

Australian Industry Group

# 4 YEARLY REVIEW OF MODERN AWARDS

Group 3 and 4 Modern Awards  
Outline of Proposed Variations

**2 MARCH 2015**

**Ai**  
GROUP

**4 YEARLY REVIEW OF MODERN AWARDS  
GROUP 3 AND 4 MODERN AWARDS  
OUTLINE OF PROPOSED VARIATIONS**

1. Ai Group has prepared this Outline of Proposed Variations for Group 3 and 4 modern awards pursuant to the Commission's Statement of 23 January 2015.<sup>1</sup>

**Group 3 and 4 Modern Awards in which Ai Group has a significant interest**

2. Ai Group has a significant interest in the following Group 3 and 4 Awards. We have a lesser interest in other Group 3 and 4 Awards. Our involvement in proceedings relating to those awards will depend upon the claims made by other interested parties and the content of the relevant exposure drafts.
3. Ai Group has a significant interest in the following awards in Group 3:

**Sub-group 3A**

- *Banking, Finance and Insurance Award 2010* (MA000019, AM2014/217)
- *Business Equipment Award 2010* (MA000021, AM2014/218)
- *Clerks Private Sector Award 2010* (MA000002, AM2014/219)
- *Commercial Sales Award 2010* (MA000083, AM2014/221)
- *Contract Call Centres Award 2010* (MA000023, AM2014/222)
- *Legal Services Award 2010* (MA000116, AM2014/233)
- *Market and Social Research Award 2010* (MA000030, AM2014/236)
- *Miscellaneous Award 2010* (MA000104, AM2014/237)

---

<sup>1</sup> [2015] FWC 618

- *Telecommunications Services Award 2010* (MA000041, AM2014/248)

### **Sub-group 3C**

- *Electrical Power Industry Award 2010* (MA000088, AM2014/226)
- *Seagoing Industry Award 2010* (MA000122, AM2014/243)

### **Sub-group 3D**

- *Horticulture Award 2010* (MA000028, AM2014/231)
- *Nursery Award 2010* (MA000033, AM2014/238)
- *Sugar Industry Award 2010* (MA000087, AM2014/247)
- *Wine Industry Award 2010* (MA000090, AM2014/249)

4. Ai Group has a significant interest in the following awards in Group 4:

### **Sub-group 4A**

- *Aged Care Award 2010* (MA000018, AM2014/251)
- *Social, Community, Home Care and Disability Services Industry Award 2010* (MA000100, AM2014/285)

### **Sub-group 4B**

- *Air Pilots Award 2010* (MA000046, AM2014/252)
- *Aircraft Cabin Crew Award 2010* (MA000047, AM2014/253)
- *Airline Operations – Ground Staff Award 2010* (MA000048, AM2014/254)

### **Sub-group 4C**

- *Food, Beverage and Tobacco Manufacturing Award 2010* (MA000073, AM2014/268)

- *Funeral Industry Award 2010* (MA000105, AM2014/269)
- *Pest Control Industry Award 2010* (MA000097, AM2014/279)
- *Professional Employees Award 2010* (MA000065, AM2014/281)
- *Water Industry Award 2010* (MA000113, AM2014/289)

#### **Sub-group 4D**

- *Broadcasting and Recorded Entertainment Award 2010* (MA000091, AM2014/259)

#### **Sub-group 4E**

- *Building and Construction General On-site Award 2010* (MA000020, AM2014/260)
- *Electrical, Electronic and Communications Contracting Industry Award 2010* (MA000025, AM2014/265)
- *Joinery and Building Trades Award 2010* (MA000029, AM2014/274)
- *Mobile Crane Hiring Award 2010* (MA000032, AM2014/278)
- *Plumbing and Fire Sprinklers Award 2010* (MA000036, AM2014/280)

#### **Sub-group 4F**

- *General Retail Industry Award 2010* (MA000004, AM2014/270)
- *Fast Food Industry Award 2010* (MA000003, AM2014/267)
- *Hospitality Industry (General) Award 2010* (MA000009, AM2014/272)

## Outline of Proposed Variations to Group 3 and 4 Modern Awards

5. Ai Group is pursuing various changes to Group 3 and 4 awards during the Common Issues proceedings. Additional award-specific proposed changes to particular awards are identified below.

### Sub-group 3D

- **Horticulture Award 2010**

#### ***Coverage***

A Full Bench decision is reserved in the matter of *Mitolo Group Pty Ltd v National Union of Workers* (C2014/7871) concerning the coverage provisions of the *Horticulture Award 2010* and the *Storage Services and Wholesale Award 2010*. Ai Group may seek changes to the coverage of the *Horticulture Award 2010* following the Full Bench's decision.

### Sub-group 4C

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

#### ***Payment on termination***

Ai Group proposes that clause 28.3 – *Payment on termination* should enable employers who pay by electronic funds transfer to pay termination monies in accordance with the employer's pay cycle.

#### ***Annual leave loading***

Ai Group proposes that clause 34.5 – *Annual leave loading* be clarified in respect of the interaction between the payment for annual leave and leave loading for shift workers receiving a shift penalty higher than 17.5%. Ai Group proposes an amendment to ensure that employers are not obliged to pay for shift loadings twice when shiftworkers take annual leave.

## Sub-group 4E

- **Building and Construction General On-site Award 2010**

### ***Trainees***

Ai Group proposes that the interaction between Clause 28 - *National Training Wages* and Schedule C – *National Training Wage* be clarified. Clause 28 provides minimum wages for civil construction and other traineeships that apply in lieu of the minimum wages provided in the National Training Wage Schedule. Further, clause 28 uses the terminology of “Skill Level A” and “Skill Level B”, which are not defined elsewhere in the Award and are terms not used in the National Training Wage Schedule.

- **Joinery and Building Trades Award 2010**

### ***Hours of Work***

Ai Group proposes more flexible and less costly hours of work and shift work provisions for this award.

## Sub-group 4F

- **Fast Food Industry Award 2010**

### ***Coverage***

Due to emerging changes in the fast food industry, Ai Group may seek a variation to the coverage of the Award to avoid potential overlap with other awards.

### ***Casual Employment***

Ai Group proposes that the minimum engagement periods for casual employees in clause 13.4 be 2 hours, instead of 3 hours.

### ***Hours of work***

Ai Group notes the ambiguity in the application of the evening penalty at clause 25.5(a)(ii) and proposes an end time of 5am.

The reference to “span of hours” in clause 25.5(b) is unnecessary and confusing. It should, therefore, be deleted.

### ***Breaks***

Ai Group proposes that greater flexibility should exist in clause 27.1 to allow for the applicable 10 minute rest break to be taken as 2 x 5 minute rest breaks.