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National Secretary
Tony Sheldon

IN THE FAIR WORK COMMISSION

4 Yearly Review of Modern Awards

Matter No: AM2014/254

Airline Operations – Ground Staff Award 2010

Submissions of the Transport Workers' Union of Australia

Introduction

The Transport Workers' Union of Australia (TWU) makes these submissions in response to the Next Steps as outlined in paragraph 114 of the decision in [2018] FWCFB 1548.

We refer to the submissions by the Australian Manufacturing Workers' Union (AMWU) dated and filed on 19 April 2018. We support the submissions of the AMWU and make the following further submissions on the technical and drafting issue in relation to overtime for shiftworkers.

Item 48 – Overtime Shiftworkers (Sunday)

The insertion of the tables in Schedule B of the exposure draft has led to a conflict between the rates set out therein and clause 17.7. Shiftworkers must be paid a penalty rate of 200% for work on a Sunday.

The insertion of the overtime tables has overtime at the rate of 150% for the first 2 hours and double time thereafter. This would lead to a shiftworker who works non-continuous shifts being paid a penalty for ordinary hours of 200% and if working overtime to then receive a penalty of 150% for the first 2 hours.

The TWU submits that this issue can be dealt with as a technical and drafting issue.

Substantive Matters – Overtime for Shiftworkers

The issue of penalty rates for all shiftworkers when working overtime is not confined to Sunday work. The TWU submits that the insertion of the word “continuous” in clause 23.1(a) led to an unintended change to the award during the award modernisation process.

The penalty rates for shift workers in the current award reflect the rates for shift workers in the pre-reform award – *Airline Operations (Transport Workers' Award) 1998*.

However, the overtime rates for shift workers who are performing non-continuous shifts appear to have changed. It would seem that this change might have been an unintended change to the award where exposure drafts were put forward by various parties, including the TWU, which introduced the term “continuous shiftworker” that was not contained in the pre-reform award.

The TWU advises that it intends to press this outstanding matter and will be seeking the removal of the word “continuous” from clause 23.1(a) of the Exposure Draft.

Wendy Carr
Director of Legal & Operations
Transport Workers' Union of Australia

19 April 2018