



REPORT TO FULL BENCH

Fair Work Act 2009

s.156 - 4 yearly review of modern awards

4 yearly review of modern awards

(AM2019/17)

COMMISSIONER BISSETT

MELBOURNE, 20 APRIL 2020

4 yearly review of modern awards – finalisation of Exposure Drafts and variation determinations – Manufacturing and Associated Industries and Occupations Award 2010.

[1] Arising from the decision of the Full Bench¹ with respect to finalising the Tranche 2 awards, a conference of parties with an interest in the *Manufacturing and Associated Industries and Occupations Award 2010* was held on Tuesday 24 March 2020.

Clause 28.2(a)

[2] The Australian Industry Group (AiG) and the “Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union” known as the Australian Manufacturing Workers’ Union (AMWU) have had further discussions in relation to clause 28.2(a). They agree that the clause should also cover, by proper reference, employees in the vehicle manufacturing stream. The parties have also had discussions in relation to other penalty rate provisions that should be included in clause 28.2(a). In respect of both of these matters the AiG and AMWU have agreed that the following references should be added to the existing clause 28.2(a):

- Clause 17.2(e) – Penalty rate for ordinary hours worked outside spread of hours – day workers;
- Clause 17.2(f) – Weekend penalty rates for ordinary hours – day workers;
- Clause 17.2(g) – Public holiday penalty rates for ordinary hours – day workers;
- Clause 18.5(b) – Penalty rate for work done during meal breaks;
- Clause 19.4 – Ship trial penalty rates;
- Clause 33.1 – Penalty rates for day workers;
- Clause 53 – Allowances and related matters – vehicle manufacturing employees;
- Clause 55 – Shiftwork and rates – vehicle manufacturing employees; and
- Clause 56 – Overtime – vehicle manufacturing employees.

¹ [2020] FWCFB 1541

Clause 4.4

[3] All participants agreed that the coverage clause should be amended as proposed by the AMWU (to reinsert the words “and occupations” after “associated industries”).

Clause 20

[4] The parties agree that the cross references in clause 20.1(d)(iv) should be:

(iv) an employee covered by clauses 20.1(f), (g), 28 or 30.2(f).

[5] The parties also agreed that any confusion could be set aside by including the following text (underlined) in clause 20.1(h):

[6] A supervisor/Trainer/Coordinator – technical is paid an allowance in accordance with clause 30.2(f), instead of the rates in clause 20.1(g).

Schedule D

[7] The parties agreed with the Full Bench decision with respect to correcting the table at D.1.2 so that the references to clause 29 read clause 30 but also noted that:

- Table D.1.2 – references to clause 52 should be to clause 53;
- Table D.1.3 – references to clause 29 should be to clause 30;
- Table D.1.3 – references to clause 52 should be to clause 53;
- Table D.2.1 – references to clause 29 should be to clause 30;
- Table D.2.1 – references to clause 52 should be to clause 53;
- Table D.2.1 – references to clause 55 should be to clause 56.

Schedule G

[8] The parties agreed that the heading of the table at G.4.1(c)(ii) is incorrect and should read “Table 3 – Minimum weekly rate for full-time adult trainees (AQF Certificate IV traineeship)” to reflect the text at paragraph (c).



COMMISSIONER