

IN THE FAIR WORK COMMISSION

Matter No.: 4 yearly review of modern awards - Group 1C, 1D and 1E Awards



Submissions of the "Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union" known as the Australian Manufacturing Workers' Union (AMWU)

4 Yearly Review of Modern Awards – Group 1C, 1D and 1E Awards

COVER SHEET

About the Australian Manufacturing Workers' Union

The Australian Manufacturing Workers' Union (AMWU) is registered as the "Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union". The AMWU represents members working across major sectors of the Australian economy, including in the manufacturing sectors of vehicle building and parts supply, engineering, printing and paper products and food manufacture. Our members are engaged in maintenance services work across all industry sectors. We cover many employees throughout the resources sector, mining, aviation, aerospace and building and construction industries. We also cover members in the technical and supervisory occupations across diverse industries including food technology and construction. The AMWU has members at all skills and classifications from entry level to Professionals holding degrees.

The AMWU's purpose is to improve member's entitlements and conditions at work, including supporting wage increases, reasonable and social hours of work and protecting minimum award standards. In its history the union has campaigned for many employee entitlements that are now a feature of Australian workplaces, including occupational health and safety protections, annual leave, long service leave, paid public holidays, parental leave, penalty and overtime rates and loadings, and superannuation.

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Introduction

1. The Australian Manufacturing Workers' Union (AMWU) makes the following Submissions to the Fair Work Commission about the Group 1 Awards' Exposure Drafts. The Exposure Drafts were released by the Commission in the 4 yearly review of modern awards. These Submissions are made following the directions in the Full Bench decision [2017] FWCFB 3177.¹
2. The AMWU makes submissions about:
 - a. Matters arising from the most recent Exposure Drafts published June 2017;
 - b. Items in dispute or unresolved in the Summary of Submissions on Revised Exposure Draft published in June 2017;
 - c. Other matters arising.
3. The AMWU makes submissions about the following Awards:
 - a. AM2014/82 Poultry Processing Award 2010 Group 1C
 - b. AM2014/81 Pharmaceutical Industry Award 2010 Group 1C
 - c. AM2014/87 Rail Industry Award 2010 Group 1D
 - d. AM2014/80 Oil Refining and Manufacturing Award 2010 Group 1D
 - e. AM2014/73 Hydrocarbons Industry (Upstream) Award 2010 Group 1E
 - f. AM2014/77 Maritime Offshore Oil and Gas Award 2010 Group 1E
 - g. AM2014/72 Gas Industry Award 2010 Group 1E.

Poultry Processing Award 2010 (Group 1C)

Matters arising from the Exposure Draft

4. A matter arises out of item 7 of the Summary of Submissions on Revised Exposure Draft. Column 2 of the table appearing in clause 14 has been amended so as to read "% of ordinary time rate". If the clause is to be amended to clarify the rate on which overtime is calculated, the amendment should read "% of ordinary hourly rate".

Outstanding Issues Pressed

5. The AMWU presses item 3 in the Summary of Submissions on Further Revised Exposure Draft.

¹ <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/2017fwcfb3177.pdf>

Other matters

6. We note that clause 8.2 of the Exposure Draft refers to the alteration of the spread of ordinary hours of work by day workers by one hour “at either or both ends of the spread”. This is one of a group of Awards containing similar ambiguous phraseology in relation to the alteration of the spread of hours. This Award should be considered by the Commission at the conclusion of the Award stage of the Review in accordance with the decision of the Full Bench [2015] FWCFB 7236 at paragraph [159].

Pharmaceutical Industry Award 2010 (Group 1C)

Outstanding Issues Pressed

7. The AMWU presses item 4 in the *Summary of Submissions on Further Revised Exposure Draft*.
8. Item 4 is in effect two submissions.
9. The first submission concerns clause 8.2(c). This Award is one of a group of Awards containing similar ambiguous phraseology in relation to the alteration of the spread of hours. The Full Bench has determined that this matter will be considered in following the Award stage of the Review ([2015] FWCFB 7236, [159]).
10. The second submission concerns clause 22.2. We press our submission that it is necessary and appropriate for clauses 6.3(c) and 8.2(c) to make reference to the provisions of clause 22.2.

Rail Industry Award 2010 (Group 1D)

Matters arising from the Exposure Draft

11. **Clause 11.3(c)** of the Exposure Draft for the Rail Industry Award contains an incorrect reference. There is a reference to clause 10.3, which should be a reference to clause 11.3.
12. Allowances are payable to apprentices and juniors, as specified in clause 10.3(a). The incorrect reference creates a circular logic, which may result in some employers arguing that allowances do not apply to apprentices and juniors.
13. The current award clause that is equivalent to clause 11.3(c) in the Exposure Draft is clause 15.4.

Outstanding Issues Pressed

14. The AMWU supports the position of the AWU and continues to press following items in the *Summary of Submissions on the Revised Exposure Draft: 2, 3, 7, 8, 12, 14, 15, 16, 18, 21, and 25*.

Other matters

15. **Item number 18** in the *Summary of Submissions on the Revised Exposure Draft* is also still unresolved. There should be a new clause 14.1(d) which should read:

"For a casual employee, overtime is any time worked in excess of the employee's ordinary hours as defined in clause 6.4(b)".

Oil Refining and Manufacturing Award 2010 (1D)

Issues arising out of Exposure Draft

16. The hyperlink at clause 11.1 is incorrect. It appears to be a typo.

Outstanding Issues Pressed

17. The AMWU supports the position of the AWU and continues to press following items in the *Summary of Submissions on the Revised Exposure Draft*: 2, 7, 16, and 17.

Hydrocarbons Industry (Upstream) Award 2010 (1E)

Outstanding Issues Pressed

18. The AMWU supports the position of the AWU and continues to press following items in the *Summary of Submissions on the Revised Exposure Draft*: 3, 7, 9, and 10.

Maritime Offshore Oil and Gas Award 2010 (1E)

Outstanding Issues Pressed

19. The AMWU continues to press item 2 in the *Summary of Submissions on the Revised Exposure Draft*.
20. The AMWU supports the AWU's position in item 3 and also continues to press item 3 in the *Summary of Submissions on the Revised Exposure Draft*.

Gas Industry Award 2010 (1E)

Outstanding Issues Pressed

21. The AMWU supports the position of the AWU and continues to press following items in the *Summary of Submissions on the Revised Exposure Draft*: 3, 5, 6, .
22. For item 5, the AMWU submits that the use of the term penalty should be used and should not be changed to loading.
23. For item 6, the AMWU submits that the use of the term penalty should be used and should not be changed to loading or allowance.

End

30 June 2017