

IN THE FAIR WORK COMMISSION

Matter Number:

AM2014/268



Submissions of the AMWU

AM2014/268

4 Yearly Review of Modern Awards

Food, Beverage and Tobacco Manufacturing Award 2010

About the Australian Manufacturing Workers' Union

The Australian Manufacturing Workers' Union (AMWU) is registered as the "Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union". The AMWU represents members working across major sectors of the Australian economy, including in the manufacturing sectors of vehicle building and parts supply, engineering, printing and paper products and food manufacture. Our members are engaged in maintenance services work across all industry sectors. We cover many employees throughout the resources sector, mining, aviation, aerospace and building and construction industries. We also cover members in the technical and supervisory occupations across diverse industries including food technology and construction. The AMWU has members at all skills and classifications from entry level to Professionals holding degrees.

The AMWU's purpose is to improve member's entitlements and conditions at work, including supporting wage increases, reasonable and social hours of work and protecting minimum award standards. In its history the union has campaigned for many employee entitlements that are now a feature of Australian workplaces, including occupational health and safety protections, annual leave, long service leave, paid public holidays, parental leave, penalty and overtime rates and loadings, and superannuation.

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A. General Observations

1. This submission is made in accordance with the “next steps” identified by the Full Bench in its decision *4 yearly review of modern awards – Award stage – Group 1 [2018] FWCFB 154*.
2. This submission relates to drafting and technical issues arising out of the Exposure Draft of the Food, Beverage and Tobacco Manufacturing Award 2016
3. This submission also relates to the substantive issues arising in the award.

B. Food, Beverage and Tobacco Manufacturing Award 2016

Applicable Rate of Pay

4. The usage of the term “applicable rate of pay” within the Exposure Draft remained unresolved pending the outcome of proceedings with respect to the Exposure Draft of the Manufacturing and Associated Industries and Occupations Award 2016.
5. We note that the AIG in its response dated 19 April 2018 proposes a number of amendments to the Exposure Draft. The amendments will require further consideration by the AMWU.
6. The AMWU requests an opportunity to consider and respond to the amendments proposed by AIG.

Casual Employment, Clause 12.2(a)

7. Clause 12.2(a) of the Exposure Draft has been the subject of consideration during the review process. The AMWU previously withdrew its opposition to a proposed amendment to 12.2(a) pressed by the AIG that saw “ordinary hourly rate” replaced by “minimum hourly rate. That change was made on the basis that clause 14 of the exposure draft did not refer to ordinary hourly rates but rather minimum hourly rates.
8. The AMWU has reconsidered its position in light of the current decision with respect to the *Airline Operations – Ground Staff Award 2010* at paragraphs [93] and [94]¹. The amendment to clause 12.2(a) means that the clause does not reflect the established principles regarding casual loadings and all purpose allowances. On that basis, we propose that the clause 12.2(a) be amended so as to read “the ordinary hourly rate prescribed in this award for the work being performed; plus”.

Substantive matters

9. The AMWU will press one substantive matter which is the payment applicable to shift workers rotating between afternoon and night shifts.

¹ *4 yearly review of modern awards – Award stage – Group 1 [2018] FWCFB 154*.

Span of Hours, Clause 24.2

10. We note that the matter of clauses with the variation of span of hours ‘either end’ of the span will be determined along with other awards in which the same issues presents². Given that the issue presents in this award it should be considered in light of the future decision.

C. Concluding Observations

11. The outstanding matters raised in this award would best be dealt with by way of a further conference.
12. Additionally, the AMWU will pursue discussions with interested parties with a view to resolving the outstanding matters and we will advise the Commission of any progress in that regard.

**Australian Manufacturing Workers’ Union
26 April 2018**

²4 yearly review of modern awards, [2015] FWCFB 7236 at [159]