



# Transport Workers' Union

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**Tony Sheldon National Secretary**

4 February 2015

Fair Work Commission  
80 William Street  
EAST SYDNEY 2010

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

Dear Associate

### **AM2014/211 – Road Transport (Long Distance Operations) Award**

Please find attached submission from the Transport Workers' Union of Australia on the Exposure Draft of the above award published on 22 December 2014.

Yours sincerely

A handwritten signature in cursive script that reads 'Wendy Carr'.

Wendy Carr  
Head of Legal  
Transport Workers' Union

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NSW State Secretary  
Michael Aird

Vic/Tas State Secretary  
Wayne Mader

Qld State Secretary  
Peter Biagini

WA State Secretary  
Tim Dawson

SA/NT State Secretary  
Ray Wyatt

**IN THE FAIR WORK COMMISSION**

**Matter No.:** AM2014/211 – *Road Transport (Long Distance Operations) Award*

**SUBMISSIONS OF THE TRANSPORT WORKERS' UNION OF AUSTRALIA  
ON THE EXPOSURE DRAFT**

**Background**

1. This outline of submissions has been prepared by the Transport Workers' Union of Australia (**TWU**) in response to the Exposure Draft of the proposed *Road Transport (Long Distance Operations) Award 2014* as published by the Fair Work Commission (**FWC**) on 22 December 2014.
2. The TWU reserves its position in relation to the changes proposed by relevant parties set out in the Revised Summary of Proposed Variations published by the FWC on 8 December 2014.

**Clause 8.2(a) – Hours of work and fatigue management:**

3. The TWU opposes the proposed change to existing clause 20.2(a) as the existing clause requires compliance with Commonwealth, State and Territory laws relating to the control of driving and working hours of heavy vehicle operators as well as the management of fatigue. The proposed clause relates only to rules and regulations regarding fatigue.

**Clause 8.4:**

4. The TWU has no objection to the proposed change.

**Clause 8.5(e) – Payment for RDOs:**

5. The TWU submits that the payment for RDOs should be the applicable base rate plus the 30% disability allowance. The disability allowance is payable for all hours worked including those hours being credited to the RDO total.
6. The above proposal is commensurate with the provisions of proposed clause 8.6(a) where a days work is equated to 20% of the employee's average weekly wage rate.

**Clause 8.6(a) – Absence from duty:**

7. Following from the submission regarding clause 8.5(e) above, the TWU submits that a common approach should be taken in relation to clauses 8.5(e) and 8.6(a).

## **Clause 8.7 – Call back:**

8. The TWU submits that the call-back rate be payable at double the base rate of pay as a call-back would only occur after the completion of the employee's rostered hours for the day.

## **Clause 9 – Unpaid meal breaks:**

9. The TWU makes no submission on this proposed change.

## **Clause 11.1 – Minimum weekly rates of pay:**

10. The TWU opposes the proposed change to existing clause 13.1 as it results in the clause being interpreted to mean the published rates are mandatory for all transport workers.
11. The TWU submits that clause 11.1 read as follows: *"The minimum weekly rates of pay for ordinary hours of work are as follows:"*
12. The TWU opposes the inclusion of an applicable minimum daily rate and seeks the retention of the reference to *"20% of the applicable minimum weekly rate"*.

## **Clause 11.2(d) – Guaranteed minimum payment:**

13. The TWU submits that the calculation of rates paid in these circumstances would be the hourly driving rate for the hours actually worked and the difference between 8 hours and the time worked would be paid at base plus 30% disability allowance.

## **Clause 11.5 – Rates of pay – hourly driving method:**

14. The TWU supports the inclusion of separate calculations based on 40 hours, where an RDO is provided, and 38 hours where no RDO is provided.

## **Clause 11.6 – Loading or unloading:**

15. The TWU supports the inclusion of separate calculations based on 40 hours, where an RDO is provided, and 38 hours where no RDO is provided.

## **Clause 12.3(d)(ii) – Housing:**

16. The TWU makes no submission in relation to the question posed in the exposure draft.

**C.3.3 - Training Packages:**

17. The TWU makes no submission in relation to training programmes.

Therese Walton  
National Industrial Officer  
Transport Workers' Union of Australia

4 February 2015