

**From:** AMOD  
**Sent:** Friday, 8 September 2017 11:45 AM  
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**Cc:** AMOD  
**Subject:** AM2014/264 Dry Cleaning and Laundry Industry Award 2010 [SEC=UNCLASSIFIED]

To interested parties,

Re: [AM2014/264 Dry Cleaning and Laundry Industry Award 2010](#)

Following several conferences and extensive written submissions and correspondence, Commissioner Cirkovic issued a draft report to the Full Bench about the matters that have been resolved and what remains outstanding. To assist the Commissioner in preparing a final report to the Full Bench in this matter, we are writing to you to provide a further opportunity to respond to the following items raised in the [submission summary](#) document.

Please consider the following matters and provide any response to [amod@fwc.gov.au](mailto:amod@fwc.gov.au) by **4.00 pm on Wednesday 20 September 2017** so that the Commissioner can finalise the report to the Full Bench.

#### ***Item 22–Shiftwork***

The AWU raised concerns that clause 24.1 of the [exposure draft](#) does not provide a span of hours for all shifts. The interested parties agreed that a variation was necessary, but did not agree on the form a variation should take. It is important that, where possible, exposure drafts do not create ambiguity or uncertainty. On that basis, please consider the following draft variation:

#### **24.1 Definitions**

- (a) **Morning shift—dry cleaning** means a shift commencing before 7.00 am and finishing after midday.
- (b) **Morning shift—laundry** means a shift commencing before 6.00 am **and finishing after midday.**
- (c) **Afternoon shift** means a shift finishing after 6.00 pm and at or before midnight.
- (d) **Night shift** means a shift finishing after midnight and at or before 8.00 am.

#### ***Item 9– Ordinary hours of work- dry cleaning workplaces***

The AWU originally made a submission that the ordinary hours of work in exposure draft clause 13.1 should be varied as follows:

**13.1** The ordinary hours of work will ~~average~~ **be** 38 hours per week.

The AWU subsequently withdrew its submission; however the Commission noted that the lack of certainty creates an ambiguity. The ordinary hours of work for laundry stream employees (exposure draft clause 14.1) also provides for an average of 38 hours per week; however it provides a methodology for averaging hours over a four-week cycle. There is no averaging mechanism for dry cleaning stream employees.

There are two options for rectifying the ambiguity that the parties can consider: either to develop an averaging cycle or to remove the word “average”.

In the Commission’s view, removing the word “average” and inserting the word “be” would be a technical/drafting variation that would not require any further proceedings, whereas inserting an averaging cycle would be a substantive variation that would need to be referred to a separate Full Bench for consideration. Accordingly, we would like to clarify the views of the interested parties before advising the Full Bench of the outstanding matters that require determination.

Regards,

AMOD

**Fair Work Commission**

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