

From: Hamish Harrington <Hamish.Harrington@aigroup.com.au>
Sent: Friday, 25 June 2021 5:07 PM
To: Chambers - Hatcher VP <Chambers.Hatcher.VP@fwc.gov.au>
Cc: AMOD <AMOD@fwc.gov.au>
Subject: AM2021/61 - Funeral Industry Award 2020

Dear Vice President,

AM2021/61 - Funeral Industry Award 2020

This relates to the above matter.

The Application made by the Australian Worker's Union (**AWU**) seeks to vary the *Funeral Industry Award 2020 (Funeral Award)* to give effect to the decision reached by the Full Bench of the Fair Work Commission (**Commission**) in the Overtime for Casuals common issue proceedings.

Paragraph [300] of the Full Bench's [18 August 2020 Decision](#) stated that the consensus reached by the relevant industrial parties was that the casual loading and the overtime penalty rate are added separately to the minimum hourly rate. At paragraph [304] of that decision, the Commission determined to proceed on the basis of that consent position.

The common issue which resulted in a [Determination](#) amending the Award pertained to the interaction between the casual loading and the overtime penalties provided for under the Funeral Award. It did not relate to penalty rates applicable to unrelieved shiftworkers under clauses 20.6(c) and 20.7(c) of the Award. Such a matter was not a live issue at the time of the proceedings and the cumulative approach should not be taken to apply as a matter of course without further examination being conducted into the intended interaction between these provisions and the casual loading.

We do not otherwise oppose the amendment to the Funeral Award in order to give effect to the 18 August 2020 Decision.

Regards,



Hamish Harrington

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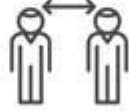
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