

This table is a summary of proposed variations lodged for this award – updated 8 March 2017.

Food, Beverage and Tobacco Manufacturing Award 2010

Some of the items contained in this summary may be determined by the Group 4 Award Stage—Technical and Drafting Full Bench while others may be referred to a separately constituted Full Bench (to be discussed at a conference before an individual Member of the Commission).

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
S1.	UV	Sub-3Mar15	4	Coverage Clause does not provide coverage for security officers and cleaners with sufficient clarity. Seeks to vary clause to clarify coverage of cleaners and security officers.	Page 1	
	UV	Sub-6Oct16		Pursuing claim.	Paras 3-6	
S2.	UV	Sub-3Mar15	8	Facilitative provisions Clause may be too broad and unnecessary in the context of the award flexibility provisions at clause 7. Provision undermines the award flexibility scheme provided by the <i>FW Act 2009</i> .	Page 1	
	UV	Sub-6Oct16		Pursuing claim.	Paras 3-6	
S3.	UV	Sub-3Mar15	26.3(e)	Allowances—hot places Provides payment for an allowance for work in the shade in places where temperature is raised by artificial means. Party submits that temperature should be determined by agreement between supervisor and employee.	Page 1	

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
S3A.		Sub-6Oct16		Reframing claim. In addition, seeking to increase the rate paid for work performed in hot places. Also seeking a longer break for employees working in temperatures in excess of 54 degrees Celsius for two hours or more. Proposed determination.	Paras 7-12	
S4.	AIG	Sub-2Mar15	28.3	Payment of wages on termination Clause should enable employers who pay by electronic funds transfer to pay termination monies in accordance with the employer's pay cycle.	Page 5	Issue affects multiple awards – see <u>Correspondence</u> from AIG 25 Nov 2014. Referred to a separately constituted Full Bench for determination.
S5.	BSA	Sub-2Mar15	28.3	Payment of wages on termination Party consulting further and may pursue a proposal to vary clause.	Page 9	
		Sub-29Sept16		Issue is being dealt with by a separately constituted FB. Does not intend to pursue as a substantive claim.	Para 4.0	
S6.	FWO	Sub-2Mar15	30.2(e)	Ordinary hours of work and rostering Unclear whether this means it can be increased by one hour at one end, at both ends or shifted at both ends of the spread by up to one hour.	Point 13	
S7.	FWO	Sub-2Mar15	30.2(d)	Unclear whether this applies to only employees who are “getting the plant in a state of readiness” or in other circumstances where employees perform work prior to but continuous with the spread of ordinary hours.	Point 14	

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
S8.	UV	Sub-3Mar15	31	Shiftworker Seek to vary award so that a shiftworker is defined as a 7 day shiftworker who is regularly rostered to work on weekends and public holidays.	Page 2	See also clause 34.3
	UV	Sub-6Oct16		Pursuing claim.	Paras 3-6	
S9.	UV	Sub-3Mar15	32.2 & 32.5	Meal breaks Confusion about the operation of these clauses regularly leads employers to refuse payment of the meal break penalty when legally obliged to do so.	Page 2	
	UV	Sub-6Oct16		Pursuing claim.	Paras 3-6	
S10.	UV	Sub-3Mar15	33	Overtime Seeks to vary clause so that first 2 hours worked in excess of ordinary hours will be paid at time and a half and double time thereafter.	Page 2	
	UV	Sub-6Oct16		Pursuing claim.	Paras 3-6	
S11.	AIG	Sub-2Mar15	34.5	Annual leave loading Proposes an amendment to ensure that employers are not obliged to pay for shift loadings twice when shiftworkers take annual leave.	Page 5	This issue affects number of awards and has been referred to a separately constituted Full Bench for determination
S12.	AMWU	Sub-2Mar15	various	The AMWU “intends to propose changes to shift allowances, the span of hours definition, training leave, overtime for casual and part time employees and allowances”.	Para 6	<i>No further details of the changes sought have been lodged</i>

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
		Sub-30Sept16		Confirmed intention to pursue matters in relation to shift allowances and span of hours. Span of hours issue should be dealt with in same process to the <i>Hydrocarbons Industry (Upstream) Award</i> where it was decided the issue would be reconsidered at the end of the Award stage (see [2015] FWCFB 7236 , para 159). Submits current drafting of shift allowances clause is detrimental to workers.	Paras 2 – 8	

List of abbreviations (in alphabetical order)

AIG	Australian Industry Group
AMWU	Australian Manufacturing Workers' Union
BSA	Business SA
FWO	Fair Work Ombudsman