



# DRAFT DETERMINATION

*Fair Work Act 2009*

s.156 - 4 yearly review of modern awards

## **4 yearly review of modern awards—Construction awards** (AM2016/23)

### **PLUMBING AND FIRE SPRINKLERS AWARD 2010** [MA000036]

Building, metal and civil construction industries

VICE PRESIDENT HATCHER  
DEPUTY PRESIDENT HAMILTON  
DEPUTY PRESIDENT GOSTENCNIK  
COMMISSIONER GREGORY  
COMMISSIONER HARPER-GREENWELL

SYDNEY, XX MONTH 2018

*4 yearly review of modern awards – Group 4 awards – Construction awards – Plumbing and Fire Sprinklers Award 2010 – substantive matters*

A. Further to the Full Bench decision issued by the Fair Work Commission on 26 September 2018 [[\[2018\] FWCFB 6019](#)], the above award is varied as follows:

1. By deleting clause 32 and inserting the following:

### **32. Penalty rates**

#### **32.1 Shiftwork**

##### **(a) Between Midnight on Sunday and Midnight on Friday**

- (i) Where an employee is directed by the employer to work ordinary hours between midnight on Sunday and midnight on Friday, and such employee is:
- given no less than 48 hours' notice prior to the commencement of shiftwork by the employer; and
  - such work is for five or more consecutive shifts;

the employee will receive a loading of 33% calculated on their ordinary hourly rate of pay for such ordinary hours worked, or,

(ii) where such employee is:

- given less than 48 hours' notice prior to the commencement of shiftwork by the employer; or
- (directed by the employer to work ordinary hours between midnight on Sunday and midnight on Friday for less than five consecutive shifts;

the employee will receive a loading of 50% for the first two hours and 100% thereafter calculated on their minimum hourly rate of pay for such ordinary hours worked.

**(b) Between midnight on a Friday and midnight on a Saturday**

Where an employee is directed by the employer to work ordinary hours between midnight on a Friday and midnight on a Saturday, such employee will receive:

- (i) a 50% loading calculated on their minimum hourly rate of pay for the first two ordinary hours worked; and
- (ii) a 100% loading calculated on their minimum hourly rate of pay for the remaining ordinary hours worked thereafter.

**(c) Between midnight on a Saturday and midnight on a Sunday**

Where an employee is directed by the employer to work ordinary hours between midnight on a Saturday and midnight on a Sunday, such employee will receive a 100% loading calculated on their minimum hourly rate of pay for such ordinary hours worked.

**(d) Public holidays**

- (i) Where an employee is directed to work ordinary hours on a public holiday or substitute days as prescribed in clause 37—Public holidays, such employee will receive a 150% loading calculated on their minimum hourly rate of pay, for such ordinary hours worked.
- (ii) A plumbing and mechanical services employee required to perform any work on a public holiday will be afforded at least four hours' work or paid for four hours at the appropriate rate.

## **32.2 Travel**

Where an employee, after having worked a shift, finishes at a time when reasonable means of transport are not available, the employer will provide the employee with a

conveyance to their home, or pay the employee their current wage for the time reasonably spent occupied in reaching their home.

### **32.3 Loadings**

- (a) All loadings will be exclusive of each other (i.e. only one loading will be payable at any given time).
- (b) Loadings will not apply where overtime is payable

### **32.4 Breaks**

An employee directed to work ordinary hours in accordance with clause 32.1—Shiftwork will be allowed a meal break in accordance with clause 30.1—Meal Breaks and a daily rest break in accordance with clause 30.3—Daily Rest Breaks.

### **32.5 Overtime**

An employee directed to work overtime after having worked / or before working ordinary hours in accordance with clause 32.1—Shiftwork, will be paid in accordance with clause 33—Overtime.

2. By updating the cross-references accordingly.

B. This determination comes into operation from **X December 2018**. In accordance with s.165(3) of the Fair Work Act 2009 this determination does not take effect until the start of the first full pay period that starts on or after **X December 2018**.

VICE PRESIDENT

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