

IN THE FAIR WORK COMMISSION

4 yearly review of the modern awards

Construction Awards

Matter No: AM 2016/23

Submissions by the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (CEPU) in respect of the Decision [2018] FWCFB 6019

Introduction

1. On 26 September 2018, the Full Bench published a decision¹ (the Decision) regarding a number of substantive matters concerning the Construction Awards. The Full Bench provided directions for interested parties to file submissions in respect of several issues.
2. The CEPU has an interest in the Building and Construction General On-site Award 2010 (the Building Award) and the Plumbing and Fire Sprinklers Award 2010 (the Plumbing Award).
3. This submission will briefly address the following issues:
 - a. replacing the 52 allowances with 2 allowances; and
 - b. the classification variation to insert ‘utility locator’ into the Building Award.
4. The CEPU supports and adopts the submissions by the CFMMEU and the AMWU in respect of all issues raised in the Decision.

a) Replacing 52 Allowances with 2 Allowances

5. The CEPU opposes the Full Bench’s provisional view for 52 allowances to be replaced with two rates, 4% and 5%.²
6. The CEPU repeats and relies on the positions of, and concerns outlined by, the AMWU and the CFMMEU in their submissions.

b) Classification variation to insert ‘utility locator’

¹ [2018] FWCFB 6019.

² [2018] FWCFB 6019 [359] - [372].

7. The CEPU opposes Mr Thomas Walsh's proposal to vary the Building Award to include a new classification of "Utility Locator".
8. The CEPU submits that Mr Walsh ought to be required to provide the Commission and parties evidence which would justify the insertion of a new classification and he has failed to do so. Furthermore, utility location skills are more than adequately addressed in the existing Building Award and Mr Walsh has not produced any evidence to establish the inadequacy of the current structure to take account of this skill.

Whether any existing award classification covers utility locators (whether under the Building Award or any other award)

9. The CEPU submits that the skill described by Mr Walsh is attained by employees who occupy several classifications across 5 modern awards. These modern awards include:
 - a. the Electrical, Electronic and Communications Contracting Award 2010 [MA0000025];
 - b. the Electrical Power Industry Award 2010 [MA000088];
 - c. the Plumbing Award [MA000036];
 - d. the Telecommunications Services Award 2010 [MA000041]; and
 - e. the Building Award 2010 [MA000020].
10. Under the Electrical, Electronic and Communications Contracting Award, an Electrical worker grade 2 and Electrical worker grade 3 and Electrical worker grade 5 attain skills that includes detecting underground electrical infrastructure and assets.³
11. Under the Electrical Power Industry Award, a Technical Grade 1 or Technical Grade 2 employees attain skills that includes detecting underground electrical infrastructure and assets.
12. Under the Plumbing Award a plumbing and mechanical services worker level 1/level2 employees attain skills that includes detecting underground plumbing infrastructure and assets.
13. Under the Telecommunications Services Award technical steam classification such as Telecommunications Technical Employee (Cabling), Telecommunications Technical Employee (Customer Access Network) attain skills that includes detecting underground cabling infrastructure and assets.

³See B.2.2 & B.2.3 - Schedule B Classification Definition of the [Electrical, Electronic and Communications Contracting Award 2010](#)

14. Under the Building Award, CW/ECW2 or a CW/EWC3 employees attain skills which includes utility location.
15. The work performed, and skills attained by a ‘utility locator’ is already covered by existing modern awards and is a skill attained by qualified and/or licenced tradesperson across the construction industries. It is not, of itself a trade or qualification, and Mr Walsh has failed to provide evidence which would provide a proper basis for it to be treated as such.

The training, qualifications and accreditation (if any) required to perform utility location work

16. There is no nationally recognised training or accredited course to become a qualified “utility locator” nor is there national agreement under any industry skills package for such classification. The work that Mr Walsh submits a “utility locator” performs is the work and skills already performed, and a skill already attained, by employees occupying nationally qualified classifications covered by current modern awards. Such qualifications include:
 - Certificates I, II, III and IV;
 - Diplomas;
 - Advanced Diplomas;
 - Vocational Graduate Certificates; and
 - Vocational Graduate Diplomas.
17. The skill is akin to a unit of competency for the attainment of qualifications and is often acquired through a short course.⁴ For example:

RIICCM202D – Identify, locate and protect underground services is identified as a unit of competency for an array of certificate II and III qualifications in the civil construction sector.⁵ These classifications are already covered in the current classification structure of the Building and Construction Award such as a CW/ECW2 or a CW/EWC3 classification.

⁴ For example the following are example of Registered Training Organisations that provide short training courses <https://stakingu.com.au/staking-training-courses> ;

<https://www.jbhunter.edu.au/product/nulca-underground-asset-location/>

⁵ <https://training.gov.au/Training/Details/RIICCM202A>

18. The skill to be able to identify infrastructures and assets underground is attained through the completion of a unit of study within various fields of certification II and III courses in the construction industry. This unit of competency is a skill that transcends across various classifications as identified earlier.

19. The following example highlights this:

The National Utility Locating Contractors Association provides a 2-day course “for telecommunications workers who install or maintain underground services” to attain RIICCM202D unit of competency.⁶ This reconfirms that the current training courses for ‘utility location’ is provided for people who have attained a nationally recognised qualification or working towards a nationally recognised qualification.

20. In conclusion, the Commission cannot be satisfied that the Building Award requires amendment in order to include in its classifications employees who have the skills associated with being a “utility locator”.

END

14 November 2018

⁶ https://www.nulca.com.au/dbpage.php?pg=training&_navlink=8