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AM2020/12 – Variation of awards on the initiative of the Commission

1. These are the AMWU's submissions in respect of the Statement¹ issued by the Commission on 1 April 2020.
2. In that statement, the Full Bench sets out its preliminary view that a Schedule be included in a list of Phase 1 Awards to:
 - a. include a new entitlement of up to two weeks' unpaid pandemic leave; and
 - b. provide for the taking of twice the amount of annual leave on half pay, subject to agreement between an employee and employer.
3. The AMWU has an interest in a number of Awards included in the list of Phase 1 Awards including the:
 - a. *Airline Operations Ground Staff Award 2010*;
 - b. *Architects Award 2010*;
 - c. *Food, Beverage and Tobacco Manufacturing Award 2010*;
 - d. *Graphic Arts, Printing and Publishing Award 2010*;
 - e. *Manufacturing and Associated Industries and Occupations Award 2010*;
 - f. *Rail Industry Award 2010*;
 - g. *Seafood Processing Award 2010*;
 - h. *Storage Services and Wholesale Award 2010*;
 - i. *Sugar Industry Award 2010*;
 - j. *Vehicle Manufacturing, Repair, Services and Retail Award 2010*; and
 - k. *Waste Management Award 2010*.

¹ *Variation of awards on the initiative of the Commission* [2020] FWCFB 1760

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4. The AMWU takes the opportunity to note the particular vulnerability of casual employees, who do not have an enforceable expectation of ongoing work. The AMWU considers that some further protections of casual employees are necessary to achieve the modern awards' objective in the near future.
5. The AMWU has successfully advocated for paid pandemic leave in a number of its members' workplaces. The AMWU notes the comments of the Bench that it does not intend the proposed amendments to interfere in these arrangements. The AMWU considers that, in a rapidly changing industrial environment, the provision of paid leave to some or all employees may become necessary to achieve the modern awards objective in the near future.
6. However, in respect of the entitlement to unpaid pandemic leave, the AMWU notes the intention of the Bench to provide employees with:
 - a. an enforceable entitlement to employees to be absent where self isolation is necessary; and
 - b. accompanying protections from adverse action and coercion under the *Fair Work Act 2009* (the "FW Act"), when exercising this entitlement.
7. In those circumstances, the AMWU supports the provisional view of the Full Bench that:
 - a. the schedule may be included in a modern award pursuant to ss 136(1)(a), (c) and 139(1)(h) of the FW Act; and
 - b. the inclusion of the schedule is necessary to achieve the modern award objective.

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6 APRIL 2020