

s 157—FWC may vary etc. modern awards if necessary to achieve modern awards objective

Review of certain C14 rates in modern awards

(C2019/5259)

JOINT SUBMISSION

1. This submission relates to the above proceedings and is made jointly by:
 - Drycleaning Institute of Australia;
 - Laundry Association Australia;
 - Construction, Forestry, Mining and Energy Union (Manufacturing Division);
 - Australian Workers' Union; and
 - United Workers' Union.
2. The above parties have consulted about the issues raised in the Fair Work Commission's [Statement](#) of 22 September 2023¹ (**Statement**) in relation to the *Dry Cleaning and Laundry Industry Award 2020* (**Award**).
3. In the Statement (at paragraph [8]), the Full Bench expressed the *provisional* view that the following principles should guide the completion of this review:
 - (1) The lowest classification rate in any modern award applicable to ongoing employment should be at least the C13 rate.
 - (2) Any classification rate in a modern award which is below the C13 rate (including but not limited to the C14 rate) must be an entry-level rate which operates only for a limited period and provides a clear transition to the next classification rate in the award (which must not be less than the C13 rate).
 - (3) The transition period for the purpose of (2) should not exceed six months.

¹ [2023] FWCFB 168.

4. At paragraph [16] of the Statement, the Full Bench stated:

Dry Cleaning and Laundry Industry Award 2020 (Dry Cleaning Award)

[16] The Drycleaning Institute of Australia, Australian Business Industrial and NSW Business Chamber (ABI and NSWBC), Construction, Forestry, Maritime, Mining and Energy Union – Manufacturing Division, Australian Workers’ Union (AWU) and United Workers’ Union (UWU) reached a common view on proposed variations to the Dry Cleaning Award. Broadly, the proposal involves varying the C14 classification in the Dry Cleaning Award (Dry cleaning employee Level 1) to limit its application to new entrants in the dry cleaning industry and to a period of up to 6 months. However, the consensus position does not address the classification of Laundry employee Level 1, which is above the C14 rate but below the C13 rate.

5. With regard to the Dry Cleaning Employee Level 1 and Level 2 classifications, we continue to support the following proposed amendments, as set out in the [joint correspondence](#) of 5 December 2022:

A.1 Dry cleaning employee Level 1 (Introductory level)

~~An employee who is below the level of a tradesperson dry cleaner and is not within Levels 2 to 4.~~

An employee at this level will:

- (a) be a new entrant to the dry cleaning industry;
- (b) for up to six (6) months undergo appropriate training, (including induction), so as to enable them to achieve the level of competence required to be classified at Dry cleaning employee Level 2;
- (c) perform routine duties of a basic nature, exercise minimal judgment and work under direct supervision.

A.2 Dry cleaning employee Level 2

An employee who is employed as:

- (a) a wet cleaner;
- (b) a steam air finisher;
- (c) an examiner of garments;
- (d) an assembler of garments; or
- (e) a sorter of garments; or
- (f) an employee with at least six (6) months’ experience in the dry cleaning industry who is not a tradesperson dry cleaner and is not otherwise employed in the above roles or within Levels 3 to 4.

6. The above amendments are consistent with the principles set out in the Statement.

7. With regard to the Laundry Employee Level 1 classification, Attachment D of the Statement identifies that:
- The wage rate for the Laundry Employee Level 1 classification is \$870.70 (between C14 and C13); and
 - A 6-month transition period is specified but an employee must demonstrate competency at Level 2 to advance to this classification.
8. The parties propose the following amendment to the classification descriptor for Laundry Employee Level 1, which would ensure that the classification is consistent with the principles set out in the Statement:

B.1 Laundry employee Level 1

B.1.1 An employee in the first 6 months of employment with no previous experience in the industry.

B.1.2 An employee at this level must possess the following skills and abilities:

- (a) be responsible for their own work subject to detailed instructions;
- (b) work under routine supervision;
- (c) carry out duties in a safe, responsible and efficient manner; and
- (d) possess basic communication and interpersonal skills.

B.1.3 An employee at this level must be able to perform basic tasks as a result of skills that should have been gained from basic education or gained in the course of everyday living or readily learn such basic tasks including, but not limited to, the following:

- (a) be able to identify and classify items of linen/garments and associated simple tasks;
- (b) be able to load and unload drying machines; and
- (c) be capable of simple keyboard operations.

B.1.4 An employee at this level will be trained in one of the following Work Brackets:

(a) **Bracket 1**

- (i) perform all ironing machine functions either manually or with the aid of semi-automatic or automatic feeding, folding and preparing equipment;
- (ii) perform all manual or machine folding/hanging operations on linen/garments;

- (iii) operate a tunnel finisher; and
 - (iv) use a heat seal or heat marking machine or mark linen with any other type of machine or manually.
- (b) **Bracket 2**
- (i) operate any washing, drying and extracting equipment; and
 - (ii) operate towel unwinding equipment.
- (c) **Bracket 3**
- (i) operate any textile pressing machine.
- (d) **Bracket 4**
- (i) manual or machine repair of garments or linen.

B.1.5 Provided that an employee with experience in the bracket the employee was employed for will advance to Level 2 within 6 months upon demonstrating that the employee has attained and can perform at the desired level of efficiency in that bracket. The maximum period that an employee can remain at Level 1 is 6 months.

9. In addition to inviting parties to submit proposed variations to relevant awards, the Statement invited parties to advise of any errors in the table at Attachment D. The following minor error appears on page 17:

Next classification up
Laundry employee Level 4 <u>2</u> = \$900.50

Dated: 3 November 2023