

House of Representatives

Supplementary Order Paper

Tuesday, 8 March 2016

Employment Standards Legislation Bill

Proposed amendments

Iain Lees-Galloway, in Committee, to move the following amendments:

Clause 87: new section 67E

In *clause 87*, replace *new section 67E(2)* (page 51, lines 22 to 25) with:

- (2) An availability provision may only—
 - (a) be included in an employment agreement that specifies agreed hours of work and that includes guaranteed hours of work among those agreed hours; and
 - (b) relate to a period for which an employee is required to be available that is in addition to those guaranteed hours of work.

In *clause 87*, *new section 67E(3)(a)*, after “provision” (page 51, line 33), insert “and the number of hours of work specified in that provision”.

In *clause 87*, replace *new section 67E(5)* (page 52, lines 25 to 31) with:

- (5) For the purposes of **subsection (3)(b)**, an employer and an employee who is remunerated for agreed hours of work by way of salary may agree that the employee’s remuneration includes compensation for the employee making himself or herself available for work under an availability provision.

Clause 87: new section 67G

In *clause 87*, replace *new section 67G(2) and (3)* (page 53, lines 27 to 37) with:

- (2) The employer must not cancel a shift of the employee unless the employee’s employment agreement specifies—

- (a) a reasonable period of notice that must be given before the cancellation of a shift; and
 - (b) reasonable compensation that must be paid to the employee if the employer cancels a shift of the employee without giving the specified notice.
- (3) In cancelling a shift of an employee, the employer must—
- (a) give the employee the notice specified in the employee’s employment agreement under **subsection (2)(a)**; or
 - (b) if that notice is not given, pay to the employee the compensation specified in the employee’s employment agreement under **subsection (2)(b)**.

Explanatory note

This Supplementary Order Paper amends the Employment Standards Legislation Bill.

Clause 87 is amended as follows:

- *new section 67E(2)* is replaced with a provision that limits availability provisions to employment agreements that specify agreed hours of work (and that include guaranteed hours) and states that those provisions can only apply to work in addition to the guaranteed hours:
- in *new section 67E(3)(a)*, words are added to clarify that an employer must have genuine reasons based on reasonable grounds not only for including an availability provision in an employment agreement but for including the specific provision in question (and the number of hours it specifies):
- *new section 67E(5)* is consequentially replaced to refer correctly to *new section 67E(2)* as replaced.
- *new section 67G(2) and (3)* are replaced. *New subsection (2)* provides that an employer must not cancel a shift unless the employee’s employment agreement specifies both a reasonable period of notice of cancellation and reasonable compensation to be paid if the reasonable notice is not given. *New subsection (3)* provides that, in cancelling a shift, the employer must either give the notice, or pay the compensation, specified in the agreement.