

Australian Industry Group

4 YEARLY REVIEW OF MODERN AWARDS

Reply Submission

Plain Language Re-Drafting –
National Training Wage Schedule
(AM2016/15 & AM2016/17)

25 September 2017



4 YEARLY REVIEW OF MODERN AWARDS

AM2016/15 AND AM2016/17 – PLAIN LANGUAGE RE-DRAFTING – NATIONAL TRAINING WAGE SCHEDULE

1. The submission relates to Award-specific National Training Wage Schedules, and is filed in response to the Commission's Statement of 28 August 2017 ([2017] FWCFB 4457).
2. This submission is filed in reply to the submissions of the AMWU regarding the qualifications that should be included in the National Training Wage Schedules in the following awards:
 -) *Airline Operations Ground Staff Award 2010*
 -) *Airport Employees Award 2010*
 -) *Building and Construction General On-site Award 2010*
 -) *Food, Beverage and Tobacco Manufacturing Award 2010*
 -) *Manufacturing and Associated Industries and Occupations Award 2010*
 -) *Mobile Crane Hiring Award 2010*
 -) *Sugar Industry Award 2010*
 -) *Surveying Award 2010*
3. In proposing the inclusion of the various qualifications set out in our submissions, Ai Group considered the industries and occupations covered by each award, as well as the classification structure in each award. We only proposed the inclusion of a qualification in the National Training Wage Schedule in an award, if the qualification appeared to be relevant to the industries, occupations and classifications covered to the award.

4. There are hundreds of thousands of employees carrying out a very diverse range of different jobs in a diverse range of industry sectors covered by the above awards. There are also a very large number of trainees undertaking a diverse range of traineeships covered by the above awards.
5. The deletion of any relevant qualification from the National Training Wage Schedule in any award could have the effect of removing trainees undertaking those qualifications from the coverage of the award.
6. It would be harmful to businesses and their employees if award coverage of particular trainees was lost through the plain language re-drafting exercise. If award coverage is lost for a trainee, there is a very real prospect that the trainee would lose his or her employment.
7. Also, the deletion of any qualification from the National Training Wage Schedule in any award, that had the effect of removing a trainee from the coverage of the award, would offend s.163(1) of the *Fair Work Act 2009*.

8. Subsection 163(1) states:

Special rule about reducing coverage

- (1) The FWC must not make a determination varying a modern award so that certain employers or employees stop being covered by the award unless the FWC is satisfied that they will instead become covered by another modern award (other than the miscellaneous modern award) that is appropriate for them.
9. Accordingly, the Commission needs to take a very careful approach when contemplating the deletion of any existing qualification from the National Training Wage Schedule in any award.
10. It is vital that the Commission include each existing qualification in the National Training Wage Schedule in each award unless it is obvious that the award cannot cover trainees undertaking a particular qualification.
11. For the above reasons, all of the qualifications identified in Ai Group's submission of 8 September 2017 need to be included in the National Training Wage Schedules in the above awards.

12. Further, the incorrect alignments between particular qualifications and wage levels, as identified in our submission of 8 September, need to be corrected.