

Fair Work Act 2009

FAIR WORK COMMISSION

s. 156 – 4 yearly review of modern Awards

Storage Services and Wholesale Award 2010 (AM2014/214)

OUTLINE OF JOINT SUBMISSIONS ON OUTSTANDING MATTERS

The Australian Workers' Union

Shop, Distributive & Allied Employees' Association

National Union of Workers

22 January 2016

The Unions' outline of submissions

As per the directions of Deputy President Bull on 14 December 2015¹, the Australian Workers' Union - AWU, Shop, Distributive & Allied Employees' Association - SDA and National Union of Workers - NUW (Unions) have outlined below submissions addressing three outstanding matters relating to the *Storage Services and Wholesale Award 2010* (AM2014/214) (Storage Award).

Clause 6.2 – Full-time employment

1. The provision in the exposure draft as well as the current Storage Award says,

“A full-time employee is one engaged and paid by the week”

2. During the conference before Deputy President Bull on 19 November 2015, The AWU highlighted the clause's inconsistency with s147 of the *Fair Work Act 2009* (Act). The clause as it currently stands fails to specify the ordinary hours of work for full-time employees covered by the Storage Award.
3. To ensure that the clause is compliant with s147 of the Act, the AWU has proposed that the following words replace the current clause,

“A full-time employee is an employee who is engaged to work an average of 38 ordinary hours per week”.

4. However, on the 5 January 2016 conference the Australian Industry Group (AIG) argued that the clause as proposed by the AWU must also contain the following additional words,

“and paid the weekly wage as per cl. 10”.

5. The additional words as proposed by the AIG are not necessary, as they do no work, hence they should be dismissed.
6. The clause proposed by the AWU is consistent s147 of the Act and should also be adopted because it achieves the modern awards objective of providing a modern award, which is simple and easy to understand.

Clause 13 Higher Duties

7. The higher duties clause in the exposure draft reads as follows,

“ 13. Higher Duties

¹ s156 - 4 yearly review of modern awards – *Storage Services and Wholesale Award 2010*, (AM2014/214); directions contained in Deputy President's email of 14 December 2015 to the parties.

13.1 where a weekly employee performs work temporarily at a classification higher than that under which the employee is engaged or deemed to be working, the employee will be paid as follows:

- a) Up to three hours on any one day—the rate prescribed for such higher classification with a minimum of one hour.
- b) Over three hours on any one day—a full day's pay at the rate prescribed for such higher classification.
- c) Over 20 hours in any one week—a full week's pay at the rate prescribed for such higher classification.

13.2 A weekly employee must not suffer any reduction in wages during any week by reason of the employee performing work for a part of such week at a classification lower than that under which the employee was engaged or deemed to be working”.

- 8. At clause 13 of the exposure draft the Commission has asked, “Should clause 13 refer to a full-time or part-time employee instead of a “weekly employee”?”
- 9. The Unions submit that the higher duties clause should apply to all employees.
- 10. The Unions, in seeking this variation propose the following changes to clause 13 of the exposure draft,

“ 13. Higher Duties

13.1 where ~~an a-weekly~~ employee performs work temporarily at a classification higher than that under which the employee is engaged or deemed to be working, the employee will be paid as follows:

- a) Up to three hours on any one day—the rate prescribed for such higher classification with a minimum of one hour.
- b) Over three hours on any one day—a full day's pay at the rate prescribed for such higher classification.
- c) Over 20 hours in any one week—a full week's pay at the rate prescribed for such higher classification.

13.2 ~~—A-weekly~~ An employee must not suffer any reduction in wages ~~during any week~~ by reason of the employee performing work ~~for a part of such week~~ at a classification lower than that under which the employee was engaged or deemed to be working”.

11. The Unions submit that an award entitlement which is confined to weekly employees for no apparent reason² seemingly conflicts with one of the main factors the Commission must take into account in determining a fair and relevant safety net of conditions which is “the principle of equal remuneration for work of equal or comparable value.”³
12. In respect of the likely impact of any exercise of modern award powers on business, including on productivity, employment costs and the regulatory burden” the Unions would see such impacts as negligible.
13. Further, the exclusion of casual employees from the higher duties clause results in confusion about the fact that employer are obliged to pay casual employees the appropriate rate for the work that they are performing from time to time.
14. Moreover, excluding casual employees from the higher duties clause may also result in some employers intentionally engaging casual employees at a particular classification and then temporarily engaging them to work higher duties without the requirement to pay them at the higher rate. This impacts on the casual employee working higher duties without proper compensation and full-time and part-time employees who are not offered the higher duties.
15. The Unions also submit that excluding casual employees from the higher duties clause may potentially result in indirect discrimination against female employees who have higher rates of casual employment. For example, the Australian Bureau of Statistics figures published in May 2014 recorded that 25.6% of female employees are engaged on a casual basis compared to 17.4% of male employees⁴.
16. Additionally, on a merit level, there is no reason why a casual employee should not receive a higher rate of pay when they undertake higher duties.

Previous Full Bench decision

17. We also note that in in respect of the *Pharmaceutical Industry Award 2010 (AM2014/81)* the employer parties and Unions made submissions on the same matter (albeit with slightly different circumstances). The higher duties clause in the *Pharmaceutical Industry Award 2010* only made reference to full-time employees. The AWU during the proceedings argued that part-time and casual employees should not be excluded from the higher duties clause.

² For example, there was no suggestion in the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union – re application for variation of award – T4991 [2000] AIRC 722 29 December 2000 decision to the 25% casual loading including compensation for not receiving higher duties or mixed function entitlements.

³ *Fair Work Act 2009*, section 134(1)(e)

⁴ See:

http://www.abs.gov.au/AUSSTATS/abs@.nsf/Latestproducts/6306.0Main%20Features2May%202014?opendo_cument&tabname=Summary&prodno=6306.0&issue=May%202014&num=&view

18. The Full Bench of the Commission in its 23 October 2015 decision⁵ agreed with the AWU.

19. The AWU's position is summarised by the Full Bench at paragraph [162]⁶ as follows:

"The AWU contend that the term 'full-time employees' is discriminatory towards women who are more likely to perform part-time or casual work. They note that pre-reform and NAPSA Instruments contained generally applying higher duties provisions."

20. At paragraph [164] of the decision the Full Bench notes that Australian Business Industrial and the NSW Business Chamber did not oppose the AWU's position. However, AIG did oppose the extension of the application of the higher duties clause to part-time and casual employees and made submissions to that effect.

21. In consideration of the submissions the Full Bench accepted the notion that the higher duties clause should apply to all employees. Paragraph [170] of the decision⁷ outlines the Full Bench's position that higher duties provisions should apply generally:

"An entitlement to higher duties should apply to all employees carrying out duties in a higher classification. We see no reason why as a matter of industrial merit, this entitlement should be limited to full-time employees".

22. The Unions agree with the Full Bench and submit that there are no reasons to exclude casual employees from the provisions of the higher duties clause.

Pre – reform awards

23. The Unions also conducted a review of the higher duties entitlements in the Storage Award's 46 pre-reform awards. The Unions have outlined these entitlements below at Table 1 – Higher Duties. The table below shows that out of the 46 pre-reform awards only a mere 4 referred to the higher duties payment applying to 'weekly employees'.

24. This review makes it clearly evident that in the overwhelming majority of pre-reform awards the higher duties clause applied to all employees.

⁵ 4 yearly review of modern Awards (AM2014/72 and others) [2015] FWCFB 7236

⁶ [2015] FWCFB 7236 at [162]

⁷ *Ibid*, at [170]

Table 1 – Higher Duties

Item no.	Pre-reform Award	Code	Higher Duties clause	Higher duties clause applies to all employees?
1	Cold Storage and Ice Employees (Northumberland) Award	AN120144	18. Mixed Functions	Yes
2	Cold Storage and Ice Employees (State) Award	AN120145	11. Mixed Functions	Yes
3	Fruit Packing Houses Employees (State) Consolidated Award	AN120220	13. Mixed Functions	Yes
4	Ice Cream Cold Storage (State) Award	AN120256	12. Mixed Functions	Yes
5	Storemen and Packers Bond and Free Stores (State) Award	AN120512	26. Mixed Functions	Yes
6	Storemen and Packers, General (State) Award	AN120513	23. Mixed Functions	Yes
7	Storemen and Packers, Wholesale Paint, Varnish and Colour Stores (State) Award	AN120514	14. Mixed Functions	Yes
8	Warehouse Employees - General (State) Award	AN120633	15. Mixed Functions	Yes
9	Wholesale Fruit and Vegetable Employees' (State) Award	AN120644	23. Mixed Functions	Yes
10	Wholesale Fruit and Vegetable Market Employees (Newcastle, &c.) Award	AN120645	24. Mixed Functions	Yes
11	Cold Storage Enterprise Award 1998	AN120677	27. Mixed Functions	Yes
12	Storemen and Packers, Wholesale Drug	AN120688	33. Mixed	Yes

	Stores (State) Award		Functions	
13	Agricultural Produce, Fruit and Grain Stores' Award - Southern Division (Eastern District) 2002	AN140007	4.2 Mixed Functions	Yes
14	Brisbane Markets Award - 2003	AN140042	4.1 Mixed Functions	Yes
15	Cold Storage and Ice-Making Award - State 2003	AN140074	4.6 Two or More Classes Of Work	Yes
16	General Stores, Warehousing and Distribution Award - State 2002	AN140131		No provisions inserted in this Award relevant to this Part
17	Grain and Associated Products Milling Award - Southern Division 2003	AN140136	4.4 Mixed Functions	Yes
18	Oil Stores Employees' Award - Southern Division (Eastern District) 2003	AN140197		No provisions inserted in this Award relevant to this Part
19	Storeworkers and Packers' Award - Northern and Mackay Division 2003	AN140278		No provisions inserted in this Award relevant to this Part
20	Storeworkers and Packers' Award (Scrap Metal, Etc.) - Northern and Mackay Divisions 2003	AN140279		No provisions inserted in this Award relevant to this Part
21	Wine and Spirit Stores Award - South-Eastern District 2002	AN140316		No provisions inserted in this Award relevant to this Part
22	General Storeworkers, Packers Wholesale Sellers and Distributors Award	AN150057	CLAUSE 5.5 Mixed Functions	Yes
23	Clerks' (Wholesale & Retail Establishments) Award No. 38 of 1947	AN160080	19. - Mixed Functions	Yes

24	Fruit and Produce Market Employees Award No. 50 of 1955	AN160135	13 – Higher Duties	Yes
25	Licensed Establishments (Retail and Wholesale) Award 1979	AN160192	15 – Higher Duties	Yes
26	Shop and Warehouse (Wholesale and Retail Establishments) State Award 1977, The	AN160292	18 – Higher Duties	Yes
27	Supermarkets and Chain Stores (Western Australia) Warehouse Award 1982	AN160303	19 – Higher Duties	Yes
28	Produce Award	AN170083	4 – Higher Duties	Refers to “weekly employees”
29	Wholesale Trades Award	AN170114		No provisions inserted in this Award relevant to this Part.
30	Grocery Products Manufacture - Wholesale Grocers - Award 1999	AP782665	18 – Mixed Functions	Refers to “weekly employees”
31	Retail and Wholesale Industry - Shop Employees - Australian Capital Territory - Award 2000	AP794740		No provisions inserted in this Award relevant to this Part
32	Retail, Wholesale and Distributive Employees (NT) Award 2000	AP794741	25 – Mixed Functions	Yes
33	Storage Services Steel Distributing Award 2000	AP795979	21 – Mixed Functions	Yes
34	Storage Services Retail Victorian Warehouses Award 2000	AP796002	21 – Mixed Functions	Yes
35	Storage Services Australian Capital Territory - National Union of Workers - Award 1998	AP796007	20 – Mixed Functions	Yes
36	Storage Services - General - Award 1999	AP796791	18 – Mixed Functions	Refers to “weekly employees”

37	Storage Services - Wholesale Wine and Spirit Stores - Award 1999	AP796820	20 – Mixed Functions	Refers to “weekly employees”
38	Storage Services - Cotton Handling and Storage - Award 1998	AP796918		No provisions inserted in this Award relevant to this Part
39	Wholesale Trade Industry Sector Minimum Wage Order - Victoria - 1997	AP802956		No provisions inserted in this Award relevant to this Part
40	Storage Services Miscellaneous Stores Award 2001	AP808695	20 – Mixed Functions	Yes
41	Storage Services - Paint Industry - Award 2002	AP814112	17 – Mixed Functions	Yes
42	Storage Services Materials Handling Award 2002	AP815893	18 – Mixed Functions	Yes
43	Storage Services - Fruit Packing - Victoria - Award 2002	AP818390	16 – Mixed Functions	Yes
45	Retail and Wholesale Industry - Retail Distribution Centres Shop, Distributive and Allied Employees' Award 2003	AP822886	21 – Mixed Functions	Yes
46	South Australian Vegetable Processing (NUW) Award 2003	AP823207		No provisions inserted in this Award relevant to this Part

Schedule B.1.3 Summary of hourly rates of pay – Full-time and part-time employees – Overtime rates

25. At Schedule B.1.3 of the exposure draft a table of overtime rates applicable to full-time and part-time employees are provided. The table shows 150% for the first two hours and 200% thereafter for overtime worked between Monday and Saturday. The Unions agree with the overtime rates in the table.

26. However, the AIG has been arguing that the overtime rates for Saturdays in the table at schedule B.1.3 needs to be amended to provide 150% for all time worked on a Saturday. The AIG is basing their argument on the following clause in the current award (emphasis added):

“24.5 Penalty rates for weekends and public holidays

(a) Saturdays

- i. All time worked on a Saturday must be paid for at the rate of time and a half.*
- ii. An employee required to work overtime on a Saturday must be afforded at least three hours’ work or must be paid for three hours at the appropriate rate, except where such overtime is worked immediately prior to or at the conclusion of ordinary hours of work”.*

Consistency with other clauses in the Award

27. The Unions strongly oppose the AIG position. We submit that 150% for the first two hours and 200% thereafter applies to all overtime performed between Monday and ‘Saturday’ and that this is consistent with other clauses in the current Storage Award.

28. The current clause at 24.1 says (emphasis added),

“24.1 Payment for overtime

All time worked by an employee in excess of or outside the ordinary hours of work prescribed by this Award will be paid at the rate of time and a half for the first two hours and double time after that”.

29. Furthermore, the Storage Award specifies that (except by agreement) ordinary hours of work for both day workers and shift workers will be between Monday and Friday inclusive (clauses 22.1 and 25.3(c) respectively).

30. Clause 25.3(d) states that where agreement has been reached, shift work employees may work Saturdays as ordinary hours at the rate of 150%. This entire sub-clause would be rendered superfluous if clause 24.5(a) was interpreted to provide that 'all work' performed on Saturdays is paid at 150%.
31. The Unions submit that the inclusion of clause 24.5(a)(i) should be interpreted as intending to provide the same entitlements for day workers as 25.3(d) does for shift workers (that is, if it is agreed that Saturday forms part of the ordinary hours then employees will be paid a penalty rate of 150%).
32. The Unions submit that the proper interpretation of the Storage Award is that the only circumstance in which Saturday work is to be paid at 150% for the entire day is when, pursuant to clauses 22.1(d) or 25.3(c) of the Award, it has been agreed that the days on which ordinary hours are worked may include Saturday. Otherwise, the overtime rate of 150% for the first two hours then 200% thereafter would apply.
33. Also, as the Storage Award provides for overtime performed on weekdays to be paid at 150% for the first 2 hours and then 200% thereafter, it is clear that employees performing overtime on Saturday should be paid at least at this rate given the additional disadvantages to employees of working overtime on the weekend as opposed to between Monday and Friday.

Award modernisation – making of the Storage Award

34. We further submit that the approach taken by organisations during the award modernisation process supports the Unions' position that, overtime rates between Monday and Saturday are 150% for the first 2 hours and 200% thereafter. The draft awards submitted to the Commission by the NUW (on 7 April 2009) and the AIG (on 6 March 2009) differentiated between ordinary time worked on a Saturday (for which employees would be paid a flat penalty rate of 150%) and overtime worked on a Saturday (for which employees would be paid 150% for the first 2 or 3 hours then 200% thereafter).
35. Moreover, on 22 May 2009 the Commission published the exposure draft for the Storage Award and parties were provided with an opportunity to make submissions. The wording regarding payment on Saturdays was at clause 24.5(a)(i) of the 22 May 2009 exposure draft. We note that the clause has remained unchanged in the current Storage Award at 24.5(a)(i).
36. The Unions have looked at the transcripts for all the hearings connected to the making of the Storage Award. In the transcript of 22 June 2009 parties specifically commented on the effect of clause 24.5(a)(i) of the 22 May 2009 exposure draft. The transcript shows that the AIG and the NUW both agreed that overtime rates are 150% for the first 2 hours and 200% thereafter between Monday and Saturday.

37. At PN533 of the 22 June 2009 transcript Ms V Paul, the representative for the AIG stated the following (emphasis added):

“Similarly the AFEI and ABL have all asked for early morning shifts and we refer the Commission to our submissions in that regard. An issue was raised by the NUW regarding the Saturday penalty provisions for time and a half. In the exposure draft, we’ve made some suggested amendments. We believe that the proposition as we read it in the exposure draft is that ordinary time worked on a Saturday would attract a penalty of time and a half for the first two hours and double time thereafter. That is the case, we say, that that is excessive and what should be granted for ordinary time worked on a Saturday should simply be time and a half, which is an existing standard. The NUW and AIG are apart only in terms of how we read the exposure draft. I think there is one common mind that ordinary time worked on a Saturday should attract a penalty rate of time and a half only. And, any overtime worked on a Saturday should attract time and a half for the first two hours and double time thereafter”.

38. At PN562 and PN563 of the 22 June 2009 transcript the NUW representative Mr Kennedy stated the following in response to the AIG’s comments at PN533 (emphasis added),

“The common standard for overtime and penalty rates for the industry and as it is reflected in the Storage Services General Award is as follows. The days on which ordinary hours may be worked can include Saturday and Sunday with majority agreement. If this is the case then Saturday work is paid at a minimum of time and a half all day.

If overtime is worked and is worked in a Saturday then the minimum payment is time and a half for the first two hours and double time thereafter, and on Sunday it is all double time. We say that if the Award reflects that standard clearly then I think the AIG and the NUW aren't at cross purposes. We just think that their clause 24.5(a) is confusing because it deals with this ordinary hour issue under the title of overtime, under the clause titled overtime. So we don't think there is any need to confuse that further but just to structure it appropriately. They are the extent of our comments with respect to the AIG. We just might make a quick comment in respect of the submission made by terminals, and this may be a matter that needs to be pursued at another time in the oil and gas industry”.

39. The transcript shows that the AIG and the NUW both agreed that overtime rates are 150% for the first 2 hours and 200% between Monday and Saturday. The NUW had even suggested at PN563 above, at restructuring the clause to make it clear that working overtime on Saturday amounts to 150% for the first 2 hours and 200% thereafter. However, since all parties understood that working

ordinary time on a Saturday is 150% and working overtime on a Saturday is 150% for the first 2 hours and 200% thereafter, no changes seemed to have been made to the clause.

Practice in the industry

40. We further note that major enterprise agreements that have been underpinned by the Storage Award (for BOOT purposes) and include the AWU, SDA or NUW as a party have interpreted the overtime rate in the Storage Award on a Saturday as 150% for the first 2 hours and 200% thereafter.
41. The Unions have also conducted a review of the Storage Award's 46 pre-reform awards. Table 2 – Overtime rates below outlines overtime rates and rates for Saturday and Sundays in all 46 pre-reform Awards. In every single one of the 46 pre-reform awards, the overtime rate on a Saturday was at least equivalent to the overtime rate paid between Monday and Friday, with the Sunday rate being at least 200% for all time worked.
42. It is disappointing that the AIG is seeking to amend the rates table at B.1.3 of the exposure draft to provide 150% for all hours of work, despite it being: (1) a clear and significant deviation from their earlier position as represented by their advocate Ms V Paul during the making of the Storage Award; (2) inconsistent with other clauses in the Storage Award; (3) and inconsistent with industry practice.
43. The Unions seek that the rates table at B.1.3 of the exposure draft remain unchanged and that clause 24.5(a)(i) of the current Storage Award is amended to remove any ambiguity in relation to the fact that all overtime worked on Saturday should be paid at 150% for the first two hours and 200% thereafter. Therefore, the Unions submit that clause 24.5(a)(i) of the current Storage Award must be amended so it reads:

"24.5 Penalty rates for weekends and public holidays

(a) Saturdays

- i. ~~All time~~ All ordinary time worked on a Saturday must be paid for at the rate of time and a half.*
- ii. An employee required to work overtime on a Saturday must be afforded at least three hours' work or must be paid for three hours at the appropriate rate, except where such overtime is worked immediately prior to or at the conclusion of ordinary hours of work".*

Table 2 – Overtime rates

Item no.	Pre-reform Award	Code	Overtime rate	Saturday and Sunday rate
1	Cold Storage and Ice Employees (Northumberland) Award	AN120144	<p>Clause 7. Overtime</p> <ul style="list-style-type: none"> Overtime – 150% for first 2 hours and 200% thereafter. 	<p>Clause 10. Saturday and Sunday work</p> <ul style="list-style-type: none"> Saturday – 150% for all ‘ordinary time’ worked. Saturday – All overtime - 150% for the first 2 hours and 200% thereafter for all overtime worked. Sunday - 175% for all ‘ordinary time’ worked. 200% for all overtime work.
2	Cold Storage and Ice Employees (State) Award	AN120145	<p>Clause 8. Overtime</p> <ul style="list-style-type: none"> Overtime - and Saturday– 150% for first 2 hours, 200% thereafter. 	<p>Clause 8. Overtime</p> <ul style="list-style-type: none"> Saturday – All overtime - 150% for the first 2 hours and 200% thereafter for all overtime worked. <p>Clause 14. Sundays and Holidays</p> <ul style="list-style-type: none"> 200% for all time worked on a Sunday.
3	Fruit Packing Houses Employees (State) Consolidated Award	AN120220	<p>Clause 6. Overtime</p> <ul style="list-style-type: none"> Overtime - 150% for first 2 hours 200% thereafter. 	<p>Clause 6. Overtime</p> <ul style="list-style-type: none"> Saturday – 150% for first 2 hours 200% thereafter.

				<ul style="list-style-type: none"> • Sunday – 200% for all time worked.
4			<p>Clause 6. Overtime And Sunday</p> <ul style="list-style-type: none"> • Overtime - 150% for first 2 hours 200% thereafter. 	<p>Clause 6. Overtime And Sunday</p> <ul style="list-style-type: none"> • Saturday – 150% for first 2 hours 200% thereafter. • Sunday – 200% for all time worked.
	Ice Cream Cold Storage (State) Award	AN120256		
5			<p>Clause 6. Overtime</p> <ul style="list-style-type: none"> • Overtime – 150% for first 2 hours 200% thereafter. 	<p>Clause 6. Overtime</p> <ul style="list-style-type: none"> • Saturday – 150% for first 2 hours 200% thereafter.
	Storemen and Packers Bond and Free Stores (State) Award	AN120512		
6			<p>Clause 16. Overtime</p> <ul style="list-style-type: none"> • Overtime – 150% for first 2 hours 200% thereafter. 	<p>Clause 11. Sunday And Holiday Rates Of Pay</p> <ul style="list-style-type: none"> • All time worked on Sundays – 300%. <p>Clause 16. Overtime</p> <ul style="list-style-type: none"> • Saturday – 150% for first 2 hours 200% thereafter or after 12pm. <p>Clause 25. Holiday And Sunday Rates Of Pay</p> <ul style="list-style-type: none"> • All time worked on Sunday – 250%.
	Storemen and Packers, General (State) Award	AN120513		

7	Storemen and Packers, Wholesale Paint, Varnish and Colour Stores (State) Award	AN120514	<p>Clause 7. Overtime</p> <ul style="list-style-type: none"> Overtime – 150% for first 2 hours 200% thereafter. 	<p>Clause 7. Overtime</p> <ul style="list-style-type: none"> Saturday – 150% for first 2 hours 200% thereafter or after 12pm. Sunday – 200% for all time worked.
8	Warehouse Employees - General (State) Award	AN120633	<p>Clause 9. Overtime</p> <ul style="list-style-type: none"> Overtime – 150% for first 2 hours 200% thereafter. 	<p>Clause 9. Overtime</p> <ul style="list-style-type: none"> Saturday – 150% for first 2 hours 200% thereafter or after 11am. <p>Clause 11. Holidays And Sundays</p> <ul style="list-style-type: none"> Sunday – 200% for all time worked.
9	Wholesale Fruit and Vegetable Employees' (State) Award	AN120644	<p>Clause 4. OVERTIME</p> <ul style="list-style-type: none"> Overtime – 150% for first 3 hours 200% thereafter. 	<p>Clause 4. Overtime</p> <ul style="list-style-type: none"> Saturday – 150% for first 3 hours 200% thereafter. Sunday – 200%. <p>Clause 6. Saturday, Sunday And Holiday Rates Of Pay</p> <ul style="list-style-type: none"> Saturday – All ordinary time – 150%.

				<ul style="list-style-type: none"> • Sunday – All ordinary time - 200%.
10	Wholesale Fruit and Vegetable Market Employees (Newcastle, &c.) Award	AN120645	<p>Clause 5. Overtime</p> <ul style="list-style-type: none"> • Overtime – 150% for first 2 hours and 200% thereafter. 	<p>Clause 7. Saturday, Sunday And Holiday Rates</p> <ul style="list-style-type: none"> • Saturday – All time worked – 150% for first 2 hours and 200% thereafter. • Sunday – All time worked - 200%.
11	Cold Storage Enterprise Award 1998	AN120677	<p>Clause 10. Overtime</p> <ul style="list-style-type: none"> • Overtime – 150% for first 2 hours and 200% thereafter. 	<p>Clause 10. Overtime</p> <ul style="list-style-type: none"> • Saturday – All time worked – 150% for first 2 hours and 200% thereafter. <p>Clause 13. Sundays And Public Holidays</p> <ul style="list-style-type: none"> • Sunday – 200%.
12	Storemen and Packers, Wholesale Drug Stores (State) Award	AN120688	<p>Clause 10. Overtime</p> <ul style="list-style-type: none"> • Overtime – 150% for first 2 hours and 200% thereafter. 	<p>Clause 10. Overtime</p> <ul style="list-style-type: none"> • Saturday – 150% for first 2 hours 200% thereafter or after 12pm. <p>Clause 16. Holiday And Sunday Rates Of Pay</p> <ul style="list-style-type: none"> • Sunday – All time worked - 200%.

13	Agricultural Produce, Fruit and Grain Stores' Award - Southern Division (Eastern District) 2002	AN140007	<p>Clause 6.6 Overtime</p> <ul style="list-style-type: none"> Overtime - 150% for first 3 hours 200% thereafter. 	<p>Clause 6.7 Saturday Work</p> <ul style="list-style-type: none"> Saturday - All time worked- 150% for first 3 hours 200% thereafter. <p>Clause 6.8 Sunday Work</p> <ul style="list-style-type: none"> All time worked on Sunday shall be paid for at the rate of double time.
14	Brisbane Markets Award - 2003	AN140042	<p>Part 6 - Hours Of Work, Breaks, Overtime, Shift Work, Weekend Work</p> <p>Clause 6.3 Overtime</p> <ul style="list-style-type: none"> Overtime worked within spread of hours – 150% first 3 hours, 200% thereafter. All time worked outside of spread of ordinary hours will be 200%. 	<p>Part 6 - Hours Of Work, Breaks, Overtime, Shift Work, Weekend Work</p> <p>Clause 6.1 Hours Of Work</p> <ul style="list-style-type: none"> Saturday – ordinary hours 150% for first 4 hours and 200% thereafter. Sunday – all time worked – 200%.
15	Cold Storage and Ice-Making Award - State 2003	AN140074	<p>Clause 6.3 OVERTIME</p> <ul style="list-style-type: none"> Overtime - 150% for first 3 hours 200% thereafter. 	<p>Clause 6.3 Overtime</p> <ul style="list-style-type: none"> Saturday – 150% for the first 3 hours 200% thereafter. Sunday – All time worked - 250%.

16	General Stores, Warehousing and Distribution Award - State 2002	AN140131	<p>Clause 6.4 Overtime</p> <ul style="list-style-type: none"> Overtime - 150% for first 3 hours 200% thereafter. 	<p>Clause 6.4 Overtime</p> <ul style="list-style-type: none"> Saturday – 150% for the first 3 hours 200% thereafter. <p>Clause 6.5 Saturday, Sunday And Holiday Work</p> <ul style="list-style-type: none"> Sunday – All time worked- 200%.
17	Grain and Associated Products Milling Award - Southern Division 2003	AN140136	<p>Clause 6.4 Overtime</p> <ul style="list-style-type: none"> Overtime - 150% for first 3 hours 200% thereafter. 	<p>Clause 6.4 Overtime</p> <ul style="list-style-type: none"> Saturday – 150% for the first 3 hours 200% thereafter. Sunday – 200%.
18	Oil Stores Employees' Award - Southern Division (Eastern District) 2003	AN140197	<p>Clause 6.5 Overtime Other than Shift Overtime</p> <ul style="list-style-type: none"> Monday to Friday (before 8am and after 5pm) – 150% for the first 3 hours and 200% thereafter. 	<p>Clause 6.6 Saturday Work</p> <ul style="list-style-type: none"> Saturday – 150% for first 2 hours 200% (after 12pm on Saturdays also) thereafter <p>Clause 6.7 Sunday Work</p> <p>Sunday – All time worked - 200%.</p>
19	Storeworkers and Packers' Award -	AN140278	<p>Clause 6.4 Overtime</p>	<p>Clause 6.4 Overtime</p>

	Northern and Mackay Division 2003		<ul style="list-style-type: none"> Overtime - 150% for first 3 hours 200% thereafter. 	<ul style="list-style-type: none"> Saturday – 150% for the first 3 hours 200% thereafter. Sunday – 200%.
20	Storeworkers and Packers' Award (Scrap Metal, Etc.) - Northern and Mackay Divisions 2003	<u>AN140279</u>	<p>PART 6 - Hours of Work, Breaks, Overtime, Shift Work, Weekend Work</p> <p>No provisions inserted in this Award relevant to this Part.</p>	
21	Wine and Spirit Stores Award - South-Eastern District 2002	<u>AN140316</u>	<p>Clause 6.2 Overtime</p> <ul style="list-style-type: none"> Overtime - 150% for first 3 hours 200% thereafter. 	<p>Clause 6.2 Overtime</p> <ul style="list-style-type: none"> Saturday – 150% for the first 3 hours 200% thereafter. Sunday – 200%.
22	General Storeworkers, Packers Wholesale Sellers and Distributors Award	<u>AN150057</u>	<p>Clause 6.2 Overtime</p> <ul style="list-style-type: none"> Overtime - 150% for first 3 hours 200% thereafter. 	<p>Clause 6.6 Saturday And Sunday Work</p> <ul style="list-style-type: none"> Saturday – All time worked - 150% for the first 3 hours 200% thereafter. Sunday – 200%.
23	Clerks' (Wholesale & Retail Establishments) Award No. 38 of 1947	<u>AN160080</u>	<p>Clause 8. Overtime</p> <ul style="list-style-type: none"> Overtime - 150% for first 2 hours 200% thereafter. 	<p>Clause 8. Overtime</p> <ul style="list-style-type: none"> Saturday – 150% for first 2 hours 200% thereafter or between 1pm – 6pm. Sunday – 200%.

24	Fruit and Produce Market Employees Award No. 50 of 1955	AN160135	<p>Clause 8. Overtime</p> <p>For all time worked by weekly or casual workers:-</p> <ul style="list-style-type: none"> Overtime - 150% for first 2 hours 200% thereafter. 	<p>Clause 8. Overtime</p> <ul style="list-style-type: none"> Saturday - 150% for first 2 hours 200% thereafter, except after midday where overtime rate is 200%. Sunday – 200% (on basis that Sunday does not appear to be included in spread (cl.7)).
25	Licensed Establishments (Retail and Wholesale) Award 1979	AN160192	<p>Clause 9. Overtime</p> <ul style="list-style-type: none"> Overtime - 150% for first 2 hours 200% thereafter. 	<p>Clause 9. Overtime</p> <ul style="list-style-type: none"> Saturday - 150% for first 2 hours 200% thereafter. Sunday – 200%.
26	Shop and Warehouse (Wholesale and Retail Establishments) State Award 1977, The	AN160292	<p>Clause 13. Overtime</p> <ul style="list-style-type: none"> Overtime - 150% for first 2 hours 200% thereafter. 	<p>Clause 13. Overtime</p> <ul style="list-style-type: none"> Saturday - 150% for first 2 hours 200% thereafter, except after midday where overtime rate is 200% Sunday – 200%.

27	Supermarkets and Stores Chain (Western Australia) Warehouse Award 1982	AN160303	<p>Clause 14. Overtime</p> <ul style="list-style-type: none"> Overtime - 150% for first 2 hours 200% thereafter. 	<p>Clause 14. Overtime</p> <ul style="list-style-type: none"> Saturday - 150% for first 2 hours 200% thereafter, except after midday where overtime rate is 200%. Sunday – 200%.
28	Produce Award	AN170083	<p>Clause 4. Overtime Rates</p> <ul style="list-style-type: none"> Overtime - 150% for first 3 hours 200% thereafter. 	<p>Clause 4. Overtime Rates</p> <ul style="list-style-type: none"> Saturday - 150% for first 3 hours 200% thereafter. <p>2. Holidays With Pay and Sunday Work</p> <ul style="list-style-type: none"> Sunday – 200%.
29	Wholesale Trades Award	AN170114	<p>Clause 7. Overtime</p> <ul style="list-style-type: none"> Overtime - 150% for first 2 hours 200% thereafter. 	<p>Clause 8. Saturday, Sunday And Holiday Work</p> <ul style="list-style-type: none"> Saturday Work (i) Where the employer's business premises are regularly open for normal business on Saturday – 200%.

			(ii) Where the employer's business premises are not open for normal business - 150% for first 2 hours 200% thereafter.
30	Grocery Products - Manufacture - Wholesale Grocers - Award 1999	AP782665	<p>Clause 26. Overtime</p> <ul style="list-style-type: none"> Overtime - 150% for first 2 hours, 200% thereafter. <p>Clause 26. Overtime</p> <ul style="list-style-type: none"> Saturday - 150% for first 2 hours 200% thereafter. <p>28. Sunday Work</p> <ul style="list-style-type: none"> Sunday – 200%.
31	Retail and Wholesale Industry - Shop Employees - Australian Capital Territory - Award 2000	AP794740	<p>Clause 26. Overtime</p> <ul style="list-style-type: none"> Overtime - 150% for first 2 hours, 200% thereafter. <p>Clause 26.3. Overtime - Monday to Saturday</p> <ul style="list-style-type: none"> Saturday - 150% for first 2 hours 200% thereafter. <p>26.4 Overtime - Sundays</p> <ul style="list-style-type: none"> Sunday – 200%.
32	Retail, Wholesale and Distributive Employees (NT) Award 2000	AP794741	<p>Clause 30. Overtime</p> <ul style="list-style-type: none"> Overtime - 150% for first 3 hours, 200% thereafter. <p>Clause 0. Overtime</p> <ul style="list-style-type: none"> Saturday - 150% for first 2 hours 200% thereafter.

			Clause 33. Sundays And Public Holidays
			<ul style="list-style-type: none"> • Sunday – 200%.
33		Clause 26. Overtime	Clause 28. Saturday Work
	Storage Services Steel Distributing Award 2000	<ul style="list-style-type: none"> • Overtime - 150% for first 2 hours, 200% thereafter. 	<ul style="list-style-type: none"> • Saturday - 150% for first 2 hours 200% thereafter.
		Clause 29. Sunday Work	<ul style="list-style-type: none"> • Sunday – 200%.
		Clause 28. Overtime	Clause 28. Overtime
34	Storage Services Retail Victorian Warehouses Award 2000	<ul style="list-style-type: none"> • Overtime - 150% for first 2 hours, 200% thereafter. 	<ul style="list-style-type: none"> • Saturday - 150% for first 2 hours 200% thereafter.
		Clause 27.4 Sunday work	<ul style="list-style-type: none"> • All work on Sunday at 200%.
		Clause 26. Overtime	Clause 26. Overtime
35	Storage Services Australian Capital Territory - National Union of Workers - Award 1998	<ul style="list-style-type: none"> • Overtime - 150% for first 2 hours, 200% thereafter. 	<ul style="list-style-type: none"> • Saturday - 150% for first 2 hours 200% thereafter.
		Clause 27. Sunday Work	<ul style="list-style-type: none"> • All work on Sunday at 200%.
		<u>AP796007</u>	

36	Storage Services - General - Award 1999	AP796791	<p>Clause 24. Overtime</p> <ul style="list-style-type: none"> Overtime - 150% for first 2 hours, 200% thereafter. 	<p>Clause 24. Overtime</p> <ul style="list-style-type: none"> Saturday – 150% for first 2 hours, 200% thereafter. <p>Clause 26. Sunday Work</p> <ul style="list-style-type: none"> All work on Sunday at 200%.
37	Storage Services - Wholesale Wine and Spirit Stores - Award 1999	AP796820	<p>Clause 27. Overtime</p> <ul style="list-style-type: none"> Overtime - 150% for first 2 hours, 200% thereafter. 	<p>Clause 27.4. Overtime on Saturday</p> <ul style="list-style-type: none"> Overtime - 150% for first 2 hours, 200% thereafter (based on Saturday being outside ordinary hours, 25.2). <p>Clause 29. Sundays And Holiday Work</p> <ul style="list-style-type: none"> All work on Sunday at 200%.
38	Storage Services - Cotton Handling and Storage - Award 1998	AP796918	<p>Clause 20. Overtime</p> <ul style="list-style-type: none"> Overtime - 150% for first 3 hours, 200% thereafter. 	<p>Clause 21. Saturday Work</p> <ul style="list-style-type: none"> Saturday – 150% for first 3 hours, 200% thereafter. <p>Clause 22. Sunday Work</p> <ul style="list-style-type: none"> All work on Sunday at 200%.
39	Wholesale Trade Industry Sector	AP802956	No reference to overtime	

	Minimum Wage Order - Victoria - 1997			
40	Storage Services Miscellaneous Stores Award 2001	AP808695	<p>Clause 26. Overtime clause</p> <ul style="list-style-type: none"> Overtime - 150% for first 2 hours, 200% thereafter. 	<p>Clause 26. Overtime</p> <ul style="list-style-type: none"> Saturday – 150% for first 2 hours, 200% thereafter. <p>Clause 28. Sunday Work</p> <ul style="list-style-type: none"> All work on Sunday at 200%.
41	Storage Services - Paint Industry - Award 2002	AP814112	<p>Clause 21. Overtime</p> <ul style="list-style-type: none"> Overtime - 150% for first 2 hours, 200% thereafter. 	<p>Clause 21. Overtime</p> <ul style="list-style-type: none"> Saturday - 150% for first 2 hours, 200% thereafter. <p>Clause 23. Sunday Work And Public Holidays</p> <ul style="list-style-type: none"> An employee required to work on a Sunday shall be paid at the rate of two and one half times the ordinary rate with a minimum payment of four hours.
42	Storage Services Materials Handling Award 2002	AP815893	<p>Clause 25. Overtime</p> <ul style="list-style-type: none"> Overtime - 150% for first 3 hours, 	<p>Clause 27. Saturday Work</p> <ul style="list-style-type: none"> Saturday - 150% for first 3 hours, 200%

			200% thereafter.	thereafter. Clause 28. Sunday Work <ul style="list-style-type: none"> All work on Sunday at 200%.
43			Clause 23. Overtime <ul style="list-style-type: none"> Overtime - 150% for first 2 hours, 200% thereafter. 	Clause 25. Saturday Work <ul style="list-style-type: none"> Saturday – 150% for first 2 hours, 200% thereafter (provided that all time worked after midday shall be 200%).
	Storage Services - Fruit Packing - Victoria - Award 2002	AP818390		Clause 26. Sunday Work <ul style="list-style-type: none"> All work on Sunday at 200%.
45	Retail and Wholesale Industry - Retail Distribution Centres Shop, Distributive and Allied Employees' Award 2003	AP822886	Clause 28. Overtime <ul style="list-style-type: none"> Overtime - 150% for first 2 hours, 200% thereafter. 	Clause 28. Overtime <ul style="list-style-type: none"> Saturday – 150% for first 2 hours, 200% thereafter. Clause 23. Rate for Work on Sunday <ul style="list-style-type: none"> All work on Sunday at 200%.
46	South Australian Vegetable Processing (NUW) Award 2003	AP823207	Clause 21. Overtime <ul style="list-style-type: none"> Overtime - 150% 	Clause 21. Overtime <ul style="list-style-type: none"> Saturday – 150% All work on Sunday at 200% (except during seasonal activity (see 21.2.1)).