

11 April 2019,

President Ian Ross  
Fair Work Commission  
Melbourne Vic 3000

Dear President Ross,

**RE 2014 Fair Work Act 4 Year review. Electrical, Electronic and Communications Contracting Award 2010.**

We make reference to the Commissions directions issued 5 April 2019 regarding the above award and outstanding issues.

MEA confirms that it will not be in a position to participate in the identified outstanding matter referred to in [2018] FWCFB 4175 at [\[216\]](#) to provide relevant materials, submission or evidence in relation to the above 2 matters.

The Commission may consider that MEA is withdrawing its application / pursuit of these matters at this time.

With regard to comments on the exposure draft of the award. MEA submits that the proposed schedule B - Summary of Hourly Rates of Pay expresses rates that will cause confusion for the vast majority of employers referring to these tables.

That is, the 'ordinary hourly rate' is expressed at B.2.1 as:

Ordinary hourly rate includes the industry allowance and for grade 5 and higher classifications, the tool allowance, payable to all employees for all purposes. Any additional all-purpose allowances applicable need to be added to these rates.

The confusion that will arise from this expression of the rates is that the vast majority of employers utilising this award are electrical contractors who employ electricians as 'unrestricted licence holders' at grades 5 and above.

The proposed expression of rates would only be applicable for workers, at grade 5 and above, who holder a restricted licence. This group of workers includes workers who perform roles such as air-conditioning and refrigeration tradespersons. This group of workers is in the minority.

MEA submits that the rates should be expressed as, and adjusted accordingly, as follows:

Ordinary hourly rate includes the industry allowance and for grade 5 and higher classifications, the tool allowance **and electricians licence allowance**, payable to all employees for all purposes. Any additional all-purpose allowances applicable need to be added to these rates.

If the Commission and parties don't agree with the submission of MEA it should at least be noted in these tables that the electricians licence allowance is applicable to workers who hold an unrestricted licence.

MEA agrees with the approach that tables of rates have taken with regard to apprentices; in so far as those rates express the rate as:

Apprentice hourly rate includes the industry allowance, tool allowance and **electricians licence allowance** payable to all employees for all purposes. Any additional all-purpose allowances applicable need to be added to these rates.

**(emphasis added)**

The converse of the above is also the case however, in that a note should be included that apprentices undertaking a 'restricted licence' apprenticeship is not entitled to the electricians licence allowance proportion.

Should the Commission or parties wish clarification on the above exposure draft feedback please contact me.



**Jason O'Dwyer**

**Manager Advisory Services**