

4 YEARLY REVIEW OF MODERN AWARDS

AWARD STAGE - Group 1

MEAT INDUSTRY AWARD 2010

(AM2014/78)

9 JULY 2014

Lodged by

Australian Meat Industry Council

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SUMMARY FOR 10 JULY HEARING – PER THE ISSUES CONTAINED IN AMIC DOCUMENT OF 20 JUNE 2014

1. CLAUSE 36 – overtime provision.

Insertion of words ‘on any day’ has been agreed between AMIC and AMIEU.

This clarifies the issue raised by AMIC and the FWO.

Variation has been included in the attached Draft Determination.

2. CLAUSE 24 – Payment by Result.

This was raised by AMIC however, it will not be pursued.

3. CLAUSE 11.4 – Transfer from one category to another.

This was raised by the AMIEU and parties have agreed to add words to the sub-clause.

Variation has been included in the attached Draft determination.

4. CLAUSE 40.2 – payment on a public holiday.

This was raised by the AMIEU. AMIC agrees to some additional words be added to cover part-time and daily hire employees. AMIC’s proposal, as decided by a 2001 Full Bench, would read as follows:

“40.2 Payment for work on public holidays

- (a)** Employees including casuals who work on:
 - (i)** Christmas Day and Anzac Day will be paid at double the ordinary hourly rate for all time worked;
 - (ii)** Good Friday will be paid for all time worked at the rate of time and a half for the first four hours and double time thereafter based on the ordinary hourly rate; and
 - (ii)** any other public holiday will be paid at time and a half for the first two hours and double time thereafter based on the ordinary hourly rate.
- (b)** For all employees other than casuals, the above payments will be in addition to the daily rate for the hours worked as calculated by reference to ordinary hourly rate in clause 3.2(a).”

5. Blurring between daily/weekly hire

AMIEU raised this matter – AMIC is opposed to AMIEU suggestions but yet to see final position of AMIEU if any.

6. CLAUSE 33.9 (e) – shiftwork transfer

This was raised by the AMIEU and AMIC agrees to delete the reference to ‘meat processing establishments’ in the sub- clause.

Variation has been included in the Draft determination.

7. Meat Inspectors – AAO’s

This was raised by the AMIEU and parties have agreed to defer until 2015.

OTHER MATTERS

a) Apprenticeship matters

Both the ACTU application as a common issue (AM2014/192) and the AMIC Competency Based Wage Progression matters are before Commissioner Roe.

b) Annual Leave issues

These common issue matters are before the Full Bench

c) Issues concerning Transitional matters in awards

These matters are before the Full Bench

d) The Exemplar Award

As stated in submissions earlier to the Full Bench, some issues raised by the Exemplar Award may be taken into the Meat Industry Award 2010 i.e. format, consolidation and indexing.

The AMIC and AMIEU have not as yet attempted drafting.

However, having regard to clauses in the MIA we remain of the view that CALCULATION EXAMPLES are unhelpful to parties covered and will probably be confusing given the multiple combinations.

FAIR WOK COMMISSION

DRAFT DETERMINATION

Fair Work Act 2009

Part 2-3, Div 4 – 4 yearly review of modern awards

Meat Industry Award 2010

(ODN AM2014/47) MA000059

Meat Industry

FULL BENCH

SYDNEY, XXYYYY2014

Review of modern awards

- A. Further to the decision on _____ and pursuant to s.156 of the *Fair Work Act 2009*, the *Meat Industry Award 2010* is varied as follows:

Clause 11 – Types of employment

- [1] Add at the end of clause 11.4 after the word ‘transfer’ the following words:

“Nothing in clause 11.4 authorises an employer to require an employee to transfer to casual employment.”

Clause 33 - Shiftwork

- [2] In clause 33.9(e) delete the words ‘In establishments other than meat processing establishments’.

Clause 36 - Overtime

- [3] In clause 36.1(a) insert the words ‘on any day’ after the words ‘ordinary working hours’.

- B. This variation takes effect from the first full pay period commencing on or after _____ 2014.

PRESIDENT