

Fair Work Commission
Level 10, Terrace Tower, 80 William Street
EAST SYDNEY NSW 2011
Via email: AMOD@fwc.gov.au

12 October 2018

Re: [2018] FWC 6107 – AM2014/250 and others

BACKGROUND

1. The President of the Fair Work Commission, Justice Ross, published the *4 yearly review of modern awards – Award stage – Group 4 awards – Substantive Issues (AM2014/250 and others) Statement*¹ (**'Statement'**) on 1 October 2018.
2. The President has invited parties to confirm in writing whether there are any variations or additions to the substantive claims listed in Attachment A to the Statement.
3. The Australian Workers' Union (**'AWU'**) has two substantive claims in Group 4 that remain outstanding that do not appear in Attachment A to the Statement. These claims are outlined below.

Airline Operations – Ground Staff Award 2010

Substantive Item 4 – Overtime – Shiftworkers

4. Initially pursued as a technical and drafting matter, this item was added to the substantive variations subsequent to a Conference before Vice President Catanzariti in February 2017.
5. The AWU subsequently continued to maintain that this item is technical and drafting in nature as it concerns the clarification of an inconsistency between the content of two clauses in the award².
6. However, in the August Decision³, the Full Bench confirmed that this item would be referred to a substantive Full Bench⁴.

¹ [2018] FWC 6107

² AWU Submission 26 April 2018, paragraphs [8] to [16]

³ [2018] FWCFB 4175

⁴ Ibid at [74]

7. On the basis that the matter has not been dealt with in the technical and drafting process of the Award Review, the AWU confirms that we will pursue the clarification of rates of pay for shiftworkers performing overtime as a substantive matter.
8. The substantive change pursued by the AWU is the removal of the word 'continuous' from clause 23.1(a) of the Exposure Draft, and the updating of the tables appearing in Schedule B of the Exposure Draft to reflect the outcome of this variation. This includes the tables at B.2.4, B.3.4, B.4.4, and B.5.4.

Amusement, Events and Recreation Award 2010

Substantive Item 6 – Annual Leave Loading

9. The AWU seeks the inclusion of annual leave loading in the *Amusement, Events and Recreation Award*.
10. This claim was made in a submission filed 10 December 2015, and confirmed and further developed in a submission filed 10 August 2017.
11. The AWU continues to press this claim, and intends to file additional material in support.

Yours Faithfully,



Zachary Duncalfe
NATIONAL LEGAL OFFICER
The Australian Workers' Union