

Modern Awards Review 2023-24 (AM2023/21)

Submission cover sheet

Name

THERESE WALTON

Organisation

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

TRANSPORT WORKERS' UNION OF AUSTRALIA

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Modern Award Review Stream:

Arts and Culture:

Job Security:

Work and Care:

Usability of awards:

SUBMISSION IN REPLY

1. The Transport Workers' Union of Australia (**TWUA**) makes the following submission in reply pursuant to the Statement issued by Deputy President O'Neill dated 8th March 2024.
2. The TWU has a primary interest in the following Awards:
 - MA000038 Road Transport and Distribution Award
 - MA000039 Road Transport (Long Distance Operations) Award
 - MA000042 Transport (Cash in Transit) Award
 - MA000043 Waste Management Award
 - MA000048 Airline Operations – Ground Staff Award
 - MA000063 Passenger Vehicle Transport Award
3. The TWU notes that there will be further opportunities for all parties to make additional submissions during the consultation phase of this Review.
4. The TWU supports the submissions in reply of the ACTU in respect of aspects of the Review not covered by this submission.
5. The TWU does not propose making an application to vary any of the above Awards and this submission in reply is confined to the AiGroup proposals to vary Awards as set out below.

Discussion Paper Question 2 – IFAs

6. At paragraph 96 of their submission, the AiGroup proposes that awards be varied to enable an IFA to be entered into by an employer and a prospective employee prior to the commencement of employment.
7. The TWU opposes such a variation to the awards listed above as a young adult applying for a job is not likely to understand that there is an alternative arrangement to that which may be proposed in any pre employment IFA presented in circumstances where there is a significant power imbalance.

Discussion Paper Question 3 – Facilitative Provisions

8. At paragraph 112 of the submission the AIGroup proposes variations to all awards to provide for a facilitative provision between an employer and an individual employee to alter the span of ordinary hours at both ends.
9. The TWU is opposed to the AIGroup proposal as any request to accommodate an employee with caring responsibilities is already available pursuant to the Requests for Flexible Working Arrangements provisions within each of those awards and ensures that the request is employee initiated.

Discussion Paper Question 6 – Minimum Payment Periods

10. At paragraph 116 of the submission the AIGroup proposes variations to all awards by introducing facilitative provisions to reduce minimum payment periods by agreement between an individual employee and the employer.
11. The TWU is opposed to the AIGroup proposal to vary the awards identified in paragraph 2 of this submission to reduce minimum payment periods. The consequential effects of a reduction in minimum payment periods is that it may become unviable for employees with lengthy travel times to attend the workplace and particularly for remote workplaces where employees use their own vehicles.

Discussion Paper Question 12 – Notice of Rosters

12. At paragraph 181 of the submission the AIGroup propose variations to all awards that contain existing rostering provisions. The variations proposed are to permit an employer and employee to agree to a roster change at anytime and to also provide a unilateral right for an employer to vary an employee's roster with a short period of notice in the event of unforeseen circumstances.
13. The TWU is opposed to the above proposals particularly in the transport industry where hours of work and rosters have a direct link to fatigue management and safety and are also covered by National Heavy Vehicle Regulations.

Discussion Paper Question 13 – Annual Leave

14. At paragraph 214 of the submission the AI Group propose a variation to permit an employer and an employee to agree to the employee taking up to twice as much annual leave at a proportionately reduced rate.

15. The TWU believes there is some merit to this proposal and supports the ACTU Submission in reply on this question.