



15 March 2019

**AM2016/15 - 4 YEARLY REVIEW OF MODERN AWARD – PLAIN LANGUAGE EXPOSURE  
DRAFT (PLED) – PHARMACY INDUSTRY AWARD 2010 SUBMISSION IN RESPONSE**

- 1 This submission is made following the Fair Work Commission ('**Commission**') Full statement [2019] FWC 932 of 13 February 2019.
- 2 In accordance with the statement's directions at [109], parties are invited to file a submission on exposure drafts which were released on 15 February 2019.
- 3 The Pharmacy Guild of Australia ("**Guild**") has identified the following points within the Pharmacy Industry Award exposure draft for consideration:
  - (a) Removal of Clauses 1.3 and 1.4 as per Commission's decision [2019] FWCFB 1333.
  - (b) Inclusion of Commission's decision [2019] FWCFB 767.
  - (c) Clause 11.5 – missed reference linkage.
  - (d) Updating of clause 11.7(p) as per Commission's decision PR705391.
  - (e) Clause 15.1 appears not to provide any substantive value for inclusion in the exposure draft.
  - (f) Clause 16.1 – after undertaking member consultation it was identified that there could be a potential issue when describing or applying the provisional view to the minimum weekly rate table as indicated at [27] of [2019] FWCFB 1255.
  - (g) Clause 16.5 – the Guild submits that the inclusion of the date will provide an administrative burden going forward as it will require updating with every Annual Wage Review. It is suggested that the date is removed from the clause as it does not provide any substantive increase to the clause's interpretation value.
  - (h) Clause 17.1(b) – error identified - delete the number at the end of the sentence.
  - (i) Clause 18 Allowance – outstanding substantive claim for 'District Allowance' that is contained in matter AM2014/190 Transitional provisions, of which a FWCFB decision is pending.
  - (j) Clause 18.8 should remove the actual dollar figure and reference the Schedule C1 for the rate. The inclusion of the dollar figure provides an administrative burden going forward as it will require updating with every Annual Wage Review rather than updating the schedule only.

- (k) Clause 20 – the current HSU claim is that the overtime provisions are not sufficiently detailed for casual employment. In accordance with [66] of [2017] FWCFB 3540 decision, interested parties agreed that the overtime provisions applied to **all** employees equally based upon points outlined at 20.2(a) to (e).
- (l) Clause 20.1(a) – Consequently, the Guild submits, that the terminology “ - other than a casual - ” should be removed and replaced with “or where a casual employee is requested, to work....”.
- (m) Clause 21.3, Table 6 – Penalty Rates, ‘Before 7.00am and after 9.00pm’ needs to be unbolded after the ‘Sunday’ heading.
- (n) Clause 22.3(b) - definitions and explanations as outlined in the Commission’s decision at [59 – 71] of [2019] FWCFB 1255 in regards to the payment of loading for annual leave.
- (o) Clause 24 – suggest the sentence should be indented.
- (p) Clause 26 – suggest the sentence should be indented.
- (q) Consistency of terminology for rates of pay and allowances used throughout the Award should be addressed as outlined in the Commission’s decision at [59 – 71] of [2019] FWCFB 1255

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