

IN THE FAIR WORK COMMISSION

Matter No.: AM2014/254 Airline Operations – Ground Staff Award 2010

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



Airline Operations – Ground Staff Award 2010

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 around 100,000 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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Background

1. The Australian Manufacturing Workers' Union (the AMWU) files the following short submission in accordance with directions issued on 16 August 2016.¹ The matters identified in paragraph [5] of the directions will be addressed accordingly.

The nature of the change sought

2. In submissions to the Fair Work Commission (the FWC) on 12 November 2015, the AMWU forecasted that we would be pursuing substantive changes to the *Airline Operations – Ground Staff Award 2010*. The substantive changes are aimed at developing a career path for technical and supervisory employees, and senior controller/technical officer classifications.
3. In 2015, the Australia Licensed Airline Engineers Association (the ALAEA) applied for the creation of a modern enterprise award to replace a number of pre-modern awards, notably the *Airline Operations – Technical and Salaried Staff – Qantas Airways Limited Award 2005* (the 2005 Award) and the *AMWU Technical and Supervisory Staff Qantas Airways Limited Award 1999* (the 1999 Award).² The ALAEA noted that the *Airline Operations – Ground Staff Award 2010* (the Ground Staff Award) would not capture all of the technical and supervisory classifications covered by the 2005 Award. Qantas submitted that the TSS staff would be covered under the *Manufacturing and Associated Industries and Occupations Award 2010*. In refusing the application, the Full Bench found that the industry award would “not make material changes and will not be unfair”, and crucially:

“The application of industry awards, with classifications that can be expanded if a case is established for doing so, is the overwhelming

¹ [2016] FWC 6062, at [5].

² [2015] FWCFB 1696.

industry practice and the practice for other groups of Qantas employees”³ (emphasis added)

4. This is the case that the AMWU seeks to establish. The AMWU’s position is that the introduction of a comprehensive technical and supervisory classification structure is necessary in order to achieve the modern awards objective. This position is supported by comments from the Full Bench, particularly that “the modern awards objective is better served by having the relevant Qantas employees covered by the same award covering similar employees of other employers” (emphasis added).⁴ It is plain that this cannot be achieved by relying on an occupational award (the Manufacturing Award) to gap-fill the glaring lacuna in the Ground Staff Award, previously filled by the 2005 award and the 1999 Award.

5. The AMWU proposed classification structure will be aligned with reference to the following modern awards:
 - a. *The Manufacturing and Associated Industries and Occupations Award 2010;*
 - b. *The Professional Employees Award 2010;*

6. The proposed classification structure will also be aligned with reference to the following pre-reform awards:
 - a. *Airline Operations – Technical and Salaried Staff – Qantas Airways Limited Award 2005*
 - b. *The AMWU Technical and Supervisory Staff Qantas Airways Limited – Award 1999;*

³ [2015] FWCFB 1696, at [20].

⁴ [2015] FWCFB 1696, at [19].

7. In the Award Modernisation decision [2009] AIRCFB 826, the Full Bench decided not to amend the classification structure in the award to reflect the Manufacturing Award. It was decided that “the (classification) structure in the modern award is consistent with existing airline industry structures”.⁵ At the time, however, there was broad agreement from the relevant unions that the classification structure from the Manufacturing Award was appropriate to include in the Airline Operations modern award.
8. The AMWU claim is primarily aimed at resolving the problems associated with the current arrangements. The continued coverage of the airline industry technical classifications in the Manufacturing Award and we submit the Professional Employees Award increases the number of modern awards applying to Qantas Airways. This is contrary to the comment from the Full Bench, who clearly expressed an objective that airline operation employees would be covered by the same award.
9. Further, the Manufacturing Award lacks industry-specific allowances and conditions⁶ which are found in the Ground Staff Award. The allowances in cl. 21 of the award are specifically tailored to the industry, with general allowances,⁷ as well as streamed allowances applicable to aviation transport workers,⁸ and maintenance and engineering workers.⁹

Draft variation determination

10. While the AMWU is not yet in a position to provide comprehensive draft determinations, it is anticipated that the classification structure will be based on the structure in the *Manufacturing and Associated Industries and*

⁵ [2009] AIRCFB 826, at [16].

⁶ In addition to industry specific entitlements, the Ground Staff Award also provides for other differing entitlements and conditions. This includes access to accident pay in cl. 23 of the Ground Staff Award, and a spread of ordinary hours from 7:00am to 6:00pm in cl. 28.2. The Manufacturing Award does not contain an entitlement to accident pay

⁷ *Airline Operations – Ground Staff Award 2010*, cl. 21.2.

⁸ *Airline Operations – Ground Staff Award 2010*, cl. 21.3.

⁹ *Airline Operations – Ground Staff Award 2010*, cl. 21.4.

Occupations Award 2010, the Airline Operations – Technical and Salaried Staff – Qantas Airways Limited Award 2005, and the AMWU Technical and Supervisory Staff – Qantas Airways Limited Award 1999.

11. The higher classification levels 6 and 7 will be aligned against the *Professional Employees Award 2010*.

12. The AMWU has provided a breakdown of the qualifications and the relativities below.

The type of case to be run and witnesses

13. The case will be evidentiary, and it is likely that the AMWU would require witnesses to be called.

Qualification and Relativity (%)	Manufacturing Award	Ground Staff	<i>AMWU Technical and Supervisory Staff – Qantas Airways Limited Award 1999</i>	<i>Airline Operations – Technical and Salaried Staff – Qantas Airways Limited Award 2005</i>	<i>Professional Employees Award 2010</i>
Induction Employee Level 1	C14 [70%]	Aircraft Worker 1	-	-	-
Production Worker	C12 Production Worker [87.4%]	Aircraft Worker 3	-	-	-
Engineering Production Certificate II, or Certificate II in Engineering— Production Technology, or Certificate II in Sampling and Measurement, or equivalent	C11 Production / Laboratory Tester Engineering [92.4%]	Laboratory Tester Aircraft Worker 4	NDT Trainee	-	-
Engineering Production Certificate III, or Certificate III in Engineering— Production Systems, or equivalent	C10 Engineering Tradesperson (100%)	Non-Aircraft Tradesperson	-	-	-
Certificate III in Engineering—Technician, or Certificate III in Laboratory Skills, or Certificate III in Manufacturing Technology,	C9 Engineering Tradesperson II Engineering / Lab Technician	Tradesperson	-	-	-

provided that the minimum experience required for a Technology Cadet has been completed, or 50% towards a Diploma of Engineering, or equivalent	(105%)				
Manufacturing Technology Certificate II and Special Class I Certificate III in Engineering—Technician, or Certificate III in Laboratory Skills, or Certificate III in Manufacturing Technology, provided that the minimum experience required for a Technology Cadet has been completed, or 50% towards a Diploma of Engineering, or equivalent	C8 Engineering / Laboratory Technician (110%)	-	Level 1	Level 1	-
Certificate IV in Manufacturing Technology, provided that the minimum experience required for a Technology Cadet has been completed, or Certificate IV in Laboratory Techniques, or 45% towards an Advanced Diploma of Engineering, or 70% towards a Diploma of	C7 Engineering Tradesperson Special Class / Lab Technician (115%)	AME	-	-	-

Engineering—Technical, or equivalent					
Certificate III and 50% towards an Advanced Diploma of Engineering, or 85% towards a Diploma of Engineering—Technical, or equivalent.	C6 Advance Engineering Tradesperson Engineering / Laboratory Technician IV (125%)	-	-	-	-
Diploma of Engineering—Technical, or equivalent.	C5 Advance Engineering Tradesperson Engineering / Laboratory Technician (130%)	B1 and B2 License	Level 2	Level 2	-
Advanced Diploma of Engineering, or equivalent.	C3 Engineering Associate / Laboratory Technical Officer Level II (145%)	-	Level 3	Level 3	-
Advanced Diploma or equivalent of which at least 50% of the competencies are in supervision/training.	C2(a) Leading Technical Officer / Principal Supervisor / Trainer (150%)	-	Level 4	Level 4	-

Advanced Diploma or equivalent and sufficient additional training so as to enable the employee to meet the requirements of the relevant classification definition and to perform work within the scope of this level.	C2(b) Principal Technical Officer (160%)	-	Level 5	Level 5	-
Degree				Level 6	Level III – (180%)
Degree				Level 7	Level IV – (210%)