

## IN THE FAIR WORK COMMISSION

**Matter Number:** AM2014/268



### Reply submissions of the AMWU

**AM2014/268**

**4 Yearly Review of Modern Awards**

**Food, Beverage and Tobacco Manufacturing Award 2010**

#### **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:** Hugh Arjonilla

AMWU National Research Centre

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

Telephone: +61 2 8868 1500

Fax: +61 2 9897 9275

Email: [hugh.arjonilla@amwu.asn.au](mailto:hugh.arjonilla@amwu.asn.au)

**A. General Observations**

1. This submission addresses matters arising in the submissions on drafting and technical matters filed in this matter by United Voice (UV), The Australian Workers' Union (AWU), the Australian Industry Group (AiG), the Australian Federation of Employers and Industry (AFEI) and Business SA (BSA).

**B. Drafting and Technical Matters**

Union submissions

2. The AMWU supports the submissions of UV filed 16 December 2016, although the AMWU maintains its view that the appropriate comparison for the purpose of clause 24 of the exposure draft is a daily one.
3. The AMWU supports the submissions of the AWU filed 20 January 2017.

BSA submissions

4. Our response to the submissions filed by BSA, with reference to paragraph numbers, is as follows:
  - i. [3.1] – we submit that it would be appropriate to await the outcome of the proceedings in matter AM2014/75.
  - ii. [3.2] – we not oppose the submission in relation to clause 7.2(a).
  - iii. [3.3] – we will seek to make submissions on this matter following the outcome of the proceedings in matter AM2014/197.
  - iv. [3.4] – We submit that a definition of shift worker is unnecessary.
  - v. [3.5] – We agree that the figure should be \$15.67.
  - vi. [3.6] – We support a general reconsideration of the drafting of clause 20.
  - vii. [3.7] – We disagree and submit that the comparison should be a daily one.

AFEI submissions

5. Our response to the submissions filed by AFEI, with reference to paragraphs numbers, is as follows:
  - i. [25]-[26] – we submit that it would be appropriate to await the outcome of the proceedings in matter AM2014/75.
  - ii. [27] – We do not oppose the inclusion of extra rates as a stand alone clause.
  - iii. [28] – We do not oppose the proposed alteration.

- iv. [29] – We do not support retention of the Clause 33.1(d) of the Present Award but do not oppose an amendment to Exposure Draft Clause 22.2(b)(ii) in the terms sought by AFEI.
- v. [30] – The typographical error should be remedied.

AiG submissions

- 6. Our response to the submissions filed by AiG, with reference to paragraphs numbers, is as follows:
  - i. [139] – [155] – We submit that it would be appropriate to await the outcome of the proceedings in matter AM2014/75.
  - ii. [145-146] – The variation is opposed. The present definition is simple and easy to understand and consistent with the Full Bench’s previous decision.
  - iii. [147] – We support the submission.
  - iv. [148-151] - The provisions are facilitative in nature and should be retained in the list of facilitative provisions.
  - v. [152]- [157] – the various drafting variations are appropriate and not opposed.
  - vi. [158-159] – We oppose the replacement of the words “ordinary hourly rate” with “minimum hourly rate” on the grounds it would not include all purpose allowances in the calculation of the casual loading.
  - vii. [160] - [161] - We submit that it would be appropriate to await the outcome of the proceedings in matter AM2014/197.
  - viii. [162] – [163] – We submit that the clause can be retained, but that clarification of the relevant provisions is necessary.
  - ix. [164]-[169] – the various drafting variations are appropriate and not opposed.
  - x. [170] - The alteration would not be opposed if the word “any” was inserted following “or soiling of...”.
  - xi. [171]-[173] – The proposed alteration is opposed on the basis that the exposure draft clause is clear.
  - xii. [174]-[176] – The submission is not opposed.
  - xiii. [177]-[178] – The submission is opposed because the exposure draft clause is simple and easy to understand.

- xiv. [179]-[181] – The submissions is opposed because the exposure draft clause is simple and easy to understand.
- xv. [182]-[183] – The submission is not opposed because the decision of the Commission should be reflected in the Exposure Draft.
- xvi. [184]-[185] – the various drafting variations are appropriate and not opposed.
- xvii. [186] – We are not opposed to uniformity of definition, but oppose the definition advanced.
- xviii. [187] – we are opposed to the submission as the second column makes the table easier to understand.
- xix. [188] - We are not opposed to uniformity of definition, but oppose the definition advanced.
- xx. [189] - we are opposed to the submission as the second column makes the table easier to understand.

**Australian Manufacturing Workers' Union**  
**22 February 2017**