



Transport Workers' Union

National Office

388-390 Sussex St, Sydney 2000 NSW • p: (02) 8114 6500 • f: (02) 9267 3222
www.twu.com.au • twu@twu.com.au • ABN: 18 559 030 246

Tony Sheldon National Secretary

4 February 2015

Fair Work Commission
80 William Street
EAST SYDNEY 2010

By email: amod@fwc.gov.au

Dear Associate

AM2014/216 – Waste Management 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

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.: AM2014/216 – *Waste Management 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 and Distribution 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 6.4(d) – Part-time employees

3. The TWU submits that the proposed clause should, for the sake of clarity, be amended to read as follows: *"The terms of the agreement made pursuant to 6.4(c) or any variation ..."*.

Clause 6.5(g) – Casual provisions

4. The parties have been asked to provide a list of Award provisions that do not apply to casuals. The TWU provides the following:

Annual leave
Personal/Carer's leave
Community Service Leave
Parental Leave
Paid public holidays
Rostered days off
Notice of Termination
Redundancy

Clause 9.2(c) – Overtime meal breaks

5. The TWU objects to the proposed wording of this clause and seeks the reinstatement of existing clause 29.2(c) as it is more easily understood.

Clause 16.6 – Sunday Work

6. The parties have been asked to comment on the application of this provision. The TWU submits that the clause should apply to all days of the week as is the case in many other awards.

Clause 16.8 – Call back on a Saturday or Sunday

7. The TWU submits that this provision should be renamed "on call" and should apply to all days and hours that an employee is required to hold himself/herself in readiness for call-back. In these circumstances the ordinary hourly rate should apply.
8. Following the submission above, it will be necessary to provide call-back provisions covering the minimum call-back and the applicable rate of pay.

Clause 20.6(a) – Weekly employee

9. The parties have been asked to clarify the meaning of "weekly employee". The TWU submits that a "weekly employee" has the same meaning, for the purpose of this clause, as a "permanent employee".

Clause 20.6(b) – Payment for work on public holidays

10. The parties have been asked to make submissions about whether the rates in the table are correct with reference to the wages in clause 32.5 of the exposure draft. There is no clause 32.5 in the exposure draft so the TWU reserves its position in relation to this matter.
11. The TWU suggests that this matter be discussed at the Conference on 13 February.

Clause 32.6(a) – of Current Award

12. The parties have been asked to comment on whether there is a difference between 'Christmas Day' and 'Christmas Day Holiday'. The TWU submits that there is a difference. The 'Christmas Day Holiday' applies to a substituted public holiday in circumstances where Christmas Day falls on a weekend. 'Christmas Day' has its ordinary meaning.

D.3.3 – Training packages

13. The TWU makes no submission in relation to this matter.

D.7 – Traineeship packages

14. The TWU makes no submission in relation to this matter.

Therese Walton
National Industrial Officer
Transport Workers' Union of Australia

4 February 2015