

IN THE FAIR WORK COMMISSION

Matter No.: AM2014/196 and AM2014/197 Part-time employment and Casual employment

Re Application by: "Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union" known as the Australian Manufacturing Workers' Union (AMWU)



Submission of the "Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union" known as the Australian Manufacturing Workers' Union (AMWU) about the draft determinations for minimum engagement and casual conversion

4 Yearly Review of Modern Awards

COVER SHEET

About the Australian Manufacturing Workers' Union

The Australian Manufacturing Workers' Union (AMWU) is registered as the "Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union". The AMWU represents members working across major sectors of the Australian economy, including in the manufacturing sectors of vehicle building and parts supply, engineering, printing and paper products and food manufacture. Our members are engaged in maintenance services work across all industry sectors. We cover many employees throughout the resources sector, mining, aviation, aerospace and building and construction industries. We also cover members in the technical and supervisory occupations across diverse industries including food technology and construction. The AMWU has members at all skills and classifications from entry level to Professionals holding degrees.

The AMWU's purpose is to improve member's entitlements and conditions at work, including supporting wage increases, reasonable and social hours of work and protecting minimum award standards. In its history the union has campaigned for many employee entitlements that are now a feature of Australian workplaces, including occupational health and safety protections, annual leave, long service leave, paid public holidays, parental leave, penalty and overtime rates and loadings, and superannuation.

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Introduction

1. The Australian Manufacturing Workers' Union (AMWU) makes the following brief submission to the Fair Work Commission about draft determinations published 30 August 2018 which deal with minimum engagement periods and casual conversion.¹

Manufacturing and Associated Industries and Occupations Award 2010

2. The draft determination² for the Manufacturing and Associated Industries and Occupations Award 2010 regarding minimum engagements for part-time and casual employees contains a typo in paragraph 1 and 2. The respective clauses numbers should be 13.2 in paragraph 1 and 14.2 in paragraph 2.

Time and wages record

3. With the benefit of fresh eyes, the AMWU has identified a drafting issue in both the minimum engagement draft determinations for the Manufacturing and Associated Industries and Occupations Award 2010 and the Food, Beverage and Tobacco Manufacturing Award 2010.
4. There is a sentence in the minimum engagement clause for part-time employees which provides that the individual facilitation agreement, must be recorded by the employer on the employee's time and wages record as follows:

“A part-time employee must be engaged and paid for a minimum of 4 consecutive hours per day or shift. In order to meet their personal circumstances, a part-time employee may request and the employer may agree to an engagement for no less than 3 consecutive hours per day or shift. The agreement reached must be recorded by the employer on the employee's time and wages record.” (emphasis added)

5. An equivalent sentence is not included in the minimum engagement clause for casual employees, which is as follows:

“On each occasion a casual employee is required to attend work the employee must be paid for a minimum of four consecutive hours' work. In order to meet their personal circumstances a casual employee may request and the employer may agree to an engagement of no less than three consecutive hours.”

6. In both the Manufacturing and Associated Industries and Occupations Award 2010 and the Food, Beverage and Tobacco Manufacturing Award 2010, under the facilitative provisions clause at clause 8.2(b), which is the same clause number in each Award, there is a requirement as follows:

¹ <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/schedule-of-draft-determinations-300818.pdf>

² <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/ma000010-min-eng-draft-determination.pdf>

“(b) The agreement reached must be kept by the employer as a time and wages record.”

7. It is clear taking into account the framework of facilitative provisions clause 8.2(b) that both agreements would need to be kept as a time and wages record. The AMWU acknowledges that the form of the draft determinations, is as per the draft clauses proposed by the AMWU and attached to its 13 October 2015 Submissions.³ However, for consistency and to avoid confusion, the AMWU proposes that the sentence, “the agreement reached must be recorded by the employer on the employee’s time and wages record,” be included in both clauses.

End

12 September 2018

³ <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/common/am2014196-197-sub-amwu-121015-amended.pdf>