

Dear Fair Work Commission.

Please find attached CPSU submissions in reply regarding the *Airport Employees Award Exposure Draft* in AM2014/255 in Group 4B. The CPSU apologises for the delay in providing these submissions.

I request the Fair Work Commission exercise its discretion and accept these submissions notwithstanding they were not made in compliance with Directions for filing material regarding this award.

Regards,

K.B

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IN THE FAIR WORK COMMISSION

2014 Award Review

(AM2014/255)

Community and Public Sector Union (CPSU) (PSU Group)

Submissions regarding technical and drafting issues in *Airport Employees Award Exposure Draft*

1. The CPSU makes these submissions in accordance with President Ross's Statement of 15 July 2016. The submissions respond to issues raised by the AMWU in their submissions of 30 June 2016 and also identifies other technical and drafting issues with the *Airport Employees Award Exposure Draft* of 2 June 2016.

Question on page 3 and 67 of Exposure Draft

2. The questions on page 3 and 67 of Exposure Draft ask whether the definition of standard rate in clause 2 Definitions should reflect the formula for calculating hourly wages for overtime purposes contained in clause 22.3(b). In response to this question, the AMWU in their submissions of 30 June 2016 detail the background of the parties issues regarding calculating wages during award modernisation. The conclusion proposed by the AMWU is that the standard rate should reflect this formula.
3. The CPSU supports the conclusion proposed by the AMWU. We say definition of standard rate in clause 2 Definitions should reflect the formula for calculating hourly wages for overtime purposes contained in clause 22.3(b).

Question on page 12 of the Exposure Draft

4. The question on page 12 asks whether meal breaks are paid or unpaid in clause 18.1. In response to this question, the AMWU in their submissions of 30 June 2016, the AMWU say meal breaks for shift workers are paid and for day workers unpaid. The CPSU supports this position.

Question on page 21 of the Exposure Draft

5. The question on page 21 of the Exposure Draft asks whether there should be a motor vehicle allowance, as the award does not currently provide one. And if so, whether clause 20.3(d)(v) should be amended. In response to this question, the AMWU in their submissions of 30 June 2016, say they do not have strong views and suggested some tentative views.
6. The CPSU does not have a strong view whether a motor vehicle allowance is required to be included, but would support such a provision being included.
7. However, the CPSU would oppose any amendment to clause 20.3(d)(v) to provide such a vehicle allowance. Clause 20.3(d) deals with reimbursement of airfares for employees in a

remote locality. It does not deal with work related travel. This provision should not be altered.

Question on page 22 of the Exposure Draft

8. The question on page 22 of the Exposure Draft is whether the formula in 20.3(d)(f)(iii) should say "B equals the number of days covered by the acceptable account." The CPSU does not believe this provision needs alteration and there is no suggestion from the parties there are difficulties with its operation in practice.

Question on page 35 of the Exposure Draft

9. The question on page 35 of the Exposure Draft is whether clause 27.8 which deals with rostered days off falling on a public holiday is for payment in addition to payment for the public holiday. In response to this question, the AMWU in their submissions of 30 June 2016, say the payment would be additional to the payment for the public holiday.
10. The CPSU supports the AMWU submission and says this provision is aimed at providing the benefit of the public holiday off to employees like shiftworkers who due to their arrangement of work had their RDO fall on that public holiday. Such an employee would have their RDO and an additional day off.

Other issues contained in the Exposure Draft

Clause 23.2 Shift payment

11. Exposure Draft clause 23.2 re-drafts current award clause 28.1 and largely reproduces those provisions. It says: "(a) A shiftworker whilst on a shift, any part of which is a night shift must be paid 115% of the minimum hourly rate . . ." However, current award clause 28.1 contains the words 'must be paid for such shift 15%' words that are not included in the proposed Exposure Draft clause 23.2. The omission could cause possible ambiguity as to whether all hours of that shift are to be paid at 115%, which is the effect of the current provision. The CPSU says these words 'must be paid for such shift' should be incorporated within Exposure Draft in clause 23.2.

Clause 22.7 On call and stand by

12. Exposure Draft clause 22.7(c) and (d) use the expression 'minimum wages' which is defined in (d) to include allowances. The expression used in the current award clause 30.6 is 'hourly rate of salary'. The CPSU accepts the wage rate in clause 22.7 should include relevant allowances. However we are concerned at the use of the expression minimum wages, which usually excludes allowances. The CPSU suggests this tension may be resolved by using the expression 'ordinary hourly rate' which for clause 22.7 include allowances in the nature of salary, higher duties, etc.

Clause 22.7 On call and stand by

13. Exposure Draft clause 22.7 no longer contains the formula for calculating the hourly rate of payment which was contained in clause 30.6(f) of the current award. The CPSU sees no reason for the formula to be omitted and suggests for consistency it be included in the Exposure Draft.

Clause 24.3 Broken leave

14. Exposure Draft clause 24.3 has been slightly redrafted when compared to current award clause 31.3. The redrafting consists in omitting sub-clauses and creating them as stand alone provisions and deleting the expression 'providing that'. The CPSU believes Exposure Draft clauses 24.3(c) and (d) should properly fall under clause 24.3(b) as restrictions upon the operation of the flexibility provided in clause 24.3(b). It is the CPSU's view the existing formatting of clause 31.3 should be retained.

26 July 2016

CPSU - SYDNEY