

**IN THE FAIR WORK COMMISSION**

**Matter No: AM2018/26**

**S 156 – Four yearly review of modern awards - Social, Community, Home Care and Disability Services Industry Award 2010 – Substantive matters**

**Submission of the Australian Services Union**

**I – INTRODUCTION**

1. This submission regards the Australian Services Union’s (‘ASU’) claim for paid travel time in the *Social, Community, Home Care and Disability Services Industry Award 2010* (‘SCHDS Award’). We support the Commission varying the SCHDS Award in the form of the Draft Determination filed by United Voice (‘UV’) on 1 April 2019.
2. The broken shift provisions permit employers to drain the working day of paid time by breaking shifts: limiting paid time to that spent directly with the client. For employees who perform in-home care, this means that they regularly travel at their employer’s direction but they are not paid for it. This is work and should be remunerated. To meet the modern awards objective, the SCHDS Award must be varied pay employees when they travel for work.

***The proposed variation***

3. Some disability services employers are using the clause 25.6 of the SCHDS Award to avoid paying ‘*social and community services employees when undertaking disability services work*’ (‘**disability support workers**’) (covered by Schedule B) and home care employees home care employees (covered by Schedule E of the SCHDS Award) for time spent travelling at their employers direction.
4. The ASU is seeking to insert the following new clause into the SCHDS Award:

*Clause 25.7 Travel time*

*(a) Where an employee is required to work at different locations they shall be paid at the appropriate rate for reasonable time of travel from the location of the preceding client to the location of the next client, and such time shall be treated as time worked. The travel allowance in clause 20.5 also applies.*

*(b) This clause does not apply to travel from the employee’s home to the location of the first client nor does it apply to travel from the location of the last client to the employee’s home.*

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5. The proposed variation would ensure that all hours worked by disability services and home care employees are paid and that travel time will be recorded as hours worked for the purposes of service and the accrual of entitlements.
6. This claim will not affect employers and employees in other streams of the SCHDS Award, who must work their ordinary hours continuously. These employees are already paid for any time spent travelling within their ordinary hours. Disability services and home care employers should be given the same entitlements as their colleagues.

## **II – THE DISABILITY SECTOR AND DISABILITY SERVICES WORKERS**

7. The ASU represents employees covered by the SACS and Crisis Accommodation streams of the SCHDS Award.<sup>1</sup> Our submissions are directed to the circumstances of the disability sector, disability services workers and their employers.

### ***What are disability services?***

8. Disability services covers employers and employees engaged in the provision of personal care and domestic and lifestyle support and/or training to a person with a disability. This includes work done in a community setting whether residential or non-residential, a respite centre, a day service facility or in a private residence where work in that residence involves either teaching, promoting or maintaining living skills, client advocacy, promoting or supporting community access and social inclusion or developing or assisting in developing care or support plans including assessment of client needs. The skill of work required will vary depending on the needs of the client.
9. Most disability services workers will be working under the National Disability Insurance Scheme ('NDIS'). However, the NDIS only provides support to those people with a significant and permanent disability under the age of 65. This means that only 475,000 of the 4.3 million people with a disability will be covered by the NDIS when it is fully rolled out.<sup>2</sup> Some disability support workers may work with clients who are not entitled to NDIS funding, for example disabled persons over the age of 65.
10. The statements of Tino Encabo, Richard Rathbone, Tracy Kinchin and Rob Steiner describe the typical duties of a disability support worker.

### ***In-home disability support***

11. While some people with disabilities live in group homes and residential facilities, many people live in private residences. Disability services organisations will cater to the needs of these people

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<sup>1</sup> We continue to rely on paragraphs 8-13 of the ASU's Submissions dated 18 February 2019.

<sup>2</sup> Productivity Commission, Review of the National Disability Agreement, Study Report, 3.

by offering in-home services. They will direct their employees to attend the client's residence to provide supports. Often, disability support workers will be directed by their employer to work at several different clients' residences in one day or shift. This necessitates travel between those locations. This is an integral part of the job. Services could not provide in-home supports if employees did not travel between locations. The statements of Tino Encabo, Richard Rathbone, Tracy Kinchin and Rob Steiner describe the hours of work of disability support workers providing in-home care.

### ***Working patterns in in-home care***

12. Employers are permitted to roster disability services workers on broken shifts under clause 25.6. It is a common practice amongst disability employers to use the broken shifts clause to design jobs whose ordinary hours of work are restricted to the time spent directly working with the client. This includes rostering unpaid 'breaks' for the time taken travelling between client's homes, despite the employer directing the employee to travel between those locations.
13. But for the broken shift clause, this time would otherwise form part of the employee's ordinary hours of work. This is not time that could be used by the employee for their own purposes, this is time controlled by the employer. Employees rostered to work broken shifts, and directed to work at different locations at each of those shifts, could not lawfully refuse to travel. This travelling time is the 'service' which is the source of the entitlement to wages under the employment contract.<sup>3</sup> The SCHDS award is not functioning as a fair and relevant safety net if it permits employers to make contracts of employment with award dependent workers that require, potentially substantial, periods of unpaid service.
14. Each of the ASU's witnesses gives evidence that they are not paid for most or all of their travel time. Tino Encabo and Richard Rathbone are part-time employees who give evidence that they are sometimes paid an informal 20 minute travelling allowance when there is less than an hour's gap between shifts. Tracy Kinchin gives evidence that she was previously engaged to work her full-time hours continuously, but her employer has recently started rostering broken shifts so that she is not paid for travel time. Rob Steiner is also a full-time employee. He gives evidence that his employer rosters broken shifts so that they do not have to pay for travel time. These statements are supported by the findings of a recent research paper authored by Fiona McDonald, Eleanor Bentham and Jenny Malone. Using diaries kept by 10 disability support workers, they found that '*unpaid travel was equivalent to between 1% and 15% of the employee's paid time over 3 days, and as much as 25% in a single day*'.<sup>4</sup>

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<sup>3</sup> *Automatic Fire Sprinklers v Watson* (1946) CLR 435, 465.

<sup>4</sup> Fiona McDonald, Eleanor Bentham and Jenny Malone, 'Wage theft, underpayment and unpaid work in marketised social care' (2018) 29(1) *The Economic and Labour Relations Review*, 80, 88.

15. We also rely on the expert report of Dr Olav Muurlink filed entitled '*Predictability and control in working schedules*' filed in the Part-time Work Common Issue on 14 July 2016. Dr Muurlink
16. According to the *NDIS Price Guide 2019-2020*, providers are entitled to claim up funding for up to 30 minutes travel time in urban areas and 60 minutes travel in regional areas.<sup>5</sup>

### **III - THE MODERN AWARDS OBJECTIVE**

17. The Commission may make a determination vary a modern award if the Commission is satisfied that the determination is necessary to achieve the modern awards objective (s 156). When deciding if a modern award meets the modern awards objective it must consider a number of matters listed at s 134 of the Act. We address those considerations below.

#### ***1(a) Relative living standards and needs of the low paid***

18. Some disability support workers are low paid employees. Others may receive a rate of pay that is higher than the two-thirds of median time earnings threshold, but are at risk of poverty because of their short hours of work. Ensuring that employees are remunerated for all working hours, including travel time, will make sure that relative living standards are maintained and help the SCHDS Award meet the needs of the low paid.

#### ***Relative living standards of low paid employees***

19. According to the July 2018 NDS Workforce Report, Most employees in the sector work part-time hours.<sup>6</sup> Roughly 20% of disability support workers are full-time.<sup>7</sup> There is a downward trend in the number of hours worked by employees (from 26 to 20).<sup>8</sup> 58% of employees in the sector were permanent employees and 46 percent of employees were casual in March 2018.<sup>9</sup>
20. The evidence of the ASU is that part-time employees are concerned about getting enough hours of work, despite some employees also preferring to be part-time employees. These employees report that they seek to maximise their income through a variety of strategies. Some seek to increase the number of penalty hours they work to increase their income. Other witnesses report seeking additional hours of work. These witnesses report that they rarely refuse additional hours (including the attendant unpaid travel time), even if they are inconvenient, because they are worried that they will not be offered additional hours in the future. These witnesses may work more hours of work than they would prefer.

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<sup>5</sup> National Disability Insurance Agency, *DIS Price Guide 2019-2020*, 12. ('**NDIA Price Guide 2019**')

<sup>6</sup> National Disability Services, *Australian Disability Workforce Report February 2018*, 10. ('**NDS Workforce Report**'),

<sup>7</sup> NDS Workforce Report, 24.

<sup>8</sup> NDS Workforce Report, 24.

<sup>9</sup> NDS Workforce Report, 22.

21. If these employees are paid for travel time, their incomes will increase. Some employees may be able to reduce the number of hours they work each week without losing pay. Employees may also be able to reduce their reliance on additional hours and weekend penalty shifts if they earn enough income during the normal working week.
22. Further, under clause 10.3(c) part-time employees are entitled to a written agreement on their regular pattern of work. If travel time is treated as working time, then at least some of that time may need to be recorded in the written agreement. This would increase the employee's certainty about their pay each week.

*Most disability service workers are likely to earn less than two-thirds of median full-time earnings threshold*

23. Almost all disability services workers are classified at SACS employee level 2 ('**SACS2**') or SACS employee level 3 ('**SACS3**'). ERO rates of pay apply to SACS2 and SACS3 employees. SACS2 employees support people with a disability who do not have complex needs. SACS3 employees support people with complex needs. This is reflected in the NDIA pricing.<sup>10</sup> The McKinsey Pricing Report found that some employers engaged workers at SACS Employee level 4 where a client's needs are unusually complex.<sup>11</sup>
24. Two-thirds of median full-time wages is used by the Commission as an operational benchmark for identifying which workers are low paid.<sup>12</sup> The Commission uses two sources of data to estimate this figure: the ABS *Characteristics of Employment Survey* ('**COE**')<sup>13</sup> and the ABS *Survey of Employee Earnings and Hours* ('**EEH**').<sup>14</sup> In the 2019 Annual Wage Decision, the Commission found that two-thirds of median earnings was \$886.67 per week (\$23.33 per hour) in the August 2018 COE survey.<sup>15</sup> EEH survey data has not been released since May 2018: at that time \$973.33 (or \$25.61 per hour) was two-thirds of median earnings.<sup>16</sup>
25. Given the age of this data, it is difficult to make comparisons between rates of pay that are relevant to June 2019. Under the two-thirds of median full time earnings metric, some full-time SACS2 employees covered by the ERO were low paid in either May or August 2018 and may be so now. The Commission cannot be satisfied either way. In any case, the incidence of part-time employment in the industry means that comparing full-time weekly incomes will not give an accurate picture of incomes in the sector.

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<sup>10</sup> National Disability Insurance Agency, *2018-2019 support catalogue (NSW/Vic/Qld/Tas)*. ('**Support Catalogue**').

<sup>11</sup> McKinsey and Company, *Independent Pricing Review Final Report*, ('**NDIS Pricing Report**'), p 48.

<sup>12</sup> *Annual Wage Decision 2018/2019* [2019] FWCFB 3500, [205]. ('**AWR 2018/2019**')

<sup>13</sup> ABS, *Characteristics of Employment, Australia, August 2018*, Catalogue No. 6333.0.

<sup>14</sup> ABS, *Employee Earnings and Hours, Australia, May 2018*, Catalogue No. 6306.0.

<sup>15</sup> *AWR 2018/209*, [205].

<sup>16</sup> ABS, *Employee Earnings and Hours, Australia, May 2018*, Catalogue No. 6306.0.

***1(b) – the need to encourage collective bargaining***

26. This claim is properly a safety net matter because it concerns the payment of employees for hours worked at the direction of their employer. Employees should not be required to bargain with their employer to simply be paid for time worked. The evidence of the ASU is that this gap in the safety net undermines negotiated working time arrangements and promotes unfair job design.
27. The evidence of Tracy Kinchin shows that the absence of a safety net allows employers to alter long standing rostering arrangements to the detriment of the employee. The evidence of Rob Steiner shows that the absence of paid travel time allows employers to build jobs that require travel over a wide area without accounting for the costs of travel. The evidence of Tino Encabo and Richard Rathbone is that they are sometimes paid a travel time allowance. However, this does not cover all time spent travelling.

***1(c) – the need to promote social inclusion through increased workforce participation***

28. Underemployment is a significant issue in the social and community sector, including social community services. Community and personal service workers have one of the highest underemployment ratios of all occupations at 16.7 percent.<sup>17</sup> The ASU's evidence is that part-time employees in disability services are seeking to increase their hours (see above at paragraphs 18 and 19 for discussion of the incidence of part-time work and the falling average hours in the sector).
29. The proposed variation may increase workforce participation in a number of ways. Firstly, currently employed workers will be paid for the hours they actually work. This will increase the hours worked by each employee. Secondly, if workers are paid for the time they actually work, they may reduce their weekly hours of work, creating opportunities for other workers to increase their hours. Consequently, this variation may increase total employment while reducing the incidence of underemployment.

***1(d) – the need to promote flexible modern work practices and the efficient and productive performance of work***

30. Requiring employee's to pay for time spent travelling at the direction of the employer will promote flexible modern work practice. Unpaid travel time is not a flexible modern work practice. It is an atavism dating from an era when women's work was deliberately undervalued (see our submissions regarding the principle of equal remuneration for equal or comparable work below at paragraphs 27 through 33).

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<sup>17</sup> Kelvin Yuen and Oliver Smith, *Insights into under employment*, Fair Work Commission Research Report 2/2019, February, 10, see table 2.2.

31. The SCHDS Award provides employers with a significant amount of flexibility in arranging ordinary hours, rostering employees and paying employees for their time. This includes:
- a. the roster of part-time employees may be changed at any time under clause 25.5 (d) (iii) which provides that the restrictions on changing the roster do not apply to mutually agreed additional hours worked by part-time employees;
  - b. part-time employees are not paid overtime until they work 10 hours in a day or 38 hours in a week or 79 hours in a fortnight;
  - c. there is no minimum engagement for part-time or full-time employees;
  - d. employers are not required to roster meal breaks if they require an employee to have a meal with a client or clients;
  - e. casual disability services employees are only entitled to a 2 hour minimum engagement;
  - f. casual home care employees are only entitled to a 1 hour minimum engagement; and
  - g. if a client cancels an appointment, a home care employee's roster can be changed if the client is notified that their roster is being changed because of a client cancellation before 5.00 PM the day before, they will not be paid for the shift if they are notified about the client cancellation after that time, they will only be paid for the minimum specified hours, an employee can also be directed to work make up time sometime in that roster period or the next;
32. These flexibilities will not be impacted by a requirement to pay for travel time.
33. Further, by not paying for travel time employers must tailor rosters to the exact times they require their employees to support clients. This is not only unfair to the employee works without pay; it is also inefficient and unproductive for the employer. The evidence of Tracy Kinchin is that her employer has ceased to roster hours of work continuously. She is now no longer paid for time spent travelling. This means that her roster must be varied each time her client changes or cancels their service time. Previously, her hours were rostered continuously. She received advanced notice of start and finish times over a 4 week roster. This allowed her employer to direct her work within those times without needing to change the roster. This was preferable to her because it made her hours of work more certain.

***1(e) – the principle of equal remuneration for work of equal or comparable value***

34. The failure to pay travel time is an equal remuneration matter. Disability services is a female dominated sector of the female dominated SACS industry. The March 2018 NDS Workforce

report found that 70% of disability support workers are women,<sup>18</sup> while a 2017 survey commissioned by the ASU, HSU and United Voice found that 74.1% of the workforce were women.<sup>19</sup> The historical undervaluation of the work performed by disability support workers was recognised by a Full Bench of Fair Work Australia in the *SACS Equal Remuneration Decision*.<sup>20</sup> This decision dealt with gendered undervaluation of base rates of pay and did not address other equal remuneration issues.

35. There is no rational way to find that travel time is not equal or comparably valuable work between industries. If employees covered by a modern award covering a male-dominated industry are paid for their travel time, then employees covered by the SCHDS Award should be paid for this work too. **Annexure A** sets out the travel time provisions for a number of modern awards covering male dominated industries that involved regular travel between work locations.

*Business equipment: an example male industry*<sup>21</sup>

36. The *Business Equipment Industry Award 2010* ('**BEI Award**') covers the business equipment industry, defined as:

*sale or lease and associated installation and servicing of business equipment such as computers, data processing equipment, photocopiers, facsimile machines, cash registers, accounting and adding machines, calculators and peripheral equipment associated with such equipment including keyboards, display screens, printers, routers and multifunction devices.*  
(Clause 4.2,

37. The business equipment industry is male dominated. A niche industry which does not have an ANZSIC code, data is hard to come by. However, the most recent Form F17's lodged by the largest employers in the sector: Ricoh Australia, Konica Minolta Business Solutions, Canon Australia Pty Ltd, Fuji Xerox Australia Pty Ltd and NCR Australia Pty Ltd reveal a total of three women employed in the sector. The majority of (possibly all) employees in the industry would be covered by enterprise agreements.
38. Business Equipment employees are engaged to sell, install and service business equipment. They are generally assigned an area of operations. Technical employees travel within that area of operations on their employers business. They will regularly travel between warehouses, workshops and customers offices. The witness statement of Paul O'Brien describes work patterns

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<sup>18</sup> NDS Workforce report, 10.

<sup>19</sup> Cortis, Natasha, *Working under the NDIS: Insights from a survey of employees in disability services (Report prepared for Health Services Union, Australian Services Union and United Voice, June 2017)*, Social Policy Research Centre, University of New South Wales, Sydney, 5.

<sup>20</sup> *Equal Remuneration Case* [2012] FWAFB 1000.

<sup>21</sup> We note that there is no obligation under s 134(e) to demonstrate a male comparator.



of technical employees in the industry. Paul O'Brian is paid for time spent travelling because his hours of work are rostered continuously.

39. There is no provision in the BEI Award for broken or split shifts. Ordinary hours are worked continuously.<sup>22</sup> Consequently, all time spent travelling, except to the place where the employee commences work and time travelling home after the finish of work, is treated as working time. Where a commercial traveller is '*travelling on their employer's business will be regarded as being "on duty" for all purposes of this award*'.<sup>23</sup> This provides a safety net for improved bargained outcomes around travel time, such that at clause 25 of the *Canon Australia Pty Ltd. (Technical Consultants) Enterprise Agreement 2019*.
40. Further, technical stream employees must either be provided with '*all required means of locomotion*' or a vehicle allowance if they are required to use their own vehicle.<sup>24</sup> The allowance is paid for periods of personal and annual leave. If the employee is paid a vehicle allowance, they also must be paid an allowance of \$0.34 per kilometre travelled during the course of business.<sup>25</sup>

#### *Comparison with the disability support workers*

41. The work value of travel to an employer who must service clients away from their premises is undeniable: the employers business could not operate if the employee did not attend the client/customers premises. This value is the same if the service provided to the client is photocopier maintenance or in-home disability support. Travel is travel.
42. The relevant difference between disability services employees and the business equipment employees is that disability services are almost all women and business equipment employees are almost entirely male. The modern award covering each industry should remunerate this valuable work equally.
43. We also note that disability services employees are only entitled to \$0.78 per kilometre travelled. This allowance is not paid on periods of annual or personal leave. There is no obligation to provide a vehicle to a SCHDS employee required to travel by their employer. All male dominated awards in Annexure A require the employer to provide means of transportation, or provide a vehicle allowance, when they require their employee to work at more than one employee per day or shift.

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<sup>22</sup> BEI Award, cl 27.1(a), cl 28.2(a)(ii).

<sup>23</sup> BEI Award, Cl 22.2(C)(iii).

<sup>24</sup> BEI Award, Cl 22.1(b)(i), 22.1(b)(ii)(A).

<sup>25</sup> BEI Award, Cl 22.1(b)(ii)(B).

***1(f) – the likely impact of any exercise of modern award powers on business, including productivity, employment costs and the regulatory burden***

44. This claim is unlikely to have any impact on productivity or the regulatory burden. If this claim does have any effect on employment costs, this consideration does not outweigh the other considerations.

***1(g) – the need to ensure a simple, easy to understand, stable and sustainable modern award system for Australia that avoids unnecessary overlap of modern awards***

45. The proposed variation is simple, easy to understand, sustainable, and does not overlap with other modern awards.

***1(h) – the likely impact of any exercise of modern award powers on employment growth, inflation and the sustainability, performance and competitiveness of the national economy.***

46. This claim may increase employment growth. By ensuring that employees are paid for all the hours that they work, this variation will increase the income of those employees. Consequently, some employees, particularly those who work part-time by preference, may reduce their hours of work. This will make more hours of work available to employees who desire them.

47. It is unlikely that this claim will have any effect on inflation or the sustainability, performance and competitiveness of the national economy.

**IV – NATIONAL EMPLOYMENT STANDARDS (‘NES’) EXCLUSIONS**

48. The failure to pay for travel time is inconsistent with Division 3 of Part 2-2 of the Act which deals with the NES entitlements regarding weekly working hours. Under s 55(1) a modern award must not exclude the National Employment Standards.

49. Section 62 provides that an employer must not request or require an employee to work additional hours unless they are reasonable. For a fulltime employee, that means more than 38 hours. For a part-time employee that means the lesser of 38 hours or the employee’s ordinary hours in a week. Subsection 62(2) of the Act provides the right to refuse additional work beyond 38 hours per week if it is unreasonable. Subsection 62(3) lists the criteria to judge the reasonableness of a request or direction to work additional hours for the purposes of s 62(1).

50. These criteria are:

- (a) *any risk to employee health and safety from working the additional hours;*
- (b) *the employee's personal circumstances, including family responsibilities;*
- (c) *the needs of the workplace or enterprise in which the employee is employed;*

- (d) *whether the employee is entitled to receive overtime payments, penalty rates or other compensation for, or a level of remuneration that reflects an expectation of, working additional hours;*
- (e) *any notice given by the employer of any request or requirement to work the additional hours;*
- (f) *any notice given by the employee of his or her intention to refuse to work the additional hours;*
- (g) *the usual patterns of work in the industry, or the part of an industry, in which the employee works;*
- (h) *the nature of the employee's role, and the employee's level of responsibility;*
- (i) *whether the additional hours are in accordance with averaging terms included under section 63 in a modern award or enterprise agreement that applies to the employee, or with an averaging arrangement agreed to by the employer and employee under section 64;*
- (j) *any other relevant matter.*

51. Section 63 of the Act provides that modern awards may provide for the averaging of hours of work and, at s 63(2), may also provide for average weekly hours that exceed 38 hours per week if *'the excess hours are reasonable for the purposes of subsection 62(1)'*.
52. As noted above, where an employee travels at the direction of their employer they are working. However, the broken shift provision allows employers to avoid recording this working time as ordinary hours of work. Unpaid travel time is then *'additional hours'* for the purposes of Division 3 of Part 2-2. Because these hours are unpaid they may be unreasonable.
53. Consequently, clause 25.6 permits employers to require employees to work additional hours without remuneration at the base rate of pay, let alone at penalty or overtime rates. Further, this working time is not counted as hours of work, artificially shortening the working day. This allows an employer to roster further additional hours. However, an employee is not able to refuse to work these additional hours, which may be unreasonable, because they are not recognised as hours of work by the SCHDS Award. Consequently, that employee is denied their right under s 62(2) to refuse to work additional hours. Clause 25.6 therefore excludes section 62 of the Act.
54. Moreover, clause 25.1 of the Award provides for the averaging of full-time hours of work. The evidence of Tracy Kinchin and Robert Steiner is that they regularly work more than 38 hours each week because they are rostered 38 paid hours and are required to travel between clients. This clause, when it interacts with clause 25.6, may exclude section 63 of the Act because it provides for average weekly hours that exceed the hours referred to in s 63(1) which are unreasonable for the purposes of s 62(1).

55. The variation proposed by the ASU would ensure that the SCHDS Award does not exclude the NES.

#### **V – INTERACTIONS WITH OTHER CLAIMS**

56. The ASU has also made a claim for a 15 percent loading for employees required to work broken shifts. We filed submissions and evidence in support of this claim on 18 February 2019. We note that the disutility of a lack of payment for travel time is an element of the 15 percent loading. If the ASU's claim for paid travel time were successful, we would still press the broken shift loading claim, but would accept that the quantum of the loading should be less than 15 percent.

57. We also rely on the statements of Tracy Kinchin and Robert Steiner in support of that claim.

#### **VI – CONCLUSION**

58. The Commission should vary the SCHDS Award to ensure that disability services and home care employees are paid for all time they spend travelling at the direction of their employer. The current provisions artificially reduce the paid working time of employees who are mostly low income women. The current provisions of the SCHDS Award are unfair to disability support employees and are not relevant to the current state of the disability services sector. The SCHDS Award will not achieve the modern awards objective until it ensures all work performed by employees is treated as work and fairly remunerated.

**AUSTRALIAN SERVICES UNION**

**2 JULY 2019**

## Appendix A - List of Awards that contain travelling time provisions in male dominated industries

	<b>Award</b>	<b>Clause</b>	<b>Provision</b>	<b>Percentage female employment</b>
1.	Building and Construction General On-site Award 2010	25. Fares and travel patterns allowance	25.1 Employees will start and cease work on the job at the usual commencing and finishing times within which ordinary hours may be worked, and will transfer from site to site as directed by the employer. Other than in the case of an employee directed by the employer to pick up and/or return other employees to their homes, time spent by an employee travelling from the employee's home to the job and return outside ordinary hours will not be regarded as time worked. No travelling time payment is required except as provided for in clauses 21.1, 24.7, 25.5, 25.7	12.4% <sup>26</sup>

<sup>26</sup> ABS Labour Force May 2019

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			<p>and 36.3. The fares and travel patterns allowance recognises travel patterns and costs peculiar to the industry, which include mobility in employment and the nature of employment on construction work.</p> <p>25.9 Transfer during working hours  (a) An employee transferred from one site to another during working hours will be paid for the time occupied in travelling and, unless transported by the employer, must be paid reasonable cost of fares by the most convenient public transport between such sites.</p>	
2.	Business Equipment Award 2010	22.2 Commercial Travellers stream	<p>(c) Expenses and accommodation reimbursement  (iii) Employees whilst travelling on their employer's business will be regarded as being "on duty" for all purposes of this award and for the purposes of all relevant State</p>	~3 (Actual figure, not percentage)

			<p>workers compensation legislation.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>• 28.2(ii) - The ordinary hours of work are to be worked continuously.</li> <li>• Award does not contain a broken shift provision</li> </ul>	
3.	Car Parking Award 2010	15.4 Transfer from job-to-job allowance	<p>An employee transferred by the employer from one job to another job on the same day will be paid for the time spent in travelling as for time worked. An employee will be reimbursed all reasonably incurred travel costs.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>• Award does not specify continuous ordinary hours</li> <li>• Award does not contain a broken shift provision</li> </ul>	27.8%
4.	Commercial Sales Award 2010		3.1 Commercial Traveller means a person employed, substantially away from	35.8%

			<p>the employer's place of business, for the purpose of soliciting orders for, or selling articles, goods, wares or merchandise or material for wholesale sale, for resale, or for use in or in connection with the production and/or preparation and/or distribution of commodities for sale by the customer.</p> <p>21. Ordinary hours of work and rostering</p> <p>21.2 The ordinary hours of work for a full-time employee will be an average of 38 per week with a maximum of 152 hours over 28 consecutive days.</p> <p>21.3 The ordinary hours of work may be worked on any days of the week.</p> <p>21.4 The ordinary hours of work will not exceed 10 hours on any day</p>	
5.	Meat Industry Award 2010	26.5 Travelling and transfers	Where an employee is temporarily transferred during working hours from one location to another the employer	Meat, Poultry & Seafood Process Workers; Persons TOTAL: 20,400 (33.7% of workers are



			<p>will pay such employee all reasonable costs of transit and travelling time.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>• 31.2(b) - The ordinary hours of work are to be worked continuously at the discretion of the employer, except for meal breaks or other breaks prescribed in the award.</li> <li>• Award does not contain a broken shift provision</li> </ul>	<p>female)</p> <p>Meat Boners and Slicers and Slaughterers; Persons TOTAL: 7,100 (12.1% of workers are female)</p>
6.	Plumbing and Fire Sprinklers Award 2010	21.8 Fares and travelling time	<p>(e) Transfer between job sites during working hours</p> <p>(i) Employees transferred from one job site to another during ordinary working hours must be paid their ordinary rate of pay for the time occupied in travelling, and unless transported by the employer, will be reimbursed the reasonable cost of fares by the most convenient</p>	0.8%

			<p>public transport between such job sites.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>• Award only defines a continuous shiftworker (3.1)</li> <li>• Award does not contain a broken shift provision</li> </ul>	
7.	Silviculture Award 2010	18.1 Fares and travelling time	<p>(k) Transfer during ordinary working hours</p> <p>An employee transferred from one site to another during working hours will be paid for the time occupied in travelling and, unless transported by the employer, will be paid reasonable cost of fares by most convenient public transport between such sites.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>• Award does not specify continuous ordinary hours</li> <li>• Award does not contain a broken shift provision</li> </ul>	3.1%