

REVISED SUMMARY OF SUBMISSIONS

This table is a summary of submissions lodged for this award on or before 5.00pm on 31 May 2016. The notes refer to the conference held on 21 April 2016 ([Transcript](#)) and 29 April 2016 ([Transcript](#)) the [Report to the Full Bench - 22 April 2016](#) and [Report to the Full Bench - 2 May 2016](#) and [Report to the Full Bench - 26 May 2016](#).

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
1	AIG	Sub-14/04/2016	6.3(a)(i)	11.2(a)	Part-time employees Proposes clause be amended to refer to <u>ordinary</u> hours, to make clear part-time employee is one who works less than full-time ordinary hours	442	Agreed - see Transcript – 21 April 2016 [PN640]
1A	AIG	Reply-sub – 05/05/16	6.3(a)(iii)	11.2(a)	Part-time employees Clause now provides for payment at “the ordinary hourly rate for ordinary hours worked”. Difficulties may arise if employee required to work overtime at ordinary rates pursuant to 6.3(b)(ii) – appears no rate will be payable.	343	Amendment made. Matter assumed resolved – Report - 26 May 2016
2	AIG	Sub-14/04/2016	6.3(a)(iv)	11.2(c)	Part-time employees The words “who do the same kind of work” do not serve any purpose and should be deleted.	443	Further submissions made by AIG following Transcript – 21 April 2016 [PN640]. Amendment agreed, matter assumed resolved: Report - 26 May 2016
	AIG	Reply-sub-5/05/16			Continues to press for deletion of words – no reason to introduce a notion that operation of provision is based on parity of work.	345	
2A	AIG	Reply-sub-5/05/16	6.3(a)(iv)	11.2(c)	Part-time employees Clause provides for pro-rata “pay	346 – 347	Clause amendment, matter assumed resolved.

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					and conditions” – no reference to such pay and conditions being limited to award derived entitlements and former cl.11.2(c) should be reinstated.		Report - 26 May 2016
3	ABI	Sub-15/04/2016	6.3(b) and 15.1		Part-time employees - overtime Should be amended to read overtime payable where “an employee is required to work in excess of...” to avoid instances where payment is alleged to be owed by employee for unauthorised overtime.	13.1	Outstanding matter to be referred to Full Bench – Report - 26 May 2016
	AIG	Reply-sub – 05/05/16			Party may seek to reply once further comment filed by ABI.	348	
	ABI	Reply sub – 06/05/16			Party confirms wishes to pursue submission and proposed addition of words “required to” in context of performing overtime work and payment for same.	13.1	
4	AIG	Sub-14/04/2016	6.3(b)(i)	11.2(b)	Part time employees - overtime Amendment to cl 6.3(b) to refer to time worked in excess of hours <u>fixed in accordance with the patterns of hours applicable to the employee.</u> Concerned current ED wording suggests ordinary working hours must be performed within rigid constraints that do not exist in MA.	444 – 447	Agreed - see Transcript – 21 April 2016 [PN640 – 653]

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5	AIG	Sub-14/04/2016	6.3(b)(ii)	11.2(b)	Part time employees - overtime Propose to retain wording in current MA. Cl 6.3(b)(i) of ED removes word “however” and makes ambiguous whether overtime rule is subject to exclusion in cl 6.3(b)(ii)	448 – 452	ED to be amended to insert the word “however” – Report - 26 May 2016
	AIG	Reply-sub-5/05/16			Two clauses are inconsistent with no express articulation of which prevails. Less apparent time contemplated in 6.3(b) is overtime notwithstanding it not being paid at overtime rates.	349 – 350	
6	AIG	Sub-14/04/2016	6.3(b)(ii)		Part time employees - overtime Proposes clause amended to refer to ordinary hours to make clear part-time employee is one who works less than full-time ordinary hours	453	Agreed - see Transcript – 21 April 2016 [PN673-683)
7	AIG	Sub-14/04/2016	6.4(b)(ii)		Casual loading Propose cl 6.4(b)(ii) be amended by replacing “ordinary hourly rate” with “minimum hourly rate” so loading is calculated on minimum wage prescribed by award absent inclusion of any all-purpose allowances.	454 – 455	Outstanding matter to be referred to a Full Bench – Report - 26 May 2016
	AIG	Reply-sub-5/05/16			Party wishes to pursue claim and notes it is not pursuing substantive change as characterised in Report – 2 May 2016 .	351	

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8	AIG	Sub-14/04/2016	6.4(b)(iii)		Casual loading Clause 6.4(b)(iii) should appear as separate paragraph under clause 6.4(b)(ii) rather than a numbered paragraph – drafting error	456	Agreed – see Transcript – 21 April 2016 [PN663-673]
9	AIG	Sub-14/04/2016	8.1		Hours of work Propose cl 8.1 ED be amended to read “The ordinary hours of work are to be an average of <u>up to 38</u> per week”.	Section 2.4 and 457	Resolved. Amendment made to ED “(or up to 38 hours for casual employees)” - Report - 26 May 2016
	AIG	Reply-sub – 05/05/16			Refers to submissions regarding the <i>Contract Call Centres Award</i> where similar issue arises and comparable amendment should be made.	352	
10	AIG	Sub-14/04/2016	8.7(d)		Hours of work - provisions applicable only to afternoon or night shifts Reference to cl 14.1 should be amended to refer to cl 14.2 – drafting error	458	Agreed – see Transcript – 21 April 2016 [PN686]
11	ABI	Sub-15/04/2016	8.8		Hours of work – daylight saving Should be amended to refer to payment for each hour worked in respect of shifts worked when daylight saving time starts or stops instead of “adjusted time”	13.2	Resolved. ABI did not advised wished to pursue matter per Report – 2 May 2016 – see Report - 26 May 2016
	AIG	Reply-sub – 05/05/16			ABI proposal is opposed, as indicated in Report – 2 May 2016 .	353	

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12	AIG	Sub-14/04/2016	9.2	22.1	Breaks Cl 9.2 ED amended by replacing words “between 30 and 60 minutes” with “not less than 30 minutes and not more than 60 minutes” to avoid requirement that break is between 31 to 59 minutes in length.	459 – 460	Agreed to change back to current MA wording - see Transcript – 21 April 2016 [PN686]
13	AIG	Sub-14/04/2016	9.3	22.3	Breaks “or more than six hours” is replaced with “or such period” to cover employees that have reached agreement to work between five and six hours with a break	461 – 463	Agreed - see Transcript – 21 April 2016 [PN686]
14	AIG	Sub-14/04/2016	9.4	22.2(a)(ii)	Flexibility in relation to meal breaks Propose terms in cl 22.2(a)(ii) current MA be inserted into ED to allow flexibility in relation to the length of the meal break	464 – 465	Agree – ED amended to MA clause Transcript – 21 April 2016 [PN687]
15	AIG	Sub-14/04/2016	10.1		Minimum wage rates Propose insert the words “full-time employees” in the second column of 10.1 so it only applies to full-time employees.	466 – 469	Resolved. Amendment (“full-time employees”) adopted – Report – 2 May 2016
	AIG	Reply-sub – 05/05/16			Submissions not addressed in ED or Reports to the Full Bench and notes submission agreed by relevant interested parties in one other group 3 ED	354 – 357	

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16	FWC query	Exposure Draft dated	10.3(b)(i)		Payment of wages Parties are asked to make submissions about how monthly pay is calculated		No change – see Transcript – 21 April 2016 [PN613 – 614]
17	ABI	Sub-15/04/2016	10.4(m)(ii)		Minimum wage rates -apprentices For adults in their second, third and fourth year of apprenticeship - alternatives bearing to the NMW or bearing to the rate of another classification of employee should be omitted and replaced with percentages or pay rates expressed as dollar figures	13.3	Agreed – amended to reflect MA – Transcript – 21 April 2016 [PN732]. Note reference to NMW removed, AMOD identified error, ED updated to reflect 2015 Annual Wage Review Determination (PR566712)
18	AIG	Sub-14/04/2016	10.4(p)(i)		Minimum wage rates -apprentices A full stop should be inserted after “such training”.	470	Agreed - see Transcript – 21 April 2016 [PN687]
19	ABI	Sub-15/04/2016	10.7(b)		Minimum wage rates – National Training Wage cl 10.7(b) is no longer required and can be removed	13.4	Agreed – see Transcript – 21 April 2016 [PN615]
20	ABI	Sub-15/04/2016	11		Annual Salary arrangements for higher classifications Award clear for classifications in 11.1 that provisions in 11.2 do not apply. 11.3 makes clear what obligations apply to those employees. Award terms certain.	13.5-13.6	Clear from wording that the classifications in 11.1 can only be engaged on an annual salary – see Transcript – 21 April 2016 [PN625-639]
21	ABI	Sub-15/04/2016	11.1		Annual Salary arrangements for higher classifications	13.6	ED to be amended to make clear classifications

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					Casual employee could potentially be engaged in the classifications in cl 11.1 but cl 11.3 suggests cl 11 is not designed to apply to casual employees.		in 11.1 cannot be casuals – parties can make submission re change in reply submissions – see Transcript – 21 April 2016 [PN625-639]
22	FWO	Sub - 02/03/15	11.3(b) & 21.1(a)		Types of employment and overtime Seeks clarification as to whether the calculation of the overtime rate for casual employees includes or excludes the casual loading.	38	Item 12 (sic – 22): Sched B of ED to be amended to include overtime rates for casuals. If unions wish to pursue claim for loading need to advise in reply subs Report – 2 May 2016
23	AIG	Sub-14/04/2016	12.3(a)		All purpose allowance Argues definition not consistent with decision of Commission. Proposes to insert the work “annual” before “leave”.	471	Agreed – see Transcript – 21 April 2016 [PN688]
24	AIG	Sub-14/04/2016	12.4(g)(ii)	17.1e(iv)	Relocation expenses Argues redrafting is a substantive change to current clause (no longer allows employer to arrange, pay for and provide suitable accom). Seeks current text be retained.	472 – 474	Agreed – change as proposed by AIG - see Transcript – 21 April 2016 [PN688]
	ABI	Sub-15/04/2016			Current wording of MA should remain.	13.7	

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25	AIG	Sub-14/04/2016	14.1(a)	20.7(c)(i)	Definitions Clause 14.1(a) should be amended by inserting words “subject to cl 8.6(b)” at start of clause.	475 – 478	Agreed - see Transcript – 21 April 2016 [PN688]
26	AIG	Sub-14/04/2016	14.2(a) and 14.2(b)		Shiftwork penalties Shiftwork afternoon penalty should be replaced with ‘15%’, current drafting could be interpreted as employer required to pay penalty of 115% in addition to employee minimum rate of pay	479 – 480	AIG does not consider matter resolved. ED not amended to maintain consistency – Report – 2 May 2016
	AIG	Reply-sub – 05/05/16			Wording in ED not consistently amended to accommodate penalties and loadings being converted to total rate payable. e.g. 14.2(c) suggests that 130% <u>is a loading</u> and payable in addition to employee’s ordinary hourly rate. Further, reference to “...the shift loading prescribed in clause 14.2(b)” is no longer a loading payable pursuant to that clause but a higher rate.	358 – 361	
	AIG	Reply-sub – 05/05/16			ED has been amendment to remove word “penalty” – party did not call for change in this award. Change unnecessary but issue above is relevant to subclause.	362	

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27	AIG	Sub-14/04/2016	15.5(a)	21.4(a)	Length of rest period Argues change from “reasonably practicable” in current MA to “where possible” in ED is a substantive change. Words in current MA should be retained	481	Agreed - see Transcript – 21 April 2016 [PN708]
28	AIG	Sub-14/04/2016	15.5(b)	21.4(b)	Where the employee does not get a 10 hour rest ED does not include exemption for part-time employees (currently in MA). This is a substantive change. Exemption should be retained.	482	Resolved. ED updated to reflect wording in current award. Report – 2 May 2016 & Report - 26 May 2016
	AFEI	Reply sub-6/05/16			Supports submission of AIG. Current award provides casual and part-time employees are excluded but ED only retains exclusion for casual employees and this has not been amended in revised ED.	57	
29	AIG	Sub-14/04/2016	15.7(d)	21.7(d)	Call back Reference to clause 15.4 should be replaced with reference to clause 15.5, consistent with MA.	483	Agreed - see Transcript – 21 April 2016 [PN719]
30	AIG	Sub-14/04/2016	15.8(d)	21.7(c)	Remote service/support –technical stream Reference to clause 15.4 should be replaced with reference to clause 15.5, consistent with MA.	484	Agreed - see Transcript – 21 April 2016 [PN719]

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31	AIG	Sub-12/11/2015	16.3		Annual leave Vary clause to remove inappropriately entitling employees to either payment of both relevant shift loading and additional annual leave loading or, alternatively, potentially requiring payment of shift loadings twice when an employee receives annual leave entitlements.	5-12	Resolved – ED updated to reflect AIG proposal for 16.3(a) – but not 16.3(b) – as provided in correspondence on 28 April 2016 except, clause will retain ‘Instead of the base rate of pay as referred to in s.90(1) of the Act,’ – Report – 2 May 2016 , Report - 26 May 2016 .
		Corr-28/04/2016			Proposed new wording for cl 16.3 provided	p.3	
32	AIG	Sub-14/04/2016	Sch B		Summary of hourly rates of pay B.1.2 states rates are based on minimum hourly rate but table indicates rates are a percentage of ordinary hourly rate. Reference confusing, should be amended.	485 – 486	Resolved – an additional sentence added to clause B.1.2 in accordance with Report - 2 May 2016
	AIG	Reply-sub – 05/05/16			Intends to review amended schedule once next version of ED released.	363	
33	AIG	Sub-14/04/2016	Sch B		Summary of hourly rates of pay – shiftworkers Reference to ‘shiftworkers’ in the headings above each of the tables is confusing as no distinction between day worker and shiftworker in this award.	487 – 491	Agree – ED to be amended - CPSU reserves right to respond in reply submissions see Transcript – 21 April 2016 [PN721-724]
	AIG	Reply-sub – 05/05/16			Intends to review amended schedule once next version of ED released.	363	

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34	CPSU	Sub - 02/02/15	Schedule B		Classifications structure and definitions Seeks the inclusion of a new classification for 'Customer Contact Trainer' as they appear to be excluded from coverage from the Award.	Para 4-7	Parties had preliminary discussions re trainer proposal - If requested further conference will be convened Report – 2 May 2016 and Report - 26 May 2016 .
35	AIG	Sub-14/04/2016	Sch B.2.4		Full time and part time employees – shiftworkers – overtime rates Reference to 'shiftworkers' in the headings above each of the tables is confusing as no distinction between day worker and shiftworker in this award.	492	Agreed – ED to be amended. CPSU reserves right to respond in reply submissions – Transcript – 21 April 2016 [PN721-724). Tables for shiftworker and day worker to be combined, clause B.1.2 to include additional wording – Report - 26 May 2016
	AIG	Reply-sub-5/05/16				Intends to review amended schedule once next version of ED released.	
36	AIG	Sub-14/04/2016	Sch B.3.2		Casual employees – shiftworkers – ordinary and penalty rates Reference to 'shiftworkers' in the headings above each of the tables is confusing as no distinction between day worker and shiftworker in this award.	493	Resolved – see item 35
	AIG	Reply-sub-5/05/16				Intends to review amended schedule once next version of ED released.	

List of abbreviations (in alphabetical order)

ABI	Australian Business Industrial and NSW Business Chamber
AIG	The Australian Industry Group
AFEI	Australian Federation of Employers and Industry
CPSU	CPSU, the Community and Public Sector Union
ED	Exposure draft of the <i>Telecommunications Services Award 2015</i>
FWO	Fair Work Ombudsman
MA	Modern Award – <i>Telecommunications Services Award 2010</i>