



national
electrical and
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association

NEW SOUTH WALES CHAPTER

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By Email: chambers.gostencnik.dp@fwc.gov.au

Deputy President Gostencnik
Fair Work Commission
11 Exhibition Street
MELBOURNE VIC 3000

Dear Deputy President

**AM2014/265 Electrical, Electronic and Communications Contracting Award 2010
s. 156 – 4 Yearly Review of Modern Awards**

I refer to Your Honour's direction given in conference on 28 February that NECA File proposed amendments to the submissions of MEA filed on 27 February 2017.

NECA supports MEA's primary position that Schedule B of the *Electrical, Electronic and Communications Contracting Award 2016* Exposure Draft should be removed.

NECA agrees that the omission of applicable all purpose allowances for a number of classifications, (Electrician's Licence Allowance for Grade 5 Licensed Electricians and above for example) may lead readers of the various tables contained in the Schedule into error. In other words, reliance on the tables could cause some electrical workers to be underpaid.

MEA's Alternative Submission

If the Commission declines to remove Schedule B, NECA supports the amendments to Schedules B.2.1 to B.4.12 proposed by MEA except:

1. At point 3 of Schedule B.2.1, Neca suggests adding the words to MEA's proposed note 2, "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)", and "Rate for ordering materials" after "17.2(f)"

Then add the sentence. "Each of these allowances will form part of an employee's ordinary hourly rate if the allowance is payable to the employee."

2. Make similar additions to the proposed note 2 to schedules B.2.2, 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 and B.4.12.
3. In addition or in the alternative, a statement about what is included in an employee's ordinary rate could be included as B.1.3 such as:

"An employee's ordinary hourly rate also includes any of the following allowances that 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"

The intention of the above suggested amendments is to avoid a misunderstanding of what is included in an employee's ordinary (all purpose) hourly rate.

4. The Public holiday column at Schedule B.2.2 should be retained.

Column B.2.2 refers to overtime rates for day workers. Retention of the public holidays column would assist in understanding obligations arising from the award.

5. The "Day" column at B.3.2 should be retained. Casual shift workers can work day work as part of a shift system.

Yours faithfully



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