

**STRONGER
TOGETHER**

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IN THE FAIR WORK COMMISSION

AM2016/30 – ALPINE RESORTS AWARD

Section 156 – Fair Work Act 2009 – 4 yearly review of modern awards

SUBMISSIONS OF THE AUSTRALIAN WORKERS' UNION

MOUNT HOTHAM RESORT MANAGEMENT BOARD COVERAGE CLAIM

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BACKGROUND

1. These submissions of The Australian Workers' Union (**AWU**) are made pursuant to an oral undertaking by The AWU to provide the Fair Work Commission (**FWC**) with written submissions in response to a question posed by Vice President Hatcher in Hearing on 2 November 2017.
2. It is our understanding that the Full Bench seeks what the position of The AWU would be in relation to the present application made by the Mount Hotham Resort Management Board (**MHRMB**) if this Full Bench form the conclusion that Resort Management Boards are not currently covered by the *Alpine Resorts Award* at all.
3. The AWU makes the submissions below based on the assumption that if the Full Bench form the conclusion that Resort Management Boards are not currently covered by the *Alpine Resorts Award*, it has concluded that all employees of the MHRMB and other similar bodies in Victoria are covered by the *State Government Agencies Award*.
4. The AWU notes that the *State Government Agencies Award* currently contains only three generic 'Field Worker' classifications that we submit would benefit from significant variation to adequately, accurately and specifically cover all employees of Resort Management Boards should the above conclusion be reached by this Full Bench. Understandably, The AWU would request to be involved in this process.

SUBMISSIONS

5. If this Full Bench were to conclude that the *Alpine Resorts Award* does not currently cover Resort Management Boards:
 - 5.1. The AWU would strongly oppose the MHRMB application based on our general and unchanged resistance to any practical expansion of the coverage of the *Alpine Resorts Award*;
 - 5.2. The AWU would suggest that any ambiguity perceived by the MHRMB should not be resolved by varying the *Alpine Resorts Award* coverage clause, but instead by varying the classification structure of the *State Government Agencies Award* to ensure that all MHRMB employees are adequately, accurately and specifically provided for within that award;
 - 5.3. The AWU would encourage the MHRMB to withdraw its application and would, if needed, support the MHRMB in lodging a separate application to vary the classification structure of the *State Government Agencies Award* to achieve clarity and certainty regarding coverage for Resort Management Boards and their employees; and

5.4. The AWU would request that the classification structure of any award that this Full Bench concludes is better suited to cover employees of Resort Management Boards is reviewed for the purposes of clarity and suitability for all employees of such entities without delay.

A handwritten signature in black ink, appearing to read 'ZD', with several horizontal strokes underneath.

Zachary Duncalfe
NATIONAL LEGAL OFFICER
The Australian Workers' Union

8 December 2017