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IN THE FAIR WORK COMMISSION

Matter No: C2019/5255

Matter: Section 157 Proceeding

Submission of the “Automotive, Food, Metals, Engineering Printing and Kindred Industries Union” known as the Australian Manufacturing Workers’ Union

1. On 27 August 2019, the Fair Work Commission (the **Commission**) issued a [Statement](#)¹ regarding a perceived lack of alignment in relativities between classifications requiring undergraduate qualifications under a number of Modern Awards and classifications with equivalent qualifications set out in the *Manufacturing and Associated Industries and Occupations Award 2010* (the **Manufacturing Award**).
2. This Statement was responsive to findings summarised in a [Decision](#)² of a Full Bench of the Commission regarding a work value claim made by the Association of Professional Engineers, Scientists and Managers Australia (APESMA) in respect of its members covered by the *Pharmacy Industry Award 2010* (the **Pharmacy Award**).
3. The Commission expressed a provisional view at paragraph [13] of the Statement and sought that interested parties respond to the following matters:
 - a. the Provisional view expressed by the Commission;
 - b. the accuracy of the list of Awards at Attachment A of the Statement and whether the AMWU has an interest in other awards that should be a part of this list;

¹ Section 157 proceeding [2019] FWC 3954.

² 4 Yearly Review of Modern Awards – Pharmacy Industry Award [2019] FWCFB 3949 at [1].

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- c. whether the Full Bench should consider additional awards as part of the priority group; and
 - d. whether a hearing is required to resolve the above matters.
4. The AMWU addresses each of these points in turn below.

The provisional view expressed by the Commission

5. The AMWU thanks the Commission for the opportunity to provide a response to the Commission's provisional view.
6. In a [Decision](#) issued on 14 December 2018 regarding APESMA's work value claim in respect of the Pharmacy Award, a Full Bench of the Commission conveniently set out the development of the approach of the Commission and its predecessor tribunals in respect of work value claims and the relevance of the comparator classifications in other Awards.³
7. That history identifies that the use and development of the classification structure in the Manufacturing Award and its predecessor as a comparator has been a cornerstone of the determination of properly fixed minimum rates of pay under the industrial relations system in for a significant period.
8. While not opposed to the review in principle, the AMWU has a significant interest in the Manufacturing Award and respectfully cautions against reactive or drastic changes.
9. The proposed review has partly been brought on due to concerns that the relativities in the Pharmacy Award do not consistently relate to the Australian Qualifications Framework (AQF) and its ranking of educational qualifications above the completion of the Senior Secondary Certificate of Education.⁴

³ *Ibid.* at [131]-[162].

⁴ *Ibid.* at [195]-[198].

10. The AQF is currently the subject of a review, which is due to complete very shortly.⁵ For the avoidance of doubt, the parties should be given the opportunity to consider the outcome of that review prior to the commencement of the proposed review.
11. Subject to the following comments, the AMWU submits that it is appropriate that the proposed review of the priority awards takes place after the outcome of the Independent Education Union's application in relation to the *Educational Service (Teachers) Award 2010*.
12. The AMWU is also aware that considerable resources have been expended by all parties in relation to the work value claim made by APESMA. The AMWU also considers that the parties in this matter will be assisted by the findings of the Bench in the determination of that matter.
13. In those circumstances, the AMWU submits that the Commission give consideration to delaying the review of the four priority awards until after APESMA's application has been determined.

The accuracy of the list of awards at Attachment A of the Statement and whether the AMWU has an interest in other awards that should be part of the list

14. The AMWU has not identified any inaccuracy in the list of awards set out at Attachment A of the Statement.
15. The AMWU has reviewed Modern Awards in which it has an interest and has not identified any other Awards which it considers should be included in the list at Attachment A of the Statement.

Whether the Full Bench should consider additional awards as part of the priority group.

⁵ Commonwealth Department of Education, *Australian Qualifications Framework Review* (Web page, accessed 20 September 2019) <https://www.education.gov.au/australian-qualifications-framework-review-0>.

16. The AMWU has reviewed the Modern Awards in which it has an interest and submits that is not necessary for other Awards be considered as part of the priority group.

Whether a hearing is required on the above matters

17. The AMWU does not consider a hearing is necessary to resolve the above matters.

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19 September 2019

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National Research Officer

19 September 2019