

Fair Work Commission
Level 10, Terrace Tower, 80 William Street
EAST SYDNEY NSW 2011
Via email: AMOD@fwc.gov.au

11 October 2018

Re: [2018] FWCFB 5986 – AM2014/198 and others

BACKGROUND

1. The Full Bench of the Fair Work Commission ('**FWC**') published the *4 yearly review of modern awards – Award stage – Group 2 (AM2014/198 and others) Decision*¹ ('**Decision**') on 26 September 2018.
2. The Full Bench has invited parties to file submissions on a number of outstanding matters and provisional views.
3. Of the Awards to which this feedback has been invited, the Australian Workers' Union ('**AWU**') is an interested party in the following:
 - 3.1. *Fire Fighting Industry Award 2010*.
4. The submissions of the AWU are below.

Fire Fighting Industry Award 2010

Item 3 – Definition of overtime – private sector

5. The AWU supports the provisional view of the Full Bench at [61].
6. The AWU proposes the following amendment to clause 20.3(b)(ii) of the Exposure Draft for the consideration of the Full Bench:

“(ii) For a shiftworker not working on a 10/14 roster, overtime is any time required to be worked:

- *in excess of a rostered shift; or*

¹ [2018] FWCFB 5986

- *in excess of 38 hours per week, which may be averaged in accordance with clause 10.2 – Ordinary hours of work.”*

Item 4 – Roster employees and other public sector employees

7. The AWU maintains that a provision in the *Fire Fighting Industry Award* that clarifies the rate of pay for an employee on annual leave would be desirable.
8. Regarding the rate of pay to be specified, the AWU submits the following.
9. The following employees should be paid their *total weekly wage* during periods of annual leave:
 - 9.1. all public sector employees; and
 - 9.2. all private sector employees working a 10/14 roster.
10. The following employees should be paid their *ordinary weekly wage* (inclusive of loadings and all purpose allowances) during periods of annual leave:
 - 10.1. all private sector employees working a roster other than a 10/14 roster.

Yours Faithfully,



Zachary Duncalfe
NATIONAL LEGAL OFFICER
The Australian Workers' Union