

Australian Industry Group

# 4 YEARLY REVIEW OF MODERN AWARDS

**Reply Submission**  
Exposure Draft – Plumbing and  
Fire Sprinklers Award 2016

3 August 2016

**Ai**  
GROUP

**4 YEARLY REVIEW OF MODERN AWARDS**  
**EXPOSURE DRAFT – PLUMBING AND FIRE**  
**SPRINKLERS AWARD 2016**

1. This reply submission is made by the Australian Industry Group (**Ai Group**) pursuant to the Directions issued by the Fair Work Commission (**Commission**) on 15 July 2016.
  
2. The submissions that follow relate to the *Exposure Draft – Plumbing and Fire Sprinklers Award 2016* (**Exposure Draft**). They are in response to submissions filed by:
  - Australian Business Industrial and the NSW Business Chamber Ltd (**ABI**) dated 1 July 2016;
  - Australian Workers Union (**AWU**) dated 6 July 2016;
  - Plumbing Trades Employees Union (**CEPU**) dated 11 July 2016;
  - Fire Protection Association Australia (**FPAA**) dated 5 July 2016;
  - National Fire Industry Association (**NFIA**) dated 30 June 2016;
  - Master Plumbers Group (**MPG**) dated 5 July 2016;
  - Master Plumbers Association of NSW (**MPN**) dated 30 June 2016; and
  - Business SA dated 30 June 2016.

**Clause 7.2 – Facilitative Provisions**

3. ABI has proposed the inclusion of additional provisions found in clause 15.5(c), (e) and (f). In Ai Group's view, these clauses are not strictly facilitative provisions.

4. The Exposure Draft raises a question concerning whether clause 15.3 – Early Start should specify “a majority of employees”
5. Ai Group does not agree with ABI, AWU and MPG that the proposed amendment should be made. There is no basis for such an amendment. To do so would change the effect of the provision in the current award.
6. The clause should be left as drafted. This allows for agreement to be reached with a small group as well as the majority of employees. This would provide the necessary flexibility for employers. Business SA and CEPU support such retention.

#### **Clauses 8.1 – Daily Hire Employees**

7. Business SA has submitted that the categories of employment in the award are unclear. Ai Group does not agree with Business SA’s proposed changes. The clause as drafted reflects the current award and is not unclear.

#### **Clauses 9 – Types of Employment**

8. Business SA has submitted that the method of calculating a daily hire employee’s minimum hourly wage is unclear and should be clarified. It proposed changes to clause 18.1 to reflect this. Ai Group does not agree with Business SA’s proposed changes. The clause as drafted reflects the current award and is not unclear.

#### **Clauses 11.3(b), 12 and 13.8 (Part Time, Casual and Apprenticeship)**

9. The AWU has proposed that the ordinary hours clauses are drafted incompletely and it has suggested amendments to clauses 11.3(b), 12 and 13.8.
10. Ai Group does not agree with the AWU’s propositions. There is no requirement for the amendments as the clauses are clear.
11. Ai Group maintains its position as submitted in paragraph 248 to 255 of its submission of 8 July 2016.

### **Clause 13.14 (d) – Adult Apprentices**

12. The Exposure Draft has posed the question as to whether clause 13.14(d)(ii) is a permitted matter in the award. Ai Group maintains its position as submitted in paragraphs 256 to 257 of its submission of 8 July 2016. The submission of Business SA aligns with this position.
13. Ai Group does not agree with the submissions of the FPAA, CEPU, MPN and NFIA that clause 13.14(d)(ii) should be retained, as it is discriminatory.
14. Ai Group does not agree with the proposals of the AWU and the MPG to delete clause 13.14(d). To do so would change conditions found in the current award.

### **Clause 16.6 – Overtime Meal Breaks**

12. The Exposure Draft has posed a question as to whether this clause and clause 16.5 would be better placed together in clause 21 – Overtime
13. Ai Group has no objection to the current placement of the clauses in the Exposure Draft or their placement in the Overtime clause. We have a slight preference for them to be placed in the Overtime clause for ease of reading.

### **Clause 18.8 – Payment of Wages**

14. The Exposure Draft has posed a question as to whether the payment of wages clause should specify that payment by electronic means is an acceptable payment of wages method.
15. Ai Group agrees with the other parties who have expressed the view that the term electronic funds transfer should be included.
16. Ai Group does not agree with the AWU and FPAA proposition that the term “bank cheque” should be removed. It would be better to retain all possible means of payment.

17. Ai Group does not agree with the MPG submission to rewrite the payment of wages clause.

#### **Clause 20.3 (f) – Wage Related Allowances – All purpose Allowances**

18. The Exposure Draft seeks confirmation as to whether clause 20.3 is only payable to adults.
19. Ai Group agrees with ABI and FPAA that the allowance is only payable to adults.
20. Ai Group does not see the necessity for a definition to be created as proposed by the FPAA.
21. Ai Group does not agree with the submissions of the AWU, CEPU and the MPG as their proposals depart from the conditions in the current award.

#### **Clause 21.1 – Overtime and 22.1 – Penalty Rates**

18. Ai Group does not agree with the AWU's submission that there is an inconsistency or ambiguity in these clauses as a result of the drafting of the Exposure Draft. The terms in the Exposure Draft replicate the terms of the current award in this regard. The AWU's proposed changes should not be adopted.

#### **Clause 22.2 – Shiftwork**

28. With regard to the AWU and FPAA proposals regarding a shiftwork provision, we submit that this is not an issue related to drafting and technical matters in the Exposure Draft.
29. Ai Group maintains its position as set out in paragraphs 259 to 263 of its submission of 8 July 2016.

#### **Schedule E – Shiftwork Rates for Apprentices**

30. Ai Group does not support the inclusion of shiftwork rates for apprentices as proposed by the AWU, on the basis that this is not necessary.

### **Schedule B.3 – Fire Sprinkler Fitting**

31. The Exposure Draft has raised the query as to the inclusion of the fire sprinkler fitting trade allowance in the table for apprentices and adult apprentices.
32. Ai Group does not agree that it should be included. This aligns with the submissions made by the FPAA, MPG, CEPU and NFIA.
33. We do not agree with the submission of Business SA with regard to its inclusion.

### **Clause 14 – Other**

34. Ai Group does not agree with the FPAA proposition that there be a separation of shiftwork from the ordinary hours of work. This is not necessary