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SOLUTIONS *for the* WORKPLACE

COMMERCIAL SALES AWARD 2010

WAGE INCREASES EFFECTIVE FROM 1 JULY 2012

This award applies to Commercial Travellers, Advertising Sales Representatives and Merchandisers.

The Fair Work Australia Tribunal has increased the Federal Minimum Wage by 2.9% applicable from 1 July 2012.

This wage increase has to be implemented in conjunction with the new system of awards that became effective on 1 January 2010.

THESE INCREASES CAN BE ABSORBED INTO OVERAWARD PAYMENTS

There are transitional clauses in the new award provisions that make the process and explanation below necessary.

The classifications of the new Commercial Sales Award replace the previous Commercial Travellers (State) Award of NSW and the Advertising Sales Representatives (State) Award of NSW and applied from 1 January 2010.

The transitional provisions of the new award mean the increases in the new award pay rates will be phased in on 1 July of each year.

The phasing also affects **casual employees and the loading is now 23%** and the rate will be increased by 1% on 1 July each year until it gets to 25%.

If you need clarification then contact:

John 0417 552 801 or Maria 0416 047 943 or send us an e-mail at john@johntamplinconsulting.com.au

The terms of the Commercial Sales Award 2010 apply from 1 January 2010 and there is to be a transition period for some provisions of the new award regarding the following terms:

- minimum wages and piecework rates
- casual or part-time loadings
- Saturday, Sunday, public holiday, evening or other penalties
- shift allowances/penalties

This an extract from the modern Commercial Sales Award 2010

Minimum wages – existing minimum wage lower

- i) The following transitional arrangements apply to an employer which, immediately prior to 1 January 2010:
 - a. was obliged,
 - b. but for the operation of an agreement-based transitional instrument or an enterprise agreement would have been obliged, or

- c. if it had been an employer in the industry or of the occupations covered by this award would have been obliged by a transitional minimum wage instrument and/or an award-based transitional instrument to pay a minimum wage lower than that in this award for any classification of employee.
- ii) In this clause minimum wage includes:
- minimum wage for a junior employee, an employee to whom training arrangements apply and an employee with a disability;
 - a piecework rate; and
 - any applicable industry allowance.
- iii) Prior to the first full pay period on or after 1 July 2010 the employer must pay no less than the minimum wage in the relevant transitional minimum wage instrument and/or award-based transitional instrument for the classification concerned.
- iv) The difference between the minimum wage for the classification in this award and the minimum wage in clause (iii) is referred to as the transitional amount.
- v) From the following dates the employer must pay no less than the minimum wage for the classification in this award minus the specified proportion of the transitional amount:

First full pay period on or after

1 July 2010	80%
1 July 2011	60%
1 July 2012	40%
1 July 2013	20%

- vi) The employer must apply any increase in minimum wages in this award resulting from an annual wage review.
- vii) These provisions cease to operate from the beginning of the first full pay period on or after 1 July 2014.

Classification	Rate to be paid to the employee per week after 1 July 2012
Commercial Traveller/ Advertising Sales Representative	\$708.60
Merchandiser	\$657.50

The classification definitions are set out in the following:

Advertising Sales Representative means a person employed, substantially away from the employer's place of business, in soliciting orders, obtaining sales leads or appointments or otherwise promoting sales for, or selling advertising space or time of any kind

Commercial Traveller means a person employed, substantially away from the employer's place of business, for the purpose of soliciting orders for, or selling articles, goods, wares or merchandise or material for wholesale sale, for resale, or for use in or in connection with the production and/or preparation and/or distribution of commodities for sale by the customer

Merchandiser means a person who is employed away from, or substantially away from, the employer's place of business in promoting the employer's products, re ordering stock and preparing display units and gondola ends, and who in conjunction with these principal functions may solicit orders as a minor feature of the employee's work

Commission means any financial incentive payment, financial bonus or financial reward directly related to the soliciting or obtaining of orders or business by an individual Commercial Traveller, but will not be deemed to include any incentive payment, bonus or reward periodically made by the employer on the basis of profitability or performance of the employee, or any section, group or division thereof.

1. Allowances

1.1 Telephone allowance

- i) Where an employee does not have a telephone, modem or broadband connection and, at the written request of the employer, the employee is required to have such equipment, the employer must reimburse the reasonable cost of purchase, installation and rental.
- ii) Where an employee makes telephone calls in connection with the business on the employee's private telephone at the direction of the employer, the employer must reimburse the reasonable cost of such calls. Provided that the employer may request details of all such calls claimed by the employee.

1.2 Expenses and accommodation reimbursement

- i) In addition to the remuneration payable under the wage rates all reasonable expenses actually and properly incurred by the employee in the discharge of the duties will be reimbursed by the employer, including:
 - a. approved entertainment expenses;
 - b. vehicle parking fees where actually and necessarily incurred;
 - c. three star class hotel/motel accommodation;
 - d. expenses for meals and morning or afternoon tea when the employee is required to be away overnight from the usual place of residence at the employee's usual time for taking such meal, in the performance of the duties;
 - e. laundry expenses incurred by employees after they have been away from their place of residence for more than one weekend in the course of their employment;
 - f. first class rail tickets with sleeping accommodation (if available) on overnight journeys, and economy class airline tickets where required; and
 - g. the cost of garaging by an employee entitled to the living away from home allowance in clause 1.5 when such is required by the employer.
- ii) Such expenses as can be reasonably anticipated will be paid in advance.

1.3 Injury or illness requiring transport

If an employee suffers injury or illness necessitating return to the usual place of residence or to a hospital or other place where the employee may receive medical care, the expenses actually incurred in returning will be reimbursed by the employer.

1.4 Weekend allowance

An additional amount of \$39.80 will be paid to an employee required by the employer to be away from home or headquarters for any weekend.

1.5 Living away from home allowance

An employee required to remain away from their usual place of residence for two or more consecutive nights in any one week, Monday to Sunday inclusive, in servicing the employee's allocated area will be paid an additional allowance of \$50.10 per week.

1.6 Change of residence

Any employee (other than a casual) who is directed or required by the employer, in writing, to relocate the employee's residence to another area, will be reimbursed reasonable costs for relocating personal and household effects and members of their immediate dependent family. Reasonable costs expressed in this clause are to be the amount agreed upon, in writing, between the employer and employee prior to any relocation.

1.7 Training program

An employee required by the employer to undertake any course of instruction or training will have all fees and expenses reimbursed by the employer.

1.8 Vehicle allowance

An employee required by the employer to use the employee's motor vehicle in the performance of the employee's duties will be paid an allowance of:

- i) \$0.75 per kilometre, for use of the employee's own motor car; and
- ii) \$0.25 per kilometre for use of the employee's own motorcycle.

Leave loading

- i) During a period of annual leave an employee who does not receive commission must also be paid a loading of 17.5% calculated on the employee's base rate of pay in s.90(1) of the Act.
- ii) Where the employee receives commission, such employee will, in addition to their ordinary pay, receive either the average of the commission payments earned over the preceding 12 months or the loading prescribed in clause i), whichever is the greater.

Who Can I Contact for More Information and Assistance?

If you would like to discuss any concerns you may have in relation to issues of employment or any other employment related issues you may have, please contact:

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Or go to our web-site at www.johntamplinconsulting.com.au

If you have been forwarded this email and wish to subscribe, then click [here](#).

Remember to call us if you need some help, we do not normally charge for phone advice.