



# Australian Federation of Employers and Industries (AFEI)

4-Yearly Review of Modern Awards  
Response to Directions of 26 August 2016  
4 October 2016

**AFEI**  
Australian Federation of  
Employers & Industries

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## Response to Directions of 26 August 2016

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1. These submissions are provided in response to the Directions issued by President Ross on 26 August 2016.

### **Children's Services Award 2010**

#### **Exposure Draft Clause 10.7**

2. On 5 March 2015 AFEI proposed a variation to the *Children's Services Award 2010* to allow part-time employees to work up to 10 hours per day before overtime applies. This variation will ensure the award is coherent given the entitlement to overtime for full-time employees arises in this way and part-time employees receive entitlements on a pro-rata basis.
3. AFEI proposes to vary the current Clause 10.7 of the Exposure Draft:

#### **Current**

*10.7 No part-time employee may work more than eight hours on any day without the payment of overtime paid for at the rates prescribed in clause 19 —Overtime and penalty rates.*

#### **AFEI's proposed variation**

*10.7 No part-time employee may work more than **ten** hours on any day without the payment of overtime paid for at the rates prescribed in clause 19 —Overtime and penalty rates.*

#### **Exposure Draft Clause 10.4(b)**

4. On 5 March 2015 AFEI proposed a variation to the *Children's Services Award* so that employers have greater capacity to amend the rosters of part-time employees. Employers frequently encounter difficulty in amending the start and finish times of employees by even short periods as they are advised such changes are only allowed by agreement (see clause 10.4(b) of the Exposure Draft). Not only is this inflexible it is unreasonable given clause 13 of the Exposure Draft clearly contemplates changes provided sufficient notice is given.

5. AFEI proposes to vary the current clause 10.4(c) of the Exposure Draft:

**Current**

*(c) If agreement cannot be reached, the employer may change the days the employee is to work by giving seven days' notice in advance of the change in accordance with clause 13-Ordinary hours of work.*

**AFEI's proposed variation**

*(c) If agreement cannot be reached, the employer may change the days **or the starting and/or finishing times (whether on-going or ad hoc)** the employee is to work by giving seven days' notice in advance of the change in accordance with clause 13-Ordinary hours of work.*

**Exposure Draft Clause 11.1**

6. On 5 March 2016 AFEI proposed to remove the restriction on employing casuals for "temporary" or "relief" purposes.

7. AFEI proposes to vary the current clause 11.1 of the Exposure Draft:

**Current**

*11.1 A casual employee is an employee engaged for temporary and relief purposes and must be paid the ordinary hourly rate payable for a full-time employee for the relevant classification in clause 16-Minimum wages plus a casual loading of 25%.*

**AFEI's proposed variation**

*11.1 A casual employee must be paid the ordinary hourly rate payable for a full-time employee for the relevant classification in clause 16-Minimum wages plus a casual loading of 25%.*

**Type of Case**

8. The *Children's Services Award 2010* is yet to be listed for conferencing and AFEI is not yet aware of the position of the parties concerning our proposals or whether any evidentiary case would be required in pursuing these claims.

**Social, Community, Home Care and Disability Services Industry Award 2010**

9. We refer to the Directions issued by Justice Ross on 29 September 2016 in relation to substantive claims pursued in the review of the *Social, Community, Home Care and Disability Services Industry Award 2010* which are subject of a report back mention on 21 November 2016.

## **Amusement, Events and Recreation Award 2010**

10. AFEI no longer intends to pursue changes to the casual minimum engagement in the *Amusement, Events and Recreation Award 2010* as part of this review.

If you wish to discuss the attached, please contact the undersigned.

Yours faithfully,

A handwritten signature in blue ink, reading "Jennifer Zadel". The signature is written in a cursive style with a large initial 'J' and 'Z'.

Jennifer Zadel  
Senior Workplace Relations Consultant