

Section 157 proceeding

Wage rates and classifications - undergraduate qualifications

SUBMISSIONS OF THE ACTU

1. These submissions are made in response to the Statement¹ published by the President on 27 August 2019 and in particular the issues raised in paragraphs [13] and [17] thereof.

Provisional view

2. We support the conduct of a proceeding, by a Full Bench, which reviews the relativity and rates of pay for work classifications in modern awards which are associated with degree level qualifications. We have assumed that the references in the Statement to “undergraduate qualifications” is intended to capture degree level qualifications.
3. Our affiliates are considering the accuracy of the list of modern awards that was included as Attachment 1 to the President’s Statement, and will inform the Commission of any concerns. We concur that the proceeding proposed by the President is likely to be conducted more efficiently if a priority group of modern awards is dealt with in the first instance.
4. Without wishing to pre-empt any further comments that may be advanced by our affiliates regarding the modern awards to be considered or the priority with which they should be dealt with, we support the submission of Professionals Australia that the *Professional Employees Award* form part of the priority list.
5. We are of the view that is prudent to await the outcome of the work value matter in respect of the *Educational Services (Teachers) Award* before embarking on the substance of the

¹ [2019] FWC 5934

proceeding contemplated in the Statement. However, we also consider it appropriate that the Full Bench determining claim by Professional Australia in respect of the *Pharmacy Award* be permitted to finalise that matter. The first Directions in respect of that claim were issued 3 years ago and considerable effort has gone towards advancing it before the Full Bench since that time. The Statement provides no clear pathway to the prompt conclusion of the matter concerning the *Pharmacy Award*.

6. The contemplated proceedings concerning the modern awards listed at Attachment A of the Statement (or some variant of that list) would be valuably informed by the outcome in the proceedings concerning the *Pharmacy Award*. The real utility of the present Reference by the Full Bench in the Pharmacy matter to the President lay in establishing a mechanism to ensure that the issue of significance concerning alignment or relativity was fully explored in all modern awards where it arose. It is not necessary or desirable to delay an outcome in respect of the *Pharmacy Award* to enable that to occur.

Australian Council of Trade Unions