

Fair Work Commission
Terrace Tower, 80 William Street
East Sydney NSW 2011
By email: amod@fwc.gov.au

15 October 2014

Re: AM2014/88 AWU reply submissions for the Exposure Draft of the Salt Industry Award 2010

AWU submissions

The Australian Workers' Union (AWU) has reviewed the submissions from ABL and AIG and submits the following in reply:

Australian Industry Group (AIG)

1. Clause 6.4(c): The AWU opposes the AIG's submission at [179] in relation to casual loading. The AWU submits that casual loading must be calculated on ordinary rates, which include, the industry allowance under clause 11.3 (a) and 11.3 (b) of the Exposure Draft. This allowance is paid for all purposes of the award.
2. Clause 10.5(a) (iv): The existing annualised salary clause allows an employer to pay an annual salary in satisfaction of "annual leave loading". The annualised salary clause in the Exposure Draft has replaced "annual leave loading" with "annual leave". Given the Commission's intention is not to amend entitlements, the existing wording of the "annualised salary arrangements" clause should be retained.
3. Clauses 13.1 to 13.3: The AWU opposes AIG's submission at [187] in relation to shift work, weekend work and public holiday penalties. The AWU submits that the relevant penalties at 13.1 to 13.3 of the Exposure Draft should each be expressed as a percentage of the ordinarily hourly rate of pay. The ordinarily hourly rate includes the all-purpose allowance as required under clause 15.3 (a) and (b) of the current award.
4. Clause 14.2(a)(i): The AWU agrees with the AIG at [188].

5. Clauses: 14.2,14.3 and 14.5(b): The AWU opposes the AIG's submission at [189] in relation to overtime. Clauses: 14.2,14.3 and 14.5(b) refers to "ordinary hourly rate of pay" for overtime because the ordinarily hourly rate includes the all-purpose allowance as required under clause 15.3 (a) and (b) of the current award.
6. Clause 14.4(b): The AWU rejects the AIG's submission at [190]. The words "loadings or" should be deleted from clause 14.4 (b) of the Exposure Draft. The AWU submits that casual loading forms part of the all-purpose rate, which infers that it is payable on overtime hours.
7. Schedule B – Clauses B.1.1. B.1.2, B.1.3, B.2.1, B.2.2 and B.2.3: The AWU rejects the AIG's submission at [196] in relation to penalty rate and overtime and relies on its submissions at: [1], [3], [5] and [6].

Australian Business Lawyers (ABL) on behalf of Australian Business Industrial and the New South Wales Business Chamber Ltd.

8. Clause 10.5(a) (iv): The AWU does not oppose ABL's submission at [99].
9. Clause 11.3: The AWU does not oppose ABL's submission at [100].



Jamila Gherjestani
NATIONAL LEGAL OFFICER