

IN THE FAIR WORK COMMISSION

Matter No: AM2014/263

Section 156 - Four Yearly Review of Modern Awards – Group 4 Award

Children's Services Award 2010

SUBMISSION OF UNITED VOICE

6 October 2016

INTRODUCTION

1. This submission is made pursuant to the direction of his Honour the President on 26 August 2016.
2. This submission concerns United Voice's claims concerning the *Children's Services Award 2010* ('the *Children's Services Award*').

UNITED VOICE'S CLAIMS IN THE AWARD REVIEW

3. We refer to the claims outlined in our submission of 2 March 2015. United Voice outlined claims regarding the coverage of clerks, allowances to compensate for programming and administrative tasks, non-contact time, clothing and equipment allowance, higher duties, annual shutdowns, reimbursement for training.
4. The claim concerning non-contact time is withdrawn.
5. The remaining claims will be pressed.
6. We anticipate that the claims regarding the clothing and equipment allowance, the annual shutdown and training can be dealt with on submissions.
7. The claims regarding allowances for programming and administrative tasks, and higher duties will be supported by an evidentiary case. We believe no more than one or two witnesses will be necessary to support each of these claims.
8. We refer to our additional submission of 13 November 2015, in which United Voice outline two further claims. The first claim was for an allowance for an employee appointed as an educational leader. The second claim was for an hourly allowance for an employee appointed to be the 'responsible person' under the national legislation who is charge of the childcare centre.
9. United Voice will not pursue these claims in this 4 yearly review.
10. Draft determinations for the changes that United Voice intends to pursue to this award are attached at **annexure A**.

ANNEXURE A

DRAFT DETERMINATION

Fair Work Act 2009

s.156 – 4 yearly reviews of modern awards

4 yearly review of modern awards—Award Stage (AM2014/263)

Children’s Services Award 2010

[MA0000120]

Children’s services industry

[FULL BENCH]

SYDNEY, XX Month 2016

4 yearly review of modern awards

A. Further to the Full Bench decision issued by the Fair Work Commission on XX Month 2016, the above award is varied as follows:

[1] At clause 3.1 insert the following additional definition:

‘Christmas vacation means a continuous period of not more than 4 weeks in the months of December and January during which the workplace is closed and no work is available.’

[2] Insert new subclause 4.1 (e) as follows:

‘(e) Clerks Private Sector Award 2010’

[3] Delete clause 15.2 (c) and insert a new clause 15.2 (c) as follows:

‘(c) Where an employee is required to wear protective clothing or equipment such as hats, sun protection (including sunscreen lotions), goggles, aprons or gloves, the employer will either supply such clothing or equipment or reimburse the employee for the cost of their purchase.

[4] Renumber current clause 15.8 as clause 15.9.

[5] Insert new clause 15.8 as follows:

'15.8 Training allowance

'Where an employee is directed to participate in training, any expenses associated with training incurred by the employee (including course fees) shall be reimbursed by the employer to the employee. The time spent in training will count as time worked.'

[6] Delete clause 18.1 (e).

B. The determination comes into operation from XX Month 2016. In accordance with s.165 (3) of the *Fair Work Act 2009* this determination does not take effect until the start of the first full pay period that starts on or after XX Month 2016.

PRESIDENT