



Modern Awards Review 2023-24 (AM2023/21)

Submission cover sheet

Name

(Please provide the name of the person lodging the submission)

Organisation

(If this submission is completed on behalf of an organisation or group of individuals, please provide details)

“Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union” known as the Australian Manufacturing Workers Union (“AMWU”)

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Work and Care:

Usability of awards:

How to prepare a submission

Submissions should be emailed to awards@fwc.gov.au. Directions set out the due dates for submissions. Directions are issued by a Member of the Commission and will be published on the [Commission website](#).

Make sure you use numbered paragraphs and sign and date your submission.

Your submission. Provide a summary of your experience and any relevant issues. You may wish to refer to one or more of the issues outlined in the relevant discussion paper.

Issues

1. [Using numbered paragraphs, outline the main issues you want the Fair Work Commission to consider as part of the Modern Award Review 2023-34 including your responses to any questions set out in Commission discussion papers. Include, if possible, references to any relevant sections of the *Fair Work Act 2009*, or other legislation or specific clauses in modern awards that apply].

Proposals

2. [Tell us your proposals to the address the issues you have raised in the submission. If you are proposing that the Commission should consider varying an award, you should include draft wording for the proposed variation]

Signature:



Name:

Luigi Amoresano

Date:

21 February 2024



Ground Floor, 133 Parramatta Rd
Granville NSW 2142

IN THE FAIR WORK COMMISSION

s.157 – Variation of Modern Awards

Matter no: (AM2023/21)

Party: “Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union” known as the Australian Manufacturing Union (AMWU)

MODERN AWARDS REVIEW 2023-2024 STREAM 2 – JOB SECURITY

In Response to other parties’ submission to this review.

Introduction

1. The “Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union” known as the Australian Manufacturing Workers Union (“AMWU”) represents over 55,000 workers across a range of industries across Australia.
2. The AMWU submission is directed in response to *job security* submissions.
3. The AMWU has reviewed a preliminary version of the Australian Council of Trade Unions (ACTU) submission in reply¹, and we strongly endorse the proposals put forth by the ACTU.

¹ Submission by the Australian Council of Trade Unions in reply to *Job Security* submissions dated 21 February 2024

Definition of “Job Security” and “improving access to secure work”

4. The AMWU supports the interpretation of “Job Security” and “improving access to secure work” given by the Commission in past decisions and sees no utility in revisiting that authority in this review.

Award System not complex nor restrictive.

5. We firmly oppose the statement made by Australian Industry Group (AIG) in their submission at paragraph 114 regarding the award system being overly complex, prescriptive and restrictive². This perspective oversimplifies the critical balance the awards system seeks to maintain between operational efficiency and workers’ rights. Modern Awards provide a safety net tied that sits on top of the National Employment Standards (NES) and that is crucial to protect workers against exploitation.

Part time employment

6. We also oppose the claim made by AIG and other business representatives that part time employment provisions are rigid and resulting in “employers opting for casual or other forms of employment”³. The AMWU believes the current provision under many awards already has sufficient flexibility and could be improved to provide instead more secure employment. We reiterate all previous submissions concerning improvements to flexibility within the workplace without unduly restricting employees’ job security⁴.

Casuals and the NES

7. The AIG and other submissions made by business groups in this review, contends that the exclusion of casual workers from certain NES entitlements is offset by the provision of a 25% casual loading. However, this position, in the AMWU view, warrants a closer examination for

² [Australian Industry Group submission dated 5 February 2024 at paragraph \[114\]](#)

³ [Australian Industry Group Submission dated 5 February 2024 at paragraph \[116\]](#)

⁴ [AMWU submission to this Review dated 5 February 2024](#)

several reasons, suggesting that the casual loading may not fully compensate for the lack of entitlements.

8. Many casual workers work regular and systemic hours and have been doing so for years. Even though the ability to convert to permanent employment has been enshrined in both Awards and now the NES, employers are able to reject employee requests for conversion on business grounds. For example, an AMWU member has worked as a casual production worker/forklift driver for a global food manufacturing corporation for fifteen years. While he has met the criteria to convert to permanent employment and has sought to do so, his requests were rejected by his employer as there were “no permanent positions”.⁵
9. While the 25% casual loading is intended to compensate for the absence of paid leave (annual and sick), redundancy pay, and some other entitlements, it may not adequately reflect the true value of these lost benefits, especially for long time casual employees. For instance, the financial equivalent of the security and well-being that comes from paid sick leave or the stability provided by annual leave cannot be fully quantified or compensated by a flat loading percentage.
10. Casual workers face economic and health vulnerabilities due to their precarious employment conditions. The lack of paid sick leave may discourage casual workers from taking necessary time off when ill, potentially leading to worse health outcomes for the individual and, also, public health risks for the community in general, especially in times of a pandemic. We have seen this happening all over Australia during the COVID 19 pandemic. Again, casual loading does not address this critical aspect of job security and worker welfare.
11. In light of these considerations, the AMWU argues that while the 25% casual loading offers some financial compensation for the absence of certain entitlements and of course should be retained, it does not fully address the multifaceted disadvantages faced by casual workers. A different approach to improving job security and ensuring fair compensation for casual workers is required, beyond the provision of casual loading.

⁵ [AMWU submission to Senate inquiry dated 4 October 2023](#)

Standard clauses could improve access for disadvantaged categories of workers

12. The AMWU agrees that there are some categories of workers who are more affected by the lack of job security than others. While we acknowledge the point made by AIG⁶ that there is nothing that expressly prevents access to the rights contained in model clauses by any vulnerable group (including, but not limited to, new migrants, young people, Aboriginal and Torres Strait Islander people), it is our submission that Modern Award Model clauses can and should be tailored to better meet the needs of both employers and employees from vulnerable groups in consultation and dispute resolution. Such tailoring should be made on an evidence-based approach to ensure that specific needs of such workers are met.

⁶ [Ai Group submission at paragraph \[207\] and \[208\]](#)