



REPORT TO THE FULL BENCH

Fair Work Act 2009

s.156 - 4 yearly review of modern awards

NURSERY AWARD 2010

(AM2014/238) [MA000033]

DEPUTY PRESIDENT CLANCY

MELBOURNE, 25 AUGUST 2016

Nursery Award 2010

NURSERY AWARD 2010

[1] A conference was held in Melbourne, with video links to Sydney and Adelaide on 30 May 2016 attended by representatives of:

- Business SA
- The Australian Federation of Employers and Industry (AFEI)
- The Australian Workers' Union (AWU)

[2] The parties discussed the exposure draft of the *Nursery Award 2015* as published on 29 July 2016 and the Summary of Submissions dated 22 July 2016 completed by the Fair Work Commission and addressed the items still in dispute or under discussion.

[3] As to Item 9, the AFEI and Business SA advised they oppose the AWU's proposal to insert a new sub clause 6.5(f) stating "*A casual employee's ordinary hours of work are the lesser of 38 hours per week of the hours required to be worked by the employer*" on the basis that it represents a substantive change. The parties suggested this item should be re-visited after the decisions in the Casual and Part-time employment Common issue proceedings are handed down.

[4] As to Item 13, the parties in attendance confirmed they would agree to substituting the word "*day*" for the word "*morning*" in sub clause 10.2(a).

[5] As Item 20, while the parties in attendance supported the rates as they appear in Table B.3.2 of Schedule B of the exposure draft of the *Nursery Award 2015* as published on 29 July 2016, the AFEI and Business SA indicated support for a consistent approach across Awards regarding the titles of the tables and the use of the term "*ordinary hourly rate*" as opposed to "*minimum hourly rate*". As such, this table should be considered in light of any submission filed by the AiGroup outlining its position across a range of Awards on the issue of adopting the term "*ordinary hourly rate*" as opposed to "*minimum hourly rate*" in tables outlining overtime rates for casual employees.



DEPUTY PRESIDENT

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