

**IN THE FAIR WORK COMMISSION**

**Matter No: AM2014/283**

**Section 156 – Four Yearly Review of Modern Awards – Registered and Licensed Clubs Award 2010**

**SUBMISSION**

**UNITED VOICE**

1. This submission is made pursuant to the direction of Justice Ross on 26 August 2016. This submission concerns technical and drafting matters in the exposure draft of the *Registered and Licensed Clubs Award 2010* ('the Award').<sup>1</sup>
2. All references in this submission are to the exposure draft, unless otherwise specified.

*Clause 13 – Junior employees*

3. The Fair Work Commission has asked the parties about the application of clause 13.1. Clause 13.1 provides:  
*Junior employees employed in the bar or other places where liquor is sold must be paid at the adult rate of pay in clause 18.3 for the appropriate classification.*
4. The provision applies to all employees who work where liquor is sold or served. This does not apply to the entire premises of a club that services alcohol but to the specific areas where liquor is sold or served, such as bars, dining rooms and bottle shops.

*Clause 15.8(e) – Work performed on a rostered day off*

5. At clause 15.8 (e) (ii), the number (ii) is struck through. It should be formatted so that it is not struck through.

*Clause 18 – Minimum wages*

6. The Commission has asked the parties whether or not the current award is correct when it states at current award clause 17.1 that the minimum rates of pay are inclusive of the first aid allowance. This is incorrect.

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<sup>1</sup> MA000058.

7. Clause 17.1 of the current award provides:

*An adult employee within a level specified in the following table (other than an apprentice or an employee engaged on a supported wage) will be paid not less than the rate per week assigned to the classification, as defined in Schedule C—Classification Definitions, for the area in which such employee is working. An employee’s rate of pay is inclusive of the award rate set out in this clause **and** the additional allowance (where applicable) for first aid set out in clause 18.2. [emphasis added]*

8. An employee’s rate of pay is their minimum rate of pay under clause 17.2 ‘and’ the first aid allowance set in clause 18.2. The use of ‘and’ means employee’s ordinary rate of pay is a combination of their minimum rate of pay and the first aid allowance. The effect of this provision is that the first aid allowance is an all-purpose allowance and is included in the employee’s ordinary rate of pay.
9. We propose that the clause should be amended to clarify that the clause 17.1 refers to the calculation of the ordinary rate of pay. The word ‘ordinary’ should be inserted between the words ‘employee’s’ and ‘rate’ in the final sentence of clause 17.1.

*An employee’s ordinary rate of pay is inclusive of the award rate set out in this clause and the additional allowance (where applicable) for first aid set out in clause 18.2.*

#### *Clause 24.4 – Late and early work penalty*

10. The Commission has asked the parties if the late and early work penalties are paid pro-rata for periods of work less than one hour.
11. The late and early work penalties are paid ‘per hour or any part of an hour’. This form of words does not permit the penalty to be paid on a pro-rata basis.

**United Voice**

**20 January 2017**