



SUBMISSION ON BEHALF OF THE AUSTRALIAN FEDERATION OF  
EMPLOYERS AND INDUSTRIES (AFEI)

AM2008/20

AWARD MODERNISATION

**AFEI**  
Australian Federation of  
Employers & Industries

**BEFORE THE AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION**  
**AWARD MODERNISATION**

**MATTERS NO. AM2008/20 – CLEANING SERVICES**

1. AFEI has earlier made submissions to the Commission concerning AM 2008/20.
2. AFEI makes this submission in response to the Full Bench Award Modernisation Decision on 2 September 2009 (“the Full Bench Transitional Decision”) inviting interested parties to consider the transitional provisions proposed in the joint submission of the BSCAA/ACCA in light of the model transitional provisions.
3. AFEI submits that the model transitional provisions applied to the NSW Cleaning and Building Services Contractors (State) Award (the NSW NAPSA) is mathematically complex and uncertain.
4. The complexity is due to the prescription of the rates of pay prior to the Work Choices reform. (*See Appendix A – NSW Cleaning and Building Services Contractors (State) Award pre-Workchoices Gazetted Rates of pay*)
5. The difficulty in applying the model transitional provisions to the NSW NAPSA include:
  - Separately identified full-time, part-time and casual rates of pay making it difficult to compare minimum wages and loadings against the modern award rate to obtain a transitional rate

- Rather than having shift penalties expressed as a percentage loading there are fixed rates of pay for different workers (full-time, part-time and casual) for working different shifts (day shift A, day shift B, Night shift worker, Broken/Afternoon/Early Morning Shift worker)
  - The same problem (above) exists for weekend penalties in that pre-Workchoices the Saturday and Sunday penalties were fixed rates, not percentage loadings to be applied to a base rate.
6. In applying the model transitional provisions, it is therefore difficult to compare the modern award rate against the NSW NAPSA rate in relation to the main aspects of employment said to affect pay (para 23 of the Full Bench Transitional Decision), namely:
- Minimum wages
  - Loadings including part-time and casual loadings
  - Shift penalties
7. As indicated in the BSCAA/ACCA submission, this same problem presents itself in the Cleaning (Building and Property Services) (ACT) Award 1998.
8. Attached and marked Annexure A is a copy of the pre-reform NSW NAPSA rates.
9. AFEI submits that whilst transitional provisions are likely to be mathematically complex, as identified at paragraph 18 in the 2 September Full Bench decision, the NSW NAPSA presents a particularly complex case which deserves further attention.

10. Accordingly, AFEI submits that without further clarification the model transitional provisions applied to the NSW NAPSA would be unduly complex, indeed, impossible to administer.
11. AFEI supports the adoption of the transitional method proposed by BSCAA/ACCA, subject to the amendments outlined below. The modern award should provide detailed schedules regarding the appropriate rate to be applied. This would assist both employers and employees in understanding their legal rights and obligations.
12. AFEI submits that the BSCAA/ACCA approach be amended as follows:
  - a. Allowances, other than district allowances already preserved at clause 17.3 of the Modern Award, should not be subject to transitional provisions; and,
  - b. The transitional provisions should not commence until 1 July 2010.

**25 September 2009**

**Table 1A - Wages - Cleaning Services Stream**

The following rates shall take effect on and from the first full pay period to commence on or after 1 July 2005:

Classification		Column A Full-time Weekly Rate  \$	Column B Part-time Employee Hourly Rate  \$	Column C Total Rate Per Hour Casual Employee  \$
Cleaners	Night Shift Worker A*	-	18.06	19.57
	Night Shift Worker B	676.90	16.39	17.76
	Broken/Afternoon/Early Morning Shift Worker	601.70	16.39	17.76
	Day Shift Worker A	533.20	16.39	17.76
	Day Shift Worker B#	533.20	16.93	18.33
Building Service	Night Shift Worker A*	-	18.98	20.56
Employee Grade 1	Night Shift Worker B	714.50	17.22	18.66
	Broken/Afternoon/Early Morning Shift Worker	634.90	17.22	18.66
	Day Shift Worker	561.40	17.22	18.66
Building Service	Night Shift Worker A*	-	20.42	22.12
Employee Grade 2	Night Shift Worker B	771.00	18.51	20.05
	Broken/Afternoon/Early Morning Shift Worker	685.00	18.51	20.05
	Day Shift Worker	606.20	18.51	20.05

**NOTATION:** \*The Rate of Pay for Night Shift Worker A shall apply to those part-time/casual employees who as at 12 July 1996 were engaged on night shift.

# The Rate of Pay for Day Shift Worker B shall apply to those employees who are engaged pursuant to a contract awarded by the NSW Government State Contract Control Board as defined in subclause (vii) of clause 3, Definitions.

**Table 2A - Wages - Property Services Stream**

The following rates shall take effect on and from the first full pay period to commence on or after 1 July 2005:

<b>Classification</b>		<b>Column A Total Rate Per Week Full-time Employee \$</b>	<b>Column B Total Rate Per Hour Part-time Employee \$</b>	<b>Column C Total Rate Per Hour Casual Employee \$</b>
Property Services Employee Level 1	Night Shift Worker	595.60	14.55	15.76
	Broken/Afternoon/Early Morning Shift Worker	530.50	14.55	15.76
	Day Shift Worker	484.40*	14.55	15.76
Property Services Employee Level 1A	Night Shift Worker	606.40	14.68	15.90
	Broken/Afternoon/Early Morning Shift Worker	541.20	14.68	15.90
	Day Shift Worker	484.40*	14.68	15.90
Property Services Employee Level 2	Night Shift Worker	626.70	15.27	16.55
	Broken/Afternoon/Early Morning Shift Worker	558.10	15.27	16.55
	Day Shift Worker	494.20	15.27	16.55
Property Services Employee Level 2A	Night Shift Worker	632.30	15.40	16.70
	Broken/Afternoon/Early Morning Shift Worker	563.70	15.40	16.70
	Day Shift Worker	499.70	15.40	16.70
Property Services Employee Level 3	Night Shift Worker	688.70	16.68	18.06

<b>Classification</b>		<b>Column A Total Rate Per Week Full-time Employee \$</b>	<b>Column B Total Rate Per Hour Part-time Employee \$</b>	<b>Column C Total Rate Per Hour Casual Employee \$</b>
	Broken/Afternoon/Early Morning Shift Worker	613.10	16.68	18.06
	Day Shift Worker	542.30	16.68	18.06
Property Services Employee Level 4	Night Shift Worker	722.60	17.43	18.88
	Broken/Afternoon/Early Morning Shift Worker	643.10	17.43	18.88
	Day Shift Worker	568.70	17.43	18.88
Property Services Employee Level 5	Night Shift Worker	750.20	18.05	19.56
	Broken/Afternoon/Early Morning Shift Worker	667.50	18.05	19.56
	Day Shift Worker	590.30	18.05	19.56

\* Notation: Rates so marked have effect from 5 October 2005.

**Table 3A - Wages - Event Services Stream**

The following rates shall take effect on and from the first full pay period to commence on or after 1 July 2005:

<b>Classification</b>	<b>Column A Total Hourly Rate Casual Employee \$</b>
Rate 1 Monday to Friday	
Event Services Employee Level 1	17.76
Event Services Employee Level 2	18.66
Event Services Employee Level 3	20.05
Rate 2 Saturday, Sunday and Public Holiday	
Event Services Employee Level 1	24.95
Event Services Employee Level 2	26.27
Event Services Employee Level 3	28.36

**Table 4A - Wages - Public Hospital Cleaners**

The following rates shall take effect on and from the first full pay period to commence on or after 1 July 2005:

<b>Classification</b>		<b>Column A Full-time Employee Weekly Rate \$</b>	<b>Column B Part-time Employee Hourly Rate \$</b>	<b>Column C Total Rate Per Hour Casual Employee \$</b>
Cleaner	Night Shift Worker	710.00	19.28	20.89
	Broken Shift Worker	683.80	18.60	20.16
	Afternoon/Early Morning Shift Worker	631.20	17.26	18.70
	Day Shift Worker	558.70	15.22	16.48
Building Service Employee Grade 1	Night Shift Worker	749.30	19.76	21.40
	Broken Shift Worker	721.30	19.07	20.67
	Afternoon/Early Morning Shift Worker	655.80	17.67	19.13
	Day Shift Worker	589.40	15.58	16.88

**Table 6A - Saturday and Sunday Ordinary Time Hourly Rates - Cleaning Services Stream**

The following rates shall take effect on and from the first full pay period to commence on or after 1 July 2005:

Classification	Full-time Employees			Part-time Employees			Casual Employees		
	Saturday \$	Sunday (A) \$	Sunday** (B) \$	Saturday \$	Sunday (A) \$	Sunday** (B) \$	Saturday \$	Sunday (A) \$	Sunday** (B) \$
Cleaner -									
Night Shift Worker A*				26.13	30.35	36.12	28.30	32.88	39.13
Night Shift Worker B	24.0383	27.9180	35.6263	23.54	27.33	32.78	25.50	29.61	35.51
Broken/Afternoon/Early Morning Shift Worker	21.3544	24.7868	31.6684	23.54	27.33	32.78	25.50	29.61	35.51
Day Shift Worker A	19.1724	22.3412	28.0632	23.54	27.33	32.78	25.50	29.61	35.51
Day Shift Worker B#	19.1724	22.3412	28.0632	24.21	28.13	33.86	27.21	30.47	36.68
Building Service Employee Grade 1 -									
Night Shift Worker A*				27.55	32.02	37.96	29.85	34.68	41.12
Night Shift Worker B	25.3763	29.4790	37.6053	24.80	28.81	34.44	26.87	31.21	37.31
Broken/Afternoon/Early Morning Shift Worker	22.5344	26.1635	33.4158	24.80	28.81	34.44	26.87	31.21	37.31
Day Shift Worker	20.1795	23.5161	29.5474	24.80	28.81	34.44	26.87	31.21	37.31
Building Service Employee Grade 2 -									
Night Shift Worker A*				29.77	34.61	40.84	32.25	37.50	44.24
Night Shift Worker B	27.3995	31.8395	40.5789	26.81	31.15	37.02	29.05	33.74	40.11
Broken/Afternoon/Early Morning Shift Worker	24.3252	28.2629	36.0526	26.81	31.15	37.02	29.05	33.74	40.11
Day Shift Worker	21.7781	25.3811	31.9053	26.81	31.15	37.02	29.05	33.74	40.11

**NOTATION:**

\* The rate of pay for Night Shift Worker A shall apply to those part-time/casual employees who as at 12 July 1996 were engaged on night shift.

# The rate of pay for Day Shift Worker B shall apply to those employees who are engaged pursuant to a contract awarded by the NSW Government State Contract Control Board as defined in subclause (vii) of clause 3, Definitions.

\*\* The Sunday ordinary time rate of pay of double time shall apply to those employees who were engaged to work ordinary hours on a Sunday prior to 29 January 1994

**Table 7A - Saturday and Sunday Ordinary Time Hourly Rates - Property Services Stream**

The following rates shall take effect on and from the first full pay period to commence on or after 1 July 2005:

	Full-time Employees			Part-time Employees			Casual Employees		
	Saturday	Sunday (A)	Sunday** (B)	Saturday	Sunday (A)	Sunday** (B)	Saturday	Sunday (A)	Sunday** (B)
<b>Classification</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Property Services Employee Level 1 -									
Night Shift Worker	21.1344	24.5300	31.3474	20.66	24.01	29.10	22.38	26.01	31.53
Broken/Afternoon/Early Morning Shift Worker	18.8076	21.8156	27.9211	20.66	24.01	29.10	22.38	26.01	31.53
Day Shift Worker	16.9148	19.7074	24.7316	20.66	24.01	29.10	22.38	26.01	31.53
Property Services Employee Level 1A -									
Night Shift Worker	21.5559	25.0198	31.9158	21.08	24.37	29.36	22.83	26.40	31.81
Broken/Afternoon/Early Morning Shift Worker	19.1824	22.2509	28.4842	21.08	24.37	29.36	22.83	26.40	31.81
Day Shift Worker	17.2515	20.1003	25.3000	21.08	24.37	29.36	22.83	26.40	31.81
Property Services Employee Level 2 -									
Night Shift Worker	22.2435	25.8241	32.9842	21.80	25.31	30.54	23.62	27.42	33.09
Broken/Afternoon/Early Morning Shift Worker	19.7925	22.9645	29.3737	21.80	25.31	30.54	23.62	27.42	33.09
Day Shift Worker	17.7792	20.7158	26.0105	21.80	25.31	30.54	23.62	27.42	33.09
Property Services Employee Level 2A -									
Night Shift Worker	22.7653	26.3400	33.2789	22.24	25.81	30.80	24.09	27.97	33.37
Broken/Afternoon/Early Morning Shift Worker	20.1871	23.4228	29.6684	22.24	25.81	30.80	24.09	27.97	33.37
Day Shift Worker	18.1335	21.1290	26.3000	22.24	25.81	30.80	24.09	27.97	33.37

	Full-time Employees			Part-time Employees			Casual Employees		
	Saturday	Sunday (A)	Sunday** (B)	Saturday	Sunday (A)	Sunday** (B)	Saturday	Sunday (A)	Sunday** (B)
Classification	\$	\$	\$	\$	\$	\$	\$	\$	\$
Property Services Employee Level 3 - Night Shift Worker	24.4580	28.4075	36.2474	23.99	27.84	33.36	25.98	30.16	36.14
Broken/Afternoon/Early Morning Shift Worker	21.7532	25.2522	32.2684	23.99	27.84	33.36	25.98	30.16	36.14
Day Shift Worker	19.4997	22.7229	28.5421	23.99	27.84	33.36	25.98	30.16	36.14
Property Services Employee Level 4 - Night Shift Worker	25.6710	29.8230	38.0316	25.14	29.20	34.86	27.23	31.63	37.77
Broken/Afternoon/Early Morning Shift Worker	22.8293	26.5075	33.8474	25.14	29.20	34.86	27.23	31.63	37.77
Day Shift Worker	20.4395	23.8196	29.9316	25.14	29.20	34.86	27.23	31.63	37.77
Property Services Employee Level 5 - Night Shift Worker	26.6555	30.9717	39.4842	26.11	30.34	36.10	28.28	32.87	39.11
Broken/Afternoon/Early Morning Shift Worker	23.7018	27.5255	35.1316	26.11	30.34	36.10	28.28	32.87	39.11
Day Shift Worker	21.2035	24.7105	31.0684	26.11	30.34	36.10	28.28	32.87	39.11

**NOTATION:**

\*\*The Sunday ordinary time rate of pay of double time shall apply to those employees who were engaged to work ordinary hours on a Sunday prior to 29 January 1994

**Table 8A - Saturday and Sunday Ordinary Time Hourly Rates - Public Hospital Cleaners**

The following rates shall take effect on and from the first full pay period to commence on or after 1 July 2005:

	Full-time Employees			Part-time Employees			Casual Employees		
	Saturday	Sunday (A)	Sunday** (B)	Saturday	Sunday (A)	Sunday** (B)	Saturday	Sunday (A)	Sunday** (B)
Classification	\$	\$	\$	\$	\$	\$	\$	\$	\$
Cleaner -									
Night shift Worker	25.2183	29.2946	37.3684	28.01	32.55	38.56	30.34	35.26	41.77
Broken Shift Worker	24.2835	28.2040	35.9895	26.97	31.32	37.20	29.21	33.93	40.30
Afternoon/Early Morning Shift Worker	22.4014	26.0082	33.2211	24.87	28.90	34.52	26.95	31.31	37.40
Day Shift Worker	20.0829	23.4034	29.4053	22.76	25.21	30.44	24.66	27.31	32.98
Building Services Employee Level 1 -									
Night shift Worker	26.6225	30.9331	39.4368	28.74	33.41	39.52	31.14	36.19	42.81
Broken Shift Worker	25.6254	29.7696	37.9632	27.69	32.19	38.14	30.00	34.87	41.32
Afternoon/Early Morning Shift Worker	23.6396	27.4526	35.0421	25.49	29.64	35.34	27.62	32.11	38.29
Day Shift Worker	21.1781	24.6811	31.0211	22.28	25.87	31.16	24.14	28.03	33.76

\*\*The Sunday ordinary time rate of pay of double-time shall apply to those employees who were engaged to work ordinary hours on a Sunday prior to 29 January 1994.