

SUMMARY OF SUBMISSIONS

This table is a summary of submissions lodged for this award on or before 5.00pm on 20 April 2016. The notes refer to the conference held on 21 April 2016 ([Transcript](#)) and the [Report to the Full Bench dated 22 April 2016](#).

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
1.	AFEI	Sub-15/04/16	3.4		<i>Parties are asked whether the reference to apprentices in clause 3.4 should be deleted as there is no provision for apprentices in award. Reference to apprentices in clause 3.4 is unnecessary.</i>	Para 43	Parties agreed; to be deleted [Transcript PN 337]
2.	AIG	Sub-15/04/16	6.3		Part-time employees Clause 12.2 of current award should be reinstated as a new subclause under clause 6.3 of the Exposure Draft.	Para 253-256	Agreed to use of term 'minimum hourly rate' [Transcript PN 370]
3.	AIG	Sub-15/04/16	6.3(a)(iii)		Part-time employees The words "who do the same kind of work" should be deleted as are apt confuse and do not serve any clear purpose.	Para 257	AIG to make further submissions if they wish to pursue matter [Transcript PN 404 – 414]
4.	AIG	Sub-15/04/16	7.1		Classifications Party cannot identify any reason for substituting the word "definition" for "description"	Para 258-261	ED to be amended by replacing 'definition' with 'description' [Transcript PN 416]

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5.	AIG	Sub-15/04/16	8.1		Ordinary hours and rostering Ordinary hour provision does not meet s.147 FW Act requirements. Proposed amendment in submission.	Para 262-263	AIG to provide further details in reply submissions [Report to the Full Bench , p.2]
6.	AIG	Sub-15/04/16	8.7.(a)(i)		In response to question: <i>Parties are asked to confirm whether the span of hours can be increased by one hour at both ends i.e. up to two hours in total or one hour in total</i> Clause allows for the span to be altered by up to two hours in total; that is, one hour at each end simultaneously.	Para 264	No change necessary, as agreed by parties [Transcript PN 416]
	ABI&NSW BC	Sub-15/04/16	8.7(a)(i)		Use of the words “at either end” demonstrates that the clause is intended to allow for the span of hours to be increased at both ends.	Para 7.3	
7.	AIG	Sub-15/04/16	9.1		Breaks Reference to clause 9.3 should be replaced with a reference to clause 8.11.	Para 265-267	Agreed – reference to clause ‘9.3’ should be replaced with ‘8.11’ [Transcript PN 417]
8.	AIG	Sub-15/04/16	9.2		Breaks Clause should be amended by replacing the words “between 30 and 60 minutes” with “not less than 30 minutes and not more than 60 minutes”.	Para 268-269	Amend ED to reflect current award as agreed [Transcript PN 417]

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9.	AIG	Sub-15/04/16	9.3		Breaks The text in parenthesis in clause 9.3 should be replaced with the words “or such period as extended in accordance with clause 9.4”. This is consistent with the current clause 25.3	Para 270-272	Amend ED to reflect current award as agreed [Transcript PN 418-421]
10.	ABI&NSW BC	Sub-15/04/16	10.6(b)	18.5(b)	Annual salary arrangements for higher classifications Clause should include a reference to clause 8 (ordinary hours of work and rostering) as it is inconsistent with clause 18.5(b) of current award.	Para 7.4	Parties agreed – change to be made to exposure draft [Transcript PN 566]
11.	AIG	Sub-15/04/16	11.3(g)(v)		Relocation expenses References to clause 11.3(g)(i) and (iv) should be substituted with clauses 11.3(g)(i), 11.3(g)(ii) and 11.3(g)(iii)	Para 273-275	Agreed – clause references to be amended [Transcript PN 422-437]
12.	ABI&NSW BC	Sub-15/04/16	13.1		Penalty rates Clause heading and the table is somewhat ambiguous and should be amended – proposed wording in submission.	Para 7.5	Not yet dealt with – parties to consider further [Transcript PN 570, 579]
13.	AIG	Sub-15/04/16	13.1(a)		In response to question: Parties asked whether reference in clause 13.1(a) to clause 13.2(a) is correct The reference in clause 13.1(a) is correct; it could be widened to all of clause 13.2.	Para 276-278	Agreed – reference is correct [Transcript PN 341]

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	ABI&NSW BC	Sub-15/04/16	13.1(a)		Reference in clause 13.1(a) could remain as clause 13.2(a) or in the alternative, it could be changed to clause 13.2 as this encompasses subclauses (a) and (b) which apply to the payment of shiftwork penalties.	Para 7.6	To be further considered by FWC in finalising exposure draft [Report to the Full Bench , p.2]
14.	AIG	Sub-15/04/16	13.1(a)		Penalty rates Current clause attributes time worked on a Sunday as falling “outside the spread of ordinary hours” and they should both be labelled “outside the spread of hours”.	Para 279	Agreed – amended [Transcript PN 462] AMOD identified error in last row. Amended to reflect current MA, clause 24.7(a)(iv)
15.	ABI&NSW BC	Sub-15/04/16	13.1(c)		In response to question: <i>Parties asked to comment on 13.1(c) of exposure draft and whether it correctly references only Monday to Friday penalty rates. Current award at 24.7(c) appears to incorrectly reference 24.7(a) rather than 24.7(a)(i). The pre-reform Contract Call Centre Award 2003 at clause 22.7.3, upon which the award clause is based, is consistent with cross-referencing in exposure draft.</i> Party submits referencing is correct as it is consistent with clause 22.7.3(a) of the pre-reform award.	Para 7.7	Agreed – reference is correct [Transcript PN 341]

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16.	ABI&NSW BC	Sub-15/04/16	14		Overtime Clause should be amended to state that overtime must be paid when an employee works outside the spread of ordinary hours unless the hours are adjacent to the spread of ordinary hours or agreed ordinary hours on a Sunday.	Para 7.8	Not yet dealt with – parties to consider further [Transcript PN 579]
17.	AIG	Sub-15/04/16	14.1(a)		Payment for working overtime Clause should be amended by replacing the words “for full-time and casual employees” with “except as provided in clause 6.3(c)”	Para 281-284	Agreed – change to be made [Transcript PN 478]
18.	AIG	Sub-15/04/16	14.1(d)		Payment for working overtime Clause 14.1(d) will be superfluous and should be deleted, if change to 14.1(a) is made.	Para 285	Clause to be deleted as now superfluous [Transcript PN 478]
19.	AIG	Sub-15/04/16	14.4(a)		Length of rest period Use of words “where possible” in relation to the 10 consecutive hours off duty and current award uses the term “wherever reasonably practicable” – current award wording should be retained.	Para 286-287	‘Where possible’ to be changed back to ‘wherever reasonably practicable’ [Transcript PN 478]

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20.	ABI&NSW BC	Sub-15/04/16	14.7(d)		<p>In response to question: <i>Parties are asked to clarify entitlements when the time worked is between 3 and 4 hours</i></p> <p>If an employee works between three and four, they are entitled to paid overtime rates and receive at least 10 consecutive hours off duty. If employee does not receive 10 hour break, clause 14.4(b) applies.</p>	Para 7.9	<p>Word ‘one’ is missing from sentence [Transcript PN 341]</p> <p>No amendment required to clarify operation of clause, but parties able to raise differing views in reply submissions [Transcript PN 595]</p>
21.	AIG	Sub-15/04/16	15.4(a)		<p>Annual leave loading</p> <p>The words “minimum hourly rate” should be inserted after 17.5%.</p>	Para 288	Words to be inserted [Transcript PN 480]
22.	ASU	Sub-12/11/2015		18.5	<p>Annualised salaries</p> <p>Seeks to vary clause to include NES entitlement for annualised salaries.</p>	Para 30	<p>Referred to a separately constituted Full Bench [Transcript PN307]</p>
23.	AIG	Sub-15/04/16	24.1		<p>In response to question: <i>Parties are asked whether the reference to Workplace Relations Act 1996 should be replaced as ‘the Act’</i></p> <p>Party agrees – reference should be the Act.</p>		Parties agree – reference to be changed to ‘the Act’ [Transcript PN 350-359]
	ABI&NSW BC	Sub-15/04/16	24.1		<p>Reference to Workplace Relations Act should not be removed as entitlement to training originally comes from the WR Act and not ‘the Act.’</p>	Para 7.10	Parties agree – reference to be changed to ‘the Act’ [Transcript PN 350-359]

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24.	AIG	Sub-12/11/2015		27	Annual leave Seeks to vary clause to remove inappropriately entitling employees to either payment of both the relevant shift loading and an additional annual leave loading or, alternatively, potentially requiring the payment of shift loadings twice when an employee receives annual leave entitlements.	Para 5-12	Claim affects a number of awards Parties to address submission in reply submissions [Report to the Full Bench , p.2]
25.	CPSU	Sub-02/03/15		18.1 and Schedule B	Classifications & minimum wages Propose amendment to classifications to provide for coverage of employees performing work as trainers and provide a rate of pay.	Para 7 and attached draft determination	Parties encouraged to enter discussions [Report to the Full Bench , p.2]
26.	ASU	Sub-02/03/15		18.5	Annual salaries Propose deleting current clause and inserting a new clause.	Para 16	Parties suggest a separately constituted Full Bench will be required to determine issue [Transcript PN 333-334]
27.	FWO	Corro-02/03/15		24.6(b) and (c)	Spread of ordinary hours of work May be unclear what rate should be paid to an employee for the performance of work prior to the spread of ordinary hours which is continuous with ordinary hours.	Item 12	Parties agree that there is no lack of clarity about this matter [Transcript PN 334-335]

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28.	FWO	Corro-02/03/15		24.8(a)(i)	Changing spread of hours at either end Has received enquiries in relation to what “ <i>spread of hours may be altered by up to one hour at either end of the spread</i> ” means. E.g. whether 7am-7pm may be changed to 7am – 8pm (increase at one end of spread), 6am-8pm (increase both ends of spread) or 6am-6pm (shifting spread).	Item 13	Parties do not propose any variation [Transcript PN 336]
29.	FWO	Corro-02/03/15		27.4(a) and (b)	Annual leave loading Has received enquiries about the method of determining which rate applies – whether they are compared on a daily basis or over the entire period of annual leave.	Item 14	Parties agree that there is no lack of clarity about this matter, and that the whole period of leave is the relevant period [Transcript PN 336-337]
30.	FWC		Schedule A - A.2.1(f)(i)		Question from FWC: Parties are asked whether ‘Telecommunications Customer Contact Leader’ in A.2.1(f)(i) should be changed to ‘Principal Customer Contact Leader’?		Parties agree to change [Transcript PN 366]

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31.	AIG	Sub-15/04/16	Schedule B - B.1.1	24.7(a)(iii)	Full-time and part-time adult employees – all employees – ordinary and penalty rates Reference to the “12pm” should be substituted with “12am” to properly reflect current clause 24.7(a)(iii) and clause 13.1(a) of Exposure Draft.	Para 291	Changes to be made [Transcript PN 480-488]
32.	AIG	Sub-15/04/16	Schedule B – B.1.2		Full-time and part-time adult employees – designated shiftworkers – ordinary and penalty rates Propose a reference to it be inserted in the table by way of a footnote as term “permanent night shift” is not used or defined in the Exposure Draft.	Para 292	Changes to be made [Transcript PN 480-488]
33.	AIG	Sub-15/04/16	Schedule B – B.1.1 and B.1.2		Full-time and part-time adult employees Circumstances in which rates prescribed in B.1.1 and B.1.2 are payable is not clear from the schedule so a note should be inserted that refers to clauses 13.1(c) and (d) of Exposure Draft.	Para 293	Changes to be made [Transcript PN 480-488]

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34.	AIG	Sub-15/04/16	Schedule B – B.2.1		Adult casual employees – all employees – ordinary and penalty rates Second column should be amended to substitute words with “outside the spread of hours” to properly reflect 24.7(a)(i) and 13.1(a) of Exposure Draft.	Para 294	Changes to be made, but reference to ‘ordinary hours’ to be retained [Transcript PN 480-488]
35.	AIG	Sub-15/04/16	Schedule B – B.2.1		Full-time and part-time adult employees – all employees – ordinary and penalty rates Reference to “12pm” should be substituted with “12am” to properly reflect the current clause 24.7(a)(iii) and clause 13.1(a) of the Exposure Draft	Para 295	Changes to be made [Transcript PN 480-488]
36.	AIG	Sub-15/04/16	Schedule B – B.2.2		Adult casual employees – overtime rates Term “permanent night shift” is not defined or used elsewhere in the Exposure Draft so a reference should be inserted in the table by way of a footnote	Para 296	Changes to be made [Transcript PN 480-488]
37.	AIG	Sub-15/04/16	Schedule B – B.2.1 and B.2.2		Adult casual employees A note should be inserted that refers clauses 13.1(c) and (d) of the Exposure Draft	Para 297	Changes to be made [Transcript PN 480-488]

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38.	AIG	Sub-15/04/16	Schedule B - B.2.3		Adult casual employees – overtime rates Rates erroneously include casual loading and should be recalculated and the relevant percentages identified should be reduced by 25.	Para 298-299	25% casual loading removed; unions to respond further in reply submissions [Report to the Full Bench , p.2]
39.	ABI&NSW BC	Sub-15/04/16	Schedule G		Definitions Party seeks to include a definition for minimum hourly rate – proposed definition in submission.	Para 7.1	Definition of ‘minimum hourly rate’ to be inserted [Transcript PN 370]

List of abbreviations (in alphabetical order)

AIG	Australian Industry Group (Ai Group)
ABI&NSWBC	Australian Business Industrial, New South Wales Business Chamber
AFEI	Australian Federation of Employers and Industries
ASU	Australian Services Union
CPSU	The Community and Public Sector Union
FWO	Fair Work Ombudsmen