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**Sent:** Thursday, 25 January 2018 8:41:25 AM

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**Subject:** MBA draft - allowances

Good morning,

Please find attached two documents representing a draft of allowance clauses re-ordered and structured per previous conferences.

Please note that the content of the draft covers a number of areas in which Master Builders has advanced claims to vary during earlier stages of this matter. As such, the draft circulated adopts the existing award provisions for the purposes of conference discussions regarding structure, and is circulated without prejudice to:

- (a) Master Builders broader position with respect to WHS and allowances;
- (b) previous draft determinations as filed; and
- (c) earlier submissions advanced with respect to these clauses including those made in response to the Commission Statements of 17 August [2017] FWCFB 4239 and 1 December [2017] FWCFB 6487.

Kind regards,

**Rebecca Sostarko**

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## MBA categorisation of On-Site Award allowances

### 20. Expense related allowances

#### 20.1 Tool and employee protection allowance

- (a) An allowance in recognition of the maintenance and provision of the standard tools of trade must be paid for all purposes of the award in accordance with the following table:

<b>Classification</b>	<b>Tool allowance \$ per week</b>
Artificial stoneworker, carpenter and/or joiner, carpenter-diver, carver, bridge and wharf carpenter, floor sander, letter cutter, marble and slate worker, stonemason or tilelayer	30.45
Caster, fixer, floorlayer specialist or plasterer	25.17
Refractory bricklayer or bricklayer	21.61
Roof tiler, slate-ridger or roof fixer, tradespersons in the metals and engineering construction sector	15.95
Signwriter, painter or glazier	7.31

- (b) Where any other tools are required for the performance of work by a tradesperson covered by paragraph (a), or where in the case of any other employee any tools are required for the performance of work, the employer shall:
- (i) provide the tools; or
  - (ii) reimburse the employee for provision of the tools.
- (c) Where any protective clothing or equipment, other than safety boots, is required for the safe performance of work, the employer shall:
- (i) provide the clothing or equipment; or
  - (ii) reimburse the employee for provision of the clothing or equipment.
- (d) Where employees other than refractory bricklayers are required either by the employer or by legislation to wear steel toe capped safety boots the employer will reimburse employees for the cost of purchasing such boots on commencement of work. Subject to fair wear and tear, boots will be replaced each six months if required and sooner if agreed.
- (e) The following special conditions will apply to refractory bricklayers:
- (i) After six weeks employment, and on request from the employee, an allowance of \$86.09 must be provided for the purchase of boots. The same allowance must be provided to cover the cost of replacement boots, provided that the allowance need not be paid more than once in any six month period dating from the time the allowance is first provided. The allowance is not payable where the employer provides boots.
  - (ii) Employees provided with the allowance, or the boots, will accrue credit at the rate of \$4.30 per week from the date of the request. An employee leaving, or being dismissed, before 20 weeks' employment after the date of the request will repay the difference between the credit accrued and the \$86.09.

#### 20.2 Meal allowance

- (a) An employee required to work overtime for at least one and a half hours after working ordinary hours inclusive of time worked for accrual purposes as prescribed in clauses **Error! Reference source not found.—Error! Reference source not found.,** or **Error! Reference source not found.—Error! Reference source not found.,** must be paid by the employer an amount of \$14.78 to meet the cost of a meal.
- (b) This subclause will not apply to an employee who is provided with reasonable board and lodging or who is receiving a distant job allowance as provided for in clause **Error! Reference source not found.—Error! Reference source not found.,** and is provided with a suitable meal.
- (c) An operator employee will be entitled to be paid \$14.78 for each meal after the completion of each four hours from the commencement of overtime.

### **20.3 Compensation for clothes and tools**

- (a) An employee whose clothes, spectacles, hearing aids or tools have been accidentally spoilt by acid, sulphur or other deleterious substances, fire, molten metal or corrosive substances, must be paid such amount to cover the loss suffered by the employee as may be agreed upon between the employee and the employer.
- (b) An employee must be reimbursed by the employer to a maximum of \$1804.00 for loss of tools or clothes by fire or breaking and entering whilst securely stored at the employer's direction in a room or building on the employer's premises, job or workshop or if the tools are lost or stolen while being transported by the employee at the employer's direction, or if the tools are accidentally lost over water or if tools are lost or stolen during an employee's absence after leaving the job because of injury or illness, or where the employee does not report for work because of illness or accident and has advised the employer of such absence.
- (c) An employee transporting their own tools must take all reasonable care to protect those tools and prevent theft or loss.
- (d) When an employer requires an employee to wear spectacles with toughened glass lenses the employer must pay the cost of the toughening process.
- (e) For the purposes of this clause:
  - (i) only tools used by the employee in the course of their employment will be covered by this clause;
  - (ii) the employee will, if requested to do so, furnish the employer with a list of tools so used;
  - (iii) reimbursement will be at the current replacement value of new tools of the same or comparable quality; and
  - (iv) the employee will report any theft to the police prior to making a claim on the employer for replacement of stolen tools.

### **20.4 Special allowance**

- (a) Employees must be paid a special allowance of \$7.70 per week to compensate for the following matters:
  - (i) excess travelling time incurred by employees in the on-site building and construction industry; and

- (ii) the removal of loadings from the various building awards in this industry.
- (b) This allowance will not be adjusted.

## **20.5 Living Away From Home – distant work**

### **(a) Qualification**

- (i) This clause operates when an employee is employed on construction work at such a distance from the employee's usual place of residence or any separately maintained residence that the employee cannot reasonably return to that place each night, provided that:
  - (a) the employee is not in receipt of relocation benefits;
  - (b) the employee is maintaining a separate place of residence to which it is not reasonable to expect the employee to return each night; and
  - (c) the employee has provided the details of their usual place of residence, or any separately maintained address to the employer.
- (ii) The employee is not entitled to payment under this clause if the employee has knowingly made a false statement regarding the details required in clause (b).

### **(b) Employee's address**

- (i) On engagement, an employee must provide the employer with their address at the time of application, the address of any separately maintained residence and, if requested, reasonable documentary proof of those details.
- (ii) No subsequent change of address will entitle an employee to the provisions of this clause unless the employer agrees.

### **(c) Entitlement**

- (i) Where an employee qualifies under clause (a) the employer will:
  - (a) pay a living away from home allowance of \$478.44 per complete week. In the case of broken parts of the week the living away from home allowance will be \$68.45 per day. This allowance may be increased if the employee satisfies the employer that the employee reasonably incurred a greater outlay than that prescribed; or
  - (b) provide the worker with reasonable board and lodging in a well kept establishment with three adequate meals each day; or
  - (c) where employees are required to live in camp, provide all board and accommodation free of charge.
- (ii) The accommodation provided will be of a reasonable standard having regard to the location in which work is performed, including the provision of reasonable ablution/laundry, recreational and kitchen facilities, as well as reasonable external lighting, mail facilities, radio or telephone contact and fire protection.

### **(d) Messing system**

- (i) Where 10 or more employees are engaged, the employer will provide a cook. If there are less than 10 employees, the employer must reimburse employees for food reasonably purchased by them for their own use or must reimburse the

reasonable cost of meals consumed in the nearest recognised centre, provided this subclause will not apply where the employee is provided with three meals per day in accordance with clause Schedule A(a)(i)(b).

- (ii) In camps over 30 people the employer must employ a camp attendant.
- (iii) Camp attendant means an employee engaged for the purpose of maintaining a camp in a clean and hygienic condition.
- (iv) In all camps the employer must provide labour for the purpose of maintaining the camp in a clean and hygienic condition.
- (v) Where an employer has established a camp site and provides facilities for employees living in their own caravan, the employer must provide reasonable space for the caravans.

**(e) Camping allowance**

- (i) An employee living in a construction camp where free messing is not provided must receive a camping allowance of \$197.14 for every complete week the employee is available for work. In the case of broken weeks, the camping allowance will be \$28.14 per day including any Saturday or Sunday if the employee is in camp and available for work on the working days immediately preceding and succeeding each Saturday and Sunday. If an employee is absent without the employer's approval on any day, the allowance will not be payable for that day and if such unauthorised absence occurs on the working day immediately preceding or succeeding a Saturday or Sunday, the allowance will not be payable for the Saturday and Sunday.

**(f) Camp meal charges**

- (ii) Where a charge is made for meals in a construction camp, the charge will be fixed by agreement between the employer and the majority of affected employees.

**(g) Travelling expenses**

- (iii) An employee who is sent by an employer to a job which qualifies the employee for the provisions of this clause will not be entitled to any of the allowances prescribed by clause **Error! Reference source not found.—Error! Reference source not found.**, for the period occupied in travelling from the employee's usual place of residence to the distant job, but instead will be entitled to the following benefits:

**(h) Forward journey**

- (i) An employee must:
  - be provided with appropriate transport or be paid the amount of a fare on the most appropriate method of public transport to the job (bus, economy air, second class rail with sleeping berths if necessary), and any excess payment due to transporting tools if such is incurred; and
  - be paid for the time spent in travelling, at ordinary rates up to a maximum of eight hours per day for each day of travel; and
  - be paid \$14.78 per meal for any meals incurred while traveling.

- (ii) The employer may deduct the cost of the forward journey fare from an employee who terminates or discontinues employment within two weeks of commencing on the job and who does not immediately return to the employee's place of engagement.

**(i) Return journey**

- (i) An employee will, for the return journey, receive the same payments provided for the forward journey (see clause (h)). In addition, daily hire employees will receive an amount of \$20.81 to cover the cost of transport and transporting tools from the main public transport terminal to the employee's usual place of residence.
- (ii) The return journey payments will not be paid if the employee terminates or discontinues employment within two months of commencing on the job or is dismissed for incompetence within one working week of commencing on the job, or is dismissed for misconduct at any time.

**(j) Travelling time calculations**

For the purpose of this clause, travelling time will be calculated as the time taken for the journey from the central or regional rail, bus or air terminal nearest the employee's usual place of residence to the locality of the work (or the return journey, as the case may be).

**(k) Daily fares allowance**

An employee engaged on a job who qualifies under the provisions of this clause and who is required to reside elsewhere than on the site (or adjacent to the site and supplied with transport) must be paid the allowance prescribed by clause **Error! Reference source not found.—Error! Reference source not found..**

**(l) Weekend return home**

- (i) An employee who notifies the employer, no later than Tuesday of each week, of their intention to return to their usual place of residence at the weekend and who returns to such usual place of residence for the weekend, must be paid an allowance of \$35.28 for each occasion provided that the employee does not miss any ordinary hours of work.
- (ii) An employee who is receiving the living away from home allowance pursuant to clause (i)(a) or camping allowance pursuant to clause (e) is not entitled to payment under clause 1.1(a)(i).
- (iii) When an employee returns to their usual place of residence for a weekend or part of a weekend and is not absent from the job for any of the ordinary working hours, no reduction of the allowance in clause (c) will be made.

**(m) Rest and recreation**

**(i) Rail or road travel**

An employee working on a job which qualifies the employee for the provisions of this clause, may, after two months' continuous service and thereafter at three monthly periods of continuous service, return to the employee's usual place of residence at the weekend. If the employee does so, the employee will be provided with transport or be paid the amount of a bus or second class return railway fare to the bus or railway station nearest the employee's usual place of residence on

the pay day which immediately follows the date on which the employee returns to the job; provided no delay not agreed to by the employer takes place in connection with the employee's commencement of work on the morning of the working day following the weekend.

(ii) **Air travel**

- Notwithstanding any other provisions contained in clause 1.1(a)(i) and instead of such provisions, the following conditions will apply to an employee who qualifies under clause (a) where such construction work is located in any other area to which air transport is the only practicable means of travel. An employee may return home after four months' continuous service and will in such circumstances be entitled to two days' leave with pay in addition to the weekend, provided that the entitlement in respect of an employee in the civil construction sector will arise after 10 weeks' continuous service.
- Thereafter the employee may return to the employee's usual place of residence after each further period of four months' continuous service, and in each case will be entitled to two days' leave of which one day will be paid leave.
- Payment for leave and reimbursement for any economy air fare paid by the employee will be made at the completion of the first pay period commencing after date of return to the job.

(iii) Clauses 1.1(a)(i) and 1.1(a)(ii) do not apply where the work the employee is engaged upon will terminate in the ordinary course within a further 28 days after the expiration of any such period of two or three months.

(i) **Limitation of entitlement**

An employee will be entitled to either clauses 1.1(a)(i) and 1.1(a)(ii) and such option will be established by agreement as soon as practicable after commencing on distant work. The entitlement will be available as soon as reasonably practical after it becomes due and will lapse after a period of two months, provided that the employee has been notified in writing by the employer in the week prior to such entitlement becoming due of the date of entitlement and that such entitlement will lapse if not taken before the appropriate date two months later. Proof of such written notice will lie with the employer.

(ii) **Service requirements**

For the purpose of clauses 1.1(a)(i) and 1.1(a)(ii), service will be deemed to be continuous notwithstanding an employee's absence from work as prescribed in this clause.

(iii) **Variable return home**

In special circumstances, and by agreement with the employer, the return to the usual place of residence entitlements may be granted earlier or taken later than the prescribed date of accrual without alteration to the employee's accrual entitlement.

(iv) **No payment instead**

Payment of fares and leave with pay as provided for in clauses 1.1(a)(i) and 1.1(a)(ii) will not be made unless utilised by the employee.



(v) **Alternative paid day off procedure**

If the employer and the employee so agree, any accrued rostered days off (RDO) as prescribed in clause **Error! Reference source not found.—Error! Reference source not found.**, may be taken, and paid for, in conjunction with and additional to rest and recreation leave.

(vi) **Termination of employment**

An employee will be entitled to notice of termination of employment in sufficient time to arrange suitable transport at termination or must be paid as if employed up to the end of the ordinary working day before transport is available.

**20.6 Transitional airfares provision in respect of employees in the Territory of Christmas Island**

- (a) Where an employee is domiciled in the Territory of Christmas Island and is not entitled to air travel under clause (m), that employee is entitled to an annual return airfare for themselves and their spouse or de facto partner after 12 months' continuous service.
- (b) The airfare payable is the equivalent of a return economy airfare from Christmas Island to Perth.
- (c) Clause 20.6 ceases to operate on 31 December 2014.

**20.7 Fares and travel patterns allowance**

- (a) Employees will start and cease work on the job at the usual commencing and finishing times within which ordinary hours may be worked, and will transfer from site to site as directed by the employer. Other than in the case of an employee directed by the employer to pick up and/or return other employees to their homes, time spent by an employee travelling from the employee's home to the job and return outside ordinary hours will not be regarded as time worked. No travelling time payment is required except as provided for in clauses **Error! Reference source not found.**, (g), (e), (g) and **Error! Reference source not found.**. The fares and travel patterns allowance recognises travel patterns and costs peculiar to the industry, which include mobility in employment and the nature of employment on construction work.

(b) **Metropolitan radial areas**

An employee, other than an employee in the metal and engineering construction sector who is required to commence or cease work at the employer's workshop, yard or depot other than on a construction site, must be paid an allowance of \$17.43 per day for each day worked when employed on construction work, at a construction site located:

- (vii) within a radius of 50 kilometres of the GPO in a capital city of a State or Territory; or
- (viii) within a radius of 50 kilometres of the principal post office in a regional city or town in a State or Territory.

(c) **Distant work**

The allowance prescribed in clause (b) must be paid to employees employed on distant work (as defined in clause (a)), when the work is carried out within a radius of 50 kilometres from the place where, with the employer's approval, the employee is accommodated.

(d) **Country radial areas**

- (i) An employer with a business or branch or section thereof (for the purpose of engagement) that is established in any place (other than on a construction site) outside the areas mentioned in clause (b), must pay their employees the allowances prescribed in clause (b) for work located within a radius of 50 kilometres from the post office nearest the employer's establishment.
- (ii) Where the employer has an establishment in more than one such place the establishment nearest the employee's nominated address will be used for purposes of this clause and employees are entitled to the provisions of clause (e) when travelling to a job outside such radial area.

**(e) Travelling outside radial areas**

Where an employer requires an employee to travel daily from inside one radial area mentioned in clauses (b), (c) and (d), to work on a construction site outside that area, the employee will be entitled to:

- (i) the allowance prescribed in clause (b) for each day worked; and
- (ii) in respect of travel from the designated boundary to the job and return to that boundary:
  - (a) the time outside ordinary working hours reasonably spent in such travel, which will be paid at the ordinary time hourly rate, and calculated to the next quarter of an hour with a minimum payment of one half an hour per day for each return journey; and
  - (b) any expenses necessarily and reasonably incurred in such travel, which will be \$0.47 per kilometre where the employee uses their own vehicle.

**(f) Residing outside radial areas**

An employee whose residence is outside the radial areas prescribed in clauses (b), (c) and (d) and who crosses a radial boundary to travel to a construction site, will be entitled to the allowance prescribed in clause (b) for each day worked but not payment for the time reasonably spent in travelling from the designated radial boundary to the job and return to the radial boundary.

**(g) Travelling between radial areas**

The provisions of clause (e) will apply to an employee who is required by the employer to travel daily from one of those areas mentioned in clauses (b), (c) and (d) to an area, or to another area, mentioned in clauses (b), (c) and (d).

**(h) Provision of transport**

- (i) No allowances, other than those prescribed in clauses (e) and (g) and in the circumstances described in clause 1.1(a)(ii), will be payable on any day on which the employer provides or offers to provide transport free of charge from the employee's home to the place of work and return.
- (ii) The allowance prescribed in this clause will be payable on any day for which the employer provides a vehicle free of charge to the employee for a purpose related to their contract of employment, and the employee is required by the employer to drive this vehicle from the employee's home to their place of work and return.

**(i) Transfer during working hours**

- (i) An employee transferred from one site to another during working hours will be paid for the time occupied in travelling and, unless transported by the employer, must be paid reasonable cost of fares by the most convenient public transport between such sites.
- (ii) Provided that where an employee agrees to their employer's request to use the employee's own car for such a transfer, the employee must be paid an allowance at the rate of \$0.78 per kilometre.

**(j) Daily entitlement**

- (i) The travelling allowances prescribed in this clause will be payable for:
  - (a) any day upon which the employee performs or reports for duty, or allocation of work; and
  - (b) any rostered day off taken as prescribed in clauses **Error! Reference source not found.—Error! Reference source not found.**, and **Error! Reference source not found.—Error! Reference source not found.**
- (ii) The allowances prescribed in this subclause will be taken into account when calculating the annual leave loading.
- (iii) The allowances prescribed by this subclause will not be taken into account for calculating overtime, penalty rates, annual or personal/carer's leave entitlements.

**(k) Work in fabricating yard**

When an employee is required to perform prefabricated work in an open yard and is then required to erect or fix on-site, the provisions of this clause will apply.

**(l) Apprentices**

- (i) Apprentices will be entitled to a proportion of the allowances prescribed in clauses (b), (c) and (d) in accordance with the following scale:
  - (a) on the first year rate—75% of amount prescribed;
  - (b) on second year rate—85% of amount prescribed;
  - (c) on third year rate—90% of amount prescribed;
  - (d) on fourth year rate—95% of amount prescribed.
- (ii) Apprentices will only receive the allowances prescribed in clause 1.1(a)(i) for days when they attend work and any rostered day off.
- (iii) Apprentices will not be paid the allowance in clause 1.1(a)(i) for days they attend an RTO for training and assessment in accordance with the contract of training.
- (iv) When a school-based apprentice attends off-the-job training or assessment not at the school at which they are enrolled they will receive 25% of the allowance prescribed in clause 1.1(a)(i).

**(m) Adjustment of living away from home—distant work and fares and travel patterns allowance**

The monetary allowances prescribed in clauses **Error! Reference source not found.**—**Error! Reference source not found.**, and **Error! Reference source not found.**—**Error! Reference source not found.**, will be adjusted in accordance with clause 20.8.

## 20.8 Adjustment of expense related allowances

### (a) Adjustment of expense related allowances

- (i) At the time of any adjustment to the standard rate, each expense related allowance will be **increased** by the relevant adjustment factor. The relevant adjustment factor for this purpose is the percentage movement in the applicable index figure most recently published by the Australian Bureau of Statistics since the allowance was last adjusted.
- (ii) The applicable index figure is the index figure published by the Australian Bureau of Statistics for the Eight Capitals Consumer Price Index (Cat No. 6401.0), as follows:

<b>Allowance</b>	<b>Applicable Consumer Price Index figure</b>
Tool and employee protection allowance	Eight Capitals Consumer Price Index
Compensation for clothes and tools	Eight Capitals Consumer Price Index
Meal allowance	Meals out and take away foods sub-group
Living away from home—distant work	Domestic holiday travel and accommodation sub-group
Camping	Average of Food and non-alcoholic beverages, housing and transport groups
Fares and travel patterns allowance	Transport group
Weekend return home	Transport group
Transport and transporting tools	Transport group

## 21 All Purpose Skill Related Allowances

### 21.1 Carpenter-diver allowance

Employees undertaking work normally performed by a carpenter-diver must be paid an additional 4.5% of the hourly standard rate per hour extra which will be regarded as part of the ordinary time hourly rate for all purposes of the award.

### 21.2 Electrician's licence allowance

- (a) An employee engaged and working as an electrical tradesperson and who holds an appropriate electrician's licence must be paid a weekly allowance of 3.2% of the weekly standard rate for all purposes of this award.
- (b) An appropriate electrician's licence for the purpose of this subclause will be:
  - New South Wales—a NSW Electrician's Licence;
  - Victoria—an A Grade Electrician's Licence;
  - South Australia—an A Grade Electrical Worker's Licence;

- Tasmania—an A Grade Electrician’s Licence; and
- Queensland—an Electrical Mechanic’s or Electrical Fitter/Mechanic’s Licence.

### 21.3 Refractory bricklaying allowance

- (a) A special allowance to compensate for disabilities associated with the work of refractory bricklaying must be paid as follows:

<b>Classification</b>	<b>Per hour % of the hourly <u>standard rate</u></b>
Refractory bricklayer	10.0
Refractory bricklayer’s assistant	8.5

- (b) This allowance must be paid instead of all special rates prescribed in clause 22—Special rates, except clauses 22.2(b) and 22.2(c) and will be regarded as part of the ordinary time hourly rate.
- (c) An apprentice Refractory bricklayer must be paid the allowance on a proportionate basis reflecting the appropriate percentage of the adult wage in clause 19.1.

## 22 Other Skill Related Allowances

### 22.1 Laser operation allowance

- (a) Application

This subclause applies when laser equipment is utilised for work within the scope of this award.

- (b) Definitions

- (i) **Laser** means any device excepting a Class 1 device which can be made to produce or amplify electromagnetic radiation in the wave length range from 100 nanometres to one millimetre primarily by the process of controlled stimulation emission.
- (ii) **Laser safety officer** or **LSO** is an employee who in addition to the employees ordinary work is qualified to perform duties associated with laser safety and is appointed as such.

### 22.2 Laser safety allowance

An employee appointed by the employer to carry out the duties of a laser safety officer must be paid an additional 13.4% of the hourly standard rate per day or part thereof whilst carrying out such duties, paid as a flat amount without attracting any premium or penalty.

### 22.3 First Aid allowance

- (a) An employee who:

- (i) is appointed by the employer to be responsible for carrying out first aid duties as they may arise;
- (ii) holds a recognised first aid qualification (as set out hereunder) from the Australian Red Cross Society, St John Ambulance or similar body;
- (iii) is required by their employer to hold a qualification at that level;
- (iv) the qualification satisfies the relevant statutory requirement pertaining to the provision of first aid services at the particular location where the employee is engaged; and
- (v) those duties are in addition to the employees normal duties, recognising what first aid duties encompass by definition;

will be paid at the following additional rates to compensate that person for the additional responsibilities, skill obtained, and time spent acquiring the relevant qualifications:

- (vi) an employee who holds the minimum qualifications recognised under the relevant State or Territory Occupational Health and Safety legislation (or, in Western Australia, a Senior First Aid certificate of Industrial First Aid certificate or equivalent qualification from the St John Ambulance Association or similar body)—0.36% of the weekly standard rate per day; or
  - (vii) an employee who holds a higher first aid certificate recognised under the relevant State or Territory Occupational Health and Safety legislation (or, in Western Australia, a Senior First Aid certificate or Industrial First Aid certificate or equivalent qualification from the St John Ambulance Association or similar body)—0.57% of the weekly standard rate per day.
- (b) An employee will be paid only for the level of qualification required by their employer to be held, and there will be no double counting for employees who hold more than one qualification.

#### 22.4 Computing quantities

Employees who are regularly required to compute or estimate quantities of materials in respect of the work performed by other employees must be paid an additional 23.3% of the hourly standard rate per day or part thereof. This allowance will not apply to an employee classified as a leading hand and receiving an allowance prescribed in clause **Error! Reference source not found.**

#### 22.5 In charge of plant

- (a) In charge of plant means:
  - (i) when two or more employees are employed at the plant at the one time, the employee who is invested with the superintendence and responsibility or who has to accept the superintendence and responsibility;
  - (ii) an employee who is invested with the superintendence and responsibility or who has to accept the superintendence and responsibility over one or more other employees;
  - (iii) when the employee is the only person of that class employed on the plant the employee who does the general repair work of the plant in addition to the work



## 23 All Purpose Disability Allowances

### 23.1 Industry allowance

In addition to the rates prescribed in clause **Error! Reference source not found.**—**Error! Reference source not found.**, an employee must be paid an allowance at the rate of 3.7% of the weekly standard rate per week to compensate for the following disabilities associated with construction work:

- (a) climatic conditions when working in the open on all types of work;
- (b) the physical disadvantage of having to climb stairs or ladders;
- (c) the disability of dust blowing in the wind, brick dust and drippings from newly poured concrete;
- (d) sloppy and muddy conditions associated with the initial stages of the erection of a building;
- (e) the disability of working on all types of scaffolds or ladders, other than a swing scaffold, suspended scaffold, or a bosun's chair;
- (f) the lack of the usual amenities associated with factory work, (e.g. meal rooms, change rooms, lockers).

### 23.2 Underground allowance

- (a) An employee, other than an employee in an Operator classification, who is required to work underground must be paid an additional allowance of 1.8% of the weekly standard rate per week for all purposes of the award in addition to the allowance prescribed in clause **Error! Reference source not found.**
- (b) Provided that an employee required to work underground for no more than four days or shifts in any ordinary week must be paid an additional 0.4% of the weekly standard rate per day or shift and in addition the allowance prescribed in clause **Error! Reference source not found.**
- (c) Where a shaft is to be sunk to a depth greater than six metres, the payment of the underground allowance will commence from the surface.
- (d) These allowances will not be payable to employees engaged upon pot and drive work at a depth of 3.5 metres or less.

### 23.3 Furnace work

- (a) An employee engaged in the construction of, or alteration or repairs to boilers, flues, furnaces, retorts, kilns, ovens, ladels, and similar refractory work must be paid an additional 8.5% of the hourly standard rate per hour. This additional rate will be regarded as part of the ordinary time hourly rate for all purposes.

### 23.4 Acid work

- (b) An employee required to work on the construction of or repairs to acid furnaces, acid stills, acid towers and all other acid resisting brickwork must be paid an additional 8.5% of the hourly standard rate per hour. This additional rate will be part of the ordinary time hourly rate for all purposes.

### 23.5 Lift industry allowance



- (a) These special conditions apply to electrical and metal tradespersons and their assistants who perform work in connection with the installation, major modernisation, servicing, repairing and/or maintenance of lifts and escalators.
- (b) In addition to the weekly award rates specified in clause **Error! Reference source not found.**, employees must be paid an amount of 14.8% of the standard rate per week as a lift industry allowance in consideration of the peculiarities and disabilities associated with the installation, major modernisation, servicing, repairing and/or maintenance of lifts and escalators and in recognition of the fact that employees engaged in such work may be required to perform, and/or assist to perform, any of such work.
- (c) Apprentices must be paid the following proportion of the appropriate lift industry allowance as follows:

<b>Year of apprenticeship</b>	<b>% of allowance</b>
First year of apprenticeship	55
Second year of apprenticeship	65
Third year of apprenticeship	75
Fourth year of apprenticeship	90

- (d) An employee in receipt of the lift industry allowance prescribed by clause 1.1(b) will not be entitled to any of the allowances prescribed in clause **Error! Reference source not found.**—**Error! Reference source not found.**
- (e) An employee who is ordinarily engaged in the employer’s workshop and who, from time to time, is required to perform any of the work prescribed in clause 1.1(b) will, in respect of such work, be entitled to payment of a portion of the lift industry allowance in accordance with the provisions of clause **Error! Reference source not found.**—**Error! Reference source not found.**
- (f) An electrical tradesperson who has performed work away from a workshop in connection with the installation, major modernisation, servicing repairing, and/or maintenance of lifts and escalators for a period of not less than two years will be classified as Electrician special class.
- (g) The amounts specified in this clause will be paid for all purposes.
- (h) The provisions of the award will apply to employees covered by this clause excepting the provisions of clauses **Error! Reference source not found.**, **Error! Reference source not found.** and **Error! Reference source not found.**

**23.6 Hydraulic hammer**

An operator of a hydraulic hammer attached to an excavator must be paid an additional 5.4% of the hourly standard rate per hour for all purposes.

**24 Other Disability Allowances**

**24.1 Conditions in respect of other disability allowances**

- (a) To avoid doubt, the allowances are allowances for the purpose of clause **Error! Reference source not found.**

- (b) The allowances prescribed in this award must be paid irrespective of the times at which work is performed and will not, except where specified, be subject to any premium or penalty conditions.
- (c) This limitation does not apply to the all purpose allowances prescribed in clauses **Error! Reference source not found.** and **23.4.**
- (d) Where more than one of the allowances provides payments for disabilities of substantially the same nature, then only the highest of such rates will be payable unless otherwise provided.
- (e) The allowances must be paid to employees in addition to the other rates in this award.

## 24.2 Working at heights

### (a) Multistorey allowance

- (i) A multistorey allowance must be paid to all employees on-site whilst engaged in construction or renovation of a multistorey building to compensate for the disabilities experienced in, and which are peculiar to construction or renovation of a multistorey building.
- (ii) Provided that for the purposes of this clause **renovation work** is work performed on existing multistorey buildings and such work involves structural alterations which extend to more than two storey levels in a building, and at least part of the work to be performed is above the fourth floor storey level in accordance with the scale of payments appropriate for the highest floor level affected by such work.
- (iii) In this clause:
 

**multistorey building** means a building which will, when complete, consist of five or more storey levels

**complete** means the building is fully functional and all work which was part of the principal contract is complete

**storey level** means structurally completed floor, walls, pillars or columns, and ceiling (not being false ceilings) of a building and will include basement levels and mezzanine or similar levels (but excluding **half floors** such as toilet blocks or store rooms located between floors)

**floor level** means that stage of construction which in the completed building would constitute the walking surface of the particular floor level referred to in the table of payments.
- (iv) Any buildings or structures which do not have regular storey levels but which are not classed as towers (e.g. grandstands, aircraft hangars, large stores, etc.) and which exceed 15 metres in height may be covered by this subclause, or by clause **Error! Reference source not found.** by agreement between the employer and an employee.
- (v) **Plant room:** a plant room situated on the top of a building will constitute a further storey level if the plant room occupies 25% of the total roof or an area of 100 square metres whichever is the lesser.

## Rates

- (vi) Except as provided for in clause 0, an allowance in accordance with the following table must be paid to all employees on the building site. The higher allowances presented in respect of work on the 16th and subsequent floors will be paid to all employees when one of the following components of the building—structural steel, reinforcing steel, boxing or walls—rises above the floor level first designated in the allowance scale:

<b>Storeys</b>	<b>Allowance per hour</b>
From the commencement of building to 15th floor level	2.6% of the hourly <u>standard rate</u>
From the 16th floor level to 30th floor level	3.1% of the hourly <u>standard rate</u>
From the 31st floor level to 45th floor level	4.8% of the hourly <u>standard rate</u>
From the 46th floor level to 60th floor level	6.2% of the hourly <u>standard rate</u>
From the 61st floor level onward	7.6% of the hourly <u>standard rate</u>

- (vii) The allowances payable at the highest point of the building will continue until completion of the building.

## Service cores

- (viii) All employees employed on a service core at more than 15 metres above the highest point of the main structure must be paid the multistorey rate appropriate for the main structure plus the allowance prescribed in clause **Error! Reference source not found.**, calculated from the highest point reached by the main structure to the highest point reached by the service core in any one day period. (i.e. For this purpose, the highest point of the main structure will be regarded as though it were the ground in calculating the appropriate Towers allowance prescribed in clause **Error! Reference source not found.**).
- (ix) Employees employed on a service core no higher than 15 metres above the main structure must be paid in accordance with the multistorey allowance prescribed herein.
- (x) Provided that any section of a service core exceeding 15 metres above the highest point of the main structure will be disregarded for the purpose of calculating the multistorey allowance application to the main structure.

## (b) Swing scaffold

- (i) An employee required to work from any type of swing scaffold or any scaffold suspended by rope or cable, bosun's chair, or a suspended scaffold requiring the use of steel or iron hooks or angle irons must be paid the appropriate allowance set out below corresponding to the storey level at which the anchors or bracing, from which the stage is suspended, have been erected. The allowance must be paid for a minimum of four hours' work or part thereof until construction work has been completed.

<b>Height of bracing</b>	<b>First four hours % of the hourly standard rate</b>	<b>Each additional hour % of the hourly standard rate</b>
0–15 storeys	23.3	4.8
16–30 storeys	30.1	6.3
31–45 storeys	35.6	7.2
46–60 storeys	58.3	12.0
greater than 60 storeys	74.3	15.4

- (ii) An apprentice with less than two years' experience must not use a swing scaffold or bosun's chair, and further provided that solid plasterers when working off a swing scaffold must receive an additional 0.7% of the hourly standard rate per hour.
- (iii) Payments contained in this subclause are in recognition of the disabilities associated with the use of swing scaffolds.
- (iv) For the purposes of this clause:
- **completed** means the building is fully functional and all work which is part of the principal contract is complete;
  - **storeys** will be given the same meaning as a storey level in clause **Error! Reference source not found.**

(c) **Height work**

An employee, other than an employee working on a bosun's chair or swinging stage, working on any structure at a height of more than nine metres where an adequate fixed support not less than 0.75 metres wide is not provided, must be paid an additional 2.9% of the hourly standard rate per hour. This provision does not apply in addition to the towers allowance prescribed in clause **Error! Reference source not found.**

(d) **Suspended work platform**

- (i) This allowance applies to employees engaged on construction work (including renovation or refurbishment work) performed on a suspended perimeter work platform (other than a swinging stage or bosun's chair) which uses a mechanical, hydraulic or other form of propulsion (not being rope or cable suspended) to relocate the work platform at different levels on the perimeter of a building or structure. An example of this type of system includes the Lubeca Façade System.
- (ii) The allowance payable is an additional 4.9% of the hourly standard rate per hour and is to be paid instead of swing scaffold and multistorey allowance for all employees working on suspended perimeter work platform systems.

(e) **Towers allowance**

- (i) An employee working on a chimney stack, spire, tower, radio or television mast or tower, air shaft (other than above ground in a multistorey building), cooling tower, water tower or silo, where the construction exceeds 15 metres in height must be paid for all work above 15 metres, an additional 3.2% of the hourly standard rate per hour with 3.2% of the hourly standard rate per hour additional for work above each additional 15 metres.

- (ii) Stonemasonry employees not provided with mechanical means for the handling, lifting and placing of heaving blocks must be paid the rates prescribed in clause **Error! Reference source not found.**

(f) **Roof repairs**

- (i) Employees engaged on repairs to roofs must be paid an additional 4.0% of the hourly standard rate per hour, provided that instead of this rate roof slaters and tilers must be paid in accordance with the following:
- (ii) An employee who works on a roof at a height of over 15 metres measured at the loading point of the tiles at ground level to the eaves, must be paid an additional 2.9% of the hourly standard rate per hour.
- (iii) An employee who works on a roof at a height of over 15 metres measured at the loading point of the tiles at ground level to the eaves and the pitch of which is over 35 degrees or over 40 degrees must be paid the sum of 4.0% and 5.8% of the hourly standard rate respectively, rather than the allowance in clause 1.1(f)(ii).

**24.3 Material Related**

(a) **Asbestos eradication**

Employees engaged in the process of asbestos eradication (defined as work on or about buildings involving the removal or any other method of neutralisation of any materials which consist of or contain asbestos) on the performance of work within the scope of this award, must receive an additional 10.8% of the hourly standard rate per hour worked, but will not be paid allowances prescribed in this clause with the exception of:

- clause **Error! Reference source not found.—Error! Reference source not found.;**
- clause **Error! Reference source not found.—Error! Reference source not found.;**
- clause **Error! Reference source not found.—Error! Reference source not found.;**

(b) **Asbestos**

Employees required to wear protective equipment (i.e. combination overalls and breathing equipment or similar apparatus) as part of the necessary safeguards as required by the appropriate occupational health authority for the use of materials containing asbestos or to work in close proximity to employees using such materials, must be paid an additional 4.0% of the hourly standard rate per hour whilst wearing such equipment.

(c) **Toxic substances**

- (i) Employees using toxic substances or materials of a like nature must be paid an additional 4.0% of the hourly standard rate per hour. Employees working in close proximity to employees so engaged must be paid an additional 3.2% of the hourly standard rate per hour.
- (ii) Toxic substances include epoxy based materials and all materials which include or require the addition of a catalyst hardener and reactive additives and include a two pack catalyst system.

(d) **Fumes**

An employee required to work in a place where fumes of sulphur or other acid or other offensive fumes are present must be paid an allowance which will be such rates as are agreed upon between the employee or the majority of employees and the employer.

(e) **Bitumen work**

An employee handling hot bitumen or asphalt or dipping materials in creosote, must be paid an additional 4.0% of the hourly standard rate per hour.

(f) **Insulation**

An employee handling charcoal, pumice, granulated cork, silicate of cotton, insulwool, slag wool, limpet fibre, vermiculite, or other recognised insulating material of a like nature, associated with similar disabilities in its use, must be paid an additional 4.0% of the hourly standard rate per hour or part thereof. This extra rate will also apply to an employee working in the immediate vicinity who is affected by the use of such materials.

**24.4 Artificial Environment**

(a) **Hot work**

(i) An employee who works in a place where the temperature has been raised by artificial means to between 46 degrees and 54 degrees Celsius must be paid an additional 3.2% of the hourly standard rate per hour or part thereof. In temperatures exceeding 54 degrees Celsius, an employee must be paid an additional 4.0% of the hourly standard rate per hour or part thereof.

(ii) Where such work continues for more than two hours, the employee will be entitled to 20 minutes rest after every two hours work without loss of pay, not including the special rate provided by this subclause.

(b) **Cold work**

An employee who works in a place where the temperature is lowered by artificial means to less than 0 degrees Celsius must be paid an additional 3.2% of the hourly standard rate per hour. Where such work continues for more than two hours, the employee will be entitled to 20 minutes rest after every two hours work without loss of pay, not including the special rate provided by this subclause.

**24.5 Tool Related**

(a) **Explosive powered tools**

An operator of explosive powered tools, who is required to use an explosive powered tool, must be paid an additional 7.6% of the hourly standard rate for each day on which the employee uses such a tool.

(b) **Stonemasons – cutting tools**

If cutting tools are not provided the employer must pay an additional 0.2% of the hourly standard rate per hour.

(c) **Plaster or composition spray**

An employee using a plaster or composition spray must be paid an additional 3.2% of the hourly standard rate per hour whilst so engaged.

(d) **Dry polishing of tiles**

Employees engaged on dry polishing of tiles where machines are used must be paid an additional 4.0% of the hourly standard rate per hour or part thereof.

(e) **Cutting tiles**

An employee engaged at cutting tiles by electric saw must be paid an additional 4.0% of the hourly standard rate per hour whilst so engaged.

(f) **Second-hand timber**

Where, whilst working with second-hand timber, an employee's tools are damaged by nails, dumps or other foreign matter on the timber the employee will be entitled to an allowance of 12.6% of the hourly standard rate per day on each day upon which the employee's tools are so damaged. No allowance will be payable under this clause unless it is reported immediately to the employer's representative on the job in order that they may prove the claim.

(g) **Grindstone allowance**

An allowance of 0.9% of the weekly standard rate per week must be paid to each carpenter or joiner where a grindstone or wheel is not made available.

(h) **Pneumatic tool operation**

A stonemason using pneumatic tools of 2.75 kilograms or over in weight must be paid an additional 17.6% of the hourly standard rate each day on which the employee uses such a tool.

**24.6 Dirty/Wet Work**

(a) **Dirty work**

An employee engaged on unusually dirty work must be paid an additional 3.2% of the hourly standard rate per hour.

(b) **Wet work**

An employee working in any place where water is continually dripping such that clothing and boots become wet, or where there is water underfoot, must be paid an additional 3.2% of the hourly standard rate per hour whilst so engaged.

**24.7 Brick and Block related**

(a) **Heavy blocks – employees laying other than standard bricks**

(i) Employees employed laying blocks (other than concrete blocks for plugging purposes) must be paid the following additional rates:

- where the blocks weigh over 5.5 kg and under 9 kg—3.2% of the hourly standard rate per hour;
- where the blocks weigh 9 kg to 18 kg—5.8% of the hourly standard rate per hour;
- where the blocks weigh over 18 kg—8.2% of the hourly standard rate per hour.

- (ii) This special rate will not apply to employees being paid the extra rate for refractory work.
- (iii) Stonemasonry employees not provided with mechanical means for the handling, lifting and placing of heaving blocks will be paid the rates prescribed in this clause.

(b) **Cleaning down brickwork**

An employee required to clean down bricks using acids or other corrosive substances must be paid an additional 2.9% of the hourly standard rate per hour.

(c) **Bagging**

Employees engaged upon bagging brick or concrete structures must be paid an additional 2.9% of the hourly standard rate per hour.

(d) **Slushing**

An employee engaged in slushing must be paid an additional 3.2% of the hourly standard rate per hour.

(e) **Bricklayer operating cutting machine**

One bricklayer on each site is to operate the cutting machine and must be paid an additional 4.0% of the hourly standard rate per hour or part thereof while so engaged.

**24.8 Painting Related**

(a) **Brewery cylinders – painters**

- (i) A painter in brewery cylinders or stout tuns must be allowed a 15 minute spell in the fresh air at the end of each hour worked. Such 15 minutes will be counted as working time and will be paid for as such.
- (ii) The rate for working in brewery cylinders or stout tuns will be at the rate of time and a half. When an employee is working overtime and is required to work in brewery cylinders and stout tuns the employee must, in addition to the overtime rates payable, be paid one half of the ordinary time hourly rates.

(b) **Spray application – painters**

An employee engaged on all spray applications carried out in other than a properly constructed booth, approved by the appropriate certifying authority, must be paid an additional 3.2% of the hourly standard rate per hour.

**24.9 Confined Space**

(a) **Confined space**

- (i) An employee required to work in a confined space must be paid an additional 4.0% of the hourly standard rate per hour or part thereof.
- (ii) **Confined space** means a place the dimensions or nature of which necessitate working in a cramped position or without sufficient ventilation.

(b) **Coffer Dam Worker**

- (i) Not under air pressure—employees must be paid an additional 1.7% of the weekly standard rate extra per week;



- (ii) Under air pressure—as agreed between the employer and employees.

#### **24.10 Operator Related**

(a) **Employee carrying fuels, oils and greases**

An employee required by the employer to carry any fuels, oils and/or greases in the employees own vehicle for use in the employer's plant must be paid an additional 1.4% of the weekly standard rate per day in addition to any amount payable under clause **Error! Reference source not found.—Error! Reference source not found.**, for each day the employee is so required by the employer to carry such materials.

(b) **Waste disposal**

Plant operators working in landfill and garbage tips must be paid an additional 6.7% of the hourly standard rate per hour for each hour worked with a minimum payment of three hours each day. This allowance compensates for the special disabilities associated with the offensive and obnoxious nature of the duties of solid and liquid waste and garbage disposal. The allowance will be paid for each hour the employees are suffering the disabilities and will not form part of the ordinary wage for all purposes of the award.

(c) **Mobile cranes adjustment formula**

For each additional 40 tonnes over a maximum lifting capacity of 100 tonnes, an amount of 2.4% of the weekly standard rate must be added to the base rate for Level 5 (CW/EW5) and above.

#### **24.11 Civil construction sector only**

(a) **Pipe enamelling**

An employee engaged on the enamelling of pipe joints by hand, on-site, must be paid an additional 0.9% of the weekly standard rate per day or part thereof.

(b) **Powdered lime dust**

- (i) Employees exposed for any period greater than one hour in any shift to powdered lime dust from the spreading or mixing of powdered lime used in the stabilisation of road making material must be reimbursed the cost of purchasing the following protective clothing:

- overalls;
- wide vision goggles;
- respirator;
- boots; and
- gloves.

- (ii) The provisions of this subclause do not apply where the protective clothing is supplied by the employer.

(c) **Sand blasting**

An employee required to use a sand blasting machine must be paid an additional 0.4% of the hourly standard rate per hour or part of an hour whilst so engaged.

(d) **Live sewer work**

An employee who works in a situation where there is direct aerial connection with a sewer through which sewerage is flowing, must be paid an additional 2.9% of the hourly standard rate per hour.

(e) **Timbering**

Any sinker required to timber any shaft, drive or trench must be paid an additional 3.6% of the hourly standard rate per hour or part thereof.

(f) **Special work**

A driver operating a tractor fitted with a blade and using such blade in breaking trail in heavy sidling country must be paid an additional 0.4% of the hourly standard rate per hour for each day or part of a day when so occupied.

(g) **Compressed air work**

Employees engaged in construction work in compressed air must be paid the following allowances:

<b>Gauge reading</b>	<b>Rate per hour worked and spent in compression and decompression % of the hourly <u>standard rate</u></b>
0 to 35 kPa	6.9
Over 35 and up to 65 kPa	8.7
Over 65 and up to 100 kPa	17.6
Over 100 and up to 170 kPa	35.0
Over 170 and up to 225 kPa	58.3
Over 225 and up to 275 kPa	111.7

(h) **Cutting stone**

An employee engaged at cutting stone, blocks and bricks by power saw will be paid an additional 4.0% of the hourly standard rate per hour or part thereof.