



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

AM2008/72 – FUNERAL DIRECTING

AWARD MODERNISATION

AFEI
Australian Federation of
Employers & Industries

BEFORE THE AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

AWARD MODERNISATION – AM2008/72 – FUNERAL DIRECTING

**SUBMISSION CONCERNING EXPOSURE DRAFT FUNERAL
INDUSTRY AWARD 2010**

1. The Australian Federation of Employers and Industries (AFEI) has previously made submissions concerning the Funeral Directing Industry. AFEI makes this submission in relation to the Exposure Draft Funeral Industry Award 2010 (the “exposure draft”).
2. Currently the industry is covered by industry specific instruments, as follows:
 - Funeral Industry Award 2003 (Victoria) (the Victorian Award);
 - A.C.T. Funeral Industry Award 2002 (the ACT Award)
 - Notional Agreement Preserving Funeral Industry Award (South Australia) 2003 (the SA NAPSA);
 - Notional Agreement Preserving Funeral Industries (State) Award 2005 (NSW) (the NSW NAPSA);
 - Notional Agreement Preserving Funeral Services Award - State 2002 (QLD) (the Qld NAPSA);
 - Notional Agreement Preserving Funeral Directors' Assistants' Award No. 18 of 1962 (WA) (the WA NAPSA).

Part time employees overtime (clause 10.4(f))

3. Currently part time employees under the industry awards are paid overtime only when they work outside 38 hours per week and outside the ordinary hours designated in the award. Clause 10.4(f) of the exposure draft states that overtime will be paid when the part time employee works outside of the mutually agreed hours. The proposed obligation does not reflect the current industry standard and should not be included in the modern award. AFEI submits that clause 10.4(f) should be deleted

Casual loading (clause 10.5(b))

4. In 5 of the 6 industry awards the casual loading is less than 25%. The exposure draft proposes that a 25% casual loading be implemented. AFEI is aware that this is the standard casual loading used in modern awards. If this casual loading is to be adopted in the modern award for this industry, the increase in costs that will occur for a large number of employers should be taken into account when setting other rates and conditions.

Stand-by allowance (clause 15.2)

5. It is noted that in clause 15.2 of the exposure draft it is not made clear for what period of time the allowance is to cover. AFEI submits that this clause be amended to make this aspect of the condition clearer by amending the clause as follows:

"An employee called upon to stand by will be paid the following rates per day:..."

Leading hand allowance (clause 15.9)

6. Currently, leading hand allowances are not included in any industry awards, other than the WA and Qld awards. This clause is therefore not an industry standard. AFEI submits therefore that clause 15.9 should be deleted.

Superannuation - Absence from work (clause 20.5(b))

7. Currently the SA Award and the Qld Award are the only industry awards to provide the obligation proposed in clause 20.5(b) of the exposure draft. In the Qld Award the superannuation contribution is reduced to 3% from 9% while an employee is absent in relation to a workers compensation claim. There are in total four industry awards that do not contain this provision. The proposed obligation is therefore not an industry standard. AFEI submits that clause 20.5(b) should be deleted from the exposure draft.

Afternoon shift allowance (clause 22.5(a))

8. Currently the ACT Award, the SA Award and the Qld NAPSA do not provide for an afternoon shift loading. In the WA NAPSA, the NSW NAPSA and the Victorian Award (coffin makers only) there is an afternoon shift with a loading of 15%. The proposed afternoon shift loading of 20% is only payable to funeral directors under the Victorian Award. Given that the prevailing standard is a 15% loading for afternoon shifts, AFEI submits that clause 22.5(a) should be amended to reflect this standard.

20 October 2009