

## Response to AWU additional submission of 21 July 2016 – Sugar Industry Award 2016

### INTRODUCTION

The Sugar Industry Award 2010 is being reviewed by the Fair Work Commission. The Exposure Draft does not seek to amend any entitlements under the Sugar Award but has been prepared to address some of the structural issues identified in modern awards.

During a Conference before Deputy President Asbury on 14 July 2016 The Australian Workers' Union (AWU) undertook to provide an update in writing of our position on some outstanding issues regarding the exposure draft for the Sugar Industry Award 2016 (Exposure Draft) within 7 days. 2. The position was then posted on 21 July 2016.

### ASMC Position

#### Weekend Penalty Rates:

Statement 3. We agree the Modern Award appears silent on the issue of weekend penalty rates for shift work in bulk terminals.

We are supportive of the proposed changes from the AWU, on the basis that the changes proposed are not substantively trying to change the current entitlements, and are not trying to facilitate the payment of 2 penalties for the same event (ie payment of weekend penalties and shift allowances).

We believe it is important that where the Modern Award review is trying to specify applicability to Bulk Sugar Terminals, it is important that this be clearly noted (and not wrapped up into general classifications like 'other than field sector'). We appreciate the efforts being made to do this as part of the review, to remove ambiguity and doubt.

#### Schedule D: errors with rates.

Clause 27. Agree. The noted columns do not align to prescribed rates noted previously in the award.

Clause 28: Agree with the comments, but highlight that while typically ordinary hours for day workers in bulk terminals must be worked between 6am and 6pm, this can be varied by agreement (either individually or with a majority of the workforce), in which instances overtime rates would not apply (ie starting work at say 4am on occasions to reduce time worked in the sheds in the heat of the middle of the day).

Clause 30: Schedule D3.2: We take the view that the added text for this schedule should be 'continuous shift worker'.



**Garry Whiting**

Executive Officer, Safety & Employee Relations