Enquiry

2467068

Enquiry No.	Sta	tus	Stat	tus Reason		Total Time Open (days)
2467068	Res	solved	Adv	vice Provided	+ 110	1
ENQUIRY				210	200	
No of employees		Channel	Inbound Phone	1/2	EMPLOYEE DETAILS	
Enquiry Type Level 1	Entitlements	State	Vic		Occupation	
Enquiry Type Level 2	a Coverage	Matter Number (Nexus)			Main Duties	unknown
		, ,	100	0		
A	N.	Matter ID number (Titan)			Employee Status	
Awaiting Accept/Decline	No	Related Enquiry	0,0			
Created On	23/09/2021 10:27 AM	CO. (1)	0		Is apprentice or trainee?	Neither
		2			Employment start date	
CUSTOMER/ORGANISATI	ON	Se Me			- Employment end date	
Customer	An and a second	Legal Name	ъ.		, .,	
Customer	5	Legal Hame				
Enquirer Type	Employer representative	Myle				
EMPLOYEE LOCATION						
Suburb	2000	Postcode				
State						

				ORGANISATION DETA	ILS
NOMINATED TO ACT ON CUSTOMER'S	BEHALF			Industry Level 1	Professional, Scientific and
Full Name Phone		Email		Industry Level 2	Technical Services Professional, Scientific and Technical Services (except Computer System Design and Related)
ATTEND FWO OFFICE				Industry Level 3	Management and Related Consulting Services
Can attend FWO office (if required) No		Interpreter Required	No	Industry Level 4	Management Advice and Related Consulting Services n.e.c.
FWO Office		Language		Instrument Type Employer Association	Modern Award
ATIS Phone number: 8.22	Infoline: Account <u>numbe</u> r	Customer Solutions: Account r number <mark>S.2</mark>	<u> </u>		
	S.22 Access number S.2	16826616	.noon	Bound To Award	
		580 618			
ENQUIRY DETAILS		000			
DESCRIPTION		111 19.	ACTIONS & SO	LUTIONS	

ENQUIRY DETAILS

DESCRIPTION	ACTIONS & SOLUTIONS
clerks award	19.3 Higher duties allowance
19.3 how does this apply ?	The employer must pay an employee required to perform any of the duties of a higher classification for more than one day at least the minimum rate applicable to the higher level
what would the get paid if they worked overtime?	under this award.
- base rate ?	
	NOTE: Classification levels are described in Schedule A—Classification Structure and
ENQUIRY TREATMENT & SUMMARY	Definitions.
~0	
Team Treatment	
	- minimum base rate rate of pay applies

Enquiry: 2467068 (IA-1804) 011 Page 3 of 8 (IA-1804) 011

Recommended Treatment

Assessment Summary

s.22 ASSESSMENT [23/09/2021] s.22 irrelevant⁰ information Mediation Conducted No

Forward Reason

FWO Outcome Advice Provided

DETAILS FOR KNOWLEDGE TEAM

DETAILS FOR KNOWLEDGE TEAM

Background Information

Specific questions/issue to be addressed

Recommending Team Lead

Legislation/ Indstrial instruments considered

Quality Coach/TL Opinion

MONIES RECOVERED

Total (all non-confidential payments)

Total employees paid relating to enquiry

Payment Type	Confidential	Amount	Created On	Created By	Payment Date	No. of Employee		
No Money Recovered records are available in this view.								
0 - 0 of 0 (0 selected)		2,00				Page 1		

RELATED OBJECTS

Customer	Link Type	URL	Recolón	ovelædgæl Object Title Link	
No Link records are available in this view.			No Linked Knowledge Object records are available in this view.		
0 - 0 of 0 (0 selected)		Page 1	0 - 0 o	f 0 (0 selected)	Page 1

NOTES AND INTERACTIONS

(IA-1804) 012

NOTES AND ACTIVITIES	SPECIAL CATEGORIES		
	Name	Owner	
	EMAIL ADDRESSES	No Special Category records are available in	this view.
	0 - Œuriaŭ (dosvetectivid)e	Name	Page 1
		No Enquiry Email Link re	ecords are availat
	0 - 0 of 0 (0 selected)	110	Page 1
REQUEST FOR ASSISTANCE	No, 4		
ADDITIONAL EMPLOYEE DETAILS	Issue discussed with the Emplo	öyer	
Employee Received Paid Leave	Reason for not discussing the	issue	
Employee's Date of Birth	Employer's Response		
Is Employee an Intern	70L.		
Working as an Independent Contractor	Are Other Employees affected		
Is Employee an Intern Working as an Independent Contractor Contractor or Employee PERMISSION TO CONTACT THE EMPLOYER Privacy Consent Confidential No Permission to Contact Employer	Pay Rate (Before tax)	Currency	Australi
PERMISSION TO CONTACT THE EMPLOYER	_		an Dollar
Privacy Consent	Name	Description	Created
Confidential No	No S	upporting Evidence records are available in this	view.
Permission to Contact Employer	0 - 0 of 0 (0 selected)		Page 1
Full Name	Name	COI Type	
Tun Panic	No Classification	on of Issues records are available in this view.	
Phone			

Page 5 of 8 (IA-1804) 013

	0 - 0 of 0 (0 selected)	ge 1
Email	Category Topic	
	CASE DETAILS No Topic records are available in this view.	
MESSAGES	Is Suitable For Case Study No	
	Is Suitable For Case Study No 0 - 0 of 0 (0 selected) Pa	ge 1
	Case Study Reason	
	Is Suitable For Follow Up No	
	CONSENT TO MEDIATION	
OFFICE ADDRESS	Employer/Employee Contacted	
Office	Consent to Mediation	
Name		
No Memorandum Of Understanding records are available in this view.		
0 - 0 of 0 (0 selected) Page 1		
Nicos Official Nicos	7	
Name Official Name Alpha		
No Country/Region records are available in this view.		
0 - 0 of 0 (0 selected) Page 1		
Name		
No Educational Assistance records are available in this view.		
0 - 0 of 0 (0 selected) Page 1		

MEDIATION

Enquiry: 2467068 (IA-1804) 014 Page 6 of 8 (IA-1804) 014

Non-Monetary	Outcomes	TOS	Total Time Spent (minutes)	120
14011-IVIOITE tally	Outcomes	103	Total Time Spent (minutes)	120

Subject	Status Reason	Date Created	Confirmed Date	Closed Date	Booking Type	Employee
				No Booking Activity	records are available i	n this view.
0 - 0 of 0 (0 selected)						Page 1
Title	Owner	Created On	0)			
You do	not have permission to access these	records. Contact your	Microsoft Dynamics CRM	administrator.		
0 - 0 (0 selected)			40, 40,	·		Page 1
EGAL ADVIGE DROCDAM			, 401			
EGAL ADVICE PROGRAM		(0)	10			
What is the issue that requires tailored legal a	dvice (as per the assessment criteria	a)?	1			
For current assessment criteria, see the following	g PACSR link <u>Workplace Legal Advice I</u>	<u>Program</u>				
	600	1 66901,				
Referral Contact	ris released t	Legal Advic	e ID number			
	18, 18,					
MPLOYER ADVISORY SERVICE						
INIPLUTER ADVISORT SERVICE						
Eligible for EAS?		EAS Source				

Enquiry: 2467068 (IA-1804) 015 Page 7 of 8 (IA-1804) 015

Suitable for EAS Case Study No

TLO Advice

EAS Case Study Reason

FWO Legal Advice

Document Name	Document ID Document Metalion	Legal Firm	Status I
	No Document Link records are available in this view.	No ELP Request records are available in this view.	
0 - 0 of 0 (0 selected)	Page 1 0 - 0 of 0 (0 selected)	Page 1	1

INTRINSICS

Avaya Contact ID Skillset Small Business Enquirer ABN

PureCloud ID S.22 irrelevant information Intrinsic Phone

Enquiry: 2467068 (IA-1804) 016

Page 8 of 8 (IA-1804) 016

View Customer Search Customer Edit Customer Register Customer Reset Password View Organisation Search Organisation
Search Employer

Enquiry

2510491

Enquiry No.		tatus	Status Reason	O_{II} , V_{II}	Total Time Open (days)
2510491	R	esolved	Advice Provided	110	6
ENQUIRY	1.000	Channel	Laborat Phone		
No of employees	1,000	Channel	Inbound Phone	EMPLOYEE DETAILS	
Enquiry Type Level 1	Entitlements	State	Vic	Occupation	
Enquiry Type Level 2	Hours of Work	Matter Number (Nexus)		Main Duties	MA4 and MA2
		Matter ID number (Titan)			
			1 201	Employee Status	
Awaiting Accept/Decline	No	Related Enquiry	, 00		
Created On	4/11/2021 8:25 AM	0,0	0	Is apprentice or trainee?	Neither
created on	4) 11) 2021 0.23 AW	250		Employment start date	
		0,00		improyment start date	
CUSTOMER/ORGANISATI	ON	· C) ///		Employment end date	
Customer	All Co	Legal Name			
Enquirer Type	Employer	90			
Enquirer Type	Employer	100			
EMPLOYEE LOCATION					
Suburb	200	Postcode			
State					
State					

Information Media and **Industry Level 1** NOMINATED TO ACT ON CUSTOMER'S BEHALF Telecommunications **Full Name** Publishing (except Internet and **Industry Level 2** Music Publishing) **Phone Email Industry Level 3** Software Publishing Software Publishing **Industry Level ATTEND FWO OFFICE Interpreter Required** Can attend FWO office (if required) No No **Instrument Type** Modern Award **FWO Office** Language **Employer Association** ATIS Phone number: Infoline: **Pre-Post Reform** Account number **Bound To Award** Access number

ENQUIRY DETAILS

DESCRIPTION ACTIONS & SOLUTIONS

1. MA4 - notification of rosters 15.9 (c)(d) - roster can be changed by mutual agreement with *Forwarded to vic queue to determine whether cold storage allowance paid for entire shift 7 days notice or 14 if no agreement Says applies to all employees except part time Does this apply to casuals?

- 2. MA4 and MA2 10.5 rostering for 3 consecutive hours or paid as such Have sought externa legal advice which says it's not paid because it leaves off requirement, why does FWO say it is required?
- 3. Cold work 19.9(b)(c) of MA4 is that for entire day or just for day when they work in the

or just hours worked on that shift. Also to confirm advice provided for questions 1 and 2.*

ORGANISATION DETAILS

- 1. Advised, yes still applies to casuals but does not override casual entitlements generally
- 2. Advised, yes still paid for three hours even if they work less, no ambiguity in clause requiring three hours per engagement

Contact attempted, no answer. Message left that we would attempt contact again another

Page 3 of 8 (IA-1804) 019

cold chamber

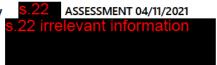
"while so employed is not clear"

ENQUIRY TREATMENT & SUMMARY

Team Treatment

Recommended Treatment

Assessment Summary



time.

As per KNO-027535 (confirmed with TLO, see notes):

Pre-condition for the allowance is that the employee is "principally employed on any day to enter cold chambers or to stock or refill refrigerated storages such as dairy cases or freezer cabinets."

Our view is that it would be payable for the day/shift during which they are "principally employed" performing such work (AKA 'while so employed').

Our view is that the relevant cold work allowance is payable for any day/shift when an employee is "principally employed on any day to enter cold chambers or to stock or refill refrigerated storages such as dairy cases or freezer cabinets".

They would be entitled to the allowance for the duration of the day/shift they were employed to principally perform this work as this would be the time they were 'so employed'.

The minimum shift for a part-time employee under the General Retail Industry Award is 3 hours. An employee is not able to agree to receive less than the minimum required by the award.

If an employer directs a part-time employee to attend for less than 3 hours in a shift, they will need to pay the employee for the minimum 3 hours if:

- It was not a stand-down; and
- The employee was ready, willing, and able to work.

A stand-down is one of the few times an employer can direct a full-time or part-time employee not to attend work for the required ordinary hours and not pay them.

Clause 15.9(e) in the General Retail Industry Award does not apply to a casual employee.

Mediation Conducted No

Forward Reason Callback to Client Required

FWO Outcome Advice Provided

DETAILS FOR KNOWLEDGE TEAM

DETAILS FOR KNOWLEDGE TEAM

Background Information

Legislation/ Indstrial instruments considered

Page 4 of 8 (IA-1804) 020

Specific questions/issue to be addressed

Quality Coach/TL Opinion

Recommending Team Lead

MONIES RECOVERED

Total (all non-confidential payments)

Total employees paid relating to enquiry

Payment Type	Confidential	Amount	Created On	Created By	(Payment Date	No. of Employeε	
No Money Recovered records are available in this view.								
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RELATED OBJECTS

Customer	Link Type URL		Reco (inoveledge Ob ject Title Link	
	No Link records are available in this view	v	No Linked Knowledge Object records are available	ole in this view.
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NOTES AND INTERACTIONS

SPECIAL CATEGORIES **NOTES AND ACTIVITIES**

Title: KNO-034997

Your reference: KNO-034997

Executive Description : Retail Award: how is 19.9 Cold work allowance payable

Outcome Details: agree with previous KNO that per shift/day where doing that type of work

Knowledge Record Fair Work Ombudsman

8/11/2021 3:13 PM

Name Owner No Special Category records are available in this view. 0 - 0 of 0 (0 selected) Page 1

EMAIL ADDRESSES

Email Source Type	Name
	No Enquiry Email Link records are avail
0 - 0 of 0 (0 selected)	Page 1

Page 5 of 8 (IA-1804) 021

REQUEST FOR ASSISTANCE

ADDITIONAL EMPLOYEE	DETAILS		Issue discussed with the Employer	ish.	
Employee Received Paid	Leave		Reason for not discussing the issue	. NO.3	
Employee's Date of Birth			Employer's Response		
Is Employee an Intern			.*		
Working as an Independe Contractor	ent		Are Other Employees affected		
Contractor or Employee			Pay Rate (Before tax)	Currency	Accepted in
PERMISSION TO CONTAC	CT THE EMPLOYER		- K.O. K.III.		Australi an Dollar
Privacy Consent		**	Name	Description	Created
Confidential	No	M	No Supp	orting Evidence records are available in this v	iew.
Permission to Contact Em	nployer	29	0 - 0 of 0 (0 selected)		Page 1
Full Name		Inder the Free	Name	COI Type	
Phone		160,00	No Classification o	f Issues records are available in this view.	
		(0, 1,1)	0 - 0 of 0 (0 selected)		Page 1
Email	×C	201	Category	Торіс	
MESSAGES	ein.	140	No Topic	records are available in this view.	
			0 - 0 of 0 (0 selected)		Page 1
	Ch		CASE DETAILS		
<	20		Is Suitable For Case Study No		

Page 6 of 8 (IA-1804) 022

Case Study Reason

Is Suitable For Follow Up No

CONSENT TO MEDIATION

Employer/Employee Contacted

OFFICE ADDRESS

- Consent to Mediation

Office

Name

No Memorandum Of Understanding records are available in this view.

0 - 0 of 0 (0 selected)

Page 1

Name
Official Name
Alpha...

No Country/Region records are available in this view.

0 - 0 of 0 (0 selected)

Page 1

Name

No Educational Assistance records are available in this view.

0 - 0 of 0 (0 selected)

Page 1

MEDIATION

Non-Monetary Outcomes TOS Total Time Spent (minutes) 120

Subject Status Reason Date Created Confirmed Date Closed Date Booking Type Employee I

No Booking Activity records are available in this view.

Page 7 of 8 (IA-1804) 023

0 - 0 of 0 (0 selected)		Page 1
Title	Owner Created On	
	You do not have permission to access these records. Contact your Microsoft Dynamics CRM administrator.	
0 - 0 (0 selected)		Page 1

LEGAL ADVICE PROGRAM

What is the issue that requires tailored legal advice (as per the assessment criteria)?

For current assessment criteria, see the following PACSR link Workplace Legal Advice Program

Referral Contact Legal Advice ID number

EMPLOYER ADVISORY SERVICE

Eligible for EAS?

EAS Request Details EAS Assessment

Page 8 of 8 (IA-1804) 024

Suitable for EAS Case Study No

TLO Advice

EAS Case Study Reason

FWO Legal Advice

Document Name	Document ID Document ID	on Legal Firm Status
	No Document Link records are available in this view.	No ELP Request records are available in this view.
0 - 0 of 0 (0 selected)	Page 1 0 - 0 of 0 (0 sele	ected) Page 1

INTRINSICS

Avaya Contact ID Skillset Medium to Large Business Enquirer ABN

PureCloud ID

s.22 irrelevant nformation

Intrinsic Phone



View Customer

Search Custome

Edit Custome

Register Customer

Reset Password

View Organisation

Search Organisation

ornouds main

Search Employer

View Employer

Phone Call Contact attempted, no answer. Messag...

Priority	Due		Status		Owner
Normal			Completed		8.22
Phone Call Subject	Contact attempted, no answer. Mess	age left that we would a	attempt contact again another time	As Regarding	<i>№</i> 2510491
Call From	8.22 s.22		131 119	Duration	
Call To	Am		~e ' o'	Callback	No
Skillset		Direction	Outgoing	Created On	8/11/2021 3:22 PM
Phone Number		Avaya Contact ID	7,000		
		Pure Cloud ID			
Communication Type	Phone Call	Communication Source	External		
Description	*5	101			

Contact attempted, no answer. Message left that we would attempt contact again another time.

As per KNO-027535 (confirmed with TLO, see notes):

Pre-condition for the allowance is that the employee is "principally employed on any day to enter cold chambers or to stock or refill refrigerated storages such as dairy cases or freezer cabinets."

Our view is that it would be payable for the day/shift during which they are "principally employed" performing such work (AKA 'while so employed').

Phone Call: Contact attempted, no answer. Message left that we would attempt contact again another time. As... (IA-1804) 026

Page 2 of 2 (IA-1804) 026

Paid per hour, so different amounts depending on how long the day/shift is (as opposed to a daily allowance).

Phone Call Contact made. Our view is that the rele...

Priority	Due		Status		Owner
Normal			Completed	10.01.	\$.22
Phone Call Subject	Contact made. Our view is that the r	olovant cold work allows	anco is navable for any day/chift	Regarding	<i>▶</i> 2510491
Subject	Contact made. Our view is that the i	elevant cold work allows	ance is payable for any day/silit	Regarding	2310491
Call From	\$.22		(3) /1/s	Duration	
Call To	20		100 0	Callback	No
Skillset		Direction	Outgoing	Created On	9/11/2021 10:36 AM
Phone Number		Avaya Contact ID	7,000		
		Pure Cloud ID			
		V. X	*		
Communication	Phone Call	Communication	External		
Туре	<(Source			
Description	.6				

Contact made.

Our view is that the relevant cold work allowance is payable for any day/shift when an employee is "principally employed on any day to enter cold chambers or to stock or refill refrigerated storages such as dairy cases or freezer cabinets". They would be entitled to the allowance for the duration of the day/shift they were employed to principally perform this work as this would be the time they were 'so employed'.

The minimum shift for a part-time employee under the General Retail Industry Award is 3 hours. An employee is not able to agree to receive less than the minimum required by the award.

If an employer directs a part-time employee to attend for less than 3 hours in a shift, they will need to pay the employee for

Phone Call: Contact made. Our view is that the relevant cold work allowance is payable for any day/shift... (IA-1804) 028

Page 2 of 2 (IA-1804) 028

the minimum 3 hours if:

- It was not a stand-down; and
- The employee was ready, willing, and able to work.

A stand-down is one of the few times an employer can direct a full-time or part-time employee not to attend work for the required ordinary hours and not pay them.

Clause 15.9(e) in the General Retail Industry Award does not apply to a casual employee. This is because the clause is inconsistent with the definition of a casual employee provided by the Fair Work Commission.

A casual employee has no guaranteed hours of work (other than the minimum engagement per day) and no firm advance commitment that the work will continue indefinitely with an agreed pattern of work.

As such, an employer can't make 'permanent roster changes' to a casual employee's roster, because casual employees do not have a permanent roster.

Clause 35 may apply if a casual employee has been working a regular roster and the employer wants to change it, however this is still not a permanent roster.

Page 1 of 3 (IA-1804) 029

Email

Fair Work Ombudsman

Owner Priority Normal

Email

Attachments

	Fair Work	Ombudsman)
Priority Normal	Due	Status Reason Sent	Own
Email From	Fair Work Ombudsman (Do Not Reply email)	Molinge	
То		Call Huje	
Сс		"/\e \ 0)	
Всс		7,900,	
Subject	Fair Work Ombudsman		
Communication Source	External		
Created On	9/11/2021 10:37 AM	·	
Attachments	45 201		
File Name	File Size (Bytes)		
	No Email Attachment records are available in th	is view.	
0 - 0 of 0 (0 selec	ited)	Page 1	

ornalion all Thankyou for your enquiry regarding the cold work allowance in the General Retail Industry Award and talking with us today.

Our view is that the relevant cold work allowance is payable for any day/shift when an employee is "principally employed on any day to enter cold chambers or to stock or refill refrigerated storages such as dairy cases or freezer cabinets".

They would be entitled to the allowance for the duration of the day/shift they were employed to principally perform this work as this would be the time they were 'so employed'.

The minimum shift for a part-time employee under the General Retail Industry Award is 3 hours. An employee is not able to agree to receive less than the minimum required by the award.

If an employer directs a part-time employee to attend for less than 3 hours in a shift, they will need to pay the employee for the minimum 3 hours if:

It was not a stand-down; and The employee was ready, willing, and able to work.

A stand-down is one of the few times an employer can direct a full-time or part-time employee not to attend work for the required ordinary hours and not pay them.

Our view is that clause 15.9(e) in the General Retail Industry Award does not apply to a casual employee. This is because the clause is inconsistent with the definition of a casual employee provided by the Fair Work Commission.

A casual employee has no guaranteed hours of work (other than the minimum engagement per day) and no firm advance commitment that the work will continue indefinitely with an agreed pattern of work.

As such, an employer can't make 'permanent roster changes' to a casual employee's roster, because casual employees do not have a permanent roster.

Clause 35 in the award may apply if a casual employee has been working a regular roster and the employer wants to change it, however this is still not a permanent roster.

Regards



Fair Work Ombudsman

** Please note this advice is current and up to date as of 10:35 am 9 November 2021, but please continue to check our website for further updates

Regarding

251049

Duration

Enquiry

2518146

Enquiry No.		tatus	Status Reason	O_{II} , V_{II}	Total Time Open (days)
2518146	R	Resolved	Advice Provided	101	4
ENQUIRY					
No of employees	1,000	Channel	Inbound Phone	EMPLOYEE DETAILS	
Enquiry Type Level 1	Entitlements	State	Vic	Occupation	
			(. O. C		
Enquiry Type Level 2	Other	Matter Number (Nexus)		Main Duties	retail
		Matter ID number (Titan)	W W		
		watter ib number (ritali)	10	Employee Status	
Awaiting Accept/Decline	No	Related Enquiry	, 0	Employee Status	
		60	.01	Is apprentice or trainee?	Neither
Created On	11/11/2021 12:40 PM	50 6			
		0.00		Employment start date	
CUSTOMER/ORGANISATI	ON			– Employment end date	
Customer	An	Legal Name		Employment end date	
	XO	76,			
Enquirer Type	Employer representative	100			
	2001				
EMPLOYEE LOCATION					
Suburb	00	Postcode			
	2				
State					

Information Media and **Industry Level 1** NOMINATED TO ACT ON CUSTOMER'S BEHALF Telecommunications **Full Name** Publishing (except Internet and **Industry Level 2** Music Publishing) Phone **Email Industry Level 3 Software Publishing Software Publishing Industry Level 4 ATTEND FWO OFFICE** Can attend FWO office (if required) No **Interpreter Required** No **Instrument Type** Modern Award **FWO Office** Language **Employer Association** ant number \$.22 Acc ATIS Phone number: \$.22 Infoline: **Pre-Post Reform** Account <u>numbe</u>r **Bound To Award** Access <u>num</u>ber

ORGANISATION DETAILS

ENQUIRY DETAILS

DESCRIPTION	ACTIONS & SOLUTIONS
ERR calling regarding General Retail Industry award:	L2 <mark>S.22</mark> - took over call.
Wanting information on rostering provisions in the general retail industry award-	MA000004: General Retail Industry Award 2020
clause 15.6 :	15.6 Full-time employees
- How do 15.6g) and 15.6h) interact with each other?	(h) The options are:
- What about 15.6(h)(vi)? and 15.6(m)(i) -	(iii) taking 4 hours off per fortnight in addition to the rostered day off;or
	(iv) taking a fixed day off per 4 week cycle;or
	(v) taking a rotating day off per 4 week cycle;or
L2 <mark>S.22</mark>	(vi) having an accumulating day off per 4 week cycle with a maximum of 5 days being accumulated over 5 such cycles.

Enquiry: 2518146 (IA-1804) 034 Page 3 of 8 (IA-1804) 034

ER rep adv this incudes the ways in which EE's work weeks can be arranged. ER rep adv will be used for about 130 ER's.

1.

ER rep adv she is confused on how 15.6(h)(iii)(iv)(v) would work?

as per (iii) the 4 extra hours off per fortnight is this paid or unpaid? is the additional day of paid or unpaid as well?

ER rep wondering how this may interact with consecutive days off as well?

2.

Also 15.6(m) how does that interact with 15.6(h)(vi)?

ENQUIRY TREATMENT & SUMMARY

Team Treatment

Recommended Treatment

Assessment Summary

s.22 s.22 irrelevant information

Escalation - clause 15.6(h)(iii)(iv)(v) how are these options to be implemented?

Is the 4 hours off per fortnight and the additional RDO paid or unpaid?

Is the fixed day off per 4 week cycle paid as like MA20 RDO cycle?

Adv what it appears is EE's working longer shifts over the cycle which is going towards an additional day off being paid. Adv it may be similar to MA20 with RDO cycle. Adv will put through to be looked into further.

Adv someone will be in contact once looked into.

2

15.6 Full-time employees

- (m) Banking of rostered days off
- (i) By agreement between the employer and an employee,up to 5 rostered days off may be banked in any one year.
- (ii) A banked rostered day off may be taken at a time that is mutually convenient to the employer and the employee.

Adv if there is agreement between ER and EE they can agree to bank 5 days off over a year instead of a 5 week cycle as per 15.6(h)(vi).

Mediation Conducted No

Forward Reason Callback to Client Required

FWO Outcome Advice Provided

DETAILS FOR KNOWLEDGE TEAM

DETAILS FOR KNOWLEDGE TEAM

Background Information

Specific questions/issue to be addressed

Recommending Team Lead

Legislation/ Indstrial instruments considered

Quality Coach/TL Opinion

MONIES RECOVERED

Page 4 of 8 (IA-1804) 035

(IA-1804) 035

Total (all non-confidential payments)

Total employees paid relating to enquiry

Payment Type	Confidential	Amount	Create	d On	Created By	S	Payment Date	No. of Employe
RELATED OBJECTS		No Mo	ney Recovere	d records are a	vailable in this view.	10,3		
0 - Customer 0 - O of 0 (0 selected)	Link Type	URL		Recolónovele	dge Object Title	Link		Page 1
	No Link records are av	ailable in this view			No Linked Kn	owledge Object reco	rds are available in	this view.
0 - 0 of 0 (0 selected)			Page 1	0 - 0 of 0 (0) selected)	::(0)		Page 1

NOTES AND INTERACTIONS

SPECIAL CATEGORIES **NOTES AND ACTIVITIES**

Name	Owner
	No Special Category records are available in this view.
0 - 0 of 0 (0 selected)	Page 1

	Email Source Type	Name	
			No Enquiry Email Link records are availab
0 - 0	of 0 (0 selected)		Page 1

REQUEST FOR ASSISTANCE

EMAIL ADDRESSES

Email Source Issue discussed with the Employer ADDITIONAL EMPLOYEE DETAILS

Employee Received Paid Leave Reason for not discussing the issue

Employee's Date of Birth Employer's Response

Is Employee an Intern

Working as an Independent Contractor		Are Other Employees affected	and the second	
Contractor or Employee		Pay Rate (Before tax)	Currency	Australi
PERMISSION TO CONTACT TH	IE EMPLOYER	_		an Dollar
Privacy Consent		Name	Description	Created
Confidential	No	No Si	upporting Evidence records are available in this	view.
Permission to Contact Employ	er	0 - 0 of 0 (0 selected)		Page 1
Full Name		Name	COI Type	
Phone		No Classification	on of Issues records are available in this view.	
· iidiic		0 - 0 of 0 (0 selected)		Page 1
Email		Category	Торіс	
MESSAGES	103	No To	opic records are available in this view.	
	0,000	0 - 0 of 0 (0 selected)		Page 1
		CASE DETAILS		
	ele "Ve	Is Suitable For Case Study No		
	Sie Gert	Case Study Reason		
OFFICE ADDRESS	2011Weyiz Ingeline	Is Suitable For Follow Up No		
Office	Cy	CONSENT TO MEDIATION		
Name		Employer/Employee Contacted	1	

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Name	Official Name	Alpha	
Name	No Country/Region reco	ords are available in this view.	
		ecords are available in this vie	ew.
A O DTA DO 31	elected)		Page 1
lon-Monetary	Outcomes	TOS	Page 1

C	on	se	nt	to	М	ed	iat	ion	

Total Time Spent (minutes) 120

				<u> </u>			
Subject	Status Reason	Date Created	Confirmed Date	Closed Date	Booking Type	Employee	
		. 0	10%	No Booking Activity	records are available i	in this view.	
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Title	Owner	Created On	0,				
You do not have permission to access these records. Contact your Microsoft Dynamics CRM administrator.							
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LEGAL ADVICE PROGRAM

What is the issue that requires tailored legal advice (as per the assessment criteria)?

For current assessment criteria, see the following PACSR link Workplace Legal Advice Program

Referral Contact

Legal Advice ID number

Enquiry: 2518146 (IA-1804) 038 Page 7 of 8 (IA-1804) 038

EMPLOYER ADVISORY SERVICE

Eligible for EAS? EAS Source

EAS Request Details EAS Assessment

Suitable for EAS Case Study No

TLO Advice

EAS Case Study Reason

FWO Legal Advice

Document Name	(Document ID		Docu Finie Refoltation	Legal Firm	Stat	us I
	Ve.	No Document Link records are available	in t	his view.	No ELP Request records are available in this view.		
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INTRINSICS

Avaya Contact ID Skillset Medium to Large Business Enquirer ABN

Enquiry: 2518146 (IA-1804) 039

PureCloud ID

S.22 irrelevant Intrinsic Phone

View Customer Search Customer Edit Customer Register Customer Reset Password View Organisation Search Organisation

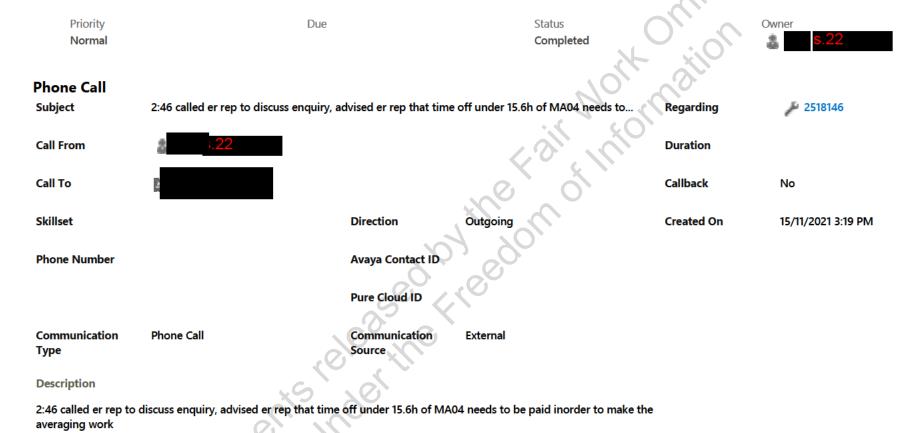
Search Employer View Employer

Page 8 of 8

(IA-1804) 039

Phone Call

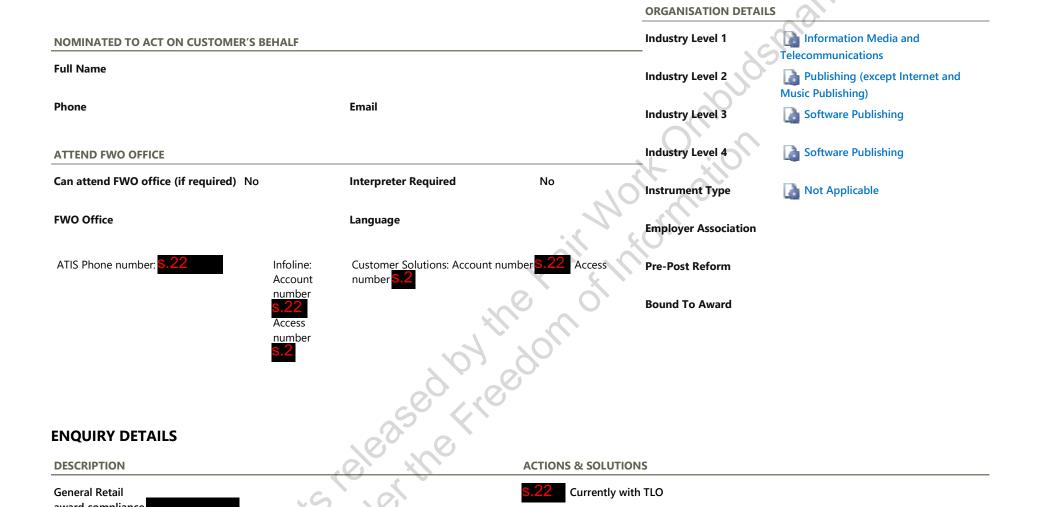
2:46 called er rep to discuss enquiry, a...



Enquiry

2520373

Enquiry No.	Sta	tus	Status Reason		Total Time Open (days)
2520373	Re	solved	Advice Provided	the dilon.	99
ENQUIRY			~10		
No of employees	1,000	Channel	Inbound Phone	EMPLOYEE DETAILS	
Enquiry Type Level 1	Entitlements	State	NSW AND THE REPORT OF THE REPO	Occupation	
Enquiry Type Level 2	Other	Matter Number (Nexus)		Main Duties	retail establishments
		Matter ID number (Titan)	theolu	Employee Status	
Awaiting Accept/Decline	No	Related Enquiry		_	
Created On	15/11/2021 8:49 AM	CO (14	C	Is apprentice or trainee?	Neither
				Employment start date	
CUSTOMER/ORGANISATION	ON	Sle Hue		– Employment end date	
Customer	A	Legal Name			
Enquirer Type	Employer representative	ouge.			
EMPLOYEE LOCATION					
Suburb	200	Postcode			
State	V				



ENQUIRY DETAILS

DESCRIPTION	ACTIONS & SOLUTIONS	<u> </u>
General Retail award compliance	S.22 Currently with	гьо
1. 15.9(g) - what is an event and what happens if there is an agreement? does overtime need to be paid?	Mediation Conducted	No
2. Do FT EE's need to have an agreement on days and hours of work	mediation conducted	
3. 15.2 (c) can the trading hours change? does it need to be the whole week that they trade until 6pm? - Can there be an agreement for late night trading that the hours change?	Forward Reason	Referred to Knowledge Team
4. 15.2(c) what are the ordinary hours on the weekend?		
5. 18.2 if a business is doing averaging - if the EE gets paid weekly and works 30 hours in one week and than 46 the week after - do they just get paid 38 hours each week?	FWO Outcome	Advice Provided

Enquiry: 2520373 (IA-1804) 043 Page 3 of 8 (IA-1804) 043

- 6. 19.4(a) what if its more than 3 weeks, is that a breach of the award?
- 7. does the business need to pay for Uber if the EE does not have transport?
- by the Fair Mork Ornation 8. 19.2 liquor licence - is this anyone that has a liquor licence or is it just where a liquor licence is needed for the role?
- 9. 25.2 what happens when a shift start between
- normal shift is 2am overtime before the shift (what's the payment for that)
- baking production EE that starts at 2am? normal shift at 10pm?

ENQUIRY TREATMENT & SUMMARY

Team Treatment

Recommended **Treatment**

Assessment Summary

DETAILS FOR KNOWLEDGE TEAM

DETAILS FOR KNOWLEDGE TEAM

Background Information

24.2 For a baking production employee shiftwork means a shift starting at or after midnight and before 6.00 am.

25.2 Baking production employees—early morning shift rates

- (a) A baking production employee who begins a shift at or after 2.00 am and before 6.00 am is entitled to an early morning shift rate of 112.5% of the minimum hourly rate for full-time and part-time employees and 137.5% of the minimum hourly rate for casual employees, inclusive of the casual loading.
- (b) A baking production employee who begins a shift at or after midnight and before 2.00 am is entitled to a night shift rate of 130% of the minimum hourly rate for full-time and parttime employees and 155% of the minimum hourly rate for casual employees, inclusive of the casual loading.

Specific questions/issue to be addressed

How is a baking production employee paid if works outside the shift conditions?

Legislation/Indstrial instruments considered MA000004: General Retail Industry Award 2020

Quality Coach/TL Opinion KNO-035185 - Escalate

MONIES RECOVERED

Total (all non-confidential payments)

Total employees paid relating to enquiry

Payment Type	Confidential	Amount	Created On	Created By	70	Payment Date	No. of Employeε
No Money Recovered records are available in this view.							
0 - 0 of 0 (0 selected)				1	.:.0		Page 1

RELATED OBJECTS

Customer	Link Type	URL	Recotinovaledge Object Title Link	
	No Link records are avail	able in this view.	No Linked Knowledge Object records are available in this view.	1-
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NOTES AND INTERACTIONS

SPECIAL CATEGORIES NOTES AND ACTIVITIES

Title: TLO response

email sent to customer about question on part time employees working outside the span. 3 other outstanding questions are still in research, including working outside span for baking production employees, see 2546407/ KNO-035654.

21/02/2022 3:19 PM

Your reference: KNO-035185

With Q.9 span of hours for baking production employees, we are currently reviewing this question. EMAIL ADDRESSES

please escalate.

22/11/2021 11:44 AM

Name	Owner
No Special Category records are available in the	
0 - 0 of 0 (0 selected)	Page 1

Email Source Type	Name	
	No Enquiry Email Link records are av	ailal
0 - 0 of 0 (0 selected)	Page 1	

REQUEST FOR ASSISTANCE

ADDITIONAL EMPLOYEE DETAILS		_ Issue discussed with the Employer	
Employee Received Paid Leave		Issue discussed with the Employer Reason for not discussing the issue Employer's Response	
Employee's Date of Birth			
Is Employee an Intern		Are Other Employees affected	
Working as an Independent Contractor		Pay Rate (Before tax) Currency	Australi an
Contractor or Employee		10, 3,	Dollar
		Name Descripti	on Created
PERMISSION TO CONTACT THE EI	MPLOYER	No Supporting Evidence records are available in	:his view.
Privacy Consent		0 - 0 of 0 (0 selected)	Page 1
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Permission to Contact Employer		No Classification of Issues records are available in this view	<i>'</i> .
Full Name	70,0	0 - 0 of 0 (0 selected)	Page 1
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	Jimen Jinder ine like	Case Study Reason	
Ool		Is Suitable For Follow Up No	

Enquiry: 2520373 (IA-1804) 046 Page 6 of 8 (IA-1804) 046

CONSENT TO MEDIATION

Employer/Employee Contacted

Consent to Mediation

OFFICE ADDRESS

Office

Name

No Memorandum Of Understanding records are available in this view.

0 - 0 of 0 (0 selected)

Page 1

Name
Official Name
Alpha...

No Country/Region records are available in this view.

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Page 1

Name

No Educational Assistance records are available in this view.

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Page 1

MEDIATION

Non-Monetary Outcomes TOS Total Time Spent (minutes)

Subject		Status Reason	Date Created	Confirmed Date	Closed Date	Booking Type	Employee I
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120

Enquiry: 2520373 (IA-1804) 047 Page 7 of 8 (IA-1804) 047

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Title	Owner Created On	
	You do not have permission to access these records. Contact your Microsoft Dynamics CRM administrator.	
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LEGAL ADVICE PROGRAM

What is the issue that requires tailored legal advice (as per the assessment criteria)?

For current assessment criteria, see the following PACSR link Workplace Legal Advice Program

Referral Contact Legal Advice ID number

EMPLOYER ADVISORY SERVICE

Eligible for EAS?

EAS Request Details EAS Assessment

Enquiry: 2520373 (IA-1804) 048 Page 8 of 8 (IA-1804) 048

Suitable for EAS Case Study No

TLO Advice

EAS Case Study Reason

FWO Legal Advice

Document Name	Document ID	Docu iride Refotation	Legal Firm	Status
	No Document Link records are available i	n this view.	No ELP Request records are available in this vie	w.
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INTRINSICS

Avaya Contact ID Skillset Medium to Large Business Enquirer ABN

PureCloud ID S.22 i

s.22 irrelevant nformation

Intrinsic Phone



View Customer

Search Custome

Edit Custome

Register Customer

Reset Password

View Organisation

Search Organisation

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Search Employer

View Employer

Enquiry: 2526329 (IA-1804) 049 Page 1 of 8 (IA-1804) 049

Enquiry

2526329

Enquiry No.	St	atus	Status Reason		Total Time Open (days)
2526329	Re	esolved	Advice Provided		1
				1- 110	
ENQUIRY			10	70.	
No of employees	1,000	Channel	Inbound Phone		
no or employees	1,000		misouria i none	EMPLOYEE DETAILS	
Enquiry Type Level 1	Entitlements	State	Vic	Occupation	
inquity type iever t	2 radioments		(,0,11)		
Enquiry Type Level 2	Coverage	Matter Number (Nexus)		Main Duties	N/A
	- Section and Section 2015	,	70 O.		
		Matter ID number (Titan)	11, 1		
				Employee Status	Unsure
Awaiting Accept/Decline	No	Related Enquiry	, 0,	Employee Status	Offsure
3 1.				Is apprentice or trainee?	Uncuro
Created On	19/11/2021 9:38 AM	~ O / <		is apprentice of trainee:	Offsure
		as V		Employment start date	
		0,0		Employment start date	
CUSTOMER/ORGANISATION	ON			- Employment end date	
Customer	Am	Legal Name		Employment end date	
- Castonici	46	Legal Hame			
Enquirer Type	Existing employee	0			
EMPLOYEE LOCATION					
Suburb	20	Postcode			
Jubulb	70	rosicoue			
State					
State					

(IA-1804) 050 (IA-1804) 050

ORGANISATION DETAILS

Information Media and **Industry Level 1** NOMINATED TO ACT ON CUSTOMER'S BEHALF Telecommunications **Full Name** Publishing (except Internet and **Industry Level 2** Music Publishing) Phone **Email Industry Level 3 Software Publishing Software Publishing Industry Level 4 ATTEND FWO OFFICE** Can attend FWO office (if required) No **Interpreter Required** No **Instrument Type** Modern Award **FWO Office** Language **Employer Association** Ac. Ac. Sines ATIS Phone number: \$.22 Infoline: **Pre-Post Reform** Account <u>numbe</u>r **Bound To Award** Access <u>num</u>ber

ENQUIRY DETAILS

DESCRIPTION	ACTIONS & SOLUTIONS
Related for payment for shift workers if they are away from the business because of a public	Escalating to VIC queue
holiday.	Explained we would need to check the specific awards
Specifically retail.	
Not working that day - What rate do they go	Q) Payment for shift workers if they are away from the business because of a public holiday,
Constant shift workers - is shift worker rate their normal rate of pay?	mainly wants to know retail award, but mentioned they want to know the answer to this question for every single award.
Rounding of weekly rates	
- When there is a national wage increase, wants to know how its calculated when we	- Might change based on the award
increase minimum rates under the award.	- Managed expectations that its unlikely we will go through every single modern award,
	advised they would likely need to conduct their own research
ENQUIRY TREATMENT & SUMMARY	- Different provisions for different awards

Enquiry: 2526329 (IA-1804) 051 Page 3 of 8 (IA-1804) 051

Team Treatment

Recommended Treatment

Assessment Summary



Q) Rounding of weekly rates

- When there is a national wage increase, wants to know how its calculated when we increase minimum rates under the award.

Mediation Conducted No

Forward Reason

Callback to Client Required

FWO Outcome

Advice Provided

DETAILS FOR KNOWLEDGE TEAM

DETAILS FOR KNOWLEDGE TEAM

Background Information

Specific questions/issue to be addressed

Recommending Team Lead

Legislation/Indstrial instruments considered

Quality Coach/TL Opinion

MONIES RECOVERED

Total (all non-confidential payments)

Total employees paid relating to enquiry

Payment Type	Confidential Amount	Created On	Created By	Payment Date	No. of Employee
	No Money	Recovered records a	are available in this view.		
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RELATED OBJECTS

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Australi

NOTES AND INTERACTIONS

NOTES AND ACTIVITIES	SPECIAL CATEGORIES		<u> </u>

Name	100,	Owner
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EMAIL ADDRESSES

Email Source Type	Name	
1.311 1010	No Enquiry Email Link records are ava	ilal
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REQUEST FOR ASSISTANCE

Issue discussed with the Employer **ADDITIONAL EMPLOYEE DETAILS**

Employee Received Paid Leave Reason for not discussing the issue

Employee's Date of Birth Employer's Response

Is Employee an Intern

released the the Working as an Independent Are Other Employees affected Contractor

Contractor or Employee

Pay Rate (Before tax) Currency

PERMISSION TO CONTACT THE EMPLOYER

Privacy Consent Description Name Created

Confidential	No	No Supporting Evidence records are available in this view.
Permission to Contact Employer		0 - 0 of 0 (0 selected) Page 1
Full Name		Name COI Type
Phone		No Classification of Issues records are available in this view.
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Email		Category
MESSAGES		No Topic records are available in this view.
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		CASE DETAILS
		Is Suitable For Case Study No
	· · · · · · · · · · · · · · · · · · ·	Case Study Reason
		90,
OFFICE ADDRESS	20, 10	Is Suitable For Follow Up No
Office	25 (1)	
	00,0	CONSENT TO MEDIATION
Name	(0, 11)	Employer/Employee Contacted
No Memorandum Of U	Inderstanding records are available in this view.	Consent to Mediation
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Enquiry: 2526329 (IA-1804) 054

Page 6 of 8 (IA-1804) 054

MEDIATION

Non-Monetary Outcomes	TOS	Total Time Spent (minutes) 120	
-		103	

Subject	Status Reason	Date Created	Confirmed Date Closed Date	Booking Type Employee
			No Booking Activi	ty records are available in this view.
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Title	Owner	Created On		
Title	Owner	Created Off	70, 50,	
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LEGAL ADVICE PROGRAM

What is the issue that requires tailored legal advice (as per the assessment criteria)?

For current assessment criteria, see the following PACSR link Workplace Legal Advice Program

Referral Contact Legal Advice ID number

EMPLOYER ADVISORY SERVICE

Eligible for EAS? EAS Source

EAS Request Details EAS Assessment

Enquiry: 2526329 (IA-1804) 055 Page 7 of 8 (IA-1804) 055

Suitable for EAS Case Study No

EAS Case Study Reason

TLO Advice
FWO Legal Advice

Document Name	Document ID		Docu ith@Refolia tion	Legal Firm	Stati	us I
	No Document Link records are available i	n thi	is view.	No ELP Request records are available in this view.		
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INTRINSICS

Skillset **Avaya Contact ID** Medium to Large Business **Enquirer ABN**

PureCloud ID

Intrinsic Phone



Enquiry: 2526329 (IA-1804) 056

Page 8 of 8 (IA-1804) 056

View Customer Search Customer Edit Customer Register Customer Reset Password View Organisation Search Organisation
Search Employer

Email: Fair Work Ombudsman: (IA-1804) 057

Email

Fair Work Ombudsman:



Priority Due Status Reason Owner
Normal Sent

Email

From Fair Work Ombudsman (Do Not Reply email)

То

Cc

Bcc

Subject Fair Work Ombudsman:

Communication External

Source

Created On 22/11/2021 11:41 AM

Attachments

File Name
File Size (Bytes)

No Email Attachment records are available in this view.

0 - 0 of 0 (0 selected)

Page 1

Hi

Thank you for speaking with me today.

We discussed multiple clauses under the General Retail Industry Award which you can find here: https://awardviewer.fwo.gov.au/award/show/MA000004

- 1. 15.9(g) What is an event?
- As discussed, there is no definition in the award for "event", so we can consider the ordinary meaning of the word. An event is likely to be a one-off occasion, intended to prevent changing rosters too often. This means
- 2. Do full-time employees need to have an agreement on days and hours of work?
- Yes: clause 9 says that a full-time employee is engaged to work an average of 38 hours, "in
 accordance with an agreed hours of work arrangement". This arrangement is agreed between both the
 employer and employee.
- 3. 15.2 (c) Can the trading hours change? Does it need to be the whole week that they trade until 6pm? 15.2.c says: Businesses trading after 9pm Monday to Friday or after 6pm on weekends (for those late night trading days only)
- There are no exclusions here requiring a business to late night trade every night only that the business has late night trading.
- 4. 15.2(c) what are the ordinary hours on the weekend?
- Sat 7am 6pm Sun 9am 6pm

Late trade businesses:

- Sat 7am 11pm Sun 9am 11pm
- 5. 18.2 How does an averaging system interact with the pay cycles in clause 18? Eg; an employee works a 2 week averaging system but is paid weekly.

These employees can be paid under an averaging system to avoid getting different payments on each pay day. This means the pay would stay the same each week even when an employee's hours differ from week to week.

Example: Averaging a full-time employee's pay

Tim is a full-time employee who works:

- 32 hours in 1 week and
- 44 hours in the following week.

He is paid 38 hours per week under the averaging system, even though his hours change from week to week.

- 6. 19.4(a) discusses an allowance for an employee who is required to work at a place other than their usual place of work for a period of up to 3 weeks. What if it goes beyond 3 weeks, is that a breach of the award?
- Clause 19.4.a provides no options beyond the 3 weeks. This means if an employer engages the employee past 3 weeks, this will be outside award conditions and may be subject to legal advice. It could be considered in breach of the award.
- 7. Does the business need to pay for Uber if the employee does not have transport?

Clause 19.8.(b) says: The employer must reimburse the employee the cost they reasonably incurred in taking a commercial passenger vehicle between the place of employment and the employee's usual place of residence.

If Uber is the only means of transport, then the employer would need to pay for this.

- 8. 19.12 liquor licence Is this applicable to anyone that has a liquor licence or is it just where a liquor licence is needed for the role?
- It applies to employees required by the employer to hold a liquor licence for work.
- 9. Baking production employees; how are they paid if they work outside the rostering conditions in 25.2?
- We are looking into this and will get back to you when we have further information.

Your customer reference number (CRN) is in the subject line of this email. If you need to call again in future, please provide this number.

Kind Regards,

Fair Work Ombudsman

This message has been sent from an unmonitored account. Please do not reply.

Regarding

· 2520373

Duration

Phone Call



Priority Normal	Due		Status Completed	YOU''OU	Owner S.2
Phone Call Subject	Called @ 11.25am - Confir	med calling re: GRIA 1. 1!	5.9(g) - What is an event? - As	Regarding	<i>▶</i> 2520373
Call From	<u>\$</u> .2		(3) 10	Duration	
Call To	Δ=		, e o	Callback	No
Skillset		Direction	Outgoing	Created On	22/11/2021 12:39 PM
Phone Number		Avaya Contact ID	3		
		Pure Cloud ID	KO.		
Communication Type	Phone Call	Communication Source	External		
Description Called @ 1	11.25am	ger			

- Confirmed calling re: GRIA
- 1. 15.9(g) What is an event?
- As discussed, there is no definition in the award for "event", so we can consider the ordinary meaning of the word. An event is likely to be a one-off occasion, intended to prevent changing rosters too often. This means
- 2. Do full-time employees need to have an agreement on days and hours of work?
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Businesses trading after 9pm Monday to Friday or after 6pm on weekends (for those late night trading days only)

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- Sat 7am 11pm Sun 9am 11pm
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44 hours in the following week.

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If Uber is the only means of transport, then the employer would need to pay for this.

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- It applies to employees required by the employer to hold a liquor licence for work.
- Lice.

 A outside the have further information. 9. Baking production employees; how are they paid if they work outside the rostering conditions in 25.2?
- We are looking into this and will get back to you when we have further information.

Enquiry

2532236

Enquiry No. 2532236	Sta Res	tus solved	Status Reason Advice Provided	0/, 0	Total Time Open (days) 1
ENQUIRY No of employees	1,000	Channel	Inbound Phone	EMPLOYEE DETAILS	
Enquiry Type Level 1	Entitlements	State	NSW	Occupation	
Enquiry Type Level 2	Hours of Work	Matter Number (Nexus)		Main Duties	Retail Award
		Matter ID number (Titan)	HILL OUT	1	
Awaiting Accept/Decline	No	Related Enquiry	9 90	Employee Status	
Created On	25/11/2021 10:44 AM	600	C	Is apprentice or trainee?	Neither
		(0) (0)	·	Employment start date	
CUSTOMER/ORGANISATION	ON	010 4/0		- Employment end date	
Customer	A S	Legal Name		. ,	
Enquirer Type	Employer representative	Jugie			
EMPLOYEE LOCATION					
Suburb	700	Postcode			
State	Y				

Enquiry: 2532236 (IA-1804) 063

				ORGANISATION DETAI	IES .
NOMINATED TO ACT ON CUSTOMER'S E	BEHALF			Industry Level 1	Information Media and Telecommunications
Full Name				Industry Level 2	Publishing (except Internet and Music Publishing)
Phone		Email		Industry Level 3	Software Publishing
ATTEND FWO OFFICE				Industry Level 4	Software Publishing
Can attend FWO office (if required) No		Interpreter Required	No	Instrument Type	Modern Award
FWO Office		Language	11	Employer Association	
ATIS Phone number: S.22	Infoline: Account	Customer Solutions: Account no number <mark>5.2</mark>	umber <mark>S.22</mark> Access	Pre-Post Reform	
	number S.22 Access number S.2	169269 F16	egow, or	Bound To Award	
ENQUIRY DETAILS		180° 8			
DESCRIPTION		1/4 10.	ACTIONS & SOLU	JTIONS	
Under retail award			MA000004: Gener	ral Retail Industry Award 2020	

ORGANISATION DETAILS

ENQUIRY DETAILS

DESCRIPTION	ACTIONS & SOLUTIONS
Under retail award	MA000004: General Retail Industry Award 2020
Does clause 15.7 apply to just FT EE's or all EE's.	Advised clause 15.7 applies to all employees. Clause 15.6 is the clause specific to FT EE's
ENQUIRY TREATMENT & SUMMARY	
Team Treatment	Mediation Conducted No
Recommended Treatment	Forward Reason

Enquiry: 2532236 (IA-1804) 064 Page 3 of 8 (IA-1804) 064

Assessment Summary s.22 irrelev ant

FWO Outcome

Advice Provided

DETAILS FOR KNOWLEDGE TEAM

DE	ΓΛΙ	IC	EOP	KN	IOWI	EDGE	TEAM
DE	IAI	LO	TUK.	D. I'		_CDUC	IEAIVI

Background Information

Specific questions/issue to be addressed

Recommending Team Lead

Legislation/ Indstrial instruments considered

Quality Coach/TL Opinion

MONIES RECOVERED

Total (all non-confidential payments)

Total employees paid relating to enquiry

Payment Type	Confidential	Amount	Created On	Created By	Payment Date	No. of Employeε
No Money Recovered records are available in this view.						
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RELATED OBJECTS

Customer	Link Type URL	Reco knowledge Ob ject Title Link	
	No Link records are available in this view.	No Linked Knowledge Object records are availa	able in this view.
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NOTES AND INTERACTIONS

NOTES AND ACTIVITIES SPECIAL CATEGORIES

Name	Owner	

Enquiry: 2532236 (IA-1804) 065 Page 4 of 8 (IA-1804) 065

	No Special	Category records are available in	this view.
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	EMAIL ADDRESSES		
	Email Source Type	Name	
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EQUEST FOR ASSISTANCE	Mo Mo		
DDITIONAL EMPLOYEE DETAILS	Issue discussed with the Employer		
	— \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\		
mployee Received Paid Leave	Reason for not discussing the issue		
mployee's Date of Birth	Employer's Response		
Employee an Intern	600		
Vorking as an Independent Contractor	Are Other Employees affected		
mployee's Date of Birth Employee an Intern Vorking as an Independent ontractor ontractor or Employee ERMISSION TO CONTACT THE EMPLOYER rivacy Consent onfidential No ermission to Contact Employer	Pay Rate (Before tax)	Currency	Australi
ERMISSION TO CONTACT THE EMPLOYER			an Dollar
rivacy Consent	Name	Description	Create
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ermission to Contact Employer	0 - 0 of 0 (0 selected)		Page 1
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ull Name			

Phone	
riione	0 - 0 of 0 (0 selected) Page 1
Email	Category Topic
	CASE DETAILS No Topic records are available in this view.
MESSAGES	Is Suitable For Case Study No Page 1
	Case Study Reason
	Is Suitable For Follow Up No CONSENT TO MEDIATION
OFFICE ADDRESS	Employer/Employee Contacted
Office	Consent to Mediation
Name	7-80
No Memorandum Of Understanding records are available in this view.	(C)
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Name Official Name Alpha	
No Country/Region records are available in this view.	
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Name	
No Educational Assistance records are available in this view.	
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Enquiry: 2532236 (IA-1804) 067

Page 6 of 8 (IA-1804) 067

MEDIATION

Non-Monetary Outcomes	TOS	Total Time Spent (minutes) 12	0
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Subject	Status Reason	Date Created	Confirmed Date	Closed Date	Booking Type	Employee
				No Booking Activity	records are available i	in this view.
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Title	Owner	Created On	X X	70,		
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LEGAL ADVICE PROGRAM

What is the issue that requires tailored legal advice (as per the assessment criteria)?

For current assessment criteria, see the following PACSR link Workplace Legal Advice Program

Referral Contact Legal Advice ID number

EMPLOYER ADVISORY SERVICE

Eligible for EAS?

EAS Request Details EAS Assessment

Enquiry: 2532236 TLO Advice (IA-1804) 068

Suitable for EAS Case Study No

EAS Case Study Reason

Page 7 of 8

(IA-1804) 068

Document Name	Document ID Document Metablation	Legal Firm Sta	atus
	No Document Link records are available in this view.	No ELP Request records are available in this view.	
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INTRINSICS

Avaya Contact ID Skillset Medium to Large Business **Enquirer ABN**

PureCloud ID

Intrinsic Phone

Enquiry: 2532236 (IA-1804) 069

Page 8 of 8 (IA-1804) 069

View Customer Search Customer Edit Customer Register Customer Reset Password View Organisation Search Organisation
Search Employer

Enquiry

2546407

Enquiry No.		tatus	Status Reason	$O_{i,j}$	Total Time Open (days)
2546407	R	esolved	Advice Provided	L ::01	105
ENQUIRY No of employees	1,000	Channel	Inbound Phone	EMPLOYEE DETAILS	
Enquiry Type Level 1	a Entitlements	State	Vic	Occupation	
Enquiry Type Level 2	Other	Matter Number (Nexus)		Main Duties	Retail
		Matter ID number (Titan)	11, 4		
Awaiting Accept/Decline	No	Related Enquiry	90,	Employee Status	
Created On	9/12/2021 9:34 AM	-60	C	Is apprentice or trainee?	Neither
	-,-,-	1000 OT		Employment start date	
CUSTOMER/ORGANISATI	ON	10 H/O		- Employment end date	
Customer	To the second se	Legal Name			
Enquirer Type	Employer representative	7100			
EMPLOYEE LOCATION					
Suburb	300	Postcode			
State	Y		•		

Information Media and **Industry Level 1** NOMINATED TO ACT ON CUSTOMER'S BEHALF Telecommunications **Full Name Industry Level 2** Publishing (except Internet and Music Publishing) **Phone Email Industry Level 3** Software Publishing Software Publishing **Industry Level ATTEND FWO OFFICE Interpreter Required** Can attend FWO office (if required) No No **Instrument Type** Modern Award **FWO Office** Language **Employer Association** ATIS Phone number: Infoline: Customer Solutions: Account number **Pre-Post Reform** Account number **Bound To Award** Access number

ENQUIRY DETAILS

DESCRIPTION ACTIONS & SOLUTIONS

ER Rep calling to follow up on previous calls made. ER Rep advised that has made several enquiries for which they are waiting on a response. Questions relate to the following:

1. Rounding of weekly rates - When there is a national wage increase, ER Rep wants to know how FWO does the calculation to end with the rounded weekly rates that we do?

- 2. When a shiftworker does not work a public holiday under the retail award, does the payment they receive include shift loading, or just the base rate of pay? Clause 25.3 (c)
- 3. How is a baking production employee paid if works outside the shift conditions?
- 4. ER Rep notice that in PACT, there is inconsistent information with the award regarding overtime for part time employees in the Retail award under "Does this apply?"

ER Rep also querying - when do shiftworkers receive overtime in the retail award?

Advised that question 3 is currently with a team for further research - someone will be in contact to discuss further (see enquiry 2523073). Point/question 4 was also raised on this enquiry, advised as this relates to information contained in PACT - has likely been raised via a different internal channel for PACT to be reviewed

ORGANISATION DETAILS

Questions 1 & 2 appear on enquiry 2526329 which appears to have been closed in error rather than raised to state queue - re-escalating on this enquiry for further research

Advised ER Rep that shiftworkers under Retail award receive overtime when they work more than 38 hours in a week, 9 hours in a day or outside the roster conditions, including shiftworkers not being allowed to be rostered to work shiftwork and non shiftwork hours in

ENQUIRY TREATMENT & SUMMARY

Team Treatment

Recommended Treatment

Assessment Summary User ID: S.22
s.22 irrelevant
information

the same week.

Taken over by S.22

Mediation Conducted No

Forward Reason Referred to Knowledge Team

FWO Outcome Advice Provided

DETAILS FOR KNOWLEDGE TEAM

DETAILS FOR KNOWLEDGE TEAM

Background Information

Customer has a number of escalations currently open with TLO.

Some of the questions they have asked have been escalated. From our records it appears that others were meant to be escalated, but never were.

Open TLO escalations addressing 2 questions raised, KNO-035222 and KNO-035305

Specific questions/issue to be addressed

2 questions that were not escalated:

- 1. Rounding of weekly rates When there is a national wage increase, ER Rep wants to know how FWO does the calculation to end with the rounded weekly rates that we do? This appears answerable as per K265405, when rounding is required in our pay tool, rounding is to 2 decimal places. Weekly rates are normally 'as published by FWC in the award or in their decision re: NMW and not rounded.
- 2. When a shiftworker does not work a public holiday under the retail award, does the payment they receive include shift loading, or just the base rate of pay? Clause 25.3 (c) Unclear as 25.3(c) states: "An employee who elects not to work on a public holiday shift is entitled to be absent without loss of pay."

Recommending Team Lead



MONIES RECOVERED

Legislation/ Indstrial instruments considered

KNO-035222, KNO-035305, MA000004, enquiry 2526329, K265405

Quality Coach/TL Opinion

- As per K265405, when rounding is required in our pay tool, rounding is to 2 decimal places. Weekly rates are normally 'as published by FWC in the award or in their decision re: NMW and not rounded.
- 2. Unclear whether shift loading is still payable, as 25.3(c) states: "An employee who elects not to work on a public holiday shift is entitled to be absent without loss of pay." a loss of shift loading may be considered a loss of pay.

Total (all non-confidential payments)

Total employees paid relating to enquiry

Payment Type	Confidential	Amount	Create	d On	Created By	5	Payment Date	No. of Employ
RELATED OBJECTS		No Mo	ney Recovered	d records are	available in this view.	110.		
0 - Customer 0 - O of 0 (0 selected)	Link Type	URL		Recolómon	alledeyd Object Title	Link		Page 1
	2000				No Linked Know	ledge Object reco	ords are available in	this view.
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0 - 0 of 0 (0 selected)			Page 1		10,0	•		

NOTES AND INTERACTIONS

NOTES AND ACTIVITIES SPECIAL CATEGORIE

Title: Email sent to TLO support on request. Hi,



has asked for this information regarding enquiry 2546407.

The customer has contacted us following up on some previous enquiries. It appears some questions were raised previously and were meant to be escalated, but was closed instead (from enquiry 2526329).

1. Rounding of weekly rates - When there is a national wage increase, ER Rep wants to know how FWO does the calculation to end with the rounded weekly rates that we do? – as per K265405, when rounding is required in our pay tool, rounding is to 2 decimal places. Weekly rates are normally 'as published by FWC in the award or in their decision re: NMW and not rounded.

2. When a shiftworker does not work a public holiday under the retail award, does the payment they receive include shift loading, or just the base rate of pay? - Clause 25.3 (c)

Unclear as 25.3(c) states: "An employee who elects not to work on a public holiday shift is entitled to be absent without loss of pay."

They also have 2 questions which have been raised and are currently open with TLO:

3. How is a baking production employee (under the retail award) paid if works outside the shift conditions? – See KNO-035222

4. ER Rep notice that in PACT, there is inconsistent information with the award regarding overtime for part time employees in the Retail award under "Does this apply?" (this appears to be regarding the "Note: We are currently reviewing the ordinary hours for part-time employees prior to 1 July 2021." portion) – See KNO-035305

Name	Owner
	No Special Category records are available in this view.
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EMAIL ADDRESSES

Email Source Type	Name	
	No Enquiry Email Link records are av	ailak
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Enquiry 2546407 is being escalated.

Regards



REQUEST FOR ASSISTANCE

ADDITIONAL EMPLOYEE DETAILS		Issue discussed with the Employ	er	
Employee Received Paid Leave		Reason for not discussing the iss	sue	
Employee's Date of Birth		Employer's Response		
Is Employee an Intern		Kaji Ingo		
Working as an Independent Contractor		Are Other Employees affected		
Contractor or Employee	104	Pay Rate (Before tax)	Currency	Australi
PERMISSION TO CONTACT THE EMPLOYER	9	3		an Dollar
Privacy Consent	50 110	Name	Description	Created
Confidential No	160,00	No Sup	pporting Evidence records are available in this	view.
Permission to Contact Employer	Siglesinetie	0 - 0 of 0 (0 selected)		Page 1
Full Name	3 %.	Name	COI Type	
	1100	No Classification	of Issues records are available in this view.	
Phone		0 - 0 of 0 (0 selected)		Page 1
Email		Category	Topic	
		No Тор	pic records are available in this view.	
MESSAGES				

(IA-1804) 075 (IA-1804) 075 CASE DETAILS Is Suitable For Case Study No **OFFICE ADDRESS** Case Study Reason Office Is Suitable For Follow Up Name No Memorandum Of Understanding records are available in this view. CONSENT TO MEDIATION 0 - 0 of 0 (0 selected) Page 1 **Employer/Employee Contacted** Official Name Alpha... Name **Consent to Mediation** No Country/Region records are available in this view. 0 - 0 of 0 (0 selected) Page 1 Name No Educational Assistance records are available in this view, Page 0 - 0 of 0 (0 selected) **MEDIATION Non-Monetary Outcomes Total Time Spent (minutes)** 120 Subject Status Reason **Booking Type** Employee 1 **Date Created** Confirmed Date Closed Date No Booking Activity records are available in this view. 0 - 0 of 0 (0 selected) Page 1 Title Owner Created On You do not have permission to access these records. Contact your Microsoft Dynamics CRM administrator.

Page 6 of 8

Enquiry: 2546407

Enquiry: 2546407 (IA-1804) 076

Page 7 of 8 (IA-1804) 076

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LEGAL ADVICE PROGRAM

What is the issue that requires tailored legal advice (as per the assessment criteria)?

For current assessment criteria, see the following PACSR link Workplace Legal Advice Program

Referral Contact Legal Advice ID number

EMPLOYER ADVISORY SERVICE

Eligible for EAS?

EAS Request Details EAS Assessment

Page 8 of 8

(IA-1804) 077

Suitable for EAS Case Study No

TLO Advice

EAS Case Study Reason

FWO Legal Advice

Document Name	Document ID No Document Link records are available in	Docu irthe Me£ota tion	-3	Request records are available in this view.	itus I
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INTRINSICS

.c. Phone

.omer Register Customer Reset Password Medium to Large Business **Avaya Contact ID** Skillset **Enquirer ABN**

PureCloud ID



View Customer

View Organisation

Search Organisation

Search Employer

Enquiry

2577751

Enquiry No.	:	Status	Status Reason		Total Time Open (days)
2577751	J	Resolved	Advice Provided		1
ENQUIRY No of employees	1,000	Channel	Inbound Phone	EMPLOYEE DETAILS	
Enquiry Type Level 1	Entitlements	State	NSW	Occupation	
Enquiry Type Level 2	Other	Matter Number (Nexus)	ve of	Main Duties	ER rep
		Matter ID number (Titan)	11. 1		
Awaiting Accept/Decline	No	Related Enquiry	9.90,	Employee Status	
Created On	17/01/2022 10:10 AM	680	0	Is apprentice or trainee?	Neither
				Employment start date	
CUSTOMER/ORGANISATI	ON	Slo "No		– Employment end date	
Customer	in Co	Legal Name			
Enquirer Type	Employer representative	Juge			
EMPLOYEE LOCATION					
Suburb	200	Postcode			
State	Y				

Information Media and **Industry Level 1** NOMINATED TO ACT ON CUSTOMER'S BEHALF Telecommunications **Full Name** Publishing (except Internet and **Industry Level 2** Music Publishing) Phone Email **Industry Level 3** Software Publishing Software Publishing **Industry Level 4 ATTEND FWO OFFICE** Can attend FWO office (if required) No **Interpreter Required** No Tair Work Act **Instrument Type FWO Office** Language **Employer Association** ased by the domoi ATIS Phone number: Infoline: **Pre-Post Reform** Account number **Bound To Award** Access number

ORGANISATION DETAILS

ENQUIRY DETAILS

ENQUIRY TREATMENT & SUMMARY

DESCRIPTION **ACTIONS & SOLUTIONS** Building system for award compliance Explained, underpayment is an underpayment - rounding system to be used that rounding to 6 decimal places - non-compliance is non-compliance - resulting in an underpayment by .5 of a cent for penalty and overtime hours - FWO, educations, compliance and enforcement -- decided in accordance with each enquiry in accordance with compliance and enforcement how significant issue policy impact 35 awards - most touched awards - clerks, retail, schads, hospo, health

Enquiry: 2577751 (IA-1804) 080

Page 3 of 8 (IA-1804) 080

Team Treatment

Recommended Treatment

Assessment Summary



Mediation Conducted No

Forward Reason

FWO Outcome Advice Provided

DETAILS FOR KNOWLEDGE TEAM

DETAILS FOR KNOWLEDGE TEAM

Background Information
Specific questions/issue to be addressed

Recommending Team Lead

Legislation/ Indstrial instruments considered

Quality Coach/TL Opinion

MONIES RECOVERED

Total (all non-confidential payments)

Total employees paid relating to enquiry

Payment Type	Confidential	Amount	Created On	Created By	Payment Date	No. of Employee	
No Money Recovered records are available in this view.							
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RELATED OBJECTS

Customer	Link Type URL		Recotinoveledge Object Title Link	
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Enquiry: 2577751 (IA-1804) 081 Page 4 of 8 (IA-1804) 081

NOTES AND INTERACTIONS

NOTES AND INTERACTIONS		
NOTES AND ACTIVITIES	SPECIAL CATEGORIES	
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REQUEST FOR ASSISTANCE	illo a	
ADDITIONAL EMPLOYEE DETAILS	Issue discussed with the Employer	
Employee Received Paid Leave	Reason for not discussing the issue	
Employee's Date of Birth	Employer's Response	
Employee Received Paid Leave Employee's Date of Birth Is Employee an Intern Working as an Independent Contractor Contractor or Employee		
Working as an Independent Contractor	Are Other Employees affected	
Contractor or Employee	Pay Rate (Before tax) Currency	ها Australi
PERMISSION TO CONTACT THE EMPLOYER		an
Privacy Consent		Dollar
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Confidential No	
Permission to Contact Employer	0 - 0 of 0 (0 selected) Page 1
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Email	Category Topic
MESSAGES	No Topic records are available in this view.
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	CASE DETAILS
	Is Suitable For Case Study No
	Case Study Reason
OFFICE ADDRESS	Is Suitable For Follow Up No
Office	CONSENT TO MEDIATION
Name	Employer/Employee Contacted
No Memorandum Of Understanding records are available in this view.	Consent to Mediation
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Enquiry: 2577751 (IA-1804) 083

Page 6 of 8 (IA-1804) 083

120

MEDIATION

Non-Monetary Outcomes

Subject	Status Re	eason Date Created	Close Close	ed Date Booking Type Employee
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Total Time Spent (minutes)

LEGAL ADVICE PROGRAM

What is the issue that requires tailored legal advice (as per the assessment criteria)?

For current assessment criteria, see the following PACSR link Workplace Legal Advice Program

Referral Contact Legal Advice ID number

TOS

EMPLOYER ADVISORY SERVICE

Eligible for EAS?

EAS Request Details EAS Assessment

Enquiry: 2577751 (IA-1804) 084 Page 7 of 8 (IA-1804) 084

Suitable for EAS Case Study No

EAS Case Study Reason

TLO Advice
FWO Legal Advice

Document Name	Document ID		Docu ith@Refolia tion	Legal Firm	Stati	us I
	No Document Link records are available i	n thi	is view.	No ELP Request records are available in this view.		
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Avaya Contact ID Medium to Large Business **Enquirer ABN**

PureCloud ID

Intrinsic Phone

Enquiry: 2577751 (IA-1804) 085

Page 8 of 8 (IA-1804) 085

View Customer Search Customer Edit Customer Register Customer Reset Password View Organisation Search Organisation
Search Employer

Email



Priority
Normal

e

Sent

Owner S.22

Email

From Fair Work Ombudsman (Do Not Reply email)

То

Cc

Bcc

Subject

Communication

External

Source Created On

23/03/2022 11:48 AM

Attachments

File Name	File Size (Bytes)	
	No Email Attachment records are available in this view.	
0 - 0 of 0 (0 selected)		Page 1

Dear

Thank you for your patience with your enquiries regarding the Retail Award relating to the following:

- 1. Rounding of weekly rates
- 2. When a shiftworker does not work a public holiday under the retail award, does the payment they receive include shift loading, or just the base rate of pay? Clause 25.3 (c)
- 3. How is a baking production employee (under the retail award) paid if works outside the shift conditions? See KNO-035222
- 4. Inconsistent information in our Pay And Conditions Tool (PACT) with the award regarding overtime for part time employees in the Retail award under "Does this apply?"

Response

- 1. As a general rule we will take the existing weekly rate, apply the increase and round to the nearest 10 cents. Our approach and rates are consistent with those of the Fair Work Commission.
- 2. We are looking into this issue and will advise when we have a response. Please see:

https://www.fairwork.gov.au/employment-conditions/public-holidays/not-working-on-public-holidays http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/fwa2009114/s116.html

- 3. From the first pay period commencing after 1 October 2020 in order for an employee to be entitled to the early morning shift night rate in cl.25.2 (b) of the Retail Award they must:
- * be specifically employed as a shift worker (cl23.1), not someone who's not employed as a shift worker but does additional hours and overtime (cl.23.2) and,
- * be a baking production employee who does shift work that starts at or after midnight and before 6am (cl.24.2) and,
- * begin a shift at or after midnight and before 2 am (cl.25.2(b))

Prior to 1 October 2020 in order for an employee to be entitled to the early morning shift night rate in cl.30.4 (b) of the Retail Award they must:

- * be specifically employed as a shift worker (cl30.1(a)), not someone who's not employed as a shift worker but does additional hours and overtime (cl30.1(b)) and,
- * begin a shift before 2 am (cl.30.4(b))

If the hours worked don't fall within the scope of the BPE shift worker provisions then the relevant penalties and overtime provisions under the award will apply

4. There is no entitlement to overtime for part time employees working outside the span under the Retail Award. Our Pay And Conditions Tool (PACT) has recently been updated to reflect this.

Kind regards,

Fair Work Ombudsman

Regarding

P 2546407

Duration

(IA-1804) 089 (IA-1804) 089

I called the Er rep but she was not avail...

Priority Normal	Due		Status Completed	POINOR	Owner S.22
Phone Call Subject	I called the Er rep but she was not ava	ilable. I left voice mail a	advising the reason for my call	Regarding	<i>№</i> 2697015
Call From	s.22		C311 119	Duration	
Call To	Am		ve o	Callback	No
Skillset		Direction	Outgoing	Created On	25/05/2022 4:43 PM
Phone Number		Avaya Contact ID	3 600		
		Pure Cloud ID	40		
Communication Type	Phone Call	Communication Source	External		
Description	*6	16/			
I called the Er rep bi email to answer her	ut she was not available. I left voice mail a enquiry. <mark>\$.22</mark>	dvising the reason for	my call and advised I will send her a	ın	

Enquiry

2697015

Enquiry No.	Sta	ntus	Status Reason		Total Time Open (days)
2697015	Res	solved	Advice Provided	1,:01.	2
FNOUNDY					
ENQUIRY					
No of employees	1,000	Channel	Inbound Phone	EMPLOYEE DETAILS	
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Enquiry Type Level 1	Entitlements	State	Vic	Occupation	
			(10,0)		
Enquiry Type Level 2	Overtime	Matter Number (Nexus)		Main Duties	
			100		
		Matter ID number (Titan)			
			70,	Employee Status	
Awaiting Accept/Decline	No	Related Enquiry	, 0	Employee Status	
				Is apprentice or trainee?	Noithor
Created On	23/05/2022 1:04 PM	60 1	0	is apprentice or trainee:	Nettriei
		25 K		Employment start date	
		0.0		Employment start date	
CUSTOMER/ORGANISATION	ON			Employment and data	
Contamo		Legal Name		Employment end date	
Customer	A C	Legai Name			
		70			
Enquirer Type	Employer representative				
FNADI OVEF I OCATION					
EMPLOYEE LOCATION					
Suburb	-00	Postcode			
State	Y				

(IA-1804) 091 (IA-1804) 091

ORGANISATION DETAILS

Industry Level 1 Information Media and NOMINATED TO ACT ON CUSTOMER'S BEHALF Telecommunications **Full Name** Publishing (except Internet and **Industry Level 2 Music Publishing**) Phone **Email Software Publishing Industry Level 3 Software Publishing Industry Level 4 ATTEND FWO OFFICE** Can attend FWO office (if required) No **Interpreter Required** No **Instrument Type** Modern Award **FWO Office** Language **Employer Association** ant number 3.22 Acc ATIS Phone numbers Infoline: **Pre-Post Reform** Account number **Bound To Award** Access <u>num</u>ber

ENQUIRY DETAILS

DESCRIPTION	ACTIONS & SOLUTIONS
Overtime in all award can be interpreted differently some award	Adv each award need to look at overtime separate as how it apply Adv FWO cannot interpret award or discuss intent FWC had when writing up award- Can
For Example MA3 CI 26.1(a) says "The rate of overtime for full time and part-time employees	
shall be 150% of the ordinary hourly rate for the first two hours on any one day and at the	Adv SL is paid as Base ROP is EE in one - not inl-
rate "	-incentive-based payments -bonuses -loadings -allowances -overtime -penalty rates.
- Does "any one day means the same as MA23.3 " In calculating overtime payments,	No L2 available
overtime worked on any day stands alone from overtime worked on any other day." for the	Adv need to look into
purpose of calculating overtime	
	State Q quetsions
	1. What does it mean if the award does not have the specific provision that says each day

(IA-1804) 092 (IA-1804) 092

Higher duties in all award When Engaged or Perform higher - If an EE takes a period of SL - What ROP should an EE be duties? IS there a difference with being "engaged" or " performing" higher duties

2. What is the difference with being "engaged" in higher duties and performing Higher

3. What should an EE be paid as when taking SL while on higher duties?

ENQUIRY TREATMENT & SUMMARY

Team Treatment

Recommended **Treatment**

Assessment Summary



Escalation

stand alone

The Er rep was not available when called. She was advised by email the meaning overtime standing alone. A practical example was used to demonstrate the explanation. She was also advised about PL when performing at a higher level and the meaning of engaged and performing.

Mediation Conducted

Forward Reason Callback to Client Required

DETAILS FOR KNOWLEDGE TEAM

MONIES RECOVERED

		FWO Outco	me Advice Provided		
		W. Will			
DETAILS FOR KNOWLEDGE TEA	M	4 70/			
DETAILS FOR KNOWLEDGE TEAM					
Background Information	60/	Legislation	n/ Indstrial instruments consider	red	
Specific questions/issue to be addressed	V ₂	Quality Co	oach/TL Opinion		
Recommending Team Lead	160 10				
MONIES RECOVERED	(6, 7)				
Total (all non-confidential payments)	4,500	Total emplo	oyees paid relating to enquiry		
Payment Type	Confidential Amount	Created On	Created By	Payment Date	No. of Employee
CITI	No Money	Recovered records ar	e available in this view.		
0 - 0 of 0 (0 selected)					Page 1

(IA-1804) 093 (IA-1804) 093

RELATED OBJECTS

Customer	Link Type URL	Recotinovalade Object Title Link
No Link records are available in this view.		No Linked Knowledge Object records are available in this view.
0 - 0 of 0 (0 selected)	Page 1	0 - 0 of 0 (0 selected) Page 1

NOTES AND INTERACTIONS

NOTES AND ACTIVITIES SPECIAL CATEGORIES

Name	Owner
No	Special Category records are available in this view.
0 - 0 of 0 (0 selected)	Page 1

EMAIL ADDRESSES

Email Source Type	Name	
3.0	No Enquiry Email Link	records are availa
0 - 0 of 0 (0 selected)		Page 1

Currency

REQUEST FOR ASSISTANCE

Contractor

Employee Received Paid Leave

Employee's Date of Birth

Employee an Intern

Reason for not discussing the issue

Employee's Response

Are Other Employees affected

Pay Rate (Before tax)



an

Contractor or Employee

Dollar PERMISSION TO CONTACT THE EMPLOYER Name Description Created **Privacy Consent** No Supporting Evidence records are available in this view. 0 - 0 of 0 (0 selected) Confidential No Page 1 Name COI Type **Permission to Contact Employer** No Classification of Issues records are available in this view. **Full Name** 0 - 0 of 0 (0 selected) Page 1 Phone Category Topic No Topic records are available in this view. Email 0 - 0 of 0 (0 selected) Page 1 MESSAGES **CASE DETAILS** Is Suitable For Case Study No Case Study Reason Is Suitable For Follow Up No CONSENT TO MEDIATION **OFFICE ADDRESS** Office **Employer/Employee Contacted** Consent to Mediation Name No Memorandum Of Understanding records are available in this view. 0 - 0 of 0 (0 selected) Page 1

Name	Official Name	Alpha	
Name	No Country/Region reco	ords are available in this view	
AEDIATION		records are available in this v	iew. Page 1
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Total Time Spent (minutes)

120

Subject	Status Reason	Date Created	Confirmed Date	Closed Date	Booking Type	Employe
			1/2 X	No Booking Activity	records are available i	in this view.
0 - 0 of 0 (0 selected)			10, 40,0			Page 1
Title	Owner	Created On	(10)			
Υ	ou do not have permission to access these	records. Contact y	our Microsoft Dynamics CRM a	administrator.		
0 - 0 (0 selected)		0	Ö			Page 1

LEGAL ADVICE PROGRAM

What is the issue that requires tailored legal advice (as per the assessment criteria)?

For current assessment criteria, see the following PACSR link Workplace Legal Advice Program

Referral Contact

Legal Advice ID number

EMPLOYER ADVISORY SERVICE

(IA-1804) 096 (IA-1804) 096

Eligible for EAS? EAS Source

EAS Request Details EAS Assessment

Suitable for EAS Case Study No TLO Advice

EAS Case Study Reason FWO Legal Advice

Document Name	Document ID	Docu irde Refola tion Legal Firm	Status I
	No Document Link records are available in	this view. No E	LP Request records are available in this view.
0 - 0 of 0 (0 selected)	Page 1	0 - 0 of 0 (0 selected)	Page 1

INTRINSICS

Medium to Large Business **Avaya Contact ID** Skillset **Enquirer ABN**

PureCloud ID Intrinsic Phone gister Customer K

Register Customer Reset Password View Organisation Search Organisation **View Customer**

Search Employer

(IA-1804) 097 (IA-1804) 097

Email



Priority Due **Normal**

Status Reason
Sent

s.22

Email

From Fair Work Ombudsman (Do Not Reply email)

То

Cc

Bcc

Subject

Communication

External

Source Created On

25/05/2022 4:56 PM

Attachments

File Name	File Size (Bytes)	
	No Email Attachment records are available in this view.	
0 - 0 of 0 (0 selected)		Page 1

Hi

Unfortunately when I called to discuss your enquiry you were not available. Please see below an answer to your enquiry based upon the information you provided to the Fair Work Ombudsman.

Overtime stands alone e.g. if an employee works 2 hours overtime each weekday it means they have worked 10 hrs overtime in the week of say Monday to Friday. Depending on the award, overtime is paid at 150% for say 2 hours and thereafter 200%.

As overtime is calculated daily – stands alone – and the employee works 2 hours of overtime the overtime rate for the employee is 150% for those 2 hours on that day. BUT if the employer does not follow the stand alone rule the and the employee is paid overtime at the end of the week, the employee will be paid 150% for 2 hours then the remaining 8 hours will be paid at 200%. This is an over payment. Of course some awards say 150% for the first 3 hours. You need to check each award.

When an employee is performing at a higher level and they take some sick leave they need to be paid at the rate of that higher level.

Generally "engaged" and "performing" mean the same thing except to say engaged means the employee has a written agreement that he/she is performing work for which he/she is engaged.

Regards



The Office of the Fair Work Ombudsman

Regarding 2697015

Duration