



**Fair Work Commission**

**s. 156 - Four Yearly Review of Modern Awards**

*4 yearly review of modern awards – Clerks Private Sector Award 2010 – plain language exposure draft*

**AM2016/15**

---

ASU document identifying which issues in the revised summary of submissions published on 7 July 2017 remain outstanding having regard to the revised exposure draft.

1. The ASU relies on previous submissions in identifying which issues in the revised summary of submissions published on 7 July 2017 remain outstanding having regard to the revised exposure draft.
2. The ASU confirms the following submissions according the item number noted in the draft summary of submissions table.

**Clause 3 definition**

3. Item 2: The ASU supports use of the word “work” as opposed to “duties”. “Work” is more easily understood in the reading of the coverage clause.
4. Item 3: Definition of shiftworker is dependent on the outcome of item 106, when the shiftwork provisions apply.

**Clause 4 coverage**

5. Item 5: the ASU agrees the modern award is an occupational award.
6. Item 6: The ASU supports the wording of the exposure draft of 3 February 2017 at clause 4.1(a) and (b) that “principally engaged in clerical *and administrative work*”. The use of the words “administrative work” reflects the definition of clerical work at clause 2 that includes “administrative work of a clerical nature”.
7. For the reasons outlined for item 6 the ASU believes that the reference to “administrative” should remain.
8. Item 15: The ASU submits that the clause should reference a “majority of employees only”.
9. Item 21: The ASU submits a reference to “the employer and the part-time employee will agree in writing on a regular pattern of work” in the modern award should be maintained.

10. Item 24: The ASU supports the current modern award wording being maintained.
11. Item 36: The ASU supports the current modern award wording being maintained.
12. Item 55: The ASU maintains its concern that penalties, overtime and shiftwork payments will be applied on the minimum hourly rate regardless of an employee being paid more than the minimum hourly rate.
13. Item 70: The ASU supports the current modern award wording being maintained.
14. Item 106: The ASU maintains its submission of the 2 March 2017 but is willing to discuss the shiftwork clause more generally.
15. Item 122: The ASU supports the use of the term “wage” in preference to “rate”.
16. Schedule A-Classification Structure and Definitions: The ASU is concerned at the amending of the competencies and typical duties and skills categories. The ASU reserves its rights subject to discussions with the plain language Drafter as to the intent of the amendments.

Australian Services Union

13 September 2017