

From: Nicholas Grealy [<mailto:nicholas.grealy@amwu.org.au>]
Sent: Monday, 29 April 2019 4:55 PM
To: Chambers - Gostencnik DP
Cc: AMOD
Subject: AM2018/22 - FBTM Award - AMWU Draft Determination

Dear Associate

Please find attached a draft determination for filing in accordance with the Deputy President's directions of 5 April 2019.

Kind regards

Nick Grealy
Australian Manufacturing Workers' Union (AMWU)
133 Parramatta Rd, Granville NSW 2142
T: 02 8868 1500
M: 0488 377 601

<<FileNo>>

DRAFT DETERMINATION

Fair Work Act 2009

S. 156 – 4 yearly reviews of modern awards

Food, Beverage and Tobacco Manufacturing Award 2010

(AM2018/22)

DEPUTY PRESIDENT GOSTENCNIK

SYDNEY XX XXXX 2019

[1] Further to the Decision and Reasons for Decision <<DecisionRef>> in <<FileNo>>, it is determined pursuant to section 156(2)(b)(i) of the *Fair Work Act 2009*, that the *Food, Beverage and Tobacco Manufacturing Award 2010* be varied as follows.

[2] Delete Schedule A and insert the following:

Schedule A—Classification Structure and Definitions

[Varied by [PR991581](#)]

A.1 The classification structure and definitions set out in this Schedule apply to employees covered by this award, except where otherwise specified.

A.1.1 In this Schedule "equivalent" shall include:

- (a) any relevant qualification at the same AQF level as a qualification which is specified as the minimum training requirement for classification;
- (b) skills that align with relevant competencies from the Food, Beverage & Pharmaceutical Training Package that cumulatively equate to the specified qualification;
- (c) skills that align with any other relevant AQF competencies that cumulatively equate to the specified qualification.

A.2 **Classification structure and definitions**

A.2.1 **Level 1 (78% relativity to the tradesperson)**

(a) **Eligibility**

An employee at Level 1:

- (i) has less than three months' experience in the industry or enterprise; and
- (ii) does not possess enterprise or industrial or prior learning experience and/or skills sufficient for appointment to Level 2 or above.

There is no minimum competency required to be demonstrated for Level 1.

(b) Indicative tasks

- (i) duties are essentially of a manual nature;
- (ii) exercises minimal judgment;
- (iii) works under direct supervision; and
- (iv) may be undertaking up to 38 hours' induction training which may include information on the enterprise, conditions of employment, introduction to supervisors and fellow workers, training and career path opportunities, plant layout, work and documentation procedures, occupational health and safety, equal employment opportunity and quality control/assurance.

(c) Pathway to Level 2

An employee at Level 1 must advance to Level 2:

- (i) in the case of a full-time or part-time employee, within 3 months;
- (ii) in the case of a seasonal employee, within 4 weeks;
- (iii) in the case of a casual employee, within 152 hours.

A.2.2 Level 2 (82% relativity to the tradesperson)

(a) Eligibility

An employee at Level 2 is an employee who has:

- (i) at least three months' experience in the industry; or
- (ii) completed the minimum length of service required to advance from Level 1 to Level 2; or
- (iii) enterprise or industrial experience, training or prior learning experience and/or skills to Level 2

There is no minimum competency required to be demonstrated for appointment at Level 2.

(b) Indicative tasks

- (i) duties are essentially of a manual nature;
- (ii) exercises limited judgment;
- (iii) works under direct supervision;
- (iv) may be undertaking structured training to enable the employee to work at Level 3.

A.2.3 Level 3 (87.4% relativity to the tradesperson)

(a) Eligibility

An employee at Level 3 is an employee who has either:

- (i) completed an Australian Qualifications Framework (AQF) Certificate I in Food Processing; or
- (ii) has equivalent enterprise or industrial experience, training or prior learning experience and/or skills to a Certificate I in Food Processing.

(b) Indicative tasks

- (i) may exercise judgment within defined procedures;
- (ii) works under general supervision;
- (iii) may undertake structured training to enable the employee to work at Level 4;
- (iv) is responsible for the quality of the employee's own work within the limits of a Certificate I in Food Processing or equivalent;
- (v) assists in the provision of on-the-job training in conjunction with tradespersons and supervisor/trainers or an accredited training provider.

A.2.4 Level 4 (92.4% relativity to the tradesperson)

(a) Eligibility

An employee at Level 4 is an employee who has either:

- (i) completed an AQF Certificate II in Food Processing; or
- (ii) has equivalent enterprise or industrial experience, training or prior learning experience and/or skills to a Certificate II in Food Processing.

(b) Indicative tasks

- (i) exercises judgment;

- (ii) works under general supervision;
- (iii) may undertake structured training to enable the employee to work at Level 5;
- (iv) is responsible for assuring the quality of the employee's own work;
- (v) assists in the provision of on-the-job training in conjunction with tradespersons and supervisor/trainers or an accredited training provider.

A.2.5 Level 5 (100% relativity to the tradesperson)

(a) Eligibility

An employee at Level 5 is an employee who has either:

- (i) completed an AQF Certificate III in Food Processing; or
- (ii) has equivalent enterprise or industrial experience, training or prior learning experience and/or skills to a Certificate III in Food Processing.

(b) Indicative tasks

- (i) understands and applies quality control techniques;
- (ii) has good interpersonal and communication skills;
- (iii) is able to inspect products and/or materials for conformity with established operational standards;
- (iv) exercises judgment and decision-making skills;
- (v) works under general supervision either individually or in a team environment;
- (vi) may undertake structured training to enable the employee to work at Level 6.

A.2.6 Level 6 (105% relativity to the tradesperson)

(a) Eligibility

An employee at Level 6 is an employee who has completed an AQF Certificate III in Food Processing or equivalent and:

- (i) two competency units from the Diploma of Food Science and Technology; or
- (ii) six competency units from the Certificate IV in Food Science and Technology; or

(iii) six competency units above the requirement for Level 5; or equivalent.

(b) Indicative tasks

- (i) exercises skills attained through satisfactory completion of the training prescribed for Level 6;
- (ii) exercises discretion within the scope of their skills/training of a Level 6 employee;
- (iii) works under general supervision either generally or in a team environment;
- (iv) understands and implements quality control techniques;
- (v) provides technical guidance and assistance as part of a work team;
- (vi) exercises skills relevant to the specific requirements of the enterprise.

A.3 The percentage wage relativities in clause A.2 reflect the percentages prescribed in 1990 in *Re Metal Industry Award 1984—Part I* (M039 Print J2043). The minimum wages in this award do not reflect these relativities because some wage increases since 1990 have been expressed in dollar amounts rather than percentages and as a result have reduced the relativities.

[3] The determination shall operate on and from XX XXX 2019.

DEPUTY PRESIDENT