



AM2014/75

**Review of the Manufacturing and Associated
Industries and Occupations Award 2010**

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COVER SHEET

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1. This submission is made pursuant to the Commission’s decision of 9 June 2017 at [2017] FWCFB3177 and the release of the Exposure Draft of the Manufacturing and Associated Industries and Occupations Award 2016 (the Manufacturing Award) dated 13 June 2017.

2. The attached table identifies the AMWU’s comments regarding the exposure draft.

3. In addition to the matters identified in the attached table there are several matters which remain outstanding including:

3.1 **Spread of Hours-** the Union’s submission¹ regarding outstanding issues following the 23 October 2015 Groups 1C-E Full Bench decision² identified that the spread of hours facilitative provision remained outstanding. This remains the case. The Commission has determined:

“The issue will be reconsidered at the conclusion of the Award stage of the Review, together with any other award provisions where a similar issue has arisen.”³

3.2 **Exclusion of casuals from rest break-** the 23 October 2015 decision also determined that the exclusion of casuals from a rest break following overtime would be referred to the Casual and Part-time Employment Full Bench (AM2014/196 and 197)⁴. The Full Bench did not determine this matter in its recent decision⁵ and consequently the issue of exclusion remains outstanding.

3.3 **Group 3 decision –** The Commission’s 4 yearly review of modern awards -Group 3 Awards decision identified a range of matters that

¹ <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/am201475-sub-amwu-161115.pdf>; paragraphs 3-4, 16 November 2015

² [2015] FWCFB 7235; refer paragraph 159

³ *ibid*

⁴ *ibid* at paragraph 108.

⁵ [2017]FWCFB 3541

could impact on other awards⁶. The AMWU is considering those matters including the issue of “ordinary hourly rate” and will respond pursuant to the Commission’s directions⁷.

3.4 **Consolidation of Vehicle Manufacturing**- the AMWU and AIG continue to work through the consolidation of vehicle manufacturing provisions from the Vehicle Manufacturing, repair, Services and Retail Award 2010 (Vehicle Manufacturing) into the Manufacturing Award. At this stage the parties’ proposals contain a significant redrafting of the exposure draft. The parties will need sufficient time when the consolidated draft is released to recheck the Manufacturing Award as the redrafting may well create further drafting and technical issues. For this reason our submission may not include all current issues arising from the 13 June exposure draft.

3.5 **National Training Wage (NTW)** – specific provisions for inclusion of NTW remain outstanding⁸.

4. We have read the submission of the CFMEU dated 30 June 2017 in this matter and generally support their comments regarding the issues identified. With regard to the nomenclature of the relevant industry skills body the AMWU prefers to replace references to “MSA” and “Manufacturing Skills Australia” with a reference to the relevant industry committee, which is currently the *Manufacturing and Engineering Industry Reference Committee (MEIRC)*.

5. Clauses containing reference to “MSA” or “Manufacturing Skills Australia” or “Manufacturing Skills Council include:

Manufacturing Skills Council

19.1(c) – x1

19.1(e) – x2

⁶ [2017]FWCFB 3433 at section 3, paragraph 320.

⁷ *Ibid*, at 362.

⁸ [2017] FWCFB 3349 at paragraph 9.

MSA

16.4(c)(i)

Manufacturing Skills Australia

7.4 – x1

7.5(b) – x1

7.5(c) – x1

7.8(c) – x1

9.2(a)(v) – x1

15.4(c)(ii) – x1

15.4(c)(v) – dot point 2 – x2

A.3.1(a)(i) dot point 1 – x2

A.3.1(a)(ii) – x1

Definition of ‘**metal and engineering competency standards**’ – x1

**Manufacturing and Associated Industries and Occupations Award
2010 (Manufacturing Award) - AMWU Response to Exposure Draft of
13 June 2017**

	Clause Number	Issue	Proposal
1	13.5(d)	Ordinary Hours of Work- non continuous shift workers. The addition of a reference to Clause 41.2 consultation should be included at Clause 13.5(d) consistent with the decision of the Commission regarding day work and continuous shift work. ⁹	Add to the end of Clause 13.5(d) “Any change to rosters or hours of work is subject to the consultative provisions in Clause 41.2”
2	13.6(d)	Ordinary Hours of Work- other than continuous work shifts- employees engaged in vehicle manufacturing. The structure of the Award in relation to the consolidation of vehicle manufacturing provisions is ongoing. Where relevant and at the appropriate time the inclusion of the reference to vehicle manufacturing hours of work provisions being subject to clause 41.2 will be required.	Insert reference to consultation clause 41.2 within the range of relevant vehicle manufacturing hours of work provisions.
3	24	Payment of Wages- this clause is the subject of submissions in AM2016/8.	Await outcome in AM2016/8 and then consider application of model course in context of the Manufacturing Award.
4	29.1(b)	The reference to clause 29.2 highlighted at the beginning of clause 29.1(b) is incorrect. Clause 29.1(b) establishes public holiday rates for day workers working ordinary hours on a public holiday. Clause 29.2 relates to rates for shiftworkers.	Remove highlighted text in clause 29.1(b)
5	31.13(b)	Exclusion of casuals from rest break- refer paragraph 3.2 above.	The Full bench in AM2016 and AM2017 decide the matter or it be referred back to AM2014/75 for

⁹ [2017] FWCFB 3177 @ 12 and 15

			determination.
6	31.9	TOIL- The model TOIL clause has been included at Clause 31.9. The existing TOIL clause subsumed by the model clause remains in the exposure draft at 31.8. ¹⁰	Delete Clause 31.8 and renumber
7	32.1 and 6.4(b)(iv)	Annual leave – clause 32.1 states that annual leave does not apply to casual employees. The parties have agreed that this clause will apply to employees currently covered by the Manufacturing Award and those Vehicle Manufacturing employees who the Award will cover. Casuals in the technical field in the Vehicle Manufacturing Award receive annual leave (refer clause 6.4(b)(iv))	Draft appropriate amendment when the form of the consolidated Manufacturing Award is established.
8	Schedule C.1.1 and C.1.2	The Table heading in column 2 refers to “% of minimum ordinary hourly rate/minimum casual ordinary hourly rate”. There is no “minimum ordinary hourly” rate defined in the Award ¹¹ . Consistent with earlier decisions ¹² of the Commission the reference to “minimum” should be deleted. Attachment B, Schedule C.1.1 and C.1.2 to the Commission’s decision of 9 June 2017 ¹³ reflects the appropriate heading.	The heading in the Table at Schedule C.1.1 and C.1.2, Column 2 be amended to read “% of ordinary hourly rate/casual ordinary hourly rate”

¹⁰ See draft determination @ <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/common/ma000010-flex-draft-det.pdf>

¹¹ Exposure Draft Manufacturing and Associated Industries and Occupations Award 2016- Schedule I; 13 June, 2017

¹² [2015] FWCFB4658 @ 43-44

¹³ Ibid