



Australian Manufacturing Workers' Union

National Research Centre

nrc@amwu.asn.au +61 2 8868 1500

30 September 2016

Fair Work Commission
80 William St
East Sydney 2010
By email: amod@fwc.gov.au

Dear Associate,

**Re: AM2016/23 Construction Awards
AM2014/260 Building and Construction General On-site Award 2010**

1. The AMWU provides the following brief outline of information in accordance with the Statement and Directions¹ issued by Justice Ross 26 August 2016.
2. The AMWU intends to pursue changes to the forepersons and supervisors clause in the Building and Construction General on-site Award 2010 to revert to the position which existed prior to the Award Modernisation process.
3. The changes are based on merit arising out of re-drafting of the Award that occurred through the *Workplace Relations Act 1996 Part 10A Award Modernisation process*.
4. Attached to this letter is a draft determination Attachment A.
5. The union intends to lodge more comprehensive written submissions in due course.

Please do not hesitate to contact me if you require any further information or clarification.

Yours sincerely,

A handwritten signature in blue ink that reads "Michael Nguyen".

Michael Nguyen
National Research Officer

¹ <https://www.fwc.gov.au/documents/decisionssigned/html/2016fwc6062.htm>

DRAFT DETERMINATION

Fair Work Act 2009

Part 2-3 Division 4 – 4 Yearly Review of Modern Awards

s.156(2)(b)(i)

Building and Construction General on-site Award 2010

(MA000010)

Building and Construction industry

AM2014/260

SENIOR DEPUTY PRESIDENT
WATSON

MELBOURNE, X XXX 2016

Review of modern awards to be conducted.

[1] Further to the decision and reasons for decision <<decision reference>> in AM2016/260, it is determined pursuant to section 156(2)(b)(i) of the Fair Work Act 2009, the Building and Construction General on-site Award 2010 is to be varied as follows.

Clause 43.2

[2] Delete current clause 43.3(a) and (b) and replace with the following:

43.2 Wages

- (a) The weekly minimum wage rate for forepersons and supervisors will be as follows:

Classification	Supervision of three or more tradespersons, excluding leading hands	Supervision of other than three or more tradespersons, excluding leading hands
Foreperson/supervisor	The average of the weekly wage rates for 38 ordinary hours of work, including payments applicable from time to time to the tradespersons (excluding leading	The average of the weekly wage rates for 38 ordinary hours of work, including payments applicable from time to time to the adult employees (excluding leading

	hands) supervised by a foreperson/supervisor or plus \$138.59, or \$841.10, whichever is the greater.	hands) plus \$141.29, or \$818.40, whichever is the greater, provided that where only juniors and/or apprentices are supervised, the minimum wage rate to be paid is \$818.40 per week.
General foreperson/supervisor or	The highest weekly wage rate paid for 38 ordinary hours of work to a foreperson/supervisor or supervised by a general foreperson/supervisor or plus \$106.36, or \$911.80, whichever is the greater.	The highest weekly wage rate paid for 38 ordinary hours of work to a foreperson/supervisor supervised by a general foreperson/supervisor plus plus \$106.36, or \$892.50, whichever is the greater.

- (b) Overtime payments, shift work premiums, special rates, meal allowances, allowances for travelling and board, motor allowances, first aid allowances and other additional amounts specified in clauses 25—Fares and travel patterns allowance, 24—Living away from home—distant work, and 22—Special rates will not be included in calculating the comparison wage rates in clause 43.2(a) for:
- (i) The average of the weekly wage rates for 38 ordinary hours of work, including payments applicable from time to time to the tradespersons (excluding leading hands);
 - (ii) The average of the weekly wage rates for 38 ordinary hours of work, including payments applicable from time to time to the adult employees (excluding leading hands); or
 - (iii) The highest weekly wage rate paid for 38 ordinary hours of work to a foreperson/supervisor supervised by a general foreperson/supervisor.

SENIOR DEPUTY PRESIDENT