

IN THE FAIR WORK COMMISSION

Matter No: C2019/5259

Review of certain C14 rates in modern awards

SUBMISSIONS OF THE UNITED WORKERS UNION

1. These submissions are made pursuant to the Statement published by Full Bench on 22 September 2023 (**the September 2023 Statement**).
2. In the September 2023 Statement, the Full Bench proposed extending the scope of review to take into account matters raised during the *Annual Wage Review Decision 2022-2023* (**AWR 2023 decision**).
3. Specifically, the Full Bench has proposed to expand the scope of review as follows:
 - (a) By revisiting awards that had initially been excluded from the review, to consider whether those awards containing classifications at the C14 level are genuinely transitional in nature consistent with the AWR 2023 decision; and
 - (b) Through the inclusion of modern enterprise awards and State reference public sector modern awards in the review that contain minimum rates below the C13 level.
4. Taking into account the extended scope of review, the United Workers Union (**UWU**) has an interest in the following modern awards being considered for review:
 - (a) *Amusement, Events and Recreation Award 2020*;

Lodged by

The United Workers Union

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- (b) *Animal Care and Veterinary Services Award 2020;*
- (c) *Cemetery Industry Award 2020;*
- (d) *Children's Services Award 2020;*
- (e) *Corrections and Detention (Private Sector) Award 2020;*
- (f) ***Dry Cleaning and Laundry Industry Award 2020¹;***
- (g) *Fitness Industry Award 2020;*
- (h) *Food, Beverage and Tobacco Manufacturing Award 2020;*
- (i) ***Funeral Industry Award 2020²;***
- (j) *Horticulture Award 2020;*
- (k) *Hospitality Industry (General) Award 2020;*
- (l) *Manufacturing and Associated Industries and Occupations ASward 2020;*
- (m) *Miscellaneous Award 2020;*
- (n) *Nurses Award 2020;*
- (o) *Oil Refining and Manufacturing Award 2020;*
- (p) *Racing Clubs Events Award 2020;*
- (q) *Racing Industry Ground Maintenance Award 2020;*

¹ UWU has filed a joint proposal along with AWU, CFMMEU, DIA and ABI in relation to the Dry Cleaning and Laundry Industry Award on 5 December 2022, with further joint submissions filed in relation to this award on 3 November 2023.

² UWU has filed a joint proposal along with AWU, AFDA and ABI in relation the Funeral Industry Award 2020 on 8 December 2022.

- (r) *Registered and Licensed Clubs Award 2020*;
- (s) *Restaurant Industry Award 2020*;
- (t) *Supported Employment Services Award 2020*; and
- (u) *Wine Industry Award 2020*.

5. Directions issued in the September 2023 Statement invited interested parties to file:
 - (a) Submissions in respect of the provisional view stated in paragraph [8] of the September 2023 Statement;
 - (b) Submissions as to the accuracy of the table at Attachment D;
 - (c) Draft determinations or proposals for any specific award variations that might be necessary; and
 - (d) Evidence upon which the party intends to rely.
6. These submissions address directions (a) and (b) above, with draft determinations or proposals to be provided at a later date pursuant to the extension granted on 3 November 2023.

The Provisional View

7. Uwu supports the provisional view of the Full Bench expressed at paragraph [8] of the September 2023 Statement. Specifically, Uwu supports the view that:
 - (a) The lowest classification rate in any modern award applicable to ongoing employment should be at least the C13 rate.
 - (b) Any classification rate in a modern award which is below the C13 rate should be entry-level only and operate for a limited period of time, with a clear transition to

the next classification rate in the award and that such transition should not exceed six months.

Accuracy of the table at Attachment D

8. UWU has not identified any errors in the table contained in Attachment D.

**Filed on behalf of the
United Workers Union
3 November 2023**