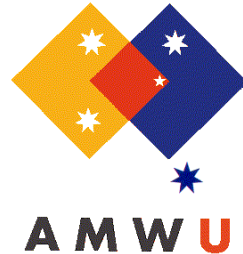


## IN THE FAIR WORK COMMISSION

**Matter: AM2016/8**



### **Submissions of the AMWU**

**AM2016/8**

**4 Yearly Review of Modern Awards  
Payment of Wages**

#### **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 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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30 October 2017

Fair Work Commission  
80 William St  
East Sydney 2010  
**By email: amod@fwc.gov.au**

Dear Associate,

**4 Yearly Review of Modern Awards  
AM2016/8 – Payment of Wages**

1. The AMWU makes the following submission pursuant to the directions of the Full Bench issued on 19 September 2017.
2. The AMWU has previously made submissions in relation to this matter on: 22 December 2016, 9 December 2016, 25 October 2016, 13 October 2016, and 24 August 2016.
3. The AMWU continues to rely on the submissions identified above.

**Present matters**

4. The AMWU adopts the submissions of the ACTU filed in accordance with these directions, but otherwise makes a number of additional comments.
5. For clarity, the AMWU submits that model clauses concerning payment of wages and other amounts, and, payment of wages on termination (**the model clauses**), should be inserted in to those awards where equivalent terms do not presently exist.
6. However, where a modern award already otherwise deals with one or more of the matters addressed in the model clauses, then the Commission should adopt a process for translation of the model clauses to modern awards that provides opportunity for parties to make submissions in relation to award specific matters.
7. The AMWU submits that parties should be provided the opportunity to make submissions in relation to the process for translation of the model clauses prior to the publication of any draft determination. Alternatively, should the Commission publish draft determination for insertion of the model clause prior to determination of the translation principles, there should be ample scope for parties to make submissions on the range of award specific considerations that present in Modern Awards that have pre-existing terms relating to payment of wages. In short, we submit that an award by award process for the insertion of modern awards is appropriate.

This is so, firstly, because a significant number of the modern awards in which the AMWU has an interest include existing provisions concerning both payments of wages generally and payment of wages on termination. These awards deal, in some cases comprehensively, with matters not dealt with by the model clause, including: annualised salaries, averaging of pay provisions, and payment of make-up time. For example, such matters present in the following awards:

- a. *Food, Beverage and Tobacco Manufacturing Award 2010*;
  - b. *Graphic Arts, Printing and Publishing Award 2010*;
  - c. *Manufacturing and Associated Industries and Occupations Award 2010*;
  - d. *Rail Industry Award 2010*;
  - e. *Sugar Industry Award 2010*; and
  - f. *Vehicle Manufacturing, Repair, Services and Retail Award 2010*.
8. Secondly, a number of the modern awards in which the AMWU has an interest presently contain subject matter dealt with by the Commission's model term, but this will differ from the model term's standard. There are reasons of merit, associated with matters peculiar to the industry and occupations the subject of those awards, as well as the internal functioning of the award itself, why existing provisions should be retained. It would be appropriate for parties to have the opportunity to articulate a case in support of the retention of such provisions where necessary to achieve the modern awards objective.

## **Conclusion**

9. The AMWU supports the submissions of the ACTU.
10. The AMWU submits that the process for translation of the model clauses determined by the Commission would benefit from guidance in the form of general principles for translation.
11. The AMWU submits that the process for translation of the model clauses to modern awards should be conducted on an award by award basis.

## **Australian Manufacturing Workers' Union**