

Fair Work Commission

Matter Numbers: C2022/1

Applicant: Mining and Energy Union a division of the Construction, Forestry, Maritime, Mining and Energy Union (**MEU**)

Proposed amendments to draft determination MA000001 PR740673

1. The Black Coal Mining Industry Award 2020 (**BCMIA**) applies to the employment of apprentices engaged in the black coal mining industry.

Adult apprentices

2. A.6.8(b)(ii) of the BCMIA outlines that:

Stage	Rate of pay	\$ per week
1	80% of Mineworker – Induction Level 2	714.40
2	Mineworker – Induction Level 1	876.20
3	Mineworker – Induction Level 1	876.20

3. The Fair Work Commission's (**Commission**) draft determination (**Draft Determination**) concerning the BCMIA (MA000001 PR740673) proposes amending A.6.8(b)(ii) of the BCMIA as follows:

Stage	Rate of pay	\$ per week
1	80% of Mineworker – Induction Level 2	747.28
2	Mineworker – Induction Level 1	916.5
3	Mineworker – Induction Level 1	916.5

4. As seen below, Stage 1 adult apprentices to whom the BCMIA applies receive a pay increase of \$32.88.

	Current Wage	Proposed Wage	Difference	Difference
Adult apprentices	\$ per week	\$ per week	%	\$
Stage 1	714.40	747.28	4.60%	32.88

5. At [192], in *Annual Wage Review 2021–22 decision*,¹ the Commission outlined:

¹ [2022] FWCFB 3500

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We propose to increase modern award minimum wages by 4.6 per cent subject to a minimum increase to **adult award classifications of \$40 per week**.¹⁷⁷ In effect modern award minimum wage rates above \$869.60 per week will receive a 4.6 per cent increase. Wage rates in adult award classifications that are below \$869.60 per week will be increased by \$40 per week.

6. The BCMIA ought to be amended consistently with the Annual Wage Review. The MEU submits that the Commission should vary A.6.8(b)(ii) of the BCMIA as follows:

Adult apprentices	\$ per week
Stage 1	754.4
Stage 2	916.5
Stage 3	916.5

Apprentices other than adult apprentices

7. The Commission's decision to limit the minimum increase of \$40 to adult award classifications is inconsistent with the Commission's reasoning in *Annual Wage Review*.² In the context of the BCMIA, the limitation unjustly singles out young workers. As stated by the Commission in *Annual Wage Review*:

[190] ... Low-paid work tends to be concentrated among younger workers...

[191] The present circumstances warrant an approach which affords a greater level of support to the low paid...

8. The MEU submits that the Commission should extend the minimum increase of \$40 to **all** award classifications.

Mining and Energy Union
24 June 2022

² *Annual Wage Review*, [53], [132]-[133], [153], [178], [190]-[191], [194].