

IN THE FAIR WORK COMMISSION

Matter No.: AM2014/300 – Award Flexibility
Re Application by: "Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union" known as the Australian Manufacturing Workers' Union (AMWU)



Further Submissions of the "Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union" known as the Australian Manufacturing Workers' Union (AMWU)

4 Yearly Review of Modern Awards

COVER SHEET

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 around 100,000 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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1. Introduction

1.1 The following submissions are filed in accordance with the April 2016 model time off in lieu (TOIL) term. The AMWU has an interest in relation to this matter with respect to the following modern awards:

- a. *Manufacturing and Associated Industries and Occupations Award 2010;*
- b. *Graphic Arts, Printing and Publishing Award 2010;*
- c. *Food, Beverage and Tobacco Manufacturing Award 2010;*
- d. *Airline Operations – Ground Staff Award 2010;*
- e. *Sugar Industry Award 2010.*

1.2 The model term gives effect to the April 2016 decision, and contains adequate safeguards with respect to the content of written agreements, and the requirement that time off be taken within 6 months of accrual. Accordingly, only minor amendments aimed at clarification to the model TOIL term are proposed in this submission.

2. The model term

2.1 The AMWU proposes the following amendments:

- a. The note beneath A.1(c)(iv) should clarify that if an “exchange of emails” is used to give effect to a TOIL agreement (as opposed to the template agreement), then the requirements under A.1(c) still must be complied with. The AMWU proposes that the wording “provided the exchange of emails or other electronic means sets out the required matters in subparagraph (c)(i)-(iv)” be inserted at the end of the sentence.
- b. The wording at A.1(j) should be clarified to refer more directly to the request for flexible working arrangements. The AMWU would

propose to delete the clause and replace the wording with the following – “If an employee makes a request for flexible working arrangements under s. 65 of the *Fair Work Act*, and the request is to take time off instead of being paid overtime, clause A.1 applies to any such time off granted by the employer as if it were time off covered by an agreement under clause A.1.”

- c. In clarifying the interaction between the model term and s. 65 of the *Fair Work Act*, the note underneath A.1(j) makes mention of the employer only being allowed to refuse a request on reasonable business grounds. The AMWU proposes that the employer’s obligation to accept or refuse the request within 21 days should also be mentioned as follows – “and must provide a written response to the request within 21 days”.

End

23 May 2016