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Sent: Thursday, 18 August 2022 3:23 PM

To: AMOD <AMOD@fwc.gov.au>

Subject: C2019/5259 Review of certain C14 rates in modern awards

Dear Registrar

C2019/5259 Review of certain C14 rates in modern awards

I refer to the above matter.

Please find attached* for filing an initial outline of the United Worker's Union's position in relation to this review, pursuant to the directions issued on 29 July 2022.

Yours faithfully

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IN THE FAIR WORK COMMISSION

Matter No: C2019/5259

Review of certain C14 rates in modern awards

INITIAL OUTLINE OF POSITION OF THE UNITED WORKERS UNION

Introduction

1. On 27 July 2022 the Fair Work Commission (**FWC**) issued a statement confirming its intention to refer a review into certain C14 rates in modern awards to the Full Bench pursuant to s 157 of the *Fair Work Act 2009* (**the FW Act**).
2. The United Workers Union (UWU) has an interest in the following modern awards being referred for review:
 - (a) *Oil Refining and Manufacturing Award 2020*
 - (b) *Dry Cleaning and Laundry Industry Award 2020*
 - (c) *Funeral Industry Award 2020*
3. Directions issued by the FWC on 29 July 2022 invited interested parties to file a written outline of their position in relation to the proposed review.

Oil Refining and Manufacturing Award 2020

4. UWU have identified the following classification at the National Minimum Wage (**NMW**):
 - (a) Lubricants/bitumen plants and terminals – Trainee (Level 1)

Lodged by

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5. UWU agree with the position contained in the Australian Workers' Union (**AWU**)'s *Initial Outline of Position* in relation to this classification.

Dry Cleaning and Laundry Industry Award 2020

6. UWU have identified the following classification at the NMW:
 - (a) Dry cleaning employee Level 1
7. Dry cleaning employee Level 1 is defined as, "An employee who is below the level of a tradesperson dry cleaner and is not within Levels 2 to 4".
8. It is conceivable from this definition that an employee may remain at the NMW rate indefinitely. No transitional arrangement from the NMW level to a higher level is provided for under the *Dry Cleaning and Laundry Industry Award 2020*.
9. The Dry cleaning employee Level 1 classification does not provide a fair and relevant safety net where employees may remain indefinitely at the NMW level with no pathway for transition. UWU supports a review of this classification.

Funeral Industry Award 2020

10. UWU have identified the following classification at the NMW:
 - (a) Grade 1
11. Grade 1 is defined under the *Funeral Industry Award 2020* as a funeral director's assistant, a coffin draper, or an "adult employee not mentioned elsewhere in any of Grades 2 to 6".
12. The *Funeral Industry Award 2020* does not provide for any transitional arrangement or timeframe through which an employee at the Grade 1 level may transition to a higher level beyond the NMW.

13. An employee employed as a funeral director's assistant, coffin draper or other role not meeting the definition of another grade may remain at the NMW rate indefinitely under the current scheme.

14. The *Funeral Industry Award 2020* - Grade 1 does not provide a fair and relevant safety net where employees may remain indefinitely at the NMW level with no pathway for transition. UWU supports a review of this classification.



Claire Gray-Starcevic

Industrial Officer

**Filed on behalf of the
United Workers Union
18 August 2022**