

Industrial Relations update



Ian MacDonald
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Industrial Relations Update

Presentation : Ian MacDonald, National Industrial Relations Manager

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Industrial Relations – The Big ?s

- What changes are proposed for the 4 year review of the Passenger Vehicle Transportation Award?
- How are casual employees different from part time employees and how do you pay them ?
- What does the future of industrial relations look like?

The Passenger Vehicle Transportation Award

- The PVTA exposure draft 2014 (Medicals, minimum engagements)
- Casual conversion clauses (Mandatory and bus specific)
- Return to work provisions (2 years availability)
- Domestic violence leave (10 days)
- Annual leave – cashing out, leave in advance and taking excessive leave
- Flexibility (TOIL)

Four Year Review

- Medicals – An employer can require a medical from their employee but is only entitled to seek a medical opinion to ensure the employee is capable of performing the inherent requirements of the job.
- Excessive annual leave: Must have – consult, be in writing, maintain 6 weeks, leave not less than 1 week, provide 8 weeks notice of leave and taken inside 12 months.
- Cashing out : Must have – in writing, maintain 4 weeks, no more than 2 weeks every year.

Employment Status

- There are 3 types of employees (Permanent, Permanent Part Time and Casual)
- A PPTE has the same rights as a permanent employee including pro rata leave entitlements, to be rostered over 28 days, to notice on termination and redundancy. A PPTE is entitled under the PVTA to a minimum payment of 3 hours for each day engaged.
- The hours for a PPTE are set on commencement of the employment.

Employment Status

- A casual is engaged as such and employed by the hour.
- Casuals receive a loading of 25% in lieu of paid personal leave, annual leave, notice for termination and redundancy.
- Casuals have no guarantee of hours unlike PPTTE or PPE.
- They are eligible for flexible work hours, unpaid personal leave, parental leave, LSL and unfair dismissal.
- Casuals are entitled to a minimum of 3 hours for each shift or 2 hours per engagement for school work.

Casual Employment

There are two schools of thought about casuals:

- One is that an employee's status is set out in their letter of appointment or, as defined, by an Award/EA and the other is that an employee's status is determined by the work they actually undertake.
- If an employee is placed on a regular rostered and works in excess of 38 hours a week they are not likely to be considered casual employees.
- The risk is that all entitlements will apply.

How Do I Pay Casuals? - PVRTA

- Base Rate = \$20.20 (Grade 3)
- Casual Rate = \$25.25 ($\$20.20 \times 125\%$)

Overtime and Saturday Rate

- Casual Rate = \$37.88 ($\$25.25 \times 150\%$)
- **Casual Rate = \$35.35 ($\$20.20 \times 175\%$) 7.16%**

Overtime and Sunday

- Casual Rate = \$50.50 ($\$25.25 \times 200\%$)
- **Casual Rate = \$45.45 ($\$20.20 \times 225\%$) 11.11%**

The Future of Industrial Relations

IR change is motivated by political, social and economic factors. We may see:

- The decasualisation of the work force
- Return to work provisions in awards
- Domestic violence and cultural leave
- Gender and Transgender equality
- Increase super and portable long service leave
- Protection for workers against breach of pay
- Reduced penalty rates

Contact

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