

From: Gabriel Miller <gabriel.miller@amwu.org.au>
Sent: Tuesday, 9 June 2020 9:44 AM
To: Chambers - Clancy DP <Chambers.Clancy.DP@fwc.gov.au>
Cc: Stephen Crawford <stephen.crawford@nat.awu.net.au>; Stephen Bull <Stephen.Bull@unitedworkers.org.au>; Rhys Kingston <Rhys.Kingston@Ablawyers.com.au>; Ruchi Bhatt <Ruchi.Bhatt@aigroup.com.au>
Subject: AM2014/268 Food, Beverage and Tobacco Manufacturing Award

Dear Associate to Deputy President Clancy,

I refer to the above matter.

At the Conference on 25 May 2020, the AMWU expressed a view that there may be utility in adjourning the Conference to allow the parties to have an informal discussion regarding the drafting matters raised by the AMWU with a view to reaching a consensus.

The Deputy President also suggested that the parties explore whether agreement can be reached with respect to the content of a table of casual overtime rates.

The AMWU has put a number of proposals to the other parties in the intervening two weeks, and now proposes that the exposure draft for the *Food, Beverage and Tobacco Manufacturing Award* be varied in accordance with the amendments listed in the **attached** document. The attached document includes proposed casual overtime rates tables.

The suite of amendments proposed in the **attached** document represents a slight departure from the position that the AMWU put in submissions filed 5 March 2020 (in that the AMWU no longer proposes that the references in the tables to 'casual ordinary hourly rate' be changed to 'casual minimum hourly rate').

I confirm that the package of proposed amendments are supported by the AWU and not opposed by the AiG.

Yours sincerely,

Gabriel Miller
Research Officer
Australian Manufacturing Workers' Union
e. Gabriel.miller@amwu.org.au
p. +61 2 8868 1546 | m. 0457 250 554
w. www.amwu.org.au

1. Delete clauses 10.2 and 10.3 and insert in their place:

10.2 *A casual employee working ordinary time must be paid:*

(a) *the ordinary hourly rate; plus*

(b) *a casual loading of 25% of the ordinary hourly rate.*

10.3 *The loading constitutes part of the casual employee's all-purpose rate.*

10.4 *The resulting rate is the **casual ordinary hourly rate**.*

10.5 *Where this award refers to a penalty rate or shift loading as being calculated as a percentage of the ordinary hourly rate, that reference will (for a casual employee) instead be taken to be a reference to the casual ordinary hourly rate if the entitlement is applicable to a casual employee.*

2. Renumber the remainder of clause 10 accordingly.

3. Delete clause B.2.1 and insert in its place:

"Casual minimum hourly rate includes the casual loading which is payable for all purposes. Where an allowance is payable for all purposes in accordance with clause 20.2, this forms part of an employee's casual ordinary hourly rate and must be added to the applicable permanent minimum hourly rate in B.1. prior to the application of the 25% casual loading to form the casual employee's ordinary hourly rate. The casual ordinary hourly rate applies for all purposes and is used to calculate penalties and overtime."

4. Insert a new B.2.2 as follows:

"The rates in the table below do not contain any clause 20.2 all-purpose allowances. Where a casual employee is entitled to a clause 20.2 all-purpose allowance the casual employee's ordinary hourly rate is calculated according to B.2.1"

5. Replace footnote 1 in clause B.2.2 and footnote 2 in B.2.3 with the following:

Rates in table are calculated based on the casual minimum hourly rate see clauses B.2.1 and B.2.2.

6. Insert a new B.2.4 as follows:

B.2.4 Casual employees – other than continuous shiftworkers - overtime

	Monday to Saturday		Sunday	Public Holiday
	First 3 hours	After 3 hours		
	150%	200%	200%	250%
% of casual ordinary hourly rate¹				
	\$	\$	\$	\$
Level 1	36.54	48.72	48.72	60.90
Level 2	37.62	50.16	50.16	62.70
Level 3	39.05	52.06	52.06	65.08
Level 4	40.40	53.86	53.86	67.33
Level 5	42.57	56.76	56.76	70.95
Level 6	43.89	58.52	58.52	73.15

1. Rates in table are calculated based on the casual minimum hourly rate see clauses B.2.1 and B.2.2.

7. Insert a new B.2.5 as follows:

B.2.5 Casual employees – continuous shiftworkers - overtime

	Monday to Sunday
	% of casual ordinary hourly rate¹
	200%
	\$
Level 1	48.72
Level 2	50.16
Level 3	52.06
Level 4	53.86
Level 5	56.76
Level 6	58.52

1. Rates in table are calculated based on the casual minimum hourly rate see clauses B.2.1 and B.2.2.