

From: Katie Biddlestone [mailto:katie@sda.org.au]
Sent: Tuesday, 11 July 2017 5:14 PM
To: Chambers - Ross J
Cc: AMOD; Jacki Baulch; Rachel Liebhaber; Chambers - Hatcher VP; Jessica Light; Kate Thomson; Karen Van Gorp; Chris Klepper (Business SA)
Subject: FW: AM2014/209 - Joint Union Submission re Plain Language in the Pharmacy Industry Award

Dear Associate,

Re: AM2014/209 – Pharmacy Industry Award 2010 – Plain language redraft

We write on behalf of the APESMA and HSUA in relation to the Statement issued by His Honour on 5 July 2017, [2017] FWCFB3570, regarding the plain language drafting of the Pharmacy Industry Award 2010.

We rely on the submissions filed on behalf of the union parties on 4 July 2017, as per the below email, in accordance with the decision of the Full Bench on 21 June 2017. These submissions address the outstanding issues identified in the Statement issued on 5 July.

Following the decision of the Casual and Part-time Full Bench on 5 July 2017, the union parties would like to seek a teleconference before Vice President Hatcher to discuss the insertion of a casual conversion clause into the Pharmacy Industry Award, as per the decision issued by the Full Bench on 21 March 2017, [2017] FWCFB 1612, which states that:

Clause 11 – Casual employment

[50] At paragraph [130] of the January Decision we expressed a provisional view that clause 11.2 be deleted and a casual conversion clause be inserted. The form of the casual conversion clause will be determined after the decision of the Part-time and Casual Employment Full Bench. The Full Bench deferred consideration of the range of other issues raised by the parties until the determination of the substantive issues in respect of casual employment.

[51] This issue was canvassed during the course of the proceedings on 22 February 2017 and there was general agreement to the proposition that a casual conversion clause be inserted into the award but no agreement as to the form of that clause. It was also agreed that a telephone conference would be held after the decision in the Part-time/Casuals case has been issued (see Transcript at [742]–[747]).

Please contact me if you have any questions or concerns in relation to this.

Kind Regards,

Katie Biddlestone
National Industrial Officer & National Women's Officer



Shop Distributive and Allied Employees' Association
Level 6, 53 Queen Street, Melbourne, VIC, Australia 3000
M: 0408 220 565 P: 03 8611 7000 E: katie@sda.org.au W: sda.org.au
THE UNION FOR WORKERS IN RETAIL.FAST FOOD.WAREHOUSING
Working Monday, Tuesday, Wednesday and Thursday

s. 156 - Four Yearly Review of Modern Awards

Pharmacy Industry Award 2010

AM2014/209

Joint Union Submission

Plain language re-drafting - [2017] FWCFB3337

By



Shop Distributive and Allied Employees' Association (SDA)

Association of Professional Engineers, Scientists and Managers, Australia (APESMA)

Health Services Union (HSU)

Dated: 4 July 2017

Lodged by:

Katie Biddlestone

Jacki Baulch

Rachel Liebhaber

SDA

APESMA

HSU

katie@sda.org.au

jbaulch@professionalsaustralia.org.au

rachell@hsu.net.au

1. The Shop Distributive and Allied Employees' Association (SDA), the Association of Professional Engineers, Scientists and Managers Australia (APESMA) and the Health Services Union (HSU) makes these submissions on the – Pharmacy Industry Award – Plain Language Draft (20 January 2017) in accordance with the decision issued by the Full Bench on 21 June 2017¹.

Clause 4.3 On-hire

2. The union parties agree with the provisional view of the Full Bench of the FWC expressed in PN 9 of its decision on 21 June 2017 and that clause 4.3(a) of the January exposure draft is appropriate and should be adopted.
3. The union parties rely on our previous submissions and have no further submissions to make in relation to clause 4.3(b).

Clause 18.5 – Use of the word 'Township'

4. The union parties rely on the submissions² filed on 10 December 2015 by the SDA regarding the use of the word 'township' in clause 19.4 of the current Award (18.5 of the January exposure draft).

Clause 4 Coverage

5. The union parties agree that the deletion of the words 'by retail' in clause 4.1 and the provisional view of the Full Bench to delete all of the words after 'government' in clause 4.1(c) satisfies the issues raised in submissions and during the hearing on 15 December.
6. We submit that this redraft resolves any outstanding issues in relation to the coverage clause.

Broken Hill Allowance

¹ [2017] FWCFB3337

² <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/am2014209-sub-plainlanguage-sda-101215.pdf>

PN 76-79

7. The union parties support the insertion of the clause 19.7 of the current Award which provides the Broken Hill Allowance as per PN [13] and [14] of the decision issued on 21 June 2017.

Clause 23 – Personal/carer’s and compassionate leave

8. The union parties support the re-draft of clause 23.3 to provide consistency with the NES and the drafting proposed does not appear to change the legal intent of the clause.
9. There does appear to be an error with the re-drafting at 23.3(d). The re-draft provided in the decision is:

*23.3(d) Casual employees are not entitled to paid leave under clause 16.3 (a)
(Pharmacy students).*

10. We submit that the clause reference should be 23.1 and the words in italics (Pharmacy students) should be omitted.