

IN THE FAIR WORK COMMISSION

Matter No.: AM2014/77 - *Maritime Offshore Oil and Gas Award 2010*;
AM2014/73 - *Hydrocarbons Industry (Upstream) Award 2010*; AM2014/80 – *Oil Refinery and Manufacturing Award 2010*; AM2014/92 - *Timber Industry Award 2010*; AM2014/79 – *Mining Industry Award 2010*

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



Further Submissions of the "Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union" known as the Australian Manufacturing Workers' Union (AMWU)

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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1. AM2014/77 – Maritime Offshore Oil and Gas Award 2010 – Revised Exposure Draft

1.1 The AMWU submits that, in accordance with the Decision on 23 October 2015,¹ the revised exposure draft needs to be updated to reflect the following:

- a. **Clause 7.1(c)** “Employees may be required to work up to eight ordinary hours per day. Subject to cl. 21.2, the employer may extend the employee’s ordinary hours of duty to 12 hours per day”.

1.2 The decision confirms that an employer’s right to change an employee’s regular roster and ordinary working hours is subject to consultation requirements.²

1.3 The amendments are necessary as the current exposure draft does not make clear that the employer’s rights to amend the ordinary hours of duty are subject to consultation requirements in cl. 21.2.

1.4 The wording in cl. 21.2(d), stating that the consultation clause is “to be read in conjunction with other award provisions concerning the scheduling of work and notice requirements”, is inadequate as it does not immediately advertise to an employer their responsibility under cl. 21.2 when exercising their rights under cl. 7.1(c).

2. AM2014/73 - Hydrocarbons Industry (Upstream) Award 2010 – Revised Exposure Draft

2.1 The AMWU supports the inclusion of the wording “provided that employees, other than shiftworkers, are not required to work more than 12 ordinary

¹ [2015] FWCFB 7236

² [2015] FWCFB 7236, [17] – [18], and [334] – [344].

hours per day” in cl. 8.2(b) of the exposure draft in accordance with the Full Bench decision on 23 October 2015.³

2.2 Further, the replacement of the word “between” with “within” at cl. 8.2(a) of the exposure draft is a welcome development and is supported by the AMWU.

3. AM2014/80 - Oil Refinery and Manufacturing Award 2010 - Revised Exposure Draft

3.1 The AMWU supports the position and submissions of the AWU in relation to the *Oil Refinery and Manufacturing Award 2010*.

4. AM2014/92 - Timber Industry Award 2010 - Revised Exposure Draft

4.1 The AMWU supports the decision of the FWC to revert to the current wording for cl. 16.1 and 16.2 in relation to higher duties at para [291] of the decision.⁴

4.2 The AMWU also supports the decision of the FWC to retain the wording “eligible employee representative” as at para [304] of the decision.

5. AM2014/79 - Mining Industry Award 2010 - Revised Exposure Draft

5.1 The AMWU also supports the provisional view of the Fair Work Commission stated at paragraph [140] of the decision that the expression in cl. 10.1(a)(v) to amend the reference in the clause to “annual leave loading”.

6. Schedule B - Summary of Wage Rates - In Timber Industry Award 2010; Mining Industry Award 2010; Hydrocarbons Industry (Upstream) Award 2010; Oil Refining and Manufacturing Award 2010 - Revised Exposure Draft

6.1 The note under the heading of Schedule B in the above mentioned awards arises from a decision in para [63] of [2015] FWCFB 4658. It is stated that:

- a. “the schedules of hourly rates appended to most modern awards will be legally enforceable and a note will be inserted into the schedules

³ [2015] FWCFB 7236, at [45].

⁴ [2015] FWCFB 7236.

stating that ‘employers who meet their obligations under this schedule are meeting the obligations under the Act’ (Emphasis added).

6.2 The note included in the above awards departs from this and changes the intended meaning. The AMWU submits that the following amendment should be made to the note in Schedule B:

- a. “NOTE: Employers who meet their obligations under this schedule are meeting ~~their~~ obligations under the award.”