

Australian Industry Group

4 YEARLY REVIEW OF MODERN AWARDS

Submission

Finalisation of Exposure Drafts –
Tranche 3
Construction Awards
(AM2019/17)

26 October 2020

Ai
GROUP

INTRODUCTION

1. The Australian Industry Group (**Ai Group**) files this submission in relation to the 'third tranche' of exposure drafts and draft determinations published by the Fair Work Commission (**Commission**) for the following construction awards:
 - (a) Building and Construction (General) On-Site Award (**Building Award**);
 - (b) Joinery and Building Trades Award (**Joinery Award**);
 - (c) Mobile Crane Hiring Award (**Mobile Crane Award**); and
 - (d) Plumbing and Fire Sprinklers Award (**Plumbing Award**).

2. Further, consistent with the submissions we have previously made, we submit that a period of not less than three months should be allowed between the issue of final determinations by the Commission varying each award and the date upon which those variations commence operation. We continue to rely on the submissions we have previously made in this regard.¹

¹ Ai Group [submission](#) dated 20 September 2019 at page 3.

BUILDING AND CONSTRUCTION GENERAL ON-SITE AWARD

3. The submissions that follow relate to the exposure draft of the Building and Construction General On-site Award

Title of the award

4. The reference to '20XX' should be replaced with '2020' in the title of the award, the header and clause 1.1.

Clause 17: Shift Work

5. At Clause 17.1(e), as a result of a clerical error, the words "early morning," should be inserted before the word "morning" in line 1.

Clause 20: Payment of wages

6. At Clause 20.3, the reference to clause "20.5" should be changed to "20.4".

Clause 21.3: Compensation for clothes and tools

7. At Clause 21.3(e)(i), the reference to clause "21.3(e)" should be changed to "21.3".

Clause 29.8: Consecutive hours off duty

8. At subclause (a) the reference to "work day or shift" should be amended to read "ordinary work day or shift". This provides better clarity and is the terminology found in the current award.

Schedule B—Summary of Monetary Allowances

9. At table B.1.2, the following sections in the table require amending:
- (a) the section reference relating to “Living away from home allowance – per complete week” should be deleted as it relates to the previous award provisions.
 - (b) the section reference relating to “Living away from home allowance – broken parts of the week” needs to be deleted and reworded as “Living away from home - Distant Work - Entitlement.”
 - (c) the section reference relating to “Metropolitan Radial Areas” should be amended to refer to “Fares and Travel Pattern Allowance” and the clause reference should be 26.1(a) not 26.1.
 - (d) the section reference relating to “Travelling outside radial areas – employee’s own vehicle” should be amended to refer to “Distant Work Payment”.
 - (e) the section reference relating to “Travelling during working hours - employee’s own vehicle” should be amended to refer to “Travelling between construction sites”. The clause references should be amended to 26.2(b)(ii).

JOINERY AND BUILDING TRADES AWARD

10. The submissions that follow relate to the exposure draft of the Joinery and Building Trades Award.

Title of the award

11. The reference to '20XX' should be replaced with '2020' in the title of the award, the header and clause 1.1.

Clause 22: Accident Pay

12. At Clause 22.7, the reference to "clause 2" should be amended to "clause 22.2"

Clause 25.4: Shift Rates

13. At Clause 24.4(c), the reference to "clause 25.4(a)" should be amended to "clause 25.4(b)" which deals with the subject matter.

Clause 32.3: Part Day Public Holidays

14. At Clause 32.3, the reference to "Schedule A" in the Exposure draft should be amended to state "Schedule J". We also note that this should be replicated in the Draft Determination.

MOBILE CRANE HIRING AWARD

15. The submissions that follow relate to the exposure draft of the Mobile Crane Hiring Award.

Title of the award

16. The reference to '20XX' should be replaced with '2020' in the title of the award, the header and clause 1.1.

Clause 7: Facilitative provisions

17. In the table in clause 7.2, the facilitative provision relating to clause 9.7(g) currently indicates that agreement only needs to be reached between an employer and the majority of employees. Clause 9.7(g) of the exposure draft correctly provides that the agreement is between the employer and the majority of the employees in the relevant workplace or a section or sections of it, or with the casual employee. Clause 7.2 should be amended to reflect this.

Clause 19: Accident Pay

18. At clause 19.3(a) the reference to clause 16.1 should also include a reference to clause 16.2 so as to include the appropriate reference for the industry allowance.

Clause 22.7: 10 Hour Break.

19. At clause 22.7(a)(i) the word "work" in line 1 and line 2 should be changed to "ordinary work". This provides better clarity in determining the hours of work being referred to.

Clause 29.2: Part-day public holidays

20. In the Exposure draft, at clause 29.2, the reference to "Schedule A" should be changed to "Schedule I". Additionally, whilst the clause 29.2 in the draft

determination provides for the correct reference, the “Error! Reference source not found...” statement remains and should be deleted.

Clause 34.6: Transfer of business

21. At clause 34.6 (a), the references to “new employee” should be changed to “new employer”. Whilst the clause in the current award contains the same terminology, Ai Group submits that this appears to be a typographical error.

Schedule B: Summary of Hourly Rates of Pay

22. At table B.2.2: Full-time shiftworkers—shiftwork rates and table B.3.2 Casual shiftworkers - shiftwork rates, the last column heading in both tables state “Non-successive afternoon or night shifts”. Ai Group submits that a further notation should be put at the bottom of the table to add clarity. The notation should reflect that this section applies to shift workers working a roster that does not continue for at least 5 successive shifts, as set out in clause 23.3.

PLUMBING AND FIRE SPRINKLERS AWARD

23. The submissions that follow relate to the exposure draft of the Plumbing and Fire Sprinklers Award.

Title of the award

24. The reference to '20XX' should be replaced with '2020' in the title of the award, the header and clause 1.1.

Schedule B: Table B.1 - Plumbing and mechanical services and B.2 Irrigation installer

25. At Table B.1 and B.2, the reference to "Industry Allowance" at the top of the tables should be changed from clause 21.2(b) to clause 21.3(a).

Schedule F: Table F.2 - Expense-related allowances

26. At table F.2 - Expense-related allowances, the Tool allowance is noted as being payable per hour. This need to be changed as clause 21.8(a) of the Award provides that the allowance is payable per week.