

Revised Exposure Draft of the Airport Employees Award 20XX [MA49]

Response of the Australian Manufacturing Workers' Union (AMWU)

1. The AMWU is responding to the revised exposure draft of the Airport Employees Award 20XX as uploaded by the Fair Work Commission to its relevant web page on 18th March, 2019 (the exposure draft).

Breaks

2. At paragraph [91] of Its decision of 7th August, 2018 ([2018] FWCFB 4175), the full bench wrote that:

We do not consider that clause 18 applies to shift workers.

3. In view of this conclusion, the AMWU respectfully suggests that clause 18 would be clearer if it were headed "Breaks – day workers".
4. Such a change would reduce the potential for confusion which might otherwise arise from having breaks of different lengths specified by clauses 17.3 (d) and 18.2 of the exposure draft. It would also clarify the need for the repetition in clauses 17.2 (e) and 18.1.
5. It would be a natural extension of the headings of clauses 15 to 17 inclusive of the exposure draft, which apply in order to "all employees", "day workers" and "shift workers".
6. Shift workers would not be prejudiced by the suggested change, given clauses 17.2 (e) and 17.3 (d) of the exposure draft.
7. If thought necessary, the wording of clause 18.1 might be redrafted to read:

A day worker must not ... Such meal breaks will not count as time worked.

Annual Leave Loading

8. The wording of clause 24.11 (b) (i) of the exposure draft does not reflect that provisionally proposed by the full bench at paragraph [760] of its decision of 21st March, 2018 ([2018] FWCFB 1548), which wording had been prepared in order to correct an acknowledged inconsistency in an earlier formulation.
9. That provisional drafting was supported by the AMWU, Community and Public Sector Union (PSU Group) and Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia. On the AMWU's understanding, it was not challenged by any other party.
10. The AMWU continues to support the full bench's proposal of March 2018.

Cross-referencing Error

11. The first paragraph of clause 29A.6(b) incorrectly cross-references “Clause 1A”. The AMWU believes that the appropriate cross-reference would be to clause 29A.6(a).

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