

From: Katie Biddlestone

Sent: Friday, 17 February 2017 4:54 PM

To: AMOD

Cc: Sharlene Wellard; Jessica Light; Jacki Baulch; Leigh Svendsen; Rachel Liebhaber; Kate Thomson; Karen Van Gorp; Chris Klepper (Business SA)

Subject: AM2014/209 - 4 yearly review of modern awards - Pharmacy Industry Award 2010

Dear AMOD,

AM2014/209 - 4 yearly review of modern awards - Pharmacy Industry Award 2010

Please find attached the Draft Determinations which are filed on behalf of the SDA, the Guild, Business SA, the Health Services Union, the NSW Business Chamber and the Association of Professional Engineers, Scientists and Managers Association (APESMA), in accordance with the Directions issued by Vice President Hatcher on 24 November 2016.

The Draft Determinations filed set out the agreed variations in relation to items 1 – 4 of the Directions:

1. Minimum shift provisions relating to the employment of school students
2. The grades at which junior rates should apply
3. The payment of overtime to casual employees
4. The coverage of the annualised salary rate

The Draft Determinations are based on the most recent Exposure Draft of the Pharmacy Industry Award published by the Full Bench on 20 January 2017.

Kind Regards,

Katie Biddlestone

National Industrial Officer & National Women's Officer



FAIR WORK COMMISSION

DRAFT DETERMINATION

Fair Work Act 2009

Four Yearly Review of Modern Awards

(AM2014/197) Casual Employment (AM2014/196) Part-time Employment

PHARMACY INDUSTRY AWARD 2010

MA000012

The Pharmacy Industry Award 2010 is varied as follows:

1. By inserting a new subclause 10.12 as follows

10.12 School students

The minimum engagement period for a part-time employee will be two hours if all of the following circumstances apply:

- (a) the employee is a full-time secondary school student; and
- (b) the employee is engaged to work between the hours of 3.00pm and 6.30pm on a day which they are required to attend school; and
- (c) the employee agrees to work, and a parent or guardian of the employee agrees to allow the employee to work, a shorter period than three hours; and
- (d) there is at least one employee who is classified at grade 3 or higher engaged over the same period to supervise the school student employee

2. By inserting a new subclause 11.7 as follows

11.7 School Students

The minimum engagement period for an employee engaged on a casual basis will be two hours if all of the following circumstances apply:

- (a) the employee is a full-time secondary school student; and
- (b) the employee is engaged to work between the hours of 3.00pm and 6.30pm on a day which they are required to attend school; and
- (c) the employee agrees to work, and a parent or guardian of the employee agrees to allow the employee to work, a shorter period than three hours; and
- (d) there is at least one employee who is classified at grade 3 or higher engaged over the same period to supervise the school student employee

MA000012 PRXXXXXX

FAIR WORK COMMISSION

DRAFT DETERMINATION

Fair Work Act 2009

s156 – 4 Yearly reviews of modern awards

4 yearly review of modern awards

(AM2014/197)

PHARMACY INDUSTRY AWARD 2010

MA000012

Pharmacy operations

VICE PRESIDENT HATCHER

MELBOURNE, DD MM 2017

Review of modern awards to be conducted.

A. Further to the Decision and Reasons for Decision <<DecisionRef>> in <<FileNo>>, it is determined pursuant to section 156(2)(b)(i) of the *Fair Work Act 2009*, that the *Pharmacy Industry Award 2010* be varied as follows.

1. Delete Clause 16.2 of the Exposure Draft issued by the Commission on 20 January 2017 and insert in lieu thereof the following:

16.2 Junior wages (Pharmacy Assistants Level 1 and 2 only)

An employer must pay an employee, who is classified as a Level 1 or Level 2 Pharmacy Assistant and aged as specified in column 1 of Table 4 - Junior wages (Pharmacy Assistants Level 1 and 2 only), at least at the percentage specified in column 2 of the minimum wage that would otherwise be applicable under Table 3 — Minimum wages:

Table 4 — Junior wages (Pharmacy Assistants Level 1 and 2 only)

Column 1	Column 2
Age	% of minimum wage
Under 16 years of age	45
16 years of age	50
17 years of age	60
18 years of age	70
19 years of age	80
20 years of age	90

- B.** This determination comes into force on and from DD MM 2017.

PRESIDING MEMBER

MA000012 PRXXXXXX

FAIR WORK COMMISSION

DRAFT DETERMINATION

Fair Work Act 2009

s156 – 4 Yearly reviews of modern awards

4 yearly review of modern awards

(AM2014/197)

PHARMACY INDUSTRY AWARD 2010

MA000012

Pharmacy operations

VICE PRESIDENT HATCHER

MELBOURNE, DD MM 2017

Review of modern awards to be conducted.

A. Further to the Decision and Reasons for Decision <<DecisionRef>> in <<FileNo>>, it is determined pursuant to section 156(2)(b)(i) of the *Fair Work Act 2009*, that the *Pharmacy Industry Award 2010* be varied as follows.

1. Delete Clause 20 of the Exposure Draft issued by the Commission on 20 January 2017 and insert in lieu thereof the following:

20. Overtime

NOTE: An employee may refuse to work additional hours if they are unreasonable as set out in section 62 of the Act.

20.1 Application of overtime

An employer must pay all employees at the overtime rate, as specified in clause 20.3, for any hours worked at the direction of the employer:

- (a) in excess of 38 hours per week (or 76 ordinary hours over two consecutive weeks); or

- (b) in excess of 12 hours per day as specified in clause 13.3 (maximum daily hours); or
- (c) that are not continuous, except for rest breaks and meal breaks as specified in clause 15-Breaks; or
- (d) between midnight and 7.00 am; or
- (e) outside the rostering arrangements as specified in clause 14.

20.2 A part-time employee will be paid at the overtime rate for each hour worked in excess of the number of hours that the employee has agreed to work under clause 10.4 and 10.12.

20.3 Payment of overtime

- (a) An employer must pay an employee for all overtime worked as prescribed in clause 20.1 and 20.2 the overtime rate specified in column 2 of Table 5 in accordance with when the overtime was worked as specified in column 1 of that table.
- (b) The overtime rate specified in column 2 of Table 5 must be applied to the applicable minimum wage for the employee classification in accordance with clause 16 — Minimum wages.

Table 5—Overtime rates

Column 1 For overtime worked on	Column 2 Overtime rate
Monday to Saturday—first 2 hours	150%
Monday to Saturday—after 2 hours	200%
Sunday—all day	200%
Public holiday—all day	250%

NOTE: Schedule B — Summary of Hourly Rates of Pay sets out the overtime rate hourly wage for all employee classifications according to when overtime is worked.

- (c) Casual loading is not payable on overtime worked by a casual employee.

B. This determination comes into force on and from DD MM 2017.

PRESIDING MEMBER

FAIR WORK COMMISSION

DRAFT DETERMINATION

Fair Work Act 2009

Four Yearly Review of Modern Awards

(AM2014/209) (AM2016/15) Plain Language Redrafting

PHARMACY INDUSTRY AWARD 2010

MA000012

The Pharmacy Industry Award 2010 is varied as follows:

1. By amending clause 17 as follows

17 Annualised Salary (Pharmacist and Pharmacy Assistant level 4 only)

17.1 A pharmacist or pharmacy assistant level 4 may agree in writing with their employer to be paid an annualised salary that satisfies this award in relation to all or any of the following matters:

- (a) overtime;
- (b) penalty rates;
- (c) payments for public holidays;
- (d) payments for annual leave;
- (e) annual leave loading;
- (f) meal allowances;
- (g) on premise meal allowances.

17.2 A pharmacist or pharmacy assistant level 4 may be represented by a union or other representative nominated by them in any discussion about the making of an agreement under clause 17.1.

17.3 An annualised salary must not result in an employee being paid less over a year (or, if the employment is terminated before a year is completed, over the period of that employment) than would have been the case if an annualised salary had not been agreed.

17.4 The employer must keep a copy of any agreement under clause 17.1 and give another copy to the employee.

17.5 The employer must keep a record of hours worked each day by a pharmacist who has entered into an agreement under clause 17.1 showing the times at which the employee started and finished work that day.

17.6 A record mentioned in clause 17.1 must be:

- (a) countersigned weekly by the employee; and
- (b) kept at the place of employment for at least 6 years.