

Fair Work Commission
Terrace Tower, 80 William Street
East Sydney NSW 2011
By email: amod@fwc.gov.au

2 March 2015

Re: AM2014/78 submissions in reply for the Exposure Draft for the *Corrections and Detention (Private Sector) Award 2014*

The Australian Workers' Union (AWU) has reviewed the submissions of The Australian Industry Group (Ai Group) and submits the following in reply:

1. The Ai Group has submitted that the spread of ordinary hours in clause 8.2(a) of the exposure draft do not apply to part-time employees. We refer to and rely on our submissions of 4 February 2015.¹
2. Additionally, we refer the FWC to clause 22.2 of the current award, which is reproduced in the exposure draft at 14.2 and which provides:

22.2 - Payment for overtime

(a) A full-time or part-time employee is paid at overtime rates for any work done outside the spread of hours or rostered hours set out in clause 20 — Ordinary hours of work and rostering

¹ AWU submissions dated 4 February 2015, at [3]

(b) In addition, a part-time employee is paid at overtime rates in the circumstances specified in clause 10.4(g).

3. While part-time employees are not mentioned in clause 20, it is clear from the words in clause 22.2 that overtime rates must be paid to part-time employees who work outside the “spread of hours” in clause 20 (clause 8 of the exposure draft). As such, the span of ordinary hours in clause 8.2(a) must apply to part-time employees who are day workers.



James Blaxland
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