



Monday 27<sup>th</sup> July 2020

Justice Iain Ross, AO  
President  
Fair Work Commission  
PO Box 1994  
Melbourne VIC 3001

By email: [chambers.ross@fwc.gov.au](mailto:chambers.ross@fwc.gov.au)  
[amod@fwc.gov.au](mailto:amod@fwc.gov.au)

Dear Justice Ross,

**AM2020/86 – Application by the AMWU to vary the Gaphic Arts, Printing and Publishing Award 2020 and or.**

1. This submission is made by The Real Media Collective (“**TRMC**”) following the abovementioned application and related decision of the Full Bench ([2020] FWCFB 3897) issued on 24 July 2020.
2. This submission relates specifically to the Graphic Arts, Printing and Publishing Award 2010 (the “**GAPPA**”).

**The Real Media Collective and the industry**

3. TRMC is an industry association representing the collective interests of companies in the paper, print, publishing/media, mail, packaging, graphics, and related distribution sectors across Australia and New Zealand. Our membership encompasses both large and small businesses within the sector.
4. Our industry is the largest manufacturing employer in the country providing critical communication products and services to ensure our country operates well. Businesses within the printing, publishing, media, communications, advertising, marketing, graphic arts, mail and distribution, related IT businesses, along with supplier and related businesses are part of a national industry that employs over 250,000 individuals.
5. Our member base and the broader industry provide critical services to the community – news, media and information services, printed medical labelling and packaging, Government notices and communications, magazine publications providing in-home media and community notices, signage to advise public health and other notices to the public, food labelling and packaging, toiletries, transactional mail and postal services, finance and insurance notices and more.

6. Further, our members are producers of masks, safety screens and other products used by various sectors to reduce the impact and possible spread of COVID-19 in workplaces.

### **Response to provisional views of the Full Bench**

#### *Retrospectivity issue*

7. The “Schedule X” previously inserted into the GAPP, and as a result of the decision of the Full Bench ([2020] FWCFB 1837) and related determination (PR718141), contained an operative end date of 30 June 2020.
8. Given the subject matter of the application, and upon an application of section 165 of the *Fair Work Act* 2009, TRMC supports the provisional view of the Full Bench that it is not empowered to make the retrospective variation to the GAPP of the kind sought by the AMWU in their application.

#### *Resinstatement of Schedule X*

9. In our previous submission (6 April 2020) to the Full Bench on this issue, TRMC stated its support for the Full Bench provisional view that the GAPP and other industry related Awards be varied to include the proposed model clause – “Schedule X”, relating to unpaid pandemic leave and the ability of employees and employers to agree to an employee taking annual leave at half pay, for the period ending 30 June 2020 ([2020] FWCB 1837).
10. Again, TRMC supports the provisional view of the Full Bench that Schedule X be reinstated in the GAPP for the period from the date of any related decision until the proposed end operative date of 30 September 2020.
11. In line with our previous and currently stated views on the inclusion of Schedule X, we welcome appropriate and cooperative steps that offer assistance to both employees and businesses to overcome or ameliorate any detrimental impacts of COVID-19.

### **Response to the AMWU submissions**

12. Although we support the provisional views of the Full Bench, and do not oppose the application other than in relation to the date of commencement of any such variation, we nevertheless feel it necessary to respond to certain elements of the AMWUs’ submissions in their application to provide clarity from an industry perspective.
13. Although there has been an increased number of COVID-19 cases, particularly in Victoria and to a lesser degree in NSW, our industry is not and has not been determined to be a high-risk industry. No government health agency at a federal,

state, or territory level view our industry as having high-risk workplaces. Further, we are regularly in contact with federal, state and territory governments and health agencies to inform them of current industry conditions and confirm the ongoing low risk status and essential nature of the industry.

*Steps by the industry to remain low risk*

14. Employers within our industry, on a national basis, have taken appropriate steps to minimise possible employee exposure to COVID-19 in the workplace. There is no public access to production sites, administration and sales personnel are generally operating under work from home arrangements and production areas are well ventilated, utilise appropriate PPE where required, and have well-separated personnel stations to create physical distancing.
  
15. As a collective industry we have unilaterally implemented strong safety measures to protect our employees. From industry engagement on a national basis we have developed Printing and Distribution Protocols to which our members, and those from several other industry bodies and organisations, have agreed full compliance. Additionally, Australia Post and the Distribution Standards Board support and are signatories to these protocols. Such measures continue to be adapted to stay in line with government health directives.

**Requirement for a hearing**

16. TRMC does not propose or request a hearing on the matter, however would seek to participate if one does need to occur.

Should the Commission require any further information or assistance on this matter please contact Charles Watson, at [charles@thermc.com.au](mailto:charles@thermc.com.au) or via mobile 0428 568 032.

Yours sincerely,



**Charles Watson**

GM – IR, Policy & Governance

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