

MEMORANDUM

AM2016/23 –Construction Awards

AM2014/260 – Building and Construction On-site Award 2010

AM2014/272 – Joinery and Building Trades Award 2010

AM2014/278 – Mobile Crane Hiring Award 2010

AM2014/280 – Plumbing and Fire Sprinklers Award 2010

4 YEARLY REVIEW OF MODERN AWARDS - award stage

Fair Work Act 2009

s.156 - 4 yearly review of modern awards

4 yearly review of modern awards

Pursuant to ss.618 and 582 a Full Bench comprised of Vice President Hatcher, Deputy President Hamilton, Deputy President Gostencnik, Commissioner Gregory and Commissioner Harper-Greenwell will deal with the claims outlined in the attachment in respect of the above matters.



Justice Ross
President

22 August 2016

Copy to: Chambers VP Hatcher
Chambers DP Hamilton
Chambers DP Gostencnik
Chambers Gregory C
Chambers Harper-Greenwell C
AMOD

<i>Building and Construction General On-site Award 2010</i>		
Item*	Clause	Description
1, 2	36	Overtime Seeking to insert the model TOIL clause.
5, 7	4 4.10(b)(ii)	Coverage Vary coverage - ensure award primarily applies to employees and employers engaged in the on-site building, engineering and civil construction industry. Seek to delete clause 4.10(b)(ii) in accordance with s.160 and 163(1) of the <i>Fair Work Act 2009</i> .
8	9.6	Dispute resolution Proposal to delete clause.
9, 10	10.1(a), 11	Types of employment – daily hire Proposal by individual to delete clause.
16	14.6, 33.1 and 36	Casual employment Application of rostered days off and 20 day work cycle to casual employees and how to determine a casual's ordinary hours of work.
17 to 20, 20A, 21 to 23	17	The industry specific redundancy scheme Proposals to remove scheme or amend definition, insert small business exemption and incapacity to pay clause.
24, 25	19.1(a)	Minimum wages—general Insert junior rates.
26, 27	19.2	Leading hands Rationalise clause.
28, 29	19.3 & 19.3(a)	Hourly rate calculation Vary/rationalise clause to include all relevant allowances in hourly rate calculation
30.	19.5	Mobile cranes capacity adjustment formula Propose to rationalise clause
31.	19.6(b)	Piece rates Proposal to delete clause.
35 to 68, 71 to 74, 76,78,79, 81 to 86, 88 to 146	20, 22, 24, 25	Expense and wage related allowances Seek to rationalise and remove a number of allowances
155 to 160	33.1	Ordinary hours of work Proposals to amend wording, includes proposal to introduce system for averaging hours
162 to 165	34.1 34.2	Shiftwork - general building and construction and metal and engineering construction sectors and civil construction sectors Insert new wording to avoid confusion between shift work and work outside the spread of hours. Clarify ordinary hours (civil construction sector)
167	35.4	Meal breaks—working with toxic materials

<i>Building and Construction General On-site Award 2010</i>		
Item*	Clause	Description
		Seek to delete clause.
168	36.7	Overtime Party asserts that this is a replication of clause 15.3(e).
171	38.2	Annual leave loading Propose removal of some allowances from calculation of loading and that loading be calculated on amount employee would have received if they had not been on leave
173B	43.2	Forepersons and supervisors Seek change to rates of pay for supervisors/forepersons
6, 178, 179	Sched B (includes B.2.2(d), B.2.7)	Classification schedule “testing, concrete and aggregate” be identified as a broad-banded award classification into the CW/ECW 2 classification. Amendment to make clear the confinement of the On-Site Award to only certain forepersons and that generally they are not covered by the On-Site Award. Insert a new classification for a plant locator (application by an individual (AM2016/22))

<i>Joinery and Building Trades Award 2010</i>		
Item	Clause	Description
1, 2	30	Overtime—Seek to insert the model TOIL clause.
4.	3	Definitions Amend definition of joinery work to clarify coverage.
5	17.4(a) and (b)	Redundancy Propose insertion of subclause where if employer employs 5 or less, provision of clause 17.2(a) and (b) don't apply.
6.	23.3	Employer and Employee Duties Delete clause
8, 9	24.5(a)	Living away from home for a distant job
12	28	Hours of Work Amend hour of work and shift work provisions.
13	28.3(a)	Shiftworkers Replace shift definitions.
14	28.3(d)(i)	Shift rates Delete clause and insert clause with revised penalty rates
15	31.1(b)	Alternative Working Arrangement Delete '60%' and replace with 'a majority' of employees.

<i>Mobile Crane Hiring Award 2010</i>		
Item	Clause	Description
1	14.3(e)	Accommodation and overnight allowance Amend 'living away from home' provisions, make similar to the Building Award.

Plumbing and Fire Sprinklers Award 2010		
Item	Clause	Description
1	NA	Application by an individual. General submission regarding impact of award on small businesses.
2, 10 to 15	18	Industry specific redundancy scheme Seeks to remove entitlement for employees to resign and receive a redundancy payout, possible small business exemption
18	20	Minimum wages – insert provisions providing for payment of Junior Rates to employees in the Plumbing and Mechanical Services Worker/ Sprinkler Fitting Worker Level 1(a) – 1(d).
19	28.5	Superannuation – Absence from work – Seeks to remove requirement to pay superannuation for employees on Work Cover (in addition to long service leave payments under SA legislation)
20	32	Penalty rates – amend to simplify obligations payable under clause.
21	33	Overtime – insert a provision confirming “Each days (sic) overtime stands alone”.
22	Schedule B.3	Classification Definitions – Classification structure definitions – review non-trade definitions – level 1(d)

*Item numbers are taken from the [Summary of proposed variations – 10 August 2016](#)