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**Sent:** Friday, 18 December 2020 1:59 PM  
**To:** Chambers - Ross J <[Chambers.Ross.j@fwc.gov.au](mailto:Chambers.Ross.j@fwc.gov.au)>  
**Subject:** AM2020/103 - Award flexibility – Hospitality and retail sectors

Good Afternoon Justice Ross

I need to extend my apologies to you in not providing a reply to your questions in the conference yesterday - technical issues.

Please find below the reasons for the Pharmacy Guild's participation at the conference including several comments for consideration on the matter.

The Pharmacy Guild is participating in the progress as the Guild has received multiple requests from community pharmacy employers on whether it was possible or achievable to introduce a 'flat rate' into the Pharmacy Industry Award.

The predominate reasons for the 'flat rate' questions are:

- Simplifying the wage paid on hours worked;
- Not have multiple payment steps; and
- Easier to be understand by both the employer and employee regarding hours worked.

The Guild is supportive of having a 'loaded rate' included into Awards (such as the Pharmacy Industry Award) that are predominately used by small to medium businesses without dedicated internal support to remove complicated and assist in ensuring employers remunerate their employees correctly.

It is envisioned that 'loaded rate' arrangements could be organised along the following parameters:

- **Monday to Friday – Option 1**
  - A 'loaded rate' for predominate core operating hours – eg 6am to 7pm
  - A 'load rate' for operating hours – eg 7pm to 6am
- **Monday to Friday – Option 2**
  - A 'loaded rate' for predominate core operating hours – eg 6am to 9 or 10pm
  - A 'load rate' for operating hours – eg 9 or 10pm to 6am
  - Similar to shiftwork percentages
- **Saturday & Sunday**
  - A 'loaded rate' for predominate core operating hours – eg 6am to 9 or 10pm
  - A 'load rate' for operating hours – eg 9 or 10pm to 6am
  - Similar to shift penalty percentages
- **Public Holiday** – not applicable unless the business operates on a 7-day arrangement for 'loaded rate' or the current penalty rates apply instead.

The above proposed spread of hours would cover a significant portion of small to medium business operating hours. The 'loaded rate' should be developed on realistic and practical operating arrangements and hours of work including full time employment only (eg 38 hours per week).

The proposed 'loaded rates' could be contained within a Schedule that is directed linked to both a business financial turnover position (eg ATO determination) and employee head count (eg Fair Work Act). This would still allow for medium to large businesses to engage in bargaining for their particular operational arrangements and provided a benchmarking position for the Commission's approval process.

In addition, the use of 'loaded rate' could be an optional agreement for a business based upon the employees being involved in a consultation and decision-making process similar to the enterprise agreement making process. This approach will need serious consideration as this approach could impose a significant regulatory on a business.

Regards

**Scott Harris**

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**The Pharmacy Guild of Australia**  
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