

AWARD MODERNISATION

November 2009

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Livingstones
A U S T R A L I A

What is the purpose?

- To create a comprehensive set of modern awards which are:
 - Simple to understand and easy to apply;
 - Provide a fair minimum safety net;
 - Economically sustainable and promote flexible modern work practices;
 - In a form that is appropriate for a fair and productive workplace system which promotes collective enterprise bargaining;
 - Result in certain, stable and sustainable modern award system for Australia.

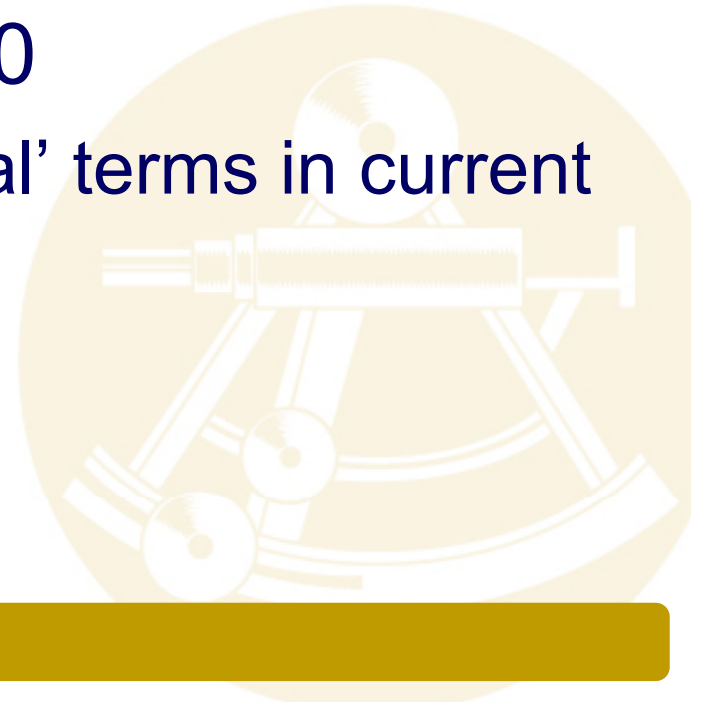
Award Modernisation

The task given to the AIRC is to make **industry awards by 31 Dec 2009** that;

- Cover all employees traditionally covered by an award;
- Are grouped by industry;
- Provide a minimum safety net of terms and conditions;
- Are in simple terms and flexible;
- Do not increase costs for employers or reduce conditions of employees.

Award Modernisation

- Employee's Exempted –
 - Covered by Enterprise Awards
 - Employees not traditionally covered
 - High Income Employees (\$108,300 July 2009)
- Commence 1 January 2010
 - Will override any 'detrimental' terms in current agreements
- Reviewed every 4 years

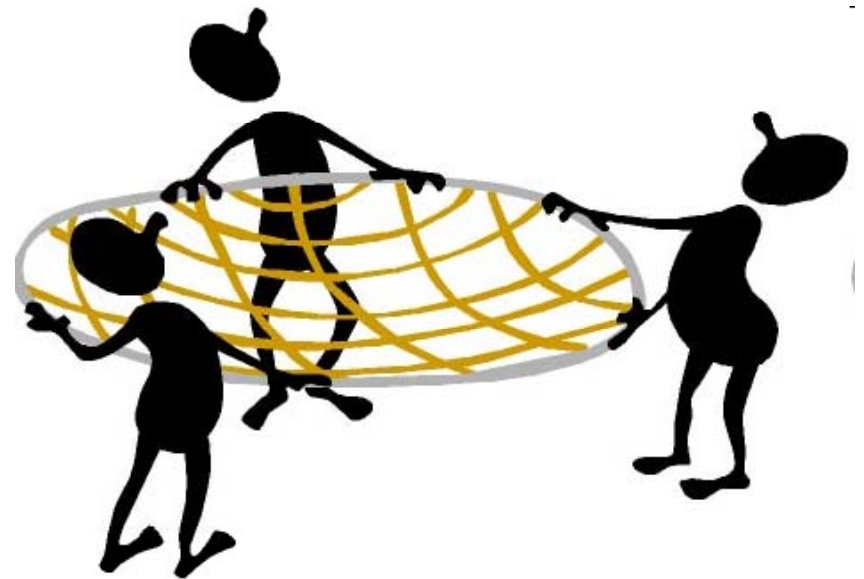


Award Modernisation

- All Agreements made after 1 January 2010 will be tested against the Modern Award.
- Award employees must be employed under the Modern Award from 1 January 2010.
- Rates of pay will need to meet the Modern Award after 1 July 2010.

Modern awards 101

- Structure
- Relationship to National Employment Standard



WORKPLACE RELATIONS LEGISLATION
EXPRESSED AS PEOPLE...

INKCINCT



PRE WORKCHOICES



WORKCHOICES



THE SENATE'S
FAIR WORK BILL
AMENDMENT

National Employment Standards

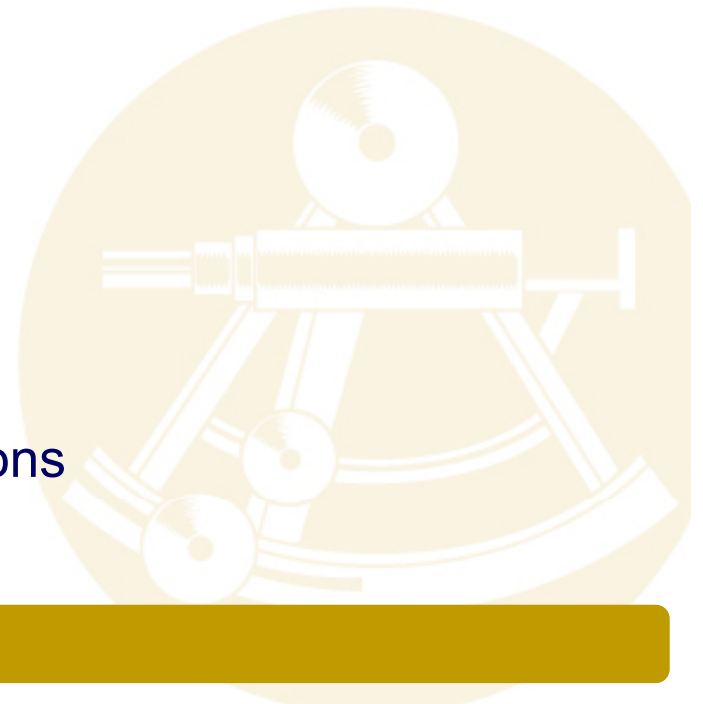
To commence operation on 1 January 2010:

1. Maximum weekly hours; (reasonable additional hours)
2. Requests for flexible working arrangements;
3. Parental leave and related entitlements;
4. Annual Leave;
5. Personal/carer's leave and compassionate leave;
6. Community service leave;
7. Long Service leave;
8. Public Holidays;
9. Notice of termination and redundancy pay;
10. Fair Work Information Statement.



Time line for modern awards

- **4 December 2009:**
 - Final Awards Released
- **1 January 2010:**
 - Modern awards commence, except, where applicable, wages & transitional provisions
- **1 July 2010:**
 - Transitional provisions commence
 - First minimum wage order
- **1 July thereafter:**
 - Next stage of transition
 - Minimum wage order
- **31 December 2013:**
 - No more transition
 - No more enterprise award applications



Transitioning

- Can transition provisions UP or DOWN
- However, No employee, working the same roster, can receive a LOWER weekly wage due to a Modern Award.



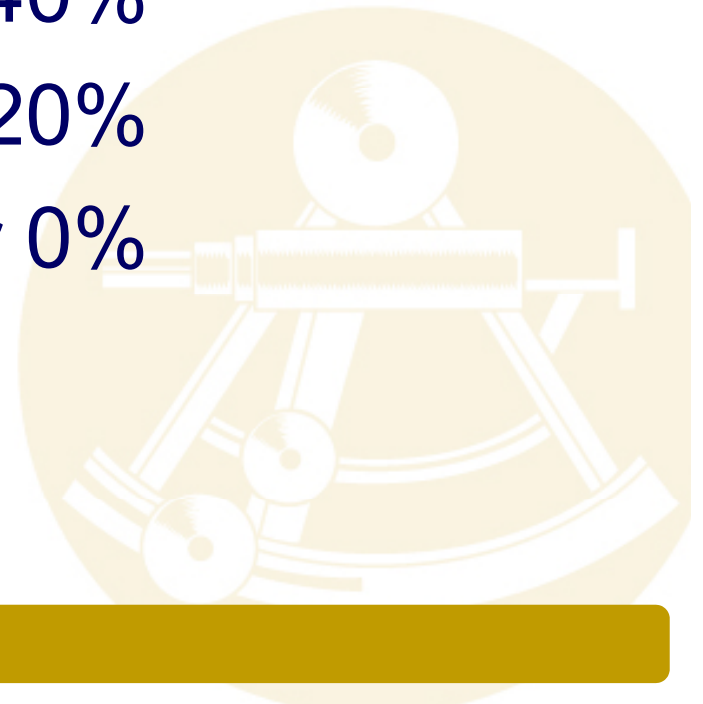
What can be phased-in? (Transitioned)

- Wages
- Junior Rates
- Casual Loading
- Penalties (Weekend, Public Holiday, Late work)
- Shift Allowances



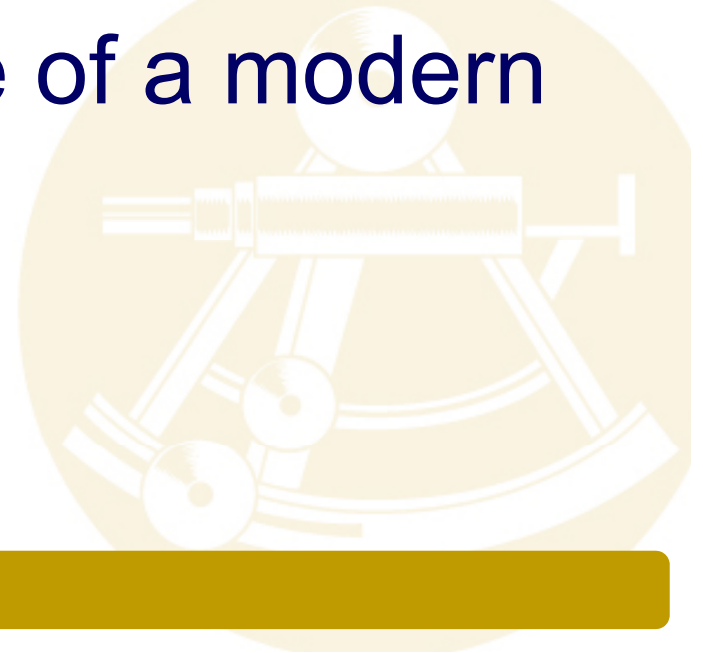
How Long will the phase-in take?

- 4 Years
 - 1 July 2010 – 20% or 80%
 - 1 July 2011 – 40% or 60%
 - 1 July 2012 – 60% or 40%
 - 1 July 2013 – 80% or 20%
 - 1 July 2014 – 100% or 0%
- AIRC said 5 years!



Do I HAVE to Transition?

- No
- Can go directly to modern award rates and loadings
- No employee can receive a lower weekly wage because of a modern award



Guide to Determining Coverage

- Coverage clauses are based around the industry the employer is in, or the occupation of the employee

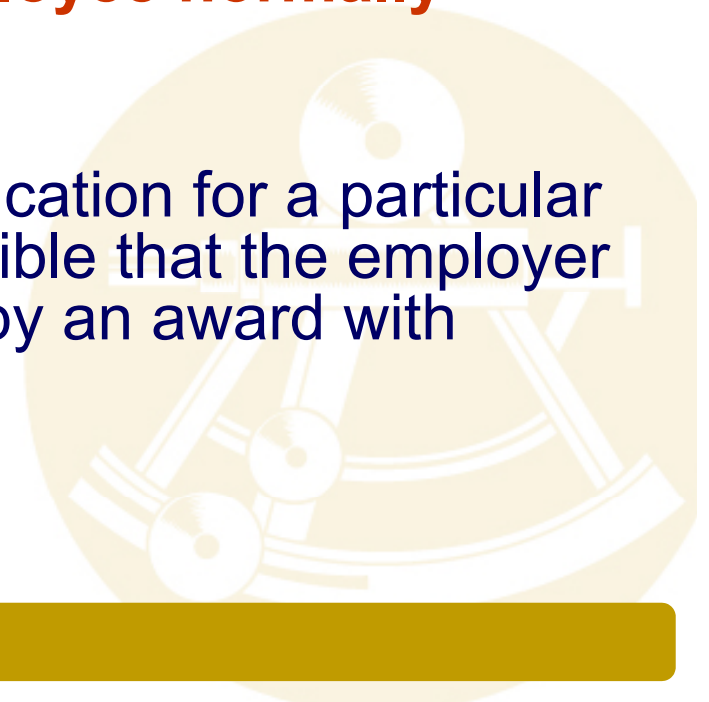
Award Modernisation



Guide to Determining Coverage

Where there are two awards that cover an employer:

- Where an employer is covered by more than one award, **an employee of that employer is covered by the award classification which is most appropriate to the work performed by the employee and to the environment in which the employee normally performs the work.**
- NOTE: Where there is no classification for a particular employee in this award it is possible that the employer and that employee are covered by an award with occupational coverage.



Guide to Determining Coverage

- **Exclusions**

- Eg Architects Award:
4.2 The award does not cover any employee engaged on the academic staff of a university or college of advanced education.
- Clerks Private Award



Guide to Determining Coverage

- Architects Award 2010
- Banking, Finance and Insurance Award 2010
- Building and Construction General On-site Award 2010
- Children's Services Industry Award 2010
- Cleaning Services Award 2010
- Clerks - Private Sector Award 2010
- Educational Services (Schools) General Staff Award 2010
- Educational Services (Teachers) Award 2010
- General Retail Industry Award 2010



Guide to Determining Coverage

- Hair and Beauty Industry Award 2010
- Manufacturing & Associated Industries & Occupations Award 2010
- Nurses Award 2010
- Nursery Award 2010
- Real Estate Industry Award 2010
- Restaurant Industry Award 2010
- Road Transport and Distribution Award 2010
- Storage Services and Wholesale Award 2010

Clerks – Private Sector Award 2010

4.1 This award covers employers in the private sector throughout Australia with respect to their employees engaged wholly or principally in clerical work, including administrative duties of a clerical nature, and to those employees. However, the award does not cover:

- (a) an employer bound by a modernised award that contains clerical classifications; or*
- (b) an employee excluded from award coverage by the Act.*
- **clerical work** includes recording, typing, calculating, invoicing, billing, charging, checking, receiving and answering calls, cash handling, operating a telephone switchboard and attending a reception desk (clause 3.1).

General Retail Industry Award 2010

4.1 This industry award covers employers throughout Australia in the general retail industry and their employees in the classifications listed in clause 16 to the exclusion of any other modern award. The award does not cover employers in the following industries:

- Fast Food Industry;
 - Meat Retailing Industry; Hair and Beauty Industry; or
 - Pharmacy Industry.
- **general retail industry** means the sale or hire of goods or services to final consumers for personal or household consumption including:
 - food retailing, supermarkets, grocery stores;
 - department stores, clothing and soft goods retailing;
 - furniture, houseware and appliance retailing;
 - recreational goods retailing;
 - personal and household goods retailing;
 - household equipment repair services;
 - bakery shops;



General Retail Industry Award 2010

but does not include:

- *community pharmacies;*
- *pharmacies in hospitals and institutions providing an in-patient service;*
- *hair and beauty establishments;*
- *hair and beauty work undertaken in the theatrical, amusement and entertainment industries;*
- *stand-alone butcher shops;*
- *stand-alone nurseries;*
- *retail activities conducted from a manufacturing or processing establishment;*
- *clerical functions performed away from the retail establishment;*
- *warehousing and distribution;*
- *motor vehicle retailing and motor vehicle fuel and parts retailing;*
- *fast food operations;*
- *restaurants, cafes, hotels and motels; or*
- *building, construction, installation, repair and maintenance contractors engaged to perform work at a retail establishment (clause 3.1)*



Storage Services and Wholesale Award 2010

4.1 This industry award covers employers throughout Australia in the storage services and wholesale industry and their employees in the classifications listed in clause 14—Classifications.

- ***storage services and wholesale industry*** means the receiving, handling, storing, freezing, refrigerating, bottling, packing, preparation for sale, sorting, loading, dispatch, delivery, or sale by wholesale, of produce, goods or merchandise as well as activities and processes connected, incidental or ancillary (clause 3.1).

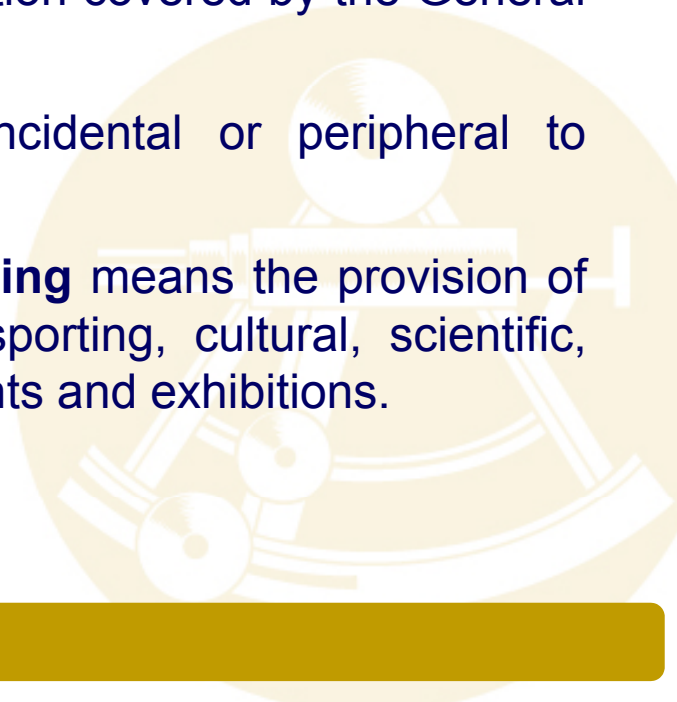
Cleaning Services Award 2010

4.1 This industry award covers employers throughout Australia in the contract cleaning services industry and their employees in the classifications listed in Schedule A—Classifications to the exclusion of any other modern award.

4.2 The **contract cleaning services industry** means the business of providing cleaning services under a contract and includes:

- (a) cleaning (including event cleaning, trolley collection and hygiene and pollution control but excluding trolley collection covered by the General Retail Industry Award); and
- (b) minor property maintenance which is incidental or peripheral to cleaning.

4.3 For the purpose of clause 4.2(a), **event cleaning** means the provision of cleaning, in connection with the staging of sporting, cultural, scientific, technological, agricultural or entertainment events and exhibitions.



Amusement, Events and Recreation Award 2010

4.1 *This industry award covers employers throughout Australia in the amusement, events and recreation industry and their employees in the classifications set out in this award to the exclusion of any other modern award.*

4.2 *Definition of amusement, events and recreation industry*

(a) Amusement, events and recreation industry means the operation of:

- (i) leisure and recreation facilities and centres;*
- (ii) sporting, exhibition, convention and amusement complexes;*
- (iii) theme parks;*
- (iv) heritage, tourism and cultural centres;*
- (v) museums and galleries;*
- (vi) animal parks and aquariums;*
- (vii) agricultural and horticultural shows;*
- (viii) carnivals and amusement parks;*
- (ix) ten pin bowling venues;*
- (x) go-kart racing venues; and*
- (xi) amusement arcades, including video game and pinball parlours.*

(b) *For the purposes of this clause, theme parks means locations or enterprises operating attractions or amusements (whether indoor or outdoor) open to the public through either paid or free admission.*

(c) *For the purpose of this clause, the amusement, events and recreation industry also includes employers engaged in the supply, preparation, marking out, fabrication, installation, erection or dismantling of exhibition stands or associated componentry for the trades and public promotions industry.*

Hair and Beauty Industry Award 2010

4.1 *This award covers employers throughout Australia in the hair and beauty industry and their employees in the classifications listed in clause 17 to the exclusion of any other modern award. The award does not cover employees who perform hair and beauty work in the general retailing, theatrical, amusement and entertainment industries.*

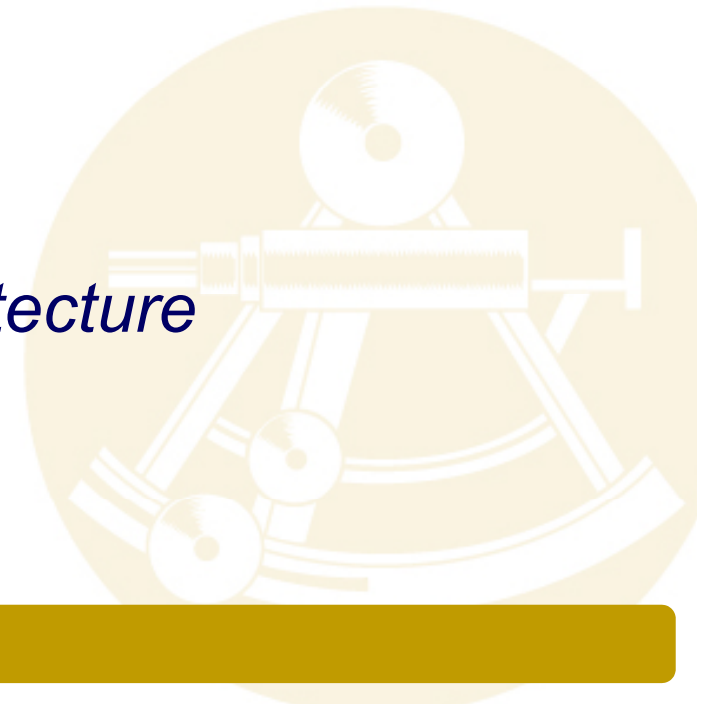
hair and beauty industry means:

- (a) performing and/or carrying out of shaving, haircutting, hairdressing, hair trimming, facial waxing, hair curling or waving, beard trimming, face or head massaging, shampooing, wig-making, hair working, hair dyeing, manicuring, eye-brow waxing or lash tinting, or any process or treatment of the hair, head or face carried on, using or engaged in a hairdressing salon, and includes the sharpening or setting of razors in a hairdressing salon; and/or*
- (b) performing and/or carrying out manicures, pedicures, nail enhancement and nail artistry techniques, waxing, eyebrow arching, lash brow tinting, make-up, analysis of skin, development of treatment plans, facial treatments including massage and other specialised treatments such as lymphatic drainage, high frequency body treatments, including full body massage and other specialised treatments using machinery and other cosmetic applications and techniques, body hair removal, including (but not limited to) waxing chemical methods, electrolysis and laser hair removal, aromatherapy and the application of aromatic plant oils for beauty treatments, using various types of electrical equipment for both body and facial treatments*

Architects Award 2010

4.1 This award covers employers of architects throughout Australia with respect to their employees in the classification in this award in clause 15 - Minimum wages and those employees to the exclusion of any other modern award.

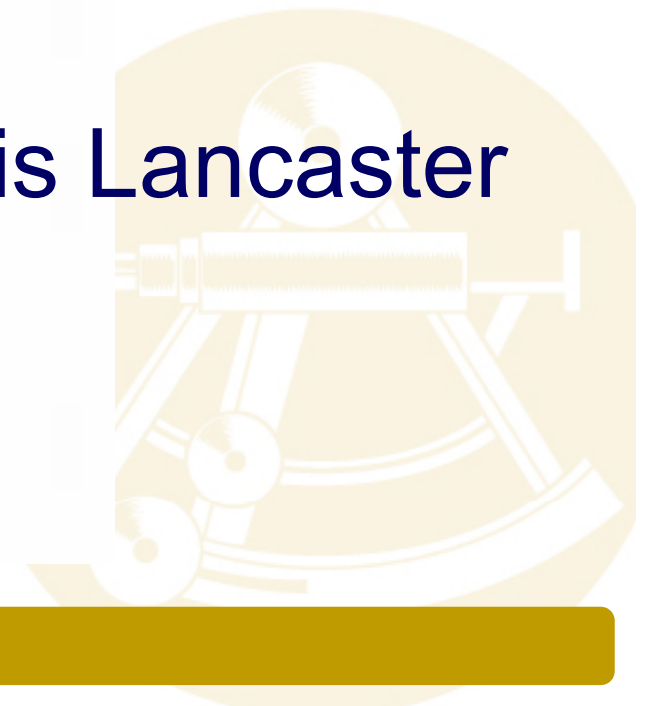
- Student of Architecture*
- Graduate of Architecture*
- Experienced Graduate of Architecture*
- Registered Architect*



Modern Award Calculator



Travis Lancaster



Update

- Livingstones will update these wage calculators each year to include any Award increases and Federal Minimum Pay Increase in July



Livingstones IRS Services

INCLUSIONS	MAO	IRS	TRANSITIONAL SUPPORT
Awards	✓	✓	-
Wagesheets	User Pays	✓	-
E-Newsletters	✓	✓	-
Phone Interpretation of Awards	User Pays	✓	-
Update Service	-	✓	-
Basic Transitional Calculator	-	✓	-
Transitional Calculator	\$550	\$550	\$550
Initial Training on Transitional Calculator	-	-	✓
Transitional Calculator Support	-	-	User Pays

Livingstones Modern Award Website

<http://www.modernawards.com.au/>



Special guest appearance



Sorry, Just kidding!!



Questions?



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