



REPORT TO THE FULL BENCH

Fair Work Act 2009

s.156 - 4 yearly review of modern awards

FITNESS INDUSTRY AWARD 2010

(AM2014/227) [MA000094]

DEPUTY PRESIDENT CLANCY

MELBOURNE, 25 AUGUST 2016

Fitness Industry Award 2010

FITNESS INDUSTRY AWARD 2010

[1] A conference was held in Melbourne, with video links to Sydney, Brisbane and Adelaide on 9 August 2016 attended by representatives of:

- K&L Gates (for Gymnastics Australia and Tennis Australia)
- Business SA
- Australian Federation of Employers and Industry (AFEI)
- The Australian Workers' Union (AWU)
- Australian Swim Schools Association Ltd (ASSA)
- Fitness Australia

[2] The conference was conducted to further consider any outstanding matters arising from the proceedings before Justice Ross on 6 June 2016. The parties discussed the exposure draft of the *Fitness Industry Award 2015* as published on 29 July 2016 and the Summary of Submissions dated 22 July 2016 completed by the Fair Work Commission.

[3] As to Item 5, there was an agreement for the words "*Employees engaged other than on a full-time basis under sub-clause 7.2 shall be paid pro rata the wage related allowances detailed in paragraph (a) Leading hands and supervisors*" to be inserted after the first sentence in sub clause 11.1. There was also agreement to amend the words in sub clause 11.2(b) to "*An employee, other than a casual engaged under sub-clause 7.4 (c) (ii), working a rostered broken shift must be paid per day \$12.24 extra and for excess fares and expense related allowance of \$1.89 per day.*"

[4] As to Items 6, 9, 10 and 11, to the extent they concern the question of the entitlement of casual employees to overtime, they remained in dispute but the parties committed to conducting a teleconference to discuss them further and have subsequently indicated they will provide a report back **by close of business on 29 August 2016.**

[5] As to Item 16A, proposed amendments to the Classification definitions relating to swimming coaches were submitted by ASSA on 7 March 2016. They are not opposed and ASSA seeks their incorporation into the exposure draft of the *Fitness Industry Award 2015*.

[6] As to Item 16B, proposed amendments to the Classification definitions relating to gymnastic coaches were submitted by Gymnastics Australia on 12 November 2015. They are not opposed and Gymnastics Australia seeks their incorporation into the exposure draft of the *Fitness Industry Award 2015*.

[7] The ASSA indicated it would circulate some proposed wording for sub clause 3.4 of the exposure draft of the *Fitness Industry Award 2015* relating to coverage and interested parties have indicated they will provide feedback **by close of business on 29 August 2016**.



DEPUTY PRESIDENT

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