

IN THE FAIR WORK COMMISSION

Matter No: AM2014/64 and others

Section 156 - Four Yearly Review of Modern Awards –Award stage –Group 1

SUBMISSION OF UNITED VOICE

19 July 2018

1. This submission is responsive to the Decision¹ of the Full Bench of the Fair Work Commission dated 28 June 2018 ('Decision') concerning outstanding technical and drafting matters within the Group 1 Awards. In the Decision, parties were invited to file submissions on a number of outstanding matters and provisional views.
2. United Voice makes submissions regarding the *Ambulance and Patient Transport Industry Award 2010*.
3. United Voice does not oppose the changes outlined in the Decision in respect of:
 - *Item 3-Types of employment –part-time employees*
 - *Item 5 –Types of employment –casual employees*
 - *Item 10- Wages and allowances –minimum wages*
 - *Item 13 –Overtime –on call*
 - *Item 16 –annual leave –payments for annual leave*

Item 8 –Breaks –paid crib time and Item 18 –Classifications definitions –operational employees

4. United Voice supports the provisional view in paragraph [50] to amend the Exposure Draft to ensure that all operational employees receive paid crib time.

Item 12 –Penalties and overtime –penalty rates

5. United Voice supports the removal of clause 13.2 of the Exposure Draft.
6. United Voice acknowledges that the proceedings regarding the technical and drafting issues in relation to Group 1 awards are moving to conclusion, however we have noted a related issue that would result in significant disadvantage for casual employees and which should be addressed.
7. Clause 6.5(c) of the Exposure Draft states that '*for each ordinary hour worked, a casual employee must be paid....*'

¹ [2018] FWCFB 3802

8. In contrast, clause 10.5(c) of the current award states *'a casual employee will be paid an hourly rate calculated on the basis of 1/38th of the minimum weekly wage prescribed in clause 14 –Minimum weekly wages for the relevant classification, plus....'*
9. The wording in clause 6.5(c) of the Exposure Draft limits the payment of the casual loading to *ordinary* hours of work. This is a substantive change from the current award and will result in significant detriment for casual employees under this award. The casual loading payable under clause 10.5(c) of the current award is not limited to ordinary hours of work. Under clause 10.5(d) of the current award, it is clearly stated that the casual loadings in clause 10.5(c) are paid instead of any weekend or public holiday penalty that would otherwise apply. The casual loadings are not paid instead of overtime.
10. United Voice proposes that clause 6.5(c) be amended to state *'for each hour worked, a casual employee must be paid....'*
11. We acknowledge there are separate proceedings in AM2017/51 in respect of overtime for casuals. However, this issue relates directly to a change that has been made during the process of re-drafting this award and should be addressed within these proceedings.

UNITED VOICE