

Summary comparison of terms of the Tyree Industries Enterprise Agreement 2021 with the 2020 Enterprise Agreement and Manufacturing Award

Condition/Issue	Tyree Industries EA 2020 (EA2020)	Proposed Tyree Industries EA 2021 (EA2021)	<i>Manufacturing and Associated Industries and Occupations Award 2020 (Manufacturing Award)</i>	Notes
Term	<u>Clause 1</u> <ul style="list-style-type: none"> Commencement date – first full pay period which commences 7 days after approval by FWC Nominal expiry date- 30 June 2021 	<u>Clause 2</u> <ul style="list-style-type: none"> Commencement date – first full pay period which commences 7 days after approval by FWC Nominal expiry date – 30 June 2024 	<u>Clause 1</u> Commenced 1 January 2010	Commencement date of EA2021 dependent on when the EA is approved by the FWC
Relationship to Award	<u>Clause 1</u> <ul style="list-style-type: none"> The Award (as amended from time to time) is incorporated into the 2020 EA. The 2020 EA takes precedence if inconsistent with the Award (e.g., pay rates) 	<u>Clause 5</u> <ul style="list-style-type: none"> Same as EA2020 In addition a table has been inserted in EA2021 to assist employees to easily identify specific award clauses 	This Manufacturing Award incorporates all amendments up to and including 1 July 2021	No change from EA2020, except a table has been inserted in EA2021 to assist employees to easily identify specific award clauses
Relationship to National Employment Standards (NES)	<u>Clause 1 (Introduction)</u> <ul style="list-style-type: none"> EA2020 read in conjunction with the NES If there is an inconsistency between NES and the EA2020, and the NES provides a greater benefit, the NES will apply 	<u>Clause 4</u> <ul style="list-style-type: none"> NES applies Summary table of NES entitlements and the relevant EA2021 clause inserted to assist employees 	<u>Clause 3</u> Read in conjunction with the NES which contain the minimum conditions of employment	EA2021 confers a greater benefit provided under the NES where there is an inconsistency between EA2021 and the NES
Scope	<u>Clause 1</u> The EA2020 covers: <ul style="list-style-type: none"> Tyree Industries Pty Ltd (Tyree); and Employees employed by Tyree and employed in the classification covered by the 	<u>Clause 1</u> <ul style="list-style-type: none"> Same as EA2020 	<u>Clause 4</u> Discusses coverage, namely, that <i>“the award covers employers throughout Australia of employees in the Manufacturing and Associated Industries and Occupations who are covered by</i>	No change from EA2020

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	classification structure at Appendix A		<i>the classifications in this award and those employees."</i>	
Flexible Arrangements	<u>Clause 27</u> <ul style="list-style-type: none"> • The Employer and an Employee may make an individual flexibility agreement in relation to: <ul style="list-style-type: none"> ○ when work is to be performed; ○ overtime rates; ○ penalty rates; and ○ allowances 	<u>Clause 26</u> <ul style="list-style-type: none"> • Same as EA2020 	<ul style="list-style-type: none"> • <u>Clause 5</u> of the Award discusses flexibility arrangements • <u>Clause 6</u> of the Award deals with requests for flexible working arrangements 	No change from EA2020
Employment Categories	<u>Clause 3</u> <ul style="list-style-type: none"> • Full time employment- not part time or casual • Part time employment- engaged for less than an average of 38 hours per week • Casual employment- engaged and paid as a casual, paid a minimum 25% casual loading, right to request casual conversion to permanent employment <u>as per the Award</u> 	<u>Clause 6</u> <ul style="list-style-type: none"> • Same as EA2020, except reference to Award casual conversion entitlements removed because the Award is changing on 27 September 2021 	<u>Part 2 – clauses 8 through 11 (Types of employment)</u> <ul style="list-style-type: none"> • Full time employees – those not specifically engaged as part time or casual • Part time employees – works an average of less than 38 ordinary hours per week, minimum engagement of 4 consecutive hours per shift, times worked in excess of agreed hours is paid at overtime rates • Casual employees- one that is engaged and paid as a casual (to be removed from Award effective 27 September 2021), casual loading is 25%, minimum engagement of 4 consecutive hours per engagement, right to request conversion to permanent employment after 6 months if working on a regular and systematic basis 	“Casual employee” is now defined in the Fair Work Act. Casual conversion is now dealt with under the NES The Award definition of casual employment, and casual conversion provisions, will be removed from the Award on 27 September 2021. The Award will continue to provide for payment of 25% casual loading as part of the ordinary hourly rate of pay.

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			(conversion terms to be removed effective 27 September 2021)	
Qualifying Period	<u>Clause 3a)</u> <ul style="list-style-type: none"> • Full time and part-time employees may be engaged for a 6 month qualifying period • Tyree is entitled to extend the qualifying period in consultation with the employee 	<u>Clause 7</u> <ul style="list-style-type: none"> • Same as EA2020 	No equivalent provision under the Award	No change from EA2020
Hours of work, rostering and meal breaks	<u>Clause 4 (Ordinary Hours of Work) and clause 5 (Meal Breaks) and Appendix B (Flexitime/RDOs)</u> <ul style="list-style-type: none"> • Ordinary hours of work- 38 hours per week, Monday to Friday, this can include Saturdays and Sundays subject to an agreement between Tyree and employee • Spread of hours for day workers – between 6am and 6pm, which can be altered by up to 1 hour at either end of the spread (by agreement) • Standard shift patterns of work are outlined at Table 1 of clause 4 (which includes meal breaks, but any other related meal break matters are in accordance with clause 18 of the Award) 	<u>Clause 8 (Ordinary Hours of Work) and clause 9 (Meal Breaks) and Appendix B (Flexitime/RDOs)</u> <p>Same as EA2020, but we have clarified that the clause is read in conjunction with the Flexitime/RDO system detailed at Appendix B</p>	<u>Clause 17 (Ordinary hours of work and rostering) and clause 18.1 (Meal Breaks)</u> <ul style="list-style-type: none"> • Subject to clause 17.5 of the Award, ordinary hours of work are an average of 38 hours per week, but not exceeding 152 hours in 28 days • Maximum of 8 hours per day unless agreed to be arranged by one of the methods listed at clause 17.5 of the Award • A 20 minute unpaid meal break must be provided after no more than 5 hours of consecutive work (unless otherwise agreed) 	No change from EA2020

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	<ul style="list-style-type: none"> 20 minute meal break required where overtime is worked on a Friday afternoon where they have worked more than 6 consecutive hours 			
Flexitime/RDOs	<p><u>Appendix B (Flexi-time/RDOs)</u></p> <p>Employees will work 40 hours per week, and be paid for 38 hours. The additional 2 hours will be accumulated by the employee as flexitime which can be used at a later date</p>	<p><u>Appendix B (Flexi-time/RDOs)</u></p> <p>As per Appendix B of the 2020 EA</p>	<p><u>Award clause 17.5</u> deals with methods of arranging ordinary working hours, including arrangements for rostered days off</p>	<p>No change from EA2020</p>
Wages	<p><u>Clause 8 (Payment of Wages) and Clause 9 (Base Rate of Pay)</u></p> <ul style="list-style-type: none"> Ordinary Hourly Pay Rate made up of base rate of pay, team leader allowance (where applicable), service premium (where applicable), and casual loading (where applicable) Base rate of pay absorbs leave loading entitlements, and all other allowances otherwise provided under the Award (unless stated otherwise) Base rates of pay provided under table 2 of clause 9 Apprentices base rates of pay are as per table 2a of clause 9d 	<p><u>Clause 12 (Ordinary Hourly Rate of Pay) and Clause 13 (Base Rate of Pay)</u></p> <p>Increase to wages a minimum of 3% for each year (July 2021, July 2022, July 2023)</p> <p>Table 2 of clause 13 has been updated to include the increased rates payable</p> <ul style="list-style-type: none"> the rest of clauses 12 and 13 remain the same as the EA2020 	<p><u>Clause 20</u> provides the minimum wage rates for each classification</p> <p><u>Clauses 21 and 22</u> provide for Apprentice minimum rates</p>	<p>The Base Rates of Pay under the EA2021 are at least 3% higher than the corresponding Base Rates of Pay under the EA2020</p> <p>There will be a 3% increase in Base Rates of Pay from 1 July 2022</p> <p>There will be a 3% increase in Base Rates of Pay from 1 July 2023</p>

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Allowances	<u>Clause 13</u> <ul style="list-style-type: none"> Team Leader allowance of \$4.00 per hour as a component of the relevant Ordinary Hourly Rate of Pay (where appropriately qualified and applicable) First Aid allowance of \$18 per week on top of the ordinary Hourly Rate of Pay (where appropriately qualified and applicable) Test Bay allowance \$38 per week in addition to Base rate (where applicable) 	<u>Clause 17</u> <ul style="list-style-type: none"> Team Leader allowance of \$4.15 per hour as a component of the relevant Ordinary Hourly Rate of Pay (where appropriately qualified and applicable) First Aid allowance of \$18.65 per week on top of the Base Rate of Pay (where appropriately qualified and applicable). Test Bay allowance of \$38 per week on top of base rate of pay (when designated to operate designated Test Bay) 	<u>Clause 30 (Allowances and special rates)</u> <ul style="list-style-type: none"> Clause 30 of the Award sets out various allowances payable under the Award Clause 30.2(a) of the Award provides a weekly leading hand allowance based on the number of employees they are required to be in charge of. Equates to Minimum of \$1.04 per hour to a maximum of \$1.97 per hour Clause 30.3b) of the Award provides a first aid allowance of \$17.89 per week as an additional amount (where appropriately qualified and applicable) 	<ul style="list-style-type: none"> Other than the Team Leader Allowance, First Aid Allowance and Test Bay Allowance, the Base Rate of Pay under EA2020 and EA2021 incorporates all other allowances otherwise payable under the Award. The First Aid Allowance, Test Bay Allowance and Team Leader Allowance are greater under the EA2021 compared with EA2020 The team leader allowance and the first aid allowance are greater in EA2021 than in the Award
Superannuation	<u>Clause 10</u> <ul style="list-style-type: none"> In line with the employer contributions under clause 31.1 and 31.2 of the Award Default fund is Australian Super Balanced Plan 	<u>Clause 14</u> <ul style="list-style-type: none"> Wording updated to account for new “stapled fund” rule for new starters from 1 November 2021 	<u>Clause 31</u> discusses superannuation	Wording updated to account for new “stapled fund” rule for new starters from 1 November 2021
Overtime	<u>Clause 7</u> <ul style="list-style-type: none"> Monday to Friday - 150% of Ordinary Hourly Pay Rate for first 3 hours, and at 200% thereafter Saturdays- minimum payment of 4 hours, 150% for 	<u>Clause 15</u> <ul style="list-style-type: none"> Same as EA2020 	<u>Clause 32 (Overtime)</u> <ul style="list-style-type: none"> 150% of the ordinary hourly rate for the first 3 hours and 200% thereafter Sundays- 200% of the ordinary hourly rate, with a minimum of 3 hours payment 	No change from EA2020

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	<p>first 3 hours, and at 200% thereafter</p> <ul style="list-style-type: none"> Sundays- minimum payment of 3 hours, all hours at 200% <p>Public Holidays – as per clause 32.7 of the Award</p>		<ul style="list-style-type: none"> Clause 32.7 of the Award sets out public holiday overtime payments 	
Shift work	<p><u>Clause 6</u></p> <ul style="list-style-type: none"> Afternoon shift loading of 15% on top of Ordinary Hourly Rate of Pay Night shift loading of 30% on top of Ordinary Hourly Rate of Pay But for the changeover of shifts, employees not required to work more than 1 shift in each 24 hour period May elect to take time off during a shift and 'make up' hours at a later time (Make Up Time) 	<p><u>Clause 10</u></p> <ul style="list-style-type: none"> Same as EA2020 	<p><u>Clause 33 (Penalty Rates)</u></p> <ul style="list-style-type: none"> Afternoon shift loading of 15% on top of the ordinary hourly rate Night shift loading of 15% on top of the ordinary hourly rate Non successive afternoon and night shifts (as defined under 33.2(e)) attract a 50% loading on top of the ordinary hourly rate for the first 3 hours, and a 100% loading for the remaining hours Permanent night shifts (as defined at 33.2(f)) attract a 30% loading on top of the ordinary hourly rate Work on shifts other than rostered shifts (as defined at 33.2(g)) attract a 100% loading on top of the hourly rate (for continuous work), or 50% loading on top of the ordinary hourly rate for the first 3 hours, and a 100% loading thereafter (if employed on other shift work) 	<ul style="list-style-type: none"> No change to shift loadings from EA2020 The 2021 EA provides a greater night shift loading in comparison to the Award Award contemplates circumstances where shift work is not successive, is a permanent night shift, is continuous or where shift work is performed on a Sunday, and provides particular loadings with respect to each of those circumstances. Tyree will pay the higher penalty rate provided for in the Award, where applicable

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Taking leave during close down	<u>Clause 21 (Taking leave during close down)</u> <ul style="list-style-type: none"> Tyree may, with a minimum of 2 weeks' notice close down all or part of its enterprise for the purposes of granting annual leave During such periods of close down, employees must firstly use any accrued annual leave 	<u>Clause 24 (Annual Close Down)</u> <ul style="list-style-type: none"> Same as EA2020 	<u>Clause 34.7 (Annual close down)</u> Employers may close down any or all of its enterprise for the purpose of allowing annual leave with a minimum of 4 weeks' notice	The Award provides for a minimum 4 week notice period in circumstances of a close down period, whereas EA2021 requires Tyree to only provide a 2 week notice period
Leave (except Long Service Leave which is outlined separately in this table)	<u>Clauses 20 (Annual leave), 22 (Personal Carers Leave), and 23 (Community Service Leave)</u> <ul style="list-style-type: none"> Leave entitlements as per the NES Annual leave loading is absorbed into the Base Rate of Pay 	<u>Clause 19 (Annual Leave), Clause 18 (Personal/Carer's leave), and Clause 4 (the National Employment Standards - for Community Service Leave)</u> <ul style="list-style-type: none"> Same as EA2020 	<u>Clauses 34 (Annual leave), 35 (Personal Carers Leave), 37 (Community Service Leave)</u> <ul style="list-style-type: none"> Leave entitlements provided under the NES Provides annual leave loading of 17.5% at clause 34.4 	<ul style="list-style-type: none"> No change from EA2020
Public holidays	<u>Clause 24 (Public Holidays)</u> <ul style="list-style-type: none"> As per the NES 	<u>Clause 4 (the National Employment Standards - for Public Holidays)</u> <ul style="list-style-type: none"> As per the NES 	<u>Clause 40 (Public Holidays)</u> <ul style="list-style-type: none"> Public holidays are as per the NES 	No change from EA2020
Consultation	<u>Clause 14 (Communication and Consultation)</u> <ul style="list-style-type: none"> Tyree may request a committee representative of employees for specific discussions Regular meetings will be convened by Tyree for the purposes of discussing any 	<u>Clause I (Consultation and Communication)</u> <ul style="list-style-type: none"> The consultation and communication clause is largely a replica of clause 14 of EA2020 	Clause 41 contains the Consultative provisions	Substantially similar to EA2020 and in line with the Award

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	<p>issues in relation to the employment</p> <ul style="list-style-type: none"> • Shift times may be varied by up to 2 hours to accommodate for the meetings referred to in the above point • Tyree is to notify affected employees when it has made a definite decision to introduce a major change or a change to rosters or hours of work. Tyree will discuss the changes with affected employees 			
Disputes Settlement Procedure	<p><u>Clause 28 (Dispute Resolution)</u></p> <p>Incorporates the model dispute settlement term of the Fair Work Regulations 2009</p>	<p><u>Clause 27 (Dispute Resolution)</u></p> <ul style="list-style-type: none"> • No change from EA2020 	<p><u>Clause 42</u> of the Award provides for a dispute resolution procedure that is materially the same the EA2021</p>	No change from EA2020
Employee Representation	<p><u>Clause 29</u></p> <ul style="list-style-type: none"> • Tyree recognises the rights of employees to join a trade union if they choose to do so • Delegates must seek approval from Tyree to undertake representative duties if undertaken during work hours 	<p><u>Clause 28</u></p> <ul style="list-style-type: none"> • No change from EA2020 	<p><u>Clause 43 (Dispute resolution training leave)</u> discusses dispute resolution training leave for Employee representatives</p>	No change from EA2020
Service Premium	<p><u>Clause 11 (Service Premium)</u></p> <p>Employees who commenced employment with Tyree prior to 1 July 2012 will receive an additional "Service Premium"</p>	<p><u>Clause 16 (Service Premium)</u></p> <ul style="list-style-type: none"> • No change from EA2020 	No equivalent provision under the Award	No change from EA2020

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	amount per hour in accordance with Table 3 of clause 16			
Abandonment of employment	<p><u>Clause 18 (Abandonment of Employment)</u></p> <ul style="list-style-type: none"> If an employee does not attend work for 3 consecutive days without notifying Tyree, Tyree will deem this to be an abandonment of employment If Tyree has taken reasonable steps to contact the employee who is deemed to have abandoned their employment, Tyree may terminate the employee on such grounds 	This clause is not in EA2020	No equivalent provision under the Award	The Abandonment of Employment clause not included in the EA2021
Long Service Leave	<p><u>Clause 25 (Long Service Leave) and clause 26 (Restriction upon employment whilst on long service leave)</u></p> <ul style="list-style-type: none"> In accordance with the <i>Long Service Leave Act 1955 (NSW)</i>, as amended from time to time Where an employee is dismissed for serious misconduct, they will not be entitled to any accrued long service leave entitlements Restriction from working during long service leave as per clause 26 of EA2020 	<p><u>Clause 25 (Long Service Leave)</u></p> <ul style="list-style-type: none"> No change to Long Service Leave entitlements Clause 26 of EA2020 has been removed from EA2021 	Not covered by the Award	<p>No change to Long Service Leave entitlements</p> <p>Clause 26 of EA2020 (restriction from working) not included in EA2021</p>

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Stand down	<u>Clause 19 (Standing down employees)</u> <ul style="list-style-type: none"> Refers to the Fair Work Act provision (section 524) regarding stand down 	<u>Clause 23 (Standing down employees)</u> <ul style="list-style-type: none"> No change from EA2020 	Not covered by the Award	The employer's right to stand down employees without pay will be determined in accordance with the Fair Work Act. Consultation requirements do not apply under the Fair Work Act
Fixed day	<u>Appendix B (at Other Matters)</u> <ul style="list-style-type: none"> On "Fixed Days", Tyree may require an employee to attend work with one month's notice 	<u>Appendix B (at other matters)</u> <ul style="list-style-type: none"> No change from EA2020 	Not covered by the Award	No change from EA2020
Termination of Employment	<u>Clause 15 (Termination of Employment on Notice)</u> <ul style="list-style-type: none"> Entitlements as per the NES 	<u>Clause 21 (Termination of Employment on Notice)</u> <ul style="list-style-type: none"> No change of EA2020 	<u>Clause 44 (Termination of employment)</u> <ul style="list-style-type: none"> Notice of termination is provided for in the NES Notice of termination by Employee is the same as that required by the Employer (without the additional week based on age). Employer may deduct money from final pay if appropriate notice to provided. Details job search entitlement of up to 1 day's time off without loss of pay to find another job. 	No change from EA2020
Redundancy	<u>Clause 16 (Termination – Genuine Redundancy)</u> <ul style="list-style-type: none"> Entitlements are greater than the NES 	<u>Clause 22 (Termination – Redundancy)</u> <ul style="list-style-type: none"> No change from EA2020 	<u>Clause 45 (Redundancy)</u> <ul style="list-style-type: none"> Redundancy pay is provided for in the NES Transfer to lower paid duties is discussed 	No change from EA2020

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			<ul style="list-style-type: none"> • Employee leaving during notice period in circumstances of redundancy • Details job search entitlement of up to 1 day's time off per week without loss of pay to find another job. 	
Classification System	<u>Appendix A (Classification System)</u>	<u>Appendix A (Classification System)</u>	<u>Schedule A (Classification Structure and Definitions)</u>	In consultation with employees the Tyree Classification System has been updated to allow employees to more easily see the path to progress up through levels of classification.