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Australian Federation of
Employers & Industries

Australian Federation of Employers and Industries (AFEI)

Submission in Reply pursuant to the Directions of the Fair Work
Commission on 14 December 2016.

Matter Nos: AM2014/245 and AM2014/227

February 2017

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Australian Federation of Employers and Industries (AFEI)

Submission

Submission in Reply pursuant to the directions of the Fair Work Commission on 15 July 2016 Exposure Draft Awards

Matter Nos: AM2014/245 and AM2014/227

7 February 2017

The following submissions are made in accordance with the Fair Work Commission's Directions dated 14 December 2016 concerning the following Exposure Draft awards:

- a. Sporting Organisations Award 2015; and
- b. Fitness industry Award 2015.

Sporting Organisations Award 2010: AM2014/245

Overtime and Casual employees

1. AFEI has previously made submissions (6 May 2016) concerning overtime rates and casual employees.
2. AFEI notes and agrees with the submission by Tennis Australia and Gymnastics Australia, 10 January 2017, that the award does not currently extend the ordinary hours of work (clause 22.1) to casual employees. Consequently, overtime rates for hours outside the ordinary hours defined in clause 22.1 do not currently apply to casual employees.
3. Clause 8.1(a) of the Exposure Draft Award (29 July 2016), however, has removed references to part-time and full-time employees, the effect of which would be to extend overtime rates to casual employees when working outside the span of 6:00am to 6:00pm. This is a substantive change from the current award which AFEI opposes.
4. The Australian Workers Union (AWU), in their submission dated 27 January 2017 propose to further amend the Exposure Draft to limit the maximum ordinary hours of casual employees to 38 per week and 11 per day. AFEI opposes this proposal as it would introduce a substantial and unwarranted change to the current award.

Fitness Industry Award: AM2014/227

Overtime and Casual employees

5. AFEI has previously made submissions (9 May 2016) concerning overtime rates and casual employees.
6. AFEI notes and agrees with the submission by Tennis Australia and Gymnastics Australia, 10 January 2017, that the Fitness Industry Award does not currently extend the ordinary hours of work (clause 24) to casual employees. Consequently, overtime rates for hours outside the ordinary hours defined in clause 24 do not currently apply to casual employees.
7. Clause 8.1 and 8.2 of the Exposure Draft Award (29 July 2016), however, has removed reference to part-time and full-time employees, the effect of which would be to extend overtime to casual employees when working outside the span of hours and/or in excess of 38 hours per week. AFEI opposes this substantive change to the current award.
8. The Australian Workers Union (AWU), in their submission dated 27 January 2017 propose to amend the Exposure Draft to limit the maximum ordinary hours of casual employees to 38 per week and 10 per day.
9. AFEI opposes this proposal as it would introduce a substantial and unwarranted change to the current award.