

IN THE FAIR WORK COMMISSION

Matter No: AM2014/250 and others

Submissions by the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia in respect of [2018] FWCFB 1584

BACKGROUND

On 21 March 2018 the Full Bench published a decision¹ (the Decision) regarding the 4-yearly review of modern awards specific to the Group 4 modern awards. The Decision requested further comments from interested parties in respect of identified outstanding issues and provisional views of the Fair Work Commission (FWC).

In its Decision, the FWC sought further comments with respect to the following awards in which the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (CEPU) has an interest:

- Airline Operations – Ground Staff Award 2010;
- Airport Employees Award 2010;
- Electrical, Electronic and Communications Contracting Award 2010; and
- Plumbing and Fire Sprinklers Award 2010.

The CEPU submits as follows:

AIRLINE OPERATIONS - GROUND STAFF AWARD 2010

Ordinary Hours of Work

1. The CEPU supports the AMWU position and the provisional view of the Full Bench as expressed at paragraph [98] of the Decision.

Overtime

2. The CEPU supports the provisional view of the Full Bench.

¹ [2018] FWCFB 1584 <<https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/2018fwcfb1548.pdf>>

AIRPORT EMPLOYEES AWARD 2010

Breaks

3. The CEPU supports the interpretation advanced by the AMWU and the CPSU. The CEPU supports the AMWU proposed amendment to clause 18.1 of the exposure draft provided on 13 April 2018.²

Annual leave loading

4. The CEPU supports the provisional view of the Full Bench as expressed at paragraph [160] of the Decision.

Rostered day off falling on public holiday

5. The CEPU does not oppose the provisional view of the Full Bench as expressed at paragraph [164]. However, the AMWU has provided a simpler variation which the CEPU supports.³

ELECTRICAL, ELECTRONIC AND COMMUNICATIONS CONTRACTING AWARD 2010

Proposed new shift work clause

6. The CEPU has provided submissions in support of the FPAA draft determination⁴. However, the draft contains a typographical error at 1.10.1. and should be amended as follows:

*1.10.1. By inserting sub-clause (a) with the following “The ordinary hours of shiftworkers must average 38 hours per week inclusive of crib time and must not exceed 152 hours in 28 consecutive days and in the case of non-~~continues~~ **continuous** shift workers are to be worked in one of the following shift cycles:*

7. However, as there is not yet a consent position amongst all interested parties the CEPU supports the Full Bench provisional view to re-classify item 15A and item 42 as a substantive matter to be determined by a separate Full Bench.

² <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/am2014255-sub-amwu-130418.pdf>

³ At paragraph 11 of AMWU submission 19 April 2018

<<https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/am2014255-sub-amwu-130418.pdf>>.

⁴ <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/am2014265-sub-cepu-080317.pdf>

PLUMBING AND FIRE SPRINKLERS AWARD 2010

Part-time employment

8. The CEPU supports the provisional view to adopt the proposed variation by the AWU to ensure that part-time employees will have certainty about their pattern of work. Further, the CEPU supports the variation as detailed at paragraph [595] of the Decision.

Adult apprentices

9. The CEPU supports the removal of the words “where possible”. The CEPU is of the view that those words do not provide additional meaning to the clause.

CEPU

19 April 2018