

From: SCAA Secretary [mailto:scaa@scaa.org.au]

Sent: Friday, 4 August 2017 1:56 PM

To: AMOD

Cc: Chambers - Ross J; brogers@nff.org.au; 'Emily Slaytor'; 'Zach Duncalfe'

Subject: AM2014/239: SCAA response to Group 3 Full bench decision [2017] FWCFB 3433 asked for parties to the Pastoral Industry Award 2010

Dear AMOD Team,

[1] Re Paragraph [113] Group 3 Full bench decision [2017] FWCFB 3433

Research has been undertaken relating to the payment of the first aid allowance and will be published concurrently with this decision. If any party wishes to pursue the issue they are directed to file a short written submission by no later than 4.00 pm on Friday 28 July

1. In Reference to the above [Paragraph 113] and the, the SCAA submits that

- (i) Re [Background paper - first aid allowance - amended](#) (4. Comparison [1] When compared to the Pastoral Award 2010, the key difference is that the awards above provide for payment of the allowance where the employee is appointed to perform 'first aid duty' [emphasis added]. [2] The Pastoral Award 2010, by contrast, provides for payment of the allowance where the employee is appointed to perform first aid (as opposed to first aid duty))

The effective difference between 'perform first aid' and 'first aid duty' is a \$600+ per annum, pay increase to the designated worker who holds the relevant qualification. The current wording does not require the worker to be paid unless the First Aid task is performed. Therefore the changed wording, as submitted by the Australian Workers Union (AWU), would require the staff member who is on 'stand by' as the designated First Aid person, would receive the allowance regardless of performing any specific First Aid tasks or not. In summary, the change would be a 'back door' pay increase for that employee.

- (ii) The worker is not additionally burdened with any daily tasks by being the appointed first aid officer and therefore needs only to be paid when they are doing 'first aid tasks', in addition to what their normal duties require.
- (iii) (a) If the Commission was to see that the appointed First Aid person should receive the daily allowance regardless of performing any first aiding duties or not, the Commission should consider that the First Aid allowance only be paid to workers who have acquired the qualification externally to their current employment or who have elected to do the training on their own time and paid for the course themselves, excluding those workers who gained the First Aid qualification at their current employer's expense. In other words, if the employer pays for the worker to do they course and pays them for their time to do the course, then the worker would not have the right to the daily allowance whilst in the current employer's employment but the employee who obtained the qualification themselves, would be entitled to the Allowance.

(b) Such a provision would provide a small incentive for the employer to pay for the First Aid training of staff members, if they could save the \$600 per annum by not being required to pay the daily allowance. This would result in the industry having

more First Aid trained employees in workplaces, rather than solely hoping that employers comply with the current legislative requirements.

(c) The shearing industry will always demonstrate a greater reluctance to spend money on training casual and itinerant staff in comparison to other industries who have a more stable, non-casual workforce. To place any additional financial burden on employers of not only paying for the training of staff (time and course costs) but to pay an additional daily allowance, will only increase the level of non-compliance, not help solve the issue of increasing the number of First Aid qualified workers in the industry.

[2] Re Paragraph [210] Group 3 Full bench decision [2017] FWCFB 3433

We note that the parties were directed to file a joint paper setting out what changes they think are required and setting out a short argument in support of the changes.¹⁵⁴ The joint paper has not been filed. The parties are directed to file the joint paper by Friday 28 July 2017. The Commission will then determine this issue on the papers.

In Reference to the above [Paragraph 210], the SCAA is not required to comment as the matter has no direct effect on Shearing Operations of the Pastoral Award

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