

IN THE FAIR WORK COMMISSION

Matter No.: AM2014/203 Graphic Arts, Printing and Publishing Award 2010
Re Application by: "Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union" known as the Australian Manufacturing Workers' Union (AMWU)



Graphic Arts, Printing and Publishing Award 2010

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 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.

Lodged by: Abha Devasia

AMWU National Research Centre

Address for Service: Level 3, 133
Parramatta Rd, Granville NSW 2142

Telephone: +61 2 8868 1540

Email: abha.devasia@amwu.org.au

1. The Australian Manufacturing Workers Union (AMWU) makes the following further submissions to the Fair Work Commission in accordance to the directions issued by Deputy President Gostencnik on 20 August 2018. This submission responds to matters raised in the submission of Australian Industry Group (AiG) dated 15 October 2018 in respect of the AMWU's claim as part of the 4-yearly review of the modern awards to update Schedule C (the Schedule C competencies) of the Graphics and Printing Industry Award 2010.
2. In reply to the AiG's submission on matters of the statutory framework, the Commission's general approach to the 4 yearly review, the AMWU relies on its submissions published by the Commission on the 17th September 2018 ¹at paragraphs [9-12] and paragraphs [53-69].

The purpose of Schedule C

3. The AiG's submission that a variation to the competency schedule will lead to changes in the classification structure and wage increases should be rejected. The assertions are made without any evidence that such an outcome will be a consequence.
4. The variation sought by the AMWU works within the existing framework of the Award, specifically the operation of clause 23.4 of the Award and clause 23.7 and of the Award as addressed at paragraph 43-45 of the AMWU's submissions.
5. Clause 23.7 of the Award states as follows:

23.7 Dealing with classification disputes

The competencies set out in are aligned to the units of competency in the Printing and Graphic Arts Training Package (ICP05). In the event of a dispute over the meaning of the competencies, the relevant competency standard from ICP05 will be used for interpretation.

6. The clause operates to allow employees and employers, in event of disputation as to the classification of the employee, to use the skills listed in the Schedule C

¹ <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/am201633-sub-amwu-160918.pdf>

competencies to effectively plot what the appropriate classification of the employee is. Conversely, an employer may use the Schedule C competencies to map the skills develop the skills profile for a job so that any disputes may be circumvented, and the appropriately skilled worker found for the job.

7. The AMWU does not seek to transplant the entirety of the current of the training package, ICP v2.0 2 into the Schedule. The units of competency (UoC) provided in the AMWU draft determination on 24 April 2018 are a bespoke selection from the training package that reflects the skills are in the current Schedule C. It is an appropriate reflection of what is in Award now. This was identified and tracked in a complimentary document provided alongside the draft determination, the “*comparison document*”. This document identified the UoC’s in their evolved form.
8. The UoC’s identify elements of skill and performance criteria necessary to perform the range of jobs in the industry, and by extension in workplaces. The use of the points system must be viewed in the context of clause 23.7 noted above. It is an objective tool to flesh out the classification system in the event of a dispute about classification. The clause is likely to be utilised at the stage in the dispute when the classifications in Schedule B and clause 17 are not able to resolve the dispute.
9. Clause 23.4 of the Award states as follows (emphasis added):

23.4 Classification of employees without a formal AQF qualification

- (a) *Subject to this clause, employees will be classified, as determined by the employer, on the following basis:*
 - (i) *that they meet the requirements of the classification definitions in; or*
 - (ii) *that they meet the points requirements set out in Table A of clause.*
- (b) *Should there be any disagreement in relation to classification or reclassification, the method in clause 1.1(a)(ii) will be used in accordance with clause*
- (c) *Only skills and knowledge which are being used in accordance with the needs of the enterprise will be taken into account for classification purposes.*

² AMWU Submissions at paragraph 33

10. The employer will determine the level at which the employee is classified at, a prerogative to the employer that allows for the dispute resolution system to be used in an equitable manner.

11. Further, the rationale of the clause is to provide a methodology for those employees who may not have formal AQF qualifications. The competencies in Schedule C are linked to the classification structure of the Award through a points system in the fifth column of the Table A at 17.3 of the Award as follows:

17.3

<i>Employee classification Level</i>	<i>Minimum weekly wage rate</i>	<i>Minimum hourly wage rate</i>	<i>Alignment to qualification from the Printing and Graphic Arts Training Package</i>	<i>Equivalent points range for the Level</i>
	\$	\$		
<i>Level 1</i>	<i>719.20</i>	<i>18.93</i>		<i>Entry Level</i>
<i>Level 2</i>	<i>739.90</i>	<i>19.47</i>		<i>6</i>
<i>Level 3</i>	<i>768.30</i>	<i>20.22</i>		<i>18</i>
<i>Level 4</i>	<i>794.70</i>	<i>20.91</i>	<i>Certificate II</i>	<i>28</i>
<i>Level 5</i>	<i>837.40</i>	<i>22.04</i>	<i>Trade Certificate/ Certificate III</i>	<i>41 (including at least 5 units of 3 or more points)</i>
<i>Level 6</i>	<i>863.60</i>	<i>22.73</i>		<i>51 (including at least 5 units of 3 or more and 2 units of 4 or more points)</i>
<i>Level 7</i>	<i>889.90</i>	<i>23.42</i>		<i>61 (including at least 5 units of 3 or more points and 4 units of 4 or more points)</i>
<i>Level 8</i>	<i>913.70</i>	<i>24.04</i>	<i>Certificate IV (except as set out in clause 1.2)</i>	<i>71 (including at least 6 units of 4 or more points)</i>

1.2 *The following qualifications are excluded from clauses*

- (a)** *ICP40704—Certificate IV in Printing and Graphic Arts (Management Sales); and*
- (b)** *ICP40804—Certificate IV in Printing and Graphic Arts (Process Leadership).*

12. The points system assigned to the fifth column are the minimum industry training requirements and are the point to entry into the classifications system. The points are appropriate in the Award for those workers who may have low levels of formal

training, providing for progression based on the achievement of a qualification or the acquisition of competencies. It also provides a clear path for employer to fix their employees classifications where there are no formal qualifications to refer to.

13. The points system builds an equivalence to the requirements contained within the industry's formal qualifications and allows the classification of employees be better articulated than just the indicative tasks in the classification at Schedule B of the award. It works to make the classifications system more robust and precise and provides crucial protection to those employees who may not be formally qualified.
14. Contrary to what AIG contend in their submissions, that the removal of the points system ***“would significantly reduce the complexity of the Graphic Arts Award and ensure that employers able to properly understand and implement the classification and wage rates”***³, the points system provide a more precise pathway by which to resolve classification disputes than by the wording in the classifications only. It enlivens the classifications description and recognises the acquisition of skills and the work being done.
15. For those employees who do not have a formal qualification, clause 23.4 provides a transparent mechanism by which their relevant classification can be measured and determined. This is also pertinent for those workers who may be doing the same job, at the same workplace, where one is formally qualified, and the other is not. The classification structure applicable may not properly reflect all levels of skill. The AiG's proposal to remove the schedule and clause 23.4 would leave employees without formal qualifications in an unfair position and may lead to more disputation.
16. Indeed, as Senior Deputy Marsh noted in the decision inserting the current schedule and its associated clauses,

“[254] Both the AMWU and the AiG submitted that the points system was necessary for the resolution through the dispute settling procedure because it provides more precision than looking at the classification definitions alone.

³ AiG Submissions 15thOctober 2018, para 147-149

AIG submitted the training package contained standards which provide guidance on assessment and overcome potential claims from militant employees”⁴

17. C.1 - C.4 of the Schedule in the Award state the following:

C.1 This Schedule contains two parts: Part A sets out the sectors of the industry in which employees are generally employed; Part B sets out support competencies which may be relevant to employees working in various sectors of the industry.

C.2 The following competencies are aligned to the units of competency in the Printing and Graphic Arts Training Package (ICP05). In the event of a dispute over the meaning of the competencies, the relevant competency standard from ICP05 will apply.

C.3 There will be no double-counting of competencies which an employee possesses. In some cases, two or more competency units deal with relatively similar competencies and it would be inappropriate to take into account the points for each competency for classification purposes. Any dispute regarding the allocation of units will be dealt with through clause 0 and reference to the rules contained within the Training Package.

*C.4 The inclusion of particular competencies within **Error! Reference source not found.** or the recognition of particular qualifications within the award, will not vary the coverage of the award beyond that set out in clause.*

Clause C.4 of the Schedule was inserted into the Award to ensure that the coverage of the Award was limited to those set out in the award at clause 4. The AMWU’s variation does not seek to disturb this and continues the balanced framework of employer and employee interests.

Conclusion

18. The updated schedule C competencies proposed by the AMWU balances the needs of both the employees and the employer covered by the Graphic Arts Award in solving disputes about classification.
19. The variation sought is consistent with the modern award objectives such that updated schedule C will ensure a fair and relevant minimum safety net.
20. The AiG proposal to vary the award should be rejected.

⁴ PR964271 October 2005 Decision of SDP Marsh