

IN THE FAIR WORK COMMISSION

C2019/5259 - Review of certain C14 rates in modern awards

Electrical, Electronic and Communications Contracting Award

Submissions of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia

1. These Submissions are made by the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia ('CEPU') in accordance with the directions issued in the Statement by the Fair Work Commission ('Commission') on 22 September 2023.¹
2. The Statement advised that the Commission is extending the review originally initiated in August 2019² with respect of modern awards with classification rates at the C14 level which are either not transitional or where the transition period is not specified, due to conclusions drawn in the Annual Wage Review Decision 2022-2023.³
3. At paragraph [8] of the Statement, the Commission expressed its provisional views, outlining the following guiding principles for the review:
 1. the lowest classification rate in any modern award for ongoing employment should be at least the C13 rate;
 2. any classification rate below the C13 rate should be an entry-level rate for a limited period with a clear transition to the next rate (not less than C13); and
 3. the transition period for entry-level rates should not exceed six months.
4. The CEPU has an interest in the Electronic and Communications Contracting Award (**Electrical Award**) as identified in Attachment B of the Statement. This submission pertains solely to this Award.
5. The CEPU supports the provisional views expressed by Commission in so far as they relate Electrical Award for the reasons outlined below.

¹[\[2023\] FWCFB 168](#), (the Statement).

²[\[2019\] FWC 5863](#)

³[\[2023\] FWC 1255](#), (AWR 2023 Decision).

6. The Electrical Award falls within the category of Awards listed in Attachment B of the Statement, that is, it contains a classification (Electrical Worker Grade 1), that falls below the C13 rate but is higher than the C14 rate. Specifically:
 - a. an Electrical Worker Grade 1 is paid \$22.93 per hour under the Electrical Award;
 - b. The C14 rate is \$22.61 per hour, \$0.32 per hour less than that provided by the Electrical Award; and
 - c. The C13 rate is \$23.23 per hour, \$0.30 per hour more than that provided by the Award.
7. The classification of Electrical Worker Grade 1 in the Electrical Award does not serve as a transitional entry rate of pay nor does it provide a clear transition to the next classification rate in the Award.
8. Additionally, Adult Apprentices currently in 2nd year to 4th year under the Electrical Award are earning less than the national minimum wage because their base rate of pay is tied to the classification of an Electrical Worker Grade 1. This warrants another need to raise the Electrical Worker Grade 1 to the C13 rate.
9. It is also worth noting that the reference to the industry allowance in Attachment B of the Statement, concerning the Electrical Award, is, in our view, an irrelevant consideration when assessing the current rate of pay of the Electrical Worker Grade 1 classification in comparison to the C14 and C13 rates. This is because the rates under consideration are fundamentally base pay rates and do not include any all-purpose allowances.
10. Having regards to the above, and consistent with conclusions made in the AWR 2023 Decision⁴ and the provisional views of the Commission⁵, the CEPU submits that the rate of pay for an Electrical Worker Grade 1 under the Electrical Award should be aligned to that of the national minimum wage, which is the current C13 rate.
11. Accordingly, should the CEPU's position be accepted it proposes the following draft determination at Attachment A.

CEPU

⁴ Ibid at [173].

⁵ The Statement at [8].

3 November 2023

MA000025 PRXXXXXX



DRAFT DETERMINATION

Fair Work Act 2009
s.156—4 yearly review of modern awards

Review of certain C14 rates in modern awards (C2019/5259)

ELECTRICAL, ELECTRONIC AND COMMUNICATIONS CONTRACTING AWARD [MA0000250]

Electrical contracting industry

SYDNEY, XX MONTH 2023

Review of the classification rates at the C14 level in modern awards – introductory rates – Annual Wage Review decision 2022-23 – alignment of the National Minimum Wage with the current C13 rate – scope of review broadened to encompass all classification rates below C13 level – provisional view

A. Further to the decision issued by the Full Bench on XX MONTH 2023 [[2023] FWCFB XXX], the above award is varied as follows:

1. By deleting the rate of pay for an Electrical worker grade 1 in clause 16.2 and inserting the following:

Classification level	Minimum weekly rate (full-time employee)	Minimum hourly rate
	\$	\$
Electrical worker grade 1	882.80	23.23

2. By deleting the rate of pay for an Electrical worker grade 1 in table B.2.1 and inserting the following:

	Ordinary hours	Public holiday
	% of ordinary hourly rate ¹	
	100%	250%
	\$	\$
Electrical worker grade 1	24.20	60.50

3. By deleting the rate of pay for an Electrical worker grade 1 in table B.2.2 and inserting the following:

	Monday to Saturday ¹		Sunday ¹	Public holiday ¹
	First 2 hours	After 2 hours		
	% of ordinary hourly rate ²			
	150%	200%	200%	250%
	\$	\$	\$	\$
Electrical worker grade 1	36.30	48.40	48.40	60.50

4. By deleting the rate of pay for an Electrical worker grade 1 in table B.2.3 and inserting the following:

	After-noon or night ¹	Non-successive afternoon or night ²		Perma-nent night ³	Satur-day	Sunday ⁵	Public holiday	
		First 2 hours	After 2 hours				Continuous shiftwork	Other than continuous shiftwork
	% of ordinary hourly rate ⁴							
	115%	150%	200%	130%	150%	200%	200%	250%
	\$	\$	\$	\$	\$	\$	\$	\$
Electrical worker grade 1	27.83	36.30	48.40	31.46	36.30	48.40	48.40	60.50

5. By deleting the rate of pay for an Electrical worker grade 1 in table B.2.4 and inserting the following:

	Monday to Sunday				Public holiday	
	Continuous shiftwork		Other than continuous shiftwork		Continuous shiftwork	Other than continuous shiftwork
		First 2 hours	After 2 hours			
	% of ordinary hourly rate ¹					
	200%	150%	200%	200%	200%	250%

	\$	\$	\$	\$	\$
Electrical worker grade 1	48.40	36.30	48.40	48.40	60.50

6. By deleting the rate of pay for an Electrical worker grade 1 in table B.3.1 and inserting the following:

	Day	Public holiday
	% of ordinary hourly rate ¹	
	125%	312.5%
	\$	\$
Electrical worker grade 1	30.25	75.63

7. By deleting the rate of pay for an Electrical worker grade 1 in table B.3.2 and inserting the following:

	After-noon or night ¹	Non-successive afternoon or night ²		Perma- nent night ³	Satur- day	Sunday	Public holiday	
		First 2 hours	After 2 hours				Contin- uous shift- worker	Non- contin- uous shift- worker
	% of ordinary hourly rate ⁴							
	140%	187.5%	250%	155%	187.5%	250%	250%	312.5%
	\$	\$	\$	\$	\$	\$	\$	\$
Electrical worker grade 1	33.88	45.38	60.50	37.51	45.38	60.50	60.50	75.60