



REPORT

Fair Work Act 2009

s.156 - 4 yearly review of modern awards

4 yearly review of modern awards—Payment of wages (AM2016/8)

JUSTICE ROSS, PRESIDENT

MELBOURNE, 10 JULY 2020

4 yearly review of modern awards – common issue – payment of wages – draft variation determination – Business Equipment Award 2020 – Electrical, Electronic and Communications Contracting Award 2010.

[1] On 16 June 2020 a Statement was issued¹ stating that a number of conferences would be convened in respect of the following awards:

- *Aged Care Award 2010;*
- *Building and Construction General On-site Award 2010;*
- *Business Equipment Award 2010;*²
- *Electrical, Electronic and Communications Contracting Award 2010;*
- *Graphic Arts, Printing and Publishing Award 2010;*
- *Food, Beverage and Tobacco Manufacturing Award 2010;* and
- *Manufacturing and Associated Industries and Occupations Award 2010.*

[2] A conference for the *Business Equipment Award 2020* (Business Equipment Award) and the *Electrical, Electronic and Communications Contracting Award 2010* (Electrical Award) was held on 8 July 2020 and was attended by Ai Group, ABI, the Electrical Trades Union of Australia (ETU) and the National Electrical and Communications Association (NECA). The transcript of the conference is available [here](#).

[3] Arising from the discussion at the conference the parties are invited to comment on the proposal to insert the following term into the Business Equipment Award and the Electrical Award:

‘(a) Provided that where payment is normally made by electronic funds transfer all monies due to an employee may be transferred to the employee’s account on the next working day.

¹ [2020] FWC 3157

² The *Business Equipment Award 2010* became the *Business Equipment Award 2020* effective 18 June 2020.

(b) The requirement to pay wages and other amounts under paragraph (a) is subject to further order of the Commission and the employer making deductions authorised by this award or Act.

Note 1: Section 117(2) of the Act provides that an employer must not terminate an employee's employment unless the employer has given the required minimum period of notice or "has paid" to the employee payment instead of giving them notice.

Note 2: Paragraph (b) allows the Commission to make an order delaying the requirement to make a payment under clause X. For example, the Commission could make an order delaying the requirement to pay redundancy pay if an employer makes an application under section 120 of the Act for the Commission to reduce the amount of redundancy pay an employee is entitled to under the NES.

Note 3: State and Territory long service leave laws or long service leave entitlements under s.113 of the Act, may require an employer to pay an employee for accrued long service leave on the day on which the employee's employment terminates or shortly after.'

[4] Interested parties are to comment on the above proposal. Comments are to be sent to chambers.ross.j@fwc.gov.au by **4pm Friday, 17 July 2020**.

PRESIDENT

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Hearing

2020.

8 July.

By telephone.

Appearances

Mr L. Izzo for ABI & NSWBC

Mr B. Ferguson for Ai Group

Mr G. Jervis for National Electrical and Communications Association

Ms Y. Abousleiman for the Electrical Trades Union of Australia