



SUBMISSION ON BEHALF OF THE AUSTRALIAN FEDERATION OF
EMPLOYERS AND INDUSTRIES (AFEI)

AM2008/15

AWARD MODERNISATION

AFEI
Australian Federation of
Employers & Industries

BEFORE THE AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

AWARD MODERNISATION

MATTER NO. AM2008/15

BUILDING, METAL AND CONSTRUCTION GROUP

DRAFT EXPOSURE DOCUMENTS

BUILDING AND CONSTRUCTION INDUSTRY GENERAL ON-SITE

AWARD 2010

1. AFEI has provided submissions to the Commission concerning the Building, Metal and Construction Group and participated in the Commission's consultations.
2. In our earlier submission AFEI indicated that it did not support the inclusion of Civil Construction in the same award covering Building and Construction.
3. We note that the Commission's Exposure Draft includes Civil Construction and we note also certain aspects of the Exposure Draft which will potentially disadvantage employers in the Civil Construction sector, particularly typically smaller employers who are currently covered by the Notional Agreement Preserving the General Construction and Maintenance, Civil and Mechanical Engineering, etc., (NSW) State Award (the NSW NAPSA).

Daily Hire

4. Clause 11 of the Exposure Draft provides that the provisions of the Clause apply to 'tradesperson and labourer daily hire employees'. We are concerned that this terminology may unduly restrict the current application of daily hire employment. The extract from the NSW NAPSA provided as Attachment 1 shows that daily hire employment in the NSW NAPSA also applies to a range of classifications other than tradespersons or labourers.

Wet Weather

5. Clause 24.2 which concerns Wet Weather in the Civil Construction sector does not appear to provide a cap on payment for time lost, unlike the proposed provisions for the Building and Construction sector shown in Clause 24.1. We are concerned that unlimited wet weather payment would be a significant departure from the current provisions in the NSW NAPSA, which provide the same quantum of payment as proposed in 24.1. We submit that the quantum of wet weather payment proposed in 24.1 is also appropriate for the Civil Construction sector.

Ordinary Hours

6. Clause 35.1 of the Exposure Draft proposes a spread of ordinary hours from 7am and 6pm, except where there is agreement for an earlier start (between 6am and 7am) between the employer and the employees and their representative(s), if requested, as provided in 35.1 (a) (ix). The NSW NAPSA currently provides a span of ordinary hours between 6am and 6pm, and currently agreement is not required for 6am starts, which are a typical feature of employment under the NSW NAPSA.
7. It is AFEI's submission that the working hours required for the physical outdoor nature of construction work covered by the NSW NAPSA, as reflected in the NAPSA, should not be disturbed in a modern award.

Annual Leave

8. Consistent with the Consolidated Ministerial Request, AFEI submits that the modern award provide for cashing out of annual leave, subject to the conditions outlined in the Request.
9. AFEI submits that the modern award provide a Clause concerning Excessive Leave, on the following terms:

Excessive leave

Notwithstanding s.33 of the NES, if an employer has genuinely tried to reach agreement with an employee as to the timing of taking annual leave, the employer can require the employee to take annual leave by giving not less than four weeks notice of the time when such leave is to be taken if:

- (i) at the time the direction is given, the employee has eight weeks or more of annual leave accrued; and
- (ii) the amount of annual leave the employee is directed to take is less than or equal to a quarter of the amount of leave accrued.

Section 1 - Daily Hire Classifications			The rates of pay in these columns have been calculated on the basis that the industry allowance, follow the job loading, sick leave allowance and travel pattern loading are applicable. Where these amounts are not applicable, hourly rates of pay should be calculated in accordance with Clause 3 - Wages.	
Classification	Base Weekly Rate	Base Hourly Rate	All Purpose Daily Hire Hourly Rate	Casual Hourly Rate
	\$	\$	\$	\$
Civil Construction Worker - Grade 1	566.96	14.92	16.92	20.30
Civil Construction Worker - Grade 1 is comprised of the following classifications Construction Worker, Other Adzeperson, augerperson or sawperson Assistant depotperson Axeperson Ballast - labourer discharging from punt Bridge foundations - labourer engaged in boring for (except machine person) Compressed and/or mastic asphalt labourer; Caulker Crusher feeder and sand roller attendant Divers' pumper Flying fox - labourer Forest devil - labourer Incinerator attendant (Cockatoo Dockyard) Labourer destroying rabbits (if required to provide transport \$1.55 per day extra and \$1.11 cents per week extra shall be paid for each dog not exceeding two dogs) Pole erecting - labourers erecting telegraph poles, electric lights and/or power poles Signalperson - cable way Turfing, cutting and/or laying - including landscaping on civil engineering construction - labourers engaged in Underground Trench & Excavation Trench labourer 0.9m-3m (when required to use pneumatic machines shall be paid at least machine person's rates)				

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Classification	Base Weekly Rate	Base Hourly Rate	All Purpose Daily Hire Hourly Rate	Casual Hourly Rate
	\$	\$	\$	\$
Irrigation Labourer - boring test or other holes by hand Labourer cutting noxious weeds with hoe Layer-on of hot mastic asphalt compounds in supply channels, expansion joints or cracks in concrete channels Maintenance persons - in channels Painter or layer of bitumen, colfix, laykol or any similar substance Railway Construction - Group (A): Back Bolter Boxer-up Brakesperson, spragger or spragsperson Cutting and/or breaking rails - labourer Erector of grade indicators Fettler Heelperson Jackperson (two to be paid alike) Labourer erecting stanchions for the overhead wiring for railways and tramways Linker-in Leverperson Loading, unloading and / or stacking rails and / or sleepers and / or new material - labourer Packer on metal roads and/or in yards Packers (two) with leverperson on metal roads and/or in yards in gangs of eight or more employees Packers (two) with leverpersons on muck roads in gangs of eight or more employees				

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Classification	Base Weekly Rate	Base Hourly Rate	All Purpose Daily Hire Hourly Rate	Casual Hourly Rate
	\$	\$	\$	\$
Punchperson, hydraulic and/or crowperson Rail pressing - labourer Rail Protection Officer - Level 1 Re-railing and/or re-sleeping - labourer Sleeper spacer and squarer Straightening gang - labourer in Road Construction and Maintenance Tar and/or bituminous labourer - other Land and Water Conservation & Irrigation Labourer cleaning silt pits--irrigation area Cylinder Sinking Employees working in cylinders or caissons with or without air pressure excavating earth other than rock, concrete, sandstone and/or strata other than earth less than 6.1 metres deep (26 cents per shift extra for each additional 6.1 metres of depth or part thereof) Cylinder sinking - Benoto process - attendant				
Civil Construction Worker - Grade 2	574.56	15.12	17.12	20.54
Civil Construction Worker - Grade 2 is comprised of the following classifications Railway Construction - Group (B): Fastener, fisher-up and/or ratchet borer Lifting ganger's offsider Rail Protection Officer - Level 2 Rail welder's assistant Road Construction & Maintenance Maintenance labourer Bituminous gang labourer All other attendants at stone handling plant				

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	\$	\$	\$	\$
Maintenance patrolperson Land and Water Conservation & Irrigation Helper - Hand Boring Plant Test Well Borer Construction Worker, Other Bankperson - in connection with dredges including employees laying or removing pipes between dredge and shore Construction Worker Group 1 Amenities attendant (including camp) Sanitary and/or garbage labourer Clerical work - labourer Labourer tarring bridge and/or other woodwork Fencer Traffic controller General labourer - not otherwise classified Greaser Labourer - bending, reinforcing steel Labourer - planting, spraying and/or lopping trees Labourer - loading, unloading and/or stacking materials other than cement Machineperson's assistant Motor and/or pump attendant Pile driver - topperson Pile pointer, ringer and/or shoer Scabblor Temporary building - labourer erecting Tipperson and/or loading tallyperson				

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	\$	\$	\$	\$
Tradeperson's labourer - on construction work Cylinder Sinking Air Lock Attendant				
Civil Construction Worker - Grade 3	603.44	15.88	17.91	21.49
Civil Construction Worker - Grade 3 is comprised of the following classifications Construction Worker, Other Barring down - labourers Bridge carpenters' labourer (including demolition work) Diver's Attendant Laboratory testing assistant Pipe - cement monier and/or concrete - labourer engaged in the manufacture of Pipe layer and/or joiner Pipe liner hand working inside pipe Sand blast operator Underground & Trench Excavation Trench labourer 3m-6m Irrigation Labourer using hand trowels on cement or concrete channels Labourer using shovel for constructing cement channels - known as laying on Road Construction and Maintenance Manual kerb extruding machine operator				

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Classification	Base Weekly Rate	Base Hourly Rate	All Purpose Daily Hire Hourly Rate	Casual Hourly Rate
	\$	\$	\$	\$
Labourers engaged in the erection and placement of steel wire mattresses Labourers engaged in the erection, placement and repairs of permanent safety crash barriers Land & Water Conservation & Irrigation Spray Operator Railway Construction - Group (C): Leader linker-in Rail Protection Officer - Level 3 Rail welder Operators of track laying renewal machines as follows: (i) Sleeper gantry operator (ii) Sleeper feed operator (iii) Sleeper pick-up operator (iv) Rail alignment operator Assistant operator of track tamping machine Operator of "Pan Driver" machine or similar Operator of Hi Rail vehicle Railway Construction - Group (D): Operator Ballast Regulating Machine Concrete Construction Central Mortar Batch Plant Operator (this rate is inclusive of any extra payment)				

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Concrete Worker - including floater form erector and/or stripper, jazerperson and/or tamperperson, concrete cutting or drilling machine operator, kerb and/or gutter layer Labourer bending, reinforcing steel to pattern or plan Cement gun operator - other Assistant concrete pump operator Pressure grouter's assistant Construction Worker - Group 2 Bricklayer's labourer Cement - labourer loading, unloading and/or stacking Crane chaser Erector structural steel Greaser attending machinery cable way above ground level Worker - placing precast blocks and metal strips in reinforced earth constructions Machine drill and/or tool sharpener Machineperson and/or pneumatic pickperson Timberperson up to 6.1m in depth Pegperson and/or employee boning Powder monkey's assistant Preload wire winding machine operator Rigger's assistant and/or hemp rope splicer Storeperson				

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Classification	Base Weekly Rate	Base Hourly Rate	All Purpose Daily Hire Hourly Rate	Casual Hourly Rate
	\$	\$	\$	\$
Cylinder Sinking Employees working in cylinders or caissons with air pressure in rock, concrete, sandstone and/or strata other than earth less than 6.1 metres deep (26 cents per shift extra for each additional 6.1 metres of depth or part thereof)				
Civil Construction Worker - Grade 4	615.22	16.19	18.23	21.88
Civil Construction Worker - Grade 4 is comprised of the following classifications Construction Worker Other Wharf Preservation Operator (this rate is inclusive of any extra payment for the use of creosote and working afloat in a scow) Concrete Construction Central concrete batch plant - weigher and batcher (this rate is inclusive of any extra payment) Cement Gun Operator - wet - underground Manhole builder Concrete finisher Concrete kerb finisher & patcher (steel, wooden, rubber or mechanical trowels) Labourer placing and/or tack welding, reinforcing steel Pressure grouter Underground & Trench Excavation Tunnel miner - assisting All other labour in tunnelling crew Trench labourer over 6.1-12.2m Road Construction & Maintenance Hot mix plant operator, other				

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Classification	Base Weekly Rate	Base Hourly Rate	All Purpose Daily Hire Hourly Rate	Casual Hourly Rate
	\$	\$	\$	\$
Field assistant Storeperson Stone handling plant attendant Labourers engaged in the erection and placement of steel wire box gabions Land and Water Conservation & Irrigation Driller - hand boring plant Construction Worker Group 3 Augerperson - pneumatic or electrically powered augers and/or timber boring machines Frankipile operator Pile driver Powder monkey Scaffolder (certificated) Timberperson over 6.1m in depth Wire rope splicer (not being a certified rigger)				
Civil Construction Worker - Grade 5	631.18	16.61	18.66	22.39
Civil Construction Worker - Grade 5 is comprised of the following classifications Construction Worker Other Pile driver - loading on sheer legs or pile frame up to 30.5 tonnes lift Operator of mobile track drill independent rotation Concrete Construction Cement gun operator - dry - underground Road Construction & Maintenance Hot mix operator - plant with capacity of under 1474.2kg per batch				

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Classification	Base Weekly Rate	Base Hourly Rate	All Purpose Daily Hire Hourly Rate	Casual Hourly Rate
	\$	\$	\$	\$
Pug Mill Rated Capacity 1474.2kg per batch or equivalent Land and Water Conservation & Irrigation Gemco drill operator Trainee channel attendant Railway Construction - Group E: Operator track tamping machine Rail Protection Officer - Level 4 Construction Worker Group 4 Dogperson Rigger (certificated) and wire rope splicer				
Civil Construction Worker - Grade 6	644.86	16.97	19.03	22.84
Civil Construction Worker - Grade 6 is comprised of the following classifications Construction Worker Other Pile driver - loading on sheer legs or pile frame over 30.5 tonnes lift Road Construction & Maintenance Pug mill rated capacity 1474.7kg but less than 6000kg Underground & Trench Excavation Tunnel miner Shaft miner Concrete liner in tunnel Mechanical miner operator				
Civil Construction Worker - Grade 7	649.04	17.08	19.15	22.98
Civil Construction Worker - Grade 7 is comprised of the following classifications Road Construction & Maintenance Pug mill rated capacity of 6000kg or more Land & Water Construction & Irrigation Percussion Drill Operator - Research				

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Classification	Base Weekly Rate	Base Hourly Rate	All Purpose Daily Hire Hourly Rate	Casual Hourly Rate
	\$	\$	\$	\$
Civil Construction Worker - Grade 8	651.32	17.14	19.21	23.05
Civil Construction Worker - Grade 8 is comprised of the following classifications Construction Worker Other Labourer - using boat for the recovery of flotsam and jetsam Diver				
Civil Construction Worker - Grade 9	664.24	17.48	19.56	23.47
Civil Construction Worker - Grade 9 is comprised of the following classifications Underground & Trench Excavation Miner attending tunnel boring machine				
Civil Construction Worker - Grade 10	685.90	18.05	20.15	24.18
Civil Construction Worker - Grade 10 is comprised of the following classifications Underground & Trench Excavation Miner operating tunnel boring machine				

Youths	Percentage of Civil Construction Worker Grade 2 (\$15.12)				
	%				
At 15 years of age	50.5	290.32	7.64	9.41	11.29
At 16 years of age	61.5	353.40	9.30	11.12	13.34
At 17 years of age	71.5	410.78	10.81	12.68	15.22