



**AM2012/213**

**COVER SHEET**

<b>NAME:</b>	Warren Tegg
<b>ORGANISATION:</b>	Australian Manufacturing Workers Union
<b>ADDRESS:</b>	
<b>Street Address 1:</b>	133 Parramatta Road
<b>Street Address 2:</b>	Granville NSW 2142
<b>Suburb/City:</b>	
<b>CONTACT DETAILS:</b>	
<b>Telephone:</b>	0407 213 681
<b>Email:</b>	warren.tegg@amwu.asn.au



28 January 2015

Fair Work Commission  
80 William St  
East Sydney 2010  
**By email:** amod@fwc.gov.au

Dear Associate,

**4 Yearly Review of Modern Awards-**

**RE:** Exposure Draft of the Seafood Processing Award 2010 circulated on 8 December 2014.

The AMWU makes the following submissions:

1. That the definition of the term 'Seafood Processing' in clause 3.2 should not be repeated in Schedule F, but should simply refer to definition in clause 3.2.
2. As a result of enquiries received by the AMWU from the Fair Work Ombudsman in relation to workplaces with coverage of multiple Awards, clarification of clause 3.3 and 3.3 (a) is required.

**RECOMMEND:** That the text in 3.3 be replaced with the text in clause 3.7, which is subsequently deleted.

That the text in 3.3 (a) be replaced with "This Award does not cover employers or employees covered by the:"

**RECOMMEND:** Including the following example following clause 3.3: "In a situation where a particular employer maintains a plant where seafood are handled, prepared, packed and dispatched (or otherwise processed as described within the Award) and also maintains one or more fast food outlets or retail stores where those products are sold, the employees engaged in processing work at the plant would be covered by this Award, while the employees engaged at the fast food outlets or retail stores may be covered by another Award."

3. Clause 8.2 (c) and 13.4 should be clarified to highlight that while the spread of hours can be changed its duration cannot.

**RECOMMEND:** In 8.2 (c), insert following “either end of the spread”: “but may not be altered to increase the spread of hours beyond 12 hours a day,”

**RECOMMEND:** In 13.4, insert following at the end of the existing text: “but not both.”

4. Clause 11.4 creates confusion and it is not clear to which rates it would apply and in which circumstances it would apply. This may lead to accidental underpayment in situations where employees are entitled to multiple allowances and loadings.

**RECOMMEND:** That clause 11.4 be deleted.

5. The title of clause 15.11 “Proportionate leave on termination” may create confusion.

**RECOMMEND:** That clause 15.11 be renamed “Payment of leave on termination”

6. In clause 8.5 (c) the reference to clause 13.7 should be changed to clause 13.8 (Non-Rostered Shiftwork).
7. In clause 14.7 the reference to clause 10.3 (a) should be changed to clause 11.3 (a).

Yours sincerely,

Warren Tegg  
National Research Officer