

This table is a summary of proposed variations lodged for this award – updated 7 August 2017.

Electrical, Electronic and Communications Contracting Award 2010

Some of the items contained in this summary may be determined by the Group 4 Award Stage—Technical and Drafting Full Bench while others may be referred to a separately constituted Full Bench (to be discussed at a conference before an individual Member of the Commission).

| ITEM | PARTY | DOCUMENT | CLAUSE (current award) | SUMMARY OF ISSUE | THEIR REFERENCE | NOTES |
|------|-------|--|------------------------------|---|-----------------------|---|
| S1 | AIG | Sub-12/11/15 | 28 | Annual leave Seeks to vary clause entitling employees to either payment of both the relevant shift loading and an additional annual leave loading or, alternatively, potentially requiring the payment of shift loadings twice when an employee receives annual leave entitlements. | Para 5-12 | Claim affects a number of awards, referred to separately constituted Full Bench – Payment of wages (AM2016/8) |
| S2 | NECA | Sub-12/11/15 Submission – 30/09/16 | 24.13(b) | Shift allowances Seeks to remove penalty rate that allows an employee that works on an afternoon or night shift which does not continue for at least five successive afternoons or nights. | Para 5 | Withdrawn on 24/07/17 |
| S3 | AIG | Submission – 02/03/15 Submission – 31/08/16 | General comment | Expressed particular interest in this award. Inconsistent use of term “shift allowances”, “shift premiums” and “shift loadings” | Para 3 Para 27 | |
| | AIG | Submission – 16/01/17 | | Submits this issue is not a substantive change, rather it is a technical and drafting issue raised in the context of many awards. | Para 93 | Issue is also in the technical and drafting summary for this award. |

| ITEM | PARTY | DOCUMENT | CLAUSE (current award) | SUMMARY OF ISSUE | THEIR REFERENCE | NOTES |
|------|-------|---------------------------------------|---|---|--|--|
| S4 | BSA | Submission – 02/03/15 | General comment | Expressed interest in award and reserve right to respond to other submissions. | Page 9 | |
| S5 | AFEI | Submission – 05/03/15 | General comment | Expressed particular interest in this award. | Pages 1 – 2 | |
| S6 | MEA | Submission – 02/03/15 | 12.2 | Apprentices – State Laws Clause creates inconsistent wages outcomes and is inconsistent with modern awards objective (s.134(g)). Seek removal of clause. | Para 2.b | Withdrawn on 30/09/16 |
| S6A | NECA | Submission – 30/09/16 | | Apprentice travel time | | Additional claim Withdrawn on 24/07/17 |
| S6B | FPAA | Reply-3/02/17 | 13 13.5, 13.6, 13.7, 13.8, 13.9, 13.10, 13.11 | Part 3 – Hours of work Variation to 13.2 to separately identify ordinary hours for day workers and shift workers. Amalgamate 13.10 and 13.11. | | ABI & NSW BC opposes claim from FPAA and proposes that this is a substantive issue. See email 10/02/17 Moved from technical and drafting issues. See transcript 27Mar17 [PN40]. |
| | AIG | Corro-9/02/17 | | Proposal removes distinctions between non-continuous and continuous shiftwork, removes flexibilities for employing continuous shiftwork. Move to substantive issues | Pg 1 | |
| | FPAA | Reply-03/03/17 | | Insert “Day workers and Shift Workers” into the heading of part 3 — Hours of Work” Insert sub-clause (b) into clause 13.2 with the following: “The ordinary hours of work for shiftworkers may be worked Monday to | Draft determination provided page 6 – 7. | Moved from technical and drafting issues. See transcript 27Mar17 [PN40]. |

| ITEM | PARTY | DOCUMENT | CLAUSE (current award) | SUMMARY OF ISSUE | THEIR REFERENCE | NOTES |
|------|---------------|--|------------------------------|---|--------------------|---------------------------------------|
| | | | | <p>Sunday inclusive”</p> <p>Insert “day workers and shiftworkers” into the heading of clauses 13.5, 13.6, 13.7, 13.8, 13.9</p> <p>Delete clauses 13.10 and 13.11.</p> <p>Insert new clause titled “Ordinary hours of work – shiftwork – shiftworkers” (provides draft clause) and insert sub-clause (b) (provides draft clause)</p> <p>Renumbering clauses 13.12, 13.13, 13.14, 13.15, 13.16, 13.17, 13.18 and inserting “shiftworkers” into the heading.</p> | | |
| S7 | MEA | Submission— 02/03/15 | 16.4(a)(iii) and (b)(iii) | <p>Apprentice minimum wages</p> <p>Seeks clarification as to whether there was an omission in relation to payment of allowance in clause 17.2(f) to an apprentice.</p> | Para 2.f | Withdrawn on 30/09/16 |
| S8 | CEPU (ETU) | Submission— 02/03/15 | 17.2(e) | <p>Allowances— licence allowance</p> <p>Seek variation to allowance so it applies to the ‘same cohort of employees’.</p> | Page 1 | Withdrawn on 30/09/16 |
| S9 | MEA | Submission— 02/03/15 | 17.5(d) | <p>Allowances— start/finish on job</p> <p>Seek inclusion similar to clause 32.4(e) of <i>Manufacturing award</i> regarding maximum travel time payment per 24 hours. Also see inclusion of clause similar to clause 24.7(e) of <i>Building and Construction award</i> regarding manner travel time calculated.</p> | Paras 2.c and 2.d | Withdrawn on 30/09/16 |

| ITEM | PARTY | DOCUMENT | CLAUSE (current award) | SUMMARY OF ISSUE | THEIR REFERENCE | NOTES |
|------|-------|--|------------------------------|--|--------------------|---------------------------------------|
| S10 | NECA | Submission – 02/03/15 Submission – 30/09/16 | 17.5(d)(iii) | Allowances – fares allowance Seek removal of clause as nature of industry has changed since allowance introduced. Majority of employers provide free transport where employees start/finish work on a job site. | Para 2 | Withdrawn on 24/07/17 |
| S10A | MEA | Submission – 30/09/16 | 17.6 | Living away on distant work Seek provision for Payment for travel time to distant work | | |
| S11 | MEA | Submission – 02/03/15 | 24.9 | Rest break Seek to move to clause 27 to align clause with other break provisions. | Para 2.e | Withdrawn on 30/09/16 |
| S12 | NECA | Submission – 02/03/15 Submission – 30/09/16 | 25.4 | Inclement weather – lost time pay Seek to cap payment to ordinary hours lost due to inclement weather. | Para 5 | Withdrawn on 24/07/17 |
| S13 | NECA | Submission – 02/03/15 Submission – 30/09/16 | 27.4 | Overtime and rest breaks Seek to introduce minimum period for working on call-outs in order to receive rest break. Instead of the on call rest break, NECA seek to introduce a 10 hour break after working overtime instead of 8 hours (as clause 24.16 currently provides for). | Para 1 | Withdrawn on 24/07/17 |

| ITEM | PARTY | DOCUMENT | CLAUSE (current award) | SUMMARY OF ISSUE | THEIR REFERENCE | NOTES |
|------|-------|------------------------------|------------------------------|---|--------------------|---|
| S14 | AIG | Sub-08/07/16 | Schedule B.1.1 | Definition of ordinary hourly rate Definition of ordinary hourly rate inconsistent with clause 2, suggest amendments. | Pg 27 | <p>AIG to prepare proposed note on amendments and circulate it to parties within one week. Parties to indicate positions. See Transcript-23Jan17 [PN328-330, 336, 350, 352, 356].</p> <p>Draft determination received from AIG. See Corr-14/02/17</p> <p>NECA SA raised concerns however not provided further response.</p> <p>MEA has concerns about removal of public holiday tables.</p> <p>FPAA not provided response – however supports a consensus approach to matter. See Corr-15/02/17</p> <p>NECA agrees that concerns of parties can be best resolved in conference. See corr-15/02/17</p> <p>Moved to substantive issues. See transcript 27Mar17 [PN40].</p> |

| ITEM | PARTY | DOCUMENT | CLAUSE (current award) | SUMMARY OF ISSUE | THEIR REFERENCE | NOTES |
|------|---------|--------------------------------|------------------------------|---|--------------------|-------|
| | AIG | Sub-08/07/16 | | Description is misleading and gives reasons for this as indicates that rates set out in schedule include tool allowance wherever payable but this is not the case. | Pg 27 | |
| | CEPU | Reply-8/3/17 | | Merit in MEA and NECA argument and AiG overstating risk | Para 8 | |
| | BusSA | Reply-21/07/16 | | Support AIG submission | Pg 14 | |
| | MEA | Sub-27/02/17 | | Proposes that Sched B be removed completely. | Pg 1 | |
| | NECA SA | Reply-21/07/16 | | Support AIG submission | Pg 2 | |
| | NECA | Reply-3/03/17 | | Supports MEA's submission that schedule be removed | Pg 1 | |
| | AIG | Reply-07/03/17 | | Supports MEA's submission that schedule be removed. | Para 1 | |
| S15 | AIG | Sub-08/07/16 | Schedule B.2.1 | Full-time and part-time ordinary and penalty rates Clause inconsistent with terms of current award. Submits award does not contain a penalty for ordinary hours on public holiday. | Para 116 | |
| | NECA SA | Reply-21/07/16 | | Support AIG submission | Pg 2 | |
| | MEA | Sub-27/02/17 | | If Sched B is not completely removed then propose the following: Replace "Other than shiftworkers" from title with "Day workers" Replace "penalty rates" from title with "public holiday rates" | Para 1-4 | |

| ITEM | PARTY | DOCUMENT | CLAUSE (current award) | SUMMARY OF ISSUE | THEIR REFERENCE | NOTES |
|------|---------|--------------------------------|------------------------------|---|--------------------|-------|
| | FPA | Reply-10/03/17 | | Support MEA proposal | Para (a) | |
| | NECA | Reply-3/03/17 | | Support MEA's proposal | Pg 1 | |
| | AIG | Reply-07/03/17 | | Agree with replacing "other than shiftworkers" with "day workers". Oppose replacing "penalty rates" with "public holiday rates" Oppose public holiday column remaining | Para 1 & 6 | |
| | FPA | Reply-10/03/17 | | Delete public holiday column | Para (f) | |
| S16 | AIG | Sub-08/07/16 | Schedule B.2.2 | Full-time and part-time SW ordinary overtime Believes explanation of how rates are derived is necessary for clarity | Pg 28 | |
| | NECA SA | Reply-21/07/16 | | Support AIG submission | Pg 2 | |
| | MEA | Sub-27/02/17 | | If Sched B is not completely removed then propose the following: Replace "Other than continuous shiftworkers" from title with "Day workers" Remove "public holiday" column | Para 5-7 | |
| | FPA | Reply-10/03/17 | | Support MEA proposal, does not support removal of public holiday column as removes reference to what payments day workers may receive on such days. Proposes to include a column providing basis for calculating weekend and public holiday rates | Para (a), (e), (f) | |
| | NECA | Reply-3/03/17 | | Retain public holiday column | Pg 2 | |
| | AIG | Reply- | | Agrees with replacing "other than continuous | Para 1, 6 and | |

| ITEM | PARTY | DOCUMENT | CLAUSE (current award) | SUMMARY OF ISSUE | THEIR REFERENCE | NOTES |
|------|---------|-------------------------------------|------------------------------|---|--------------------|-------|
| | | 07/03/17 | | shiftworkers” with “day workers” Agrees with NECA that public holiday column should be retained. | 16 | |
| | CEPU | Reply-8/3/17 | | Support NECA submission, also support AIG submission to retain public holidays columns for table that deals with payment on public holiday for overtime purposes. | Para 10 | |
| S17 | AIG | Sub-08/07/16 | Schedule B.2.3 | Full-time and part-time SW ordinary and penalty rates No explanation how rates derived. Inclusion of tool allowance of classifications above grade 5 may cause confusion. | Pg 29 | |
| | NECA SA | Reply- 21/07/16 | | Support AIG submission | Pg 2 | |
| S18 | AIG | Sub-08/07/16 | Schedule B.2.4 | Full-time and part-time SW overtime Sunday rates in table are incorrect | Pg 29 | |
| | AIG | Sub-08/07/16 | | Row containing ‘% of ordinary hourly rate’ is missing from table. | Pg 29 | |
| | AIG | Sub-08/07/16 | | Unclear how rates are derived | Pg 29 | |
| | NECA SA | Reply- 21/07/16 | | Support AIG submission | Pg 2 | |
| S19 | AIG | Sub-08/07/16 | Schedule B.3.1 | Casual rates Believes clause is confusing as no explanation for how rates derived. | Pg 30 | |
| | AIG | Sub-08/07/16 | | Clause inconsistent with terms of current award. Award does not contain a penalty to work ordinary hours on a public holiday. | Pg 30 | |
| | NECA SA | Reply- 21/07/16 | | Support AIG submission | Pg 2 | |

| ITEM | PARTY | DOCUMENT | CLAUSE (current award) | SUMMARY OF ISSUE | THEIR REFERENCE | NOTES |
|------|---------|--------------------------------|------------------------------|---|--------------------|-------|
| | MEA | Sub-27/02/17 | | If Sched B is not completely removed then propose the following: Replace “Other than shiftworkers” in title with “day workers” Replace “penalty rates” with “public holiday rates” in the title | Para 10-11 | |
| | NECA | Reply-3/03/17 | | Supports MEA’s proposal | | |
| | AIG | Reply-07/03/17 | | Agrees with replacing “other than shiftworkers” with “day workers” Opposes replacing “penalty rates” with “public holiday rates” Oppose public holiday column remaining | Para 1 & 6 | |
| S20 | AIG | Sub-08/07/16 | Schedule B.3.2 | Casual SW rates Column with the heading ‘day’ should be deleted as its purpose is unclear. | Pg 30 | |
| | AIG | Sub-08/07/16 | | No explanation how rates derived. Inclusion of tool allowance of classifications above grade 5 may cause confusion. | Pg 30 | |
| | NECA SA | Reply-21/07/16 | | Support AIG submission | Pg 2 | |
| | MEA | Sub-27/02/17 | | If Sched B is not completely removed then propose the following: Change title to read: “Casual shiftworkers—ordinary, penalty and public holiday rates” Remove “day” column | Par 12-13 | |
| | NECA | Reply-3/03/17 | | Day column should be retained | Pg 2 | |
| | AIG | Reply-07/03/17 | | Agrees with MEA’s submission. Disagrees with NECA’s submission | Para 1 and 17 | |
| | CEPU | Reply-8/3/17 | | Support NECA submission | Para 11 | |

| ITEM | PARTY | DOCUMENT | CLAUSE (current award) | SUMMARY OF ISSUE | THEIR REFERENCE | NOTES |
|------|---------|------------------------------------|------------------------------|---|--------------------|---|
| | AIG | Sub-08/07/16 | Schedule B.4 | Apprentice rates Rates have not been calculated accurately, unable to identify basis of calculation for rates in B.4.9. | Pg 30-31 | |
| | NECA SA | Reply-sub-21/07/16 | | Support AIG submission | Pg 2 | |
| S21 | MEA | Sub-27/02/17 | Sched B.4.1 | If Sched B is not completely removed then propose the following: Replace “other than shiftworkers” in title with “ordinary “day workers” Replace “penalty rates” in title with “public holidays rates” | Para 3-4 | Moved to substantive issues. See transcript 27Mar17 [PN40]. |
| | FPAA | Reply-10/03/17 | | Support MEA proposal | Para (a) | |
| | AIG | Reply-07/03/17 | | Agree with replacing “Other than shiftworkers” with “day workers” Oppose replacing “penalty rates” with “public holiday rates” Oppose public holiday column remaining | Para 1 & 6 | |
| S22 | MEA | Sub-27/02/17 | B.4.2 | If Sched B is not completely removed then propose the following: Replace “other than continuous shiftworkers” from title and replace with “day workers” Remove public holiday column | Para 7-8 page 3 | Moved to substantive issues. See transcript 27Mar17 [PN40]. |
| | FPAA | Reply-10/03/17 | | Support MEA proposal | Para (a) | |
| | AIG | Reply-07/03/17 | | Agree with replacing “other than continuous shiftworkers” with “day workers” Oppose removing public holiday column | Para 1 | |

| ITEM | PARTY | DOCUMENT | CLAUSE (current award) | SUMMARY OF ISSUE | THEIR REFERENCE | NOTES |
|------|-------|--------------------------------|------------------------------|--|--------------------|--|
| | CEPU | Reply-8/3/17 | | Support AIG submission to retain public holiday columns for table that deals with payment on public holiday for overtime purposes. | Para 12 | |
| S23 | MEA | Sub-27/02/17 | B.4.3 | If Sched B is not completely removed then propose the following: Change title to read “Adult apprentice— shiftworkers—ordinary, penalty and public holiday rates” | Para 10 | Moved to substantive issues. See transcript 27Mar17 [PN40] . |
| | AIG | Reply-07/03/17 | | Agree with MEAA | Para 1 | |
| S24 | MEA | Sub-27/02/17 | B.4.5 | If Sched B is not completely removed then propose the following: Remove “other than shiftworkers” from title and replace with “day workers” Replace “penalty rates” with “public holiday rates” in table | Para 13-14 | Moved to substantive issues. See transcript 27Mar17 [PN40] . |
| | FPAA | Reply-10/03/17 | | Support MEA proposal | Para (a) | |
| | AIG | Reply-07/03/17 | | Agree with replacing “other than shiftworkers” with “day workers” Oppose replacing “penalty rates” with “public holiday rates” Oppose public holiday column remaining | Para 1 & 6 | |

| ITEM | PARTY | DOCUMENT | CLAUSE (current award) | SUMMARY OF ISSUE | THEIR REFERENCE | NOTES |
|------|-------|--------------------------------|------------------------------|--|--------------------|---|
| S25 | MEA | Sub-27/02/17 | B.4.6 | If Sched B is not completely removed then propose the following: Remove “other than shiftworkers” from title and replace with “day workers” Remove public holiday column | Para 17-18 | Moved to substantive issues. See transcript 27Mar17 [PN40]. |
| | FPAA | Reply-10/03/17 | | Support MEA proposal | Para (a) | |
| | AIG | Reply-07/03/17 | | Agree with replacing “other than shiftworkers” with “day workers” Oppose removing public holiday column | Para 1 & 6 | |
| | CEPU | Reply-8/3/17 | | Support AIG submission to retain public holiday columns for table that deals with payment on public holiday for overtime purposes. | | |
| S26 | MEA | Sub-27/02/17 | B.4.7 | If Sched B is not completely removed then propose the following: Change title to read: “Junior apprentice—shiftworkers—commencing on or after 1 January 2014—ordinary, penalty and public holiday rates” | Para 20 | Moved to substantive issues. See transcript 27Mar17 [PN40]. |
| | AIG | Reply-07/03/17 | | Agree with MEAA | Para 1 | |
| S27 | MEA | Sub-27/02/17 | B.4.9 | If Sched B is not completely removed then propose the following: Remove “other than shiftworkers” from title and replace with “day workers” Replace “penalty rates” with “public holiday rates” in title | Para 23-24 | Moved to substantive issues. See transcript 27Mar17 [PN40]. |

| ITEM | PARTY | DOCUMENT | CLAUSE (current award) | SUMMARY OF ISSUE | THEIR REFERENCE | NOTES |
|------|-------|--------------------------------|------------------------------|--|--------------------|---|
| | FPAA | Reply-10/03/17 | | Support MEA proposal | Para (a) | |
| | AIG | Reply-07/03/17 | | Agree with replacing “other than shiftworkers” with “day workers” Oppose replacing “penalty rates” with “public holiday rates” Oppose public holiday column remaining | Para 1 & 6 | |
| S28 | MEA | Sub-27/02/17 | B.4.10 | If Sched B is not completely removed then propose the following: Remove “other than shiftworkers: from title and replace with “day workers” Remove public holiday column | Para 27-28 | Moved to substantive issues. See transcript 27Mar17 [PN40]. |
| | FPAA | Reply-10/03/17 | | Support MEA proposal | Para (a) | |
| | AIG | Reply-07/03/17 | | Agree with replacing “other than shiftworkers” with “day workers” Oppose removing the public holiday column. | Para 1 & 6 | |
| | CEPU | Reply-8/3/17 | | Support AIG submission to retain public holidays columns for table that deals with payment on public holiday for overtime purposes. | | |
| S29 | MEA | Sub-27/02/17 | B.4.11 | If Sched B is not completely removed then propose the following: Change title to read “Junior apprentice— shiftworkers—commencing before 1 January 2014—ordinary, penalty and public holiday rates” | Para 30 | Moved to substantive issues. See transcript 27Mar17 [PN40]. |
| | NECA | Reply-3/03/17 | | Supports MEA’s above proposals | Pg 1 | |
| | AIG | Reply-07/03/17 | | Agree with MEAA | Para 1 | |

| ITEM | PARTY | DOCUMENT | CLAUSE (current award) | SUMMARY OF ISSUE | THEIR REFERENCE | NOTES |
|------|-------|-------------------------------|--|---|--------------------|--|
| S30 | MEA | Sub-27/02/17 | B.2.1, B.2.2, B.2.3, B.2.4, B.3.1, B.3.2, B.4.1, B.4.2, B.4.3, B.4.4, B.4.5, B.4.6, B.4.7, B.4.8, B.4.9, B.4.10, B.4.11, B.4.12 | If Sched B is not completely removed then propose the following: Insert note at the bottom of table: “These amounts do not include the allowances in cl.17.2(b), 17.2(c), 17.2(d), 17.2(e), and 17.2(f)” | Various | Moved to substantive issues. See transcript 27Mar17 [PN40]. |
| | NECA | Reply-3/03/17 | B.2.1 and/or B.1.3 | Supports MEA in that may lead readers into error. Further suggest adding at B.2.1 and point 3 of MEA’s submission: ‘Electrician’s Licence allowance’ after ‘17.2(b)’ ‘Leading hands allowance’ after ‘17.2(c)’ ‘Nominee allowance’ after ‘17.2(d)’ ‘Electrical distribution line maintenance and tree clearing allowance’ after ‘17.2(e)’ ‘Rate ordering materials’ after ‘17.2(f). Also add ‘Each of these allowances will form part of an employee’s ordinary hourly rate if the allowance is payable to the employee’. Or at B.1.3 in addition or in the alternative a statement about what is included in an employee’s ordinary rate such as: ‘An employee’s ordinary hourly rate also includes any of the following allowances that | Pg 1 | Moved to substantive issues. See transcript 27Mar17 [PN40]. |

| ITEM | PARTY | DOCUMENT | CLAUSE (current award) | SUMMARY OF ISSUE | THEIR REFERENCE | NOTES |
|------|-------|--------------------------------|--|--|--------------------|--|
| | | | | apply to the employee: Electricians licence allowance, leading hands allowance, nominee allowance, electrical distribution line maintenance and tree clearing allowance and rate for ordering materials.' | | |
| | FPAA | Reply-10/03/17 | | Support MEA proposal however support NECA proposal as a fuller proposition that assists the MEA proposal. Also suggests proposal reads: '...the following <u>all-purpose</u> allowances...' | Para (b)-(d) | |
| | AIG | Reply-07/03/17 | B.2.1, B.2.2, B.3.1, B.3.2, B.4.1, B.4.2, B.4.3, B.4.5, B.4.6, B.4.7, B.4.9, B.4.10, B.4.11. | Disagree with MEA's proposal of insertion of notes. Does not agree with NECA's proposition that reliance on table would lead to underpayment. Do not agree with NECA's new proposed B.1.3. | Para 2, 13 | |
| S31 | FPAA | Reply-10/03/17 | | Provides draft table to replace existing tables to be placed at the commencement of the Schedules. | Para (g) | CEPU not adverse to proposal. See transcript 27/3/17 [PN19]. |

List of abbreviations

| | |
|------------|---|
| AIG | Australian Industry Group |
| AFEI | Australian Federation of Employers and Industries |
| CEPU (ETU) | Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allies Services Union |
| FPAA | Fire Protection Association Australia |
| MEA | Master Electricians Australia |
| NECA | National Electrical and Communications Association |