

From: Vasuki Paul [<mailto:Vasuki.Paul@aigroup.com.au>]

Sent: Tuesday, 14 February 2017 6:43 PM

To: Chambers - Gostencnik DP

Cc: Jason O'Dwyer; Gordon Jervis; Richard Krajewski; Cameron Young; Guy Noble;
louise.hogg@ablawyers.com.au

Subject: RE: Electrical, Electronic and Communications Contracting Award 2010 - Report Back - Shift Clause

Dear Deputy President,

Please find enclosed Ai Group's draft determination giving effect to its submissions regarding the technical amendments to Schedule B. A first draft was provided to the parties to comment on the 30th January 2017. The attached draft, incorporates the amendments proposed by Mr Noble of the ETU and he has agreed with the same. Ms Hogg of AB Lawyers has reviewed and agreed with this version.

The other parties' position regarding this can be summarised as follows:

- Mr Jervis of NECA, had raised some concerns with the initial draft, which we attempted to address by return email. He then indicated he had some further issues which we have tried to address in a telephone conversation. He has not provided any further response.
- Mr Cameron notified me today that the MEA has some concerns about the removal of the public holiday tables
- Mr Krajewski of the FPAA has not provided any response

Ai Group suggests that the concerns that the opposing parties may have, can be best dealt with at the next conference.

Yours Sincerely



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DRAFT DETERMINATION

Fair Work Act 2009

s. 156 – 4 yearly review of Modern Awards (AM2014/266)

Electrical, Electronic and Communications Contracting Award 2010 (AM 000025)

Further to the Decision of [XXX] issued on [date], the above award is varied as follows:

1. Amend Schedule B:
 - 1.1. by deleting Clause B.1.1 and inserting in lieu thereof *“ For the purposes of Schedule B, the ordinary hourly rate includes the industry allowance (clause 17.2(a)), which is payable for all purposes. For the purposes of the rates prescribed for Electrical Worker Grade 5 and above, the ordinary hourly rate also includes the tool allowance (clause 17.2(g)), which is payable for all purposes.”*
 - 1.2. by deleting from the heading of Clause B.2.1 the words *“ and penalty”* and deleting the final column in the table headed *“Public Holiday”*
 - 1.3. by amending the table at clause B.2.4:
 - 1.3.1. adding an additional row containing the words *“% of ordinary hourly rate”* after the row starting with *“First 2 hours”* and before the row starting with *“200%”*.
 - 1.3.2. Delete the first row and replace by creating new headings:
 - 1.3.2.1. in the first row adding the words *“ Monday to Sunday”* in the second column above the cell containing the words *“Continuous Shift Work”*.
 - 1.3.2.2. In the first row adding the words *“Monday to Saturday”* over the third, fourth columns above the cells containing the words *“Other than Continuous Shift Work”*.
 - 1.3.2.3. Adding a new column, column five, between the new *“Monday to Saturday”* and the column headed *“Public Holiday”* and in the first row/heading insert the word *“Sunday”*. This will sit above the wording *“Other than continuous shift work”* in the fifth column.
 - 1.3.2.4. Insert into column five the dollar amounts for 200% for the appropriate grades contained in columns two and four.
 - 1.3.2.5. Insert under the first row heading in the final column *“Public Holiday”* another column. Insert into row two under the *“Public Holiday”* heading the words *“Continuous shiftwork”* in column six and *“Other than continuous shiftwork”* in column seven.

- 1.3.2.6. Move the existing dollar amounts and 250% into column seven and copy the 200% dollar amounts in columns two, four and five into the column six under Continuous shiftwork”.

B.2.4 Full-time and part-time shiftworkers—overtime rates

	Monday to Sunday	Monday to Saturday		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				
	200%	150%	200%	200%	200%	250%
	\$	\$	\$	\$	\$	\$
Electrical worker grade 1	37.44	28.08	37.44	37.44	37.44	46.80
Electrical worker grade 2	38.72	29.04	38.72	38.72	38.72	48.40
Electrical worker grade 3	40.02	30.02	40.02	40.02	40.02	50.03
Electrical worker grade 4	41.32	30.99	41.32	41.32	41.32	51.65
Electrical worker grade 5	43.74	32.81	43.74	43.74	43.74	54.68
Electrical worker grade 6	45.02	33.77	45.02	45.02	45.02	56.28
Electrical worker grade 7	47.48	35.61	47.48	47.48	47.48	59.35
Electrical worker grade 8	49.76	37.32	49.76	49.76	49.76	62.20
Electrical worker grade 9	50.74	38.06	50.74	50.74	50.74	63.43
Electrical worker grade 10	54.62	40.97	54.62	54.62	54.62	68.28

- 1.4. by deleting from the heading of Clause B.3.1 the words “ and penalty” and deleting the final column of the table headed “Public Holiday”
- 1.5. by deleting from at Clause B.3.2 the first column of the table headed “Day”
- 1.6. by deleting from the heading of Clause B.4.1 the words “ and penalty” and deleting the final column of the table headed “Public Holiday” in the table
- 1.7. by deleting from the heading of Clause B.4.5 the words “ and penalty” and deleting the final column in the table headed “Public Holiday”
- 1.8. by deleting from the heading of Clause B.4.9 the words “ and penalty and deleting the final column in the table headed “Public Holiday”