

s 156 - 4 Yearly Reviews of Modern Awards

**AM2014/190 - Transitional Provisions - Black Coal Mining Industry Award
2010**

SUPPLEMENTARY STATEMENT BY ANDREW VICKERS

On 27 September 2017, I, ANDREW VICKERS of 215-217 Clarence Street Sydney in the State of New South Wales state:

1. On 28 June 2017 I made a statement in relation to this matter.
2. At paragraphs 97 to 101 of my statement of 27 June 2017, I refer to the impact of the removal of the existing accident pay clause from the Black Coal Mining Industry Award 2010 ('Modern Award').
3. It is acknowledged that in the current proceedings the position of the Coal Mining Industry Employer Group is not the removal of the accident pay clause but rather a diminution in an employee's entitlement to accident pay through a reduction in the maximum period of accident pay from 78 weeks to 52 weeks.
4. In general terms, the effect of a diminution in the entitlement as distinct from the removal of an entitlement is one of degree.
5. Further to paragraphs 98 and 99 of my statement of 28 June, the effect is to reduce the safety net entitlement in the Modern Award with the consequence that employees relying on the Modern Award will be substantially worse off than employees covered by enterprise agreements

with the existing accident pay provisions. The practical effect of the current standard is that the interests of injured and vulnerable employees do not become the subject of downward pressure in bargaining.

6. Further to paragraphs 100 and 101 of my statement of 28 June 2017, where an agreement does not exist a reduction in the period of accident pay in the Modern Award can act as an incentive not to make an agreement.



Andrew Vickers

27 September 2017