

This table is a summary of proposed variations lodged for this award – updated 27 March 2017.

Electrical, Electronic and Communications Contracting Award 2010

Some of the items contained in this summary may be determined by the Group 4 Award Stage—Technical and Drafting Full Bench while others may be referred to a separately constituted Full Bench (to be discussed at a conference before an individual Member of the Commission).

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
S1	AIG	Sub-12/11/15	28	Annual leave Seeks to vary clause entitling employees to either payment of both the relevant shift loading and an additional annual leave loading or, alternatively, potentially requiring the payment of shift loadings twice when an employee receives annual leave entitlements.	Para 5-12	Claim affects a number of awards, referred to separately constituted Full Bench – Payment of wages (AM2016/8)
S2	NECA	Sub-12/11/15 Submission – 30/09/16	24.13(b)	Shift allowances Seeks to remove penalty rate that allows an employee that works on an afternoon or night shift which does not continue for at least five successive afternoons or nights.	Para 5	
S3	AIG	Submission – 02/03/15 Submission – 31/08/16	General comment	Expressed particular interest in this award. Inconsistent use of term “shift allowances”, “shift premiums” and “shift loadings”	Para 3 Para 27	
	AIG	Submission – 16/01/17		Submits this issue is not a substantive change, rather it is a technical and drafting issue raised in the context of many awards.	Para 93	Issue is also in the technical and drafting summary for this award.
S4	BSA	Submission – 02/03/15	General comment	Expressed interest in award and reserve right to respond to other submissions.	Page 9	

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S5	AFEI	Submission – 05/03/15	General comment	Expressed particular interest in this award.	Pages 1 – 2	
S6	MEA	Submission – 02/03/15	12.2	Apprentices – State Laws Clause creates inconsistent wages outcomes and is inconsistent with modern awards objective (s.134(g)). Seek removal of clause.	Para 2.b	Withdrawn on 30/09/16
S6A	NECA	Submission – 30/09/16		Apprentice travel time		Additional claim
S6B	FPAA	Reply-3/02/17	13 13.5, 13.6, 13.7, 13.8, 13.9, 13.10, 13.11	Part 3 – Hours of work Variation to 13.2 to separately identify ordinary hours for day workers and shift workers. Amalgamate 13.10 and 13.11.		ABI & NSW BC opposes claim from FPAA and proposes that this is a substantive issue. See email 10/02/17 Moved from technical and drafting issues. See transcript 27Mar17 [PN40] .
	AIG	Corro-9/02/17		Proposal removes distinctions between non-continuous and continuous shiftwork, removes flexibilities for employing continuous shiftwork. Move to substantive issues	Pg 1	
	FPAA	Reply-03/03/17		Insert “Day workers and Shift Workers” into the heading of part 3 — Hours of Work” Insert sub-clause (b) into clause 13.2 with the following: “The ordinary hours of work for	Draft determination provided page 6 – 7.	Moved from technical and drafting issues. See transcript 27Mar17 [PN40] .

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				<p>shiftworkers may be worked Monday to Sunday inclusive”</p> <p>Insert “day workers and shiftworkers” into the heading of clauses 13.5, 13.6, 13.7, 13.8, 13.9</p> <p>Delete clauses 13.10 and 13.11.</p> <p>Insert new clause titled “Ordinary hours of work – shiftwork – shiftworkers” (provides draft clause) and insert sub-clause (b) (provides draft clause)</p> <p>Renumbering clauses 13.12, 13.13, 13.14, 13.15, 13.16, 13.17, 13.18 and inserting “shiftworkers” into the heading.</p>		
S7	MEA	Submission – 02/03/15	16.4(a)(iii) and (b)(iii)	<p>Apprentice minimum wages</p> <p>Seeks clarification as to whether there was an omission in relation to payment of allowance in clause 17.2(f) to an apprentice.</p>	Para 2.f	Withdrawn on 30/09/16
S8	CEPU (ETU)	Submission – 02/03/15	17.2(e)	<p>Allowances – licence allowance</p> <p>Seek variation to allowance so it applies to the ‘same cohort of employees’.</p>	Page 1	Withdrawn on 30/09/16
S9	MEA	Submission – 02/03/15	17.5(d)	<p>Allowances – start/finish on job</p> <p>Seek inclusion similar to clause 32.4(e) of <i>Manufacturing award</i> regarding maximum travel time payment per 24 hours. Also see inclusion of clause similar to clause 24.7(e) of <i>Building and Construction award</i> regarding manner travel time calculated.</p>	Paras 2.c and 2.d	Withdrawn on 30/09/16
S10	NECA	Submission – 02/03/15	17.5(d)(iii)	<p>Allowances – fares allowance</p> <p>Seek removal of clause as nature of industry has changed since allowance introduced.</p>	Para 2	

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		Submission – 30/09/16		Majority of employers provide free transport where employees start/finish work on a job site.		
S10A	MEA	Submission – 30/09/16	17.6	Living away on distant work Seek provision for Payment for travel time to distant work		
S11	MEA	Submission – 02/03/15	24.9	Rest break Seek to move to clause 27 to align clause with other break provisions.	Para 2.e	Withdrawn on 30/09/16
S12	NECA	Submission – 02/03/15 Submission – 30/09/16	25.4	Inclement weather – lost time pay Seek to cap payment to ordinary hours lost due to inclement weather.	Para 5	
S13	NECA	Submission – 02/03/15 Submission – 30/09/16	27.4	Overtime and rest breaks Seek to introduce minimum period for working on call outs in order to receive rest break. Instead of the on call rest break, NECA seek to introduce a 10 hour break after working overtime instead of 8 hours (as clause 24.16 currently provides for).	Para 1	

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S14	AIG	Sub-08/07/16	Schedule B.1.1	Definition of ordinary hourly rate Definition of ordinary hourly rate inconsistent with clause 2, suggest amendments.	Pg 27	<p>AIG to prepare proposed note on amendments and circulate it to parties within one week. Parties to indicate positions. See Transcript-23Jan17 [PN328-330, 336, 350, 352, 356].</p> <p>Draft determination received from AIG. See Corr-14/02/17</p> <p>NECA SA raised concerns however not provided further response.</p> <p>MEA has concerns about removal of public holiday tables.</p> <p>FPAA not provided response – however supports a consensus approach to matter. See Corr-15/02/17</p> <p>NECA agrees that</p>

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						concerns of parties can be best resolved in conference. See corr-15/02/17 Moved to substantive issues. See transcript 27Mar17 [PN40].
	AIG	Sub-08/07/16		Description is misleading and gives reasons for this as indicates that rates set out in schedule include tool allowance wherever payable but this is not the case.	Pg 27	
	CEPU	Reply-8/3/17		Merit in MEA and NECA argument and AiG overstating risk	Para 8	
	BusSA	Reply-21/07/16		Support AIG submission	Pg 14	
	MEA	Sub-27/02/17		Proposes that Sched B be removed completely.	Pg 1	
	NECA SA	Reply-21/07/16		Support AIG submission	Pg 2	
	NECA	Reply-3/03/17		Supports MEA's submission that schedule be removed	Pg 1	

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	AIG	Reply-07/03/17		Supports MEA's submission that schedule be removed.	Para 1	
S15	AIG	Sub-08/07/16	Schedule B.2.1	Full-time and part-time ordinary and penalty rates Clause inconsistent with terms of current award. Submits award does not contain a penalty for ordinary hours on public holiday.	Para 116	
	NECA SA	Reply-21/07/16		Support AIG submission	Pg 2	
	MEA	Sub-27/02/17		If Sched B is not completely removed then propose the following: Replace "Other than shiftworkers" from title with "Day workers" Replace "penalty rates" from title with "public holiday rates"	Para 1-4	
	FPAA	Reply-10/03/17		Support MEA proposal	Para (a)	
	NECA	Reply-3/03/17		Support MEA's proposal	Pg 1	
	AIG	Reply-07/03/17		Agree with replacing "other than shiftworkers" with "day workers". Oppose replacing "penalty rates" with "public holiday rates" Oppose public holiday column remaining	Para 1 & 6	
	FPAA	Reply-10/03/17		Delete public holiday column	Para (f)	

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S16	AIG	Sub-08/07/16	Schedule B.2.2	Full-time and part-time SW ordinary overtime Believes explanation of how rates are derived is necessary for clarity	Pg 28	
	NECA SA	Reply-21/07/16		Support AIG submission	Pg 2	
	MEA	Sub-27/02/17		If Sched B is not completely removed then propose the following: Replace “Other than continuous shiftworkers” from title with “Day workers” Remove “public holiday” column	Para 5-7	
	FPAA	Reply-10/03/17		Support MEA proposal, does not support removal of public holiday column as removes reference to what payments day workers may receive on such days. Proposes to include a column providing basis for calculating weekend and public holiday rates	Para (a), (e), (f)	
	NECA	Reply-3/03/17		Retain public holiday column	Pg 2	
	AIG	Reply-07/03/17		Agrees with replacing “other than continuous shiftworkers” with “day workers” Agrees with NECA that public holiday column should be retained.	Para 1, 6 and 16	
	CEPU	Reply-8/3/17		Support NECA submission, also support AIG submission to retain public holidays columns for table that deals with payment on public holiday for overtime purposes.	Para 10	

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S17	AIG	Sub-08/07/16	Schedule B.2.3	Full-time and part-time SW ordinary and penalty rates No explanation how rates derived. Inclusion of tool allowance of classifications above grade 5 may cause confusion.	Pg 29		
	NECA SA	Reply-21/07/16			Support AIG submission		Pg 2
S18	AIG	Sub-08/07/16	Schedule B.2.4	Full-time and part-time SW overtime Sunday rates in table are incorrect	Pg 29		
	AIG	Sub-08/07/16			Row containing ‘% of ordinary hourly rate’ is missing from table.		Pg 29
	AIG	Sub-08/07/16			Unclear how rates are derived		Pg 29
	NECA SA	Reply-21/07/16			Support AIG submission		Pg 2
S19	AIG	Sub-08/07/16	Schedule B.3.1	Casual rates Believes clause is confusing as no explanation for how rates derived.	Pg 30		
	AIG	Sub-08/07/16			Clause inconsistent with terms of current award. Award does not contain a penalty to work ordinary hours on a public holiday.		Pg 30
	NECA SA	Reply-21/07/16			Support AIG submission		Pg 2
	MEA	Sub-27/02/17			If Sched B is not completely removed then propose the following: Replace “Other than shiftworkers” in title with “day workers” Replace “penalty rates” with “public holiday rates” in the title		Para 10-11
	NECA	Reply-3/03/17			Supports MEA’s proposal		

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	AIG	Reply-07/03/17		Agrees with replacing “other than shiftworkers” with “day workers” Opposes replacing “penalty rates” with “public holiday rates” Oppose public holiday column remaining	Para 1 & 6	
S20	AIG	Sub-08/07/16	Schedule B.3.2	Casual SW rates Column with the heading ‘day’ should be deleted as its purpose is unclear.	Pg 30	
	AIG	Sub-08/07/16		No explanation how rates derived. Inclusion of tool allowance of classifications above grade 5 may cause confusion.	Pg 30	
	NECA SA	Reply-21/07/16		Support AIG submission	Pg 2	
	MEA	Sub-27/02/17		If Sched B is not completely removed then propose the following: Change title to read: “Casual shiftworkers—ordinary, penalty and public holiday rates” Remove “day” column	Par 12-13	
	NECA	Reply-3/03/17		Day column should be retained	Pg 2	
	AIG	Reply-07/03/17		Agrees with MEA’s submission. Disagrees with NECA’s submission	Para 1 and 17	
	CEPU	Reply-8/3/17		Support NECA submission	Para 11	
	AIG	Sub-08/07/16	Schedule B.4	Apprentice rates Rates have not been calculated accurately, unable to identify basis of calculation for rates in B.4.9.	Pg 30-31	
NECA SA	Reply-sub-21/07/16	Support AIG submission		Pg 2		
S21	MEA	Sub-27/02/17	Sched B.4.1	If Sched B is not completely removed then	Para 3-4	Moved to substantive

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				propose the following: Replace “other than shiftworkers” in title with “ordinary “day workers” Replace “penalty rates” in title with “public holidays rates”		issues. See transcript 27Mar17 [PN40].
	FPAA	Reply- 10/03/17		Support MEA proposal	Para (a)	
	AIG	Reply- 07/03/17		Agree with replacing “Other than shiftworkers” with “day workers” Oppose replacing “penalty rates” with “public holiday rates” Oppose public holiday column remaining	Para 1 & 6	
S22	MEA	Sub-27/02/17	B.4.2	If Sched B is not completely removed then propose the following: Replace “other than continuous shiftworkers” from title and replace with “day workers” Remove public holiday column	Para 7-8 page 3	Moved to substantive issues. See transcript 27Mar17 [PN40].
	FPAA	Reply- 10/03/17		Support MEA proposal	Para (a)	
	AIG	Reply- 07/03/17		Agree with replacing “other than continuous shiftworkers” with “day workers” Oppose removing public holiday column	Para 1	
	CEPU	Reply-8/3/17		Support AIG submission to retain public holiday columns for table that deals with payment on public holiday for overtime purposes.	Para 12	

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S23	MEA	Sub-27/02/17	B.4.3	If Sched B is not completely removed then propose the following: Change title to read “Adult apprentice—shiftworkers—ordinary, penalty and public holiday rates”	Para 10	Moved to substantive issues. See transcript 27Mar17 [PN40].
	AIG	Reply-07/03/17		Agree with MEAA	Para 1	
S24	MEA	Sub-27/02/17	B.4.5	If Sched B is not completely removed then propose the following: Remove “other than shiftworkers” from title and replace with “day workers” Replace “penalty rates” with “public holiday rates” in table	Para 13-14	Moved to substantive issues. See transcript 27Mar17 [PN40].
	FPAA	Reply-10/03/17		Support MEA proposal	Para (a)	
	AIG	Reply-07/03/17		Agree with replacing “other than shiftworkers” with “day workers” Oppose replacing “penalty rates” with “public holiday rates” Oppose public holiday column remaining	Para 1 & 6	
S25	MEA	Sub-27/02/17	B.4.6	If Sched B is not completely removed then propose the following: Remove “other than shiftworkers” from title and replace with “day workers” Remove public holiday column	Para 17-18	Moved to substantive issues. See transcript 27Mar17 [PN40].
	FPAA	Reply-10/03/17		Support MEA proposal	Para (a)	
	AIG	Reply-07/03/17		Agree with replacing “other than shiftworkers” with “day workers”	Para 1 & 6	

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	CEPU	Reply-8/3/17		Oppose removing public holiday column Support AIG submission to retain public holiday columns for table that deals with payment on public holiday for overtime purposes.		
S26	MEA	Sub-27/02/17	B.4.7	If Sched B is not completely removed then propose the following: Change title to read: “Junior apprentice—shiftworkers—commencing on or after 1 January 2014—ordinary, penalty and public holiday rates”	Para 20	Moved to substantive issues. See transcript 27Mar17 [PN40].
	AIG	Reply-07/03/17		Agree with MEAA	Para 1	
S27	MEA	Sub-27/02/17	B.4.9	If Sched B is not completely removed then propose the following: Remove “other than shiftworkers” from title and replace with “day workers” Replace “penalty rates” with “public holiday rates” in title	Para 23-24	Moved to substantive issues. See transcript 27Mar17 [PN40].
	FPAA	Reply-10/03/17		Support MEA proposal	Para (a)	
	AIG	Reply-07/03/17		Agree with replacing “other than shiftworkers” with “day workers” Oppose replacing “penalty rates” with “public holiday rates” Oppose public holiday column remaining	Para 1 & 6	
S28	MEA	Sub-27/02/17	B.4.10	If Sched B is not completely removed then propose the following: Remove “other than shiftworkers: from title	Para 27-28	Moved to substantive issues. See transcript 27Mar17 [PN40].

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				and replace with “day workers” Remove public holiday column		
	FPAA	Reply-10/03/17		Support MEA proposal	Para (a)	
	AIG	Reply-07/03/17		Agree with replacing “other than shiftworkers” with “day workers” Oppose removing the public holiday column.	Para 1 & 6	
	CEPU	Reply-8/3/17		Support AIG submission to retain public holidays columns for table that deals with payment on public holiday for overtime purposes.		
S29	MEA	Sub-27/02/17	B.4.11	If Sched B is not completely removed then propose the following: Change title to read “Junior apprentice—shiftworkers—commencing before 1 January 2014—ordinary, penalty and public holiday rates”	Para 30	Moved to substantive issues. See transcript 27Mar17 [PN40].
	NECA	Reply-3/03/17		Supports MEA’s above proposals	Pg 1	
	AIG	Reply-07/03/17		Agree with MEAA	Para 1	

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S30	MEA	Sub-27/02/17	B.2.1, B.2.2, B.2.3, B.2.4, B.3.1, B.3.2, B.4.1, B.4.2, B.4.3, B.4.4, B.4.5, B.4.6, B.4.7, B.4.8, B.4.9, B.4.10, B.4.11, B.4.12	If Sched B is not completely removed then propose the following: Insert note at the bottom of table: “These amounts do not include the allowances in cl.17.2(b), 17.2(c), 17.2(d), 17.2(e), and 17.2(f)”	Various	Moved to substantive issues. See transcript 27Mar17 [PN40].
	NECA	Reply-3/03/17	B.2.1 and/or B.1.3	Supports MEA in that may lead readers into error. Further suggest adding at B.2.1 and point 3 of MEA’s submission: ‘Electrician’s Licence allowance’ after ‘17.2(b)’ ‘Leading hands allowance’ after ‘17.2(c)’ ‘Nominee allowance’ after ‘17.2(d)’ ‘Electrical distribution line maintenance and tree clearing allowance’ after ‘17.2(e)’ ‘Rate ordering materials’ after ‘17.2(f). Also add ‘Each of these allowances will form part of an employee’s ordinary hourly rate if the allowance is payable to the employee’. Or at B.1.3 in addition or in the alternative a statement about what is included in an employee’s ordinary rate such as: ‘An employee’s ordinary hourly rate also includes any of the following allowances that	Pg 1	Moved to substantive issues. See transcript 27Mar17 [PN40].

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				apply to the employee: Electricians licence allowance, leading hands allowance, nominee allowance, electrical distribution line maintenance and tree clearing allowance and rate for ordering materials.'		
	FPAA	Reply-10/03/17		Support MEA proposal however support NECA proposal as a fuller proposition that assists the MEA proposal. Also suggests proposal reads: '...the following <u>all-purpose</u> allowances...'	Para (b)-(d)	
	AIG	Reply-07/03/17	B.2.1, B.2.2, B.3.1, B.3.2, B.4.1, B.4.2, B.4.3, B.4.5, B.4.6, B.4.7, B.4.9, B.4.10, B.4.11.	Disagree with MEA's proposal of insertion of notes. Does not agree with NECA's proposition that reliance on table would lead to underpayment. Do not agree with NECA's new proposed B.1.3.	Para 2, 13	
S31	FPAA	Reply-10/03/17		Provides draft table to replace existing tables to be placed at the commencement of the Schedules.	Para (g)	CEPU not adverse to proposal. See transcript 27/3/17 [PN19].

List of abbreviations

AIG	Australian Industry Group
AFEI	Australian Federation of Employers and Industries
CEPU (ETU)	Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allies Services Union
MEA	Master Electricians Australia
NECA	National Electrical and Communications Association