



REPORT TO THE FULL BENCH

Fair Work Act 2009

s.156 - 4 yearly review of modern awards

4 Yearly Review of Modern Awards: Various Awards

(AM2014/217 and ors)

COMMISSIONER ROE

MELBOURNE, 22 APRIL 2016

Four yearly Review of Modern Awards: Various Awards - Report to the Full Bench.

[1] A Conference was held on 21 April 2016 in relation to:

- AM2014/217 – *Banking, Finance and Insurance Award 2010*
- AM2014/218 – *Business Equipment Award 2010*
- AM2014/222 – *Contract Call Centres Award 2010*
- AM2014/221 – *Commercial Sales Award 2010*
- AM2014/242 – *Real Estate Industry Award 2010*
- AM2014/248 – *Telecommunications Services Award 2010*

[2] The matters raised by the parties as discussed at the 21 April 2016 conference are dealt with in the revised summary of proposed variations report and the revised exposure draft which will be available next week. Unless parties advise otherwise we proceed on the basis that the only matters outstanding from the submissions received in respect to the exposure drafts are:

- a. The following specific variations which relate to the general matters raised by the AiGroup in their submissions of 14 April 2016 at Section 2.2: *Banking, Finance and Insurance Award 2010* (paragraph 115 submission) and *Business Equipment Award 2010* (paragraph 158 submission).
- b. The general submissions raised by AiGroup in Section 2.7 of the submission of 14 April 2016 re the Schedules summarising hourly rates of pay.
- c. The general matters raised in the ABI submission of 15 April 2016 at Section 2.1, 2.2, 2.3, 2.11 and 2.13 noting that some of these submissions seek to change Full Bench decisions.
- d. The matters as set out below.

BUSINESS EQUIPMENT AWARD 2010

1. In respect to Clause 11.3(b)(i) definition of country territory. Parties are to comment on proposed definition by 28 April 2016. The matter will be discussed at 29 April conference.
2. In respect to Clause 10.2 re exemptions for higher paid in clerical stream. Parties are to comment by 28 April 2016 on what additional clauses should be included to ensure

consistency with Act and/or whether or not the clauses which do not apply should be listed rather than those which do apply. The matter will be discussed at 29 April conference.

3. Clause 11.4(c). Reference to State workers compensation will be retained in exposure draft. Employers to advise by 28 April 2016 if they wish to pursue this matter further.
4. Clause 5.2. AiGroup proposal re facilitative provision (AiGroup para 120) will not be altered in the exposure draft. AiGroup may respond further in its reply submissions.
5. Clause 17.2(b) re annual leave loading. FWC and parties will further consider this matter. It will not be changed in exposure draft but may be further discussed at 29 April conference.
6. Clause B.2 re Sunday 200% issue. FWC and parties will further consider this matter. It will not be changed in exposure draft but may be further discussed at 29 April conference.
7. Clause 15.4 re daylight saving. The proposal of ABI will be further considered by the parties and response provided by 28 April 2016. The matter will be discussed at 29 April conference.
8. Clause 2. ASU proposal will not be included in exposure draft. ASU may respond further in reply submissions.

BANKING, FINANCE AND INSURANCE AWARD 2010

1. Clause 11.3(b)(ii) re the issue of standby or call back. The exposure draft will not be changed at this stage. FWC and the parties will further consider this matter. The matter may be further discussed at the 29 April conference.

COMMERCIAL SALES AWARD 2010

1. No drafting issues outstanding.

CONTRACT CALL CENTRES AWARD 2010

1. Parties are encouraged to discuss the CPSU trainer proposal (item 3 in summary of proposed variations).
2. Parties to address AiGroup annual leave loading variation submission (item 2 in summary of proposed variations) in reply submissions.
3. Clause 13.2(a) proposal of AiGroup needs to be further considered by FWC in finalising exposure draft.
4. B2.3 Exposure draft will remove the 25% loading for casuals on overtime. Unions to respond further in the reply submissions.
5. Clause 8.1. AiGroup further details in reply submissions re Section 147 issue.

REAL ESTATE INDUSTRY AWARD 2010

1. No drafting issues outstanding.

TELECOMMUNICATIONS SERVICES AWARD 2010

1. Parties are encouraged to discuss the CPSU trainer proposal (item 1 in summary of proposed variations).

2. Parties to address the issue of how casuals working overtime should be paid in the reply submissions.
3. Parties to address AiGroup annual leave loading variation submission (item 3 in summary of proposed variations) in reply submissions.
4. Clause 15.5(b) re part time exclusion from 10 hour break. AiGroup and other parties to consider further. Discuss further at the 29 April conference.
5. Daylight saving. The proposal of ABI will be further considered by the parties and response provided by 28 April 2016. The matter will be discussed at 29 April conference.
6. Clause 8.1: AiGroup further details in reply submissions re Section 147 issue.



COMMISSIONER