

FAIR WORK COMMISSION

Matter No: AM2014/241

Fair Work Act 2009

s.156 – 4 yearly review of modern awards: Ports, Harbours and Enclosed Water Vessels Award 2010

SUBMISSIONS OF THE CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION – THE MARITIME UNION OF AUSTRALIA DIVISION

1. These submissions are advanced by the Construction, Forestry, Maritime, Mining and Energy Union – The Maritime Union of Australia Division (**MUA**) in response to an invitation to file submissions set out in the decision of the Full Bench in *4 Yearly Review of Modern Award – Award Stage – Group 3* [2008] FWCFB 6368 at [176].
2. The MUA opposes AFEI's proposal to amend clause 12.2 of the Exposure Draft that is set out in their letter of 2 August 2018. That proposal has the effect of enabling employees to be rostered to work ordinary hours on weekends, on public holidays and outside the span of hours set out in clause 7.2. The AFEI proposal would also enable an employee to be rostered for 8 hours from 7pm on a Monday but only paid at 115% of their ordinary rate of pay rather than 150% of their ordinary rate of pay for the first 3 hours and 200% of their ordinary rate of pay thereafter.
3. This is the first time in over 8 years and at the death nell of the 4 yearly review that it has been suggested that employees could be paid in this way.
4. The intent of the MUA in the award modernisation process in originally proposing the award provisions was that:
 - (a) Ordinary hours of work were worked between 6.00am and 6.00pm for up to eight hours per day, Monday to Friday;
 - (b) all hours worked on a Saturday be paid at 150% of the ordinary rate of pay;
 - (c) all hours worked on a Sunday be paid at 200% of the ordinary rate of pay; and
 - (d) all hours worked on a Public Holiday be paid at 250% of the ordinary rate of pay;

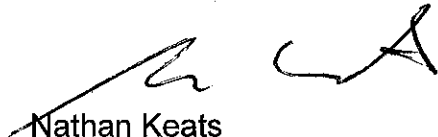
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5. In light of the concerns of AFEI that the award permits the working of ordinary hours outside the span of 6am to 6pm for up to 8 hours per day Monday to Friday clause 7.2 of the Exposure Draft should be amended to read:

7.2 Ordinary hours may only be worked between 6.00am and 6.00pm for up to eight hours per day, Monday to Friday.

Dated 1 November 2018



Nathan Keats

Solicitor for the CFMMEU – MUA Division