

Introduction

The Civil Contractors Federation is a registered organisation under the Fair Work (Registered Organisations) Act 2009. The Civil Contractors Federation is the peak body representing Australia's civil construction industry to all levels of government, supporting members' businesses and providing a unified voice for all civil contractors and industry related suppliers through a network of branch offices in every state and territory.

The Civil Contractors Federation has around 2000 Contractor and Associate members nationally employing thousands of employees. CCF members are responsible for the construction and maintenance of Australia's infrastructure, including roads, bridges, pipelines, drainage, ports and utilities. A healthy civil construction industry is an essential part of the national economy.

Reasons for Submission

This submission is in response to directions issued by President Justice Ross in relation to the Exposure Draft – Building and Construction General On-Site Award 2010 requesting parties to file submissions on drafting and technical issues in 4A, B and C exposure drafts by the 30th of June 2016.

Submission

The Civil Contractors Federation makes the following submission in relation to the Building and Construction General On-Site exposure draft award:

Clause 12.2 whether Inclement Weather provisions apply to Casual employees.

It is the view of Civil Contractors Federation that Inclement Weather Provisions do not apply to casual employees. A Casual employee is guaranteed 4 hours per engagement in accordance with Clause 12.4 of the current award. It is illogical that a Casual employee could have a guaranteed 4 weekly Inclement Weather entitlement, when the employee is not guaranteed hours of work beyond a daily minimum of 4 hours per engagement.

We submit that the omission of Inclement Weather provisions in Clause 12.2 of the current award is an oversight or error in the drafting of the award. If it was intended that casual employees should be entitled to inclement Weather provisions a formula similar to that in Clause 23.9 of the current award would have been inserted.

We further submit that there is no specific application by any party to vary the award in these terms; therefore no variation should be made.

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Clause 12.5 calculation of the Casual Rate of pay

The Casual rate of pay should be calculated by adding 25% to the minimum rates in Clause 19.1 of the award because the Industry and Special Allowances are disability allowances which should not attract loadings.

Clause 23.9 Inclement Weather calendar

The inclement weather calendar is obsolete and should be deleted.

Clause 28.4 application of overtime

Clause 28.4 should be amended to read:

“ All time worked outside or in addition to an employee’s ordinary time of work (inclusive of time worked for accrual purposes as prescribed in clauses 16—Ordinary hours of work and 17—Shiftwork), Monday to Friday, must be paid for at the rate of 150% of the ordinary hourly rate for the first two hours and 200% thereafter.”

For any further information about this submission please contact Raul Baonza at rjb@ccfnsw.com

Raul Baonza



Compliance Officer People Issues

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