



SUBMISSION ON BEHALF OF THE AUSTRALIAN FEDERATION OF  
EMPLOYERS AND INDUSTRIES (AFEI)  
AM2008/69

AWARD MODERNISATION

**AFEI**  
Australian Federation of  
Employers & Industries

**BEFORE THE AUSTRALIAN INDUSTRIAL RELATIONS  
COMMISSION**

**AM2008/69 – DRY CLEANING AND LAUNDRY SERVICES  
INDUSTRY**

1. The Australian Federation of Employers and Industries (AFEI) has previously made submissions concerning the Dry Cleaning and Laundry Services Industry and makes the following submission in response to the LHMU submission dated 7 August 2009.
2. AFEI does not agree with the assertion by the LHMU (the union) that “the similarities in conditions between the *Dry Cleaning and Laundry Industry Award 2000* and the *Laundry Industry (Victoria) Award 1998* are more relevant to the making of a modern safety net Award than the disparate conditions contained in the NAPSAs, particularly the dry cleaning NAPSAs” (paragraph 7).
3. In interpreting this comment we assume that the reference to the *Dry Cleaning and Laundry Industry Award 2000* is a reference to the Dry Cleaning Industry Award 2000 as there are currently no awards titled *Dry Cleaning and Laundry Industry Award 2000*.
4. AFEI does not agree with the union’s assertion because the Dry Cleaning Industry Award 2000 is not significantly similar to the Laundry Industry (Victoria) Award 1998 (the Victorian laundry award) and the Victorian laundry award does not adequately illustrate the variation in the conditions that exist in the laundry awards that are currently in place.

5. AFEI submits that the Federal award which applies to the laundry industry in NSW, the AWU Laundry (NSW) Award (the NSW Federal laundry award) and the Laundry Employees (State) Award (the NSW laundry NAPSA) are more significant in their application than the Victorian laundry award.

### **Hours of Work**

6. The LHMU draft award proposes a span of ordinary hours for the laundry industry, which is said to be based on the Victorian laundry award. It is however significantly more restrictive than the conditions that are currently applicable to the majority of the laundry industry, which is potentially significantly detrimental to the industry.
7. Currently the NSW Federal laundry award, the NSW laundry NAPSA, and the Laundry Workers Award 1981 (the WA NAPSA) provide ordinary hours of work Monday to Saturday. Significantly, the Victorian laundry award provides for extended ordinary hours on a daily basis and ordinary hours on Saturday *and Sunday*, by agreement, in the following terms which were omitted from the union's draft award:

*21.3 An agreement may be reached between the majority of employees in an establishment or section and an employer for the working of up to 10 ordinary hours on any one day. If an employee is a member of the ALHMMWU, the employee may be represented by the ALHMMWU in meeting and conferring with the employer about the implementation of this facilitative provision.*

- 21.4 *The spread of hours (i.e. 6am to 6pm) may be altered by up to one hour at either end of the spread, by agreement between an employer and the majority of employees in an establishment or section. If an employee is a member of the ALHMWU, the employee may be represented by the ALHMWU in meeting and conferring with the employer about the implementation of this facilitative provision.*
- 21.5 *The days on which ordinary hours are worked may include Saturday and Sunday subject to agreement between the employer and the majority of employees in an establishment or section. If an employee is a member of the ALHMWU, the employee may be represented by the ALHMWU in meeting and conferring with the employer about the implementation of this facilitative provision.*
- 21.6 *Where agreement is reached in accordance with 21.5 the minimum rate to be paid for a day worker for ordinary time worked between midnight on Friday and midnight on Saturday will be time and a half.*
- 21.7 *Where agreement is reached in accordance with 21.5 the minimum rate to be paid for a day worker for ordinary time worked between midnight on Saturday and midnight on Sunday will be double time.*

8. AFEI submits that the hours included in clause 22 of the AFEI draft award are appropriate in a modern award.

### **Shift Work**

9. The union proposes shift work provisions based on the highest prevailing shift penalties (Victorian laundry award). The proposed penalties are significantly higher than those applicable in any awards in the dry cleaning industry and higher than laundry awards, other than Victoria, which make

specific provision for night shift. AFEI submits that the AFEI draft award provisions should be adopted.

### **Dispute Resolution Training Leave**

10. AFEI submits that this type of leave currently applies in two awards in the laundry industry only, the Laundry Workers Award – Brisbane 2003 (the Brisbane laundry NAPSA) and the Laundries (SA) Award (the SA laundry NAPSA). It is not a prevailing industry standard and should not be adopted in a modern award.

### **Superannuation on Workers Compensation**

11. The obligation for employers to make superannuation contributions during an employee's absence on workers compensation is not an industry standard. It is contained in 2 laundry awards, the WA NAPSA and the Brisbane laundry NAPSA, and 3 dry cleaning industry awards, the Dry Cleaning Industry Award 2000 (Federal), the Dry Cleaning (NSW) Award, and Dry Cleaning and Laundry Award 1979 (WA). It should be noted further that the obligation in the Brisbane laundry NAPSA is capped at 3%.
11. AFEI opposes the union's proposal as set out in its Attachment C.

## **Washroom Allowance**

12. Currently this allowance for handling dirty laundry is only contained in the Victorian laundry award. AFEI submits that it would be inappropriate to include this allowance in the modern award.

## **Uniform and Tool Allowances**

13. Although both of these allowances are currently found in all dry cleaning awards there are not found in any laundry specific awards. These allowances should not be adopted for the laundry industry.

## **Industry Comparisons**

14. The attached tables provide relevant comparisons concerning the issues addressed in this submission for both the laundry industry (**table 1**) and the dry cleaning industry (**table 2**).

### **Attachments:**

Table 1

Table 2

**Table 1**

	<b>AWU Laundry (NSW) Award 1998</b>	<b>Laundry Employees (State) Award (NSW)</b>	<b>Laundry Workers' Award, 1981 (WA)</b>	<b>Laundry Workers Award - Brisbane 2003</b>	<b>Laundry Industry (Victoria) Award 1998</b>	<b>Laundry and Dry Cleaning Award (Tas)</b>	<b>Laundries (SA) Award</b>	<b>AWU Laundry Industry (A.C.T.) Award 1998</b>
<b>Hours</b>	38 hrs/week,  8 or 10 hrs/day by agreement.  6am to 7pm, M to Sat	38 hr/wk  8 or 10 hrs/day by agreement  6am to 7pm, M to Sat	38 hrs/week  8 hrs/day  Mon to Sat.	40 hr/wk,  8 hrs/day  5.30am to 6.30pm, M to F (Union and employer may agree in writing on other span of hours)	38 hrs/week  7.6 hrs/day or 8 hrs/day w/ RDO  6am to 6pm, M to F. (May be altered up to one hour at either end of the spread. Sat and Sun may be worked as ordinary hours with penalty.)	38 hr/wk  8 hrs/day  6.30am to 6pm, M to F	38 hrs/week  10 hrs/day w/ agreement with the Union. 6am to 6pm, M to F, and inclusive of 6am to 12pm Sat in the case of laundries fulfilling shipping orders	38 hrs/week  7.6 hrs/day or 8 hrs/day w/ RDO  6am to 6pm, M to F. On any two days of the week, day workers may work 10 hours. The hours once fixed can only be altered by 7 days' notice.
<b>Weekend on ordinary hours</b>	Sat – 1.5x	Sat – 1.5x	Sat – 1.5x		Sat – 1.5x Sun – 2x	-		
<b>Overtime on weekends and Public Holiday</b>	Sat – 1.5x for the first 2 hours, 2x thereafter, min. of 4 hours Sun – 2x, min. of 3 hours Public holiday – 2.5x, min. of 3 hours	Sat – 1.5x for the first 2 hours, 2x thereafter Sun – 2x Public holiday – 2.5x	Sat after 12pm or Sun – 2x	Sat – 1.5x for the first 3 hours, 2x thereafter, min. of 2 hours. Sun – 2x, min of 2 hours.	Sat – 1.5x, min. of 4 hours (not for shift workers) Sun – 2x, min of 4 hours (not for shift workers)	Sat – 1.5x for the first 2 hours, 2x thereafter Sun – 2x Public holiday – 2.5x	Sat after 12pm – 2x Sun – 2x	
<b>Overtime</b>	1.5x for the first 2 hours, 2x thereafter	1.5x for the first 2 hours, 2x thereafter	1.5x for the first 2 hours, 2x thereafter	1.5x for the first 3 hours, 2x thereafter.	1.5x for the first 2 hours, 2x thereafter	1.5x for the first 2 hours, 2x thereafter	1.5x for the first 3 hours, 2x thereafter	1.5x for the first 3 hours, 2x thereafter

	<b>AWU Laundry (NSW) Award 1998</b>	<b>Laundry Employees (State) Award (NSW)</b>	<b>Laundry Workers' Award, 1981 (WA)</b>	<b>Laundry Workers Award - Brisbane 2003</b>	<b>Laundry Industry (Victoria) Award 1998</b>	<b>Laundry and Dry Cleaning Award (Tas)</b>	<b>Laundries (SA) Award</b>	<b>AWU Laundry Industry (A.C.T.) Award 1998</b>
<b>Shift work, possibility of broken shift?</b>	<p>Afternoon shift – finishing 7pm to 12pm – 15% loading  Sat – 1.5x  Sun – 2x  Public holidays – 2.5x, min. of 3 hours</p>	<p>Afternoon shift-finishing between 6pm to midnight – 15%</p> <p>Sat – 1.5x  Public holidays – 2.5x</p>	<p>Shift work – all other work on any shift other than day shift - 15% loading</p>	<p>To be agreed in writing by the employer and the Union</p>	<p>Afternoon shift – finishing after 6pm and at or before 12am – 15%  Night shift – finishing after midnight and at or before 8am – 20%  When the shift work doesn't continue for all the successive days of the operation of workshop</p>	<p>Early morning shift – finishing after 6pm – 15%  Afternoon shift – commencing prior to 6.30am – 15%  Night shift – finishing after midnight and at or before 8am – 15%  Permanent night shift – 30%</p>	<p>Afternoon shift – finishing 6pm to 12pm – 15% loading</p>	-
<b>Dispute resolution or Union training leave</b>	NO	NO	NO	YES, up to 5 working days	NO	NO	YES, up to 3 days	NO
<b>Superannuation while on workers compensation</b>	NO	NO	YES, to a maximum of 52 weeks	YES, at 3%	NO	NO	NO	NO

**Table 2**

	<b>Dry Cleaning Industry Award 2000 (Federal)</b>	<b>Dry Cleaning (NSW) Award</b>	<b>Dry Cleaning and Laundry Award 1979 (WA)</b>	<b>Dry Cleaning and Dyeing Industry Award - Southern and Central Divisions 2004 (Qld)</b>	<b>Dry Cleaners Award (SA)</b>
<b>Hours</b>	<p>38 hours per week                      7am to 7pm, Monday to Friday                      7am to 9pm on prescribed late night shopping day w/ 25% loading for work between 7pm to 9pm.                      7am to 5pm on Saturday</p>	<p>38 hours/ week                      7am to 7pm M to F                      7am to 9pm on late shopping night w/ 25% loading for work between 7pm to 9pm.                      7am to 5pm on Saturday:                      Max. of 9 hours, or max. of 10 hours in package plants</p>	<p>38 hours/ week                      7am to 7pm M to F                      7am to 9pm on late shopping night w/ 25% loading for work between 7pm to 9pm.                      7am to 5pm on Saturday:                      Max. of 9 hours, or max. of 10 hours in package plants</p>	<p>38 hours/ week                      7am to 7pm M to F                      7am to 9pm on late shopping night w/ 25% loading for work between 7pm to 9pm.                      7am to 5pm on Saturday:                      Max. of 9 hours, or max. of 10 hours in package plants</p>	<p>38 hours/ week                      7am to 6.30pm M to F                      Receivers and despatchers can work on Sat as ordinary hours between 7 am to 1pm, w/ 25% loading.                      Max. of 9 hours</p> <p><u>In package plants</u>                      7am to 6.30pm M to F                      7am to 9pm on late shopping night w/ 25% loading for work between 7pm to 9pm.                      7am to 12pm on Saturday:                      Max. of 10 hours</p> <p>7am to 9pm on late shopping night w/ 25% loading for work between 7pm to 9pm.                      7am to 5pm on Saturday:                      Max. of 9 hours, or max. of 10 hours in package plants</p>

	<b>Dry Cleaning Industry Award 2000 (Federal)</b>	<b>Dry Cleaning (NSW) Award</b>	<b>Dry Cleaning and Laundry Award 1979 (WA)</b>	<b>Dry Cleaning and Dyeing Industry Award - Southern and Central Divisions 2004 (Qld)</b>	<b>Dry Cleaners Award (SA)</b>
	An employer who requires employees in package plants to work 38 ordinary hours in one week within 4 days, Monday to Friday inclusive, will inform the employee at least 7 days prior to commencement of that working week of the days upon which they are rostered to work and the days on which they are rostered off.	An employer who requires employees in package plants to work 38 ordinary hours in one week within 4 days, Monday to Friday inclusive, will inform the employee at least 7 days prior to commencement of that working week of the days upon which they are rostered to work and the days on which they are rostered off.	An employer who requires employees in package plants to work 38 ordinary hours in one week within 4 days, Monday to Friday inclusive, will inform the employee at least 7 days prior to commencement of that working week of the days upon which they are rostered to work and the days on which they are rostered off.	An employer who requires employees in package plants to work 38 ordinary hours in one week within 4 days, Monday to Friday inclusive, will inform the employee at least 7 days prior to commencement of that working week of the days upon which they are rostered to work and the days on which they are rostered off.	An employer who requires employees in package plants to work 38 ordinary hours in one week within 4 days, Monday to Friday inclusive, will inform the employee at least 7 days prior to commencement of that working week of the days upon which they are rostered to work and the days on which they are rostered off.
<b>Weekend on ordinary hours</b>	7am to 12pm on Sat – 1.25x 12pm to 5pm on Sat – 1.5x	7am to 12pm on Sat – 1.25x 12pm to 5pm on Sat – 1.5x	7am to 12pm on Sat – 1.25x 12pm to 5pm on Sat – 1.5x	7am to 12pm on Sat – 1.25x 12pm to 5pm on Sat – 1.5x	7am to 12pm on Sat – 1.25x
<b>Weekend on overtime and Public Holiday</b>	Public Holiday – 2.5x, min. of 4 hours	Sunday – 2x Public Holiday – 2.5x, min. of 4 hours	Public Holiday – 2.5x, min. of 4 hours	Public Holiday – 2.5x, min. of 4 hours	Sunday – 2x Public Holiday – 2.5x, min. of 4 hours
<b>Overtime</b>	1.5x for the first 3 hours, 2x thereafter	1.5x for the first 3 hours, 2x thereafter	1.5x for the first 2 hours, 2x thereafter	1.5x for the first 3 hours, 2x thereafter	1.5x for the first 3 hours, 2x thereafter

	<b>Dry Cleaning Industry Award 2000 (Federal)</b>	<b>Dry Cleaning (NSW) Award</b>	<b>Dry Cleaning and Laundry Award 1979 (WA)</b>	<b>Dry Cleaning and Dyeing Industry Award - Southern and Central Divisions 2004 (Qld)</b>	<b>Dry Cleaners Award (SA)</b>
<b>Shift work, possibility of broken shift?</b>	Shift work other than day shift – 15%. Hours to be agreed by the employer and employee.	Shift work other than day shift – 15%	Shift work other than day shift – 15%. Hours to be agreed by the employer and employee.	Shift work other than day shift – 15%. Hours to be agreed by the employer and employee.	Shift work other than day shift – 15%. Hours to be agreed by the employer and employee.
<b>Dispute Resolution Training</b>	NO	NO	NO	NO	NO
<b>Superannuation payment while on leave receiving Workers Compensation</b>	YES, provided that: the employee is receiving regular payments directly from the employer.	YES, provided that: the employee is receiving regular payments directly from the employer.	YES, to a maximum of 52 weeks.	NO	NO