

## SUMMARY OF SUBMISSIONS

This table is a summary of submissions lodged for this award on or before 5.00pm on 15 August 2016. The notes refer to the conference held on 21 April 2016 ([Transcript](#)), 29 April 2016 ([Transcript](#)) and hearing held on 6 June 2016 (Transcript). It also includes the Report to the Full Bench [22 April 2016](#), [2 May 2016](#), [26 May 2016](#), and [21 July 2016](#).

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
1	AIG	<a href="#">Sub-14/04/2016</a>	6.3(a)(i)	11.2(a)	<b>Part-time employees</b> 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 21 April 2016 ( <a href="#">Transcript</a> ) [PN640] and 6 June 2016 ( <a href="#">Transcript</a> ) [PN1672-PN1675]
1A	AIG	<a href="#">Reply-sub – 05/05/16</a>	6.3(a)(iii)	11.2(a)	<b>Part-time employees</b> 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	Parties have reached an agreed position regarding this clause, see 6 June 2016 ( <a href="#">Transcript</a> ) [PN1672-PN1675].
2	AIG	<a href="#">Sub-14/04/2016</a>	6.3(a)(iv)	11.2(c)	<b>Part-time employees</b> The words “who do the same kind of work” do not serve any purpose and should be deleted.	443	Words “who do the same kind of work” have been deleted from clause, see 6 June 2016 ( <a href="#">Transcript</a> ) [PN1677-PN1678].
	AIG	<a href="#">Reply-sub-5/05/16</a>			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	<a href="#">Reply-sub-5/05/16</a>	6.3(a)(iv)	11.2(c)	<b>Part-time employees</b> Clause provides for pro-rata “pay	346 – 347	Parties agreed to include the word “award” before

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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.		“pay and conditions, see <a href="#">Report - 26 May 2016</a> 6 June 2016 ( <a href="#">Transcript</a> ) [PN1672-PN1675]
3	ABI	<a href="#">Sub-15/04/2016</a>	6.3(b) and 15.1		<b>Part-time employees - overtime</b> 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	ABI do not consider this claim to be a substantive change and will rely on their submissions. Parties to have further discussions regarding this change, see 6 June 2016 ( <a href="#">Transcript</a> ) [PN1679-PN1685]
	AIG	<a href="#">Reply-sub – 05/05/16</a>			Party may seek to reply once further comment filed by ABI.	348	
	ABI	<a href="#">Reply sub – 06/05/16</a>			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	<a href="#">Sub-14/04/2016</a>	6.3(b)(i)	11.2(b)	<b>Part time employees - overtime</b> 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 21 April 2016 ( <a href="#">Transcript</a> ) [PN640 – PN653] and 6 June 2016 ( <a href="#">Transcript</a> ) [PN1679-PN1685]

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5	AIG	<a href="#">Sub-14/04/2016</a>	6.3(b)(ii)	11.2(b)	<b>Part time employees - overtime</b> 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	Clause amended to include words “however”, see <a href="#">Report - 26 May 2016</a> and 6 June 2016 ( <a href="#">Transcript</a> ) [PN1688-PN1689]
	AIG	<a href="#">Reply-sub-5/05/16</a>			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	<a href="#">Sub-14/04/2016</a>	6.3(b)(ii)		<b>Part time employees - overtime</b> 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 21 April 2016 ( <a href="#">Transcript</a> ) [PN673-683] and 6 June 2016 ( <a href="#">Transcript</a> ) [PN1689]
7	AIG	<a href="#">Sub-14/04/2016</a>	6.4(b)(ii)		<b>Casual loading</b> 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 – <a href="#">Report - 26 May 2016</a> and 6 June 2016 ( <a href="#">Transcript</a> ) [PN1690-PN1693] (NOTE: this issue has been determined at para [110] of <a href="#">[2015] FWCFB 6656</a> )
	AIG	<a href="#">Reply-sub-5/05/16</a>			Party wishes to pursue claim and notes it is not pursuing substantive change as characterised in <a href="#">Report – 2 May 2016</a> .	351	

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	CPSU	<a href="#">Sub-28/07/2016</a>			Party does not accept AiG submission and submits conclusion of <i>September 2015 Decision</i> was the adoption of the casual loading on the ‘ordinary hourly’ rate not the minimum hourly rate.	Page 1-4	
	AiG	<a href="#">Sub-4/08/2016</a>			Party continues to press claim to replace “ordinary hourly rate” with the “minimum hourly rate”. Current provisions would increase costs for employers. Proposed amendment is consistent with the plain and ordinary meaning of the existing award provisions.	Para 1-16	
8	AIG	<a href="#">Sub-14/04/2016</a>	6.4(b)(iii)		<b>Casual loading</b> Clause 6.4(b)(iii) should appear as separate paragraph under clause 6.4(b)(ii) rather than a numbered paragraph – drafting error	456	Clause amended, see 21 April 2016 ( <a href="#">Transcript</a> ) [PN663-PN673] and 6 June 2016 ( <a href="#">Transcript</a> ) [PN1694-PN1695]
9	AIG	<a href="#">Sub-14/04/2016</a>	8.1		<b>Hours of work</b> 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	Clause amended to include “(or up to 38 hours for casual employees)”, see <a href="#">Report - 26 May 2016</a> and 6 June 2016 ( <a href="#">Transcript</a> ) [PN1695]
	AIG	<a href="#">Reply-sub – 05/05/16</a>			Refers to submissions regarding the <i>Contract Call Centres Award</i> where similar issue arises and comparable amendment should be made.	352	

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10	AIG	<a href="#">Sub-14/04/2016</a>	8.7(d)		<b>Hours of work - provisions applicable only to afternoon or night shifts</b> Reference to cl 14.1 should be amended to refer to cl 14.2 – drafting error	458	Agreed, see 21 April 2016 ( <a href="#">Transcript</a> ) [PN686] and 6 June 2016 ( <a href="#">Transcript</a> ) [PN1696-PN1697]
11	ABI	<a href="#">Sub-15/04/2016</a>	8.8		<del><b>Hours of work – daylight saving</b></del> 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”	43.2	ABI has withdrawn this claim, see 6 June 2016 ( <a href="#">Transcript</a> ) [PN1700-PN1702]
	AIG	<a href="#">Reply sub – 05/05/16</a>			ABI proposal is opposed, as indicated in <a href="#">Report – 2 May 2016</a> .	353	
12	AIG	<a href="#">Sub-14/04/2016</a>	9.2	22.1	<b>Breaks</b> 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 reinstate current award wording, see 21 April 2016 ( <a href="#">Transcript</a> ) [PN686] and 6 June 2016 ( <a href="#">Transcript</a> ) [PN1703]
13	AIG	<a href="#">Sub-14/04/2016</a>	9.3	22.3	<b>Breaks</b> “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 21 April 2016 ( <a href="#">Transcript</a> ) [PN686] and 6 June 2016 ( <a href="#">Transcript</a> ) [PN1705]

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14	AIG	<a href="#">Sub-14/04/2016</a>	9.4	22.2(a)(ii)	<b>Flexibility in relation to meal breaks</b> 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	Agreed to reinstate current award wording, see 21 April 2016 ( <a href="#">Transcript</a> ) [PN687] and 6 June 2016 ( <a href="#">Transcript</a> ) [PN1706-PN1707].
15	AIG	<a href="#">Sub-14/04/2016</a>	10.1		<b>Minimum wage rates</b> Propose insert the words “full-time employees” in the second column of 10.1 so it only applies to full-time employees.	466 – 469	Clause amended to include the words “full-time employees” in second column of clause, see <a href="#">Report – 2 May 2016</a> and 6 June 2016 ( <a href="#">Transcript</a> ) [PN1708-PN1695]
	AIG	<a href="#">Reply-sub – 05/05/16</a>			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	
16	FWC query	Exposure Draft dated	10.3(b)(i)		<b>Payment of wages</b> Parties are asked to make submissions about how monthly pay is calculated		No change required, see <a href="#">Transcript – 21 April 2016</a> [PN613 – PN614] and 6 June 2016 ( <a href="#">Transcript</a> ) [PN1710-PN1717]
17	ABI	<a href="#">Sub-15/04/2016</a>	10.4(m)(ii)		<b>Minimum wage rates -apprentices</b> 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	13.3	Clause amended to reflect current award, see 21 April 2016 ( <a href="#">Transcript</a> ) [PN732] and 6 June 2016 ( <a href="#">Transcript</a> ) [PN1718-PN1719].

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					percentages or pay rates expressed as dollar figures		
18	AIG	<a href="#">Sub-14/04/2016</a>	10.4(p)(i)		<b>Minimum wage rates -apprentices</b> A full stop should be inserted after “such training”.	470	Agreed - see 21 April 2016 ( <a href="#">Transcript</a> ) [PN687] and 6 June 2016 ( <a href="#">Transcript</a> ) [PN1720-PN1721]
19	ABI	<a href="#">Sub-15/04/2016</a>	10.7(b)		<b>Minimum wage rates – National Training Wage</b> cl 10.7(b) is no longer required and can be removed	13.4	Agreed, see 21 April 2016 ( <a href="#">Transcript</a> ) [PN615] and 6 June 2016 ( <a href="#">Transcript</a> ) [PN1722-PN1723]
20	ABI	<a href="#">Sub-15/04/2016</a>	11		<del><b>Annual Salary arrangements for higher classifications</b></del> 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	Issue is no longer pressed as clear from wording that the classifications in 11.1 can only be engaged on an annual salary, see 21 April 2016 ( <a href="#">Transcript</a> ) [PN625-639] and 6 June 2016 ( <a href="#">Transcript</a> ) [PN1724-PN1730]
21	ABI	<a href="#">Sub-15/04/2016</a>	11.1		<b>Annual Salary arrangements for higher classifications</b> 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	13.6	Clause to be amended to make clear classifications in 11.1 cannot be casuals – parties can make submission re change in reply submissions – see

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					employees.		<a href="#">Transcript – 21 April 2016</a> [PN625-639] and 6 June 2016 ( <a href="#">Transcript</a> ) [PN1731-PN1732]
22	FWO	<a href="#">Sub - 02/03/15</a>	11.3(b) & 21.1(a)		<b>Types of employment and overtime</b> Seeks clarification as to whether the calculation of the overtime rate for casual employees includes or excludes the casual loading.	38	AiG are of the view that this issue has resolved but the CPSU are reviewing their position regarding this claim, see 6 June 2016 ( <a href="#">Transcript</a> ) [PN1733-PN1738] (NOTE: <a href="#">Report – 21 July 2016</a> suggests that this has been resolved]
23	AIG	<a href="#">Sub-14/04/2016</a>	12.3(a)		<b>All purpose allowance</b> Argues definition not consistent with decision of Commission. Proposes to insert the work “annual” before “leave”.	471	Agreed, see 21 April 2016 ( <a href="#">Transcript</a> ) [PN688] and 6 June 2016 ( <a href="#">Transcript</a> ) [PN1739-PN1740]
24	AIG	<a href="#">Sub-14/04/2016</a>	12.4(g)(ii)	17.1e(iv)	<b>Relocation expenses</b> 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 to change as proposed by AIG, see 21 April 2016 ( <a href="#">Transcript</a> ) [PN688] and 6 June 2016 ( <a href="#">Transcript</a> ) [PN1739-PN1740]
	ABI	<a href="#">Sub-15/04/2016</a>			Current wording of MA should remain.	13.7	



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25	AIG	<a href="#">Sub-14/04/2016</a>	14.1(a)	20.7(c)(i)	<b>Definitions</b> Clause 14.1(a) should be amended by inserting words “subject to cl 8.6(b)” at start of clause.	475 – 478	Agreed - see 21 April 2016 ( <a href="#">Transcript</a> ) [PN688] and 6 June 2016 ( <a href="#">Transcript</a> ) [PN1739-PN1740]
26	AIG	<a href="#">Sub-14/04/2016</a>	14.2(a) and 14.2(b)		<b>Shiftwork penalties</b> 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, see <a href="#">Report – 2 May 2016</a> . 6 June 2016 ( <a href="#">Transcript</a> ) [PN1741-PN1744] and <a href="#">Report – 21 July 2016</a> which suggests AiG support the use of the term “shift loading” rather than “shift penalty”. AiG to provide a list of affect awards and proposal by end of July.
	AIG	<a href="#">Reply-sub – 05/05/16</a>			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	<a href="#">Reply-sub – 05/05/16</a>			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	<a href="#">Sub-14/04/2016</a>	15.5(a)	21.4(a)	<b>Length of rest period</b> 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 21 April 2016 ( <a href="#">Transcript</a> ) [PN708] and 6 June 2016 ( <a href="#">Transcript</a> ) [PN1745-PN1746]
28	AIG	<a href="#">Sub-14/04/2016</a>	15.5(b)	21.4(b)	<b>Where the employee does not get a 10 hour rest</b> ED does not include exemption for part-time employees (currently in MA). This is a substantive change. Exemption should be retained.	482	Parties agree to reinstate current wording, see <a href="#">Report – 2 May 2016</a> & <a href="#">Report - 26 May 2016</a> and 6 June 2016 ( <a href="#">Transcript</a> ) [PN1747-PN1748]
	AFEI	<a href="#">Reply sub-6/05/16</a>			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	<a href="#">Sub-14/04/2016</a>	15.7(d)	21.7(d)	<b>Call back</b> Reference to clause 15.4 should be replaced with reference to clause 15.5, consistent with MA.	483	Parties agree to include reference to clause 15.5, see 21 April 2016 ( <a href="#">Transcript</a> ) [PN719] and 6 June 2016 ( <a href="#">Transcript</a> ) [PN1748]
30	AIG	<a href="#">Sub-14/04/2016</a>	15.8(d)	21.7(c)	<b>Remote service/support –technical stream</b> Reference to clause 15.4 should be replaced with reference to clause 15.5, consistent with MA.	484	Parties agree to include reference to clause 15.5, see 21 April 2016 ( <a href="#">Transcript</a> ) [PN719] and 6 June 2016 ( <a href="#">Transcript</a> )

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							[PN1748]
31	AIG	<a href="#">Sub-12/11/2015</a>	16.3		<b>Annual leave</b> 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	Clause amended, see <a href="#">Report – 2 May 2016</a> , <a href="#">Report - 26 May 2016</a> and 6 June 2016 ( <a href="#">Transcript</a> ) [PN1749-PN1750]
		<a href="#">Corr-28/04/2016</a>			Proposed new wording for cl 16.3 provided	p.3	
32	AIG	<a href="#">Sub-14/04/2016</a>	Sch B		<b>Summary of hourly rates of pay</b> 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	AiG are pleased with the variation but does not believe it resolves the underlying issue, <a href="#">Report - 2 May 2016</a> , 6 June 2016 ( <a href="#">Transcript</a> ) [PN1751-PN1752] and <a href="#">Report – 21 July 2016</a> notes that AiG will provide a list of affected Awards and its proposal by end of July.
	AIG	<a href="#">Reply-sub – 05/05/16</a>			Intends to review amended schedule once next version of ED released.	363	

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33	AIG	<a href="#">Sub-14/04/2016</a>	Sch B		<p><b>Summary of hourly rates of pay – shiftworkers</b> Reference to ‘shiftworkers’ in the headings above each of the tables is confusing as no distinction between day worker and shiftworker in this award.</p>	487 – 491	Parties have reached an agreed position regarding this change, see 6 June 2016 ( <a href="#">Transcript</a> ) [PN1753-PN1754]
	AIG	<a href="#">Reply-sub – 05/05/16</a>				Intends to review amended schedule once next version of ED released.	
34	CPSU	<a href="#">Sub - 02/02/15</a>	Schedule B		<p><b>Classifications structure and definitions</b> Seeks the inclusion of a new classification for ‘Customer Contact Trainer’ as they appear to be excluded from coverage from the Award.</p>	Para 4-7	Parties have not reached an agreed position but will have further discussions prior to next conference, see 6 June 2016 ( <a href="#">Transcript</a> ) [PN1754-PN1755] and <a href="#">Report – 21 July 2016</a>
35	AIG	<a href="#">Sub-14/04/2016</a>	Sch B.2.4		<p><b>Full time and part time employees – shiftworkers – overtime rates</b> Reference to ‘shiftworkers’ in the headings above each of the tables is confusing as no distinction between day worker and shiftworker in this award.</p>	492	Clause tables for shiftworker and day worker combined, clause B.1.2 to include additional wording, see <a href="#">Report - 26 May 2016</a> and 6 June 2016 ( <a href="#">Transcript</a> ) [PN1755-PN1756]
	AIG	<a href="#">Reply-sub-5/05/16</a>				Intends to review amended schedule once next version of ED released.	

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36	AIG	<a href="#">Sub-14/04/2016</a>	Sch B.3.2		<b>Casual employees – shiftworkers – ordinary and penalty rates</b> 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	Issue relates to Item 35 and has been resolved, see and 6 June 2016 ( <a href="#">Transcript</a> ) [PN1757-PN1758]
	AIG	<a href="#">Reply-sub-5/05/16</a>				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>