

From: Richard Krajewski
Sent: Wednesday, 1 March 2017 8:13 AM
To: Chambers - Gostencnik DP
Subject: Exposure Award - Plumbing and Fire Sprinklers Award - shift work proposal

Associate to Deputy President Gostencnik,

Dear Associate,

During a conference before the Fair Work Commission on 6th February 2017 concerning technical and drafting matters associated with the Plumbing and Fire Sprinklers Award, a proposal with respect to shift work arrangements (under that Award) was referred to. At that stage no draft proposal had been made available.

At the suggestion of the Commission a meeting was convened to address this matter. That meeting took place on Friday 9th February where discussion around the terms of a proposed clause took place. That conference involved FPA, the Master Plumbers Association (NSW) and the Australian Workers' Union. The CEPU indicated their unavailability. Nevertheless, the draft proposal was subsequently forwarded to the CEPU (15th February). On 20th February 2017, all participants involved in the conference before the Fair Work Commission on 6th February 2017, were forwarded a copy of the proposed clause. To date, no response has been received.

Please attached a copy of that final draft proposal.

Regards

Richard Krajewski
Workplace Relations Manager
Fire Protection Association Australia

Part 3—Hours of Work – **Day Workers and Shift Workers**

15. **Ordinary hours of work over a four week work cycle – day workers and shift workers**

15.1 The average ordinary hours worked will be 38 per week for a four week work cycle.

15.2 **Ordinary working hours – day workers and shift workers**

- (a) Subject to the provisions of this clause, ordinary working hours **for day workers** will be worked in a 20 day, four week cycle, Monday to Friday inclusive.
- (b) The roster will be comprised of 19 days of eight hours with 0.4 of one hour each day worked accruing to be paid as a rostered day off (RDO) in each cycle.
- (c) **in the case of day workers**, subject to clause 15.3—Early start and clause 22—Penalty rates, ordinary hours are worked between 7.00 am and 6.00 pm Monday to Friday inclusive.
- (d) **Subject to clause 22 – Penalty rates, ordinary hours for a shift worker are ordinary hours worked during any shift finishing after 6.00 pm and at or before 7.00 am.**

15.3 **Early start – day workers**

- (a) By agreement between the employer and its employees, the working day may begin at 6.00 am or at any other time between that hour and 8.00 am and the working time will then begin to run from the time so fixed.
- (b) The daily rest breaks, meal breaks and finishing time must be adjusted accordingly.

15.4 **Alternative methods of arranging ordinary hours and rostered days off – day workers and shift workers**

- (a) An employer and the majority of its employees may agree to an alternate method of arranging ordinary hours of work, and arranging RDOs.
- (b) Matters upon which agreement may be reached include:
 - (i) how the hours are to be averaged within a work cycle;
 - (ii) the duration of the work cycle, provided that such duration will not exceed three months;
 - (iii) rosters which specify starting and finishing times;

- (iv) substitution of RDOs;
- (v) accumulation of RDOs;
- (vi) arrangements which allow for flexibility in the taking of RDOs; and
- (vii) the arrangement of ordinary hours which exceed eight hours on any day, provided such hours are within the spread of hours in clauses 15.2(c) or 15.3.

15.5 Rostered days off – day workers and shift workers

- (a) The following provisions apply generally in respect of RDOs:
 - (i) Payment for a RDO will be made from money accrued in accordance with clause 15.2.
 - (ii) A RDO will be recorded in the time and wages records of the employer.
 - (iii) Where the scheduled RDO falls on a public holiday under clause 26, the next working day will be taken as the RDO, unless an alternate day in that four week cycle or the next four week cycle is agreed in writing between the employer and the employee.
 - (iv) Each day of paid leave taken and/or any public holiday occurring during any four week cycle will be regarded as a day worked for RDO and all other accrual purposes.
 - (v) Any proportion of money accrued towards payment for a RDO will be paid as hours worked for the purpose of calculating entitlements due on termination of employment.
- (b) Where required by the employer, an employee may be required to work on their scheduled RDO where such work is necessary:
 - (i) to allow other employees to be employed productively;
 - (ii) to undertake out-of-hours maintenance;
 - (iii) due to unforeseen delays to a particular project or a section of the project; or
 - (iv) for other reasons arising from unforeseen or emergency circumstances on a project;

provided that, in addition to RDOs and all other accrual purposes, the employee will be paid the penalty rates and provisions of weekend work or public holiday work under clause 22—Penalty rates.

(c) General exception for employers of fewer than 15 (not working alongside other building and construction workers)

In respect of employers of fewer than 15 employees and subject to an agreement in writing between the employer and the employee, the employer will pay the employee overtime for any hours worked over 38 hours in any week, instead of accruing RDOs.

(d) General exception for employers of 10 or fewer employees (not working alongside other building and construction workers)

(i) In respect of employers of 10 or fewer employees, an employee may be required to work on their scheduled RDO. In such cases the employee will nominate another day as their RDO to take off at mutual convenience.

(ii) An employer will not change the scheduled RDO without prior notice of at least five days.

(e) Rostered days off for employees not working alongside other building and construction workers

(i) In the case of all other employees not working alongside other building and construction workers the employer will nominate the day to be taken as the RDO being either:

- the third Friday in the cycle;
- the fourth Monday in the cycle; or
- the fourth Friday in the cycle.

(ii) By agreement between an employer and its employees an alternative day in the four week cycle may be the RDO.

(f) Rostered days off for employee working alongside other building and construction workers

(i) In the case of employees working alongside other building construction workers, the RDO will be the fourth Monday in the cycle.

(ii) By agreement in writing between an employer and its employees an alternative day in the four week cycle may be the RDO. If requested by the employees, the employer must inform the employee's representative at least five working days before the agreement is implemented.