



Australian Government

# Fair Work

## OMBUDSMAN

### PAY AND CONDITIONS GUIDE

#### **Electrical, Electronic and Communications Contracting Award 2010 [MA000025] ('modern award')**

replacing terms and conditions in or derived from

#### **Electrical Contracting Industry Award [AN160108] ('pre-modern award')**

**(WA)**

Effective from 01 July 2011.

Published 20 December 2011 

#### **Background**

This guide was developed by the Fair Work Ombudsman to assist employers and employees covered by this modern award, pre-modern award and pay scales derived from this pre-modern award to identify minimum wages, penalties, loadings and allowances.

#### **Transitional arrangements**

Modern awards commenced operation on 01 January 2010. However, minimum wage, loading and penalty entitlements commence from 01 July 2010. Almost all modern awards include provisions to 'transition' employers and employees from their pre-modern award to the modern award system.

This modern award includes transitional provisions that provide for the 'phasing in' of increases or decreases in minimum wages, penalties and loadings in the modern award in 5 increments over 4 years from 01 July 2010. All other terms and conditions in this modern award apply in full from 01 January 2010.

The rates in this guide are current from the first pay period on or after 01 July 2011. The rates set out in this guide will change from the first full period on or after 01 July each year to take account of Fair Work Australia's annual wage review and transitional arrangements. The rates may also change as a result of a Fair Work Australia decision to vary the modern award or pay and condition entitlements of the modern award from time to time.

#### **Transitional arrangements for Division 2B State awards**

Division 2B State awards (other than Division 2B enterprise awards) terminate at the end of 31 December 2010 and, from 1 January 2011, employers and employees are covered by the relevant modern award. However, most modern awards provide that all the terms of Division 2B State awards continue to apply until the end of the full pay period which started before 1 February 2011.

The employers affected include sole traders, partnerships, other unincorporated entities and non-trading corporations in New South Wales, Queensland, South Australia and Tasmania who are covered by a Division 2B State award.

From the first full pay period starting on or after 1 February 2011, an employer who was covered by a Division 2B State award, must comply with all of the terms and conditions contained in their relevant modern award, and any transitional arrangements that apply. Transitional arrangements in most modern awards for Division 2B State award employers provide that from the first full pay period starting on or after 1 February 2011, they must pay at least the same minimum wage rates, penalties and loadings as national system employers who are transitioning from the equivalent NAPSA. There are some exceptions and special transitional arrangements that apply in certain situations. If you require help determining whether these exceptions or special transitional arrangements apply to you, please contact the Fair Work Infoline on 13 13 94.

Note: Modern awards are not intended to reduce an employee's take-home pay. An employee or his/her union can apply to Fair Work Australia for a take-home pay order to remedy any reduction in his/her overall take-home pay.

### **Who should use the guide?**

Employees and employers who were entitled to terms and conditions in or derived from this pre-modern award and who are now covered by this modern award.

The guide contains information from this modern award about:

- who the modern award covers;
- wage rates, including rates for casual employees, junior employees, trainees and apprentices;
- penalty rates for working at particular times or under particular arrangements;
- allowances; and
- other conditions of employment.

### **What if an agreement applies to employees covered by the modern award?**

Minimum wage entitlements in a modern award override lesser wage entitlements in an agreement or contract of employment at all times, including agreements and contracts that were made before the commencement of the *Fair Work Act 2009*. All employees covered by the modern award must not be paid less than the rate of pay in the modern award.

However, the penalty rates and allowances in the modern award do not apply to agreement-covered employees, unless the agreement is read in conjunction with the modern award (e.g. a pre-reform certified agreement (a type of collective agreement made before 27 March 2006)).

If you require assistance with any provisions of this guide please contact the **Fair Work Infoline** on **13 13 94**.

## **Coverage**

This industry award covers employers throughout Australia in the industry of electrical services provided by electrical, electronics and communications contractors and their employees in the classifications within this instrument to the exclusion of any other modern award.

Without limiting the generality of that exclusion, the award does not cover:

- employers who are manufacturers or vendors of plant or equipment in high or low tension power stations; and/or substations for the generation and/or transmission of electric power

in respect of the manufacturing section of the business or their employees engaged in that section, or

- employers operating a business, the primary purpose of which is the manufacture and/or vending of plant and equipment in respect of those parts or divisions of the business which predominantly engage in the manufacture and/or vending of plant and equipment or the installation, assembly, refurbishment and maintenance of that plant and equipment or their employees engaged in that part or division.

The award does not cover an employee excluded from award coverage by the Act.

The award does not cover employees who are covered by a modern enterprise award, or an enterprise instrument (within the meaning of the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 (Cth)), or employers in relation to those employees.

The award does not cover employees who are covered by a State reference public sector modern award, or a State reference public sector transitional award (within the meaning of the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 (Cth)), or employers in relation to those employees.

This award covers any employer which supplies labour on an on - hire basis in the industry in respect of on - hire employees in classifications covered by this award, and those on - hire employees, while engaged in the performance of work for a business in that industry. This subclause operates subject to the exclusions from coverage in this award.

This award covers employers which provide group training services for apprentices and/or trainees engaged in the industry and/or parts of industry set out in this instrument and those apprentices and/or trainees engaged by a group training service hosted by a company to perform work at a location where the activities described herein are being performed. This subclause operates subject to the exclusions from coverage in this award.

Electrical services include:

- maintenance of electric power distribution lines and associated work
- the installation of electric light and power, all classes of assembly, wiring, repair and maintenance of electrical installations and appliances including, without in any way limiting the generality of the foregoing, the assembling, installing, diagnosing, servicing and rectifying of faults in any of the following:
  - electronic products,
  - television and radio transmitting devices,
  - telemetry systems and ancillary equipment,
  - multiple access television distribution systems,
  - computers and their peripherals,
  - microwave and associated equipment,
  - electrically operated refrigeration and air conditioning plant and/or equipment,
  - telephone communication devices,
  - fibre optic transmission lines and associated equipment,
  - public address systems,
  - domestic satellite television receivers,
  - maritime electronic equipment,
  - security alarm systems,
  - fire alarm systems,
  - superconductivity systems and associated equipment,
  - electromagnetic devices,
  - instrumentation,
  - all work incidental to the above.

Where an employer is covered by more than one award, an employee of that employer is covered by the award classification which is most appropriate to the work performed by the employee and to the environment in which the employee normally performs the work.

## **Wages**

This modern award includes transitional arrangements that apply to minimum wage entitlements from the first pay period on or after 01 July 2010 until the first pay period on or after 01 July 2014 (when modern award wages commence in full).

The following wage tables set out base rates of pay for classifications under the modern award.

It also sets out how the modern award classification matches up with pre-modern award classification. If there is no classification match the employee may be covered by another pre-modern award, or another modern award, such as a modern award that covers the employee's occupation rather than the industry.

The base rates of pay in this guide include any applicable industry allowance. The base rates of pay also include any increase from Fair Work Australia's annual wage review. For more information about transitional arrangements for minimum wage entitlements, please visit [www.fairwork.gov.au](http://www.fairwork.gov.au)

### **Casual employees**

The rates for casual employees set in the table below are minimum rates for **ordinary hours** only.

Please visit [www.fairwork.gov.au](http://www.fairwork.gov.au) for information about penalty entitlements for casual employees.

\*Post 26 March 2006 employer

Wage rates for casual employees of employers that became part of the national system after 26 March 2006 do not include annual leave loading because those employees did not have a pre-modern award entitlement to annual leave loading.

### **Adult**

The rates in this guide are current from the first pay period on or after 01 July 2011 until the final pay period before 01 July 2012 only.

### **Full & Part Time**

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Electrical worker grade 2	Level 5, Electrical assistant	\$16.96
Electrical worker grade 3	Level 5, Electrical assistant	\$17.46
Electrical worker grade 4	Level 5, Electrical assistant	\$17.70
Electrical worker grade 5	Level 2, (bb) Instrument fitter/electrical - grade 2	\$19.61
Electrical worker grade 5	Level 3, (aa) Electrical installer/mechanic	\$18.73
Electrical worker grade 5	Level 3, (bb) Electrical fitter	\$18.73
Electrical worker grade 5	Level 3, Instrument fitter/ electrical - grade 1	\$19.39

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Electrical worker grade 5	Level 3, (dd) Linesperson grade 1 (has not less than 3 yrs experience as linesperson)	\$18.73
Electrical worker grade 5	Level 3, (ee) Cable jointer	\$18.73
Electrical worker grade 5	Level 4, Linesperson - grade 2 (i.e. with less than 3 years experience as a linesperson)	\$18.73
Electrical worker grade 6	Level 2, (bb) Instrument fitter/electrical - grade 2	\$19.85
Electrical worker grade 6	Level 3, (aa) Electrical installer/mechanic	\$19.29
Electrical worker grade 6	Level 3, (bb) Electrical fitter	\$19.29
Electrical worker grade 6	Level 3, Instrument fitter/electrical - grade 1	\$19.29
Electrical worker grade 6	Level 3, (dd) Linesperson grade 1 (has not less than 3 yrs experience as linesperson)	\$19.29
Electrical worker grade 6	Level 3, (ee) Cable jointer	\$19.29
Electrical worker grade 6	Level 4, Linesperson - grade 2 (i.e. with less than 3 years experience as a linesperson)	\$19.10
Electrical worker grade 7	Level 1, Electronics tradesperson	\$20.95
Electrical worker grade 7	Level 2, (aa)-Electrician special class	\$20.18
Electrical worker grade 8	Level 1, Electronics tradesperson	\$21.37
Electrical worker grade 8	Level 2, (aa)-Electrician special class	\$20.61

Industry allowance is included in the rates of pay in the table above.

### **Casual and Apprentice rates are currently unavailable for this Pay and Conditions Guide**

#### **Trainee**

Trainee provisions are not covered in this Modern Award.

#### **Supported Wage**

Please refer to clause Schedule C of the modern award.

For detail of the supported wage provisions see the full version of the modern award.

## **Penalties and Loadings (other than casual or part-time loadings for ordinary hours)**

Where an employee had an entitlement to a loading/penalty rate before 01 January 2010 that is exactly the same as the modern award loading/penalty entitlement the modern award loading/penalty applies in full from 01 January 2010.

### **Transitional arrangements**

This modern award includes transitional arrangements that apply to loading/penalty entitlements where there is a difference in modern award and pre-modern award loading/penalty entitlements. Transitional arrangements apply from the first pay period on or after 01 July 2010 until the first pay period on or after 01 July 2014 (when modern award loadings/penalties apply in full).

Different arrangements apply depending on whether the entitlements are "equivalent" or not.

- A pre-modern award loading/penalty will be "equivalent" to a modern award entitlement where the loading/penalty applies:
  - for the same purpose (e.g. Saturday penalty);
  - for the same time periods; and
  - in the same way#.
- #A pre-modern award and modern award loading/penalty applies in the same way if the entitlements are both:
  - paid at the same frequency, such as per hour or per shift; and
  - paid as a percentage of the same amount (e.g. both penalties are paid as a percentage of the employee's classification rate, rather than as a percentage of a different amount or paid as a flat dollar amount).

Casual loadings and penalties also need to interact with each other in the same way in the pre-modern award and modern award to be equivalent (e.g. the loading and penalty rate are calculated on the base hourly rate in both instruments).

### **Equivalent entitlements**

If the pre-modern award loading/penalty rate is "equivalent" to the modern award loading/penalty rate the penalty rate is calculated as follows:

1. The difference between the two loading/penalty rates is referred to as a "transitional percentage". The transitional percentage stays the same every year.
2. A proportion of the transitional percentage is calculated each year as follows:

<b>First full pay period on or after</b>	<b>Proportion of transitional percentage</b>
01 July 2010	80%
01 July 2011	60%
01 July 2012	40%
01 July 2013	20%
01 July 2014	0%

3. Where the modern award loading/penalty is higher, the penalty rate is obtained by subtracting the proportion of the transitional percentage.

*Example:*

The table below shows the percentage penalty rates that apply from the first full pay period on or after 01 July 2010 until the last full pay period before 01 July 2011 for common penalty rates.

Please note the below table is a guide **only** and can only be used when the entitlements are equivalent and the modern award penalty is higher.

<b>1/01/2010</b>	<b>1/07/2014</b>	<b>1/07/2010</b>
<b>Pre-modern award penalty</b>	<b>Modern award penalty</b>	<b>Penalty rate (phased)</b>
25%	50%	30%
50%	75%	55%
50%	100%	60%
75%	100%	80%

4. Where the modern award loading/penalty is lower, the penalty rate is obtained by adding the proportion of the transitional percentage.

*Example:*

The table below shows the percentage penalty rates that apply from the first full pay period on or after 01 July 2010 until the last full pay period before 01 July 2011 for common penalty rates.

Please note the below table is a guide **only** and can only be used when the entitlements are equivalent and the modern award penalty is lower.

<b>1/01/2010</b>	<b>1/07/2014</b>	<b>1/07/2010</b>
<b>Pre-modern award penalty</b>	<b>Modern award penalty</b>	<b>Penalty rate (phased)</b>
50%	25%	45%
75%	50%	70%
100%	50%	90%
100%	75%	95%

**Entitlements that are not equivalent**

If pre-modern award and modern award penalty rates are not "equivalent", the following approach applies:

1. Loadings/penalty rates from a modern award are phased in from zero in five instalments of 20% by multiplying the penalty rate by the following percentage:

<b>First full pay period on or after</b>	<b>Percent of modern award loading/penalty</b>
01 July 2010	20%
01 July 2011	40%
01 July 2012	60%
01 July 2013	80%
01 July 2014	100%

2. Pre-modern award loadings/penalty rates are phased out to zero in five instalments of 20% by multiplying the penalty rate by the following percentage:

<b>First full pay period on or after</b>	<b>Percent of pre-modern award loading/ penalty</b>
01 July 2010	80%
01 July 2011	60%
01 July 2012	40%
01 July 2013	20%
01 July 2014	0%

Please note that a pre-modern award penalty rate can be 'phased out' at the same time that a modern award penalty is 'phasing in' (i.e. where different entitlements apply in the same time period). This means that two different rates may apply for the same time period.

*Example:*

The table below shows the percentage penalty rates that apply from the first full pay period on or after 01 July 2010 until the last full pay period before 01 July 2011 for common penalty rates.

Please note the below table is a guide **only** and can only be used when the entitlements are not equivalent.

<b>1/01/2014</b>	<b>1/07/2010</b>
<b>Modern award penalty</b>	<b>Penalty rate (phased)</b>
	<b>(20.00%)</b>
10.00%	2.00%
20.00%	4.00%
25.00%	5.00%
50.00%	10.00%
75.00%	15.00%
100.00%	20.00%
120.00%	24.00%
125.00%	25.00%
130.00%	26.00%
150.00%	30.00%

<b>1/01/2010</b>	<b>1/07/2010</b>
<b>Pre-modern award penalty</b>	<b>Penalty rate (phased)</b>
	<b>(80.00%)</b>
10.00%	8.00%
20.00%	16.00%
25.00%	20.00%
50.00%	40.00%
75.00%	60.00%
100.00%	80.00%
120.00%	96.00%
125.00%	100.00%
130.00%	104.00%
150.00%	120.00%

**New entitlements**

Where an employee did not have a particular loading/penalty entitlement before 01 January 2010, the modern award loading/penalty is phased in from zero as a new entitlement from the first pay period on or after 01 July 2010 by multiplying the penalty rate by the following percentage:

<b>First full pay period on or after</b>	<b>Percent of modern award loading/ penalty</b>
01 July 2010	20%
01 July 2011	40%
01 July 2012	60%
01 July 2013	80%
01 July 2014	100%

*Example:*

The table below shows the percentage penalty rates that apply from the first full pay period on or after 01 July 2010 until the last full pay period before 01 July 2011 for common penalty rates.



Please note the below table is a guide **only** and can only be used when the entitlements in the modern award are new.

<b>1/07/2014</b>	<b>1/07/2010</b>
<b>Modern award penalty</b>	<b>Penalty rate (phased)</b>
25%	5%
50%	10%
75%	15%
100%	20%

For more information about transitional arrangements for loading/penalty entitlements please visit [www.fairwork.gov.au](http://www.fairwork.gov.au) and/or contact the **Fair Work Infoline** on **13 13 94** for advice and assistance.

## **Allowances**

\* **All-purpose allowances** - All-purpose allowances are payable for all-purposes of the award.

# **Special allowances** - Special allowances are not cumulative. Where more than one of the disabilities which entitles an employee to the payment of a special allowance occurs, the employer will be bound to pay only one rate, being the highest rate for the applicable disabilities.

Special allowances are not subject to penalty additions. The special allowances will be paid irrespective of the times at which the work is performed, and will not be subject to any premium or penalty additions.

Allowances in modern awards apply in full from 01 January 2010 (although the rates may change from time to time).

### **All states covered by this instrument Full Time, Part Time, Casual**

<b>Clause</b>	<b>Allowance Type</b>	<b>Description</b>	<b>Effective Date</b>	<b>Rate</b>
17.2(a)	Industry allowance	This allowance applies to adult employees. It is an all purpose allowance of 3.7% of the standard rate (electrical worker grade 5) and will be paid to compensate for the disabilities associated with on site work: <ul style="list-style-type: none"><li>- climatic conditions</li><li>- the physical disadvantage of having to climb stairs or ladders</li><li>- the disability of dust and fumes blowing in the wind, brick dust and drippings from newly poured concrete</li><li>- sloppy and muddy conditions associated with the initial stages of on site construction work</li><li>- the disability of working on all types of scaffolding, exc. swing scaffolding</li><li>- the lack of permanent usual amenities associated with factory work</li></ul>	1/07/2011	\$0.6681 per hour (3.70%)
17.2(b)	Tool allowance	The tool allowance applies per week to all adult employees at and above an electrical worker grade 5, electrical workers and all apprentice employees performing duties of television	1/07/2010	\$0.4818 per hour

Clause	Allowance Type	Description	Effective Date	Rate
		antenna installer / erector or television / radio / electronic equipment serviceperson and all apprentice employees in full and must be paid for all purposes of the award for the purpose of an employee maintaining an adequate kit of tools.		
17.2(c)	Electrician's licence allowance	This allowance applies to an adult electrical worker who is an electrical mechanic who holds and in the course of their duties may be required to use an unrestricted licence. This is an all purpose allowance paid at 3.6% of the standard rate (electrical worker grade 5).	1/07/2011	\$0.6501 per hour (3.60%)
17.2(d)	Leading hands - In charge of 3 to 10 employees	This allowance applies to adult leading hands in charge of 3 to 10 employees and is paid at 4.3% of the standard rate (electrical worker grade 5) above the rates of the highest classification supervised or their own rate, whichever is highest.	1/07/2011	\$0.7765 per hour (4.30%)
17.2(d)	Leading hands - In charge of 11 to 20 employees	This allowance applies to adult leading hands in charge of 11 to 20 employees and is paid at 6% of the standard rate (electrical worker grade 5) above the rates of the highest classification supervised or their own rate, whichever is highest.	1/07/2011	\$1.0835 per hour (6.00%)
17.2(d)	Leading hands - In charge of 21 or more employees	This allowance applies to adult leading hands in charge of more than 20 employees and is paid at 8.1% of the standard rate (electrical worker grade 5) above the rates of the highest classification supervised or their own rate, whichever is highest.	1/07/2011 - 18/12/2011	\$1.4627 per hour (8.10%)
17.2(e)	Nominee allowance	This allowance applies to an adult electrical mechanic (electrical worker grade 5) who holds the relevant State electrical licence and acts as a nominee for an electrical contractor. This is an all purpose allowance paid at 9.2% of the standard rate (electrical worker grade 5)	1/07/2011	\$1.6613 per hour (9.20%)
17.2(f)	Electrical distribution line	This allowance applies to an adult employee engaged on tree clearing and work associated with the maintenance of electrical	1/07/2011	\$1.3905 per hour (7.70%)

Clause	Allowance Type	Description	Effective Date	Rate
	maintenance and tree clearing allowance	distribution lines and is paid at 7.7% of the standard rate (electrical worker grade 5).		
17.2(g)	Ordering Materials - for jobs 5 days or more	For employees engaged in the building and construction industry, an additional weekly all-purpose allowance must be paid when an employee is left in charge of a job which is of a duration of one week or more, and is required to order materials for a job on which two employees (including the person receiving the extra payment) are engaged. This amount will only be paid when 4 or more days in a pay period are spent on such duties.  This allowance is not payable to an employee receiving a leading hand allowance.	1/07/2011	\$0.3612 per hour (2.00%)
17.2(g)	Ordering Materials - for jobs 4 days or less	For employees engaged in the building and construction industry, an additional weekly all-purpose allowance must be paid when an employee is left in charge of a job which is of a duration of one week or more, and is required to order materials for a job on which two employees (including the person receiving the extra payment) are engaged. This amount will only be paid when 4 or more days in a pay period are spent on such duties.  This allowance is not payable to an employee receiving a leading hand allowance.	1/07/2011	\$0.0722 per hour (0.40%)
17.3(a)(i)	Meal allowance	An employee required to work overtime for 2 or more hours without being notified on the previous day or earlier that the employee will be required to work must either be supplied with a meal by the employer or be paid an amount for the first meal and for each subsequent meal. Such payment need not be	1/07/2011	\$13.1800 per occasion

Clause	Allowance Type	Description	Effective Date	Rate
		made to employees living in the same locality as their employment who can reasonably return home for meals.		
17.3(b)	First aid allowance	An employee who has been trained to render first aid and who is the current holder of appropriate first aid qualifications such as a certificate from the St John Ambulance or similar body must be paid the allowance if the employee is appointed by the employer to perform first aid duty.	1/07/2011	\$0.3792 per hour. This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work (up to a maximum of 38 hours per week). (2.10%)
17.3(c)(i)	Compensation for loss of tools	An employer must compensate an employee by the payment of the allowance to replace tools lost by breaking and entering whilst securely stored at the employer's direction in a room or building on the employer's premises, job, workshop or in a lock-up to a maximum trade value.	1/01/2010	\$376.0000 per occasion
17.4(a)(iii)	Multistorey allowance	A multistorey allowance must be paid to all employees on-site engaged in the construction of a multistorey building of between 0-15 floors.	1/07/2011	\$0.4695 per hour (2.60%)
17.4(a)(iii)	Multistorey allowance	A multistorey allowance must be paid to all employees on-site engaged in the construction of a multistorey building of between 16-30 floors.	1/07/2011	\$0.5779 per hour (3.20%)
17.4(a)(iii)	Multistorey allowance	A multistorey allowance must be paid to all employees on-site engaged in the construction of a multistorey building of between 31-45 floors.	1/07/2011	\$0.8848 per hour (4.90%)

Clause	Allowance Type	Description	Effective Date	Rate
17.4(a)(iii)	Multistorey allowance	A multistorey allowance must be paid to all employees on-site engaged in the construction of a multistorey building of between 46-60 floors.	1/07/2011	\$1.1196 per hour (6.20%)
17.4(a)(iii)	Multistorey allowance	A multistorey allowance must be paid to all employees on-site engaged in the construction of a multistorey building of more than 60 floors.	1/07/2011	\$1.4266 per hour (7.90%)
17.4(b)	Towers allowance	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), lift shaft, service shaft, cooling tower or silo, where the construction exceeds 15 metres in height will be paid the allowance: - for all work above 15 metres, and - for work above each further 15 metres.	1/07/2011	\$0.5779 per hour (3.20%)
17.5(b)	Vehicle allowance	An employer must pay an employee the allowance as compensation for expenses where the employee, by agreement with their employer, uses their own motor vehicle for certain travel.	1/01/2010	\$0.7400 per kilometre
17.5(c)	Travel time allowance	All adult employees must be paid the allowance for each day on which they present themselves for work. The allowance must also be paid for rostered days off.	1/07/2010	\$4.9900 per day
17.5(d)(i)	Fares and travelling time	<b>Start and/or finish on job</b> When required by the employer to start and/or cease work on the job site where the job site is situated up to 50kms from the employer's registered office or depot(s).  This allowance is also payable where the job site is situated more than 50 kms from the employer's registered office or depot(s), plus a payment for travelling time for each occasion the distance in excess of 50 kilometres is travelled either to	1/07/2010	\$16.2500 per day

Clause	Allowance Type	Description	Effective Date	Rate
		<p>start work on the job site or after ceasing work on the job site, with a minimum payment of a quarter of an hour, plus payment for incidental expenses actually incurred.</p> <p>The allowance does not apply when the employee is required to start and finish work at the employer's registered office or depot.</p>		
17.5(d)(iii)	Fares and travelling time	<p><b>Start and/or finish on job</b> Where the employer offers to provide transport free of charge, whether from the employee's home or the employer's registered office or depot.</p> <p>The allowance does not apply when the employee is required to start and finish work at the employer's registered office or depot.</p>	1/07/2010	\$2.9000 per day
17.5(f)	Vehicle allowance	Motor allowance for use of private vehicle for business purposes. Employees who in the service of their employer use their own vehicles at the request of their employer will be paid the allowance.	1/01/2010	\$0.7400 per kilometre
17.6(a)(i)	Away from home/ usual place of employment	<p>On distant work the employer must provide reasonable board and lodging or pay the allowance.</p> <p>In the case of broken parts of a week occurring at the beginning or end of a period of distant work, the allowance will be all living expenses incurred but not exceeding the said amount.</p> <p>This allowance will not constitute wages.</p>	1/01/2010	\$398.8000 per week
17.6(a)(iii)	Meal allowance	For all meals not included in the cost of fares or accommodation arranged by the employer.	1/07/2011	\$13.1800 per meal

Clause	Allowance Type	Description	Effective Date	Rate
26.6	Other	Where an employee is on availability duty, the employee must be paid the allowance and if required to work must be paid at the appropriate rate for actual time worked (based on electrical worker grade 5).	1/07/2011	\$60.3856 per week (334.40%)

### Full Time

Clause	Allowance Type	Description	Effective Date	Rate
17.2(a)	Industry Allowance - Jr Apprentices - First Yr - All States	This industry allowance applies to 1st year junior apprentices in all states and is paid at 40% of the adult allowance rate to compensate for the disabilities associated with on site construction work.	1/07/2011	\$0.2673 per hour (40.00%)
17.2(a)	Industry Allowance - Jr Apprentices - Second Yr - All States	This industry allowance applies to 2nd year junior apprentices in all states and is paid at 52% of the adult allowance rate to compensate for the disabilities associated with on site construction work.	1/07/2011	\$0.3474 per hour (52.00%)
17.2(a)	Industry Allowance - Jr Apprentices - Third Yr - All States	This industry allowance applies to 3rd year junior apprentices in all states and is paid at 70% of the adult allowance rate to compensate for the disabilities associated with on site construction work.	1/07/2011	\$0.4677 per hour (70.00%)
17.2(a)	Industry Allowance - Jr Apprentices - Fourth Yr - All States	This industry allowance applies to 4th year junior apprentices in all states and is paid at 82% of the adult allowance rate to compensate for the disabilities associated with on site construction work.	1/07/2011	\$0.5479 per hour (82.00%)



<b>Clause</b>	<b>Allowance Type</b>	<b>Description</b>	<b>Effective Date</b>	<b>Rate</b>
17.2(c)	Electrician's licence allowance - junior apprentice - first year	This allowance applies to a 1st year electrical mechanic junior apprentice. This is an all purpose allowance paid at a percentage of the full adult allowance.	1/07/2011	\$0.2600 per hour (40.00%)
17.2(c)	Electrician's licence allowance - junior apprentice - second year	This allowance applies to a 2nd year electrical mechanic junior apprentice. This is an all purpose allowance paid at a percentage of the full adult allowance.	1/07/2011	\$0.3380 per hour (52.00%)
17.2(c)	Electrician's licence allowance - junior apprentice - third year	This allowance applies to a 3rd year electrical mechanic junior apprentice. This is an all purpose allowance paid at a percentage of the full adult allowance.	1/07/2011	\$0.4551 per hour (70.00%)
17.2(c)	Electrician's licence allowance - junior apprentice - fourth year	This allowance applies to a 4th year electrical mechanic junior apprentice. This is an all purpose allowance paid at a percentage of the full adult allowance.	1/07/2011	\$0.5331 per hour (82.00%)
17.5(c)	Travel time allowance	This allowance applies to 1st year junior apprentices in all states and is paid for each day they present themselves for work as well as for RDO's. It is paid at 40% of the adult allowance.	1/07/2010	\$1.9960 per day (40.00%)
17.5(c)	Travel time allowance	This allowance applies to 2nd year junior apprentices in all states and is paid for each day they present themselves for work as well as for RDO's. It is paid at 52% of the adult allowance.	1/07/2010	\$2.5948 per day (52.00%)
17.5(c)	Travel time allowance	This allowance applies to 3rd year junior apprentices in all states and is paid for each day they present themselves for work as well as for RDO's. It is paid at 70% of the adult allowance.	1/07/2010	\$3.4930 per day (70.00%)

Clause	Allowance Type	Description	Effective Date	Rate
17.5(c)	Travel time allowance	This allowance applies to 4th year junior apprentices in all states and is paid for each day they present themselves for work as well as for RDO's. It is paid at 82% of the adult allowance.	1/07/2010	\$4.0918 per day (82.00%)

## **Other Conditions**

The following conditions in the modern award apply in full from 1 January 2010. Please note that the below table is a summary of commonly applicable entitlements in the modern award, there may be other entitlements in the modern award that are relevant to particular employers or employees. Please refer to the modern award for full details.

**Note:** The National Employment Standards (**NES**) operate together with modern awards to provide minimum conditions of employment for employers and employees in the national system. The NES sets out ten minimum statutory entitlements that apply to all employees, including leave and termination of employment entitlements.

For more information about the NES, please visit [www.fairwork.gov.au](http://www.fairwork.gov.au)

## **All states covered by this instrument**

Clause	Conditions Type	Description
7	Award flexibility (Instrument)	<p>An employer and an individual employee may agree to vary the following terms of this award to meet the genuine needs of the employer and the individual employee with respect to:</p> <ul style="list-style-type: none"> <li>- arrangements for when work is performed</li> <li>- overtime rates</li> <li>- penalty rates</li> <li>- allowances</li> <li>- leave loading.</li> </ul> <p>Other conditions concerning award flexibility are contained within the Fair Work Act 2009.</p>

Clause	Conditions Type	Description
8	Consultation (Instrument)	<p>The award contains information on the employer's responsibility to consult regarding major workplace change including the:</p> <ul style="list-style-type: none"> <li>- duty to notify, and</li> <li>- duty to discuss change.</li> </ul>
9	Dispute resolution (Instrument)	The award sets out a dispute resolution procedure for dealing with disputes in relation to a matter under the award or the National Employment Standards (NES).
10.2	Part-time conditions (Instrument)	<p>A part-time employee is an employee who is engaged to work on a part-time basis for a constant number of hours for less than 38 hours per week.</p> <p>An employee engaged on a part-time basis will be entitled to payment in respect of annual leave, public holidays, and personal/carer's leave arising under this award and/or the NES on a proportionate basis.</p> <p>For each ordinary hour worked, a part-time employee will be paid no less than 1/38th of the all-purpose weekly wage rate for the relevant classification plus any applicable allowances.</p> <p>An employer must inform a part-time employee upon engagement of the ordinary hours of work and starting and finishing times.</p>
10.2(e)	Part-time conditions (Instrument)	<p><u>Public holidays</u></p> <p>Where the normal hours of a part-time employee fall on a public holiday and work is not performed by the employee, such employee will not lose pay for the day.</p> <p>Where the employee works on the holiday, such employee must be paid in accordance with the penalty provisions in this award.</p>
10.2(f)	Part-time conditions (Instrument)	<p><u>Overtime</u></p> <p>A part-time employee will not be required to work outside of the hours advised upon commencement unless urgent and/or unforeseen circumstances intrude. In such a case, the overtime provisions of this award apply.</p>

<b>Clause</b>	<b>Conditions Type</b>	<b>Description</b>
10.3(a)(b)(c) (d)	Casual conditions (Instrument)	<p>A casual employee is one engaged and paid as such. A casual employee's ordinary hours of work are the lesser of an average of 38 hours per week or the hours required to be worked by the employer.</p> <p>For each hour worked, a casual employee will be paid no less than 1/38th of the all-purpose weekly wage rate of pay for their classification plus a casual loading of 25%.</p> <p>The casual loading is paid instead of annual leave, paid personal/carer's leave, notice of termination, redundancy benefits and the other attributes of full-time or part-time employment.</p> <p>The overtime provisions in this award apply to casual employees.</p>
10.3(e)	Casual conditions (Instrument)	<p><u>Casual conversion to full-time or part-time employment</u></p> <p>A casual employee, other than an irregular casual employee, who has been engaged for a period of six months has the right to elect to have their contract of employment converted to full-time or part-time employment. Specific conditions apply – refer to the award for details.</p>
14.2	Termination of employment - notice of termination by an employee (Instrument)	The notice of termination required to be given by an employee is the same as an employer except there is no requirement to give additional notice based on age. If an employee fails to give the required notice the employer may withhold from any monies due on termination, the difference between the amount of notice required and the amount of notice actually given.
14.3	Termination of employment - job search entitlement (Instrument)	Where an employer has given notice of termination to an employee, an employee must be allowed up to one day's time off without loss of pay for the purpose of seeking other employment. The time off is to be taken at times that are convenient to the employee after consultation with the employer.
15.2	Redundancy (Instrument)	The rate for the purposes of the redundancy entitlement will be the all-purpose weekly wage rate of pay.
15.3	Redundancy - transfer to lower paid duties (Instrument)	Where an employee is transferred to lower paid duties by reason of redundancy, the same period of notice must be given as the employee would have been entitled to if the employment had been terminated. Alternatively, the employer may choose to pay the employee the difference between the former ordinary time rate of pay and the new ordinary time rate of pay for the number of weeks of notice still owing.

<b>Clause</b>	<b>Conditions Type</b>	<b>Description</b>
15.4	Redundancy - employee leaving during notice period (Instrument)	An employee given notice of termination in circumstances of redundancy may terminate their employment during the period of notice. The employee is entitled to receive the benefits and payments they would have received had they remained in employment until the expiry of the notice, but is not entitled to payment instead of notice.
15.5	Redundancy - job search entitlement (Instrument)	An employee given notice of termination in circumstances of redundancy must be allowed up to one day's time off without loss of pay during each week of notice for the purpose of seeking other employment.  If the employee has been allowed paid leave for more than one day, the employee must, by request, produce proof of attendance at an interview or they will not be entitled to payment for the time absent. For this purpose a statutory declaration is sufficient.
15.6	Redundancy (Instrument)	An employee will be entitled to a pro rata payment for any period of continuous service which is less than a full year at any of the year levels referred to.
15.7	Redundancy (Instrument)	Where an employer terminates the employment of an employee and the employer incurs a redundancy pay obligation to the employee under the NES, some or all of the benefit the employee receives from a redundancy pay fund may be set off against the employer's redundancy pay obligation under the NES, subject to certain conditions. Refer to the award for details.
15.8	Redundancy - transitional provisions (Instrument)	An employee is entitled to redundancy pay in accordance with the NAPSA that would have applied to the employee immediately prior to 1 January 2010, if the employee had at that time been in their current circumstances of employment and no agreement - based transitional instrument or enterprise agreement had applied to the employee, and that would have entitled the employee to redundancy pay in excess of the employee's entitlement to redundancy pay, if any, under the NES.  The employee's entitlement to redundancy pay under the NAPSA is limited to the amount of redundancy pay which exceeds the employee's entitlement to redundancy pay, if any, under the NES.  This clause does not operate to diminish an employee's entitlement to redundancy pay under any other instrument ceases to operate on 31 December 2014.
17.6(c)	Fares and travelling time (Instrument)	Where an employee is domiciled in the Territory of Christmas Island and is not entitled to travelling expenses, that employee is entitled to an annual return airfare for themselves and their spouse or de facto partner after 12 months' continuous service.

Clause	Conditions Type	Description
		<p>The airfare payable is the equivalent of a return economy airfare from Christmas Island to Perth.</p> <p>This clause ceases to operate on 31 December 2014.</p>
17.8	District allowance (Instrument)	<p>An employee in the Territory of Christmas Island is entitled to payment of a district allowance in accordance with the terms of an award made under the Workplace Relations Act 1996 (Cth), that would have applied to the employee immediately prior to 1 January 2010, if the employee had at that time been in their current circumstances of employment and no agreement - based transitional instrument or enterprise agreement had applied to the employee; and that would have entitled the employee to payment of a district allowance.</p> <p>This clause ceases to operate on 31 December 2014.</p>
18	Accident pay (Instrument)	<p>An employee is entitled to accident pay in accordance with the terms of:</p> <ul style="list-style-type: none"> <li>- a NAPSA that would have applied to the employee immediately prior to 1 January 2010 or an award made under the Workplace Relations Act 1996 (Cth) that would have applied to the employee immediately prior to 27 March 2006, if the employee had at that time been in their current circumstances of employment and no agreement - based transitional instrument or enterprise agreement had applied to the employee, and</li> <li>- that would have entitled the employee to accident pay in excess of the employee's entitlement to accident pay, if any, under any other instrument.</li> </ul> <p>The employee's entitlement to accident pay under the NAPSA or award is limited to the amount of accident pay which exceeds the employee's entitlement to accident pay, if any, under any other instrument.</p> <p>This clause does not operate to diminish an employee's entitlement to accident pay under any other instrument and ceases to operate on 31 December 2014</p>
22.2	Method of payment (Instrument)	<p>Wages must be paid by cash, cheque or electronic funds transfer into the employee's bank or other recognised financial institution account.</p>

Clause	Conditions Type	Description
		In the case of an employee paid by cheque, if the employee requires it, the employer is to have a facility available during ordinary hours for the employee to cash the cheque.
23	Superannuation (Instrument)	<p>The award contains information on:</p> <ul style="list-style-type: none"> <li>- the employers responsibility to make superannuation contributions to a superannuation fund</li> <li>- the ability for an employee to authorise their employer to pay on their behalf contributions to a superannuation fund</li> <li>- the employers responsibility to make superannuation contributions to another superannuation fund that is chosen by the employee.</li> </ul>
24	Hours of work (Instrument)	<p><u>Spread of hours—day workers</u></p> <p>The ordinary hours of work will be 6.00 am to 6.00 pm. Provided that the usual starting time and usual finishing time within the spread of hours may not be varied except by agreement of the employer and individual employee or the majority of the employees concerned.</p> <p>Provided that the spread of hours may be altered as to all or a section of the employees by agreement of the employer and the employee or majority of the employees.</p> <p><u>Work cycles—day workers</u></p> <p>The ordinary hours of work for day workers will be an average of 38 per week to be worked on one of the following bases:</p> <ul style="list-style-type: none"> <li>- 38 hours within a work cycle not exceeding seven consecutive days;</li> <li>- 76 hours within a work cycle not exceeding 14 consecutive days;</li> <li>- 114 hours within a work cycle not exceeding 21 consecutive days; or</li> <li>- 152 hours within a work cycle not exceeding 28 consecutive days.</li> </ul> <p><u>Twelve hour shifts</u></p> <p>By agreement between the employer and the majority of employees concerned, ordinary hours not exceeding 12 on any day may be worked subject to:</p>

Clause	Conditions Type	Description
		<ul style="list-style-type: none"> <li>- proper health monitoring procedures being introduced;</li> <li>- suitable roster arrangements being made; and</li> <li>- proper supervision being provided.</li> </ul> <p><u>Late comers</u></p> <p>An employer may select and utilise for time-keeping purposes, any fractional or decimal proportion of an hour (not exceeding quarter of an hour), and may apply such proportion in the calculation of the working time of employees who, without reasonable cause, which is promptly communicated to the employer, report for duty after their appointed starting times or cease duty before their appointed finishing times.</p> <p>An employer who adopts a proportion for the aforesaid purpose may apply the same proportion for the calculation of overtime.</p> <p><u>Implementation of 38 hour week</u></p> <p>The ordinary hours of work may be arranged in accordance with one of the following:</p> <ul style="list-style-type: none"> <li>- by employees working less than eight ordinary hours each day; or</li> <li>- by employees working less than eight ordinary hours on one or more days in each week; or</li> <li>- by employees working less than eight ordinary hours on one or more days in each fortnight; or</li> <li>- by fixing one weekday on which all employees will be off during a particular work cycle; or</li> <li>- by rostering employees off on various days of the week during a particular work cycle so that each employee has one day off during that cycle.</li> </ul>
24.9	Breaks - rest (Instrument)	Employees must be allowed a rest break of 10 minutes on each day between the time of commencing work and the usual meal break. The rest break must be counted as part of time worked.
24.10	Hours of work (Instrument)	<p><u>Ordinary hours of work—continuous shiftwork</u></p> <p>This provisio will only apply to continuous shiftworkers.</p> <p>The ordinary hours of continuous shiftworkers must average 38 hours per week inclusive of crib time and must not exceed 152 hours in 28 consecutive days.</p>



Clause	Conditions Type	Description
		<p>Subject to the following conditions, continuous shiftworkers must work at such times as the employer may require:</p> <ul style="list-style-type: none"> <li>- A shift consist of not more than eight hours, inclusive of crib time. Provided that by mutual agreement between the employer and an employee or majority of employees concerned, a shift can consist of up to 12 hours;</li> <li>- Except at the regular change over of shifts an employee must not be required to work more than one shift in each 24 hours;</li> <li>- Twenty minutes must be allowed to continuous shiftworkers each shift for crib which must be counted as time worked; and</li> <li>- An employee must not be required to work for more than five hours without a break for a meal.</li> </ul> <p><u>Ordinary hours of work—other than continuous shiftwork</u></p> <p>This subclause will apply to shiftworkers not upon continuous work as hereinbefore defined.</p> <p>The weekly ordinary hours of work must be an average of 38 per week, to be worked in one of the following shift cycles;</p> <ul style="list-style-type: none"> <li>- 38 hours within a period not exceeding seven consecutive calendar days; or</li> <li>- 76 hours within a period not exceeding 14 consecutive calendar days; or</li> <li>- 114 hours within a period not exceeding 21 consecutive calendar days; or</li> <li>- 152 hours within a period not exceeding 28 consecutive days.</li> </ul> <p>Subject to the following conditions, such shiftworkers must work at such times as the employer may require:</p> <ul style="list-style-type: none"> <li>- A shift must not exceed eight hours of ordinary time work inclusive of crib time. Provided that by mutual agreement between the employer and an employee or majority of employees concerned, a shift can consist of up to 12 hours.</li> <li>- Such ordinary hours must be worked continuously except for crib time at the discretion of the employer.</li> <li>- Except at the regular change-over of shifts, an employee must not be required to work more than one shift in each 24 hours.</li> </ul>
24.11(iv)	Crib break	An employee must not be required to work for more than five hours without a break for crib time.

Clause	Conditions Type	Description
	(Instrument)	
25	Inclement weather (Instrument)	<p><u>Conference procedure for inclement weather</u></p> <p>The employer or its representative, when requested by the employees or their representative, must confer within a reasonable time (which does not exceed 60 minutes) for the purpose of determining whether or not the conditions referred to in this clause apply.</p> <p><u>Transfer of work site due to inclement weather</u></p> <p>Employees may be transferred from one location on a site where it is unreasonable to work due to inclement weather, to work at another location on the same site or to another site which is not affected by inclement weather.</p> <p>Employees may be transferred from one site to another and the employer provides transport where necessary.</p> <p><u>Payment for lost time due to inclement weather</u></p> <p>An employee will be entitled to payment by the employer for ordinary time lost through inclement weather whilst such conditions prevail.</p> <p>An employee will not be entitled to payment for time lost through inclement weather as provided for in this clause unless the provisions of this clause have been observed.</p>
26.5	Call-back (Instrument)	<p>An employee recalled to work overtime after leaving the employer's business premises or the jobs at which the employee is engaged (whether notified before or after leaving) must be paid for a minimum of four hours' work at the appropriate rate for each time the employee is so recalled.</p> <p>This will not apply where it is customary for an employee to return to work to perform a specific job outside normal working hours or where the overtime is continuous (subject to a reasonable meal break) with the completion or commencement of ordinary working time.</p>
27.1	Breaks - meal (Instrument)	<p>An employee, other than a shiftworker, is entitled to an unpaid meal break of not less than 30 minutes after every six hours worked.</p>

Clause	Conditions Type	Description
		A shiftworker will be entitled to a paid meal break of 20 minutes per shift.
27.3	Breaks - rest (Instrument)	<p><u>Rest breaks during overtime</u></p> <p>An employee must be allowed a paid rest break of 20 minutes after each four hours of overtime worked, if the employee is required to continue work after the rest break. Provided that where a day worker on a five day week is required to work overtime on a Saturday, the first prescribed rest break, if occurring between 10.00 am and 1.00 pm, must be paid at ordinary rates.</p>
27.4(a)	Overtime - other (Instrument)	<p>When overtime work is necessary it must, wherever reasonably practicable, be arranged so that employees have at least 10 consecutive hours off work between work on successive working days.</p> <p>An employee (other than a casual employee) who works so much overtime between the termination of ordinary work on one day and the commencement of ordinary work on the next day that the employee has not had at least 10 consecutive hours off work between those times must be released after completion of the overtime until the employee has had 10 consecutive hours off work without loss of pay for ordinary working time occurring during such absence.</p> <p>For shiftworkers, the required period of consecutive hours off work is eight hours.</p>
28.3	Annual leave loading (Instrument)	<p>In addition to the payment for annual leave an employer is required to pay an additional leave loading as follows:</p> <p><u>Day work</u> When an employee takes a period of paid annual leave, the employee will be paid an annual leave loading of 17.5%.</p> <p><u>Shiftwork</u> Where the employee would have received shift loadings had the employee not been on leave during the relevant period and such loadings would have entitled the employee to a greater amount than the 17.5% loading, then the shift loadings must be added to the rate of wage prescribed by this provision instead of the 17.5% loading.</p>

## **Frequency of Payment**

Wages, including overtime, must be paid weekly, either:

- according to the actual ordinary hours worked each week or,
- according to the average number of ordinary hours worked each week.

Wages may be paid weekly or fortnightly by agreement between the employer and the majority of employees. Agreement in this respect may also be reached between the employer and an individual employee.

**IMPORTANT NOTE: Disclaimer**

The Fair Work Ombudsman (FWO) is committed to providing useful, reliable information to help you understand your rights and obligations under workplace laws. The Pay and Conditions Guides are provided for that purpose.

There are factors that may affect the information contained in these Guides. These include:

- changes to pay rates, allowances, penalties or modern award provisions; eg after FWA's annual wage review which takes effect on 1 July each year
- changes to the Fair Work Act or other relevant legislation
- decisions of courts or Fair Work Australia, in particular regarding the effect of provisions in modern awards and pre-modern awards where those differ from the approach taken by the FWO.

The FWO will consider these matters and where appropriate update the Guides.

It is your responsibility to comply with workplace laws and industrial instruments that apply to you.

The information contained in these Pay and Conditions Guides is:

- general in nature and may not deal with all aspects of the law that are relevant to your specific situation; and
- not legal advice.

Therefore you may wish to seek your own independent professional advice to ensure all the factors relevant to your circumstances are properly considered.