

From: Claire Gray-Starcevic <claire.gray-starcevic@unitedworkers.org.au>
Sent: Wednesday, 19 October 2022 3:03 PM
To: AMOD <AMOD@fwc.gov.au>
Subject: C2019/5259 Review of Certain C14 Rates in Modern Awards

Dear AMod Team

C2019/5259 Review of Certain C14 Rates in Modern Awards

We refer to the above matter and to the statement issued by the Full Bench on 6 October 2022.

Please find attached* the United Workers' Union's Proposal pursuant to direction [1].

Kind regards

Claire Gray-Starcevic
Industrial Officer – Strategic Power
United Workers Union

M: 0435 800 820
E: claire.gray-starcevic@unitedworkers.org.au
W: unitedworkers.org.au



Email disclaimer: unitedworkers.org.au/emaildisclaimer

IN THE FAIR WORK COMMISSION

Matter No: C2019/5259

S 157 – FWC may vary etc. modern awards if necessary to achieve modern awards objective – Review of certain C14 rates in modern awards

PROPOSED VARIATION BY THE UNITED WORKERS UNION

1. This submission is made pursuant to the Statement published by Full Bench on 6 October 2022 (**the Statement**) in respect of certain C14 rates contained in modern awards.
2. The United Workers Union (**UWU**) has an interest in the following modern awards being considered for review:
 - (a) *Dry Cleaning and Laundry Industry Award 2020; and*
 - (b) *Funeral Industry Award 2020.*¹
3. Directions issued in the Statement invited parties seeking a change to one or more of the relevant modern awards to file details of the proposal with the Commission by 4:00PM (AEDT) on 19 October 2022.
4. Pursuant to the Directions issued, UWU submits that variations should be made to both of the modern awards specified in paragraph 2.

¹ Noting that the Full Bench indicated it would confirm its provisional view in relation to the *Oil Refining and Manufacturing Award 2020* at paragraph [29] of the Statement.

Lodged by

The United Workers Union

Address for service:

833 Bourke Street,
DOCKLANDS VIC 3008

Telephone: (08) 8352 9300

Fax: (08) 8443 7678

Email: claire.gray-starcevic@unitedworkers.org.au

Dry Cleaning and Laundry Industry Award 2020

5. Workers classified as “Dry cleaning employee Level 1” under the *Dry Cleaning and Laundry Industry Award 2020* are paid the National Minimum Wage (**NMW**) without clear opportunity for transition from this classification.
6. Dry cleaning employee Level 1 is defined as, “*An employee who is below the level of a tradesperson dry cleaner and is not within Levels 2 to 4*”.
7. UWU considers it is appropriate to alter the *Dry Cleaning and Laundry Industry Award 2020* to include a time-based transition for workers classified as “Dry cleaning employee Level 1” to transition to “Dry cleaning employee Level 2”.
8. UWU has had an opportunity to review the CFMMEU – Manufacturing Division’s proposal in relation to the *Dry Cleaning and Laundry Industry Award 2020*, as follows:

A.1 Introductory Level

An employee at this level will:

- (a) be a new entrant to the dry-cleaning industry; and*
- (b) for up to three (3) months undergo appropriate training, (including induction), so as to enable them to achieve the level of competence required to be classified at Dry cleaning employee Level 2.*
- (c) work under the following conditions: totally defined procedures and methods; constant direct supervision; constant direct training and progressive assessment and feedback.*

Training for new entrants will be determined in accordance with the needs of the enterprise but will involve instruction aimed at assisting employees at the Introductory level to achieve the range of competencies required at Dry cleaning employee Level 2.

9. UWU agree with the CFMMEU – Manufacturing Division’s proposal in relation to the variation of “A.1 Dry cleaning employee Level 1”.
10. UWU also proposes a variation to the “Dry cleaning employee Level 2” to include a catch-all provision, recognising the value of work performed by employees with

additional experience who may nonetheless not be employed under a specific job title as contemplated by the Award. The proposed variation is as follows:

A.2 Dry cleaning employee Level 2

An employee who is employed as:

a) a wet cleaner;

b) a steam air finisher;

c) an examiner of garments;

d) an assembler of garments; or

e) a sorter of garments

d) an employee with at least three (3) months' experience in the dry-cleaning industry who is not a tradesperson dry cleaner and is not otherwise employed in the above roles or within Levels 3 to 4

Funeral Industry Award 2020

11. Workers classified as "Grade 1" under the *Funeral Industry Award 2020* are paid the NMW without clear opportunity for transition to a higher classification.
12. "Grade 1" is defined as:
 - (a) a funeral director's assistant;
 - (b) a coffin draper; or
 - (c) an "adult employee not mentioned elsewhere in any of Grades 2 to 6".
13. An employee employed as a funeral director's assistant, coffin draper or other role not meeting the definition of another grade may remain at the NMW rate indefinitely under the current scheme.
14. UWU considers it is appropriate to amend the *Funeral Industry Award 2020* to include a time-based transition for workers classified as "Grade 1" to a higher classification.
15. There is a difference in the work performed between a "Funeral director's assistant" as contemplated by Grade 1 and a "Funeral director's assistant engaged in preparation

work” as contemplated by Grade 2 under the Award. It is unlikely to be appropriate for a “Funeral director’s assistant engaged in preparation work” who assists in the preparation of a body to be paid at the same rate as a general “Funeral director’s assistant” who works primarily in a customer-facing role and in the transfer of the body to the mortuary.

16. UWU therefore proposes an alteration to the classification scheme under the *Funeral Industry Award 2020* to vary the Grade 1 level to an introductory level paid at NMW, with the addition of a new Grade 1 that reflects the skills and experience of staff who have received on-the-job training and have industry experience.

17. The proposed variation is as follows:

Introductory Level

An employee at this level will:

- a) be a new entrant to the funeral industry; and*
- b) for up to three (3) months undergo appropriate training, (including induction) to enable them to achieve the level of competence required to be classified at Grade 1; and*
- c) work under the following conditions: totally defined procedures and methods; constant direct supervision; constant direct training and progressive assessment and feedback.*

Grade 1

An employee at this level will have at least three (3) months experience in the funeral industry and be employed as:

- a) Funeral director’s assistant;*
- b) coffin draper; or*
- c) adult employee not mentioned elsewhere in any of Grades 2 to 6.*

18. In the above draft variations, it is proposed that the Introductory Level will be paid at NMW (being the current Grade 1 rate of pay) with the Grade 1 level being paid at a rate between the current NMW and the Grade 2.

**Filed on behalf of the
United Workers Union**

19 October 2022