 2010
- Funeral Industry Award 2010
- Pest Control Industry Award 2010
- Professional Employees Award 2010

#### **Sub-group 4D**

- Amusement, Events and Recreation Award 2010
- Broadcasting and Recorded Entertainment Award 2010
- Racing Clubs Events Award 2010
- Travelling Shows Award 2010

#### **Sub-group 4E**

- Architects Award 2010
- Building and Construction General On-site Award 2010
- Electrical, Electronic and Communications Contracting Industry Award 2010
- Joinery and Building Trades Award 2010
- Plumbing and Fire Sprinklers Award 2010
- Surveying Award 2010

#### **Sub-group 4F**

- Dry Cleaning and Laundry Industry Award 2010
- Fast Food Industry Award 2010
- General Retail Industry Award 2010
- Hospitality Industry (General) Award 2010
- Restaurant Industry Award 2010

#### **Modern Awards variation proposals**

##### **Higher Education – General Staff Award 2010**

AFEI seeks to clarify the interaction between this award and other industry awards, such as the *Children's Services Award 2010*, *General Retail Industry Award 2010* and *Hospitality Industry (General) Award 2010* for university and student union organisations that are engaged in multiple industries.

### **Children's Services Award 2010**

AFEI proposes to vary the award so that:

1. Part-time employees may work up to 10 hours per day before overtime applies. This variation will ensure that the award is coherent given the entitlement to overtime for full-time employees arises in this way and part-time employees receive entitlements on a pro-rata basis; and
2. Employers have greater capacity to amend the rosters of part-time employees. Employers frequently encounter difficulty in amending the start and finish times by employees by even short periods as they are advised such changes are only allowed by agreement (see clause 10.4(d)). Not only is this inflexible it is unreasonable given clause 21 of the award clearly contemplates roster changes provided sufficient notice is given.
3. The restriction on employing casuals for "temporary" or "relief" purposes is removed.

### **Social, Community, Home Care and Disability Services Industry Award 2010**

AFEI proposes to vary the award so that:

1. It is clear that progression between pay points in the various levels in each stream of the award is based on full-time equivalent service (or 1976 hours). This variation will ensure coherency between clause 13 and the classification structure which at various points refers to progression between pay points requiring the completion of full-time equivalent service.
2. The award is clearer regarding what amounts to a recall to duty to perform over-time so that employees (whether on-call or not) who answer telephone or respond to a text message are not deemed to have been recalled and thus entitled to two hours minimum pay at overtime. Alternatively, the award should be varied to accommodate receiving phone calls.
3. Employers have greater flexibility to roster work on either side of a sleepover period. This variation would include addressing the penalty rates applicable for work adjacent to a sleepover.

### **Amusements, Events and Recreation Award 2010**

AFEI proposes to vary the award to reduce the casual minimum engagement.

If you wish to discuss the attached, please contact the undersigned.

Yours faithfully,



Steven Forster  
Senior Consultant