

From: Craig Buckley <craig@amieuqld.asn.au>

Sent: Thursday, 18 August 2022 4:01 PM

To: AMOD <AMOD@fwc.gov.au>

Subject: C2019 5259 Review of certain C14 rates in modern awards - Outline of Position of AMIEU

The Fair Work Commission

PO Box 1994,

Melbourne, Vic. 3001

Dear Sir or Madam,

Re: C2019 5259 Review of certain C14 rates in modern awards - Outline of Position of AMIEU

I refer to the above matter, and note the listing of this matter for a conference before Commissioner Hampton on 23 August 2022.

The Awards which are the subject of the review include the Meat Industry Award 2020. As per the directions in the notice of listing, I attach a brief outline of the AMIEU's position in relation to the matter.

Regards,

Craig Buckley

Industrial Officer

Australasian Meat Industry Employees' Union

FAIR WORK COMMISSION

s. 157 – FWC may vary etc. modern awards if necessary to achieve modern awards objective – Review of certain C14 rates in modern awards

AMIEU OUTLINE OF POSITION

1. On 27 July 2022, the President of the Fair Work Commission, Justice Ross, issued a Statement relating to the Commission’s decision to conduct a review on its own motion pursuant to s 157 of the *Fair Work Act 2009* regarding the operation of C14 classification levels in 10 modern awards.
2. The Australasian Meat Industry Employees’ Union (“the AMIEU”) has an interest in the *Meat Industry Award 2020*.
3. The AMIEU notes that, in accordance with the directions issued in this matter by Commissioner Hampton on 29 July 2022, interested parties were directed to file a written outline of their position by 5pm on 18 August 2022.
4. The classification level in the *Meat Industry Award 2020* equivalent to C14 is Level MI1. Schedule A of the Award defines Level MI1 in the following terms:

An employee at this level will be a person with no experience in the industry undergoing on-the-job training for an initial period of at least 3 months.

5. The AMIEU’s position is that the Level MI1 classification does not provide a “fair and relevant safety net of terms and conditions.’
6. On its face, the classification is only applicable to those who undergo on-the-job training that will last for a period of three months or more. The AMIEU does not believe there would be any new employee in the industry who receives on-the-job training for three months. For employees new to the industry, entry level positions involve basic labouring and packing tasks. After initial workplace inductions, actual on-the-job training is generally limited to having a work task demonstrated to the new employee, which the employee is expected to emulate after a short period of supervision or assistance from co-workers.
7. The new employee is effectively performing the role of a higher classification within a matter of days. However, the absence of a transitional period associated with the classification has allowed employers to pay the introductory rate to new employees notwithstanding they are performing the labouring or packing tasks associated with such a higher classification.

8. The AMIEU's position is that the Level MI1 rate could be removed from the Award altogether, or if it is to be retained, the transitional period should be significantly curtailed to reflect actual periods of on-the-job training.

Craig Buckley
Industrial Officer
Australasian Meat Industry Employees' Union
17 August 2022