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Sent: Wednesday, 19 October 2022 4:06 PM
To: AMOD <AMOD@fwc.gov.au>
Cc: Manufacturing Division Industrial <industrial@cfmeumd.org>
Subject: C2019/5259 - Review of certain C14 rates in modern awards

Dear AMod Team,

**C2019/5259 - Review of certain C14 rates in modern awards
(Dry Cleaning and Laundry Industry Award 2020)**

We refer to direction 1 contained at paragraph [33] of the Statement [2022] FWCFB 183 issued on 7 October 2022.

Please find attached by way of filing, a proposal from the CFMMEU-Manufacturing Division with respect to the *Dry Cleaning and Laundry Industry Award 2020*.

Kind Regards

Vivienne Wiles
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Manufacturing Division
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IN THE FAIR WORK COMMISSION

Fair Work Act 2009

s.157 – FWC may vary etc modern awards if necessary to achieve modern awards objective

**Review of certain C14 rates in modern awards
(C2019/5259)**

**CONSTRUCTION, FORESTRY, MARITIME, MINING & ENERGY UNION –
MANUFACTURING DIVISION**

PROPOSAL

Dry Cleaning and Laundry Industry Award 2020

(19 October 2022)

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(C2019/5259)
Review of certain C14 rates in modern awards
Proposal of the
Construction, Forestry, Maritime, Mining and Energy Union
(Manufacturing Division)

BACKGROUND

1. On 6 October 2022, a Statement¹ was issued by a Full Bench² in matter C2019/5259 (Review of certain C14 rates in modern awards) (“*October 2022 Statement*”) together with a Background Paper.³
2. The Review has been initiated on the Commission’s own initiative pursuant to s.157(3)(a) of the *Fair Work Act 2009* (“FW Act”).
3. The objective in these proceedings is for the Commission to ‘*review certain modern awards which have classification rates at the C14 rate which are either not transitional rates or where the transition rate is not specified*’⁴ in context where the C14 rate ‘*is equivalent to the National Minimum Wage (NMW)*’.⁵
4. At paragraph [2] of the *October 2022 Statement*, the Full Bench identified 6 modern awards in which the C14 classification level is not transitional.⁶
5. At paragraph [30] of the *October 2022 Statement*, the Full Bench stated (in part):

[30] Subject to the confirmation of the provisional views at [24], [25] and [28], the following awards remain to be considered as part of the review:

Awards in which the C14 classification level is not a transitional level:

¹ [2022] FWCFB 183, Statement (6 October 2022)

² Full Bench comprising Ross, J; Asbury, DP; Hampton, C

³ FWC Background Paper – Review of certain C14 rates in modern awards (History of relevant modern award provisions) (6 October 2022)

⁴ [2022] FWCFB 183 at [1]

⁵ *Ibid*;

⁶ [2022] FWCFB 183 at [2] – this list of awards include: *Air Pilots Award 2020; Broadcasting, Recorded Entertainment and Cinemas Award 2020; Dry Cleaning and Laundry Industry Award 2020; Funeral Industry Award 2020; Sugar Industry Award 2020; Travelling Shows Industry Award 2020*

- *Dry Cleaning and Laundry Industry Award 2020*
- *Funeral Industry Award 2020*
- *Sugar Industry Award 2020*
- *Travelling Shows Award 2020*⁷

6. The CFMMEU-Manufacturing Division (“CFMMEU-MD”) has an interest in one award in the list of 4 above – the *Dry Cleaning and Laundry Industry Award 2020* (“Dry Cleaning Award”).

7. At paragraph [33] of the *October 2022 Statement* the Full Bench set out directions in relation to the next steps of the proceedings, including:

1. *Those parties seeking a change to one or more of the relevant modern awards should file details of the proposal with the Commission by 4pm (AEDT) on 19 October 2022.*⁸

8. The CFMMEU-MD files these submissions and proposal in accordance with direction [1] above.

Proposal – Dry Cleaning and Laundry Industry Award 2020

9. The classifications in the Dry Cleaning Award relevant to the dry cleaning stream are contained at Schedule A.

10. For context, the full set of classifications for the dry cleaning stream contained at clauses A.1 to A.5 of the Dry Cleaning Award are reproduced below:

A.1 Dry cleaning employee Level 1

An employee who is below the level of a tradesperson dry cleaner and is not within Level 2 to 4.

⁷ [2022] FWCFB 183 at [30]

⁸ [2022] FWCFB 183 at [33]

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.*

A.3 Dry cleaning employee Level 3

An employee who is employed as:

- (a) a repairer (other than a tailor or tailoress);*
- (b) a spotter presser (off-set press)*
- (c) a hand ironer receiver and/or dispatcher;*
- (d) a presser;*
- (e) a receiver and dispatcher in charge (namely a person in charge of a deport and responsible for the keeping of records and responsible for cash); or*
- (f) a cleaner (operating a dry cleaning machine).*

A.4 Dry cleaning employee Level 4

An employee who is employed as:

- (a) an invisible mender; or*
- (b) a tailor or tailoress.*

A.5 Dry cleaning employee Level 5

A.5.1 *An employee who is employed as tradesperson dry cleaner.*

A.5.2 *An employee who is required to be solely accountable for all aspects of a self-contained dry cleaning establishment including the receiving of garments and articles, the cleaning, spotting, pressing, packaging and dispatch of garments and articles, the handling of monies, the keeping of records and maintenance of the establishment will be classified as a Dry cleaning employee Level 5 and paid accordingly.*

11. The wage rate which currently applies to a (non-casual) employee covered by 'Dry cleaning employee Level 1' is \$21.38 per hour or a full time rate of \$812.60 per week.⁹
12. It is evident that the classification 'Dry cleaning employee Level 1' (clause A.1) is not a transitional classification (and rate) typically seen in multiple other modern awards, but is a generalised 'catch all' type term intended to apply to non-specified roles/skills sets which are not covered in classifications 'Dry cleaning employee Level 1' to 'Dry cleaning employee Level 4'.

CFMMEU-MD Proposal

13. The CFMMEU-MD proposal to vary the classification Dry cleaning employee Level 1' (clause A.1) is as follows:

A1 *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.

14. We submit the proposal will address a number of current issues of concern with respect to the classification 'Dry cleaning employee Level 1' (clause A.1) of the Dry Cleaning Award,

⁹ *Dry Cleaning and Laundry Industry Award 2020* (varied to 11 July 2022) at clause 18.1(a) and Schedule C

including:

- (a) It will expressly provide that the lowest classification only applies to new entrants to the dry-cleaning industry;
- (b) it will expressly insert an element that the lowest classification is transitional in nature with an outer limit of a 3 month period;
- (c) it will expressly include an obligation that an employee at this level receives appropriate training (including induction) in order for them to achieve a level of competence to be classified at level 2; and
- (d) elaborates on the level of supervision, training, assessment and feedback required during the transitional period; be notion that the lowest classification in the dry cleaning.

15. The CFMMEU-MD has also had an opportunity to review the draft proposal to be filed by the United Workers Union (UWU), as they relevantly apply to the Dry Cleaning Award.

16. In addition to supporting the CFMMEU-MD's proposal in relation to clause A.1 Dry cleaning employee Level 1 (as outline above) the UWU also propose an ancillary variation to clause A.2 Dry cleaning employee Level 2 as follows (variation underlined):

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;*
- (f) 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.*

17. The CFMMEU-MD supports the ancillary variation proposed by the UWU.

Vivienne Wiles
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CFMMEU – Manufacturing Division
(19 October 2022)