

**FAIR WORK COMMISSION**

**4 YEARLY REVIEW OF MODERN AWARDS**

**AM2014/67 - BLACK COAL MINING INDUSTRY AWARD 2010**

**SUBMISSION BY THE CONSTRUCTION, FORESTRY, MINING AND ENERGY  
UNION, MINING AND ENERGY DIVISION (CFMEU)**

**EXPOSURE DRAFT - JUNE 2017**

1. With respect to the Exposure Draft and the accompanying "Summary of Submissions on Revised Exposure Draft", the CFMEU makes the following response.

**Overtime - six and seven day shiftworkers**

2. At paragraphs 4 to 9 of the CFMEU submission, dated 3 December 2015, the CFMEU sought to vary clause 14.3 of the exposure draft for the reasons set out therein.
3. The CFMEU also sought a further variation to that clause in a submission to the FWC dated 16 June 2016 (with an accompanying submission on 17 June 2016).
4. This variation has not been included in the latest exposure draft.
5. The CFMEU continues to press the matter.
6. It is noted that the Coal Mining Industry Employer Group confines any opposition to the variation as it relates to public holidays (CMIEG submission, 22 January 2016, para. 28), as does the AiGroup (submission, 7 December 2016, para. 16-17).

**Public Holidays**

7. The AiGroup has sought to vary the Black Coal Mining Industry Award 2010 ('Award') regarding the payment of shift allowances when ordinary hours are worked on a public holiday.
8. The CFMEU is opposed to any such variation.
9. To our knowledge this remains outstanding.
10. The resolution of this matter has consequential effects on other provisions in the Award, such as the overtime for six and seven day

shift workers as mentioned above and the summaries of hourly rates of pay schedules.

**Clause 13.3 - Change of shift for permanent day workers**

11. In a submission dated 16 June 2016, the CFMEU (pp. 3-4) sought two variations to clause 22.3.
12. The first variation is a consequential variation to an earlier change and the second variation is for reasons of clarity.
13. The CFMEU continues to press these variations.

**Summary of Hourly Rates of Pay**

14. In submissions dated 3 December 2015 (paras. 10 - 14) and 16 June 2016 (page 3), the CFMEU identified a number of payments that should be included in any summary of hourly rates of pay.
15. These included payment when an afternoon or night shift is worked on a Saturday or Sunday, payment when working afternoon or night shift on a public holiday and overtime payment for 6 and 7 day shiftworkers.
16. The CFMEU continues to press these variations.

**Other issues**

17. It is noted that there are some outstanding issues being dealt with as part of the common issues.

Construction, Forestry, Mining and Energy Union  
Mining and Energy Division  
30 June 2017