

From: Richard Krajewski [<mailto:richard.krajewski@fpaa.com.au>]
Sent: Friday, 10 March 2017 11:07 AM
To: Chambers - Gostencnik DP
Cc: Jason O'Dwyer; Gordon Jervis; Cameron Young; Guy Noble; Vasuki Paul;
louise.hogg@ablawyers.com.au
Subject: Electrical, Electronic and Communications Contracting Award 2010 - Schedule B

Ms. Suzie Kairouz
Associate to Deputy President Gostencnik.

Dear Ms. Kairouz,

Please find attached two with respect to Schedule B of the *Electrical, Electronic and Communications Contracting Award* (and subsequent Exposure Award), raised as part of the four year Modern Award Review process and in relation to a conference conducted by his Honour on Tuesday 28th February 2016.

The first attachment is commentary with regards to Schedule B while the second attachment is a “without prejudice” proposal in response to the Public Holidays column aspect raised in the respective correspondence.

Should there be a need for clarification, please do not hesitate to contact me.

Regards

Richard Krajewski
Workplace Relations Manager
Fire Protection Association Australia

9th March 2017

Deputy President Gostencnik
Fair Work Commission
80 William Street,
MELBOURNE, NSW

Four yearly review of modern awards
s.156 – 4 yearly review of modern awards
Electrical, Electronic and Communications Contracting Award 2010 – AM2014/265
Schedule B

Dear Deputy President,

The Fire Protection Association Australia (FPA) has given consideration to the matter concerning Schedule B of the *Electrical, Electronic and Communications Contracting Award 2010*. In this regard, we have also considered the submissions of the other parties.

FPA sees merit in the removal of Schedule B from the Award and so is in concert with the other interested parties and the primary submission of the Master Electricians Association (MEA) – see correspondence dated 27th February 2017.

However, an alternative proposal has also been put by MEA and supported by other parties and it is to that alternative position that the following is directed.

The alternative submission that MEA puts with respect to Schedules B.2.1 to B.4.12 provide logic but we make the following comments:

- (a) Support the proposed amendment to replace “other than shift worker” with “day worker” in the introduction to the respective Tables as well as the replacement of “penalty rates” with “public holiday rates”.
- (b) MEA propose in their item #3 (B.2.1), that the **Note** contained at the bottom of the Table in B.2.1 (and subsequent Schedules) that this Table should be varied to confirm the non-inclusion of four (4) other all-purpose allowances. While agreeing with the thrust of this observation and proposal to vary, the NECA proposal of more identifying the respective allowances, would appear to be a fuller proposition, but one that assists the MEA proposal.
- (c) A reference to the body of the Award concerning these respective allowances (sub-clause 17.2) provides the avenue of correctly applying the respective allowances to the respective employees. Accordingly, there would not be any confusion created by combining the suggestions of MEA and NECA.

- (d) FPA does not oppose the NECA proposal of the amendment to a new B.1.3 but perhaps adding the adjective "all-purpose" into the proposal to read " ... *the following all-purpose allowances ...* ".
- (e) With regards to the MEA proposal to remove the Public Holidays column in the Table in Schedule B.2.1, this may pose some difficulties. This is seen in, firstly, the proposal to replace "other than shift workers" with "day workers" in the title to the respective Tables. Accordingly, the removal of the Public Holiday column removes a reference to what payments a day worker may receive on such days. Secondly, the same effect may well be encountered with employees other than day workers (in subsequent Tables).
- (f) As an addition to the discussion concerning the proposed removal of the Public Holiday column, in a number of Schedules, the following is put forward on a "without prejudice" basis: The relativities for payment on a Public Holiday by a day worker, as set out in B.2.1 are the same as that set out in B.2.2. Schedule B.2.2 includes Saturday, Sunday and Public Holiday (Overtime rates). The "without prejudice" proposal is that as Schedule B.2.1 relates to base rate (plus the industry allowance) – ordinary hours Monday to Friday and with B.2.2 setting out Overtime rates for Saturday, Sunday and Public Holidays, why not remove the Public Holiday column from B.2.1. **Note**, that B.2.2 does not provide the basis for these subsequent amounts set out in the Table. It is accepted that the rates set out in B.2.2 are based on B.2.1. Perhaps B.2.2 should therefore include a column that provides this basis for calculating the week-end and public holiday rates.
- (g) The attached draft proposal sets out the "without prejudice" proposal. It is accepted that the consequential re-numbering of Schedules and subsequent variations, may well pose a logistical exercise. Yet, as the attached proposed draft Table is at the commencement of the respective and subsequent Schedules, this may not pose as great a logistical exercise as may initially appear. However, more immediately, the attached draft document may provide an avenue for addressing this question of removal or retention of the "Public Holiday" column. The majority view appears to be retention of the Public Holiday column. A "combined" Table, may allow for a more "readable" approach to this matter.

Yours sincerely



Richard Krajewski

Workplace Relations Manager

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Full-time and part-time employees day workers—ordinary all-purpose hours and overtime rates

Grade Level	Ordinary Hours	Monday to Saturday ²		Sunday ²	Public holiday ²
		First 2 hours	After 2 hours		
		% of ordinary hourly rate			
	100%	150%	200%	200%	250%
	\$	\$	\$	\$	\$
Electrical worker grade 1	18.72	28.08	37.44	37.44	46.80
Electrical worker grade 2	19.36	29.04	38.72	38.72	48.40
Electrical worker grade 3	20.01	30.02	40.02	40.02	50.03
Electrical worker grade 4	20.66	30.99	41.32	41.32	51.65
Electrical worker grade 5	21.87 ¹	32.81	43.74	43.74	54.68
Electrical worker grade 6	22.51 ¹	33.77	45.02	45.02	56.28
Electrical worker grade 7	23.74 ¹	35.61	47.48	47.48	59.35
Electrical worker grade 8	24.88 ¹	37.32	49.76	49.76	62.20
Electrical worker grade 9	25.37 ¹	38.06	50.74	50.74	63.43
Electrical worker grade 10	27.31 ¹	40.97	54.62	54.62	68.28

¹ In addition to the industry allowance, the ordinary hourly rates for grade 5 and higher include the tool allowance which is payable for all purposes in accordance with clause 17.2(g).

NOTE:

These amounts do not include the following all-purpose allowances:

Electrician's Licence (17.2 (b)); Leading Hand (17.2 (c)); Nominee Allowance (17.2 (d)); Electrical Distribution Line Maintenance and Tree Clearing Allowance (17.2 (e)); and Rate for Ordering Materials (17.2 (f)).

²Minimum payment required for overtime on Saturday, Sunday and Public Holidays (see clause 19.3).