

IN THE FAIR WORK COMMISSION

AM2019/17 - 4 YEARLY REVIEW OF MODERN AWARDS

Electrical, Electronic and Communications Contracting Award

The Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia

Submissions in Reply

1. On 4 June 2020, the Full Bench of the Fair Work Commission ('**Commission**') issued a Statement¹, that it was its provisional view that the Electrical Award should be varied as set out at paragraphs [9], [14], [15], [18], [27], [29] and [32] of DP Clancy's Report of 1 June 2020² ("**the Report**") and invited submissions in response to the provisional view by 18 June 2020.
2. On 18 July 2020, National Electrical and Communications Association ("**NECA**") filed submissions with respect to the Commission's provisional view.
3. On 16 July 2020, the Commission issued a statement³ advising any party wishing to file submissions in response to NECA's submissions to do so by 27 July 2020.
4. This Submission is made by the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia ('**CEPU**') in reply to the submissions filed by NECA on 18 July 2020 ("**the submissions**").

Definition of Ordinary Hourly Rate

5. At paragraphs [12] of the submissions, it is submitted that the definition of ordinary hourly rates at clause B.1.1 should be amended so as to include the electrician's licence allowance and other all-purpose allowances set out in clause 18.3 which are applicable for all purposes.

"Ordinary Hourly Rate for the purposes of Schedule B includes the industry allowance, (clause 18.3(a)), and where applicable, electricians licence

¹[\[2020\] FWCFB 2908](#)

² [Report - Tranche 3 - Electrical, Electronic and Communications Contracting Award, 1 July 2020.](#)

³ [\[2020\] FWCFB 3728](#)

allowance (clause 18.3(b)), tool allowance (clause 18.3(g)) and other all-purpose allowance set out in clause 18.3 which are payable for all purposes.”

6. The CEPU opposes NECA’s proposal to vary the provisional view at paragraph [9] of the Report on the basis that;
 - a. NECA’s proposal will lead to inaccurate calculations when the tables in Schedule B are utilised, as the ordinary rates of pay in Schedule B do not include the electrician’s licence allowance and all other applicable all-purpose allowances. These allowances need to be added in addition to the rates specified in the tables. NECA’s proposed clause does not read in this manner; and
 - b. In any event, ‘Schedule B.1.1 is not intended to contain a definition of ‘ordinary hourly rate’ as prescribed by clause 2, rather it is intended to explain the basis for the calculation of the ordinary rates in the Schedule B tables.

Clause 13.15 - Rate for working on a Sunday and public holiday shifts

7. At paragraph [19] of the submission NECA suggest that clauses 13.15(a) and 13.15(b) are inconsistent when applying clauses 13.15(c) and (d), as clause 13.15(c) and (d) only apply to clause 13.15(a) and not 13.15(b), and there is no statement to this effect.
8. Whilst CEPU acknowledges the point being made by NECA, the CEPU is of the view that clause 13.15 should remain unchanged as the inconsistency does not arise when the clause is read as a whole.

CEPU

27 July 2020