

Australian Industry Group

4 YEARLY REVIEW OF MODERN AWARDS

Submission

Vehicle Manufacturing, Repair
Services and Retail Award 2010
(AM2014/93)

Manufacturing and Associated
Industries and Occupations
Award 2010
(AM2014/75)

**Manufacturing Award – vehicle
manufacturing**

18 November 2016

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GROUP

4 Yearly Review of Modern Awards

Manufacturing Award – vehicle manufacturing

1. This submission is made in response to the Directions issued by Commissioner Bissett on 9 December 2016.
2. The Directions followed the 16 August 2016 decision of a Full Bench of the Commission ([2016] FWCFB 4418) which determined that the vehicle manufacturing coverage of the *Vehicle, Manufacturing, Repair Services and Retail Award 2010 (Vehicle Award)* will be incorporated into the *Manufacturing and Associated Industries and Occupations 2010 (Manufacturing Award)*. The decision was made despite the opposition of all of the major parties representing vehicle manufacturing employers and employees (including Ai Group, the VACC, the Motor Trades Associations and the Australian Manufacturing Workers Union (AMWU)), to the approach determined by the Full Bench. The reasons why Ai Group opposed the proposed approach are set out in our submissions of 6 May 2016 and 20 May 2016.
3. Given that the Full Bench has decided that the vehicle manufacturing coverage of the Vehicle Award will be incorporated within the Manufacturing Award, this submission does not restate the arguments against the approach. However, many of those arguments are relevant in demonstrating the complexity of the task that now confronts the parties, and the reason why the Commission should take a careful and consultative approach in implementing the Full Bench's decision.
4. The following paragraphs from the Full Bench decision are particularly important and relevant to the task that is now required in order to implement the Full Bench decision within the Manufacturing Award: (emphasis added)

[50] Consequently, further consideration of the VMRSR Award (and the Manufacturing Award) will proceed along the lines of the exposure drafts published on 4 March 2016. However four important matters need to be clarified having regard to the submissions of the parties before us:

- (1) We do not intend that smaller employers which primarily operate repair, service and retail businesses but perform ancillary manufacturing work

would have to apply the Manufacturing Award in future to any manufacturing work performed. The businesses described in the evidence of Mr Rowe, Mr McFadden, Mr Andrews, Ms Day and Mr Flynn would definitely fall into this category, and also possibly some of Mr Lucas' members and the businesses described by Mr Morelli and Mr Cuming. We consider that the provisions of the exposure draft for the (re-named) VMRSR Award published on 4 March 2016 would continue to cover all the functions and employees of businesses of this type (except for clerical/managerial work), and accordingly the concern about multiple award coverage which many of the witnesses expressed is in most cases misplaced. However we recognise that there is scope to make the position clearer in this respect.

- (2) The principal concern expressed by the Ai Group was that provisions imported from the VMRSR Award into the exposure draft for the Manufacturing Award and expressed to apply to vehicle manufacturers would apply to employers engaged in vehicle manufacturing functions which were already covered by the Manufacturing Award and had never been covered by the VMRSR Award. This would change the conditions applicable to them in ways which might be detrimental. We do not intend to alter the Manufacturing Award in a way which would significantly affect employers and employees already covered by it, and it is accepted that the exposure draft will require further modification to give effect to this intention.
- (3) In relation to the AMWU's submission that the transfer of vehicle manufacturing coverage to the Manufacturing Award would, based on the exposure draft, cause financial detriment to employees, it is not our intention that employees should suffer any non-trivial loss of income. Most of the particular matters raised by the AMWU in this respect do not appear to us to be of much significance, but we accept that further consideration of this issue is required. Such consideration should however occur on a holistic basis, taking into account the total effect of a transfer to the Manufacturing Award, and not simply on an item-by-item basis.
- (4) In relation to the AMWU's evidence and submissions concerning training arrangements for employees in vehicle manufacturing, it is not our intention that any change be required in this respect. Consideration will need to be given to the Manufacturing Award exposure draft to ensure that it reflects this intention.

[51] We consider that the interested parties should, with the benefit of the conclusions stated in this decision, be given the opportunity to have further input into the exposure drafts. This will enable the parties to advance their own proposals as to how best to give effect to this decision, and to address the issues of detail raised in the submissions of the Motor Trades Organisations, the AMWU and the Ai Group. The parties are directed in the first instance to confer between themselves about this. In due course, Vice President Hatcher will conduct a conference in relation to the exposure draft for the (re-named) VMRSR Award, and Commissioner Bissett, who already has carriage of the Manufacturing Award, will conduct a conference in relation to the exposure draft for that award. Once this conference process has been completed, the matters will return to this Full Bench for finalisation of the exposure drafts. We will then give consideration to any agreed proposals for alteration to the current exposure drafts and determine any disputed or otherwise outstanding matters concerning the transfer of the vehicle manufacturing coverage and any other issues.

[52] One matter which we raise for consideration of the parties is the operative date for the transfer of vehicle manufacturing coverage to the Manufacturing Award. One possibility is that this should not occur before large-scale car manufacturing in Australia comes to an end in 2017.

5. Ai Group concurs with the option flagged in paragraph [52] above that the transfer of vehicle manufacturing coverage to the Manufacturing Award should not occur before large-scale car manufacturing in Australia comes to an end. This approach will enable the Commission to give the parties time to work through the issues and endeavour to reach agreement on the necessary changes to the Manufacturing Award.
6. On 11 November, Ai Group had a preliminary teleconference with the AMWU to discuss the implementation of the Full Bench decision. It was agreed that the parties will enter into negotiations in an endeavour to develop an agreed position on the changes that should be made to the Manufacturing Award to incorporate the vehicle manufacturing coverage of the Vehicle Award. The parties recognise that the negotiations are likely to be lengthy and complicated given the extent of the differences between the conditions in the awards.
7. There are numerous problems with the Exposure Draft published on 30 May 2016. For example:
 - Numerous significant differences between the conditions in the Manufacturing Award and in the manufacturing section of the Vehicle Award have not been addressed; and
 - Numerous provisions which have been inserted into the Exposure Draft have not been expressed as being applicable only to the employees who are currently covered under the Vehicle Award and hence the inclusion of these provisions would disturb the award conditions for employers and employees currently covered under the Manufacturing Award. Consequently, the Exposure Draft offends the principle in paragraph [50](2) of the Full Bench's decision of 16 August 2016.

8. Given the extent of the problems with the Exposure Draft and the challenges associated with developing appropriate amendments to the Manufacturing Award, the parties are seeking time to work through the issues and to endeavour to develop an agreed position which would be submitted to the Commission for its consideration.
9. The parties have agreed to meet in Melbourne on 29 November, and on the afternoon of 5 December (immediately after the conference before Commissioner Bissett that has been scheduled for 11am on 5 December). The parties intend to schedule further discussions after these dates.
10. Ai Group proposes that the parties report back to the Commission in March 2017 on the progress that has been made on developing the relevant amendments to the Manufacturing Award.
11. For the Commission's assistance, and to facilitate the discussions between the parties, Ai Group has prepared a table (**Annexure A**) which identifies various differences between the conditions in the existing Manufacturing and Vehicle Awards, and issues for consideration regarding the wording of the Exposure Draft.

Comparison of the VMRSR Award and the Manufacturing Award in relation to vehicle manufacturing employees

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
Coverage of vehicle manufacturing employees	<p>Clauses 4.1(e) , 4.1(f), 4.2(b) & 4.3(iii)</p> <p>See also clause 45.1 (re coverage of section 2, vehicle manufacturing employees), 58 (re coverage of section 3 drafting, planning and technical employees) and 62 (re coverage of section 4 supervisory employees)</p>	No equivalent	<p>Under the current VMRSR Award:</p> <ul style="list-style-type: none"> • Clauses 4.1(e) and 4.1(f) clarify what vehicle manufacturing is • Clause 4.2(b) specifies that employees engaged in vehicle manufacturing are those covered by the classifications in clause 45 and for whom Section 2, 3 and 4 applies. • Clause 4.3(iii) provides an exception that employers who on 31 December 2009 were covered by 1998 Metals Award are not covered by the VMRSR Award. • Clauses 45.1, 58 and 62 deal with coverage under each of sections 2 and 3 and 4 respectively. 	Clauses 3.8(a) and 3.10	<p>Clauses 4.1(e) and 4.1(f) of the current VMRSR Award have simply been added to the list of what ‘manufacturing and associated industries and occupations’ means under s.3.8(a).</p> <p>Clause 4.3(iii) has simply be added to the list of what ‘manufacturing and associated industries and occupations does not mean’ under clause 3.10. This has the effect of excluding from coverage under the award any employer who manufactured metal parts as at 31 December 2009 and is clearly wrong.</p> <p>The ED does not adequately reflect the coverage provisions under the VMRSR Award so as to make it clear which provisions apply to vehicle manufacturing employees who previously would have been under the VMRSR Award.</p>
Facilitative provisions	No equivalent	Clause 8	<p>Clause 8 of the current MA contains a facilitative provisions clause.</p> <p>There is no equivalent provision in the current VMRSR Award.</p>	Clause 5	The facilitative provisions clause from the MA has been retained at clause 5 of the ED and now applies to all employees covered under the award (including vehicle manufacturing employees previously under the VMRSR award).

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
					<p>Additional clauses have been added to clause 5.2(facilitation by individual agreement) and clause 5.4 (facilitation by majority agreement).</p> <p>Some of the provisions identified as facilitative provisions do not apply to vehicle manufacturing employees (e.g. 6.3(b) -min engagement period for part time employees) but this is not clear in the ED.</p>
Dispute Resolution Training Leave	Clause 9.7	Clause 42.1		Clause 42.1	The provisions from MA now apply to all employees covered under the award (including vehicle manufacturing employees previously under the VMRSR Award).
Part time employees minimum engagement period	No equivalent	Clause 13.2	Clause 13.2 of the current MA provides that a part time employee must be engaged for a min of 3 consecutive hours a shift (but may request engagement of less than 3 hours with employer agreement). There is no min engagement period for part timers in the VMRSR Award.	Clause 6.3(b)	It is not clear that the minimum engagement period does not apply to vehicle manufacturing employees previously under the VMRSR award.
Part time employment – employer to retain copy of any variation	No equivalent	Clause 13.5	Clause 13.5 of the MA provides that if there is a variation re hours to be worked and classification etc., agreement needs to be retained by employer and a copy provided to the	Clause 6.3(e)	Clause 13.5 of the MA has been retained at clause 6.3(e) of the ED and now applies to all employees covered under the award (including vehicle manufacturing employees previously under the VMRSR Award).

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
and provide copy to employee			employee. The VMRSR Award doesn't contain this additional requirement (clause 12.4 just provides that variation needs to be recorded in writing)		
Part time employment – loss of pay for non-attendance	Clause 12.10	No equivalent	Clause 12.10 of the VMRSR Award specifies that an employee who fails to attend for duty will lose pay except as provided elsewhere in the award. There is no equivalent provision in the MA.	No equivalent	Clause 12.10 of the VMRSR Award does not appear in the ED
Part time employment – payment for work on public holidays	No equivalent clause in the part time employment provisions (clause 55.6 gives the penalty rates for public holiday work)	Clause 13.9(b)	Clause 13.9(b) of the MA specifies that where part time employees work on a public holiday they must be paid in accordance with clauses 32.4(e), 36.2(f), 37.5 and 40.9 (which in turn specify the rates for working on a public holiday). There is no equivalent provision in the part-time employment provisions of the VMRSR Award.	Clause 6.3(i)(ii)	Clause 13.9(b) of the MA Award has been retained in the part time employment provisions of the ED at clause 6.3(i)(ii) (although the clause reference numbers are different). i.e. Clause 6.3(i)(ii) says part time employees who work on a public holiday need to be paid in accordance with clauses 26.4(e), 12.2(g) and 30.6. There are differences in how employees under the VMRSR Award and the MA are paid for working on a public holiday (e.g. whilst there is a min engagement period of 3 hours under MA Award (see clause 40.9 of current Award and 30.6 of ED) there is no min engagement period under the VMRSR Award (see clause 55.6). There are also differences re shiftworkers.

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
					These differences are not apparent in the ED - clause 6.3(i)(iii) specifies the payment on public holiday for all part time employees (including vehicle manufacturing employees previously covered under the VMRSR) not just manufacturing ones.
Casual employees minimum engagement period	No equivalent	Clause 14.2	Clause 14.2 of the current MA provides minimum engagement period of 4 hours for casual employees (this may be reduced with agreement). There is no minimum engagement period for casuals in the VMRSR Award.	Clause 6.4(c)	It is not clear that the minimum engagement period in clause 6.4(c) does not apply to vehicle manufacturing employees previously covered under the VMRSR Award.
Casual employment provisions applicable to section 3 – drafting planning and technical employees	Clause 58.4(a) & (b)	No equivalent	Clause 58.4 of the current VMRSR Award specifies that section 3 vehicle manufacturing casual employees (drafting, planning and technical employees) are entitled to casual loading of 17.5% plus annual leave loading and annual leave on a pro rata basis, or casual loading of 25% (if informed of this upon engagement or later with agreement).	Clause 6.4(iii) & (iv)	<p>Clause 58.4(a)&(b) of the VMRSR Award have been included in the general casual employment clause of the ED (at clauses 6.4(iii) and (iv)). However it is not clear that these clauses only apply to vehicle manufacturing employees who would have been covered under section 3 of the VMRSR Award. In particular:</p> <ul style="list-style-type: none"> • Clause 6.4(iii) says “employers engaged in the technical field are entitled to...” but it is unclear what the technical field is. In contrast, it is clear in the VMRSR that this provision only applies to section 3 (drafting planning and technical employees) because the provision is

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
					<p>contained in a separate section of the award for those employees and clause 58.4(a) says “casual employees under section 3 are entitled to...”</p> <ul style="list-style-type: none"> • Clause 6.4(iv) on its current wording appears to apply to all casual employees under the proposed new Award (i.e. it enables agreement to be reached re casual loading)
Provisions re contract of employment applicable to section 4 – supervisory employees	Clause 62.4	No equivalent	Clause 62.4 of the current VMRSR Award only applies to section 4 supervisory employees under the current VMRSR Award.	Clause 6.7(a)	Clause 62.4 of the VMRSR Award has been included in clause 6.7(a) of the ED. However is it not clear that this provision only applies to employees who would have been covered under section 4 (supervisory employees) of the VMRSR Award. The heading to clause 6.7 is ‘supervisor/trainer/coordinator field’ which suggests the clause applies to any employee who is in the ‘supervisor/trainer/coordinator field’ (as defined in schedule I). This could apply to other manufacturing employees and not just vehicle manufacturing employees who would have been under section 4 of the VMRSR Award.
Provisions re conditions of employment applicable to	Clause 62.5	No equivalent	Clause 62.5 of the current VMRSR Award only applies to section 4 supervisory employees under the current VMRSR Award.	Clause 6.8	Clause 62.5 of the VMRSR Award has been included in clause 6.8 of the ED. However it is not clear that this provision only applies to employees who would have been covered

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section 4 – supervisory employees					under section 4 (supervisory employees) of the VMRSR Award. Although clause 6.8(i) refers to “employees covered by this section” there is nothing to indicate what the ‘section’ is and the heading to the clause is ‘conditions of employment’ suggesting it applies to everyone under the award. Clause 62.5 of the VMRSR Award clearly specifies whom the clause applies to.
Juniors – provisions re prohibited work	Clause 14.2	No equivalent	Clause 14.2 of the current VMRSR Award stipulates types of work which junior employees are prohibited from engaging in. No prohibited work exclusions exist in the MA re juniors.	No equivalent	Clause 14.2 of the VMRSR Award does not appear to be reflected in the ED.
Juniors – provisions re proof of age	Clause 14.3	No equivalent	Clause 14.3 of the current VMRSR Award enables employer to require proof of age if has reasonable grounds to suspect employee is under 21. No equivalent provision exists in the MA.	No equivalent	Clause 14.3 of the VMRSR Award does not appear to be reflected in the ED.
Apprentices (including adult and school based apprentices) and trainees	Clause 15	Clauses 15, 17, 18	Clause 15 of the current VMRSR Award combines apprentice, school-based apprentice and trainee conditions, whereas the MA splits them up. Clause 15 of the MA deals with just apprentices, whilst 17 deals with cadets and 18 with trainees.	Clauses 7, 9 and 10	Clauses 15,17 and 18 of the MA has been retained in essentially the same form in clauses 7,9 and 10 of the ED. In the list of apprenticeship trades mentioned in clause 7.4, some of the trades from clause 15.2 of the VMRSR Award have been added (e.g. boilermaker, electrical

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			<p>Clause 15.2 of the current VMRSR Award contains a list of apprenticeship trades. These are different to those in clause 15.4 of the current MA.</p> <p>Clauses in current MA re apprentices which are NOT in the VMRSR Award include: 15.6, 15.7, 15.8, 15.9, 15.10, 15.12, 15.14, 15.15 (first sentence only), 15.16, 15.17 and 15.18</p> <p>Clauses 17 (cadets) and 18 (trainees) of the MA are also different to VMRSR Award.</p>		<p>mechanic, moulder and/or coremaker(jobbing). However, not all of the apprenticeship trades listed in clause 15.2(a)-(t) are in the list in clause 7.4 of the ED.</p> <p>In clauses 7.5(a) and 7.5(c) of the ED, the references to C10 and C5 respectively has been changed to C10/V5 and C5/V10. However, references to other classifications in those clauses (e.g. to C7) have not been amended to include the corresponding 'V' level classification (see below comments re clause 7.5 of the ED)</p> <p>Clauses in the ED re apprentices which are NOT in the VMRSR Award include: 7.6, 7.7, 7.8, 7.9, 7.10, 7.12, 7.14, 7.15 (first sentence only), 7.16, 7.17 and 7.18.</p> <p>Re clause 9, clause 9.1 has been amended so that the reference to C3 now says 'C3/V12'</p> <p>Re clause 10, a new clause (clause 10.4) has been added which appears to be taken from clause 59.5(c) in section 3 of the VMRSR Award (see below comments re clause 10.4 of the ED)</p>
Additional provisions re apprenticeships for higher	Clause 50	Clause 15.5	Clause 50 of the VMRSR Award (which applies to section 2 employees) contains	Clause 7.5	Clause 15.5 of the MA has been retained at clause 7.5 of the ED (with only minor

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engineering tradespersons			<p>some additional provisions for higher engineering tradespersons.</p> <p>Clause 15.5 of the MA contains some additional provisions for higher engineering tradespersons and advanced engineering tradespersons.</p> <p>There are some differences in these provisions e.g. under clause 50.3 of the VMRSR, apprentices in 4th year get 88% of the V7 rate.</p>		<p>amendments e.g. the changing of the reference to C10 in clause 7.5(a) to 'C10/V5'</p> <p>However the differences contained in clause 50 of the VMRSR do not appear to be reflected the proposed clause.</p>
Payment of fees for trainees under section 3 (drafting, planning and technical employees)	Clause 59.5(c)	No equivalent	Clause 59.5 of the VMRSR Award deals with trainees covered under section 3 of that award. Clause 59.5(c) contains some provisions for trainees under that section. There are no equivalent provisions in the MA.	Clause 10.4	Clause 59.5(c) of the VMRSR Award has been retained in clause 10.4 of the ED (which deals with trainees in a general sense). However it is not clear that this provision only applies to employees who would have been covered under section 3 of the VMRSR Award.
Abandonment of employment	No equivalent	Clause 21	Clause 21 of the MA deals with abandonment of employment. There is no equivalent provision in the VMRSR Award	Clause 37	Clause 21 of the MA has been retained at clause 27 of the ED. It appears to apply to all employees under the award now (including vehicle manufacturing employees)
Allowances (generally)	Clause 19	Clause 32	Clause 19 of the VMRSR Award contains allowances for employees under that award. Clause 32 of the MA contains allowances and special rates for	Clause 26	It is not clear from clause 26 of the ED which allowances apply to all employees under the award and which ones only apply to the

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			employees under that award. Some of the allowances are the same but some are different. Even where they are the same, the way the allowances apply/the quantum is not always the same between the two awards.		vehicle manufacturing employees who would have been covered under the VMRSR Award. Differences between how the allowances apply (including whether all-purpose or not) and their quantum have also not been included. Clause 26 has incorporated aspects of the clause 23 of the VMRSR Award (which deals with clothing, equipment and tools) but hasn't dealt with the differences in the VMRSR Award
Leading hand allowance	Clause 19.2	Clause 32.1(a)	Clause 19.2 of the VMRSR Award does not specify that the allowance is all-purpose (cf. clause 32.1(a) of the MA).	Clause 26.1(a)	The leading hand allowance is specified as all-purpose for all employees under the award (even though for vehicle manufacturing employees under VMRSR it is not all-purpose).
Inspector allowance	Clause 19.3	No equivalent	Clause 19.3 provides additional allowance for employees who are inspectors. There is no equivalent provision in the MA.	Clause 26.2(j)	It is not clear that clause 26.2(j) only applies to vehicle manufacturing employees who would have been covered under the VMRSR Award.
Tool allowance-tradespersons and apprentices	Clauses 19.4, 23.1(a)-(e) and 23.2	Clause 32.1(c)	Clause 19.4(b) of the VMRSR Award provides the tool allowance for tradespersons covered under section 2 of the VMRSR Award and clause 19.4(d) provides the tool allowance for	Clause 26.1(c)	Clause 26.1(c) does not distinguish the differences between the current VMRSR and MA Awards. In particular: <ul style="list-style-type: none"> <li data-bbox="1592 1299 2128 1362">• The allowance is specified as all-purpose for all employees (even though for

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
			<p>apprentice tradespersons covered under section 2 of the VMRSR Award.</p> <p>Clauses 23.1(a)-(e) and 23.2 of the VMRSR Award expand on when the tool allowance is to be paid and provide additional circumstances in which employees are to be reimbursed for purchasing tools as well as additional obligations on employees re use of tools e.g. paying for tools lost due to negligence. (NB: clause 23.1 only applies to persons employed on tyre retreading).</p> <p>Importantly, the tool allowance under the VMRSR Award is not specified to be all purpose (see clause 19.4(e)).</p> <p>Clause 32.1(c) of the MA contains a number of provisions re tool allowance that are different e.g. 32.1(c)(v). In addition, the tool allowance in MA is all-purpose.</p>		<p>vehicle manufacturing employees under VMRSR it is not all-purpose).</p> <ul style="list-style-type: none"> • There are provisions in the ED that do not apply to vehicle manufacturing employees under the VMRSR Award e.g. clause 26.1(c)(v) and 26.1(c)(vii) – it is not clear that there are only for employees under MA. • the additional provisions in clauses 23.1 and 23.2 of the VMRSR are not reflected in the ED. • Clause 19.4(d) of the VMRSR Award provides the apprentice tool allowance in a table, whereas clause 26.1(c)(iv) refers readers to a different section. The latter approach is much more complicated.
Tool allowance - carpenter	Clause 19.4(f)(i) and 19.4(f)(ii)	Clause 32.1(d)	Clause 19.4(f)(i) of the VMRSR provides that a carpenter engaged on large structural alterations to buildings gets an allowance per hour extra. Clause 19.4(f)(ii) then provides that carpenters receive a tool allowance of \$15.31 per	Clause 26.1(d) and 26.2(k)	<p>The ED does not distinguish between what carpenters under the MA and carpenters who would have been covered under the VMRSR Award receive.</p> <p>Clause 19.4(f)(i) of the VMRSR has been retained at clause 26.2(k)- however it is not</p>

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			<p>week. The allowance is not specified as being all-purpose</p> <p>Under clause 32.1(d) of the MA, a carpenter, joiner, shipwright/boatbuilder receives a tool allowance of \$28.32 per week extra. This is specified as being all-purpose</p>		<p>clear that this section only applies to employees who would have previously be covered under the VMRSR Award.</p> <p>The tool allowance of \$15.31 under clause 19.4(f)(ii) of the VMRSR Award has not be retained. Clause 26.1(d) of the ED provides tool allowance of \$27.81 to carpenters, joiners, shipwrights/boatbuilders – this seems to apply to all carpenters including those who previously would have been under the VMRSR Award. The allowance is \$12.50 higher and is also all-purpose (whereas it was not all-purpose under the VMRSR).</p>
Meal allowance	Clause 19.5 (see also clause 61.4 re section 3 (drafting, planning and technical employees))	Clause 40.11	<p>Clause 19.5(b) of the VMRSR specifies that employee receives a meal allowance if required to work overtime of more than 1.5 hours without being notified on the previous day or earlier (subject to exceptions e.g. provided with a meal, live in same locality) and clause 19.5(c) provides that employee will be entitled to second or subsequent meal if not notified at least day before that the amount of overtime worked will necessitate the taking of second/subsequent break.</p>	Clause 26.2(c)	<p>Clause 40.11 of the MA has been retained in clause 26.2(c) of the ED.</p> <p>Clause 26.2(c) specifies that employee receives meal allowance on each occasion entitled to a rest break in accordance with clause 30.10 (subject to the listed exceptions).</p> <p>Clause 26.2(c) does not take into account the differences re meal allowance in the VMRSR Award and the MA – i.e. whilst under the VMRSR Award only get meal allowance if working overtime of +1.5 hours without being notified, and then if working amount of overtime that necessitates the taking of</p>

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			<p>Clause 19.5(e) of the VMRSR provides that employee will not get meal allowance if working overtime on Sunday or public holiday unless rostered to work their ordinary hrs on that day.</p> <p>The meal allowance in MA is different – clause 40.11 provides employee is entitled to meal allowance on each occasion entitled to a rest break in accordance with clause 40.10 (rest-break provision), subject to exceptions e.g. if provided with a meal etc. When an employee is entitled to rest break (and therefore meal allowance) under clause 40.10 is different to circs under VMRSR award e.g. entitled to rest break (and therefore meal allowance) after each 4 hours of overtime.</p> <p>NB: Clause 61.4 of the VMRSR Award provides that employees covered under section 3 of that Award (drafting, planning and technical employees) get meal allowance on each time entitled to a crib break per clause 27 (these are the same circs as when entitled to rest break under s.40.10 of the MA). However, the meal allowance is lower</p>		<p>further meal (in accordance with clause 26.3- more than 5 hours), under MA award and clause 26.2 of the ED employees are entitled to meal whenever entitled to rest break in accordance with 30.10. Under clause 30.10(a), employees are entitled to meal break after each 4 hours of overtime.</p> <p>Clause 19.5(e) of the VMRSR is also not reflected in the ED.</p> <p>NB: differences in the allowance amount are not reflected in the ED.</p>

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
			NB: there are differences in the allowance amount: in current MA allowance is \$13.81, but in VMRSR award it is \$13.47 (except for section 3 employees it is \$12.43).		
Travelling time, accommodation and meals	Clause 19.6	Clause 32.4(a) & (e)	<p>Under clause 19.6(b)(i) of the VMRSR employees get paid ordinary time for time spent travelling but time and a half on Saturday, Sunday and public holidays. However see clause 56.2(d) of the VMRSR Award which applies to section 2 vehicle manufacturing employees (this provides that the rate of pay for travelling time is ordinary rates except for Sunday and public holidays when will be time and a half). Clause 56.2(d) also applies to section 3 employees by virtue of clause 59.1(f). [NB: how do clauses 19.6(b)(i) and 56.2(d) of the VMRSR operate together?]</p> <p>Under clause 32.4(e)(i) of the MA, only get time and a half for travelling on Sunday and public holidays.</p>	Clause 26.4	Clause 32.4(e)(i) of the MA has been retained in clause 26.4(e)(i) of the ED. The ED doesn't reflect the differences between the two awards – employees only get time and half if travelling on Sundays or public holidays under the ED [but is this an issue in light of what clause 56.2(d) of the VMRSR Award provides?]
Expenses incurred in travelling	Clause 19.8(b)(i)	Clause 32.4(f)(ii)	The meal allowance for travelling under clause 19.8(b)(i) of the VMRSR Award is	Clause 26.4(f)(ii)	Clause 26.4(f)(ii) of the ED specifies that the travelling meal allowance is \$13.51 per meal

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
			\$13.47 per meal, whereas under clause 32.4(f)(ii) of the MA it is \$13.81		but this doesn't seem to reflect wage increases from 2016. In any event, the ED doesn't reflect the differences between the amounts in the two awards.
Additional travelling, transport and fare provisions for section 2- vehicle manufacturing employees	Clause 56	No equivalent	<p>Clause 56 of the VMRSR Award provides some additional provisions re travelling for section 2 vehicle manufacturing employees. For example:</p> <ul style="list-style-type: none"> • clause 56.2(d) provides that rate of pay for travelling is ordinary rates but time and half on Sunday and public holidays (cf. clause 19.6(b)(i)) • Clause 56.3 provides some additional provisions re expenses for boat travel and specifies meal allowance for travelling is \$12.43 (which is lower than allowance under Clause 19.8(b)(i)) <p>There is no equivalent in the MA.</p>	No equivalent	The difference provisions re travelling for section 2 employees under the VMRSR award do not appear to be reflected in the ED.
Additional provisions re travelling expenses for section 3 – drafting,	Clause 60.3	No equivalent	<p>Clause 60.3 of the VMRSR Award provides additional provisions re travelling for section 3 employees under that award.</p> <p>There is no equivalent in the MA.</p>	No equivalent	The difference provisions re travelling for section 3 employees under the VMRSR award do not appear to be reflected in the ED.

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
planning and technical employees					
Additional clauses re engagement of labour away from workshop and distant work in Manufacturing Award	No equivalent	Clauses 32.4(b) and clause 32.4(c)(ii)	<p>Clause 32.4(b) MA provides additional provisions re engagement of labour away from workshops.</p> <p>Clause 32.4(c)(ii) provides that employees on distant work are entitled to be paid return fare to usual place of residence after each 4 weeks of travel.</p> <p>These provisions are not in the VMRSR award.</p>	Clauses 26.4(b) and clause 26.4(c)(ii)	Clauses 32.4(b) and clause 32.4(c)(ii) of the MA have been retained at clauses 26.4(b) and clause 26.4(c)(ii) of the ED. It is not clear that these provisions only apply to employees under MA.
Confined spaces	Clause 19.11	Clause 32.3(f)	Clause 19.11 of the VMRSR Award is more detailed than clause 32.3(f) of the MA i.e. it gives some clarity on what a confined space is.	Clause 26.3(f)	Clause 26.3(f) of the ED adopts the same wording as the current MA.
Dirty work	Clause 19.12	Clause 32.3(g)	Clause 19.12 of the VMRSR Award is more detailed than the provision in the MA and, unlike the MA clause, describes how to resolve a dispute when there is disagreement about whether the work is dirty work or not.	Clause 26.3(g)	Clause 32.3(g) of the MA has been retained in the ED at clause 26.3(g). The clause does not contain the detail of the VMRSR clause.
Glass or slag wool	Clause 19.15	Clause 32.3(k)	Clause 19.15 of the VMRSR Award provides an allowance for employees handling loose slag wool, loose	Clause 26.3(k)	Clause 32.3(k) of the MA has been retained in the ED in clause 26.3(k) – the application of

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
			insulwool or other loose material of a like nature used for insulation. Clause 32.3(k) of the MA provides the same allowance, however only for persons employed on ship repairs/construction or on the construction/repair/demolition of furnaces, walls, floors and/or ceilings.		the clause is narrower than clause 19.15 of the VMRSR Award.
Handling Garbage and livestock transport allowances	Clauses 19.16 and 19.17 respectively.	No equivalent. However these allowances would arguably be captured by the dirty work allowance in clause 32.3(g)	Clause 19.16 of the VMRSR Award provides an allowance for handling garbage, and clause 19.17 provides an allowance for transporting livestock. There is no specific equivalent allowances in the MA, but arguably these are captured by the dirty work allowance in clause 32.3(g)	No equivalent. However these allowances would arguably be captured by the dirty work allowance in clause 26.3(g)	Clauses 19.16 and 19.17 of the VMRSR Award are not specifically in the ED. However, these circumstances would arguably be covered by the dirty work allowance in clause 26.3(g)
Boiler house employees	Clause 19.21	Clause 32.3(w)	Clause 19.21(a) of the VMRSR Award provides an allowance for employees engaged in a boiler house. However, clause 19.21(b) provides an exception where there is agreement for employer to provide overalls instead. Clause 32.3(w) essentially reflects clause 19.21(a), except that the allowance only applies to 'engine drivers' The exception provided for in clause 19.21(b) of the	Clause 26.3(w)	Clause 26.3(w) of the ED deals with the differences between the two awards re application of the allowance (i.e. it says it applies to 'an engine driver or an employee engaged in vehicle manufacturing'). However, the exception provided for in clause 19.21(b) of the VMRSR Award is not reflected in the ED.

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
			VMRSR award is not contained in the MA.		
Electric generators or dynamos	Clause 19.22	Clause 32.2(g)	<p>Clause 19.22 of the VMRSR Award provides that boiler attendants or firepersons to an electric generator or dynamo exceeding 10kw are entitled to an allowance.</p> <p>Clause 32.2(g)(i) provides that engine drivers and firepersons are entitled to allowances for specific duties (one of which attending to an electric generator or dynamo exceeding 10kw). Clauses 32.2(g)(ii) and (iii) give some exceptions.</p>	Clause 26.2(g)	<p>Clause 26.2(g) of the ED is essentially the same as clause 32.2(g) except that the words 'boiler attendant' have been added to clause 26.2(g)(i) (such that the allowances that follow apply to a boiler attendant, engine driver or fireperson).</p> <p>Clause 26.2(g) of the ED fails to reflect the differences between 19.22 of the VMRSR and clause 32.2(g) of the MA– namely that under the VMRSR award boiler attendants and firepersons only get allowance for attending to an electric generator/dynamo exceeding 10kw (and not the other duties mentioned in clause 32.2(g)(i) of the MA).</p> <p>In clause 26.2(g)(iii), the references to level C11 and C10 respectively have been changed to 'C11/V4' and 'C10/V5.' It is unclear where this has come from.</p>
Fork-lifts or cranes	Clause 19.23	No equivalent	Clause 19.23 of the VMRSR award provides an allowance for drivers of forklifts or cranes. There is no equivalent provision in the MA.	No equivalent	The fork-lifts or cranes allowance in the VMRSR award is not reflected in the ED.
Combined disabilities	Clause 19.25	Clause 32.3(a)	Clause 19.25 of the VMRSR Award provides that where two or more special	Clause 26.3(a)	Clause 26.3(a) of the ED is essentially a replica of clause 32.3(a) of the MA.

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
			<p>rates prescribed occur at the same time such rates will accumulate except as to combinations of dirty work, garbage handling and livestock transport in which case the highest rate will be payable.</p> <p>Clause 32.3(a) of the MA is similar- it provides that where one or more special rates apply, the employer need only pay the highest rate except re cold places, hot places, wet places, confined spaces, dirty work and height money (which are cumulative).</p>		<p>The proposed clause does not take into account differences between the two awards as to when the allowances do and do not accumulate. Whilst there is a specific list of allowances that accumulate in clause 32.3(a) of the MA, clause 19.25 does not contain a specific list.</p>
Protective clothing	Clauses 23.1(f) and 23.6	Clause 32.2(f)	<p>Clauses 23.1(f) of the VMRSR Award deals with protective clothing for those engaged in tyre retreading and clause 23.6 deals with protective clothing generally. Both clauses specify specific circumstances when an employer needs to reimburse employee for purchasing such clothing (or provide clothing to them) including when working with acids, engaged in wet rubbing etc.</p> <p>Clause 32.2(f) of the MA is by comparison more general – it specifies employee is required to be reimbursed or given protective clothing or</p>	Clause 26.2(f)	<p>Clause 26.2(f) of the ED is essentially a replica of clause 32.2(f) in the MA. The more prescriptive approach in the VMRSR award is preferable.</p>

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
			equipment when stipulated by the relevant law of state/territory.		
Damage to clothing and tools	Clause 23.3	Clause 32.2(d)	<p>There are a number of differences between the clause re damage to clothing and tools in the MA and VMRSR awards:</p> <ul style="list-style-type: none"> • Clause 23.3 of the VMRSR award provides that compensation is payable if employee required to use 'their own tools or wear their own work clothing in the course of employment' whereas clause 32.2(d)(i) of the MA provides it is payable where 'in the course of work, clothing, spectacles, hearing aids or tools of trade are damaged.' (clause 23.3(c)) • In contrast to the MA award, Clause 23.3(c) of the VMRSR award provides the compensation is not payable where the work clothing and tools are supplied by the employer at employer's expense (in MA it doesn't seem to matter who provided the clothing/tools) • clause 32.2(d)(i) of the MA provides that compensation is not payable if 	Clause 26.2(d)	Clause 32.2(d) of the MA is retained in clause 26.2(d) of the ED. The clause does not reflect the differences contained in clause 23.3 of the VMRSR Award. It also does not note that clause 26.2(d)(ii) (identical to clause 32.2(d)(ii) of the MA) only applies to employees under the MA and vehicle manufacturing employees who would have been covered under section 3 of the VMRSR Award.

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
			<p>employee is entitled to workers comp – this is not in VMRSR award</p> <ul style="list-style-type: none"> • clause 32.2(d)(ii) of the MA provides that employee is entitled to compensation for damage to personal clothing/items re employer negligence – this is contained in the VMRSR Award but only in relation to section 3 (drafting, planning and technical employees- see clause 60.2(a)). 		
Goggles	Clause 23.5	No equivalent	Clause 23.5 of the VMRSR Award provides that employees are to be reimbursed for purchasing goggles. There is no equivalent provision in the MA.	Clause 26.2(l)	Clause 23.5 of the VMRSR award has been included in clause 26.2(l) of the ED. It is not clear that this provision only applies to vehicle manufacturing employees who would have been covered under the VMRSR Award.
Allowance re application of technical computing equipment	Clause 60.1 (only applies to section 3 employees)	Clause 32.1(e)	The technical computing equipment allowance is not specified as all-purpose in clause 60.1 of the VMRSR Award. However it is specified as all-purpose in the MA.	Clause 26.1(e)	<p>The allowance is specified as all-purpose in clause 26.1(e) of the ED (even though it is not all-purpose in the VMRSR Award).</p> <p>It is also not clear that the allowance only applies to those under the MA and vehicle manufacturing employees who would have been covered under section 3 of that award (although this may be obvious given that section 3 employees are drafting, planning and technical employees).</p>

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
All-purpose allowances specific to manufacturing award	No equivalent	Clause 32.1(b)- ship repairing; Clause 32.1(f) – supervisor/trainer /coordinator – technical; Clause 32.1(g) – artificial fertilizers and chemicals	Clauses 32.1(b), (f) and (g) do not appear in the VMRSR Award. (NB: not all of them are relevant to the VMRSR Award)	Clauses 26.1(b), 26.1(f) and 26.1(g)	It is not clear that Clauses 26.1(b), 26.1(f) and 26.1(g) only apply to employees under MA (the only really relevant allowance that there should be clarification is clause 26.1(f) which deals with supervisors/trainer/coordinator technical allowance as the others are unlikely to apply to vehicle manufacturing employees). NB: Clause 26.1(f) of the ED (which is from clause 32.1(f) in the MA) specifies a technical allowance for employees in the technical field who are also involved in supervision and training of other technical employees. It is an all-purpose allowance. There is no equivalent in the VMRSR Award.
Other allowances specific to manufacturing award	No equivalent	Clause 32.2(e) - case hardened prescription lenses; clause 32.2(h)- cleaner, greaser or oiler; clause 32.2(i) – manganese dioxide and other	Clauses 32.2(e), (h) and (i) do not appear in the VMRSR Award. (NB: not all of them are relevant to the VMRSR Award)	Clauses 26.2(e). 26.2(h) and clause 26.2(i).	It is not clear that Clauses 26.2(e), 26.2(h) and clause 26.2(i) only apply to employees under MA

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
		pigments allowance			
Special rates specific to the manufacturing award	No equivalent	Clauses 32.3(c), 32.3(i), 32.3(j), 32.3(l), 32.3(m), 32.3(n), 32.3(n), 32.3(o), 32.3(p), 32.3(r), 32.3(s), 32.3(t), 32.3(u), 32.3(v), 32.3(x), 32.3(y), 32.3(z), 32.3(aa), 32.3(bb), 32.3(cc), 32.3(dd), 32.3(ee), 32.3(ff), 32.3(gg)	Clauses 32.3(c), 32.3(i), 32.3(j), 32.3(l), 32.3(m), 32.3(n), 32.3(n), 32.3(o), 32.3(p), 32.3(r), 32.3(s), 32.3(t), 32.3(u), 32.3(v), 32.3(x), 32.3(y), 32.3(z), 32.3(aa), 32.3(bb), 32.3(cc), 32.3(dd), 32.3(ee), 32.3(ff), 32.3(gg) do not appear in the VMRSR Award (NB: not all of them are relevant to the VMRSR Award)	Clauses 26.3(c), 26.3(i), 26.3(j), 26.3(l), 26.3(m), 26.3(n), 26.3(n), 26.3(o), 26.3(p), 26.3(r), 26.3(s), 26.3(t), 26.3(u), 26.3(v), 26.3(x), 26.3(y), 26.3(z), 26.3(aa), 26.3(bb), 26.3(cc), 26.3(dd), 26.3(ee), 26.3(ff), 26.3(gg)	It is not clear that the special rates in clause 26.3 referred to only apply to employees under MA. Although this will be obvious in some instances (e.g. 26.3(l) is about slaughtering yards which clearly not applicable to vehicle manufacturing employees), having so many allowances in one very long clause is very confusing and makes the clause much more complicated to read.
Training costs	No equivalent	Clause 32.5	Clause 32.5 of the MA deals with training costs other than those in connection with an apprentice's training contract – it is a provision specific to the MA and is not included in the VMRSR Award.	Clause 26.5	It is not clear that clause 26.5 of the ED only applies to employees covered under the MA.
Accident pay	Clause 22	No equivalent	Clause 22 of the VMRSR contains accident pay provisions for employees	No equivalent	Clause 22 of the VMRSR Award is not reflected in the ED.

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
			covered under that award. There is no equivalent provision in the MA.		
Payment of wages	Clause 24	Clause 34	Clause 34.2(b) of the MA provides that if employee is paid by cheque, and the employee requires it, the employer is to have a facility available during ordinary hours for the encashment of the cheque. This provision is not in the VMRSR Award.	Clause 23	It is not clear that clause 23.2(b) (the corresponding provision of clause 34.2(b) of the MA) does not apply to vehicle manufacturing employees covered by the VMRSR award.
Payment of wages re abandonment of employment or termination due to serious and wilful misconduct	Clause 24.4(a)	No equivalent	Clause 24.4(a) of the VMRSR Award provides that where employee has abandoned their employment or is terminated due to serious/wilful misconduct, employer can pay within 2 business days of the termination (NB: this is different to provisions re payment of wages re regular termination- on regular termination wages need to be paid on day of termination of the next day (per clause 24.4(a) of the VMRSR Award and clause 34.3 of the MA).	No equivalent	Clause 24.4(a) of the VMRSR Award is not in the ED.
Make-up time after stand-down	Clause 24.7	No equivalent	Clause 24.7 provides some additional provisions re stand-down (dealt with under s.524 of the FW Act). It provides for make-up time after stand down.	No equivalent	Clause 24.7 of the VMRSR is not reflected in the ED.

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
			There is no equivalent provision in the MA.		
Absences from duty under an averaging system	No equivalent	Clause 34.6	<p>Clause 34.6 of the MA provides additional provisions re employees whose ordinary hours in a week are greater or less than 38 hours and such employee's pay is averaged to avoid fluctuating wage payments.</p> <p>There is no equivalent provision in the VMRSR Award.</p>	Clause 23.6	Clause 23.6 (the replica of clause 34.6 of the MA) applies to all employees including those previously under the VMRSR Award.
Superannuation fund	Clause 25.4	Clause 35.4	There are some funds mentioned in clause 25.4 of the VMRSR Award that are not mentioned in clause 35.4 of the MA. These are TWUSUPER, Statewide Superannuation Trust, and Retail Employees Superannuation Trust (REST).	Clause 27.4	Clause 27.4 is a replica of clause 35.4 of the MA. The different funds mentioned in clause 25.4 of the VMRSR Award are not mentioned in clause 27.4 of the ED.
Optional morning or afternoon tea breaks	Clause 26.7	No equivalent	Clause 26.7 of the VMRSR award specifies that an employer <u>may</u> provide employees with a morning or afternoon tea break in addition to a meal break. It further provides if break is unpaid it can't be longer than 15 minutes and if have both morning and afternoon break on same day/shift one break must be paid.	No equivalent provision	Clause 26.7 of the VMRSR Award is not reflected in the ED.

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
Paid morning tea breaks	Clause 61.3(a) (only applies to section 3 employees).	Clause 38.6	<p>Clause 38.6 of the MA specifies that employees engaged in the technical field of work, technical workers, tracers, production planners, trainee engineers and trainee scientists must be allowed a paid 10 minute morning tea rest break.</p> <p>A similar provision is contained in clause 61.3(a) of the VMRSR Award but this only applies to section 3 (drafting, planning and technical employees)</p>	Clause 13.3	<p>Both clauses 38.6 of the MA and clause 61.3(a) of the VMRSR Award have been retained in the ED – clause 38.6 MA is included in clause 13.3 of the ED and clause 61.3(a) of the VMRSR Award is contained at clause 13.6(d)(i).</p> <p>It is not very clear from the format of clause 13 of the ED which provisions apply to which employees .</p>
Meal/rest breaks re section 3 – drafting planning and technical employees	Clauses 61.2 and 61.3 (only applies to section 3 employees)	No equivalent	Clauses 61.2 and 61.3 of the VMRSR Award specify additional provisions re meal/rest breaks for section 3 employees (this includes clause 61.3(a) re entitlement to paid 10 min rest break referred to above).	Clause 13.6(c) and 13.6(d)	<p>Clauses 61.2 and 61.3 of the VMRSR Award have been retained in clauses 13.6(c) and 13.6(d) of the ED.</p> <p>It is not very clear that these provisions only apply to vehicle manufacturing employees who would have been covered under section 3 of the VMRSR Award (the headings to clause 13.6(c)&(d) say they apply to ‘technical field employees’ but this isn’t defined in the section (in the VMRSR award it is clear these provisions only apply to section 3 employees because they are contained specifically in section 3 of the award).</p>

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
Crib breaks when working overtime – exception re Sundays and public holidays	Clause 27.5	No equivalent (but see clause 40.10 which deals with rest breaks re overtime)	<p>Clause 27 of the VMRSR Award deals with crib breaks when working overtime.</p> <p>Clause 27.5 of the VMRSR Award provides that clause 27 (crib breaks when working overtime) does not apply to an employee working overtime on a Sunday and public holiday unless the employee is rostered to work any of their ordinary hours on that day.</p> <p>Although the rest of the provisions re rest breaks when working overtime are the same between the two awards (see 27.1-27.4 of the VMRSR Award and clause 40.10 MA), clause 27.5 of the VMRSR Award is not a provision in the MA.</p>	No equivalent (but see clause 30.10 which deals with rest breaks re overtime)	Clause 27.5 of the VMRSR Award is not contained in clause 30.10 the ED.
Entitlement to meal break if entitled to rest break	No equivalent	No equivalent		Clause 30.10(e)	<p>Clause 30.10(e) of the MA provides that an employee entitled a rest break in clause 30.10 may be entitled to a meal allowance in accordance with clause 26.2(c) (clause 26.2 in turn provides for when get meal allowance).</p> <p>Given the concerns raised about the meal allowance above (i.e. that when entitled to it under MA and VMRSR are different) this clause is problematic as it directs reader to the meal allowance clause which then says</p>

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
					the employee gets a meal allowance whenever entitled to rest break per 30.10 which is not an entitlement that exists for all vehicle manufacturing employees under the VMRSR award.
When overtime applies	Clause 28.2	Clause 40.1(a)	<p>Clause 28.2 of the VMRSR Award specifies that an employee required to work outside the ordinary hours as prescribed by the award will be paid overtime (in accordance with remainder of the clause).</p> <p>Clause 40.1(a) of the MA specifies that overtime is payable for 'for all work done outside ordinary hours on any day or shift as defined in clauses 36.2, 36.3 and 36.4 (which specify the ordinary hours for day workers, continuous shiftworkers and non-continuous shiftworkers respectively).</p>	Clause 30.1(a)	<p>Clause 30.1(a) of the ED specifies that overtime work is "any work performed outside the ordinary hours on any day or shift as defined by clauses 12.2, 12.3 and 12.5." Clauses 12.2, 12.3 and 12.5 deal with 'ordinary hours of work-day workers,' 'ordinary hours of work- continuous shiftworkers- employees not engaged in vehicle manufacturing,' and 'ordinary hours of work- non continuous shiftworkers – employees not engaged in vehicle manufacturing' respectively.</p> <p>Clause 30.1(a) therefore does not include in the definition of when overtime applies the ordinary hours of work for vehicle manufacturing employees who would have been previously covered by the VMRSR Award.</p> <p>[NB: there is a typo in clause 30.1(b) of the ED – the reference to clause 29 should in fact be to clause 30)</p>

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
Unrelieved shiftwork on rostered day off	No equivalent	Clause 40.1(d)	<p>Clause 40.1(d) of the MA provides that when not less than 7.6 hours' notice has been given to employer by a relief shiftworker that that worker will be absent from work, and the shiftworker whom that person should relieved is not relieved and is required to work on their rostered day off, that shiftworker must be paid double time.</p> <p>There is no equivalent provision in the VMRSR Award.</p>	Clause 30.2(b)	<p>Clause 40.1(d) of the MA has been retained at clause 30.2(b) of the ED. It is not clear that this clause only applies to employees under the MA and not to vehicle manufacturing employees who would have previously been under the VMRSR Award.</p>
Payment for overtime-continuous shiftworkers	No equivalent provision	Clause 40.1(a)	<p>Clause 40.1(a) of the MA provides that the rate of overtime for continuous shiftworkers is double time.</p> <p>There is no equivalent provision under the VMRSR Award (continuous shiftworkers under this award get paid the same as other employees- that is, time and a half for first 3 hours and double time thereafter).</p>	Clause 30.3	<p>Clause 30.3 of the ED specifies that continuous shiftworkers working overtime get paid at 200% of the ordinary hourly rate (reflecting clause 40.1(a) of the MA). It is not clear that clause 30.3 only applies to employees under the MA and it therefore applies to all employees under that award now (including vehicle manufacturing employees under the VMRSR Award who would not have previously had that entitlement).</p>
Minimum engagement period for	No equivalent provision	Clause 40.7	<p>Clause 40.7 of the MA specifies that a dayworker required to work overtime on a Saturday must be paid for a minimum of 4 hours work.</p>	Clause 30.4	<p>Clause 40.7 of the MA has been retained in clause 30.4 of the ED. This provision applies to all employees under the ED (including vehicle manufacturing employees under the</p>

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
overtime on Saturday			There is no minimum engagement period for dayworkers working overtime on Saturday under the VMRSR Award.		VMRSR Award who previously would not have had that entitlement).
Minimum engagement period for overtime on Sunday or Public Holiday	Clause 28.5(b)	Clause 40.8 and Clause 40.9(a)	<p>Under clause 28.5(b) of the VMRSR Award, the minimum engagement period for employees working overtime on a Sunday or public holiday is 4 hours (NB: exceptions to this are in clause 28.5(a) and clause 28.9).</p> <p>Under clause 40.8 and 40.9 of the MA, the minimum engagement period for employees working on a Sunday and public holiday is 3 hours.</p>	Clauses 30.5 and 30.6	Under clauses 30.5 and 30.6 of the ED, the minimum engagement period for working overtime on a Sunday or public holiday is 3 hours.
Exceptions to minimum engagement period for overtime on a Sunday or public holiday	Clause 28.5(a) and (c)	No equivalent	<p>Clause 28.5(a) of the VMRSR Award stipulates that employees working overtime on Sunday or public holiday in connection with maintaining the continuity of electric light or power will be paid for a min of 1 hour plus time reasonably spent getting to and from work except where the work occupies more than 2 hours.</p> <p>Clause 28.5(c) specifies that clause 28.5 (which deals with minimum payment for overtime on a Sunday or public holiday) specifies that clause 28.5 will not apply where work is continuous with overtime</p>	No equivalent	Clauses 28.5(a) and 28.5(c) are not reflected in the ED.

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
			<p>or work commenced on the previous day or completed on the following day.</p> <p>There is no equivalent provision in the MA.</p>		
Time Off instead of Overtime Payment (TOIL)	Clause 28.3	Clause 40.13 (amended on 22 August 2016 following the FWC’s decision in AM2014/300 on 6 October 2015)	<p>Clause 28.3(c) of the current VMRSR Award provides that overtime is payable at the overtime rate. Clause 40.13 of the MA conversely provides that TOIL is paid for on a time for time basis, i.e. 2 hours of overtime= 2 hours off.</p> <p>The MA Award was varied on 22 August 2016 to include the model TOIL provision for awards that provide for TOIL at ordinary rates.</p> <p>The TOIL provisions of the VMRSR Award have not been settled yet. They are not being dealt with as part of AM2014/300 proceedings but rather during the award stage.</p>		The ED does not reflect the differences in the TOIL provisions in the two awards.
Call-back rate	Clause 28.8	Clause 40.5	Clause 28.8(a) of the VMRSR Award provides that an employee recalled to work overtime after leaving the employer’s premises, “will be paid for a minimum of <u>three hours</u> work at the <u>appropriate rate...</u> ”	Clause 30.12(a)	<p>Clause 30.12(a) of the ED replicates clause 40.5 of the MA. The differences between the two awards are not reflected.</p> <p>NB: Clause 30.12(b) of the ED (from clause 40.5(a) MA) provides that where employee is regularly required to hold themselves in readiness for a call back the min period is 3</p>

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
			<p>Clause 40.5 of the MA by contrast provides that an employee recalled to work overtime after leaving the employer’s premises “must be paid for a minimum of <u>four hours</u> work at the rate of <u>time and a half</u> for the first three <u>hours and double thereafter</u>, or if a <u>continuous shiftworker</u>, at the rate of <u>double time</u> for the full period..”</p> <p>NB: Clause 40.5(a) of the MA provides that where employee is regularly required to hold themselves in readiness for a call back the min period is 3 hours (not 4) paid at the appropriate overtime rate – but this only applies where the employee ‘regularly holds themselves in readiness’ so it is narrower than clause 28.8(a) of the VMRSR Award.</p>		<p>hours (not 4) paid at the appropriate overtime rate – but this only applies where the employee ‘regularly holds themselves in readiness’ so it is narrower than clause 28.8(a) of the VMRSR Award.</p>
Call-back – recalled on more than one occasion	No equivalent	Clause 40.5(b)	<p>Clause 40.5(b) of the MA is an additional provision for employees recalled on more than one occasion between the termination of their ordinary hours on one day and the commencement of their ordinary hours on the next day.</p> <p>There is no equivalent provision in the VMRSR.</p>	Clause 30.12(c)	<p>Clause 40.5(b) of the MA is included in clause 30.12(c) of the ED. The clause now applies to all employees (including vehicle manufacturing employees who would have previously been under the VMRSR Award).</p>

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
Transport of employees on Sundays and public holidays- additional provisions for section 3 employees	Clauses 61.6 and 61.8(b)	No equivalent	<p>Clauses 61.6 and 61.8(b) specify additional requirements re transport of employees but these only apply to employees covered under section 3 of the VMRSR Award.</p> <p>Clause 61.6 of the VMRSR Award provides that the transport of employee re overtime provisions in clause 28.10 also apply to work on Sundays for employees covered by section 3, except for continuous shiftworkers and Clause 61.8(b) provides that the transport of employee re overtime provisions in clause 28.10 also apply to work on public holidays for employees covered by section 3, except for continuous shiftworkers.</p> <p>The above provisions are not in the MA.</p>	No equivalent	Clauses 61.6 and 61.8(b) of the VMRSR are not reflected in the ED.
Annual leave loading re shiftworkers	Clause 29.9(a)(ii)	Clause 41.5(b)(ii)	<p>Under Clause 29.9(a)(ii) of the VMRSR Award, shiftworkers are entitled to “17.5% loading or the shift loading, whichever is greater but not both.”</p> <p>Under clause 41.5(b)(ii) of the MA, a shiftworker is entitled to “17.5%... or the shift loading <u>including relevant</u></p>	Clause 31.4(b)(ii)	Clause 41.5(b)(ii) of the MA is retained in clause 31.4(b)(ii) of the ED. The differences re the VMRSR Award are not reflected in the clause.

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
			<u>weekend penalty rates</u> , whichever is greater but not both.”		
Untaken leave on termination	Clause 29.11	Clause 41.11	<p>Clauses 29.11 of the VMRSR Award and clause 41.11 of the MA are similar- they both provide that on termination employees get paid unused annual leave at the rate they would have received for ordinary hours had they not been on leave.</p> <p>However, clause 29.11 of the VMRSR Award clarifies that the clause is subject to clause 29.8(d) (which gives employer ability to deduct on termination amounts for annual leave given in advance). It also makes it clear that annual leave loading is not paid on termination re unused annual leave.</p>	31.10	Clause 31.10 of the ED is a replica of clause 41.11 of the MA. The differences in clause 29.11 of the VMRSR Award which clarify how the clause operates are not reflected.
Annual close-down	Clause 29.12(c) &(d)	Clause 41.10(f) and (g)	<p>The VMRSR Award provides that where an employer closes down for 2 periods one of those periods must be for at least <u>21</u> days (clause 29.12(c)) but with majority agreement, the employer may close down for <u>2 separate periods neither of which is at least 21 days or in 3 separate periods</u> (clause 29.12(d))</p> <p>By contrast, the MA provides where employer closes down for 2 periods, one</p>	Clause 31.7(f) and 31.7(g)	The clauses from the MA are reflected in clauses 31.7(f) and 31.7(g). The differences from the provisions in the VMRSR Award are not included in the ED.

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
			of those must be for at least <u>14</u> days (clause 41.10(f)) but with majority agreement may close down for <u>3 separate periods one of which is for at least 14 days.</u> (clause 40.10(g)).		
Reimbursement for jury service	No equivalent	Clause 43.2	<p>Clause 43.2 of the MA provides that employer must pay employee who attends jury service the difference between jury service pay and “<u>the wages the employee would have received</u> in respect of the ordinary hours the employee would have worked had the employee not been on jury service.”</p> <p>This is higher than clause 111(2) of the FW Act which specifies payment is at the “base rate of pay.”</p> <p>There is no equivalent provision in the VMRSR Award (clause 31 of the award just refers to the NES)</p>	Clause 35.2	Clause 43.2 of the MA is retained in clause 35.2. The clause applies to all employees including vehicle manufacturing employees under the VMRSR Award who previously would not have had this entitlement.
Rostered day off or accumulated time off falling on a public holiday	Clause 32.3	Clause 44.3	Clause 32.3 of the VMRSR Award deals with rostered days off falling on a public holiday. Clause 44.3 deals with the same matter in the MA.	Clause 34.5	Clause 44.3 of the MA has been retained in clause 34.5 of the ED.

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
			The clause in the MA is more prescriptive than under the VMRSR Award.		
Working on a public holiday	No equivalent	No equivalent		Clauses 34.2 and	Clause 34.2 of the ED specifies that when an employee works on a public holiday they will be paid in accordance with clauses 26.4(e), 12.2(g) and 30.6. These clauses do not reflect the differences in how employees working on a public holiday are paid under the MA and the VMRSR Award.
Relationship of classification structure to definitions	Clause 45.7	No equivalent	Clause 45.7 of the VMRSR Award specifies that the classification structure in clause 45.5 is to be read in conjunction with schedule C- vehicle manufacturing employees- skill level definitions and have regard where relevant with the additional definitions in clause 3.2. Clause 3.2 gives a number of definitions for non-trades, trades and post-trades (clarifying what they are) There is no equivalent provision in the MA.	No equivalent	Clause 45.7 of the VMRSR award, and the additional definitions in clause 3.2, are not contained in the ED.
Higher duties	Clause 59.4(b) (only applies to section 3- drafting, planning and	Clause 24.2	Clause 24.2 of the MA provides that an employee engaged for more than 2 hours on duties at a higher min wage is entitled to the higher min wage for the	Clause 15.2	Clause 24.2 of the MA has been retained at clause 15.2 of the ED- the clause does not reflect the differences in the VMRSR Award and is drafted such that it applies to all

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
	technical employees)		<p>day/shift; and if less than 2 hours, the higher rate for that time.</p> <p>Clause 59.4(b) of the VMRSR award contains a similar provision – however</p> <ul style="list-style-type: none"> the clause says they get the higher rate “for the time so employed” the clause only applies to section 3 employees under the VMRSR Award 		employees under the ED now (not just manufacturing employees under the MA).
Lower grades duty	Clause 59.4(a) (only applies to section 3- drafting, planning and technical employees)	No equivalent	Clause 59.4(a) of the VMRSR award specifies that employees performing duties lower than usual grade will suffer no reduction in salary.	Clause 15.3	Clause 59.4(a) of the VMRSR award is retained at clause 15.3 of the ED. It is not clear this came from section 3 of the VMRSR Award and now applies to all employees.
Notification of classification in writing	Clause 45.4	No equivalent	<p>Clause 45.5 of the VMRSR Award imposes an obligation to advise employees in writing of their classification and of any subsequent changes to their classification.</p> <p>There is no equivalent obligation in the MA.</p>	Clause 15.4(b)	The obligation in clause 45.4 of the VMRSR Award has been retained at clause 15.4(b) of the ED and is drafted such as to apply to all employees (not just those previously under the VMRSR Award) – an additional obligation would therefore be imposed on employers under the MA.
Procedure for classifying employees covered by the	No equivalent	Clause 24.3(b)	Clause 24.3(b) of the MA sets out the procedure for classifying employees covered by the National Metal and Engineering Competency standards.	Clause 15.2(c)	Clause 24.3(b) of the MA has been retained in clause 15.2(c) of the ED – this appears to now apply to all employees under the ED (not just employees under the MA)

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
National Metal and Engineering Competency standards			There is no equivalent in the VMRSR Award		Classifications from the VMRSR Award have been included in the clause but it is unclear why.
Apprentice minimum wage rates	Clause 48	Clause 25	<p>Clause 48 of the VMRSR Award sets out the minimum apprentice wage rates. The clause is similar to clause 25 of the MA, however clause 25 of the MA is in a lot more detail. There are also a number of provisions in the two clauses that are different. For example:</p> <ul style="list-style-type: none"> • Re minimum wage rates for apprentices commencing or continuing an apprenticeship prior to jan 2014, in clause 48.1(a) of the VMRSR the rates are just based on a % of the level V5 rate, whereas under clause 25.1 of the MA, the wage rates are set out relevant to level of schooling completed (although the rates may be the same the manner in which the rates are set out is different) • Clauses 25.2 and 25.3 of the MA do not appear in the VMRSR Award 	Clause 16	Clause 16 of the ED is largely based on clause 25 of the MA, which is much more detailed than the clause in the VMRSR Award.

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
Apprentice wage rates and progression	Clause 49	Clause 25.7	Clause 49 of the VMRSR Award sets out apprenticeship progression for vehicle manufacturing employees. This is different to the conditions for progression specified under clause 25.7 of the MA.	Clause 16.7	Clause 49 of the VMRSR Award is not reflected in clause 16.7 of the ED which is largely based on clause 25.7.
Higher engineering tradesperson	Clause 50	Clause 25.7(b)	<p>Clause 50 of the VMRSR Award specifies additional requirements for higher engineering tradespersons.</p> <p>Clause 25.7(b) of the MA sets out conditions of progression for higher engineering tradespersons but the requirements are not the same.</p>	Clause 16.7(b)	Clause 50 of the VMRSR is not replicated in the ED. Clause 16.7(b) of the ED is the same as clause 25.7(b) of the MA.
Junior wage rates	Clause 52 (for section 2 employees) and 59.7 (for section 3 employees)	Clause 29	<p>Clause 52 of the VMRSR Award sets out the junior wage rates for unapprenticed juniors covered under section 2 of the award and clause 59.7 sets out the junior wage rates for unapprenticed juniors covered under section 3 of the Award. The rates for section 2 employees are based on a % of the Level V1 rate and for section 3 employees are based on a % of level V3 rate.</p> <p>Clause 29 of the MA is different.</p> <p>Clause 29.1 of the MA specifies the wage rates for unapprenticed junior</p>	Clause 20	<p>Clause 20 of the ED does not reflect the differences between the VMRSR and MA. In particular:</p> <ul style="list-style-type: none"> the rates for unapprenticed juniors in clause 20.1 do not reflect the rates in clause 52. It is not clear why rates based on classification level V2 have been added. The rates for section 2 employees under the VMRSR Award are based on level V1 and the percentages are also different.

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
			other than one in a foundry and clause 29.2 specifies unapprenticed junior rates for junior working in a foundry. Clause 29.3 sets out circumstances where a junior is entitled to minimum adult wage.		<ul style="list-style-type: none"> • It is not clear that clause 20.2 (rates for juniors in a foundry) only apply to employees covered under the MA. • It is not clear why vehicle classifications have been included in the table in clause 20.2 (given that clause 20.2 only applies to employees covered under the MA and vehicle manufacturing juniors would be prohibited from this work under clause 14.2 of the VMRSR Award). • It is not clear that clause 20.3 (which appears to be taken from clause 59.7 of the VMRSR award) only applies to vehicle manufacturing employees previously covered under section 3 of the VMRSR award. • It is not clear that clause 20.4 (taken from clause 29.3 of the MA) only applies to employees covered under the MA.
Cadet minimum wages	Clause 59.8 and 59.9 (applies only to section 3 – drafting, planning and technical employees)	Clause 27	Clause 59.8 and 59.9 of the VMRSR Award deal with rates for cadets – these provisions only apply to employees covered under section 3 of the VMRSR award. Clause 59.8 specifies what a	Clause 18	Clause 18 of the ED is largely a replica of clause 27 of the MA, however the minimum rates in clause 18.1 (dealing with cadets in the technical field) have been changed to also include a reference to V12 level (from the VMRSR Award).

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
			<p>cadet is and clause 59.9 gives the minimum rates of pay.</p> <p>By contrast, clause 27 o the MA deals with the minimum rates of pay for cadets in the technical field (clause 27.1) and in the technology field (clause 27.2)</p>		<p>It is not clear that clause 18.1 only applies to employees under the MA and previously under section 3 of the VMRSR Award, or that clause 18.2 (which deals with technology cadets) only applies to employees under the MA.</p> <p>The definition of what a cadet is in the VMRSR award has also not been retained in the clause in the ED.</p>
Trainee minimum wages	Clause 59.5 (applies only to section 3 – drafting, planning and technical employees)	Clause 28	<p>Clause 59.5 of the VMRSR Award deals with rates for trainees - these provisions only apply to employees covered under section 3 of the VMRSR award. Clause 59.5(a) specifies what a trainee is and clause 59.5(b) gives the minimum rates of pay. Clause 59.6 also deals with day-time schooling re trainees.</p> <p>In the MA, Clause 28 deals with trainee min wages. The clause in the MA is more detailed than the clause in the VMRSR Award. Clause 28.1 deals with the national training wage trainee minimum wages, clause 28.2 deals with technical field trainee minimum wages and clause 28.3 deals with trainee engineer and trainee scientist minimum wages.</p>	Clause 19	<p>Clause 19 of the ED is largely the same as clause 28 of the MA. It is not clear that parts of the clause only apply to vehicle manufacturing employees covered under section 3 of the VMRSR Award and/or under the MA.</p> <p>The clause is more detailed than the clause under the VMRSR Award.</p> <p>The definition of trainee found in clause 59.5(a) and the provision re daytime schooling (clause 59.6) of the VMRSR Award are also not included in the ED.</p>

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
Ordinary hours of work – day workers	Clause 53.1(b)	Clause 36.2(b)	<p>Under clause 53.1(b) of the VMRSR Award, ordinary hours of work may be worked Mon-Fri and between 7.00am and noon on Sat. Where a recognised half holiday is on a day other than Sat, that day may also be substituted for Sat.</p> <p>Conversely, under the MA, ordinary hours of work may be worked Mon-Fri. The days on which ordinary hours can be worked can include Sat and Sunday with agreement.</p>	Clause 12.2(c)	Clause 12.2(c) of the ED is a replica of clause 36.2(b) of the MA. The differences between the two awards are not reflected in the clause.
Work performed outside ordinary hours	Clause 53.1(d)	Clause 36.2(d)	The VMRSR Award provides that any work outside the spread of hours is paid for at overtime rates. The MA says the same thing, however it also provides an exception re work performed prior to the spread of hours which is continuous with ordinary hours for the purpose of getting the plant ready etc.	Clause 12.2(e)	Clause 12.2(e) of the ED reflects the provision in the MA (clause 36.2(d)) and not the provision in the VMRSR Award - the provisions apply to all employees (not just those under the MA).
Rates for working ordinary hours on weekend if agreement	No equivalent	Clause 36.2(e)	Clause 36.2(e) of the MA provides that if there is agreement per clause 36.2(b) to work ordinary hours on Sat or Sunday, the rate of pay is time and a half for work between midnight on Fri and midnight on Sat, and double time	Clause 12.2(f)	Clause 36.2(e) of the MA has been retained in clause 12.2(f). The differences between the two awards are not reflected and clause 12.2(f) – the provisions apply to all employees (not just those under the MA).

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
			<p>between midnight on sat and midnight on Sunday.</p> <p>There is no equivalent provision in the VMRSR Award (ordinary hours can be worked 7am-12pm on Sat, beyond that all time worked on the weekend is overtime.</p>		
Rates for day workers working on a public holiday	Claus 55.6(a)	Clause 36.2(f)	<p>Clause 36.2(f) of the MA provides that a day worker working on a public holiday must be paid for a min of 3 hours work at the rate of double time and a half.</p> <p>Under the VMRSR Award, clause 55.6(a) provides that employees working on a public holiday get paid double time and a half, but there is no min engagement period of 3 hours.</p>	Clause 12.2(g)	Clause 36.2(f) of the MA award has been retained in clause 12.2(g) of the ED. The differences between the 2 awards (i.e. that under VMRSR Award there is no min engagement period) are not reflected.
Day workers- substitute day off	Clause 53.5	No equivalent.	Clause 53.5 of the VMRSR Award provides that an employer with agreement make substitute the day an employee is to take off for another day when there is a break down of machinery or power shortage. There is no equivalent provision in the MA.	No equivalent	Clause 53.5 of the VMRSR Award has not been included in the ED.
Ordinary hours of work- shiftworkers	Clauses 54.1 and 54.2	Clauses 36.3 and 36.4	Clause 54.1 of the VMRSR award deals with hours of work for continuous shiftworkers and clause 54.2 deals with	Clauses 12.3, 12.4, 12.5 and 12.6	In the ED, the different clauses re shiftworkers in the 2 awards have been retained with headings specifying whether

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
			<p>hours of work for non-continuous shiftworkers. These provisions are different to the provisions in the MA.</p> <p>In the VMRSR Award, clause 54.3 deals with shiftwork rates.</p>		<p>they apply to ‘employees engaged in vehicle manufacturing’ and ‘employees not engaged in vehicle manufacturing’</p> <p>The headings are confusing because there is no definition of ‘employees engaged in vehicle manufacturing’ in the award so it is unclear which provisions apply to who – particularly given that many employers in vehicle manufacturing are currently covered under the MA Award.</p> <p>The separation of the provisions relating to rates for shiftworkers into a different clause (clause 29) may also create confusion.</p>
12 hour days or shifts	No equivalent	Clause 36.5(c)	<p>Clause 36.5(c) of the MA permits the introduction of 12 hour days or shifts with agreement.</p> <p>There is no equivalent provision in the VMRSR Award at present.</p>	12.7(c)	<p>Clause 36.5(c) of the MA has been retained at clause 12.7(c) of the ED. The clause appears to apply to all employees under the ED now (including employees who previously would have been under the VMRSR Award)</p>
Non rostered shifts	No equivalent	Clause 36.5(d) and Clause 36.5(e)	<p>Clause 36.5(d) of the MA specifies extra rates that need to be paid to employees who do not work a rostered shift. Clause 36.5(e) then specifies exceptions to when these rates need to be paid.</p> <p>There are no equivalent provisions dealing non rostered shifts in the VMRSR Award – the concept of rostered</p>	Clauses 12.7(d), 28.2(f) and 28.2(g)	<p>Clause 12.7(d) of the ED specifies that payment for work other than on a rostered shift is in accordance with clause 28.2(f). Clauses 28.2(f) and 28.2(g) then set out the payments for non rostered shifts and exceptions to these (the clauses are the same as those in clause 36.5(d)&(e) of the MA).</p>

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
			shits is not a feature of the VMRSR award.		The clauses in the ED appear to apply to all employees – including vehicle manufacruing employees previously under the VMRSR Award where those provisions do not exist.
Rates for shiftworkers	Clause 54.3	Clause 37	<p>The rates for shiftworkers in the VMRSR award are set out in clause 54.3 and in the MA are set out under clause 37.</p> <p>There are differences between the two awards, for example, under the VMRSR Award the night shift commences after 6pm whereas in the MA it is after 8am</p>	Clauses 28.2 and 29	<p>The provisions of both the MA and VMRSR Award relating to shiftwork rates have been retained in the ED. The provisions from the MA are retained at clause 28.2 under the heading ‘rates for shiftworkers’ and the provisions from the VMRSR Award are retained at clause 29 under the heading ‘shiftwork and rates – vehicle manufacturing employees.’</p> <p>Given that the provisions relating to employees covered under the MA are contained in the earlier clause and there is nothing to specify that they only apply to employees under the MA, it is unclear that the provisions in clause 28.2 only apply to employees under the MA. Even though the heading in clause 29 says the clause is for vehicle manufacturing employees there is no definition of who these employees are.</p>
Crib breaks for work on Sundays and public holidays	Clause 55.1	Clause 40.10	Clause 55.1 of the VMRSR Award sets out employee crib break entitlements for work on Sundays and public holidays for more than 9.5 hours.	Clause 30.10	Clause 55.1 of the VMRSR Award is not contained in the ED in the same terms.

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
			The MA deals with rest breaks in clause 40.10, however it does not explicitly provide for the same entitlements for work on a Sunday or public holiday in the VMRSR award		Clause 40.10 of the MA which deals with rest breaks re overtime is contained in clause 30.10.
Penalty rates for weekend work	Clause 55.5	Clause 36.2(e)	<p>Clause 55.5 of the VMRSR Award provides the penalty rates for employees working on Sundays. In the MA, penalty rates for weekend work are included at clause 36.2(e).</p> <p>There are a number of differences between the 2 awards, for example:</p> <ul style="list-style-type: none"> • there are no penalty rates for working on a Saturday under the VMRSR award – just get overtime • the penalty rates under the MA only apply when have agreement to work ordinary hours on the weekend (if no agreement, overtime rates apply) • the provisions in clause 55.5 of the VMRSR award are more comprehensive and specify the rates to be paid for particular shifts worked on Sunday e.g. shifts 	Clauses 12.2(f) and 28.1(a)	<p>Clauses 12.2(f) and 28.1(a) of the ED reflect the provisions of clause 36.2(e) in the MA.</p> <p>The differences re the VMRSR Award contained in clause 55.5 are not included in the ED (e.g. the additional provisions re types of shifts worked on a Sunday and the fact that there is no penalty for working on a Saturday under the VMRSR Award).</p>

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
			commencing before 10:45pm on Sunday		
Penalty rates for public holiday work	Clause 55.6	Clause 36.2(f)	<p>Clause 55.6 of the VMRSR Award provides the penalty rates for employees working on public holidays. In the MA, penalty rates for public holidays are included at clause 36.2(f)</p> <p>There are a number of differences between the 2 awards, for example:</p> <ul style="list-style-type: none"> • there is a min engagement period of 3 hours for working on a public holiday under the MA but no min engagement period under the VMRSR Award. • the provisions in clause 55.6 of the VMRSR award are more comprehensive and specify the rates to be paid for particular shifts worked on a public holiday e.g. shifts commencing before 10:45pm on Sunday 	Clauses 12.2(g) and 28.1(b)	<p>Clauses 12.2(g) and 28.1(b) of the ED reflect the provisions of clause 36.2(f) in the MA.</p> <p>The differences re the VMRSR Award contained in clause 55.6 are not included in the ED (e.g. the additional provisions re types of shifts worked on a Sunday and the fact that there is no min engagement period of 3 hours for working on a public holiday under the VMRSR Award).</p>
Security staff – special conditions	Clause 57	No equivalent	Clause 57 of the VMRSR Award contains additional provisions re security staff under the VMRSR Award. There are no equivalent provisions in the MA	No equivalent	Clause 57 of the VMRSR Award is not included the ED.

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
Coverage under section 3	Clauses 58 and 59	No equivalent	<p>Clause 58 of the VMRSR Award deals with coverage under section 3 of the VMRSR award (which deals with drafting, planning and technical employees).</p> <p>Clause 58 provides that coverage under section 3 has the coverage set out in clause 4.1(e) or 4.1(f) of clause 4 – coverage in respect to employees engaged in the technical field. Clause 58.1 then sets out relevant definitions e.g. of technical field, and clause 58.2 specifies exceptions to coverage under section 3. Clause 58.3 then deals with the relationship to section 2 of the award specifying that the provisions of section 3 do not apply to employees covered under section 3 except where otherwise specified.</p> <p>Clause 59.1 specifies which provisions of the VMRSR award apply to employees covered under section 3.</p> <p>There is no equivalent under the MA and there are not different sections under the MA.</p>	No equivalent	<p>Whilst the VMRSR award clearly specifies which provisions of the award apply to which type of employees under the award (by including them in the different sections and containing the detailed coverage clauses and clauses dealing with relationship to other provisions in the award), the proposed ED does not contain the different sections contained in the VMRSR Award. Rather, provisions relating to vehicle manufacturing employees (regardless of which section of the VMRSR Award they came under) have been included wherever they are relevant in the ED without specification as to which type of vehicle manufacturing employees they apply to.</p>

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
Coverage under section 4	Clause 62	No equivalent	<p>Clause 62 of the VMRSR Award deals with coverage under section 4 of the VMRSR award (which deals with supervisory employees)</p> <p>Clause 62 and clause 62.2 clearly specify which employees are covered under that section, whilst section 62.3 specifies the relationship of section 4 to other provisions of the award.</p> <p>There is no equivalent under the MA and there are not different sections under the MA.</p>	No equivalent	<p>Whilst the VMRSR award clearly specifies which provisions of the award apply to which type of employees under the award (by including them in the different sections and containing the detailed coverage clauses and clauses dealing with relationship to other provisions in the award), the proposed ED does not contain the different sections contained in the VMRSR Award. Rather, provisions relating to vehicle manufacturing employees (regardless of which section of the VMRSR Award they came under) have been included wherever they are relevant in the ED without specification as to which type of vehicle manufacturing employees they apply to.</p>
Schedule C – summary of wage rates	No equivalent	No equivalent			<p>Schedule C of the ED contains a summary of wage rates under the award. The schedule does not clearly reflect the differences between the wage rates in the MA and the VMRSR Award. The breakdown of the clauses into those that apply to persons ‘engaged in vehicle manufacturing’ and those that apply to persons ‘other than those engaged in vehicle manufacturing’ is confusing because there is no definition of vehicle manufacturing.</p>

Issue	VMRSR Award 2010 (VMRSR Award) Clause reference	Manufacturing Award 2010 (MA) Clause reference	Comments re difference between the current Awards	Manufacturing Award Exposure Draft 30 May 16 Clause reference	Comments re the ED
Schedule D – summary of monetary allowances	No equivalent	No equivalent			Schedule D of the ED contains a summary of monetary allowances under the award. The schedule does not clearly reflect the differences between the allowances in the MA and the VMRSR Award.
Definitions re boiler attendant or fireperson	Clause 3.2 – definitions re	No equivalent	<p>Clause 3.2 of the VMRSR Award contains definitions of the following:</p> <ul style="list-style-type: none"> • boiler attendant or fireperson – 1st class • boiler attendant or fireperson, leading – 1st class • boiler attendant or fireperson, leading 2nd class <p>There are no equivalent provisions in the MA</p>	No equivalent	Schedule I of the ED contains definitions relevant to the two awards. Whilst many definitions from the VMRSR award have been added to the list of definitions in the ED, the definitions re boiler attendant or fireperson are missing.