

**From:** Rebecca Sostarko [<mailto:rebecca@masterbuilders.com.au>]  
**Sent:** Wednesday, 14 March 2018 10:28 AM  
**To:** Chambers - Gostencnik DP  
**Cc:** Adler, Melissa; Vasuki Paul; Stuart Maxwell; Michael Nguyen; Stephen Crawford - AWU ([stephen@crawforddecarne.com.au](mailto:stephen@crawforddecarne.com.au)); [chrismelham@civilcontractors.com](mailto:chrismelham@civilcontractors.com); Shaun Schmitke; Sam McGregor  
**Subject:** RE: AM2016/23  
**Importance:** High

Dear Associate,

Please note that we received, just moments ago, correspondence from the CCF that the attached reflects the position of the parties.

Kind regards,

**Rebecca Sostarko**  
Senior Adviser – Safety, Contracts, Workplace Relations



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**From:** Rebecca Sostarko  
**Sent:** Wednesday, 14 March 2018 10:22 AM  
**To:** 'Chambers - Gostencnik DP'  
**Cc:** Adler, Melissa; Vasuki Paul; 'Stuart Maxwell'; Michael Nguyen; Stephen Crawford - AWU ([stephen@crawforddecarne.com.au](mailto:stephen@crawforddecarne.com.au)); 'marc@cdclawyers.com.au'; 'chrismelham@civilcontractors.com'; Shaun Schmitke; Sam McGregor  
**Subject:** RE: AM2016/23  
**Importance:** High

Dear Associate,

We refer to AM2016/23 and your email regarding same below.

Please find attached a document containing a draft of the parties' revised allowances clauses.

The document reflects the agreed/disagreed position of the parties, with the exception of the CCF who have not advanced a position in response to the draft.

We apologise for the delay in forwarding the document to the Deputy President.

Kind regards,

**Rebecca Sostarko**

Senior Adviser – Safety, Contracts, Workplace Relations



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**From:** Chambers - Gostencnik DP [<mailto:Chambers.Gostencnik.DP@fwc.gov.au>]

**Sent:** Thursday, 1 March 2018 12:57 PM

**To:** [m.adler@hia.com.au](mailto:m.adler@hia.com.au); [Vasuki.Paul@aigroup.com.au](mailto:Vasuki.Paul@aigroup.com.au); 'Stuart Maxwell';  
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**Subject:** AM2016/23

Dear Parties,

I write with respect to the above matter and refer to the conference before the Deputy President on 25 January 2018.

As you are aware, at the conference the Deputy President requested certain material be filed concerning the classification of allowances.

As no material has yet been filed, the Deputy President kindly seeks an update from the parties regarding the same.

Kind regards,

**Caitlin Goldie**

Associate to Deputy President Gostencnik

**Fair Work Commission**

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**PARTIES REVISED DRAFT OF ALLOWANCE CLAUSES – 21<sup>st</sup>  
February 2018**

(NB This document sets out the position of the parties on the categorisation of existing allowance provisions within the *Building and Construction General On-site Award 2010*. The Tool and Employee Protection allowance provision reflects the provisional view of the Full Bench expressed in the 17<sup>th</sup> August 2017 Statement ([2017] FWCFB 4239), and where identified (in red) in this document agreed changes that have been made to the content of some of the existing provisions.

It should be further noted, however, that the parties have made separate and claims with regard to the content of many of the provisions covered within this document and continue to rely on those submissions and evidence already filed in this matter.

**Agreed categorisation of Clauses**

**20 Expense related allowances**

**20.1 Tool and Employee Protection allowance**

- (a) An allowance in recognition of the maintenance and provision of the standard tools of trade must be paid for all purposes of the award in accordance with the following table:

<b>Classification</b>	<b>Tool allowance \$ per week</b>
Artificial stoneworker, carpenter and/or joiner, carpenter-diver, carver, bridge and wharf carpenter, floor sander, letter cutter, marble and slate worker, stonemason or tilelayer	31.10
Caster, fixer, floorlayer specialist or plasterer	25.71
Refractory bricklayer or bricklayer	22.07
Roof tiler, slate-ridger or roof fixer, tradespersons in the metals and engineering construction sector	16.29
Signwriter, painter or glazier	7.47

- (b) Where any other tools are required for the performance of work by a tradesperson covered by paragraph (a), or where in the case of any other employee any tools are required for the performance of work, the employer shall:
- (i) provide the tools; or
  - (ii) reimburse the employee for provision of the tools.

- (c) Where any protective clothing or equipment, other than safety boots, is required for the safe performance of work, the employer shall:
  - (i) provide the clothing or equipment; or
  - (ii) reimburse the employee for provision of the clothing or equipment.
  
- (d) Where employees other than refractory bricklayers are required either by the employer or by legislation to wear steel toe capped safety boots the employer will reimburse employees for the cost of purchasing such boots on commencement of work. Subject to fair wear and tear, boots will be replaced each six months if required and sooner if agreed.
  
- (e) The following special conditions will apply to bricklayers:
  - (i) After six weeks employment, and on request from the employee, an allowance of \$87.92 must be provided for the purchase of boots. The same allowance must be provided to cover the cost of replacement boots, provided that the allowance need not be paid more than once in any six month period dating from the time the allowance is first provided. The allowance is not payable where the employer provides boots.
  - (ii) Employees provided with the allowance, or the boots, will accrue credit at the rate of \$4.40 per week from the date of the request. An employee leaving, or being dismissed, before 20 weeks' employment after the date of the request will repay the difference between the credit accrued and the \$87.92.

## 20.2 Meal allowance

- (a) An employee required to work overtime for at least one and a half hours after working ordinary hours inclusive of time worked for accrual purposes as prescribed in clauses ~~33 – Ordinary hours of work~~ or ~~34 – Shiftwork~~, or ~~38 – Annual leave~~, must be paid by the employer an amount of \$14.78 to meet the cost of a meal.
- (b) This subclause will not apply to an employee who is provided with reasonable board and lodging or who is receiving a distant job allowance as provided for in clause ~~XX – Living away from home – distant work~~, and is provided with a suitable meal.
- (c) An operator employee will be entitled to be paid \$14.78 for each meal after the completion of each four hours from the commencement of overtime.

***Comment** – The wording in red at clause 20.2(a) has been agreed to by the parties as the current award incorrectly refers to clause 38 – Annual leave, whereas it should refer to clause 33 – Ordinary hours of work.*

## 20.3 Compensation for clothes and tools

- (a) An employee whose clothes, spectacles, hearing aids or tools have been accidentally spoilt by acid, sulphur or other deleterious substances, fire, molten metal or corrosive substances, must be paid such amount to cover the loss suffered by the employee as may be agreed upon between the employee and the employer.
- (b) An employee must be reimbursed by the employer to a maximum of \$1804.00 for loss of tools or clothes by fire or breaking and entering whilst securely stored at the employer's direction in a room or building on the employer's premises, job or workshop or if the tools are lost or stolen while being transported by the employee at the employer's direction, or if the tools are accidentally lost over water or if tools are lost or stolen during an employee's absence after leaving the job because of injury or

illness, or where the employee does not report for work because of illness or accident and has advised the employer of such absence.

- (c) An employee transporting their own tools must take all reasonable care to protect those tools and prevent theft or loss.
- (d) When an employer requires an employee to wear spectacles with toughened glass lenses the employer must pay the cost of the toughening process.
- (e) For the purposes of this clause:
  - (i) only tools used by the employee in the course of their employment will be covered by this clause;
  - (ii) the employee will, if requested to do so, furnish the employer with a list of tools so used;
  - (iii) reimbursement will be at the current replacement value of new tools of the same or comparable quality; and
  - (iv) the employee will report any theft to the police prior to making a claim on the employer for replacement of stolen tools.

## 20.8 Adjustment of expense related allowances

- (a) At the time of any adjustment to the standard rate, each expense related allowance will be increased by the relevant adjustment factor. The relevant adjustment factor for this purpose is the percentage movement in the applicable index figure most recently published by the Australian Bureau of Statistics since the allowance was last adjusted.
- (b) The applicable index figure is the index figure published by the Australian Bureau of Statistics for the Eight Capitals Consumer Price Index (Cat No. 6401.0), as follows:

<b>Allowance</b>	<b>Applicable Consumer Price Index figure</b>
Tool and employee protection allowance	Eight Capitals Consumer Price Index
Compensation for clothes and tools	Eight Capitals Consumer Price Index
Meal allowance	Meals out and take away foods sub-group
Living away from home—distant work	Domestic holiday travel and accommodation sub-group
Camping	Average of Food and non-alcoholic beverages, housing and transport groups
Fares and travel patterns allowance	Transport group
Weekend return home	Transport group
Transport and transporting tools	Transport group

## 21. All Purpose Skill Related Allowances

### 21.1 Carpenter-diver allowance

Employees undertaking work normally performed by a carpenter-diver must be paid an additional 4.5% of the hourly standard rate per hour extra which will be regarded as part of the ordinary time hourly rate for all purposes of the award.

### 21.2 Electrician's licence allowance

- (a) An employee engaged and working as an electrical tradesperson and who holds an appropriate electrician's licence must be paid a weekly allowance of 3.2% of the weekly standard rate for all purposes of this award.
- (b) An appropriate electrician's licence for the purpose of this subclause will be:
- New South Wales—a NSW Electrician's Licence;
  - Victoria—an A Grade Electrician's Licence;
  - South Australia—an A Grade Electrical Worker's Licence;
  - Tasmania—an A Grade Electrician's Licence; and
  - Queensland—an Electrical Mechanic's or Electrical Fitter/Mechanic's Licence.

## 22. Other Skill Related Allowances

### 22.1 Laser operation allowance

(a) **Application**

This subclause applies when laser equipment is utilised for work within the scope of this award.

(b) **Definitions**

- (i) **Laser** means any device excepting a Class 1 device which can be made to produce or amplify electromagnetic radiation in the wave length range from 100 nanometres to one millimetre primarily by the process of controlled stimulation emission.
- (ii) **Laser safety officer** or **LSO** is an employee who in addition to the employees ordinary work is qualified to perform duties associated with laser safety and is appointed as such.

(c) **Laser safety officer allowance**

An employee appointed by the employer to carry out the duties of a laser safety officer must be paid an additional 13.4% of the hourly standard rate per day or part thereof whilst carrying out such duties, paid as a flat amount without attracting any premium or penalty.

### 22.2 First aid allowance

(a) An employee who:

- (i) is appointed by the employer to be responsible for carrying out first aid duties as they may arise;
- (ii) holds a recognised first aid qualification (as set out hereunder) from the Australian Red Cross Society, St John Ambulance or similar body;
- (iii) is required by their employer to hold a qualification at that level;
- (iv) the qualification satisfies the relevant statutory requirement pertaining to the provision of first aid services at the particular location where the employee is engaged; and
- (v) those duties are in addition to the employees normal duties, recognising what first aid duties encompass by definition;

will be paid at the following additional rates to compensate that person for the additional responsibilities, skill obtained, and time spent acquiring the relevant qualifications:

- (vi) an employee who holds the minimum qualifications recognised under the relevant State or Territory Occupational Health and Safety legislation (or, in Western Australia, a Senior First Aid certificate of Industrial First Aid certificate or equivalent qualification from the St John Ambulance Association or similar body)—0.36% of the weekly standard rate per day; or
- (vii) an employee who holds a higher first aid certificate recognised under the relevant State or Territory Occupational Health and Safety legislation (or, in

Western Australia, a Senior First Aid certificate or Industrial First Aid certificate or equivalent qualification from the St John Ambulance Association or similar body)—0.57% of the weekly standard rate per day.

- (b) An employee will be paid only for the level of qualification required by their employer to be held, and there will be no double counting for employees who hold more than one qualification.

### **22.3 Computing quantities**

Employees who are regularly required to compute or estimate quantities of materials in respect of the work performed by other employees must be paid an additional 23.3% of the hourly standard rate per day or part thereof. This allowance will not apply to an employee classified as a leading hand and receiving an allowance prescribed in clause 19.2.

### **22.4 Certificate allowance**

- (a) A tradesperson who is the holder of a scaffolding certificate or rigging certificate issued by the appropriate certifying authority and is required to act on that certificate whilst engaged on work requiring a certificated person must be paid an additional 3.2% of the hourly standard rate per hour.
- (b) This allowance is not cumulative on the allowance for swing scaffolds.

### **22.5 Dual lift allowance**

Where two or more forklifts or cranes are engaged on any lift the drivers thereof must be paid an additional 16.2% of the hourly standard rate for each day or part thereof so occupied.



## 23. All Purpose Disability Allowances

### 23.1 Industry allowance

In addition to the rates prescribed in clause 19—Minimum wages, an employee must be paid an allowance at the rate of 3.7% of the weekly standard rate per week to compensate for the following disabilities associated with construction work:

- (a) climatic conditions when working in the open on all types of work;
- (b) the physical disadvantage of having to climb stairs or ladders;
- (c) the disability of dust blowing in the wind, brick dust and drippings from newly poured concrete;
- (d) sloppy and muddy conditions associated with the initial stages of the erection of a building;
- (e) the disability of working on all types of scaffolds or ladders, other than a swing scaffold, suspended scaffold, or a bosun's chair;
- (f) the lack of the usual amenities associated with factory work, (e.g. meal rooms, change rooms, lockers).

### 23.2 Underground allowance

- (a) An employee, other than an employee in an Operator classification, who is required to work underground must be paid an additional allowance of 1.8% of the weekly standard rate per week for all purposes of the award in addition to the allowance prescribed in clause 23.1.
- (b) Provided that an employee required to work underground for no more than four days or shifts in any ordinary week must be paid an additional 0.4% of the weekly standard rate per day or shift and in addition the allowance prescribed in clause 23.1.
- (c) Where a shaft is to be sunk to a depth greater than six metres, the payment of the underground allowance will commence from the surface.
- (d) These allowances will not be payable to employees engaged upon pot and drive work at a depth of 3.5 metres or less.

### 23.4Lift industry

- (a) These special conditions apply to electrical and metal tradespersons and their assistants who perform work in connection with the installation, major modernisation, servicing, repairing and/or maintenance of lifts and escalators.
- (b) **Lift industry allowance**
  - (i) In addition to the weekly award rates specified in clause 19.1, employees must be paid an amount of 14.8% of the standard rate per week as a lift industry allowance in consideration of the peculiarities and disabilities associated with the installation, major modernisation, servicing, repairing and/or maintenance of lifts and escalators and in recognition of the fact that employees engaged in such work may be required to perform, and/or assist to perform, any of such work.
  - (ii) Apprentices must be paid the following proportion of the appropriate lift industry allowance as follows:

<b>Year of apprenticeship</b>	<b>% of allowance</b>
First year of apprenticeship	55
Second year of apprenticeship	65
Third year of apprenticeship	75
Fourth year of apprenticeship	90

- (iii) An employee in receipt of the lift industry allowance prescribed by clause 23.4(b) will not be entitled to any of the **other disability allowances** prescribed in clause 24—**Other Disability Allowances**.
- (iv) An employee who is ordinarily engaged in the employer’s workshop and who, from time to time, is required to perform any of the work prescribed in clause 23.4 (a) will, in respect of such work, be entitled to payment of a portion of the lift industry allowance in accordance with the provisions of clause 30—**Higher duties**.
- (v) An electrical tradesperson who has performed work away from a workshop in connection with the installation, major modernisation, servicing repairing, and/or maintenance of lifts and escalators for a period of not less than two years will be classified as Electrician special class.
- (vi) The amounts specified in this clause will be paid for all purposes.

**(c) Conditions of employment**

The provisions of the award will apply to employees covered by this clause excepting the provisions of clauses 20.4, 23.2 and 23.5.

**23.6 Hydraulic hammer**

An operator of a hydraulic hammer attached to an excavator must be paid an additional 5.4% of the hourly standard rate per hour for all purposes.

**23.7 Furnace work**

An employee engaged in the construction of, or alteration or repairs to, boilers, flues, furnaces, retorts, kilns, ovens, ladels, and similar refractory work must be paid an additional 8.5% of the hourly standard rate per hour. This additional rate will be regarded as part of the ordinary time hourly rate for all purposes.

**23.8 Acid work**

An employee required to work on the construction of or repairs to acid furnaces, acid stills, acid towers and all other acid resisting brickwork must be paid an additional 8.5% of the hourly standard rate per hour. This additional rate will be part of the ordinary time hourly rate for all purposes.

## 24. Other Disability Allowances

### 24.1 Conditions in respect of other disability allowances

- (a) To avoid doubt, the other disability allowances are allowances for the purpose of clause 7.1(d).
- (b) The other disability allowances prescribed in this award must be paid irrespective of the times at which work is performed and will not, except where specified, be subject to any premium or penalty conditions.
- (c) Where more than one of the other disability allowances provides payments for disabilities of substantially the same nature, then only the highest of such rates will be payable unless otherwise provided.
- (d) The other disability allowances must be paid to employees in addition to the other rates in this award.

### 24.2 Working at heights

#### (a) **Multistorey allowance**

- (i) A multistorey allowance must be paid to all employees on-site whilst engaged in construction or renovation of a multistorey building to compensate for the disabilities experienced in, and which are peculiar to construction or renovation of a multistorey building.
- (ii) Provided that for the purposes of this clause **renovation work** is work performed on existing multistorey buildings and such work involves structural alterations which extend to more than two storey levels in a building, and at least part of the work to be performed is above the fourth floor storey level in accordance with the scale of payments appropriate for the highest floor level affected by such work.
- (iii) In this clause:
  - multistorey building** means a building which will, when complete, consist of five or more storey levels
  - complete** means the building is fully functional and all work which was part of the principal contract is complete
  - storey level** means structurally completed floor, walls, pillars or columns, and ceiling (not being false ceilings) of a building and will include basement levels and mezzanine or similar levels (but excluding **half floors** such as toilet blocks or store rooms located between floors)
  - floor level** means that stage of construction which in the completed building would constitute the walking surface of the particular floor level referred to in the table of payments.
- (iv) Any buildings or structures which do not have regular storey levels but which are not classed as towers (e.g. grandstands, aircraft hangars, large stores, etc.) and which exceed 15 metres in height may be covered by this subclause, or by clause 24.2(e) by agreement between the employer and an employee.

(v) **Plant room:** a plant room situated on the top of a building will constitute a further storey level if the plant room occupies 25% of the total roof or an area of 100 square metres whichever is the lesser.

(vi) **Rates**

(A) Except as provided for in clause 24.2(a)(vii), an allowance in accordance with the following table must be paid to all employees on the building site. The higher allowances presented in respect of work on the 16th and subsequent floors will be paid to all employees when one of the following components of the building—structural steel, reinforcing steel, boxing or walls—rises above the floor level first designated in the allowance scale:

Storeys	Allowance per hour
From the commencement of building to 15th floor level	2.6% of the hourly <u>standard rate</u>
From the 16th floor level to 30th floor level	3.1% of the hourly <u>standard rate</u>
From the 31st floor level to 45th floor level	4.8% of the hourly <u>standard rate</u>
From the 46th floor level to 60th floor level	6.2% of the hourly <u>standard rate</u>
From the 61st floor level onward	7.6% of the hourly <u>standard rate</u>

(B) The allowances payable at the highest point of the building will continue until completion of the building.

(vii) **Service cores**

(A) All employees employed on a service core at more than 15 metres above the highest point of the main structure must be paid the multistorey rate appropriate for the main structure plus the allowance prescribed in clause 24.2(e), calculated from the highest point reached by the main structure to the highest point reached by the service core in any one day period. (i.e. For this purpose, the highest point of the main structure will be regarded as though it were the ground in calculating the appropriate Towers allowance prescribed in clause 24.2(e)).

(B) Employees employed on a service core no higher than 15 metres above the main structure must be paid in accordance with the multistorey allowance prescribed herein.

(C) Provided that any section of a service core exceeding 15 metres above the highest point of the main structure will be disregarded for the purpose of calculating the multistorey allowance application to the main structure.

**(b) Swing scaffold**

- (i) An employee required to work from any type of swing scaffold or any scaffold suspended by rope or cable, bosun’s chair, or a suspended scaffold requiring the use of steel or iron hooks or angle irons must be paid the appropriate allowance set out below corresponding to the storey level at which the anchors or bracing, from which the stage is suspended, have been erected. The allowance must be paid for a minimum of four hours’ work or part thereof until construction work has been completed.

<b>Height of bracing</b>	<b>First four hours % of the hourly <u>standard rate</u></b>	<b>Each additional hour % of the hourly <u>standard rate</u></b>
0–15 storeys	23.3	4.8
16–30 storeys	30.1	6.3
31–45 storeys	35.6	7.2
46–60 storeys	58.3	12.0
greater than 60 storeys	74.3	15.4

- (ii) An apprentice with less than two years’ experience must not use a swing scaffold or bosun’s chair, and further provided that solid plasterers when working off a swing scaffold must receive an additional 0.7% of the hourly standard rate per hour.
- (iii) Payments contained in this subclause are in recognition of the disabilities associated with the use of swing scaffolds.
- (iv) For the purposes of this clause:
- **Completed** means the building is fully functional and all work which is part of the principal contract is complete;
  - **Storeys** will be given the same meaning as a storey level in clause 24.2(a).

**(c) Height work**

An employee, other than an employee working on a bosun’s chair or swinging stage, working on any structure at a height of more than nine metres where an adequate fixed support not less than 0.75 metres wide is not provided, must be paid an additional 2.9% of the hourly standard rate per hour. This provision does not apply in addition to the towers allowance prescribed in clause 24.2(e).

**(d) Suspended perimeter work platform**

- (i) This allowance applies to employees engaged on construction work (including renovation or refurbishment work) performed on a suspended perimeter work platform (other than a swinging stage or bosun’s chair) which uses a mechanical, hydraulic or other form of propulsion (not being rope or cable suspended) to relocate the work platform at different levels on the perimeter of

a building or structure. An example of this type of system includes the Lubeca Façade System.

- (ii) The allowance payable is an additional 4.9% of the hourly standard rate per hour and is to be paid instead of swing scaffold and multistorey allowance for all employees working on suspended perimeter work platform systems.

**(e) Towers allowance**

- (i) An employee working on a chimney stack, spire, tower, radio or television mast or tower, air shaft (other than above ground in a multistorey building), cooling tower, water tower or silo, where the construction exceeds 15 metres in height must be paid for all work above 15 metres, an additional 3.2% of the hourly standard rate per hour with 3.2% of the hourly standard rate per hour additional for work above each additional 15 metres.
- (ii) Stonemasonry employees not provided with mechanical means for the handling, lifting and placing of heaving blocks must be paid the rates prescribed in clause 24.7(a).

**(f) Roof repairs**

Employees engaged on repairs to roofs must be paid an additional 4.0% of the hourly standard rate per hour, provided that instead of this rate roof slaters and tilers must be paid in accordance with the following:

- (i) An employee who works on a roof at a height of over 15 metres measured at the loading point of the tiles at ground level to the eaves, must be paid an additional 2.9% of the hourly standard rate per hour.
- (ii) An employee who works on a roof at a height of over 15 metres measured at the loading point of the tiles at ground level to the eaves and the pitch of which is over 35 degrees or over 40 degrees must be paid the sum of 4.0% and 5.8% of the hourly standard rate respectively, rather than the allowance in clause 24.2(f)(i).

### **24.3 Material Related**

**(a) Asbestos eradication**

Employees engaged in the process of asbestos eradication (defined as work on or about buildings involving the removal or any other method of neutralisation of any materials which consist of or contain asbestos) on the performance of work within the scope of this award, must receive an additional 10.8% of the hourly standard rate per hour worked, but will not be paid **other disability allowances** prescribed in this clause with the exception of:

- Clause 24.4(a)—Hot work;
- Clause 24.4(b)—Cold work;
- Clause 24.2(b)—Swing scaffold;
- Clause 24.5(c)—Plaster or composition spray;
- **Clause XX—Second-hand timber; and**
- **Clause 23.8 - Acid work**

**(b) Asbestos**

Employees required to wear protective equipment (i.e. combination overalls and breathing equipment or similar apparatus) as part of the necessary safeguards as required by the appropriate occupational health authority for the use of materials containing asbestos or to work in close proximity to employees using such materials, must be paid an additional 4.0% of the hourly standard rate per hour whilst wearing such equipment.

**(c) Toxic substances**

- (i) Employees using toxic substances or materials of a like nature must be paid an additional 4.0% of the hourly standard rate per hour. Employees working in close proximity to employees so engaged must be paid an additional 3.2% of the hourly standard rate per hour.
- (ii) Toxic substances include epoxy based materials and all materials which include or require the addition of a catalyst hardener and reactive additives and include a two pack catalyst system.

**(d) Fumes**

An employee required to work in a place where fumes of sulphur or other acid or other offensive fumes are present must be paid an allowance which will be such rates as are agreed upon between the employee or the majority of employees and the employer.

**(e) Bitumen work**

An employee handling hot bitumen or asphalt or dipping materials in creosote, must be paid an additional 4.0% of the hourly standard rate per hour.

**(f) Insulation**

An employee handling charcoal, pumice, granulated cork, silicate of cotton, insulwool, slag wool, limpet fibre, vermiculite, or other recognised insulating material of a like nature, associated with similar disabilities in its use, must be paid an additional 4.0% of the hourly standard rate per hour or part thereof. This extra rate will also apply to an employee working in the immediate vicinity who is affected by the use of such materials.

## **24.4 Artificial Environment**

**(a) Hot work**

- (i) An employee who works in a place where the temperature has been raised by artificial means to between 46 degrees and 54 degrees Celsius must be paid an additional 3.2% of the hourly standard rate per hour or part thereof. In temperatures exceeding 54 degrees Celsius, an employee must be paid an additional 4.0% of the hourly standard rate per hour or part thereof.
- (ii) Where such work continues for more than two hours, the employee will be entitled to 20 minutes rest after every two hours work without loss of pay, not including the special rate provided by this subclause.

**(b) Cold work**

An employee who works in a place where the temperature is lowered by artificial means to less than 0 degrees Celsius must be paid an additional 3.2% of the hourly standard

rate per hour. Where such work continues for more than two hours, the employee will be entitled to 20 minutes rest after every two hours work without loss of pay, not including the special rate provided by this subclause.

## **24.5 Tool Related**

**(a) Explosive powered tools**

An operator of explosive powered tools, who is required to use an explosive powered tool, must be paid an additional 7.6% of the hourly standard rate for each day on which the employee uses such a tool.

**(b) Stonemasons—cutting tools**

If cutting tools are not provided the employer must pay an additional 0.2% of the hourly standard rate per hour.

**(c) Plaster or composition spray**

An employee using a plaster or composition spray must be paid an additional 3.2% of the hourly standard rate per hour whilst so engaged.

**(d) Dry polishing of tiles**

Employees engaged on dry polishing of tiles where machines are used must be paid an additional 4.0% of the hourly standard rate per hour or part thereof.

**(e) Cutting tiles**

An employee engaged at cutting tiles by electric saw must be paid an additional 4.0% of the hourly standard rate per hour whilst so engaged.

**(f) Grindstone allowance**

An allowance of 0.9% of the weekly standard rate per week must be paid to each carpenter or joiner where a grindstone or wheel is not made available

**(g) Pneumatic tool operation**

A stonemason using pneumatic tools of 2.75 kilograms or over in weight must be paid an additional 17.6% of the hourly standard rate each day on which the employee uses such a tool.

## **24.6 Dirty/Wet Work**

**(a) Dirty work**

An employee engaged on unusually dirty work must be paid an additional 3.2% of the hourly standard rate per hour.

**(b) Wet work**

An employee working in any place where water is continually dripping such that clothing and boots become wet, or where there is water underfoot, must be paid an additional 3.2% of the hourly standard rate per hour whilst so engaged.

## **24.7 Brick and Block related**

**(a) Heavy blocks—employees laying other than standard bricks**



- (i) Employees employed laying blocks (other than concrete blocks for plugging purposes) must be paid the following additional rates:
- where the blocks weigh over 5.5 kg and under 9 kg—3.2% of the hourly standard rate per hour;
  - where the blocks weigh 9 kg to 18 kg—5.8% of the hourly standard rate per hour;
  - where the blocks weigh over 18 kg—8.2% of the hourly standard rate per hour.
- (ii) This special rate will not apply to employees being paid the extra rate for refractory work.
- (iii) Stonemasonry employees not provided with mechanical means for the handling, lifting and placing of heaving blocks will be paid the rates prescribed in this clause.

**(b) Cleaning down brickwork**

An employee required to clean down bricks using acids or other corrosive substances must be paid an additional 2.9% of the hourly standard rate per hour.

**(c) Bagging**

Employees engaged upon bagging brick or concrete structures must be paid an additional 2.9% of the hourly standard rate per hour.

**(d) Slushing**

An employee engaged in slushing must be paid an additional 3.2% of the hourly standard rate per hour.

**(e) Bricklayer operating cutting machine**

One bricklayer on each site is to operate the cutting machine and must be paid an additional 4.0% of the hourly standard rate per hour or part thereof while so engaged.

## **24.8 Painting Related**

**(a) Brewery cylinders—painters**

- (i) A painter in brewery cylinders or stout tuns must be allowed a 15 minute spell in the fresh air at the end of each hour worked. Such 15 minutes will be counted as working time and will be paid for as such.
- (ii) The rate for working in brewery cylinders or stout tuns will be at the rate of time and a half. When an employee is working overtime and is required to work in brewery cylinders and stout tuns the employee must, in addition to the overtime rates payable, be paid one half of the ordinary time hourly rates.

**(b) Spray application—painters**

An employee engaged on all spray applications carried out in other than a properly constructed booth, approved by the appropriate certifying authority, must be paid an additional 3.2% of the hourly standard rate per hour.

## **24.9 Confined Space**

- (a) An employee required to work in a confined space must be paid an additional 4.0% of the hourly standard rate per hour or part thereof.
- (b) **Confined space** means a place the dimensions or nature of which necessitate working in a cramped position or without sufficient ventilation.

#### **24.10 Coffer Dam Worker**

- (a) Not under air pressure—employees must be paid an additional 1.7% of the weekly standard rate extra per week;
- (b) Under air pressure—as agreed to between the employer and employees.

#### **24.11 Operator Related**

##### **(a) Employee carrying fuels, oils and greases**

An employee required by the employer to carry any fuels, oils and/or greases in the employees own vehicle for use in the employer's plant must be paid an additional 1.4% of the weekly standard rate per day in addition to any amount payable under clause 25—Fares and travel patterns allowance, for each day the employee is so required by the employer to carry such materials.

##### **(c) Waste disposal**

Plant operators working in landfill and garbage tips must be paid an additional 6.7% of the hourly standard rate per hour for each hour worked with a minimum payment of three hours each day. This allowance compensates for the special disabilities associated with the offensive and obnoxious nature of the duties of solid and liquid waste and garbage disposal. The allowance will be paid for each hour the employees are suffering the disabilities and will not form part of the ordinary wage for all purposes of the award.

#### **24.12 Civil construction sector only**

##### **(a) Pipe enamelling**

An employee engaged on the enamelling of pipe joints by hand, on-site, must be paid an additional 0.9% of the weekly standard rate per day or part thereof.

##### **(b) Powdered lime dust**

(i) Employees exposed for any period greater than one hour in any shift to powdered lime dust from the spreading or mixing of powdered lime used in the stabilisation of road making material must be reimbursed the cost of purchasing the following protective clothing:

- overalls;
- wide vision goggles;
- respirator;
- boots; and
- gloves.

(ii) The provisions of this subclause do not apply where the protective clothing is supplied by the employer.

(iii) In addition, the employer must maintain at or near the work site or other place where such lime is being used, adequate facilities to enable any employee

whose skin is contaminated with lime either directly or through their ordinary clothing to wash the affected area. A supply of barrier cream and hand cleanser must be provided for the use of any employee required to handle powdered lime.

- (iv) Employees engaged in carrying out lime work will be obliged to wear the protective clothing supplied by the employer.
- (v) Each employee exposed to powdered lime dust whilst engaged in spreading or mixing powdered lime must, during the time they are so exposed, be paid an additional 3.5% of the hourly standard rate per hour in addition to all other rates payable in this award.

**(c) Sand blasting**

An employee required to use a sand blasting machine must be paid an additional 0.4% of the hourly standard rate per hour or part of an hour whilst so engaged.

**(d) Live sewer work**

An employee who works in a situation where there is direct aerial connection with a sewer through which sewerage is flowing, must be paid an additional 2.9% of the hourly standard rate per hour.

**(e) Timbering**

Any sinker required to timber any shaft, drive or trench must be paid an additional 3.6% of the hourly standard rate per hour or part thereof.

**(f) Special work**

A driver operating a tractor fitted with a blade and using such blade in breaking trail in heavy sidling country must be paid an additional 0.4% of the hourly standard rate per hour for each day or part of a day when so occupied.

**(g) Compressed air work**

Employees engaged in construction work in compressed air must be paid the following allowances:

<b>Gauge reading</b>	<b>Rate per hour worked and spent in compression and decompression % of the hourly <u>standard rate</u></b>
0 to 35 kPa	6.9
Over 35 and up to 65 kPa	8.7
Over 65 and up to 100 kPa	17.6
Over 100 and up to 170 kPa	35.0
Over 170 and up to 225 kPa	58.3
Over 225 and up to 275 kPa	111.7

**(h) Cutting stone**

An employee engaged at cutting stone, blocks and bricks by power saw will be paid an additional 4.0% of the hourly standard rate per hour or part thereof.

DRAFT

## **Disputed categorisation of clauses**

### **20. Expense Related Allowances**

#### **20.4 Special allowance**

- (a) Employees must be paid a special allowance of \$7.70 per week to compensate for the following matters:
  - (i) excess travelling time incurred by employees in the on-site building and construction industry; and
  - (ii) the removal of loadings from the various building awards in this industry.
- (b) This allowance will not be adjusted.

**Comment:** *HIA say this allowance is not an expense related allowance*

#### **20.5 Second-hand timber**

Where, whilst working with second-hand timber, an employee's tools are damaged by nails, dumps or other foreign matter on the timber the employee will be entitled to an allowance of 12.6% of the hourly standard rate per day on each day upon which the employee's tools are so damaged. No allowance will be payable under this clause unless it is reported immediately to the employer's representative on the job in order that they may prove the claim.

**Comment:** *MBA opposes the categorisation of the second-hand timber allowance as an expense-related allowance. The MBA say the allowance is instead a disability-related allowance and therefore should appear under clause 24.5 Tool Related.*

**20.6 Living Away From Home allowances** – see clause XX – Living away From Home – distant work.

**Comment:** *MBA seek the inclusion here of the full Living Away From Home clause. Other Parties just seek a reference to the clause located elsewhere in the Award*

**20.7 Fares and Travel allowances** – see clause XX – Fares and Travel Pattern Allowance.

**Comment:** *MBA seek the inclusion here of the full Fares and Travel Patterns Allowance clause. Other Parties just seek a reference to the clause located elsewhere in the Award*

### **21. All Purpose Skill Related Allowances**

#### **21.3 In charge of plant**

- (a) In charge of plant means:
  - (i) when two or more employees are employed at the plant at the one time, the employee who is invested with the superintendence and responsibility or who has to accept the superintendence and responsibility;
  - (ii) an employee who is invested with the superintendence and responsibility or who has to accept the superintendence and responsibility over one or more other employees;

- (iii) when the employee is the only person of that class employed on the plant the employee who does the general repair work of the plant in addition to the work of operating, but not when the employee merely assists a fitter or engineer to do such work; or
  - (iv) where shifts are worked, the employee who is directed to carry out the general repair work of the plant in addition to the work of operating, but not when the employee merely assists a fitter or engineer to do such work.
- (b) An employee who is in charge of plant must be paid an additional 4.7% of the weekly standard rate per week.

***Comment:*** *The Unions claim the allowance is all purpose. The employer parties say this skill related allowance is not all purpose.*

### **21.4 Mobile cranes capacity adjustment formula**

For each additional 40 tonnes over a maximum lifting capacity of 220 tonnes, an amount of 2.4% of the weekly standard rate must be added to the base rate for Level 7 (CW/EW7).

***Comment:*** *The above provision includes agreed changes to the crane tonnage and the level at which the allowance applies.*

*The Unions claim the allowance is all purpose. The employer parties say this skill related allowance is not all purpose.*

## **23. All Purpose Disability Allowances**

### **23.5 Air-conditioning industry and refrigeration industry allowances**

- (a) In addition to the appropriate minimum wage prescribed in clause 19.1, an air-conditioning tradesperson and a refrigeration mechanic must be paid a weekly allowance of 7.9% of the weekly standard rate as compensation for the various disabilities and peculiarities associated with on-site air-conditioning work or on-site refrigeration work.
- (b) An employee in receipt of this allowance will not be entitled to the **disability allowances** in:
  - Clause 24.3(f)—Insulation;
  - Clause 24.4(a)—Hot work;
  - Clause 24.4(b)—Cold work;
  - Clause 24.9—Confined space;
  - Clause 24.6(b)—Wet work;
  - Clause 24.6(a)—Dirty work;
  - Clause 24.3(a)—Asbestos eradication; and
  - Clause 24.2(c)—Height work.

***Comment:*** *The Unions claim the allowance is all purpose. The employer parties say this disability related allowance is not all purpose.*

## **24. Other Disability Allowances**

### **23.3 Refractory bricklaying allowance**

- (a) A special allowance to compensate for disabilities associated with the work of refractory bricklaying must be paid as follows:

Classification	Per hour % of the hourly standard rate
Refractory bricklayer	10
<u>Refractory bricklayer's assistant</u> 8.5	

- (b) This allowance must be paid instead of all **disability allowances** prescribed in clause 24—Other Disability Allowances, except clauses 24.4(a) and (b), and will be regarded as part of the ordinary time hourly rate .
- (c) An apprentice refractory bricklayer must be paid the allowance on a proportionate basis reflecting the appropriate percentage of the adult wage in clause 19.1.

***Comment** – Master Builders does not agree with the CFMEU contention that the Refractory Bricklaying allowance is payable for all purposes.*

#### **24.11 (b) Pile driving**

Where a mobile crane in excess of 15 tonnes is required to perform pile driving at any site or installation, or is required to be involved in the extraction process, the operator must receive an additional 2.0% of the weekly standard rate per day or part thereof.

***Comment:** MBA opposes the classification of pile driving as a disability-related allowance as it is skill related and should appear under 'Other –Skill-related' allowances.*