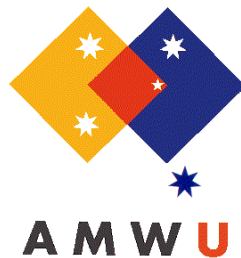


## IN THE FAIR WORK COMMISSION

**Matter Number:** AM2014/268, AM2014/287



### Reply submissions of the AMWU

#### 4 Yearly Review of Modern Awards – Group 4 Awards

##### 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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**A. General Observations**

1. This submission is made in response to the Full Bench's decision of 7 August 2018 concerning Group 4 awards<sup>1</sup> (**the decision**).
2. This submission is made in respect of the following exposure drafts:
  - i. *Food, Beverage and Tobacco Manufacturing Award 2016*; and
  - ii. *Surveying Award 2016*.

**B. Food, Beverage and Tobacco Manufacturing Award 2016**

3. The AMWU does not oppose the amendments proposed by the Commission in the decision as outlined in paragraphs [224]-[233], arising from the use of the term 'applicable rate of pay' within the exposure draft.
4. The AMWU notes the Australian Industry Group's submission of 17 August 2018 with respect to the proposed amendment to clause 13.1 of the Exposure Draft. The AMWU does not oppose the AiG's proposed amendment.
5. We note that the agreed variations to the *Manufacturing and Associated Industries and Occupations Award 2016* Exposure Draft which have been replicated in the *Food, Beverage and Tobacco Manufacturing Award 2016* Exposure Draft<sup>[1]</sup>, are intended to avoid the use of the term 'applicable rate of pay' within each of awards. The parties negotiated in good faith alternative wording to maintain the existing entitlements. The alternative wording agreed between the parties to replace 'applicable rate of pay' and 'ordinary time rate' in various clauses was not intended to alter the entitlement which existed under the original words 'ordinary time rate.' If there are circumstances arising which would indicate that the changed wording from 'ordinary time rate' has altered the rate of pay, this was not the intention of the agreement reached by the parties.

**C. Surveying Award 2016**

6. The AMWU notes the position advanced by APESMA with respect to clause 14 of the Exposure Draft. The AMWU holds the same view as that expressed by APESMA, being that in the absence of any indication as to how and over what period the hours of work may be averaged, ordinary hours therefore should not exceed 38 hours per week.

**Australian Manufacturing Workers' Union  
21 August 2018**

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<sup>1</sup> [2018] FWCFB 4175

<sup>[1]</sup> [2018] FWCFB 4175, [224]-[233]