

**From:** Phil Eberhard  
**Sent:** Thursday, 23 February 2017 2:15 PM  
**To:** Chambers - Gostencnik DP  
**Subject:** Plumbing and Fire Sprinklers Award

Deputy President

**Clause 20.3(f)**

During the Fair Work Commission Conference on 6 February 2017, the Master Plumbers Group, NFIA and Plumbers Union undertook to review Clause 20.3(f). Unfortunately, only the Master Plumbers Group and NFIA met. The Plumbers Union were unavailable due to important other matters that arose on the day.

It was originally suggested that the insertion of the words “fire sprinkler fitter tradesperson” may well have overcome the definitional / interpretational issues in the clause. It is our view that they do not.

The Master Plumbers Group and NFIA would propose that the words “Adult fire sprinkler fitter employees” be deleted and “A fire sprinkler fitter tradesperson and a sprinkler fitting worker” inserted in lieu thereof.

We had considered inserting words that cross – referenced apprentices (Clauses 18.2(b)(iii), 18.2(c)(iii) and 18.3(a)(iii))- however, felt that that made the clause too messy and confusing.

The proposed clause would read:-

- (f) Industry disability allowance and space, height and dirt money allowance—fire sprinkler fitter employees**
  - (i) A fire sprinkler fitter tradesperson and a sprinkler fitting worker will receive the following additional weekly allowances for all purposes.

<b>Allowance</b>	<b>\$ Per week</b>
Industry disability allowance	\$29.77
Space, height and dirt money	\$27.42

The Master Plumbers Group and the NFIA think that the proposed amendment accurately reflects the present circumstances.

**Clause 22**

The Master Plumbers Group have sought the variation of this particular clause.

That variation is currently being considered within the substantive variations.

It is the Master Plumbers Group view that submissions on changes proposed to this particular clause are best dealt with in the substantive issues proceedings. Not during the technical and drafting proceedings.

On this basis, the Master Plumbers Group will not, at this stage, comment on the proposed amendments submitted by FPAA.

From the Master Plumbers Group point of view, it is best that the applications seeking variation to Clause 22 be considered at the one time; not at different times in different forums.

However, having said that it would be the Master Plumbers Group view that the two (2) questions posed by MPANSW would be answered in the following way:-

### **Example 1**

Given that the employees had been provided with more than forty eight (48) hours' notice and the shifts lasted for "five or more consecutive shifts":-

For all hours worked on Monday, Tuesday, Wednesday, Thursday and Friday night till 12.00 midnight, the employee would be paid 133%.

From 12.00 midnight till 6.00 a.m. Saturday, the employee would be paid time and a half (150%) from 12.00 midnight till 2.00 a.m. and then double time (200%) from 2.00 a.m. till 6.00 a.m.

### **Example 2**

Given that the employees had been provided with more than forty eight (48) hours' notice and the shifts lasted for "five or more consecutive shifts":-

For all hours worked Wednesday, Thursday and Friday night till 12.00 midnight, the employee would be paid 133%.

From 12.00 midnight till 6.00 a.m. Saturday, the employee would be paid time and a half (150%) from 12.00 midnight till 2.00 a.m. and then double time (200%) from 2.00 a.m. till 6.00 a.m.

For hours worked between 10.00 p.m. and 12.00 midnight Sunday, the employee would be paid double time (200%).

For hours worked between 12.00 midnight and 6.00 a.m. Monday, the employee would be paid 133%.

There would also be an argument to say that the employee needs to be paid for thirty eight (38) hours each week, not thirty seven and a half (37.5) as in the example. This is because there doesn't appear to have been any consideration of a meal break for the employees in the hours referenced.

Finally, from the Master Plumbers Group view I express a concern that select parties are seeking to have discussions without the input of all of the parties to the proceedings, where such arrangements had not been discussed in the FWC Conference . It is the Master Plumbers Group view that any proposal should be shared with all parties to the proceedings; not a select few. This will give all of the parties the opportunity to comment.

Thanks.

Phil

**Phil Eberhard**

Senior Workplace Relations Advisor

