

From: Brent Ferguson [<mailto:Brent.Ferguson@aigroup.com.au>]
Sent: Wednesday, 24 January 2018 2:19 PM
To: Legal; therese.walton@twu.com.au; Paul Ryan; Richard Calver
Cc: Chambers - Hamberger SDP
Subject: RE: Road Transport (Long Distance Operations) Award 2010 - part-time employment

Apologies Wendy. That wasn't deliberate. I simply failed to delete the words "divided by 38" from (b). The provisions should state:

26.4 For all time worked by a full-time **or part-time** employee on a public holiday, payment must be made at the following rates:

(a) on Good Friday and the Christmas Day holiday—30% of the applicable minimum weekly rate specified in clause 13.1 plus payment for the work performed in accordance with the designated method of payment specified in clause 13.

(b) on any other holiday—20% of the applicable minimum weekly rate specified in clause 13.1, plus payment for the work performed in accordance with the designated method of payment specified in clause 13.

An employee must be paid for a minimum of four hours' work.

Regards,

Brent

From: Legal [<mailto:legal@twu.com.au>]
Sent: Wednesday, 24 January 2018 2:11 PM
To: Brent Ferguson ; therese.walton@twu.com.au; Paul Ryan ; Richard Calver
Cc: Chambers - Hamberger SDP
Subject: Re: Road Transport (Long Distance Operations) Award 2010 - part-time employment

Brent,

It's not clear to me why (a) and (b) are different in that you still have "divided by 38 etc" in (b).

Wendy

Wendy Carr

Director of Legal & Operations

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From: Brent Ferguson <Brent.Ferguson@aigroup.com.au>

Date: Wednesday, 24 January 2018 1:01 pm

To: "therese.walton@twu.com.au" <therese.walton@twu.com.au>, Paul Ryan

<paulryan@bigpond.net.au>, Richard Calver <richard.calver@natroad.com.au>, Wendy Carr <legal@twu.com.au>

Cc: Chambers - Hamberger SDP <Chambers.Hamberger.sdp@fwc.gov.au>

Subject: Road Transport (Long Distance Operations) Award 2010 - part-time employment

Dear All,

Further to today's conference, Ai Group suggests that paragraph 10 of the draft determination be amended to read as follows;

26.4 For all time worked by a full-time **or part-time** employee on a public holiday, payment must be made at the following rates:

(a) on Good Friday and the Christmas Day holiday—30% of the applicable minimum weekly rate specified in clause 13.1 plus payment for the work performed in accordance with the designated method of payment specified in clause 13.

(b) on any other holiday—20% of the applicable minimum weekly rate specified in clause 13.1, divided by 38, plus payment for the work performed in accordance with the designated method of payment specified in clause 13.

An employee must be paid for a minimum of four hours' work.

The proposal differs from the current draft determination in that it deletes the words "...divided by 38, multiplied by the number of hours agreed in accordance with clause 10.3(b)" and also seeks to amend cl.26.4 to deal with both full-time and part-time employees. The inclusion of these words in the current draft determination is problematic as Clause 10.3(b) does not necessitate agreement on the number of hours that will be worked on a particular day. Rather, it deals with the agreed hours of work per week. The alternate approach that we are suggesting would afford part-time employees a pro-rata entitlement to that received by full-time employees.

I am happy to discuss if anyone has any concerns or questions.

Regards,

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