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Sent: Wednesday, 19 October 2022 3:16 PM
To: AMOD <AMOD@fwc.gov.au>
Subject: C2019/5259 - C14 issues - AWU proposals

Dear Award Modernisation Team,

Please find attached a submission from the AWU in Matter C2019/5259.

Regards,

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I acknowledge the ancestors and traditional custodians of the land on which our offices stand and pay respect to Elders past and present.



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Fair Work Act 2009 FAIR WORK COMMISSION

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

AWU VARIATION PROPOSALS

BACKGROUND

1. On 6 October 2022, the President, Justice Ross, issued a Statement containing further directions in relation to the Fair Work Commission's review of classifications at the C14 rate in modern awards.
2. The Commission also published a Background Paper setting out the history of the relevant modern award provisions.
3. The directions include for parties seeking a change to any award to file details of the proposal by 4pm on 19 October 2022.
4. Some initial details about the changes proposed by the AWU are below. The AWU reserves its right to amend these proposals during the review.

AWU PROPOSALS

Concrete Products Award 2020

1. The Background Paper has identified that the classification structure in the *Concrete Products Award 2020* ('**Concrete Award**') contains an error that appears to have arisen during the award modernisation process.
2. Appendix I to the *Cement and Concrete Products Award 2000* contained a classification translation table which identifies how 'Old classification' groups were intended to be translated into 'New classifications' from 11 September 1991.

3. Relevantly, the Group 1 'Old classification' was intended to become a new Level 3 classification, and the Group 3 'Old classification' was intended to become a new Level 1 classification.
4. However, Schedule A.1.3 of the Concrete Award contains Level 1 classification descriptions that reflect the Group 1 'Old classification' and Schedule A.3.4 of the Concrete Award contains Level 3 classification descriptions that reflect the Group 3 'Old classification'.
5. This means the Level 1 classification descriptors identify more skilled and complicated work than the Level 3 classification descriptors. For example, 'Pipe machine operator' and 'Coating machine operator' are identified as Level 1 classifications and 'Stacker by hand of articles including bricks, blocks, tiles and pipes' is identified as a Level 3 classification.
6. Given this appears to be a clear error that creates an anomaly within the Concrete Award, the AWU proposes that the content of Schedule A.1.3 be moved into Schedule A.3.4 and the content of Schedule A.3.4 moved into Schedule A.1.3.
7. In addition, to ensure the Level 1 classification level in the Concrete Award operates on a transitional basis, the AWU proposes the insertion of the following new Schedule A.1.2.1:

An employee in this classification must be undertaking training that will enable them to progress to a higher classification level within three months.

Sugar Industry Award 2020

8. To ensure the C14 rates in the Sugar Industry Award 2020 ('**Sugar Award**') for the milling, distillery and refinery streams operate on a transitional basis, the AWU proposes the three changes identified below.

Milling employees

9. The AWU proposes the insertion of the following new sub-clause (a)(viii) into Schedule B.1.1:

undertake training that will enable them to progress to a higher classification level within three months.

Distillery employees

10. The AWU proposes the insertion of the following new sub-clause (h) into Schedule B.2.1:

undertake training that will enable them to progress to a higher classification level within three months.

Refinery employees

11. The AWU proposes the insertion of the following new sub-clause (h) into Schedule B.3.1:

undertake training that will enable them to progress to a higher classification level within three months.

C14 wage group – engineering/production

12. Given Schedule B.4.2.(a)(i) refers to an employee at this level undertaking up to 38 hours of induction training, no variation is proposed by the AWU.

Bulk Terminal Operations

13. Given Schedule C.1 refers to an employee at this level undertaking a 3-month probation period, no variation is proposed by the AWU.

PROPOSALS BY OTHER UNIONS

14. The AWU also supports proposals by the following unions to change the following awards:

- AMIEU: *Meat Industry Award 2020*
- RTBU: *Rail Industry Award 2020*
- CFMMEU Manufacturing and UWU: *Dry Cleaning and Laundry Industry Award 2020*
- UWU: *Funeral Industry Award 2020.*

**THE AUSTRALIAN WORKERS' UNION
19 OCTOBER 2022**