

From: Olya Valaire
Sent: Tuesday, 21 February 2017 3:01 PM
To: Chambers - Gostenchik DP
Subject: AM2014/280

Dear Associate,

**EXPOSURE DRAFT – PLUMBING AND FIRE SPRINKLERS AWARD 2016 -
FWA MATTER NO.: AM2014/280**

We refer to the above matter. Following the filing of submissions and a conference on 6 February 2016 with DP Gostenchik (**Conference**) three parties met in an effort to resolve some of the issues in the *Plumbing and Fire Sprinklers Award 2010 (Plumbing Award)* as identified by the parties during the Conference as part of the four yearly award review process.

The parties based their discussion on the DP Gostenchik interpretation of Clause 22 - Penalty rates of the Exposure Draft and accepted his interpretation over the MPMCA's interpretation.

Based on that acceptance the MPMCA is seeking the Tribunal's clarification on the correct application of clause 22.2 as it presently stands in regards to weekend nights work penalties.

It has become obvious from the discussion the correct application of clause 22.2 – Shiftwork of the Exposure Draft as it presently stands is still ambiguous and uncertain in relation to the 5 days shift with more than 48 hours notice. During such shiftwork an employee necessarily would have to work 1 or 2 nights during the weekend.

Two examples below require clarification on the penalty rates applicable in each case. Both cases relate to shiftwork conducted over 5 days where 48 hours notice has been given and the shift will be commenced worked from 10 pm to 6 am next day.

Example 1

An employee is directed to do shift work for 5 consecutive days. The first shift commences on 10pm Monday and finishes 6am Tuesday. The last day commences on 10pm Friday and finishes 6am Saturday.

Monday to Friday 10.00pm to 6.00am Shift	Sat	Sun
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Example 2

An employee is directed to do shift work for 5 consecutive days. The first shift commences 10pm Wednesday and finishes 6am Thursday. The last day commences 10pm Sunday and finishes 6am Monday.

Mon	Tues	Wednesday to Sunday 10.00pm to 6.00am Shift
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We also note that Schedule C of the Exposure Draft does not provide a column which would clarify a 5 days shift including weekends. We submit that the tables at C1.4 and C1.7 should reflect a 5 days shift including weekends.

Kind Regards

Olya Valaire

IR Advocate & Workplace Safety Manager

Master Plumbers Association of NSW (MPA)