



AWU National Office
Level 10
377 - 383 Sussex St.
Sydney NSW 2000
Ph: (02) 8005 3333
Fax: (02) 8005 3300
members@awu.net.au

Queensland Branch
Ph: (07) 3221 8844
Fax: (07) 3221 8700
secretary@awu.org.au

Greater NSW Branch
Ph: (02) 9897 3644
Fax: (02) 9897 1481
info@awu-nsw.asn.au

Victoria Branch
Ph: (03) 8327 0888
Fax: (03) 8327 0899
victoria@awu.net.au

Greater SA Branch
Ph: (08) 8360 1900
Fax: (08) 8360 1960
awusa@awusa.asn.au

Tasmania Branch
Ph: (03) 6234 6744
Fax: (03) 6234 5712
admin@awutas.org.au

West Australia Branch
Ph: (08) 9221 1686
Fax: (08) 9221 1706
administrator@awuwa.asn.au

Newcastle Branch
Ph: (02) 4967 1155
Fax: (02) 4960 1349
mail@australianworkersunion.com

Port Kembla Branch
Ph: (02) 4229 3611
Fax: (02) 4229 8096
members@portkembla.net.au

Whyalla Branch
Ph: (08) 8645 8800
Fax: (08) 8645 5998
awuwhyalla@internode.on.net

Pastoral Award Modernisation

Award modernization is a key objective of the Rudd Government's Forward with Fairness Industrial Relations policy. The aim of the award modernization process is to create a fair and relevant safety net for all Australian employees.

The award modernization process, involves starting from scratch by creating new 'modern awards', rather than simplifying the awards which are already in place. The process has begun and involved consultation with groups to formulate the most appropriate procedure for the modernization process.

The process requires that the AIRC:

- Develop a timetable for completing the award modernization process;
- Identify a list of priority industries and occupations for award modernization. In developing the priority list, the request requires the AIRC to have regard to the industries and occupations with high numbers of AWAs and former State Awards. Awards in these areas are to be modernized by the end of December 2008; and
- Develop a model award flexibility clause, which will be included in every modern award, with appropriate modification.

Members of the AWU have, for some time been aware of a push by the National Farmers Federation (NFF) for significant industrial relations reform in the Pastoral Industry.

The NFF has put to print its 'wish list' with the hope that it will be adopted by the Australian Industrial relations Commission (AIRC) which will leave shearing industry workers contemplating their next career choice.

The following proposals are being pursued by the NFF:

- As a matter of principle the NFF seeks to have one generic Award covering Agriculture, with no specific references unless deemed critical to undertaking work to require commodity specific references;
- As a matter of priority the Award will be a simple and easily understood document for employers and employees alike, that does not contain complexities of merged Awards that have occurred in the past nor contain historical provisions that do not suit modern work practices;
- The most flexible of existing provisions should be accepted as the most appropriate clauses for the modern Award and if there is to be any cost impact to either the employer or employee and an off set arrangement cannot be considered then sunset clauses could be developed as a last resort;
- Hours of work clause would read: "The ordinary hours of work will not exceed 152 hours in any consecutive period of four weeks. All time worked by an employee in excess of the ordinary hours shall be deemed as overtime". Overtime: "The employee shall be allowed time off duty with pay for a period equal to the overtime worked; or in lieu of taking time off duty the employee may elect to be paid for the overtime worked. The rate of pay for the overtime shall be time and a half provided that double time be paid for all work performed on a Sunday";
- The NFF proposes that work related allowances be bought out and included in the rate of pay;
- The NFF propose that the expense related allowances be paid on the production of receipts and with a written explanation as to why the employee believes it is a work related expense;



- The NFF propose not to make mention of superannuation nor the need to have contributions made on behalf of the employee;
- The NFF has a “consistent approach for the shearing industry and is of the opinion that there should not be a specific shearing section with all general clauses also to relate to shearing. However, a specific shearing section for the rate of pay clause as part of the piece work rates is likely to be required including a review of the formula as some concern has been expressed that the current formula and its interaction with shed rates may not meet the Award Modernisation test’.

What does this mean for you if the bosses get their way?

Put plainly, shearers will no longer have a start time or a knock off time, there will be no provision for smokos and no lunch time breaks and gone will be the two hour runs. Monday to Friday will be history and working at night will be permitted.

Shearers will not be able to refuse to shear wet sheep and no vote will be allowed. Shearers will no longer be able to refuse to shear sheep straight out of the grass and water, nor will they be able to refuse to shear sheep which are cancerous, have scabby mouth, or any other disease which may be communicable to humans.

Employers will be able to charge what they like for mess, as the Found and Not Found rates will no longer be applicable. Further, most if not all of your current allowances will disappear. The breakdown allowance will be gone as will waiting time. Where sleeping quarters are not provided no longer will you be paid an allowance. It is most likely that all travel allowances will be excluded from a modern Award.

Shed hands will be paid by the hour and not the run, nor will they get a minimum of four hours if cutting out before lunch or will they get a full days pay if work goes beyond lunch.

Where to Now?

Over the next 18 months the AIRC will draft a series of new Awards. The new Awards are to form the basis of a new industrial relations system to commence on 1 January 2010.

The industries that have been looked at so far are:

Coal Mining – Glue and Gelatine – Higher Education – Hospitality – Metals and Associated Industries – Mining – Private Sector Clerical Occupation – Racing – Retail – Rubber, Plastic and Cablemaking – Security – Textile, Clothing and Footwear – Vehicle Manufacturing

The Pastoral Industry is likely to be included in the next round and the AIRC will announce the next round of priority industries on 10 October 2008.

Some employers are trying to use the process as an excuse to reduce workers’ conditions to the lowest common denominator or are cherry picking clauses from existing awards that favour the employer.

The Australian Workers Union (AWU) is standing up for employees and up to employers and telling the Commission that the process must not disadvantage existing or future employees covered by the modern awards.

Over the next couple of months, the AWU will be meeting with key players in the Pastoral Industry and negotiating positions that promote the needs of our members. The AWU will then make submissions to the AIRC on the content of the modern Pastoral Industry awards.

For further information please contact:

Sam Beechey – 0419372478 (Victoria)
Lance Degenhardt – 0428879084 (South Australia)
Terry O’Connor – 0409026698 (New South Wales)
Don Hayes – 0418131457 (Tasmania)
Tim Sullivan – 0427787046 (Queensland)
Warren Allen – 0419907032 (Western Australia)