



21st August 2018

Associate to his Honour President Ross

President Ross
Fair Work Commission
11 Exhibition Street,
MELBOURNE, VICTORIA 3000

Email: amod@fwc.gov.au

s.156 – 4 yearly review of modern awards – Group 4 Exposure Awards

Dear Associate,

On 7th August 2018, the Full Bench of the Fair Work Commission issued a Decision concerned with respective Group 4 Award matters. Subsequent to this Decision, a Notice was issued by the Fair Work Commission inviting interested parties to make comments on outstanding matters by 4.00pm, Tuesday, 21st August 2018.

Fire Protection Association Australia (FPA) has an interest in two of the Group 4 Awards and wishes to set out the following outline of comments in relation to the respective matters. The two Awards in which FPA has an interest are the *Electrical, Electronic and Communications Contracting Award* and the *Plumbing and Fire Sprinklers Award*.

1. Electrical, Electronic and Communications Contracting Award

1.1 Amendments to Hours of Work clause

This matter is linked to that of shift work. FPA relies upon its earlier submissions which are related and linked with that of the proposed shift work clause which seeks to simply and separately identify shift work provisions by extracting from the current Hours of work clause and 'transferring' those same provisions into a separate Shift Work clause. At no stage has there been any intention to change any provision, which increases or decreases current and existing award arrangements or any other arrangements. The Award modernisation process was and is intended to be about simplifying awards and making them more user friendly. That is the sole intention behind the proposal better highlighting shift work conditions as presently contained in the Hours of Work, clause.

1.2 New shift work clause

FPA has previously submitted that what is proposed in introducing a separate shift work clause and aligned with the above submission in relation to item #1.1, a new shift work clause, is not a substantive matter. It is submitted that the basis of this proposal is that the approach taken is such that it has never been intended for there to be any change or intention to change any entitlements related to shift work. Yet, in

making this submission, FPA accepts the Commission's direction in progressing this matter.

Attempts to allay certain concerns have been undertaken. FPA relies upon its previous submissions and comments on this matter which at all times has been to adopt the rationale for the proposed changes: to simplify and more clearly identify with an important award provision that is 'hidden' within another award provision. However, at the time of this submission, discussions between the parties are continuing.

1.3 Various Schedule B matters

FPA accepts the Commission's position regarding a consistent approach to the wages and allowances Schedules. The Commission in its decision of 7th August 2018, concluded that "... all exposure drafts provide rates of pay and allowances in schedules. The Schedules to the exposure draft of the Electrical Contracting Award adopts consistent formatting. The Commission was not persuaded that it deviate from that uniform approach". FPA submits that as the Commission, having made its decision, this item does not require any further attention and the item is then, closed.

1.4 Redrafting Employment of minors clause – clarification regarding junior employees

The Commission has determined that sub-clause 12.14 reflects the current Award wording. All parties appear to agree to a consideration of amending the current provision, FPA maintains its support as well.

1.5 Rest break – day worker and shift worker application

FPA makes no further comments on this item.

2. Plumbing and Fire Sprinklers Award

2.1 Industry Disability Allowance

The issue in question here relates to the level of access to this Allowance that apprentices covered by the Plumbing and Fire Sprinklers Award, have.

This Allowance is an all-purpose allowance and so, it is submitted, applies in relation to respective apprentice relativities (to the base tradesman's rate) and adult apprentices' rates, and in accordance and consistent with sub-paragraphs 18.2 (b) (iii) and 18.2 (c) (iii) of the Award. The individual allowances set out in paragraph 20.3 (e) of the Exposure Award, are ones constituting the "Fire Sprinkler Fitting trade allowance", which is an all-purpose allowance. Accordingly, the Allowance has the capacity to apply to all related classifications and in the case of apprentices, applicable on the basis of their respective relativities or the full amount in the case of an adult apprentice. Noting that the current Award, at sub-paragraph 20.3 (a) (iii) and repeated at sub-paragraph 18.3 (a) (iii), provide for the full amount of the Industry Disability Allowance to adult apprentices. The reference to the word "trade" confirms its application and its relative applications to apprentices.

2.2 Restructuring shift work clause

The effects of this matter may influence the terms of the proposal for a separate Shift Work clause. Therefore, no comment is made at this stage.

2.3 New shift work clause – bringing together of shift work provisions

The proposal to provide for a new shift work clause is submitted on the basis of making more prominent an important working condition that appears subsumed by a more general clause (Hours of Work). A provision which is also subject to specific shift work clauses in Enterprise Agreements and is reflected in the National Employment Standards as evoking an additional period of annual leave. As mentioned and indicated on numerous occasions, there is no intention to make any changes to any entitlements with a preparedness of ensuing that only technical changes emerge. The proposal as put forward, seeks to do no more than to separate shift work arrangements from the Hours of Work clause for a better reflection of working hours as applicable to shift work employees covered by the *Plumbing and Fire Sprinklers Award*.

Nevertheless, the Commission's views of the status of this progressing this matter are accepted.

2.4 Schedule B – all-purpose rate

This item is aligned with item #2.1 of this submission outline and as set out in paragraphs #353 to #357 of 7 August Full Bench decision.

Yours sincerely,



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Fire Protection Association Australia

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