



## **ASU Submission to Fair Work Commission**

### **4 yearly review of modern awards Part 2-3, Div 4 – s. 156**

### **AM2016/15 – Clerks – Private Sector Award 2010 – Plain language re-drafting**

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1. The Australian Municipal, Administrative, Clerical and Services Union ('ASU') makes this submission in relation to the – *Clerks - Private Sector Award 2010* – Plain Language Draft ('PLD') in accordance with the Decision [2018 FWCFB 5553] issued by the Fair Work Commission Full Bench on 6 September 2018.

### **Outstanding Items**

#### **Definition of "Minimum hourly rate":**

2. Along with the definition of Minimum hourly rates in Clause 2 of the revised PLED the ASU does not oppose moving Support Wage System ('SWS') and NTW ('National Training Wage') back into Clause 16, as subclauses 16.5 and 16.6, if this is a common approach in modern award drafting.

#### **Part-Time employment – First Aid weekly allowance**

3. The ASU acknowledges that the Clerks Private Sector Award First Aid allowance at clause 21.2 of the PLED is expressed as a weekly allowance and continues to support the weekly allowance being paid to part time employees and casual employees.
4. Given that the allowance was an award entitlement determined by the original award modernisation Full Bench, along with other modern award entitlements, challenging it now after almost a decade is inherently unfair. The ASU is not aware that the issue has been raised as a substantive issue previously. The ASU submits the Full Bench should not be persuaded to revisit and ultimately reduce an allowance just because an employee is employed in a casual or part time capacity.
5. The ASU notes that the greater majority of modern awards, which have First Aid allowance clauses, have them expressed as weekly allowances. Therefore as a common issue across modern awards it is not one that should be raised with the Clerks Private Sector Award as part of the plain language drafting review.

#### **Rostered Days Off**

6. The ASU makes no further submissions on the proposed clauses 14.6(d) and (f) of the PLED as per paragraph 87 and 88 of the decision; except in relation to the *provisional* view of clause 14.6(d) there is a need to ensure employees working on a rostered day off are still paid overtime if they work outside the normal spread of hours or more than 10 hours in any one day as per clause 13.

#### **Penalties – Sunday rates**

7. The ASU makes no further submissions on the proposed amendment to clause 24.4(c).

#### **Rest Period after working overtime**

8. The ASU makes no further submissions on the proposed amendment to clauses 25.3 and 25.4.

#### **Employer Submissions**

9. The ASU notes that the decision refers to various employer organisations being given the opportunity to lodge further submissions such as follows:
  - Shift work – AIG re Items 3, 27,45,66, 84 and 110
  - Schedule B - MTA - Summary of hourly rates of pay re Item 148
10. The ASU seeks to reserve its rights to make further submissions in reply to employer organisation submissions re Shift work and Schedule B and any further employer submissions in relation to this or related common plain language drafting matters.