

Building and Construction General On-site Award 2010

The above award was first made on 3 April 2009 [[PR986361](#)]

This consolidated version of the award includes variations made on 11 September 2009 [[PR988410](#)]; 31 December 2009 [[PR992159](#)]; 31 March 2010 [[PR994519](#)]; 16 April 2010 [[PR995980](#)]; 4 June 2010 [[PR997772](#)]; 22 June 2010 [[PR998130](#)]; 22 June 2010 [[PR997900](#)]; 30 June 2010 [[PR998600](#)]; 6 December 2010 [[PR503624](#)]

There is currently an application to vary this award: 24 November 2010 [[AM2010/250](#)]

NOTE: **Transitional provisions** may apply to certain clauses – see [clause 2](#) and [Schedule A](#)

To determine the transitional amount or loading, go to the version of this modern award in operation [prior to 1 July 2010](#) which does **not** include:

- (a) variations to minimum wages resulting from the Annual Wage Review 2009-10; or
- (b) variations in expense related allowances operative from 1 July 2010.

Table of Contents

[Varied by [PR994519](#)]

Part 1—Application and Operation	3
1. Title	3
2. Commencement and transitional.....	3
3. Definitions and interpretation	4
4. Coverage	7
5. Access to the award and the National Employment Standards.....	10
6. The National Employment Standards and this award	10
7. Award flexibility	10
Part 2—Consultation and Dispute Resolution.....	12
8. Consultation regarding major workplace change.....	12
9. Dispute resolution	12
Part 3—Types of Employment and Termination of Employment	13
10. Types of employment.....	13
11. Daily hire employees	14
12. Full-time weekly hire employment	14
13. Part-time weekly hire employment	14
14. Casual employment.....	15
15. Apprentices	17

Building and Construction General On-site Award 2010

16.	Termination of employment.....	18
17.	Industry specific redundancy scheme	19
Part 4—Classifications and Minimum Wage Rates.....		21
18.	Classifications	21
19.	Minimum wages.....	21
20.	Expense related allowance	26
21.	Site and general wage related allowances.....	32
22.	Special rates	37
23.	Inclement weather	46
24.	Living away from home—distant work	48
25.	Fares and travel patterns allowance	53
26.	District allowances	56
27.	Accident pay	57
28.	National training wage	58
29.	School-based apprenticeship.....	58
30.	Higher duties	58
31.	Payment of wages	59
32.	Superannuation.....	59
Part 5—Hours of Work and Related Matters		61
33.	Ordinary hours of work.....	61
34.	Shiftwork.....	64
35.	Meal breaks	67
36.	Overtime.....	69
37.	Penalty rates	71
Part 6—Leave and Public Holidays.....		71
38.	Annual leave	71
39.	Personal/carer’s leave and compassionate leave.....	72
40.	Community service leave.....	73
41.	Public holidays	73
Part 7—Industry Specific Provisions		73
42.	Lift industry.....	73
43.	Forepersons and supervisors	74
Schedule A—Transitional Provisions.....		76
Schedule B—Classification Definitions		82
Schedule C—National Training Wage		111
Appendix C1:Allocation of Traineeships to Wage Levels		118
Schedule D—School-based Apprentices.....		123

Part 1—Application and Operation

1. Title

This award is the *Building and Construction General On-site Award 2010*.

2. Commencement and transitional

2.1 This award commences on 1 January 2010.

2.2 The monetary obligations imposed on employers by this award may be absorbed into overaward payments. Nothing in this award requires an employer to maintain or increase any overaward payment.

2.3 This award contains transitional arrangements which specify when particular parts of the award come into effect. Some of the transitional arrangements are in clauses in the main part of the award. There are also transitional arrangements in Schedule A. The arrangements in Schedule A deal with:

- minimum wages and piecework rates
- casual or part-time loadings
- Saturday, Sunday, public holiday, evening or other penalties
- shift allowances/penalties.

2.4 Neither the making of this award nor the operation of any transitional arrangements is intended to result in a reduction in the take-home pay of employees covered by the award. On application by or on behalf of an employee who suffers a reduction in take-home pay as a result of the making of this award or the operation of any transitional arrangements, Fair Work Australia may make any order it considers appropriate to remedy the situation.

2.5 Fair Work Australia may review the transitional arrangements in this award and make a determination varying the award.

2.6 Fair Work Australia may review the transitional arrangements:

- (a) on its own initiative; or
- (b) on application by an employer, employee, organisation or outworker entity covered by the modern award; or
- (c) on application by an organisation that is entitled to represent the industrial interests of one or more employers or employees that are covered by the modern award; or
- (d) in relation to outworker arrangements, on application by an organisation that is entitled to represent the industrial interests of one or more outworkers to whom the arrangements relate.

3. Definitions and interpretation

[Varied by [PR994519](#), [PR997772](#), [PR503624](#)]

3.1 In this award, unless the contrary intention appears:

[Definition of **Act** substituted by [PR994519](#) from 01Jan10]

Act means the *Fair Work Act 2009* (Cth)

adult apprentice means a person of 21 years of age or over at the time of entering into a contract of training in a specified trade

[Definition of **agreement-based transitional instrument** inserted by [PR994519](#) from 01Jan10]

agreement-based transitional instrument has the meaning in the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

air-conditioning work means the on-site fabrication and/or installation of air-conditioning and/or ventilation systems and all ancillary work, including packaged air conditioning units, thermostatic controls, water recirculation equipment, air volume regulators, diffusers, fans and heat exchange equipment and the like

appurtenances means any structure which is joined to or forms an integral part of a geomembrane installation. Such structures include: concrete and/or steel weirs; pipe collars and the like; concrete and rock walls within the area of the geomembrane, earth, stone and/or concrete covering over the geomembrane, waterfalls, fountains and the like, pipework, pumps, valves and filters when these are specific to a geomembrane.

[Definition of **award-based transitional instrument** inserted by [PR994519](#) from 01Jan10]

award-based transitional instrument has the meaning in the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

[Definition of **Commission** deleted by [PR994519](#) from 01Jan10]

continuous service means the period of service of an employee notwithstanding the employee's absence from work for any of the following reasons:

- annual leave, personal leave or parental leave;
- illness or accident up to a maximum of four weeks after the expiration of paid sick leave;
- jury service;
- injury received during the course of employment and up to a maximum of 26 weeks for which the employee received worker's compensation;
- where called up for military service for up to three months in any qualifying period;
- long service leave; and
- any reason satisfactory to the employer, provided the employee has informed the employer within 24 hours of the time when the employee was due to attend for

Building and Construction General On-site Award 2010

work, or as soon as practicable thereafter, of the reason for the absence and probable duration

continuous shiftworker means an employee engaged to work in a system of consecutive shifts throughout the 24 hours of each of at least six consecutive days without interruption (except during breakdown or meal breaks or due to unavoidable causes beyond the control of the employer) and who is regularly rostered to work those shifts

[Definition of **Division 2B State award** inserted by [PR503624](#) ppc 01Jan11]

Division 2B State award has the meaning in Schedule 3A of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

[Definition of **Division 2B State employment agreement** inserted by [PR503624](#) ppc 01Jan11]

Division 2B State employment agreement has the meaning in Schedule 3A of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

[Definition of **employee** substituted by [PR994519](#), [PR997772](#) from 01Jan10]

employee means national system employee within the meaning of the Act

employee in charge of plant means:

- (a) 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; or
- (b) 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; or
- (c) when an employee is the only person of their class employed on the plant, the employee who does the general repair work of the plant in addition to the work of operating, but not when they merely assist a fitter or engineer to do such work; or
- (d) where shifts are worked, the employee who is directed to carry out the general repair work of the plant in addition to the work of operating, but not when they merely assist a fitter or engineer to do such work

[Definition of **employer** substituted by [PR994519](#), [PR997772](#) from 01Jan10]

employer means national system employer within the meaning of the Act

[Definition of **enterprise award** deleted by [PR994519](#) from 01Jan10]

[Definition of **enterprise award-based instrument** inserted by [PR994519](#) from 01Jan10]

enterprise award-based instrument has the meaning in the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

[Definition of **enterprise NAPSA** deleted by [PR994519](#) from 01Jan10]

geomembranes are impermeable membrane liners and barriers. They can be either sprayed on a surface or prefabricated and transported to the construction site. Sprayed on geomembranes are either sprayed directly on a surface (earth, concrete,

Building and Construction General On-site Award 2010

etc.) or onto a geotextile. Geomembranes are usually (but not exclusively) composed of synthetic polymers, elastomers (rubbers) or plastomers (plastics). Some are reinforced with a fabric, and some are composites of natural and synthetic materials.

geotextile means any permeable textile material used with foundation, soil, rock, earth, or any other geotechnical engineering related material, that is an integral part of a man made project, structure or system especially when used in conjunction with geomembranes. Geotextiles include knitted, woven, and unwoven fabrics. Other products such as webs, mats, nets, grids, and formed plastic sheets that have been developed for use in combination with, or in place of, geotextiles are considered to be geotextiles for the purpose of this award.

leading hand means an employee who is required to supervise or direct or be in charge of another employee or other employees

[Definition of NAPSA deleted by [PR994519](#) from 01Jan10]

[Definition of NES substituted by [PR994519](#) from 01Jan10]

NES means the National Employment Standards as contained in [sections 59 to 131](#) of the *Fair Work Act 2009* (Cth)

new construction work on a multistorey building means work performed under this award on a building construction site in connection with the construction of a multistorey building in the course of erection but does not include work associated with the installation of internal blinds, curtains, moveable furniture and the like. For the purposes of this definition, **multistorey building** means a building of three or more floors (including the ground floor) above the lowest adjacent street level, the principal purposes of which are to store or sell stock or goods and/or vehicles; to house persons for purposes of work or entertainment or residence; or to contain plant equipment or machinery. New construction work on a multistorey building does not include structures which are primarily civil or mechanical engineering structures, or installations, such as power stations, grain elevators and silos, oil refineries, wharves, jetties, piers, bridges, or pipelines, water storage towers or the like.

[Definition of **on-hire** inserted by [PR994519](#) from 01Jan10]

on-hire means the on-hire of an employee by their employer to a client, where such employee works under the general guidance and instruction of the client or a representative of the client

refrigeration work means the installation, servicing or repairing of refrigeration plant and equipment, and/or ancillary components and equipment on a construction site

standard rate means either the weekly or hourly minimum wage as stated for a Level 3 (CW/ECW 3) employee in clause 19.1

traffic management means duties in or in connection with the directing and controlling of traffic

[Definition of **transitional minimum wage instrument** inserted by [PR994519](#) from 01Jan10]

transitional minimum wage instrument has the meaning in the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

Building and Construction General On-site Award 2010

- 3.2** Where this award refers to a condition of employment provided for in the NES, the NES definition applies.

4. Coverage

[Varied by [PR994519](#)]

- 4.1** This industry award covers employers throughout Australia in the on-site building, engineering and civil construction industry and their employees in the classifications within Schedule B—Classification Definitions to the exclusion of any other modern award.

- 4.2** Without limiting the generality of the exclusion, this award does not cover employers covered by:

- (a) the *Manufacturing and Associated Industries and Occupations Award 2010*;
- (b) the *Joinery and Building Trades Award 2010*;
- (c) the *Electrical, Electronic and Communications Contracting Award 2010*;
- (d) the *Plumbing and Fire Sprinklers Award 2010*;
- (e) the *Black Coal Mining Industry Award 2010*;
- (f) the *Mining Industry Award 2010*; or
- (g) the *Quarrying Award 2010*.

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

[4.4 substituted by [PR994519](#) from 01Jan10]

- 4.4** 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.

[New 4.5, 4.6 and 4.7 inserted by [PR994519](#) from 01Jan10]

- 4.5** 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.

- 4.6** This award covers any employer which supplies labour on an on-hire basis in the industry set out in clause 4.1 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.

- 4.7** 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 at clause 4.1 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

Building and Construction General On-site Award 2010

being performed. This subclause operates subject to the exclusions from coverage in this award.

[4.5 renumbered as 4.8 and varied by [PR994519](#) from 01Jan10]

4.8 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.

NOTE: Where there is no classification for a particular employee in this award it is possible that the employer and that employee are covered by an award with occupational coverage.

[4.6 renumbered as 4.9 by [PR994519](#) from 01Jan10]

4.9 For the purpose of clause 4.1, **on-site building, engineering and civil construction industry** means the industry of general building and construction, civil construction and metal and engineering construction, in all cases undertaken on-site.

[4.7 renumbered as 4.10 and varied by [PR994519](#) from 01Jan10]

4.10 For the purposes of clause 4.1:

(a) **general building and construction** means:

- (i) the construction, alteration, extension, restoration, repair, demolition or dismantling of buildings, structures or works that form, or are to form, part of land, whether or not the buildings, structures or works are permanent and maintenance undertaken by employees of employers covered by clause 4.1 of such buildings, structures or works;
- (ii) site clearance, earth-moving, excavation, site restoration, landscaping and the provision of car parks and other access works associated with the activities within clause 4.10(a)(i); and
- (iii) the installation in any building, structure or works of fittings and services;

(b) **civil construction** means:

- (i) the construction, repair, maintenance or demolition of:
 - civil and/or mechanical engineering projects;
 - power transmission, light, television, radio, communication, radar, navigation, observation towers or structures;
 - power houses, chemical plants, hydrocarbons and/or oil treatment plants or refineries;
 - silos; and/or
 - sports and/or entertainment complexes;
- (ii) road making and the manufacture or preparation, applying, laying or fixing of bitumen emulsion, asphalt emulsion, bitumen or asphalt

Building and Construction General On-site Award 2010

preparations, hot pre-mixed asphalt, cold paved asphalt and mastic asphalt;

- (iii) the prefabrication and installation of geomembranes, geotextiles and appurtenances;
- (iv) dredging or sluicing work for or at premises provided for persons mentioned in or in connection with work under clause 4.10(b)(i);
- (v) the testing of soil, concrete and aggregate when it is carried out at a construction site in or in connection with work under clause 4.10(b)(i);
- (vi) batch plants and precast yards at a construction site in or in connection with work under clause 4.10(b)(i);
- (vii) traffic management in or in connection with work under clause 4.10(b)(i);
- (viii) construction and/or establishment of landscape gardens in or in connection with work under clause 4.10(b)(i), provided that this award does not apply to the:
 - maintenance or horticultural establishment work following practical completion of work as specified under the terms of the construction contract or project; and/or
 - laying-out, construction, cultivation or keeping in order of gardens in connection with private houses;
- (ix) the industry or calling of either or both catering and cleaning for or at premises provided for persons mentioned in clause 4.10(b)(i);
- (x) car parks excepting car park buildings and car parks within the alignment of a building; and
- (xi) railways, tramways, roads, freeways, causeways, aerodromes, drains, dams, weirs, bridges, overpasses, underpasses, channels, waterworks, pipe tracks, tunnels, water and sewerage works, conduits, and all concrete work and preparation incidental thereto;

(c) metal and engineering construction means:

- (i) metal trades work performed in the work of construction, fabrication, erection and/or installation work or work incidental thereto when it is carried out at a construction site which is specifically established for the purpose of constructing, fabricating, erecting and/or installing the following:
 - power stations, oil refineries, terminals and depots; chemical, petro-chemical and hydrocarbon plants; and associated plant, plant facilities and equipment;
 - major industrial and commercial undertakings and associated plant, plant facilities and equipment including undertakings for the processing and/or smelting of ferrous and non-ferrous metals, the processing of forest products and associated by-products, acid and fertiliser plants,

Building and Construction General On-site Award 2010

cement and lime works, and other major industrial undertakings of a like nature;

- plant, plant facilities and equipment in connection with the extraction, refining and/or treatment of minerals, chemicals and the like;
 - transmission and similar towers, transmission lines and associated plant, plant facilities and equipment;
 - lifts and escalators as prescribed in clause 42—Lift industry;
 - facilities and equipment in other engineering projects; and
- (ii) maintenance and/or repair and/or servicing work carried out on-site by the employees of contractors or subcontractors in connection with contracts for on-site construction work referred to in clause 4.10(c)(i). This does not include any work which is incidental to or of a minor nature in relation to the work normally performed by an employee of an employer not engaged substantially in metal and engineering construction.

5. Access to the award and the National Employment Standards

The employer must ensure that copies of this award and the NES are available to all employees to whom they apply either on a noticeboard which is conveniently located at or near the workplace or through electronic means, whichever makes them more accessible or made available (whether in hard copy or through electronic means) to an employee within a reasonable time following a request by the employee.

6. The National Employment Standards and this award

The [NES](#) and this award combine to contain the minimum conditions of employment for employees covered by this award.

7. Award flexibility

7.1 Notwithstanding any other provision of this award, an employer and an individual employee may agree to vary the application of certain terms of this award to meet the genuine individual needs of the employer and the individual employee. The terms the employer and the individual employee may agree to vary the application of are those concerning:

- (a) arrangements for when work is performed;
- (b) overtime rates;
- (c) penalty rates;
- (d) allowances; and
- (e) leave loading.

Building and Construction General On-site Award 2010

- 7.2** The employer and the individual employee must have genuinely made the agreement without coercion or duress.
- 7.3** The agreement between the employer and the individual employee must:
- (a)** be confined to a variation in the application of one or more of the terms listed in clause 7.1; and
 - (b)** result in the employee being better off overall than the employee would have been if no individual flexibility agreement had been agreed to.
- 7.4** The agreement between the employer and the individual employee must also:
- (a)** be in writing, name the parties to the agreement and be signed by the employer and the individual employee and, if the employee is under 18 years of age, the employee's parent or guardian;
 - (b)** state each term of this award that the employer and the individual employee have agreed to vary;
 - (c)** detail how the application of each term has been varied by agreement between the employer and the individual employee;
 - (d)** detail how the agreement results in the individual employee being better off overall in relation to the individual employee's terms and conditions of employment; and
 - (e)** state the date the agreement commences to operate.
- 7.5** The employer must give the individual employee a copy of the agreement and keep the agreement as a time and wages record.
- 7.6** Except as provided in clause 7.4(a) the agreement must not require the approval or consent of a person other than the employer and the individual employee.
- 7.7** An employer seeking to enter into an agreement must provide a written proposal to the employee. Where the employee's understanding of written English is limited the employer must take measures, including translation into an appropriate language, to ensure the employee understands the proposal.
- 7.8** The agreement may be terminated:
- (a)** by the employer or the individual employee giving four weeks' notice of termination, in writing, to the other party and the agreement ceasing to operate at the end of the notice period; or
 - (b)** at any time, by written agreement between the employer and the individual employee.
- 7.9** The right to make an agreement pursuant to this clause is in addition to, and is not intended to otherwise affect, any provision for an agreement between an employer and an individual employee contained in any other term of this award.

Part 2—Consultation and Dispute Resolution

8. Consultation regarding major workplace change

8.1 Employer to notify

- (a) Where an employer has made a definite decision to introduce major changes in production, program, organisation, structure or technology that are likely to have significant effects on employees, the employer must notify the employees who may be affected by the proposed changes and their representatives, if any.
- (b) **Significant effects** include termination of employment; major changes in the composition, operation or size of the employer's workforce or in the skills required; the elimination or diminution of job opportunities, promotion opportunities or job tenure; the alteration of hours of work; the need for retraining or transfer of employees to other work or locations; and the restructuring of jobs. Provided that where this award makes provision for alteration of any of these matters an alteration is deemed not to have significant effect.

8.2 Employer to discuss change

- (a) The employer must discuss with the employees affected and their representatives, if any, the introduction of the changes referred to in clause 8.1, the effects the changes are likely to have on employees and measures to avert or mitigate the adverse effects of such changes on employees and must give prompt consideration to matters raised by the employees and/or their representatives in relation to the changes.
- (b) The discussions must commence as early as practicable after a definite decision has been made by the employer to make the changes referred to in clause 8.1.
- (c) For the purposes of such discussion, the employer must provide in writing to the employees concerned and their representatives, if any, all relevant information about the changes including the nature of the changes proposed, the expected effects of the changes on employees and any other matters likely to affect employees provided that no employer is required to disclose confidential information the disclosure of which would be contrary to the employer's interests.

9. Dispute resolution

[Varied by [PR994519](#)]

- 9.1 In the event of a dispute about a matter under this award, or a dispute in relation to the NES, in the first instance the parties must attempt to resolve the matter at the workplace by discussions between the employee or employees concerned and the relevant supervisor. If such discussions do not resolve the dispute, the parties will endeavour to resolve the dispute in a timely manner by discussions between the employee or employees concerned and more senior levels of management as appropriate.

Building and Construction General On-site Award 2010

[9.2 varied by [PR994519](#) from 01Jan10]

9.2 If a dispute about a matter arising under this award or a dispute in relation to the NES is unable to be resolved at the workplace, and all appropriate steps under clause 9.1 have been taken, a party to the dispute may refer the dispute to Fair Work Australia.

[9.3 varied by [PR994519](#) from 01Jan10]

9.3 The parties may agree on the process to be utilised by Fair Work Australia including mediation, conciliation and consent arbitration.

[9.4 varied by [PR994519](#) from 01Jan10]

9.4 Where the matter in dispute remains unresolved, Fair Work Australia may exercise any method of dispute resolution permitted by the Act that it considers appropriate to ensure the settlement of the dispute.

9.5 An employer or employee may appoint another person, organisation or association to accompany and/or represent them for the purposes of this clause.

9.6 While the dispute resolution procedure is being conducted, work must continue in accordance with this award and the Act. Subject to applicable occupational health and safety legislation, an employee must not unreasonably fail to comply with a direction by the employer to perform work, whether at the same or another workplace, that is safe and appropriate for the employee to perform.

9.7 Dispute resolution procedure training leave

- (a) For the purpose of this clause, an **eligible employee representative** is an employee who is a shop steward, a delegate, or an employee representative duly elected or appointed by the employees in an enterprise or workplace or part of an enterprise or workplace for the purpose of representing those employees in the dispute resolution procedure.
- (b) An **eligible employee representative** will be entitled to up to five days' paid leave per year to undertake training that will assist them in their settlement of disputes role. The time of taking such leave will be agreed between them and their employer so as to minimise any adverse effect on the employer's operations.

Part 3—Types of Employment and Termination of Employment

10. Types of employment

10.1 Employees under this award will be employed in one of the following categories:

- (a) daily hire employees;
- (b) full-time weekly hire employees;
- (c) part-time weekly hire employees; or
- (d) casual employees.

- 10.2** At the time of engagement an employer will inform each employee, in writing, of the terms of their engagement and, in particular, whether they are to be daily hire, full-time, part-time or casual employees.

11. Daily hire employees

A **daily hire employee** means a tradesperson or labourer engaged subject to the following provisions:

- 11.1** One day's notice of termination of employment will be given on either side or one day's pay will be paid or forfeited.
- 11.2** Notice given at or before the usual starting time of any ordinary working day will expire at the completion of that day's work.
- 11.3** A tradesperson will be allowed one hour prior to termination to gather, clean, sharpen, pack and transport tools.
- 11.4** Nothing in this clause will affect the right of an employer to dismiss an employee without notice for misconduct or refusing duty.

12. Full-time weekly hire employment

A full-time employee is an employee who works an average of 38 ordinary hours per week.

13. Part-time weekly hire employment

- 13.1** A part-time employee is an employee who works an average of fewer than 38 ordinary hours per week and has reasonably predictable hours of work.
- 13.2** For each ordinary hour worked, a part-time employee will be paid no less than 1/38th of the minimum weekly rate of pay for the relevant classification and pro rata entitlements for those hours. An employer must inform a part-time employee of the ordinary hours of work and the starting and finishing times.
- 13.3** Before commencing a period of part-time employment the employee and the employer will agree in writing:
- (a) that the employee may work part-time;
 - (b) upon the hours to be worked by the employee, the days upon which the hours will be worked and commencing times for the work;
 - (c) upon the classification applying to the work to be performed; and
 - (d) upon the period of part-time employment.
- 13.4** The terms of an agreement may be varied, in writing, by consent.
- 13.5** A copy of the agreement and any variation to it will be provided to the employee by the employer.

14. Casual employment

- 14.1 A casual employee is one engaged and paid in accordance with the provisions of this clause.
- 14.2 A casual employee is entitled to all of the applicable rates and conditions of employment prescribed by this award except annual leave, paid personal/carer's leave, paid community service leave, notice of termination and redundancy benefits.
- 14.3 An employer, when engaging a person for casual employment, must inform the employee, in writing, that the employee is to be employed as a casual, stating by whom the employee is employed, the job to be performed, the classification level, the actual or likely number of hours to be worked, and the relevant rate of pay.
- 14.4 A casual employee is entitled to payment for a minimum of four hours' work per engagement, plus the relevant fares and travel allowance and expenses prescribed by clauses 24—Living away from home—distant work and 25—Fares and travel patterns allowance on each occasion they are required to attend work.
- 14.5 A casual employee must be paid a casual loading of 25% for ordinary hours as provided for in this award. The casual loading is paid as compensation for annual leave, personal/carer's leave, community service leave, notice of termination and redundancy benefits and public holidays not worked.
- 14.6 A casual employee required to work overtime or weekend work will be entitled to the relevant penalty rates prescribed by clauses 36—Overtime, and 37—Penalty rates, provided that:
- (a) where the relevant penalty rate is time and a half, the employee must be paid 175% of the hourly rate prescribed for the employee's classification; and
 - (b) where the relevant penalty rate is double time, the employee must be paid 225% of the hourly rate prescribed for the employee's classification.
- 14.7 A casual employee required to work on a public holiday prescribed by the NES must be paid 275% of the hourly rate prescribed for the employee's classification.
- 14.8 **Casual conversion to full-time or part-time employment**
- (a) A casual employee, other than an **irregular casual employee**, who has been engaged by a particular employer for a sequence of periods of employment under this award during a period of six months, thereafter has the right to elect to have their contract of employment converted to full-time or part-time employment if the employment is to continue beyond the conversion process.
 - (b) For the purposes of clause 14.8(a), an **irregular casual employee** is one who has been engaged to perform work on an occasional or non-systematic or irregular basis.
 - (c) Every employer of such an employee must give the employee notice in writing of the provisions of clause 14.8 within four weeks of the employee having attained such period of six months. The employee retains their right of election under clause 14.8 if the employer fails to comply with the clause.

Building and Construction General On-site Award 2010

- (d) Any such casual employee who does not within four weeks of receiving written notice elect to convert their contract of employment to full-time or part-time employment is deemed to have elected against any such conversion.
- (e) Any casual employee who has a right to elect under clause 14.8(a), on receiving notice under clause 14.8(c) or after the expiry of the time for giving such notice, may give four weeks' notice in writing to the employer that they seek to elect to convert their contract of employment to full-time or part-time employment, and within four weeks of receiving such notice the employer must consent to or refuse the election but must not unreasonably refuse.
- (f) Once a casual employee has elected to become and has been converted to a full-time or part-time employee, the employee may only revert to casual employment by written agreement with the employer.
- (g) If a casual employee has elected to have their contract of employment converted to full-time or part-time employment in accordance with clause 14.8(e), the employer and employee must, subject to clause 14.8(e), discuss and agree on:

 - (i) which form of employment the employee will convert to, being full-time or part-time; and
 - (ii) if it is agreed that the employee will become a part-time employee, the number of hours and the pattern of hours that will be worked, as set out in clause 13—Part-time weekly hire employment.
- (h) An employee who has worked on a full-time basis throughout the period of casual employment has the right to elect to convert their contract of employment to full-time employment and an employee who has worked on a part-time basis during the period of casual employment has the right to elect to convert their contract of employment to part-time employment, on the basis of the same number of hours and times of work as previously worked, unless other arrangements are agreed on between the employer and employee.
- (i) Following such agreement being reached, the employee converts to full-time or part-time employment.
- (j) Where, in accordance with clause 14.8(e) an employer refuses an election to convert, the reasons for doing so must be fully stated to and discussed with the employee concerned and a genuine attempt made to reach agreement.
- (k) By agreement between the employer and the majority of the employees in the relevant workplace or a section or sections of it, or with the casual employee concerned, the employer may apply clause 14.8(a) as if the reference to six months is a reference to 12 months, but only in respect of a currently engaged individual employee or group of employees. Any such agreement reached must be kept by the employer as a time and wages record. Any such agreement reached with an individual employee may only be reached within the two months prior to the period of six months referred to in clause 14.8(a).

14.9 An employee must not be engaged and re-engaged to avoid any obligation under this award.

15. Apprentices

15.1 Definitions

- (a) An **adult apprentice** is an employee who is 21 years of age or over at the time of signing the contract of training.
- (b) An **apprentice** is an employee who is bound by a contract of training registered with the appropriate State or Territory training authority.
- (c) An **apprenticeship** is a system of structured on-the-job training with an employer and off-the-job training with an approved training provider accessed through a contract of training.
- (d) For the purposes of this award, a **construction apprenticeship** is a contract of training for the acquisition of tradesperson qualifications.
- (e) An **approved training provider** is a Technical and Further Education College or other training provider accredited by the appropriate State or Territory training authority.
- (f) A **contract of training** means an approved agreement for training registered with the appropriate State or Territory training authority or under the provisions of the appropriate State or Territory training legislation.
- (g) A **school-based apprentice** is an employee who is undertaking an apprenticeship in accordance with this clause while also undertaking a course of secondary education.

15.2 Conditions of employment

[15.2(a) varied by [PR994519](#) from 01Jan10]

- (a) Apprentices will be engaged in accordance with the terms of this award, any relevant apprenticeship legislation and/or regulations made by any State or Territory training authority with the responsibility for the apprenticeship. The terms of this award apply to apprentices except where otherwise stated.
- (b) An apprentice/trainee will be permitted to be absent from work, without loss of pay or continuity of employment, to attend the off-the-job training in accordance with the contract of training.
- (c) Notice of termination and redundancy provisions do not apply to apprentices, provided that where the employment of an apprentice by an employer is continued after the completion of the apprenticeship, the period of the apprenticeship will be counted as service for the purposes of the award and long service leave entitlements and in the event that an apprentice is terminated at the end of their apprenticeship and is re-engaged by the same employer within six months of such termination, the period of the apprenticeship will be counted as service in determining any future termination entitlements.

15.3 Overtime and shiftwork

[15.3(a) varied by [PR994519](#) from 01Jan10]

- (a) When overtime and/or shiftwork are worked the relevant penalties and allowances prescribed by the award will apply, based on the wage rate

Building and Construction General On-site Award 2010

contained in this clause. No apprentice/trainee will work overtime or shiftwork on their own or without supervision.

- (b) No apprentice under the age of 18 years will be required to work overtime or shiftwork unless they so desire.
- (c) No apprentice will, except in an emergency, work or be required to work overtime or shiftwork at times which would prevent their attendance at technical school as required by any statute, award or regulation applicable to them.

15.4 Payment by results

An apprentice will not work under any system of payment by results.

15.5 Lost time

- (a) At the end of the calendar period of any year in which an apprentice has given service to the employer on less than the ordinary working days prescribed in the award for the trade, or on which they have been absent, without their employer's consent, will, for each such day, serve one day. The calendar period of the next year of their service will not begin until the additional day or days have been served.
- (b) In calculating the extra time to be so served, the apprentice will be credited with time which they have worked during the relevant year in excess of their ordinary hours.

15.6 Attendance at technical schools

Apprentices attending technical colleges or schools and presenting reports of satisfactory progress must be reimbursed all fees paid by them in respect of their apprentice training.

15.7 Adult apprenticeship—application of general conditions of apprenticeship

The provisions of clause 15—Apprentices will apply to adult apprentices unless specifically provided otherwise by clause 19.8.

16. Termination of employment

16.1 Notice of termination is provided for in the NES. The notice provisions of the NES do not apply to a daily hire employee working in the building and construction industry.

16.2 Notice of termination by an employee

The notice of termination required to be given by an employee is the same as that required of an employer, save and except that there is no requirement on the employee to give additional notice based on the age of the employee concerned. If an employee fails to give the required notice the employer may withhold from any monies due to the employee on termination, under this award or the NES, an amount not exceeding the amount the employee would have been paid under this award in respect of the period of notice required by this clause, less any period of notice actually given by the employee.

16.3 Job search entitlement

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.

17. Industry specific redundancy scheme

[Varied by [PR994519](#)]

[17.1 varied by [PR994519](#) from 01Jan10]

17.1 The following redundancy clause for the on-site building, engineering and civil construction industry (as defined) is an industry specific redundancy scheme as defined in s.12 of the Act. In accordance with s.123(4)(b) of the Act the provisions of Subdivision B—Redundancy pay of Division 11 of the NES do not apply to employers and employees covered by this award.

17.2 Definition

For the purposes of this clause, **redundancy** means a situation where an employee ceases to be employed by an employer to whom this award applies, other than for reasons of misconduct or refusal of duty. **Redundant** has a corresponding meaning.

17.3 Redundancy pay

(a) A redundant employee will receive redundancy/severance payments, calculated as follows, in respect of all continuous service with the employer:

Period of continuous service with an employer	Redundancy/severance pay
1 year or more but less than 2 years	2.4 weeks' pay plus for all service in excess of 1 year, 1.75 hours pay per completed week of service up to a maximum of 4.8 weeks' pay
2 years or more but less than 3 years	4.8 weeks' pay plus, for all service in excess of 2 years, 1.6 hours pay per completed week of service up to a maximum of 7 weeks' pay
3 years or more than but less than 4 years	7 weeks' pay plus, for all service in excess of 3 years, 0.73 hours pay per completed week of service up to a maximum of 8 weeks' pay
4 years or more	8 weeks' pay

(b) Provided that an employee employed for less than 12 months will be entitled to a redundancy/severance payment of 1.75 hours per week of service if, and only if, redundancy is occasioned otherwise than by the employee.

(c) **Week's pay** means the ordinary time rate of pay at the time of termination for the employee concerned.

Building and Construction General On-site Award 2010

- (d) If an employee dies with a period of eligible service which would have entitled that employee to redundancy pay, such redundancy pay entitlement will be paid to the estate of the employee.
- (e) Any period of service as a casual will not entitle an employee to accrue service in accordance with this clause for that period.
- (f) Service as an apprentice will entitle an employee to accumulate credits towards the payment of a redundancy benefit in accordance with this clause if the employee completes an apprenticeship and remains in employment with that employer for a further 12 months.

17.4 Redundancy pay schemes

- (a) An employer may offset an employee's redundancy pay entitlement in whole or in part by contributions to a redundancy pay scheme.
- (b) Provided that where the employment of an employee is terminated and:
 - (i) the employee receives a benefit from a redundancy pay scheme, the employee will only receive the difference between the redundancy pay in this clause and the amount of the redundancy pay scheme benefit the employee receives which is attributable to employer contributions. If the redundancy pay scheme benefit is greater than the amount payable under clause 17.3 then the employee will receive no redundancy payment under clause 17.3; or
 - (ii) the employee does not receive a benefit from a redundancy pay scheme, contributions made by an employer on behalf of an employee to the scheme will, to the extent of those contributions, be offset against the liability of the employer under clause 17.3, and payments to the employee will be made in accordance with the rules of the redundancy pay scheme fund or any agreement relating thereto. The employee will be entitled to the fund benefit or the award benefit whichever is greater but not both.
- (c) The redundancy pay scheme must be an Approved Worker Entitlement Fund under the Fringe Benefits Tax Regulations 1992 (Cth).

17.5 Service as an employee for the Crown in the Right of the State of Western Australia, the Crown in the Right of the State of New South Wales, Victorian Statutory Authorities, or the Crown in the Right of the State of Victoria will not be counted as service for the purpose of this clause.

17.6 Employee leaving during notice period

An employee whose employment is to be terminated in accordance with this clause may terminate their employment during the period of notice and if this occurs, the employee will be entitled to the provisions of this clause as if the employee remains with the employer until expiry of such notice. Provided that in such circumstances, the employee will not be entitled to payment instead of notice.

17.7 Transfer of business

[17.7 substituted by [PR994519](#) from 01Jan10]

- (a) Where a business is, before or after the date of this award, transferred from an employer (in this subclause called **the old employer**) to another employer (in this subclause called **the new employer**) and an employee who at the time of such transfer was an employee of the old employer in that business becomes an employee of the new employer:
 - (i) the continuity of the employment of the employee will be deemed not to have been broken by reason of such transfer; and
 - (ii) the period of employment which the employee has had with the old employer or any prior old employer will be deemed to be service of the employee with the new employer.
- (b) In this subclause, **business** includes trade, process, business or occupation and includes part of any such business and **transfer** includes transfer, conveyance, assignment or succession whether by agreement or by operation of law. **Transferred** has a corresponding meaning.

Part 4—Classifications and Minimum Wage Rates

18. Classifications

The definitions of the classification levels in clause 19—Minimum wages are contained in Schedule B—Classification Definitions.

19. Minimum wages

[Varied by [PR994519](#), [PR997900](#), [PR998600](#), [PR503624](#)]

19.1 General

- (a) An adult employee within a level specified in the following table will be paid not less than the rate per week assigned to the appropriate classification, as defined in Schedule B—Classification Definitions, in which such an employee is working:

[19.1(a) varied by [PR997900](#) ppc 01Jul10]

Level	Minimum weekly wage	Minimum hourly wage
	\$	\$
Level 9 (ECW 9)	776.40	20.43
Level 8 (CW/ECW 8)	763.00	20.08
Level 7 (CW/ECW 7)	745.10	19.61
Level 6 (CW/ECW 6)	724.30	19.06

Building and Construction General On-site Award 2010

Level	Minimum weekly wage	Minimum hourly wage
	\$	\$
Level 5 (CW/ECW 5)	705.40	18.56
Level 4 (CW/ECW 4)	684.60	18.02
Level 3 (CW/ECW 3)	663.60	17.46
Level 2 (CW/ECW 2)	645.00	16.97
Level 1 (CW/ECW 1):		
CW/ECW 1 (level d)	631.60	16.62
CW/ECW 1 (level c)	620.00	16.32
CW/ECW 1 (level b)	611.50	16.09
CW/ECW1 (level a)	599.00	15.76

- (b) The rates in clause 19.1(a) prescribe minimum classification rates only. The payment of additional allowances is required by other clauses of this award in respect of both weekly and hourly payments. For the hourly rate calculations, see clause 19.3.
- (c) CW refers to construction workers in the general building and construction and civil construction sectors. ECW refers to engineering construction workers in the metal and engineering construction sector.

19.2 Leading hands

- (a) A person specifically appointed to be a leading hand must be paid at the rate of the undermentioned percentages of the above weekly rates of the highest classification supervised, or the employee's own rate, whichever is the higher in accordance with the number of persons in the employee's charge.

In charge of:	% of the appropriate weekly rate per week
1 person	2.4
2 to 5 persons	5.3
6 to 10 persons	6.7
More than 10 persons	9.0

- (b) For daily hire employees, the hourly rate payable is calculated by multiplying amount prescribed in clause 19.2(a) by 52 over 50.4 (52/50.4) and dividing by 38 and the said amount will apply for all purposes of this award (provided that in the case of a carpenter-diver the divisor will be 31).

19.3 Hourly rate calculation

(a) Daily hire employees—follow the job loading

- (i) The calculation of the hourly rate will take into account a factor of eight days in respect of the incidence of loss of wages for periods of unemployment between jobs.

[19.3(a)(ii) varied by [PR998600](#) from 01Jan10]

- (ii) For this purpose the hourly rate, calculated to the nearest cent (less than half a cent to be disregarded), will be calculated by multiplying the sum of the appropriate amounts prescribed in:

- clause 19.1—Minimum wages;
- clause 21.2—Industry allowance;

and where applicable,

- clause 20.1—Tool and employee protection allowance;
- clause 21.3—Underground allowance,

by 52 over 50.4 (52/50.4) rounded to the nearest cent, adding to that subtotal the amount prescribed in clause 21.1—Special allowance, and dividing the total by 38.

Provided that in the case of a carpenter-diver, the divisor will be 31, and for refractory bricklayers and their assistants the allowance contained in clause 20.1(d)—Special conditions to apply to bricklayers engaged on construction or repairs to refractory brickwork, will be added to the hourly rate.

(b) Weekly hire employees

The hourly rate will be calculated by adding the amounts prescribed in:

- clause 19.1—Minimum wages;
- clause 21.1—Special allowance;
- clause 21.2—Industry allowance;

and, where applicable:

- clauses 20.1—Tool and employee protection allowance;
- clause 21.3—Underground allowance;
- clause 21.11—Air-conditioning industry and refrigeration industry allowances;
- clause 21.12—Electrician's licence allowance; and
- clause 21.13—In charge of plant allowance;

and dividing the total by 38.

19.4 Presenting for work but not required

- (a) A new employee, if engaged and presenting for work to commence employment and not being required, will be entitled to at least eight hours' work or payment therefore at ordinary rates, plus the appropriate allowance prescribed by clause 25—Fares and travel patterns allowance.
- (b) However, if the services of any employee are not required by reason of inclement weather, then the provision of clause 23—Inclement weather, will apply.
- (c) Clause 19.4 does not apply to casual employees.

19.5 Mobile cranes capacity 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.

19.6 Piece rates

- (a) An employer and an employee may agree to remunerate the employee in whole or in part by piece rates, instead of (in whole or in part) the rates and allowances provided for in this award.
- (b) The agreement must be made without coercion or duress.
- (c) The employer must record a piece rate agreement made under this clause in writing and provide a copy to the employee and must keep the agreement as a time and wages record.
- (d) The piece rate agreement must set out the following information:
 - (i) the parties to the agreement;
 - (ii) the date the agreement commences to operate; and
 - (iii) the basis on which the piece rate payment is made and how piecework will be measured.
- (e) An employee working under a piece rate agreement must:
 - (i) be paid no less than the amount to which the employee would have been entitled to receive under the rates and allowances prescribed by this award if the piece rate agreement had not been made; and
 - (ii) not disadvantage the employee in relation to their terms and conditions of employment.
- (f) For the purpose of the NES, the base rate of pay for a pieceworker is the base rate of pay as defined in the NES
- (g) For the purpose of the NES, the full rate of pay for a pieceworker is the full rate of pay as defined in the NES
- (h) An agreement made under this clause may be terminated by written agreement between the employer and the employee or by either party giving four weeks'

Building and Construction General On-site Award 2010

notice in writing to the other party and the agreement will cease to operate at the end of the notice period.

19.7 Apprentice wages

- (a) A person who has completed a full apprenticeship must not be paid less than the standard rate.
- (b) An apprenticed employee will be paid the percentage of the standard rate, as follows:

Four year apprenticeship	% of the standard rate
First year	45
Second year	55
Third year	75
Fourth year	90

Three year apprenticeship	% of the standard rate
First year	55
Second year	75
Third year	90

(c) Transitional provisions competency based progression

[19.7(c)(i) substituted by [PR994519](#), [PR503624](#) ppc 01Jan11]

- (i) An apprentice is entitled to progress through the wage structure based on achievement of competency 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 27 March 2006, a notional agreement preserving a State award that would have applied to the employee immediately prior to 1 January 2010 or a Division 2B State award that would have applied to the employee immediately prior to 1 January 2011:
- if the employee had at that time been in their current circumstances of employment and no agreement-based transitional instrument, enterprise agreement or Division 2B State employment agreement had applied to the employee; and
 - that would have entitled the apprentice to progress through the wage structure based on achievement of competencies.
- (ii) Clause 19.7(c) ceases to operate on 31 December 2014.
- (d) **Transitional provisions—Two year residential apprenticeships in Western Australia**
- (i) An apprenticed employee undertaking a two year residential apprenticeship in Western Australia will be paid the percentage of the standard rate, as follows:

Nominated residential apprenticeships in Western Australia

Two year apprenticeship	% of the standard rate
First year	55
Second year	75

(ii) Clause 19.7(d) ceases to operate on 31 December 2014.

(e) In addition to the above rates apprentices will be paid amounts prescribed in:

[19.7(e) varied by [PR998600](#) from 01Jan10]

- clause 21.2—Industry allowance;
- clause 20.1—Tool and employee protection allowance;
- the relevant percentage (as identified in clauses 19.7(a) and (d) for the year of the apprenticeship) of the Special allowance contained in clause 21.1;

and, where applicable,

- clause 21.3—Underground allowance; and
- for refractory bricklaying apprentices the relevant percentage (as identified in clause 19.7(a) for the year of the apprenticeship) of the Refractory bricklaying allowance contained in clause 21.8.

as part of the ordinary weekly wage for all purposes.

19.8 Adult apprenticeship

- (a) Where a person was employed by an employer in the metal and engineering on-site construction industry immediately prior to becoming an adult apprentice with that employer, such person will not suffer a reduction in the rate of pay by virtue of becoming indentured.
- (b) For the purpose of fixing a rate of pay only, the adult apprentice will continue to receive the rate of pay that is applicable to the classification or class of work specified in clause 19.1, and in which the adult apprentice was engaged immediately prior to entering into the contract of indenture.
- (c) Subject to clauses 19.8(a) and (b), the rate of pay of an adult apprentice will be the rate prescribed for the lowest paid classification in clause 19.1 or the rate prescribed by clause 19.7 for the relevant year of apprenticeship, whichever is the greater.

20. Expense related allowance

[Varied by [PR998130](#)]

20.1 Tool and employee protection allowance

- (a) A tool allowance must be paid for all purposes of the award in accordance with the following table:

Building and Construction General On-site Award 2010

[20.1(a) varied by [PR998130](#) ppc 01Jul10]

Classification	Tool allowance \$ per week
Artificial stoneworker, carpenter and/or joiner, carpenter-diver, carver, bridge and wharf carpenter, floor sander, letter cutter, marble and slate worker, stonemason or tilelayer	26.80
Caster, fixer, floorlayer specialist or plasterer	22.13
Refractory bricklayer or bricklayer	19.01
Roof tiler, slate-ridger or roof fixer, tradespersons in the metals and engineering construction sector	14.02
Signwriter, painter or glazier	6.44

- (b) The above allowance does not include the provision of the following tools or protective equipment. Where the following tools or protective equipment are provided by the employee then the employee must be reimbursed for the cost of such tools or protective equipment by the employer, or alternatively the employer may elect to provide such tools or protective equipment:

(i) **Bricklayers:**

- scutch comb;
- hammers (excepting mash and brick hammers);
- rubber mallets; and/or
- T squares.

(ii) **Carpenters and joiners:**

- dogs and cramps of all descriptions;
- bars of all descriptions;
- augers of all sizes;
- star bits and bits not ordinarily used in a brace;
- hammers, except claw hammers;
- glue pots and glue brushes,
- dowell plates;
- trammels;
- hand and thumb screws;
- spanners; and/or
- soldering irons.

(iii) Stonemasons:

- all cutting tools, except mash hammers, squares, pitching tools and straight edges up to four feet (1.2 metres) in length. On completion of engagement the cost of having all cutting tools sharpened; and/or
- jet sprays or some other suitable device for keeping the stone wet when using pneumatic surfacing machines and lathes.

(iv) Plasterers:

- all floating rules, trammels, centres, buckets and sieves. Stands for plasterers' mortar boards not less than 76 centimetres from the ground or where practicable and safe from a scaffold level; and/or
- overalls and the approved brush and roller to perform the work when required to brush on to walls and ceilings, bondcrete, plasterweld or similar substances.

(v) Tradespersons in the metals and engineering construction sector:

- power tools, special purpose tools, and precision measuring instruments for the use of tradespersons and for sheetmetal workers, snips used in the cutting of stainless steel, monel metal and similar hard metals.

A tradesperson will replace or pay for any tools supplied by their employer if lost through their negligence.

(vi) Civil construction employees:

- waterproof protective clothing required by an employee for particular tasks being performed;
- gloves, overalls, basel aprons and other appropriate protective clothing for employees using toxic substances, bitumen, tar, green timber, second-hand timber or bricks;
- a light coat or jacket with high visibility red markings for employees engaged on road work and/or railway work where traffic is not excluded by the use of continuous barriers or fences; and/or
- adequate detergents and solvents for the removal of excessive dirt, bitumen, emulsions, paint and similar substances from the employee's person.

Mess personnel will be reimbursed for the cost of purchasing at least three sets of appropriate clothing which will be laundered and maintained by the employer. These items will include shorts, shirts, trousers, aprons and caps. The provisions of this subclause do not apply where the items of clothing are provided free of charge by the employer. The items will remain the property of the employer.

(vii) All employees:

- all power tools and steel tapes over six metres;
- gloves and hand protective paste for employees engaged in handling hot bitumen, creosote, oiled formwork, refractory repair work and in washing down brickwork;
- protective clothing for employees required to use muriatic acid;
- suitable material and/or coloured glass for the protection of employees working on oxyacetylene or electric arc welding;
- suitable screens to protect employees from flash where electric arc operators are working;
- gas masks for employees engaged upon work where gas is present; and/or
- hand protective paste for any painter, signwriter, plasterer or glazier who requires its use.

(viii) All employees other than refractory bricklayers

Where employees 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.

- (c) An employee required to use toxic substances covered by clause 22.2(i) in surroundings where there is an absence of adequate natural ventilation must be provided with:
- (i) an approved type of respirator and/or an approved type of hood with airline attached;
 - (ii) protective clothing as approved by the relevant safety authority;
 - (iii) soap and washing materials;
 - (iv) pneumatic rubber tyred wheelbarrow for loads of bricks and materials;
 - (v) overalls where necessary, when bricklayers are engaged on work covered by clauses 22.2(m) and 22.2(n).
- (d) **Special conditions to apply to bricklayers engaged on construction or repairs to refractory brickwork**

[20.1(d) varied by [PR998130](#) ppc 01Jul10]

The following special conditions will apply to bricklayers engaged on construction or repairs to refractory brickwork instead of clause 20.1(b)(viii) dealing with safety boots:

- (i) after six weeks employment, and on request from the employee, an allowance of \$75.73 must be provided for the purchase of boots. The

Building and Construction General On-site Award 2010

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; and/or

[20.1(d)(ii) varied by [PR998130](#) ppc 01Jul10]

- (ii) employees provided with the allowance, or the boots, will accrue credit at the rate of \$3.79 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 \$75.73; and
- (iii) an employer must reimburse an employee for an x-ray once every six months, if requested by an employee engaged in refractory brickwork, or working in a tuberculosis home or hospital. Such x-rays may be taken during working hours and count as time worked. An employee who ceases work in a tuberculosis home or hospital may also request an x-ray on cessation of work.

20.2 Meal allowance

[20.2 varied by [PR998130](#) ppc 01Jul10]

- (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 34—Shiftwork, or 38—Annual leave, must be paid by the employer an amount of \$12.73 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 24—Living away from home—distant work, and is provided with a suitable meal.
- (c) An operator employee will be entitled to be paid \$12.73 for each meal after the completion of each four hours from the commencement of overtime.

20.3 Compensation for clothes and tools

[20.3(a) varied by [PR994519](#) from 01Jan10]

- (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.

[20.3(b) varied by [PR998130](#) ppc 01Jul10]

- (b) An employee must be reimbursed by the employer to a maximum of \$1,553.00 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

Building and Construction General On-site Award 2010

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 Adjustment of expense related allowances

- (a) 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.
- (b) 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:

[20.4(b) varied by [PR998130](#) ppc 01Jul10]

Allowance	Applicable Consumer Price Index figure
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, housing and transportation groups
Fares and travel patterns allowance	Transportation group
Weekend return home	Transportation group

Allowance	Applicable Consumer Price Index figure
Transport and transporting tools	Transportation group

21. Site and general wage related allowances

21.1 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.

21.2 Industry allowance

In addition to the rates prescribed in clause 19—Minimum wages, 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).

21.3 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 21.2.
- (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 21.2.
- (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.

21.4 Multistorey allowance

- (a) 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.
- (b) 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.
- (c) 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.

- (d) 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 22.3(a) by agreement between the employer and an employee.
- (e) **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.

(f) Rates

- (i) Except as provided for in clause 21.4(g), 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:

Storeys	Allowance per hour
From the commencement of	2.6% of the hourly

Building and Construction General On-site Award 2010

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

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

(g) **Service cores**

- (i) 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 22.3(a), 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 22.3(a)).
- (ii) 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.
- (iii) 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.

21.5 **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.

21.6 Laser safety officer 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.

21.7 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 wage rates for all purposes of the award.

21.8 Refractory bricklaying allowance

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

Classification	Per hour % of the hourly standard rate
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 wage.

(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.

21.9 Cofferdam worker

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

(b) Under air pressure—as agreed to between the employer and employees.

21.10 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

Building and Construction General On-site Award 2010

- (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 standard weekly 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.

21.11 Air-conditioning industry and refrigeration industry allowances

- (a) In addition to the appropriate minimum wage prescribed in clause 19.1, an air-conditioning tradesperson and a refrigeration mechanic must be paid a weekly allowance of 7.9% of the weekly standard rate as compensation for the various disabilities and peculiarities associated with on-site air-conditioning work or on-site refrigeration work.
- (b) An employee in receipt of this allowance will not be entitled to special rates in:
- clause 22.2(a)—Insulation;
 - clause 22.2(b)—Hot work;
 - clause 22.2(c)—Cold work;
 - clause 22.2(d)—Confined space;
 - clause 22.2(g)—Wet work;
 - clause 22.2(h)—Dirty work;
 - clause 22.2(l)—Asbestos eradication; and
 - clause 22.2(q)—Height work.

21.12 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.

Building and Construction General On-site Award 2010

- (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.

21.13 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 of operating, but not when the employee merely assists a fitter or engineer to do such work; or
 - (iv) where shifts are worked, the employee who is directed to carry out the general repair work of the plant in addition to the work of operating, but not when the employee merely assists a fitter or engineer to do such work.
- (b) An employee who is in charge of plant must be paid an additional 4.7% of the weekly standard rate per week.

22. Special rates

22.1 Conditions in respect of special rates

- (a) To avoid doubt, the special rates are allowances for the purpose of clause 7.1(d).
- (b) The special rates 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 special rates prescribed in clauses 22.2(m) and 22.2(n).
- (d) Where more than one of the special rates provides payments for disabilities of substantially the same nature, then only the highest of such rates will be payable unless otherwise provided.

- (e) The special rates must be paid to employees in addition to the other rates in this award.

22.2 Special rates applicable to all sectors

(a) 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.

(b) 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.

(c) 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.

(d) 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.

(e) 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.

Building and Construction General On-site Award 2010

Height of bracing	First four hours % of the hourly standard rate	Each additional hour % of the hourly standard rate
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 21.4.

(f) 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.

(g) 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.

(h) Dirty work

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

(i) 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.

(j) 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.

(k) 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.

(l) 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 special rates prescribed in this clause with the exception of:

- clause 22.2(b)—Hot work;
- clause 22.2(c)—Cold work;
- clause 22.2(e)—Swing scaffold;
- clause 22.3(d)—Plaster or composition spray;
- clause 22.3(h)—Second-hand timber; and
- clause 22.2(n)—Acid work.

(m) Furnace work

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 wage rate for all purposes.

(n) Acid work

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 wage rate for all purposes.

(o) 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:

Building and Construction General On-site Award 2010

- 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.

(p) 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.

(q) 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 22.3(a).

(r) Suspended perimeter 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.

(s) 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 25—Fares and travel patterns allowance, for each day the employee is so required by the employer to carry such materials.

(t) Pile driving

Where a mobile crane in excess of 15 tonnes is required to perform pile driving at any site or installation, or is required to be involved in the extraction process,

Building and Construction General On-site Award 2010

the operator must receive an additional 2.0% of the weekly standard rate per day or part thereof.

(u) Dual lift allowance

Where two or more forklifts or cranes are engaged on any lift the drivers thereof must be paid an additional 16.2% of the hourly standard rate for each day or part thereof so occupied.

(v) Stonemasons—cutting tools

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

22.3 Special rates applicable only to the general building and construction sector

(a) 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 22.2(o).

(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) 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.

(e) Slushing

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

(f) 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.

(g) 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.

(h) 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.

(i) Roof repairs

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:

- (i)** 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.
- (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 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 22.3(i)(i).

(j) 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 19.2.

(k) 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.

(l) 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 rates payable as provided by clause 19.1.

(m) Certificate allowance

- (i) A tradesperson who is the holder of a scaffolding certificate or rigging certificate issued by the appropriate certifying authority and is required to act on that certificate whilst engaged on work requiring a certificated person must be paid an additional 3.2% of the hourly standard rate per hour.
- (ii) This allowance is not cumulative on the allowance for swing scaffolds.

(n) 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.

(o) 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.

(p) 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.

(q) 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.

(r) 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.

22.4 Special rates applicable only to the civil construction sector

(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:

Building and Construction General On-site Award 2010

- 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.
- (iii) In addition, the employer must maintain at or near the work site or other place where such lime is being used, adequate facilities to enable any employee whose skin is contaminated with lime either directly or through their ordinary clothing to wash the affected area. A supply of barrier cream and hand cleanser must be provided for the use of any employee required to handle powdered lime.
- (iv) Employees engaged in carrying out lime work will be obliged to wear the protective clothing supplied by the employer.
- (v) Each employee exposed to powdered lime dust whilst engaged in spreading or mixing powdered lime must, during the time they are so exposed, be paid an additional 3.5% of the hourly standard rate per hour in addition to all other rates payable in this award.
- (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 special rates:

Gauge reading	Rate per hour worked and spent in compression and decompression % of the hourly standard rate
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.

23. Inclement weather

23.1 This clause applies to general building and construction and the civil construction sector only.

23.2 **Inclement weather** means the existence of rain or abnormal climatic conditions (whether hail, extreme cold, high wind, severe dust storm, extreme high temperature or the like or any combination of these conditions) where it is not reasonable or it is unsafe for employees to continue working in those conditions.

23.3 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.

23.4 The time of the cessation of work due to inclement weather and the resumption of work after a period of inclement weather has ended will be recorded by the employer.

23.5 When inclement weather conditions exist an affected employee is not required to commence or continue to work where it is unreasonable or unsafe to do so. In cases where emergency work is required or it is necessary to complete a concrete pour already commenced to a practical stage, work may occur or continue provided that such work does not give rise to a reasonable concern on the part of an employee undertaking the work of an imminent risk to their health or safety.

23.6 Where a concrete pour is completed in accordance with clause 23.5, work will be paid at the rate of double time calculated to the next hour, and in the case of wet weather, the employee will be provided with adequate wet weather gear. If an employee's clothes become wet as a result of working in the rain during a concrete pour the employee will, unless the employee has a change of dry working clothes available, be allowed to go home for the remainder of the day without loss of pay.

Building and Construction General On-site Award 2010

- 23.7** Where an employee is not able to perform any work at any location because of inclement weather, the employee will receive payment at the ordinary rate for ordinary hours. Payment for time lost due to inclement weather is subject to a maximum of 32 hours pay in any four week period for each employee. Payment is subject to adherence to the terms of this clause.
- 23.8** If an employee commences employment during a four week period the employee will be credited with:
- 32 hours where the employee commences on any working day within the first week;
 - 24 hours where the employee commences on any working day within the second week;
 - 16 hours where the employee commences on any working day within the third week; and
 - eight hours where the employee commences on any working day within the fourth week in any four week period.
- 23.9** An employee working on a part-time basis pursuant to clause 13—Part-time weekly hire employment, will be entitled to payment on a pro rata basis according to the number of ordinary hours agreed to be worked in the four week period. The method of calculation of a part-time daily hire employee’s proportionate employment will be as follows:
- $$32 \times \frac{\text{Number of hours agreed to be worked during the four week period}}{152}$$
- 23.10** Inclement weather occurring during overtime will not be taken into account for the purposes of this clause and employees will not be entitled to any payment for stoppages because of inclement weather that occurs outside of ordinary hours.
- 23.11** Employees on a portion of a site not affected by inclement weather must continue to work even though employees working on other areas of the site may have stopped work because of inclement weather.
- 23.12** Subject to the availability of alternative work in an employee’s classification, an employer may require employees to transfer:
- (a) from a location on a site where it is unreasonable and/or unsafe to work because of inclement weather, to another area on the same site, where it is reasonable and safe to work; and/or
 - (b) from a site where it is unreasonable and/or unsafe to work because of inclement weather, to another site, where it is reasonable and safe to work, and where the employer, where necessary, provides transport.
- 23.13 Additional wet weather procedure**
- (a) **Remaining on site**
Where, because of wet weather, the employees are prevented from working:

Building and Construction General On-site Award 2010

- (i) for more than an accumulated total of four hours of ordinary time in any one day; or
- (ii) after the meal break, as provided in clause 35.1, for more than an accumulated total of 50% of the normal afternoon work time; or
- (iii) during the final two hours of the normal work day for more than an accumulated total of one hour;

the employer will not be entitled to require the employees to remain on site beyond the expiration of any of the above circumstances.

Where, by agreement between the employer and the employees, employees remain on site beyond the periods specified above, any such additional wet time will be paid for but will not be debited against the employees' hours. Wet time occurring during overtime will not be taken into account for the purposes of this subclause.

(b) Rain at starting time

Where the employees are in the sheds, because they have been rained off, or because it is at starting time, morning tea, or lunch time, and it is raining, they will not be required to go to work in a dry area or to be transferred to another site unless:

- (i) the rain stops; or
- (ii) a covered walkway has been provided; or
- (iii) the sheds are under cover and the employees can get to the dry area without going through the rain; or
- (iv) adequate protection is provided.

Protection must, where necessary, be provided for the employees' tools.

24. Living away from home—distant work

[Varied by [PR994519](#), [PR998130](#)]

24.1 Qualification

- (a) 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:
 - (i) the employee is not in receipt of relocation benefits;
 - (ii) the employee is maintaining a separate place of residence to which it is not reasonable to expect the employee to return each night; and
 - (iii) the employee has provided the details of their usual place of residence, or any separately maintained address to the employer.

Building and Construction General On-site Award 2010

- (b) 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 24.2.

24.2 Employee's address

- (a) 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.
- (b) No subsequent change of address will entitle an employee to the provisions of this clause unless the employer agrees.

24.3 Entitlement

- (a) Where an employee qualifies under clause 24.1 the employer will:

[24.3(a)(i) varied by [PR994519](#) from 01Jan10, 23.4(a)(i)varied by [PR998130](#) ppc 01Jul10]]

- (i) pay a living away from home allowance of \$413.78 per complete week. In the case of broken parts of the week the living away from home allowance will be \$59.20 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
 - (ii) provide the worker with reasonable board and lodging in a well kept establishment with three adequate meals each day; or
 - (iii) where employees are required to live in camp, provide all board and accommodation free of charge.
- (b) 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.

24.4 Messing system

- (a) 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.

- (b) In camps over 30 people the employer must employ a camp attendant.

Camp attendant means an employee engaged for the purpose of maintaining a camp in a clean and hygienic condition.

- (c) In all camps the employer must provide labour for the purpose of maintaining the camp in a clean and hygienic condition.
- (d) 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.

24.5 Camping allowance

[24.5 varied by [PR998130](#) ppc 01Jul10]

An employee living in a construction camp where free messing is not provided must receive a camping allowance of \$172.19 for every complete week the employee is available for work. In the case of broken weeks, the camping allowance will be \$24.57 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.

24.6 Camp meal charges

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.

24.7 Travelling expenses

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 25—Fares and travel patterns allowance, 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:

(a) Forward journey

(i) An employee must:

[24.7(a)(i) varied by [PR998130](#) ppc 01Jul10]

- 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 \$12.73 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.

(b) Return journey

(i) An employee will, for the return journey, receive the same payments provided for the forward journey (see clause 24.7(a)). In addition, daily hire employees will receive an amount of \$19.70 to cover the cost of transport and transporting tools from the main public transport terminal to the employee's usual place of residence.

Building and Construction General On-site Award 2010

- (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.

(c) 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).

(d) 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 25—Fares and travel patterns allowance.

(e) 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 \$33.40 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 24.3(a)(i) or camping allowance pursuant to clause 24.5 is not entitled to payment under clause 24.7(e)(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 24.3 will be made.

(f) 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 24.7(f)(i) and instead of such provisions, the following conditions will apply to an employee who qualifies under clause 24.1 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 24.7(f)(i) and 24.7(f)(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.

(iv) Limitation of entitlement

An employee will be entitled to either clauses 24.7(f)(i) and 24.7(f)(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.

(v) Service requirements

For the purpose of clauses 24.7(f)(i) and 24.7(f)(ii), service will be deemed to be continuous notwithstanding an employee's absence from work as prescribed in this clause.

(vi) 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.

(vii) No payment instead

Payment of fares and leave with pay as provided for in clauses 24.7(f)(i) and 24.7(f)(ii) will not be made unless utilised by the employee.

(viii) Alternative paid day off procedure

If the employer and the employee so agree, any accrued rostered days off (RDO) as prescribed in clause 33—Ordinary hours of work, may be taken, and paid for, in conjunction with and additional to rest and recreation leave.

(ix) 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.

24.8 Transitional airfares provision in respect of employees in the Territory of Christmas Island

[24.8 inserted by [PR994519](#) from 01Jan10]

- (a) Where an employee is domiciled in the Territory of Christmas Island and is not entitled to air travel under clause 24.7(f), 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 24.8 ceases to operate on 31 December 2014.

25. Fares and travel patterns allowance

[Varied by [PR994519](#)]

[25.1 varied by [PR994519](#) from 01Jan10]

25.1 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 21.1, 24.7, 25.5, 25.7 and 36.3. 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.

25.2 Metropolitan radial areas

[25.2 varied by [PR994519](#) from 01Jan10]

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 \$16.50 per day for each day worked when employed on construction work, at a construction site located:

Building and Construction General On-site Award 2010

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

25.3 Distant work

The allowance prescribed in clause 25.2 must be paid to employees employed on distant work (as defined in clause 24.1), 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.

25.4 Country radial areas

- (a) 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 25.2, must pay their employees the allowances prescribed in clause 25.2 for work located within a radius of 50 kilometres from the post office nearest the employer's establishment.
- (b) 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 25.5 when travelling to a job outside such radial area.

25.5 Travelling outside radial areas

- (a) Where an employer requires an employee to travel daily from inside one radial area mentioned in clauses 25.2, 25.3 and 25.4 to work on a construction site outside that area, the employee will be entitled to:
 - (i) the allowance prescribed in clause 25.2 for each day worked; and
 - (ii) payment for the time reasonably spent in travelling from the designated radial boundary to the job and return to the radial boundary; and
 - (iii) any expenses necessarily and reasonably incurred in such travel, which will be \$0.44 per kilometre where the employee uses their own vehicle.
- (b) The time outside ordinary working hours reasonably spent in such travel will be calculated at the ordinary hourly on-site rates to the next quarter of an hour, with a minimum payment of one half hour per day for each return journey.

25.6 Residing outside radial areas

An employee whose residence is outside the radial areas prescribed in clauses 25.2, 25.3 and 25.4 and who crosses a radial boundary to travel to a construction site, will be entitled to the allowance prescribed in clause 25.2 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.

25.7 Travelling between radial areas

The provisions of clause 25.5 will apply to an employee who is required by the employer to travel daily from one of those areas mentioned in clauses 25.2, 25.3 and 25.4 to an area, or to another area, mentioned in clauses 25.2, 25.3 and 25.4.

25.8 Provision of transport

- (a) No allowances, other than those prescribed in clauses 25.5 and 25.7 and in the circumstances described in clause 25.8(b), 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.
- (b) 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.

25.9 Transfer during working hours

- (a) 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.
- (b) 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 \$0.74 per kilometre.

25.10 Daily entitlement

- (a) The travelling allowances prescribed in this clause will be payable for:
 - (i) any day upon which the employee performs or reports for duty, or allocation of work; and
 - (ii) any rostered day off taken as prescribed in clauses 33—Ordinary hours of work, and 34—Shiftwork.
- (b) The allowances prescribed in this subclause will be taken into account when calculating the annual leave loading.
- (c) The allowances prescribed by this subclause will not be taken into account for calculating overtime, penalty rates, annual or personal/carer's leave entitlements.

25.11 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.

25.12 Apprentices

- (a) Apprentices will be entitled to a proportion of the allowances prescribed in clauses 25.2, 25.3 and 25.4 in accordance with the following scale:
- (i) on the first year rate—75% of amount prescribed;
 - (ii) on second year rate—85% of amount prescribed;
 - (iii) on third year rate—90% of amount prescribed;
 - (iv) on fourth year rate—95% of amount prescribed.
- (b) Apprentices will only receive the allowances prescribed in clause 25.12(a) for days when they attend work. They will not be paid the allowance for days they attend school. When a school-based apprentice attends off-the-job training not at the school in which they are enrolled, they will receive 25% of the allowance as prescribed in clause 25.12(a).

25.13 Adjustment of living away from home—distant work and fares and travel patterns allowance

The monetary allowances prescribed in clauses 24—Living away from home—distant work, and 25—Fares and travel patterns allowance, will be adjusted in accordance with clause 20.4.

26. District allowances

[Varied by [PR994519](#)]

26.1 Northern Territory

An employee in the Northern Territory is entitled to payment of a district allowance in accordance with the terms of an award made under the *Workplace Relations Act 1996* (Cth):

[26.1(a) substituted by [PR994519](#) from 01Jan10]

- (a) 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
- (b) that would have entitled the employee to payment of a district allowance.

26.2 Western Australia

[26.2 substituted by [PR994519](#) from 01Jan10]

An employee in Western Australia is entitled to payment of a district allowance in accordance with the terms of a notional agreement preserving a State award or an award made under the *Workplace Relations Act 1996* (Cth):

- (a) 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

Building and Construction General On-site Award 2010

employment and no agreement-based transitional instrument or enterprise agreement had applied to the employee; and

- (b) that would have entitled the employee to payment of a district allowance.

26.3 Territory of Christmas Island

[New 26.3 inserted by [PR994519](#) from 01Jan10]

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):

- (a) 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
- (b) that would have entitled the employee to payment of a district allowance.

[26.3 renumbered as 26.4 by [PR994519](#) from 01Jan10]

26.4 This clause ceases to operate on 31 December 2014.

27. Accident pay

[Varied by [PR994519](#), [PR503624](#)]

[27.1 varied by [PR994519](#); substituted by [PR503624](#) ppc 01Jan11]

27.1 Subject to clause 27.2, an employee is entitled to accident pay 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 27 March 2006, a notional agreement preserving a State award that would have applied to the employee immediately prior to 1 January 2010 or a Division 2B State award that would have applied to the employee immediately prior to 1 January 2011:

- (a) if the employee had at that time been in their current circumstances of employment and no agreement-based transitional instrument, enterprise agreement or Division 2B State employment agreement had applied to the employee; and
- (b) 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.

[27.2 substituted by [PR994519](#), [PR503624](#) ppc 01Jan11]

27.2 The employee's entitlement to accident pay under the award, the notional agreement preserving a State award or the Division 2B State award is limited to the amount of accident pay which exceeds the employee's entitlement to accident pay, if any, under any other instrument.

27.3 This clause does not operate to diminish an employee's entitlement to accident pay under any other instrument.

27.4 This clause ceases to operate on 31 December 2014.

28. National training wage

[Varied by [PR997900](#)]

28.1 The provisions of Schedule C will apply in respect of traineeships, save that the following minimum wage rates will apply instead of those within clause 3.1 of Schedule C.

28.2 Civil construction traineeships

The minimum weekly rate payable to civil construction trainees will be as follows:

[28.2 varied by [PR997900](#) ppc 01Jul10]

Item	Stage 1	Stage 2	Stage 3
	\$	\$	\$
Base rate	510.50	552.30	602.40
Industry allowance	24.55	24.55	24.55
Special allowance	7.70	7.70	7.70
Total weekly rate	542.75	584.55	634.65

28.3 Other traineeships

(a) Rates of pay for trainees, other than civil construction trainees, will be as follows:

[28.3(a) varied by [PR997900](#) ppc 01Jul10]

Item	Skill level B	Skill level A
	\$	\$
Base rate	423.80	441.80
Industry allowance	24.55	24.55
Special allowance	7.70	7.70
Weekly rate	456.05	474.05

(b) All other disability and expense related allowances provided for in this award will be payable to trainees from time to time, if applicable, but no other allowances will apply.

29. School-based apprenticeship

See Schedule D

30. Higher duties

An employee engaged for more than two hours, during one day on duties carrying a higher rate than the employee's ordinary classification, must be paid the higher rate for the whole day. Otherwise the employee must be paid the higher rate for the time so worked.

31. Payment of wages

[Varied by [PR995980](#), [PR503624](#)]

- 31.1** All wages, allowances and other monies must be paid in cash, or by cheque, bank cheque, electronic funds transfer (EFT) or similar transfer or any combination.
- 31.2** An employee paid by cheque must be allowed reasonable time, as agreed between the employer and the employee, to attend the branch of the employee's bank nearest the workplace to cash cheques during working hours.

[31.3 substituted by [PR995980](#), [PR503624](#) ppc 01Jan11]

- 31.3** Payments must be paid and available to the employee not later than the end of ordinary hours of work on Thursday of each working week. Where an employer made payment less frequently in compliance with a relevant award or award-based transitional instrument, prior to the making of this award on 1 January 2010, or where an employer made payment less frequently in compliance with a Division 2B State award, prior to 1 January 2011, the employer may continue to make payment at that frequency, subject to the agreement of employees and/or a majority of employees if required by the relevant award, award-based transitional instrument or Division 2B State award.
- 31.4** When notice is given, all monies due to the employee must be paid at the time of termination of employment. Where this is not practicable, the employer will have two working days to send monies due to the employee by registered post (or where paid by EFT the monies are transferred into the employee's account).
- 31.5** If an employee is paid wages by cash or cheque and is kept waiting for their wages more than a quarter of an hour after the usual time of finishing work on pay day (for reasons other than circumstances beyond the control of the employer), the employee is to be paid at overtime rates after that quarter of an hour for the period they are kept waiting, with a minimum payment of a quarter of an hour.

32. Superannuation

[Varied by [PR994519](#)]

32.1 Superannuation legislation

- (a) Superannuation legislation, including the *Superannuation Guarantee (Administration) Act 1992* (Cth), the *Superannuation Guarantee Charge Act 1992* (Cth), the *Superannuation Industry (Supervision) Act 1993* (Cth) and the *Superannuation (Resolution of Complaints) Act 1993* (Cth), deals with the superannuation rights and obligations of employers and employees. Under superannuation legislation individual employees generally have the opportunity to choose their own superannuation fund. If an employee does not choose a superannuation fund, any superannuation fund nominated in the award covering the employee applies.
- (b) The rights and obligations in these clauses supplement those in superannuation legislation.

32.2 Employer contributions

- (a) An employer must make such superannuation contributions to a superannuation fund for the benefit of an employee as will avoid the employer being required to pay the superannuation guarantee charge under superannuation legislation with respect to that employee.

32.3 Voluntary employee contributions

- (a) Subject to the governing rules of the relevant superannuation fund, an employee may, in writing, authorise their employer to pay on behalf of the employee a specified amount from the post-taxation wages of the employee into the same superannuation fund as the employer makes the superannuation contributions provided for in clause 32.2.
- (b) An employee may adjust the amount the employee has authorised their employer to pay from the wages of the employee from the first of the month following the giving of three months' written notice to their employer.
- (c) The employer must pay the amount authorised under paragraph clauses 32.3(a) or 32.3(b) no later than 28 days after the end of the month in which the deduction authorised under clauses 32.3(a) or 32.3(b) was made.

32.4 Superannuation fund

[32.4 varied by [PR994519](#) from 01Jan10]

Unless, to comply with superannuation legislation, the employer is required to make the superannuation contributions provided for in clause 32.2 to another superannuation fund that is chosen by the employee, the employer must make the superannuation contributions provided for in clause 32.2 and pay the amount authorised under clauses 32.3(a) or 32.3(b) to one of the following superannuation funds or its successor:

- (a) Construction and Building Industry Super (Cbus);
- (b) Building Unions Superannuation (Queensland) (BUSS(Q));
- (c) QUEST Super;
- (d) AUST(Q);
- (e) AustralianSuper;
- (f) Australian Superannuation Savings Employment Trust (ASSET Super);
- (g) Tasplan;
- (h) Westscheme;
- (i) Building Employers Superannuation Trust;
- (j) Civil Contractors Federation Superannuation Trust (CCFST);
- (k) SunSuper;
- (l) Statewide Superannuation Trust; or

- (m) any superannuation fund to which the employer was making superannuation contributions for the benefit of its employees before 12 September 2008, provided the superannuation fund is an eligible choice fund.

32.5 Absence from work

Subject to the governing rules of the relevant superannuation fund, the employer must also make the superannuation contributions provided for in clause 32.1(a) and pay the amount authorised under clauses 32.3(a) or (b):

- (a) **Paid leave**—while the employee is on any paid leave;
- (b) **Work-related injury or illness**—for the period of absence from work (subject to a maximum of 52 weeks) of the employee due to work-related injury or work-related illness provided that:
 - (i) the employee is receiving workers compensation payments or is receiving regular payments directly from the employer in accordance with the statutory requirements; and
 - (ii) the employee remains employed by the employer.

Part 5—Hours of Work and Related Matters

33. Ordinary hours of work

33.1 Except as provided in clause 34—Shiftwork, the ordinary working hours will be 38 per week, worked between 7.00 am and 6.00 pm, Monday to Friday, in accordance with the following procedure.

- (a) **Hours of work and rostered days off**
 - (i) The ordinary working hours will be worked in a 20 day four week cycle, Monday to Friday inclusive, with eight hours worked for each of 19 days and with 0.4 of an hour on each of those days accruing towards the twentieth day, which will be taken as a paid day off. The twentieth day of that cycle will be known as the rostered day off (RDO), and will be taken as outlined in clauses 33.1(a)(i) to 33.1(a)(iii). Payment on such a rostered day off will include accrued entitlement to the allowances prescribed in clauses 25.2 to 25.7. A rostered day off will be taken on the fourth Monday in each four week cycle, except where it falls on a public holiday, in which case the next working day will be taken instead.

- (ii) **Agreement on alternate RDOs**

Where an employer and a majority of employees at an enterprise agree, another day may be substituted for the nominated industry rostered day off.

- (iii) **Agreement on banking of RDOs**

- Where employees are employed on distant work covered by clause 24.1, an employer and a majority of those employees on distant work may agree to accrue up to five rostered days off for the purpose of

Building and Construction General On-site Award 2010

creating a bank to be drawn upon by the employee at times mutually agreed by the employer.

- Where the majority of the employees request consultation with their representative(s), that consultation will take place at least five days prior to its introduction.
 - Any agreed arrangement must provide that 13 rostered days are taken off by an employee for 12 months' continuous service.
- (iv) Each day of paid leave taken and a public holiday occurring during any cycle of four weeks will be regarded as a day worked for accrual purposes.
- (v) An employee who has not worked, or is not regarded by reason of clause 33.1(a)(iv) as having worked a complete 19-day four week cycle, will receive pro rata accrued entitlements for each day worked or regarded as having been worked in such cycle, payable for the rostered day off, or in the case of termination of employment, on termination.
- (vi) Except where agreement has been reached in accordance with clauses 33.1(a)(ii) and 33.1(a)(iii), the prescribed rostered day off or any substituted day may be worked where it is required by the employer and such work is necessary:
- to allow other employees to be employed productively; or
 - to carry out out-of-hours maintenance; or
 - in the case of unforeseen delays to a particular project or a section of it or other reasons arising from unforeseen or emergency circumstances on a project;

in which case, in addition to accrued entitlements, the employee will be paid penalty rates and provisions as prescribed for Saturday work in clause 37—Penalty rates.

(vii) Agreement on working other than the rostered day off cycle

Where an employer and the majority of employees employed at a particular enterprise agree that due to the nature of an employer's operations it is not practicable for the foregoing four week cycle to operate, they may agree to an alternate method of arranging working hours, provided that the ordinary hours worked in any one week from Monday to Friday are within the spread of hours set out in clause 33.1 and that no more than eight ordinary hours are worked in any one day.

(viii) Early starts

The working day may start at 6.00 am or at any other time between that hour and 8.00 am and the working time will then begin to run from the time so fixed, with a consequential adjustment to the meal cessation period. The change to the start time requires agreement between the employer and the employees and their representative(s), if requested.

(b) Hours of work—part-time employees

- (i) Notwithstanding the provisions of this clause and clause 34—Shiftwork, an employee working on a part-time basis may be paid for actual hours worked and in such instances the employee will not be entitled to accrue time towards a rostered day off, and further provided that such employee will not work on the rostered day off.
- (ii) An employer and employee may agree that the part-time employee accrues time towards a rostered day off as provided by this clause and clause 34—Shiftwork. In such instances, the part-time employee will accrue pro rata entitlements to rostered days off in accordance with clause 33.1(a)(v).

(c) Washing time

The employer will provide sufficient facilities for washing and five minutes will be allowed before lunch and before finishing time to enable employees to wash and put away gear.

(d) Work in compressed air

The working hours and conditions of employees working in compressed air will be those as from time to time prescribed in the code of the *Standards Association of Australia for work in compressed air, Part 1 Airlock Operations*.

(e) Hours—underground work

[33.1(e)(i) varied by [PR994519](#) from 01Jan10]

- (i) **Underground** means in any trench, shaft, drive or tunnel more than 6.1 metres (20 feet) below the surface of the ground or any drive or tunnel over 4.6 metres (15 feet) in length or where the drive or tunnel is timbered irrespective of the depth, or any live sewer more than 2.4 metres (8 feet) below the surface of the ground. Nothing in this clause will entitle a person working in a trench by pot and shot method or otherwise at a depth less than 6.1 metres (20 feet) below the surface of the ground to be paid as a miner.
- (ii) The hours of work of employees working underground and all dependent work above the ground will begin at the whistle and end at the surface. The hours of work for underground work will be 38 per week worked in accordance with the provisions of clauses 33.1(a)(i) and 33.1(a)(ii). Each day's work will include half an hour crib break and if two shifts are worked they will be worked between the hours of 6.00 am and midnight.

[33.1(e)(iii) varied by [PR994519](#) from 01Jan10]

- (iii) A week's work will be 30 hours per week, exclusive of crib time, except in the following cases:
 - miners driving tunnels with a superficial area not exceeding 12.2 metres (40 feet);
 - miners sinking shafts over 15.2 metres (50 feet) in depth; and

- persons packing and/or scabbling in dead ends and/or boodler working.

34. Shiftwork

34.1 General building and construction and metal and engineering construction sectors

(a) Definitions

For the purposes of this clause:

afternoon shift means a shift finishing at or after 9.00 pm and at or before 11.00 pm

night shift means a shift finishing after 11.00 pm and at or before 7.00 am

morning shift means a shift finishing after 12.30 pm and at or before 2.00 pm

early afternoon shift means a shift finishing after 7.00 pm and before 9.00 pm.

- (b)** When an employee is employed continuously (inclusive of public holidays) for five shifts Monday to Friday, the following rates will apply:
- (i)** afternoon and night shift—ordinary time plus 50%;
 - (ii)** morning and early afternoon shifts—ordinary time plus 25%.
- (c)** Where a job finishes after proceeding on shiftwork for more than five consecutive days or the employer terminates the employee's services during the week, the employee must be paid at the rate specified in clause 34.1(b) for the time actually worked.
- (d)** In the case of broken shifts (i.e. less than 38 ordinary hours worked over five consecutive shifts Monday to Friday) the rates prescribed will be ordinary time and a half for the first two hours and double ordinary time rates thereafter.
- (e)** The ordinary hours of both afternoon and night shift will be eight hours daily inclusive of meal breaks. Provided that where shiftwork comprises three continuous and consecutive shifts of eight hours each per day, a crib time of 20 minutes duration will be allowed on each shift, and will be paid for as though worked. Such crib time will be instead of any other rest period or cessation of work elsewhere prescribed by this award.
- (f)** An employee must be given at least 48 hours' notice of the requirement to work shiftwork.
- (g)** The hours for shiftworkers, when fixed, must not be altered except for breakdowns or other causes beyond the control of the employer, provided that notice of such alteration must be given to the employee not later than ceasing time of the previous day shift.
- (h)** For all work performed on a Saturday or Sunday, the normal rates of pay applicable to weekend overtime must apply. Provided that an ordinary night shift commencing before and extending beyond midnight Friday, will be regarded as a Friday shift.

Building and Construction General On-site Award 2010

- (i) All work in excess of shift hours, Monday to Friday, other than holidays must be paid for at double time based on the ordinary rates of pay (excluding shift rates).
- (j) The provisions of this award relating to hours of work and leave will apply to employees working shiftwork.

34.2 Civil construction sector

(a) Definitions

For the purpose of this clause:

shiftwork means any system of work in which operations are being continued by the employment of a group of employees upon work on which another group had been engaged previously

day shift means any shift starting on or after 6.00 am and before 10.00 am

afternoon shift means any shift starting at or after 10.00 am and before 8.00 pm

night shift means any shift starting at or after 8.00 pm and before 6.00 am

rostered shift means a shift of which the employee concerned has had at least 48 hours notice.

(b) Roster

Shifts must be worked according to a roster which will:

- (i) provide for rotation of shifts unless all the employees concerned agree otherwise;
- (ii) provide for not more than eight shifts to be worked in any nine consecutive days; and
- (iii) specify the commencing and finishing times of each shift.

(c) Ordinary hours

- (i) The ordinary hours of work for shiftworkers will not exceed an average of 38 per week over a cycle of two, three or four weeks.
- (ii) A shift will consist of not more than eight consecutive hours inclusive of a crib time of 30 minutes which will be counted as time worked.

(d) Rostered off shift

Twenty-four minutes of each eight hour shift worked during a shift cycle will accrue as an entitlement to take a rostered off shift after each 19 shifts worked. The rostered off shift will be paid for as though worked.

(e) Paid leave

Each day of paid leave taken and any public holiday occurring during any shift cycle will be regarded as a shift worked for accrual purposes.

(f) Pro rata accrued entitlements

A shiftworker who has not worked or is not regarded by reason of clause 34.2(e) as having worked a complete shift cycle will receive pro rata accrued entitlements for each shift worked or regarded as having been worked in that cycle. Such pro rata entitlements will be payable for the rostered off shift or, in the case of termination of employment, on such termination.

(g) Taking of rostered off shifts

The employer and employees concerned will agree in writing upon arrangements for the taking of rostered off shifts or for their accumulation. Such accumulation will be limited to not more than five shifts before they are taken as rostered off shifts. When rostered off shifts are taken they will be regarded as shifts worked for accrual purposes in the particular shift cycle in which they are taken.

(h) Work on a rostered off shift

The rostered off shift prescribed by this clause will be taken as a paid shift off. Provided that where an employer for emergency reasons requires an employee to work on their rostered off shift the employee will, in addition to their accrued entitlements, be paid at overtime rates for all work performed on the rostered off shift.

(i) Overtime

All time worked by a shiftworker in excess of or outside the ordinary hours (inclusive of time worked for accrual purposes), or on a shift other than a rostered shift, must be paid for at the rate of double time. Provided that this will not apply when the overtime is worked by arrangements between the employees themselves or for the purpose of effecting the customary rotation of shifts.

(j) Shift allowances

A shiftworker whilst on afternoon or night shift other than on a Saturday, Sunday or holiday must be paid their ordinary rate plus 15%.

(k) Saturdays

Employees working shifts between midnight on Friday and midnight on Saturday must be paid at the minimum rate of time and a half for ordinary hours of work inclusive of time worked for accrual purposes as prescribed in clause 34.2(e).

(l) Sundays and holidays

Subject to this clause, the provisions of clause 41—Public holidays, will apply to shiftworkers. Where shifts commence between 11.00 pm and midnight on a Sunday or holiday, the time so worked before midnight will not entitle the employee to the Sunday or holiday rate; provided that the time worked by an employee on a shift commencing before midnight on the day preceding a Sunday or holiday and extending into a Sunday or holiday will be regarded as time worked on such Sunday or holiday. Where shifts fall partly on a Sunday

Building and Construction General On-site Award 2010

or a holiday that shift, the major portion of which falls on a Sunday or a holiday, will be regarded as the Sunday or holiday shift.

(m) Five successive shifts

Shiftworkers who work on any afternoon or night shift which does not continue for at least five successive afternoons or nights will be paid at the rate of time and a half for all ordinary time occurring during such shift.

(n) Permanent night shift

An employee who (except at their own request pursuant to clause 34.2(b)(i)):

- (i)** during a period of engagement on shift, works night shift only; or
- (ii)** remains on a night shift for a longer period than four successive weeks; or
- (iii)** works on a night shift which does not rotate or alternate with another shift or with day work so as to give the employee at least one third of their working time off night shift in each cycle;

must, during such engagement, period or cycle be paid their ordinary rate plus 30% for all time worked during ordinary working hours on such night shift.

(o) Call outs

A shiftworker called out to work after the expiration of their customary working time and after they have left work for the shift, or is called out to work on a day on which they are rostered off, must be paid for a minimum of three hours work calculated at double the ordinary prescribed rate for each time the shiftworker is called out. Provided that if called out on a public holiday, payment must be calculated at the rate prescribed in clause 37.9 of this award.

(p) Transport after overtime

When a shiftworker, after having worked overtime or a shift for which they have not been regularly rostered, finishes work at a time when reasonable means of transport are not available, the employer will provide the shiftworker with transport to their usual place of residence or to the nearest appropriate public transport.

35. Meal breaks

35.1 Meal break—day workers

- (a)** There must be a cessation of work and of working time, for the purpose of a meal on each day, of no less than 30 minutes, to be taken between noon and 1.00 pm, or as otherwise agreed between an employer and a majority of employees, provided that an employee must not be required to work more than five hours without a break for a meal.
- (b)** Where, because of the area or location of a project, the majority of on-site employees on the project request, and agreement is reached, the period of the

meal break may be extended to not more than 45 minutes with a consequential adjustment to the daily time of finishing of work.

35.2 Meal break—shiftworkers

At no later than five hours after the commencement of each shift there must be a cessation of work of 30 minutes duration to allow shiftworkers to take a meal break which will be counted as time worked.

35.3 Rest periods and crib time

- (a) There must be allowed, without deduction of pay, a rest period of 10 minutes between 9.00 am and 11.00 am.
- (b) When an employee is required to work overtime after the usual finishing time of the day or shift for two hours or more, the employee must be allowed to take, without deduction of pay, a crib time of 20 minutes in duration immediately after such finishing time and thereafter, after each four hours of continuous work (also without deduction of pay), a crib time of 30 minutes in duration. In the event of an employee remaining at work after the usual finishing time without taking the crib time of 20 minutes and continuing at work for a period of two hours or more, the employee will be regarded as having worked 20 minutes more than the time worked and be paid accordingly.
- (c) For the purposes of this subclause, **usual finishing time** is at the end of ordinary hours inclusive of time worked for accrual purposes as prescribed in clauses 33—Ordinary hours of work, and 34—Shiftwork.
- (d) Where shiftwork comprises three continuous and consecutive shifts of eight hours per day inclusive of time worked for accrual purposes as prescribed in clauses 33—Ordinary hours of work and 34—Shiftwork, a crib time of 20 minutes in duration must be allowed without deduction of pay in each shift. Such crib time in each shift will be instead of any other rest period or cessation of work elsewhere prescribed by this award.
- (e) The provisions of clauses 35.3(b) and 35.3(d) will not be applicable to the case of an employee who is allowed the rest periods prescribed in clauses 22.2(b) and 22.2(c).

35.4 Working with toxic materials

Where an employee is using toxic materials and such work continues to the employee's meal break, the employee will be entitled to take washing time of 10 minutes immediately prior to the meal break. Where this work continues to the finishing time of the day or is finalised at any time prior to the finishing time of the day, washing time of 10 minutes will be granted. The washing time break or breaks will be counted as time worked.

35.5 Shaft or trench sinkers, etc.

Where shaft or trench sinkers or timberpersons are working at a depth of over 1.8 metres and where employees are driving at any depth in a tunnel or are engaged on similar work, the prescribed ordinary hours will include a daily crib time of 30 minutes which will be counted as time worked.

36. Overtime

36.1 Requirement to work reasonable overtime

- (a) Except as provided in this clause, an employer may require any employee to work reasonable overtime.
- (b) An employee may refuse to work overtime in circumstances where the working of such overtime would result in the employee working hours which are unreasonable having regard to:
 - (i) any risk to employee health and safety;
 - (ii) the employee's personal circumstances including any family responsibilities;
 - (iii) the needs of the workplace or enterprise;
 - (iv) the notice (if any) given by the employer of the overtime and by the employee of their intention to refuse it; and
 - (v) any other relevant matter.

36.2 All time worked beyond an employee's ordinary time of work (inclusive of time worked for accrual purposes as prescribed in clauses 33—Ordinary hours of work and 34—Shiftwork), Monday to Friday, must be paid for at the rate of time and a half for the first two hours and at double time thereafter.

36.3 An employee recalled to work overtime after leaving the employer's business premises (whether notified before or after leaving the premises) must be paid for a minimum of three hours' work at the appropriate rates for each time the employee is so recalled. The employee will not be required to work the full three hours if the job the employee was recalled to perform is completed within a shorter period, unless unforeseen circumstances arise.

36.4 Clause 36.3 will not apply in cases where it is customary for an employee to return to the employer's premises to perform a specific job outside ordinary working hours or where the overtime is continuous (subject to a reasonable meal break) with the completion or commencement of ordinary working time.

36.5 If an employer requires an employee to work during the time prescribed by clause 35.1 for finishing of work, the employee must be paid at the rate of double time for the period worked between the prescribed time of finishing and the beginning of the time allowed in substitution for the meal break. If the finishing time is shortened at the request of the employee to the minimum of 30 minutes prescribed in clause 35.1 or to any other extent (not being less than 30 minutes) the employer will not be required to pay more than the ordinary rates of pay for the time worked as a result of such shortening, but such time will form part of the ordinary working time of the day.

36.6 No employee under the age of 18 years will be required to work overtime or shiftwork.

36.7 Except in an emergency, no trainee will work or be required to work overtime or shiftwork at times which would prevent the employee's attendance at a training facility, as required by any statute, award or regulation.

Building and Construction General On-site Award 2010

- 36.8** When an employee finishes work at a time when reasonable means of transport are not available, after having worked overtime and/or a shift for which the employee has not been regularly rostered, the employer must pay the cost of, or provide, transport to the employee's home or to the nearest public transport.
- 36.9** An employee who works so much overtime:
- (a) between the termination of the employee's ordinary work day or shift, and the commencement of the employee's ordinary work in the next day or shift that the employee has not had at least 10 consecutive hours off duty between these times; or
 - (b) on Saturdays, Sundays and holidays (not being ordinary working days) or on a rostered day off, without having had 10 consecutive hours off duty in the 24 hours preceding the employee's ordinary commencing time on the next ordinary day or shift;
- must be released after completion of such overtime until the employee has had 10 hours off duty without loss of pay for ordinary working time occurring during such absence.
- 36.10** An employee who has worked continuously (except for meal and crib times allowed by this award) for 20 hours must not be required to continue at or commence work for at least 12 hours.
- 36.11** If, on the instructions of the employer, an employee resumes or continues to work without having had 10 consecutive hours off duty, the employee must be paid at double time until the employee is released from duty for such period and will then be entitled to be absent until the employee has had 10 consecutive hours off duty without loss of pay for ordinary working time occurring during such absence.
- 36.12** The provisions of this subclause will apply in the case of shiftworkers as if eight hours were substituted for 10 hours when overtime is worked:
- (a) for the purpose of changing shift rosters; or
 - (b) where a shiftworker does not report for duty and a day worker or a shiftworker is required to replace such shiftworker; or
 - (c) where a shift is worked by arrangement between the employees themselves.
- 36.13** All work performed on any of the holidays prescribed by the NES or substituted instead thereof, must be paid for at the rate of double time and a half.
- 36.14** The provisions of clauses 36.8 and 36.9 must apply in respect of work on a holiday.
- 36.15** An employee required to work on a holiday must be afforded at least four hours' work or be paid for four hours at the appropriate rate.
- 36.16** All work performed on a Saturday or a Sunday will be paid in accordance with clause 37—Penalty rates.

37. Penalty rates

- 37.1 Overtime worked on Saturday must be paid for at the rate of time and a half for the first two hours and double time thereafter, provided that all overtime worked after 12 noon on Saturday must be paid for at the rate of double time.
- 37.2 An employee required to work overtime on a Saturday must be afforded at least three hours' work or be paid for three hours at the appropriate rate.
- 37.3 All work performed on the Saturday following Good Friday must be paid for at the rate of double time and a half.
- 37.4 An employee required to work on the Saturday following Good Friday must be afforded at least four hours' work or be paid for four hours at the appropriate rate.
- 37.5 All time worked on Sundays must be paid for at the rate of double time. An employee required to work overtime on a Sunday must be afforded at least four hours' work or be paid for four hours at the appropriate rate.
- 37.6 An employee working overtime on Saturday or Sunday must be allowed a paid rest period of 10 minutes between 9.00 am and 11.00 am.
- 37.7 An employee working overtime on a Saturday or working on a Sunday must be allowed a paid crib time of 20 minutes after four hours work, to be paid for at the ordinary rate of pay but this provision will not prevent any arrangements being made for the taking of a 30 minute meal period, the time in addition to the paid 20 minutes being without pay.
- 37.8 In the event of an employee being required to work in excess of a further four hours, the employee must be allowed to take a paid crib time of 30 minutes which will be paid at the ordinary rate of pay.
- 37.9 All work performed on public holidays, or substituted days, must be paid for at the rate of double time and a half, subject to a minimum payment for four hours' work.

Part 6—Leave and Public Holidays

38. Annual leave

[Varied by [PR994519](#)]

38.1 Leave entitlement

- (a) Annual leave is provided for in the NES.
- (b) For the purpose of the additional week of leave provided by the NES, a shiftworker means a **continuous shiftworker** as defined in this award.

38.2 Payment for annual leave

[38.2(a) varied by [PR994519](#) from 01Jan10]

- (a) Instead of the **base rate of pay** as referred to in s.90(1) of the Act, an employee under this award, before going on annual leave, must be paid, in advance, the

Building and Construction General On-site Award 2010

amount which they would have received for working ordinary time hours if they had not been on leave.

- (b) In addition to the payment prescribed in clause 38.2(a), an employee must receive during a period of annual leave a loading of 17.5% calculated on the rates, loadings and allowances prescribed by:

- clause 19.1(a)—Minimum wages;
- clause 21.2—Industry allowance;
- clause 21.3—Underground allowance;
- clause 20.1—Tool and employee protection allowance;
- clause 24—Living away from home—distant work;
- clause 25—Fares and travel patterns allowance; and
- clause 19.2—Leading hands (if applicable).

This loading will also apply to proportionate leave on lawful termination.

- (c) Instead of the payment in respect of annual leave loading provided for in clause 38.2(b), an employee who would have worked on shiftwork had they not been on leave and where the employee would have received shift loadings prescribed by clause 34—Shiftwork, had they not been on leave during the relevant period and such loadings would have entitled them to a greater amount than the loading of 17.5%, then the shift loading as prescribed in clause 34 will be included in the rate of wage prescribed by clause 38.2(b) instead of the 17.5% loading.

38.3 Annual close down

- (a) An employer may direct an employee to take paid annual leave during all or part of a period in conjunction with the Christmas/New Year holidays, where the employer shuts down the business, part of the business, or a site where the employee works. If an employee does not have sufficient accrued annual leave for the period of the shutdown, then the employee may be required to take leave without pay for the balance of the shutdown period for which leave is not accrued.
- (b) Where an employer decides to utilise the provisions of clause 38.3(a) in respect of the Christmas/New Year period for the purpose of giving the whole of the annual leave due to all or the majority of their employees then qualified for such leave, the employer must give at least two months' notice to the affected employees.

39. Personal/carer's leave and compassionate leave

39.1 Personal/carer's leave entitlements are provided for in the NES.

39.2 If an employee is terminated by the employer and is re-engaged by the same employer within a period of six months, then the employee's unclaimed balance of sick leave will continue from the date of re-engagement. In such case the employee's

next year of service will commence after a total of 12 months has been served with that employer excluding the period of interruption in service from the date of commencement of the previous period of employment or the anniversary of the commencement of the previous period of employment.

40. Community service leave

Community service leave is provided for in the NES.

41. Public holidays

41.1 Public holidays are provided for in the NES.

41.2 By agreement between the employer and the majority of employees in the relevant enterprise or section of the enterprise, an alternative day may be taken as the public holiday instead of any of days prescribed in the NES.

Part 7—Industry Specific Provisions

42. Lift industry

42.1 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.

42.2 Lift industry allowance

(a) In addition to the weekly award rates specified in clause 19.1, 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.

(b) Apprentices must be paid the following proportion of the appropriate lift industry allowance as follows:

Year of apprenticeship	% of allowance
First year of apprenticeship	42
Second year of apprenticeship	55
Third year of apprenticeship	75
Fourth year of apprenticeship	88

(c) An employee in receipt of the lift industry allowance prescribed by clause 42.2(a) will not be entitled to any of the special rates prescribed in clause 22—Special rates.

Building and Construction General On-site Award 2010

- (d) 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 42.2(a) 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 30—Higher duties.
- (e) 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.
- (f) The amounts specified in this clause will be paid for all purposes.

42.3 Conditions of employment

The provisions of the award will apply to employees covered by this clause excepting the provisions of clauses 21.1, 21.3 and 21.11.

43. Forepersons and supervisors

[Varied by [PR997900](#)]

43.1 Application

These special conditions apply to forepersons and supervisors in the metal and engineering construction sector covered by this award, but do not apply to any employer employing fewer than 30 employees.

43.2 Wages

- (a) The weekly minimum wage rate for forepersons and supervisors will be as follows:

[43.2 varied by [PR997900](#) ppc 01Jul10]

Classification	Supervision of three or more tradespersons, excluding leading hands	Supervision of other than three or more tradespersons, excluding leading hands
Foreperson/supervisor	The average of the weekly wage rates for 38 ordinary hours of work, including payments applicable from time to time to the tradespersons (excluding leading hands) supervised by a foreperson/supervisor plus \$117.40, or \$712.80, whichever is the greater.	The average of the weekly wage rates for 38 ordinary hours of work, including payments applicable from time to time to the adult employees (excluding leading hands) plus \$90.10, or \$772.50, whichever is the greater.
General foreperson/supervisor	The highest weekly wage rate paid for 38 ordinary	The highest weekly wage rate paid for 38 ordinary

Classification	Supervision of three or more tradespersons, excluding leading hands	Supervision of other than three or more tradespersons, excluding leading hands
	hours of work to a foreperson/supervisor supervised by a general foreperson/supervisor plus \$119.70, or \$693.40, whichever is the greater, provided that where only juniors and/or apprentices are supervised, the minimum wage rate to be paid is \$693.40 per week.	hours of work to a foreperson/supervisor supervised by a general foreperson/supervisor plus \$90.10, or \$756.20, whichever is the greater.

- (b) Employees paid the wage rates in clause 43.2(a) will not receive overtime payments, shift work premiums, special rates, meal allowances, allowances for travelling and board, motor allowances, first aid allowances and other additional amounts specified in clauses 25—Fares and travel patterns allowance, 24—Living away from home—distant work, and 22—Special rates.

43.3 Payment of wages

Wages may be paid in cash, by cheque, or into a bank account which is nominated by the employee.

43.4 Contract of employment

- (a) The employer will, in writing, advise an employee covered by this award whether the contract of employment is on a weekly, fortnightly, bi-monthly, or monthly basis.
- (b) Once the basis of the contract of employment has been so advised, it will cover the period over which the wages are to be paid. The period of notice or payment instead of notice required to terminate the contract of employment will be that fixed in accordance with the contract of employment, subject to any notice required by the Act.

43.5 Conditions of employment

- (a) The conditions of employment that apply to employees covered by this part will not be less favourable than those prescribed under this award.
- (b) Where it has been the custom to do so and the employer and employee agree, time off with pay may be taken instead of payment for overtime work, shift work, or work on Sundays or holidays. The amount of time taken is to be equivalent to the pay the employee would otherwise have received for working overtime.

[Part 8—Transitional Provisions deleted by [PR988410](#)]

Schedule A—Transitional Provisions

[Sched A varied by [PR994519](#), [PR503624](#)]

A.1 General

A.1.1 The provisions of this schedule deal with minimum obligations only.

[A.1.2 varied by [PR994519](#) from 01Jan10]

A.1.2 The provisions of this schedule are to be applied:

- (a) when there is a difference, in money or percentage terms, between a provision in a relevant transitional minimum wage instrument (including the transitional default casual loading) or award-based transitional instrument on the one hand and an equivalent provision in this award on the other;
- (b) when a loading or penalty in a relevant transitional minimum wage instrument or award-based transitional instrument has no equivalent provision in this award;
- (c) when a loading or penalty in this award has no equivalent provision in a relevant transitional minimum wage instrument or award-based transitional instrument; or
- (d) when there is a loading or penalty in this award but there is no relevant transitional minimum wage instrument or award-based transitional instrument.

A.2 Minimum wages – existing minimum wage lower

A.2.1 The following transitional arrangements apply to an employer which, immediately prior to 1 January 2010:

- (a) was obliged,

[A.2.1(b) substituted by [PR994519](#) from 01Jan10]

- (b) but for the operation of an agreement-based transitional instrument or an enterprise agreement would have been obliged, or
- (c) if it had been an employer in the industry or of the occupations covered by this award would have been obliged

by a transitional minimum wage instrument and/or an award-based transitional instrument to pay a minimum wage lower than that in this award for any classification of employee.

A.2.2 In this clause minimum wage includes:

- (a) a minimum wage for a junior employee, an employee to whom training arrangements apply and an employee with a disability;
- (b) a piecework rate; and
- (c) any applicable industry allowance.

Building and Construction General On-site Award 2010

A.2.3 Prior to the first full pay period on or after 1 July 2010 the employer must pay no less than the minimum wage in the relevant transitional minimum wage instrument and/or award-based transitional instrument for the classification concerned.

A.2.4 The difference between the minimum wage for the classification in this award and the minimum wage in clause A.2.3 is referred to as the transitional amount.

A.2.5 From the following dates the employer must pay no less than the minimum wage for the classification in this award minus the specified proportion of the transitional amount:

First full pay period on or after

1 July 2010	80%
1 July 2011	60%
1 July 2012	40%
1 July 2013	20%

A.2.6 The employer must apply any increase in minimum wages in this award resulting from an annual wage review.

A.2.7 These provisions cease to operate from the beginning of the first full pay period on or after 1 July 2014.

A.3 Minimum wages – existing minimum wage higher

A.3.1 The following transitional arrangements apply to an employer which, immediately prior to 1 January 2010:

(a) was obliged,

[A.3.1(b) substituted by [PR994519](#) from 01Jan10]

(b) but for the operation of an agreement-based transitional instrument or an enterprise agreement would have been obliged, or

(c) if it had been an employer in the industry or of the occupations covered by this award would have been obliged

by a transitional minimum wage instrument and/or an award-based transitional instrument to pay a minimum wage higher than that in this award for any classification of employee.

A.3.2 In this clause minimum wage includes:

(a) a minimum wage for a junior employee, an employee to whom training arrangements apply and an employee with a disability;

(b) a piecework rate; and

(c) any applicable industry allowance.

A.3.3 Prior to the first full pay period on or after 1 July 2010 the employer must pay no less than the minimum wage in the relevant transitional minimum wage instrument and/or award-based transitional instrument for the classification concerned.

Building and Construction General On-site Award 2010

A.3.4 The difference between the minimum wage for the classification in this award and the minimum wage in clause A.3.3 is referred to as the transitional amount.

A.3.5 From the following dates the employer must pay no less than the minimum wage for the classification in this award plus the specified proportion of the transitional amount:

First full pay period on or after

1 July 2010	80%
1 July 2011	60%
1 July 2012	40%
1 July 2013	20%

A.3.6 The employer must apply any increase in minimum wages in this award resulting from an annual wage review. If the transitional amount is equal to or less than any increase in minimum wages resulting from the 2010 annual wage review the transitional amount is to be set off against the increase and the other provisions of this clause will not apply.

A.3.7 These provisions cease to operate from the beginning of the first full pay period on or after 1 July 2014.

A.4 Loadings and penalty rates

For the purposes of this schedule loading or penalty means a:

- casual or part-time loading;
- Saturday, Sunday, public holiday, evening or other penalty;
- shift allowance/penalty.

A.5 Loadings and penalty rates – existing loading or penalty rate lower

[A.5.1 substituted by [PR994519](#) from 01Jan10]

A.5.1 The following transitional arrangements apply to an employer which, immediately prior to 1 January 2010:

- (a) was obliged,
- (b) but for the operation of an agreement-based transitional instrument or an enterprise agreement would have been obliged, or
- (c) if it had been an employer in the industry or of the occupations covered by this award would have been obliged

by the terms of a transitional minimum wage instrument or an award-based transitional instrument to pay a particular loading or penalty at a lower rate than the equivalent loading or penalty in this award for any classification of employee.

Building and Construction General On-site Award 2010

[A.5.2 substituted by [PR994519](#) from 01Jan10]

A.5.2 Prior to the first full pay period on or after 1 July 2010 the employer must pay no less than the loading or penalty in the relevant transitional minimum wage instrument or award-based transitional instrument for the classification concerned.

A.5.3 The difference between the loading or penalty in this award and the rate in clause A.5.2 is referred to as the transitional percentage.

A.5.4 From the following dates the employer must pay no less than the loading or penalty in this award minus the specified proportion of the transitional percentage:

First full pay period on or after

1 July 2010	80%
1 July 2011	60%
1 July 2012	40%
1 July 2013	20%

A.5.5 These provisions cease to operate from the beginning of the first full pay period on or after 1 July 2014.

A.6 Loadings and penalty rates – existing loading or penalty rate higher

[A.6.1 substituted by [PR994519](#) from 01Jan10]

A.6.1 The following transitional arrangements apply to an employer which, immediately prior to 1 January 2010:

- (a) was obliged,
- (b) but for the operation of an agreement-based transitional instrument or an enterprise agreement would have been obliged, or
- (c) if it had been an employer in the industry or of the occupations covered by this award would have been obliged

by the terms of a transitional minimum wage instrument or an award-based transitional instrument to pay a particular loading or penalty at a higher rate than the equivalent loading or penalty in this award, or to pay a particular loading or penalty and there is no equivalent loading or penalty in this award, for any classification of employee.

[A.6.2 substituted by [PR994519](#) from 01Jan10]

A.6.2 Prior to the first full pay period on or after 1 July 2010 the employer must pay no less than the loading or penalty in the relevant transitional minimum wage instrument or award-based transitional instrument.

[A.6.3 substituted by [PR994519](#) from 01Jan10]

A.6.3 The difference between the loading or penalty in this award and the rate in clause A.6.2 is referred to as the transitional percentage. Where there is no equivalent loading or penalty in this award, the transitional percentage is the rate in A.6.2.

A.6.4 From the following dates the employer must pay no less than the loading or penalty in this award plus the specified proportion of the transitional percentage:

First full pay period on or after

1 July 2010	80%
1 July 2011	60%
1 July 2012	40%
1 July 2013	20%

A.6.5 These provisions cease to operate from the beginning of the first full pay period on or after 1 July 2014.

A.7 Loadings and penalty rates – no existing loading or penalty rate

[A.7.1 varied by [PR994519](#) from 01Jan10]

A.7.1 The following transitional arrangements apply to an employer not covered by clause A.5 or A.6 in relation to a particular loading or penalty in this award.

A.7.2 Prior to the first full pay period on or after 1 July 2010 the employer need not pay the loading or penalty in this award.

[A.7.3 varied by [PR994519](#) from 01Jan10]

A.7.3 From the following dates the employer must pay no less than the following percentage of the loading or penalty in this award:

First full pay period on or after

1 July 2010	20%
1 July 2011	40%
1 July 2012	60%
1 July 2013	80%

[A.7.4 inserted by [PR994519](#) from 01Jan10]

A.7.4 These provisions cease to operate from the beginning of the first full pay period on or after 1 July 2014.

A.8 Former Division 2B employers

[A.8 inserted by [PR503624](#) ppc 01Jan11]

A.8.1 This clause applies to an employer which, immediately prior to 1 January 2011, was covered by a Division 2B State award.

A.8.2 All of the terms of a Division 2B State award applying to a Division 2B employer are continued in effect until the end of the full pay period commencing before 1 February 2011.

A.8.3 Subject to this clause, from the first full pay period commencing on or after 1 February 2011 a Division 2B employer must pay no less than the minimum wages, loadings and penalty rates which it would be required to pay under this Schedule if it had been a national system employer immediately prior to 1 January 2010.

Building and Construction General On-site Award 2010

- A.8.4** Despite clause A.8.3, where a minimum wage, loading or penalty rate in a Division 2B State award immediately prior to 1 February 2011 was lower than the corresponding minimum wage, loading or penalty rate in this award, nothing in this Schedule requires a Division 2B employer to pay more than the minimum wage, loading or penalty rate in this award.
- A.8.5** Despite clause A.8.3, where a minimum wage, loading or penalty rate in a Division 2B State award immediately prior to 1 February 2011 was higher than the corresponding minimum wage, loading or penalty rate in this award, nothing in this Schedule requires a Division 2B employer to pay less than the minimum wage, loading or penalty rate in this award.
- A.8.6** In relation to a Division 2B employer this Schedule commences to operate from the beginning of the first full pay period on or after 1 January 2011 and ceases to operate from the beginning of the first full pay period on or after 1 July 2014.

Schedule B—Classification Definitions

[Sched B varied by [PR994519](#), [PR503624](#)]

B.1 Definition of key concepts and terms

B.1.1 Australian qualifications framework or AQF refers to the system of competency based training and certification.

B.1.2 Civil construction stream includes all related skills involved in earthmoving, plant operation and associated activity and does not extend beyond the scope of this award.

B.1.3 Engineering streams are defined as:

(a) **Electrical/electronic stream**—including the design, assembly, manufacture, installation, modification, testing, fault finding, commissioning, maintenance and service of all electrical and electronic devices systems, equipment and controls, e.g. electrical wiring, motors, generators, PLCs and other electronic controls, instruments, refrigeration, telecommunications, radio and television, communication and information processing.

(b) **Mechanical stream**—including the design, assembly, manufacture, installation, modification, testing, fault finding, commissioning, maintenance and service of all mechanical equipment, machinery, fluid power systems, automotive mechanics, instruments, refrigeration, and the use of related computer controlled equipment e.g. Computer Numeric Controlled machine tools.

(c) **Fabrication stream**—including fabrication, forging, founding, structural steel erection, electroplating, metal spinning, metal polishing, sheet metal work and the use of related computer controlled equipment. This includes fabrication in all metals, plastics, carbon fibre, composite materials, ceramics and other materials.

B.1.4 Fields of work means a defined grouping of logically related skills based on an efficient organisation of work.

B.1.5 General construction stream includes all fields of work principally concerned with **general building and construction**, including the erection of new structures or buildings (including demolition and pre-construction) and fitout and finishing activities relating to newly constructed or existing buildings or structures, and does not extend beyond the scope of this award.

[B.1.6 varied by [PR994519](#) from 01Jan10]

B.1.6 Industry accredited course or nationally accredited course is a course which has been constructed to reflect a group of standards which the CPSISC, the RIISC, the MSA or Ee-oz or other relevant Skills Council has endorsed as being appropriate combinations of skills to be available to the industry.

B.1.7 CPSISC means the Construction and Property Services Industry Skills Council. **RIISC** means the Resources and Infrastructure Industry Skills Council. **MSA** means Manufacturing Skills Australia. **Ee-oz** means the ElectroComms and Energy Utilities Industry Skills Council Ltd. CPSISC, RIISC, MSA and Ee-oz will be the recognised

authorities (for the purposes of this schedule) responsible for developing competency standards for consideration and endorsement by the National Quality Council.

B.1.8 New entrant means an employee who has never previously worked within the on-site building construction industry. If there is any doubt as to the status of an employee in this regard, the following documentation may be regarded as prima facie evidence that an employee is not a new entrant:

- documentary evidence concerning registration with any of the construction industry portable long service leave schemes; or
- documentary evidence concerning contributions into an approved industry superannuation fund (e.g. Construction and Building Industry Super (Cbus)).

B.1.9 Recognition of Prior Learning or RPL means the formal recognition of skills attained through on-the-job experience and/or training and may include formal qualifications (such as overseas qualifications), which have up until now been unrecognised.

B.1.10 Self-directed WAT means a group of employees who work as a team to plan and execute functions relevant to their employers business. WATs are generally autonomous of direct managerial supervision and perform their tasks in a way which maximises productivity and the utilisation of skills.

B.1.11 Streams or skill streams means a broad grouping of skills related to a particular phase or aspect of production and does not extend beyond the scope of this award.

B.1.12 Supervision

This subclause recognises two levels of supervision which are as follows:

(a) **General supervision** applies to a person who:

- receives general instructions, usually covering only the broader technical aspects of the work;
- may be subject to progress checks but such checks are usually confined to ensuring that, in broad terms, satisfactory progress is being made;
- has their assignments reviewed on completion; and
- although technically competent and well experienced there may be occasions on which the person will receive more detailed instructions.

(b) **Limited supervision** applies to a person who:

- receives only limited instructions normally confined to a clear statement of objectives;
- has their work usually measured in terms of the achievement of stated objectives; and
- is fully competent and very experienced in a technical sense and requires little guidance in the performance of work.

B.1.13 Work in a technical area includes:

- Production planning, including scheduling, work study, and estimating materials, handling systems and like work;
- Technical, including inspection, quality control, supplier evaluation, laboratory, non-destructive testing, technical purchasing, and design and development work (prototypes, models, specifications) in both product and process areas and like work; and
- Design and draughting and like work.

B.1.14 Trade includes an employee who possesses as a minimum qualification a trade certificate in any of the streams (as defined).

B.2 Classifications and related issues

B.2.1 Construction worker level 1/Engineering construction worker level 1 (CW/ECW 1)

(a) A CW/ECW 1 works under general supervision in one or more skill streams contained within this award. An employee at CW/ECW 1 (level d) will have:

- (i) successfully completed, in accordance with RPL principles, a construction skills test equivalent to the required competency standards; or
- (ii) successfully completed a relevant structured training program equivalent to the required competency standards; or
- (iii) successfully completed an Engineering Construction Industry Skills Certificate Level 1 consisting of 16 appropriate modules; or formally recognised equivalent accredited training so as to enable the employee to perform work within the scope of this level; or
- (iv) obtained skills equivalent to the above gained through work experience subject to competency testing to the prescribed standards

CW/ECW 1 (level a) (new entrant)	Upon commencement in the industry
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CW/ECW 1 (level b)	After three months in the industry
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CW/ECW 1 (level c)	After twelve months in the industry
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CW/ECW 1 (level d)	Upon fulfilling the substantive requirements of Construction Worker 1/Engineering Construction Worker 1 as detailed above
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(b) An employee at the CW/ECW 1 (level d) performs work above and beyond the skills of an employee at CW/ECW 1 (level c) and to the level of their training and:

- is responsible for the quality of their own work subject to general supervision;

Building and Construction General On-site Award 2010

- works under general supervision either individually or in a team environment;
- exercises discretion within their level of skills and training;
- works in a safe manner;
- identifies basic faults in materials and equipment;
- interacts harmoniously with employees of other companies on-site;
- adapts to a changing work environment;
- communicates essential information; and
- works from instructions and procedures articulated in written, spoken and/or diagrammatic form.

(c) Skills and duties

- (i)** An employee at this level performs work to the extent of their skills, competence and training. Employees will acquire skills both formal and informal over time and with experience, and will undertake indicative tasks and duties within the scope of skills they possess.
- (ii)** An employee at this level may be part of a self-directed WAT, and may be required to perform a range of duties across the skill streams contained within this award. An employee at this level:
 - works from instructions and procedures;
 - assists in the provision of on-the-job training to a limited degree;
 - co-ordinates work in a team environment or works individually under general supervision;
 - is responsible for assuring the quality of their own work;
 - has a qualification in first aid.

(d) Indicative tasks which an employee at this level may perform include the following:

- uses precision measuring instruments;
- basic material handling functions;
- operate small plant and pneumatic machinery;
- inventory and store control;
- operate a range of hand tools and oxy welding equipment;
- has a knowledge of the construction process and understands the sequencing of construction functions;
- is able to provide first aid assistance to other employees;

Building and Construction General On-site Award 2010

- sheet metal soldering;
 - tack welding;
 - operation of mobile equipment including forklifts, hand trolleys, pallet trucks, overhead cranes and winch operation;
 - ability to measure accurately;
 - assists one or more tradespersons;
- (e) The CW/ECW 1 classification incorporates the following broadbanded award classifications:
- Adult trainee terrazzo worker
 - Aircon group 2
 - Aircon group 3
 - Aluminium alloy structural worker
 - Assistant powder monkey
 - Assistant rigger
 - Bar bending machine operator
 - Bitumen worker
 - Builders' labourer group 4
 - Cable jointer
 - Cement gun operator
 - Chainperson
 - Concrete cutting or drilling machine operator
 - Concrete floater
 - Concrete formwork stripper
 - Concrete gang worker
 - Concrete gun or pump operator
 - Cook's offsider, work boat driver
 - Crane chaser
 - Demolition labourer
 - Dresser and grinder
 - Drilling machine operator
 - Dump cart operator

Building and Construction General On-site Award 2010

- Employee directly assisting a tradesperson
- Erector (wire mesh)
- Fencer
- Gantry hand or crane hand
- General hand
- Geotextile/geomembrane worker level 1
- Insulator
- Ironworker on construction
- Jackhammerman
- Kerb and gutter layer
- Lagger 1st assembler B
- Lagger 2nd six months
- Landscape labourer
- Linesperson
- Machinist (precast concrete manufacture)
- Machinist grade 1
- Mess attendant, camp attendant
- Mixer driver (concrete)
- Mobile concrete pump hoseperson or line hand
- Mobile crane driver
- Painter brush hand
- Pick or shovelman
- Plasterer, terrazzo or stonemason's assistant
- Roof layer (malthoid or similar material)
- Sheetmetal worker 2nd class
- Spray painter
- Steel erector
- Stonemason assistant—factory (Queensland and Tasmania)
- Terrazzo assistant
- Tool/material storeman

Building and Construction General On-site Award 2010

- Tradesperson's labourer
 - Welder 2nd class
- (f) An employee at this level may be undergoing training so as to qualify as a CW/ECW 1 (level d) or CW/ECW 2. Where possible, an employee at Levels 1 (level a), 1 (level b) and 1 (level c) will be provided with access to accredited structured training approved by the relevant Skills Council.

B.2.2 Construction worker level 2/Engineering construction worker level 2 (CW/ECW 2)

- (a) A CW/ECW 2 works under limited supervision in one or more skill streams contained within this award. A CW/ECW 2 will:
- (i) have completed in accordance with RPL principles a Construction Skills Test equivalent to the required competency standards; or
 - (ii) have completed relevant structured training equivalent to the required competency standards; or
 - (iii) successfully completed an Engineering Construction Industry Certificate Level 2 consisting of a total of 20 appropriate modules, or formally recognised equivalent accredited training so as to enable the employee to perform work within the scope of this level; or
 - (iv) obtained skills equivalent to the above gained through work experience subject to competency testing to the prescribed standard.
- (b) **Skills and duties**
- (i) An employee at this level performs work to the extent of their skills, competence and training. Employees will acquire skills both formal and informal over time and with experience, and will undertake indicative tasks and duties within the scope of skills they possess.
 - (ii) An employee at this level may be part of a self-directed WAT and may be responsible for the supervision of one or more employees working at CW/ECW 1 level.
 - (iii) An employee at this level:
 - can interpret plans and drawings relevant to their functions;
 - assists with the provision of on-the-job training;
 - assumes responsibility for allocating tasks within a WAT within the area of the employee's skill, competence and training;
 - has some responsibility for the order and purchase of materials within defined parameters;
 - is able to sequence functions relevant to the employee's WAT;
 - applies quality control techniques to the employee's own work and other employees within the WAT;

Building and Construction General On-site Award 2010

- works from complex instructions and procedures;
 - co-ordinates work in a team environment or works individually under general supervision;
 - is responsible for assuring the quality of their work;
 - works in a safe manner;
 - exercises discretion within their level of training;
 - understands the construction process in their sector and has a basic level of understanding of processes in other sectors;
 - implements basic fault-finding and problem solving skills within the employee's sphere of work;
 - interacts harmoniously with employees of other companies on-site;
 - anticipates and plans for changes to the work environment.
- (c) Indicative tasks which an employee at this level may perform include the following:
- calculates safe loads and stress factors;
 - measures accurately using specialised equipment;
 - non-trades maintenance of relevant plant and equipment;
 - anticipates and plans for constant changes to the work environment.
 - materials handling;
 - operates machinery and equipment requiring the exercise of skill and knowledge beyond that of an employee at CW/ECW 1 (level d);
 - uses measuring and levelling instruments;
 - performs basic quality checks on the work of others;
 - oxy acetylene cutting.
- (d) The CW/ECW 2 classification incorporates the following broadbanded award classifications:
- Aircon group 1
 - Concrete batching plant operator
 - Concrete finisher
 - Employee operating power driven portable saw
 - Forklift over 4500kg
 - Foundation shaftworker
 - Geotextile/geomembrane worker level 2

Building and Construction General On-site Award 2010

- Hoist or winch driver
 - Landscaper
 - Manhole builder
 - Pitcher or beacher
 - Powder monkey
 - Scaffolder
 - Spotter
 - Steelfixer
 - Storeman
 - Tack welder
 - Tool sharpener
 - Traffic controller
 - Wall builder
- (e) An employee at this level may be undergoing training so as to qualify as a CW/ECW 3.

B.2.3 Construction worker level 3/Engineering construction worker level 3 (Engineering construction tradesperson level 1) (CW/ECW 3)

- (a) A CW/ECW 3 works individually or in a team environment in one or more skill streams contained within this award. A CW/ECW 3 will:
- (i) have successfully completed a relevant trade apprenticeship or its AQF equivalent; or
 - (ii) have successfully completed, in accordance with RPL principles, a Construction Skills Test for this level; or
 - (iii) have successfully completed the required competency standards; or
 - (iv) have successfully completed an Engineering Construction Industry Certificate Level 3 consisting of a total of 24 appropriate modules or formally recognised equivalent accredited training so as to enable the employee to perform work within the scope of this level; or
 - (v) obtained skills equivalent to the above gained through work experience subject to competency testing to the prescribed standard,
- any one of which will qualify the employee as a CW/ECW 3.
- (b) **Skills and duties**
- (i) An employee at this level performs work to the extent of their skills, competence and training. Employees will acquire skills both formal and

Building and Construction General On-site Award 2010

informal over time and with experience, and will undertake indicative tasks and duties within the scope of skills they possess.

(ii) An employee at this level may be responsible for the supervision of one or more employees working at CW/ECW 1 or CW/ECW 2 level.

(iii) An employee at this level:

- understands and applies quality control techniques;
- exercises good interpersonal and communication skills;
- exercises measuring and calculation skills at a higher level than CW/ECW 2;
- exercises discretion within the scope of this grade;
- performs work of a trades or non-trades nature which is incidental or peripheral to the employee's main function and facilitates the completion of the whole task;
- is able to inspect products and/or materials for conformity with established operational standards;
- assists in the provision of on-the-job training;
- understands and applies quality control techniques;
- exercises good interpersonal communication skills;
- exercises discretion within the scope of this grade;
- performs work under limited supervision either individually or in a team environment.

(c) Indicative tasks which an employee may perform at this level include the following:

- allocates functions within a WAT;
- production sequencing and materials handling of a level more advanced than CW/ECW 2;
- trade skills associated with certificated trades within the scope of this award;
- has a sound understanding of the construction process;
- specialised materials handling;
- operates machinery and equipment requiring the exercise of skill and knowledge beyond that of an employee at CW/ECW 2;
- performs work which is incidental or peripheral to the primary tasks and facilitates the completion of the whole task;
- sheetmetal fabrication;
- system assembly;

Building and Construction General On-site Award 2010

- welding and cutting;
 - mechanical installation.
- (d) The CW/ECW 3 classification incorporates the following broadbanded award classifications:
- Air compressor operator
 - Air-conditioning tradesperson
 - All winch driver
 - Artificial stoneworker
 - Battery fitter
 - Bitumen sprayer
 - Boilermaker and/or structural steel tradesperson
 - Bricklayer
 - Bridge and wharf carpenter
 - Carpenter
 - Caster
 - Concrete finisher, powered
 - Concrete spreader, powered
 - Crawler tractor with power operated attachments (up to and including 2000kg shipping mass)
 - Crusher operator aggregate (dimension stone quarries)
 - Drainer
 - Dumper, rear and bottom (up to and including 2 cubic metres struck capacity)
 - Electric motor attendant
 - Electrical fitter
 - Electrical mechanic
 - Fitter
 - Fixer
 - Floor layer specialist
 - Floorsander
 - Forklift driver
 - Form setter

Building and Construction General On-site Award 2010

- Gardener
- Geotextile/geomembrane worker level 3
- Glazier
- Hand sprayer, lance type
- Joiner
- Locksmith
- Machinist
- Marble and slateworker
- Marker off
- Mobile concrete line pump operator
- Mobile hydraulic platform operator
- Motor mechanic
- Operator, drilling machine, up to and including 155 mm diameter
- Operator, pneumatic tyred tractor with power operated attachments (up to and including 15 kW net engine power)
- Operators of other cranes up to and including 5 ton
- Painter
- Paviour (including segmental paving)
- Pipe layer (any kind of pipes)
- Plant mechanic
- Plasterer
- Prefab tradesperson
- Qualified/trade cook
- Quarryworker (dimension stone quarries)
- Refrigeration mechanic
- Renderer in pipes, tunnels or covered drains
- Rigger
- Dogger
- Roller, vibrating (under 4 ton)
- Roof fixer
- Rooftiler

Building and Construction General On-site Award 2010

- Second driver—Navy and dragline or dredge-type excavator
 - Serviceperson
 - Sheetmetal worker 1st class
 - Shophand
 - Slate ridge or roof fixer
 - Stonemason
 - Tilelayer
 - Timberperson
 - Tradesperson (radio)
 - Tradesperson (precast concrete manufacture)
 - Tradesperson landscaper
 - Trenching machine (small Ditch-Witch type)
 - Welder 1st class
 - Welder special class
- (e) An employee at this level may be undergoing training so as to qualify as a CW/ECW 4.

B.2.4 Construction worker level 4/Engineering construction worker level 4 (Engineering construction tradesperson level II and Engineering construction technician level I) (CW/ECW 4)

[B.2.4 varied by [PR994519](#) from 01Jan10]

- (a) A CW/ECW 4 works in one or more skill streams contained within this award. A CW/ECW 4 will:
- (i) have successfully completed the relevant structured training in addition to the requirements of CW/ECW 3; or
 - (ii) have successfully completed, in accordance with RPL principles, a Construction Skills Test equivalent to the requirements of this level;
- any one of which will qualify the employee as a CW/ECW 4, or is an:
- Engineering construction tradesperson (electrical/electronic) level II; or
 - Engineering construction tradesperson (mechanical) level II; or
 - Engineering construction tradesperson (fabrication) level II;
- who has completed the following training requirements:
- three appropriate modules in addition to the training requirements of CW/ECW 3 level; or

Building and Construction General On-site Award 2010

- three appropriate modules towards an Advanced Certificate; or
- three appropriate modules towards an Associate Diploma; or
- any training which a registered provider (e.g. TAFE) or State training authority has recognised as equivalent to an accredited course which the appropriate industry training board recognises for this level. This can include advanced standing through recognition of prior learning and/or overseas qualifications; or
- will have skills equivalent to the above gained through work experience subject to competency testing to the prescribed standards; or
- tasks which an employee at this level may perform are subject to the employee having the appropriate Trade and Post Trade training to enable them to perform the particular tasks; or
- an Engineering construction technician level I being an employee who has the equivalent level of training and/or experience to a CW/ECW 4 tradesperson in the technical fields as defined but is engaged in detail draughting or routine planning or technical tasks requiring technical knowledge.

(b) Skills and duties

- (i) An employee at this level performs work to the extent of their skills, competence and training. Employees will acquire skills both formal and informal over time and with experience, and will undertake indicative tasks and duties within the scope of skills they possess.
- (ii) An employee at this level may be part of a self-directed WAT, and may be required to perform a range of duties across the skill streams contained within this award.
- (iii) An employee at this level:
 - exercises skills attained through satisfactory completion of the training/work experience prescribed for this classification;
 - exercises discretion within the scope of this grade;
 - works under limited supervision either individually or in a team environment;
 - understands and implements quality control techniques;
 - provides guidance and assistance as part of a work team;
 - exercises advanced trades and non-trade skills relevant to the specific requirements of the industry or enterprise at a higher level than CW/ECW 3.

(c) Indicative tasks which an employee may perform at this level include the following:

- exercises precision trade and non-trade skills using various materials and specialised techniques at a higher level than CW/ECW 3;

Building and Construction General On-site Award 2010

- operates, and maintains plant and machinery;
 - is able to plan construction sequencing.
- (d) The CW/ECW 4 classification incorporates the following broadbanded award classifications:
- Bitumen sprayer (driver)
 - Compactor—up to but not exceeding 48 kW (65 hp)
 - Concrete paver
 - Crawler loader (up to and including 15,000 kg mass)
 - Crawler tractor not using power operated attachments above class 3
 - Crawler tractor using power operated attachments class 3, 4, 5 and 6
 - Dumper, rear and bottom (above 2 cubic metres, up to and including 30 cubic metres struck capacity)
 - Electrician special class
 - Excavator up to and including 0.5 cubic metre capacity
 - Floating crane—up to and including 10 ton
 - Forklift—up to but not exceeding 48 kW (65 hp)
 - Geotextile/geomembrane worker level 4
 - Grader, power operated below 35 kW brake power
 - Inspector
 - Instrument tradesperson complex systems
 - Instrument tradesperson
 - Joiner special class
 - Joiner-setter out
 - Letter cutter
 - Loader, front end or overhead, up to and including 2.25 cubic metres
 - Locomotive (not carrying passengers)
 - Marker-setter out
 - Mechanical tradesperson special class
 - Mobile concrete boom pump operator
 - Mobile crane—up to and including 10 ton
 - Operator, tractor—up to but not exceeding 48 kW (65 hp)

Building and Construction General On-site Award 2010

- Operator, pneumatic tyred tractor—with power operated attachments (above 15 kW, up to and including 150 kW net engine power)
- Operator of mobile crane with lifting capacity in excess of 8 ton and not exceeding 15 ton
- Operator, drilling machine—over 155 mm to 230 mm diameter
- Other cranes—over 5 ton and not exceeding 15 ton road roller
- Shaft or trench sinker
- Pile driver
- Prefab setter
- Roadmarker operator
- Road roller (8 ton and above)
- Road roller, vibrating (4 ton and above)
- Scraper (up to and including 10 cubic metres struck capacity)
- Scraper, self-powered under 10 cubic metres struck capacity
- Signwriter
- Skid steer tractor—up to but not exceeding 48 kW (65 hp)
- Specialist landscaper tradesperson
- Track laying, fixing or levelling machine (railway construction)
- Trench machine (depth up to 2.4 metres, and width up to 450 mm) and bucket wheel trencher with equivalent capacity in cubic metres per hour
- Tunneller 2
- Winding and haulage driver

- (e) An employee at this level may be undergoing training so as to qualify as a CW/ECW 5.

B.2.5 Construction worker level 5/Engineering construction worker level 5 (Special class engineering construction tradesperson level I and Engineering construction technician level II) (CW/ECW 5)

- (a) A CW/ECW 5 works in one or more skill streams contained within this award. A CW/ECW 5 will:
- (i) have successfully completed the relevant structured training in addition to the requirements of CW/ECW 4; or
 - (ii) have successfully completed, in accordance with RPL principles, a Skills Test equivalent to the requirements,

either of which will qualify the employee for a CW/ECW 5; or a

Building and Construction General On-site Award 2010

- Special class engineering construction tradesperson (electrical/electronic) level I;
- Special class engineering construction tradesperson (mechanical) level I; or
- Special class engineering construction tradesperson (fabrication) level I;

who has completed the following training requirements:

- six appropriate modules in addition to the training requirements of CW/ECW 3 level; or
- six appropriate modules towards an Advanced Certificate; or
- six appropriate modules towards an Associate Diploma; or
- any training which a registered provider (e.g. TAFE) or State training authority has recognised as equivalent to an accredited course which the appropriate industry training board recognises for this level. This can include advanced standing through recognition of prior learning and/or overseas qualifications; or
- will have skills equivalent to the above gained through work experience subject to competency testing to the prescribed standards; or
- an Engineering construction technician level II is an employee who has equivalent level of training and/or experience to an Engineering construction tradesperson special class level I but is engaged in detail draughting or planning or technical work which requires the exercise of judgment and skill in excess of that required of an employee at CW/ECW 4 under the supervision of technical staff.

(b) Skills and duties

- (i) An employee at this level performs work to the extent of their skills, competence and training. Employees will acquire skills both formal and informal over time and with experience, and will undertake indicative tasks and duties within the scope of skills they possess.
- (ii) An employee at this level may be part of a self-directed WAT, and may be required to perform a range of duties across the skill streams contained in this award.
- (iii) An employee at this level:
 - exercises skills attained through satisfactory completion of the training/work experience prescribed for this classification;
 - exercises discretion within the scope of this grade;
 - provides trades guidance and assistance as part of a work team;
 - assists in the provision of training in conjunction with supervisors and trainers;
 - understand and implements quality control techniques;

Building and Construction General On-site Award 2010

- works under limited supervision either individually or in a team environment;
 - assists in the provision of training in conjunction with supervisors.
- (c) Indicative tasks which an employee may perform at this level include the following:
- exercises precision trade and/or operative skills using various materials and specialised techniques at a higher level than CW/ECW 4;
 - operates, and maintains complex plant and machinery;
 - is able to plan complex construction sequencing;
 - performs operations on a Computer-Aided Design and Computer Aided Manufacturing (CAD/CAM) terminal in the performance of routine modifications to the Numeric Control/Computer Numeric Control (NC/CNC) programs;
 - installs, repairs and maintains, tests, modifies, commissions and/or fault finds on complex machinery and equipment which utilises hydraulic and/or pneumatic principles and in the course of such work, is required to read and understand hydraulic and pneumatic circuitry which controls fluid power systems;
 - works on complex or intricate circuitry which involves examining, diagnosing and modifying systems comprising inter-connected circuits.
- (d) The CW/ECW 5 classification incorporates the following broadbanded award classifications:
- Carver
 - Compactor—from 48 kW (65 hp),
 - Crawler loader (above 15,000 kg mass, up to and including 60,000 kg mass)
 - Crawler tractor using power operated attachments class 7, 8 and 9
 - Dragline/shovel excavator—up to but not exceeding 3.0 metre capacity
 - Dumper, rear and bottom (above 30 cubic metres, up to and including 120 cubic metres struck capacity)
 - Dumper—up to but not exceeding 100 ton
 - Excavator above 0.5 cubic metres
 - Excavator—hydraulic telescopic boom type
 - Floating crane—over 10 but not exceeding 100 ton
 - Forklift—from 48 kW (65 hp) up to but not exceeding 220 kW (295 hp)
 - Geotextile/geomembrane worker level 5
 - Grader

Building and Construction General On-site Award 2010

- Grader—from 96 kW (130 hp) up to but not exceeding 148 kW (200 hp)
 - Loader—front end and overhead, from 48 kW (65 hp) up to but not exceeding 370 kW (500 hp)
 - Locomotive (carrying passengers)
 - Mobile crane—over 10 but not exceeding 100 ton
 - Operator, drilling machine, over 230 mm diameter
 - Operator, pneumatic tyred loader (over 105 kW, up to and including 500 kW net engine power)
 - Operator, pneumatic tyred tractor using power operated attachments in excess of 110 kW brake power
 - Operator, tunnel boring machine; operator, tunnel excavating machine
 - Other cranes—over 15 but not exceeding 100 ton
 - Refractory bricklayer
 - Scraper, self-powered over 10 cubic metres struck capacity
 - Side boom/pipe layer—up to but not exceeding 220 kW (295 hp)
 - Skid steer tractor—from 48 kW (65 hp)
 - Special class trades
 - Tractor—from 48 kW (65 hp) up to but not exceeding 370 kW (500 hp)
 - Trainee dogger/crane hand (fixed cranes)
 - Trenching machine (greater than 2.4 metres depth and 450 mm width) and bucketwheel trencher with equivalent capacity in cubic metres per hour
- (e) An employee at this level may be undergoing training so as to qualify as a CW/ECW 6.

B.2.6 Construction worker level 6/Engineering construction worker level 6 (Special class engineering construction tradesperson level II and Engineering construction technician level III) (CW/ECW 6)

- (a) A CW/ECW 6 works in one or more skill streams contained within this award. A CW/ECW 6 will:
- (i) have successfully completed the relevant structured training in addition to the requirements of CW/ECW 6; or
 - (ii) have successfully completed, in accordance with RPL principles, a Construction Skills Test equivalent to the requirements of this level,
- either of which will qualify the employee for a CW/ECW 6; or a
- Special class engineering construction tradesperson (electrical/electronic) level II; or

Building and Construction General On-site Award 2010

- Special class engineering construction tradesperson (mechanical) level II; or
- Special class engineering construction tradesperson (fabrication) level II;

who has completed the following training requirements:

- nine appropriate modules in addition to the requirements of CW/ECW 3 level; or
- nine appropriate modules towards an Advanced Certificate; or
- nine appropriate modules towards an Associate Diploma; or
- any training which a registered provider (e.g. TAFE) or State training authority has recognised as equivalent to an accredited course which the appropriate industry training board recognises for this level. This can include advanced standing through recognition of prior learning and/or overseas qualifications; or
- will have skills equivalent to the above gained through work experience subject to competency testing to the prescribed standards; or
- an Engineering construction technician level III is an employee who has equivalent level of training and/or experience to an Engineering construction tradesperson special class level II but is engaged in one of the following areas:
 - detail draughting or planning or technical duties requiring judgement and skill in excess of that required of a Technician at CW/ECW 5 level under the supervision of Technical Staff; or
 - possesses a level of training and/or experience at CW/ECW 6 level and exercises cross skilling in technical fields as defined.

(b) Skills and duties

- (i) An employee at this level performs work to the extent of their skills, competence and training. Employees will acquire skills both formal and informal over time and with experience, and will undertake indicative tasks and duties within the scope of skills they possess.
- (ii) An employee at this level may be part of a self-directed WAT, and may be required to perform a range of duties across the skill streams contained within this award.
- (iii) An employee at this level:
 - exercises skills attained through satisfactory completion of the training/work experience prescribed for this classification;
 - exercises discretion within the scope of this grade;
 - provides trades guidance and assistance as part of a work team;
 - provides training in conjunction with supervisors and trainers;

Building and Construction General On-site Award 2010

- works under limited supervision either individually or in a team environment;
 - understands and implements quality control techniques.
- (c) Indicative tasks which an employee may perform at this level include the following:
- operates plant and equipment at a higher level of skill than CW/ECW 5;
 - exercises high precision trade and/or operative skills using various materials and specialised techniques at a higher level than CW/ECW 5;
 - implements quality control techniques;
 - plans complex construction sequencing;
 - works on machines or equipment which utilise complex mechanic or hydraulic and/or pneumatic circuitry and controls or a combination thereof;
 - works on machinery or equipment which utilises complex electrical/electronic circuitry and controls;
 - works on instruments which make up a complex control system which utilises some combination of electrical/electronic, mechanical or fluid power principles;
 - applies advanced computer numerical control techniques in machining or cutting or welding or fabrication;
 - exercises intermediate CAD/CAM skills in the performance of routine modifications to programs;
 - works on complex or intricate interconnected electrical circuits at a level above CW/ECW 5;
 - works on complex radio/communication equipment.
- (d) The CW/ECW 6 classification incorporates the following broadbanded award classifications:
- Dumper—from 100 ton struck capacity
 - Electronics tradesperson
 - Instrumentation and control tradesperson
 - Loader—front end and overhead, from 370 kW (500 hp) up to but not exceeding 450 kW (600 hp)
 - Mobile crane with lifting capacity in excess of 100 ton and not exceeding 140 ton

Building and Construction General On-site Award 2010

- Operator (dragline/shovel excavator—from 3 cubic metres, side boom/pipe layer—from 220 kW (295 hp)
 - Operator of mobile crane with lifting capacity in excess of 140 ton and not exceeding 180 ton
 - Tractor—from 370 kW (500 hp) up to but not exceeding 450 kW (600 hp)
- (e) An employee at this level may be undergoing training so as to qualify as a CW/ECW 7.

B.2.7 Construction worker level 7/Engineering construction worker level 7 (Special class engineering construction tradesperson level III) (CW/ECW 7)

- (a) A CW/ECW 7 works in one or more skill streams contained within this award. A CW/ECW 7 will:
- (i) have successfully completed the relevant structured training in addition to the requirements of CW/ECW 6; or
 - (ii) have successfully completed, in accordance with RPL principles, a Construction Skills Test equivalent to the requirements of this level,
- either of which will qualify the employee for a CW/ECW 7; or is a
- Special class engineering construction tradesperson Level III is a:
 - Special class engineering construction tradesperson (electrical/electronic) Level III; or
 - Special class engineering construction tradesperson (mechanical) level III; or
 - Special class engineering construction tradesperson (fabrication) level III;
- who has completed:
- ten and a half appropriate modules of an Advanced Certificate; or
 - ten and a half appropriate modules of an Associate Diploma; or
 - ten and a half appropriate modules in addition to the requirements of ECW3
 - any training which a registered provider (e.g. TAFE) or State training authority has recognised as equivalent to an accredited course which the appropriate industry training board recognises for this level. This can include advanced standing through recognition of prior learning and/or overseas qualifications; or
 - will have skills equivalent to the above gained through work experience subject to competency testing to the prescribed standards.
- (b) **Skills and duties**
- (i) An employee at this level performs work to the extent of their skills, competence and training. Employees will acquire skills both formal and informal over time and with experience, and will undertake indicative tasks and duties within the scope of skills they possess.

Building and Construction General On-site Award 2010

- (ii) An employee at this level may be part of a self-directed WAT and may be required to perform a range of duties across the skill streams contained within this award.
- (iii) An employee at this level:
 - exercises skills attained through satisfactory completion of the training prescribed for this classification;
 - exercises discretion within the scope of this grade;
 - provides training in conjunction with supervisors and trainers;
 - understand and applies quality control techniques;
 - prepares complex reports;
 - contributes to the design of work, and the application of labour;
 - assists in the supervision or organisation of WATs;
 - is able to provide trade guidance and assistance as part of a work team; and
 - works under limited supervision either individually or in a team environment.
- (c) Indicative tasks which an employee may perform at this level include the following:
 - works on plant and equipment at a higher level of skill than CW/ECW 6;
 - exercises high precision trade and/or operative skills using various materials and specialised techniques at a higher level than CW/ECW 6;
 - implements quality control techniques;
 - plans complex construction sequencing;
 - works on machines or equipment which utilise complex mechanic or hydraulic and/or pneumatic circuitry and controls or a combination thereof;
 - works on machinery or equipment which utilises complex electrical/electronic circuitry and controls;
 - works on instruments which make up a complex control system which utilises some combination of electrical/electronic mechanical or fluid power principles;
 - applies advanced computer numerical control techniques in machining or cutting or welding or fabrication;
 - exercises intermediate CAD/CAM skills in the performance of routine modifications to programs;
 - working on complex or intricate interconnected electrical circuits at a level above CW/ECW6;

Building and Construction General On-site Award 2010

- working on complex radio/communication equipment.
- (d) The CW/ECW 7 classification incorporates the following broadbanded award classifications:
 - Dogger-crane hand (fixed cranes)
 - Mobile crane with lifting capacity in excess of 180 ton and not exceeding 220 ton
 - Operator, tower crane driver, operator of tractor—from 450 kW (600 hp)
 - Operator, mobile crane with lifting capacity in excess of 220 ton)
 - Sub-foreperson
- (e) An employee at this level may be undergoing training so as to qualify as a CW/ECW 8.

B.2.8 Construction worker level 8/Engineering construction worker level 8 (Advanced engineering construction tradesperson level I and Engineering construction technician level IV) (CW/ECW 8)

- (a) A CW/ECW 8 works in one or more skill streams contained within this award. A CW/ECW 8 will:
 - (i) have successfully completed the relevant structured training in addition to the requirements of CW/ECW 7; or
 - (ii) have successfully completed, in accordance with RPL principles, a Construction Skills Test equivalent to the requirements of this level,either of which will qualify the employee for a CW/ECW 8; or is an
 - Advanced engineering construction tradesperson (electrical/electronic) level I; or
 - Advanced engineering construction tradesperson (mechanical) level I; or
 - Advanced engineering construction tradesperson (fabrication) level I;who has completed:
 - 12 appropriate modules of an Advanced Certificate; or
 - 12 appropriate modules of an Associate Diploma; or
 - 12 appropriate modules in addition to the requirements of CW/ECW 3; or
 - any training which a registered provider (e.g. TAFE) or State training authority has recognised as equivalent to an accredited course which the appropriate industry training board recognises for this level. This can include advanced standing through recognition of prior learning and/or overseas qualifications; or
 - will have skills equivalent to the above gained through work experience subject to competency testing to the prescribed standards; or is an

Building and Construction General On-site Award 2010

- Engineering Construction Technician level IV means an employee who has equivalent level of training and skills to an Advanced engineering construction tradesperson level II but is engaged in one of the following areas to the extent of that training:
 - detail draughting involving originality of thought which requires the exercise of judgment and skill in excess of that required of an Engineering construction technician at CW/ECW 7 level under the supervision of Technical and/or Professional staff; or
 - is engaged in planning or technical duties requiring judgment and skill in excess of that required of a Technician at CW/ECW 7 level under the supervision of Technical and/or Professional staff; or
 - exercises a level of cross skilling in technical fields.

(b) Skills and duties

- (i) An employee at this level performs work to the extent of their skills, competence and training. Employees will acquire skills both formal and informal over time and with experience, and will undertake indicative tasks and duties within the scope of skills they possess.
- (ii) An employee at this level may be part of a self-directed WAT, and may be required to perform a range of duties across the three skill streams contained within this award.
- (iii) An employee at this level:
 - exercises skills attained through satisfactory completion of the training prescribed for this classification;
 - exercises discretion within the scope of this grade;
 - designs training programs in conjunction with relevant supervisors and trainers;
 - understands and applies quality control techniques;
 - prepares complex reports;
 - contributes to the design of work and the application of labour;
 - undertakes quality control and work organisation at a level higher than for CW/ECW7;
 - provides trade guidance and assistance as part of a work team;
 - assists in the provision of training to employees in conjunction with supervisors/trainers;
 - performs maintenance planning and predictive maintenance work not in Technical Fields;
 - works under limited supervision either individually or in a team environment;

Building and Construction General On-site Award 2010

- prepares reports of a technical nature on specific tasks or assignments as directed;
 - exercises broad discretion within the scope of this level.
- (c) Indicative tasks which an employee may perform at this level include the following:
- works on plant and equipment at a higher level of skill than CW/ECW 7;
 - exercises high precision trade and/or operative skills using various materials and specialised techniques at a higher level than CW/ECW 7;
 - implements quality control programs;
 - plans complex construction sequencing;
 - works on combinations of machines or equipment which utilises complex electrical or electronic, mechanical or fluid power principles;
 - works on instruments which make up a complex control system which utilises some combination of electrical, electronic, mechanical or fluid power principles and electronic circuitry containing complex analogue and/or digital control systems utilising integrated circuitry;
 - applies computer integrated manufacturing techniques involving a higher level of computer operating and programming skills than for CW/ECW 7;
 - works on various forms of machinery and equipment which are electronically controlled by complex digital and/or analogue control systems using integrated circuitry.
- (d) The CW/ECW 8 classification incorporates the following broadbanded award classifications:
- Carpenter-diver
 - Foreperson (as defined)

B.2.9 Engineering construction worker level 9 (Advanced engineering construction tradesperson level II and Engineering construction technician level V) (ECW 9)

- (a) An Advanced engineering construction tradesperson level II is an:
- Advanced engineering construction tradesperson (electrical/electronic) level II; or
 - Advanced engineering construction tradesperson (mechanical) level II; or
 - Advanced engineering construction tradesperson (fabrication) level II;
- who has completed:
- an Advanced Certificate; or
 - 15 appropriate modules of an Associate Diploma; or
 - 15 appropriate modules in addition to the requirements of CW/ECW 3; or

Building and Construction General On-site Award 2010

- any training which a registered provider (e.g. TAFE) or by a State training authority has been recognised as equivalent to an accredited course which the appropriate industry training board recognises for this level. This can include advanced standing through recognition of prior learning and/or overseas qualifications; or
 - will have skills equivalent to the above gained through work experience subject to competency testing to the prescribed standards.
- (b) An Advanced engineering construction tradesperson level II works above and beyond a Tradesperson at CW/ECW 8 and to the level of their training:
- provides technical guidance or advice within the scope of this level;
 - prepares reports of a technical nature on specific tasks or assignment as directed or within the scope of discretion at this level;
 - has an overall knowledge and understanding of the operating principle of the systems and equipment on which the tradesperson is required to carry out their task;
 - assists in the provision of on-the-job training in conjunction with supervisors and trainers.
- (c) Indicative tasks which an employee may perform at this level, subject to the employee having the appropriate Trade and Post Trade Training to enable the employee to perform them, are:
- through a systems approach able to exercise high level diagnostic skills on complex forms of machinery, equipment or instruments which utilise some combination of electrical, electronic, mechanical or fluid power principles;
 - set up, commission, maintain and operate sophisticated maintenance, production and test equipment and/or systems involving the application of computer operating skills at a higher level than a CW/ECW8;
 - works on various forms of machinery and equipment electronically controlled by complex digital and/or analogue control systems using integrated circuitry;
 - works on complex electronics or instruments or communications equipment or control systems which utilise electronic principles and electronic circuitry containing complex analogue and/or digital control systems using integrated circuitry.
- (d) An Engineering construction technician level V has the level of training and skills to an Advanced engineering construction tradesperson level II but is engaged in one of the following areas:
- undertakes draughting or planning which requires the exercise of judgment and skill in excess of that required of an Engineering technician level IV at CW/ECW 8; or
 - exercises a level of cross skilling in technical fields as defined, consistent with the training and experience at this grade.

B.3 Classification principles

B.3.1 General

In determining the appropriate classification of a position or job to be filled by an employee, an employer will pay full regard to:

- (a) the nature and skill requirements of the position to be filled;
- (b) the skill level and certification of the employee;
- (c) the experience and qualifications of the employee in:
 - (i) relevant indicative tasks nominated in this subclause; and/or
 - (ii) competency standards against which an employee is accredited;
- (d) any agreed national procedures established for testing the validity of an employee's claim for reclassification.

B.3.2 Classification/reclassification in the engineering stream

- (a) Where an employee has the relevant qualification recognised as a minimum training requirement for the level to which the employee seeks to be reclassified and they are exercising or are required to exercise the skills and knowledge gained for the qualification necessary for that level of work, the employee will be classified appropriately.
- (b) In the event that there is a claim for reclassification by an existing employee to a higher level under the new structure on the grounds that the employee possesses equivalent skill and knowledge gained through on-the-job experience, the following principles apply:
 - (i) the dispute resolution provisions in clause 9—Dispute resolution, will be followed;

[B.3.2(b)(ii) varied by [PR994519](#) from 01Jan10]

- (ii) competency standards will be established through the appropriate Industry Training Boards, co-ordinated by MSA and for the lift industry the Ee-Oz. Such standards will be consistent with the requirements of the National Training Framework Committee for relevant levels in the new classification structure before claims for reclassification at that level are processed;
 - (iii) procedures will be established for testing the validity of an employee's claim for reclassification.
- (c) Where skill standards have not been finalised in respect of any class of work and they are necessary for determining an employee's classification, employees performing such work will not be reclassified until such standards are available except as provided for in clauses B.3.2(a) and B.3.2(d) of this Schedule.
- (d) Where the situation described in clause B.3.2(c) applies, but not in any other circumstances, an employee may be reclassified on the basis that the employee meets the requirements of the old classification definitions in the *National Metal and Engineering On-site Construction Industry Award 2002*.

B.4 Skill based career structure

- B.4.1** The classification structure is designed to facilitate the improvement of the level of skills of the workforce and to provide a career path for all employees.
- B.4.2** Each classification level builds upon the previous level so that the value of an employee to the industry and their employer increases as the employee progresses through the structure. Skills are built up in a sequential manner through job learnt skills and structured training.
- B.4.3** Under the new classification structure, an employee's building and construction industry skills are to be formally recognised, industry wide, at all levels from new entrant to CW/ECW 8–ECW 9. Employees will move up the classification structure as they acquire additional accredited skills. Payment will be on the basis of the level of skills required to perform the work of a particular position or job offered by an employer.

B.5 Training

In order to facilitate the operation of the classification structure an employer must, in co-operation with the consultative committee develop a training programme consistent with:

- (a) the size, structure and scope of the activities of the employer;
- (b) the need to develop vocational skills relevant to the enterprise and the building and construction industry generally through courses conducted by accredited educational institutions and providers.
- (c) Where, as a result of consultation in accordance with this clause it is agreed that additional training should be undertaken by the employee, that training may be taken either on or off the job. Provided that if the training is undertaken during normal working hours the employee concerned will not suffer any loss of pay. The employer must not unreasonably withhold such paid training leave.
- (d) Any costs associated with standard fees for prescribed course and prescribed textbooks (excluding those textbooks which are contained in the employers technical library) incurred in connection with the undertaking of training pursuant to clause B.5(c) will be reimbursed by the employer upon the production of evidence of such expenditure. Provided that reimbursement will be subject to the presentation of reports of satisfactory progress.
- (e) Travel costs incurred by an employee undertaking training in accordance with this clause which exceed those normally incurred travelling to and from work will be reimbursed by the employer.

B.6 Definitions of classifications in Schedule B

[B.6 varied by [PR994519](#), [PR503624](#) ppc 01Jan11]

The broadbanded award classifications referred to in Part B.2 of this Schedule will have the meaning ascribed to them by an award made under the *Workplace Relations Act 1996* (Cth) or a notional agreement preserving a State award that would have applied to an employee immediately prior to 1 January 2010; or a Division 2B State award that would have applied to the employee immediately prior to 1 January 2011.

Schedule C—National Training Wage

[Sched C inserted by [PR994519](#), varied by [PR997900](#)]

C.1 Title

This is the *National Training Wage Schedule*.

C.2 Definitions

In this schedule:

adult trainee is a trainee who would qualify for the highest minimum wage in Wage Level A, B or C if covered by that wage level

approved training means the training specified in the training contract

Australian Qualifications Framework (AQF) is a national framework for qualifications in post-compulsory education and training

out of school refers only to periods out of school beyond Year 10 as at the first of January in each year and is deemed to:

- (a) include any period of schooling beyond Year 10 which was not part of or did not contribute to a completed year of schooling;
- (b) include any period during which a trainee repeats in whole or part a year of schooling beyond Year 10; and
- (c) not include any period during a calendar year in which a year of schooling is completed

relevant State or Territory training authority means the bodies in the relevant State or Territory which exercise approval powers in relation to traineeships and register training contracts under the relevant State or Territory vocational education and training legislation

relevant State or Territory vocational education and training legislation means the following or any successor legislation:

Australian Capital Territory: *Training and Tertiary Education Act 2003*;

New South Wales: *Apprenticeship and Traineeship Act 2001*;

Northern Territory: *Northern Territory Employment and Training Act 1991*;

Queensland: *Vocational Education, Training and Employment Act 2000*;

South Australia: *Training and Skills Development Act 2008*;

Tasmania: *Vocational Education and Training Act 1994*;

Victoria: *Education and Training Reform Act 2006*; or

Western Australia: *Vocational Education and Training Act 1996*

trainee is an employee undertaking a traineeship under a training contract

traineeship means a system of training which has been approved by the relevant State or Territory training authority, which meets the requirements of a training package developed by the relevant Industry Skills Council and endorsed by the National Quality Council, and which leads to an AQF certificate level qualification

training contract means an agreement for a traineeship made between an employer and an employee which is registered with the relevant State or Territory training authority

training package means the competency standards and associated assessment guidelines for an AQF certificate level qualification which have been endorsed for an industry or enterprise by the National Quality Council and placed on the National Training Information Service with the approval of the Commonwealth, State and Territory Ministers responsible for vocational education and training, and includes any relevant replacement training package

year 10 includes any year before Year 10

C.3 Coverage

C.3.1 Subject to clauses C.3.2 to C.3.6 of this schedule, this schedule applies in respect of an employee covered by this award who is undertaking a traineeship whose training package and AQF certificate level is allocated to a wage level by Appendix C1 to this schedule or by clause C.5.4 of this schedule.

C.3.2 This schedule only applies to AQF Certificate Level IV traineeships for which a relevant AQF Certificate Level III traineeship is listed in Appendix C1 to this schedule.

C.3.3 This schedule does not apply to the apprenticeship system or to any training program which applies to the same occupation and achieves essentially the same training outcome as an existing apprenticeship in an award as at 25 June 1997.

C.3.4 This schedule does not apply to qualifications not identified in training packages or to qualifications in training packages which are not identified as appropriate for a traineeship.

C.3.5 Where the terms and conditions of this schedule conflict with other terms and conditions of this award dealing with traineeships, the other terms and conditions of this award prevail.

C.3.6 At the conclusion of the traineeship, this schedule ceases to apply to the employee.

C.4 Types of Traineeship

The following types of traineeship are available under this schedule:

C.4.1 a full-time traineeship based on 38 ordinary hours per week, with 20% of ordinary hours being approved training; and

C.4.2 a part-time traineeship based on less than 38 ordinary hours per week, with 20% of ordinary hours being approved training solely on-the-job or partly on-the-job and partly off-the-job, or where training is fully off-the-job.

C.5 Minimum Wages

[C.5 substituted by [PR997900](#) ppc 01Jul10]

C.5.1 Minimum wages for full-time traineeships

(a) Wage Level A

Subject to clause C.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level A by Appendix C1 are:

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
	\$	\$	\$
School leaver	256.00	282.00	336.00
Plus 1 year out of school	282.00	336.00	391.00
Plus 2 years out of school	336.00	391.00	455.00
Plus 3 years out of school	391.00	455.00	521.00
Plus 4 years out of school	455.00	521.00	
Plus 5 or more years out of school	521.00		

(b) Wage Level B

Subject to clause C.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level B by Appendix C1 are:

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
	\$	\$	\$
School leaver	256.00	282.00	327.00
Plus 1 year out of school	282.00	327.00	376.00
Plus 2 years out of school	327.00	376.00	441.00
Plus 3 years out of school	376.00	441.00	503.00
Plus 4 years out of school	441.00	503.00	
Plus 5 or more years out of school	503.00		

(c) Wage Level C

Subject to clause C.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level C by Appendix C1 are:

Building and Construction General On-site Award 2010

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
	\$	\$	\$
School leaver	256.00	282.00	327.00
Plus 1 year out of school	282.00	327.00	368.00
Plus 2 years out of school	327.00	368.00	411.00
Plus 3 years out of school	368.00	411.00	458.00
Plus 4 years out of school	411.00	458.00	
Plus 5 or more years out of school	458.00		

(d) AQF Certificate Level IV traineeships

- (i) Subject to clause C.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level IV traineeship are the minimum wages for the relevant full-time AQF Certificate Level III traineeship with the addition of 3.8% to those minimum wages.
- (ii) Subject to clause C.5.3 of this schedule, the minimum wages for an adult trainee undertaking a full-time AQF Certificate Level IV traineeship are as follows, provided that the relevant wage level is that for the relevant AQF Certificate Level III traineeship:

Wage level	First year of traineeship	Second and subsequent years of traineeship
	per week	per week
	\$	\$
Wage Level A	541.00	562.00
Wage Level B	522.00	542.00
Wage Level C	475.00	493.00

C.5.2 Minimum wages for part-time traineeships

(a) Wage Level A

Subject to clauses C.5.2(f) and C.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level A by Appendix C1 are:

Building and Construction General On-site Award 2010

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
	\$	\$	\$
School leaver	8.42	9.28	11.05
Plus 1 year out of school	9.28	11.05	12.86
Plus 2 years out of school	11.05	12.86	14.97
Plus 3 years out of school	12.86	14.97	17.14
Plus 4 years out of school	14.97	17.14	
Plus 5 or more years out of school	17.14		

(b) Wage Level B

Subject to clauses C.5.2(f) and C.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level B by Appendix C1 are:

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
	\$	\$	\$
School leaver	8.42	9.28	10.76
Plus 1 year out of school	9.28	10.76	12.37
Plus 2 years out of school	10.76	12.37	14.51
Plus 3 years out of school	12.37	14.51	16.55
Plus 4 years out of school	14.51	16.55	
Plus 5 or more years out of school	16.55		

(c) Wage Level C

Subject to clauses C.5.2(f) and C.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level C by Appendix C1 are:

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
	\$	\$	\$
School leaver	8.42	9.28	10.76
Plus 1 year out of school	9.28	10.76	12.11
Plus 2 years out of school	10.76	12.11	13.52
Plus 3 years out of school	12.11	13.52	15.07

	Highest year of schooling completed		
	Year 10 per hour \$	Year 11 per hour \$	Year 12 per hour \$
Plus 4 years out of school	13.52	15.07	
Plus 5 or more years out of school	15.07		

(d) School-based traineeships

Subject to clauses C.5.2(f) and C.5.3 of this schedule, the minimum wages for a trainee undertaking a school-based AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Levels A, B or C by Appendix C1 are as follows when the trainee works ordinary hours:

Year of schooling	
Year 11 or lower per hour \$	Year 12 per hour \$
8.42	9.28

(e) AQF Certificate Level IV traineeships

(i) Subject to clauses C.5.2(f) and C.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level IV traineeship are the minimum wages for the relevant part-time AQF Certificate Level III traineeship with the addition of 3.8% to those minimum wages.

(ii) Subject to clauses C.5.2(f) and C.5.3 of this schedule, the minimum wages for an adult trainee undertaking a part-time AQF Certificate Level IV traineeship are as follows, provided that the relevant wage level is that for the relevant AQF Certificate Level III traineeship:

Wage level	First year of traineeship per hour \$	Second and subsequent years of traineeship per hour \$
Wage Level A	17.80	18.49
Wage Level B	17.17	17.83
Wage Level C	15.63	16.22

(f) Calculating the actual minimum wage

(i) Where the full-time ordinary hours of work are not 38 or an average of 38 per week, the appropriate hourly minimum wage is obtained by multiplying the relevant minimum wage in clauses C.5.2(a)–(e) of this schedule by 38 and then dividing the figure obtained by the full-time ordinary hours of work per week.

- (ii) Where the approved training for a part-time traineeship is provided fully off-the-job by a registered training organisation, for example at school or at TAFE, the relevant minimum wage in clauses C.5.2(a)–(e) of this schedule applies to each ordinary hour worked by the trainee.
- (iii) Where the approved training for a part-time traineeship is undertaken solely on-the-job or partly on-the-job and partly off-the-job, the relevant minimum wage in clauses C.5.2(a)–(e) of this schedule minus 20% applies to each ordinary hour worked by the trainee.

C.5.3 Other minimum wage provisions

- (a) An employee who was employed by an employer immediately prior to becoming a trainee with that employer must not suffer a reduction in their minimum wage per week or per hour by virtue of becoming a trainee. Casual loadings will be disregarded when determining whether the employee has suffered a reduction in their minimum wage.
- (b) If a qualification is converted from an AQF Certificate Level II to an AQF Certificate Level III traineeship, or from an AQF Certificate Level III to an AQF Certificate Level IV traineeship, then the trainee must be paid the next highest minimum wage provided in this schedule, where a higher minimum wage is provided for the new AQF certificate level.

C.5.4 Default wage rate

The minimum wage for a trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate level are not allocated to a wage level by Appendix C1 is the relevant minimum wage under this schedule for a trainee undertaking an AQF Certificate to Level I–III traineeship whose training package and AQF certificate level are allocated to Wage Level B.

C.6 Employment conditions

- C.6.1** A trainee undertaking a school-based traineeship may, with the agreement of the trainee, be paid an additional loading of 25% on all ordinary hours worked instead of paid annual leave, paid personal/carer's leave and paid absence on public holidays, provided that where the trainee works on a public holiday then the public holiday provisions of this award apply.
- C.6.2** A trainee is entitled to be released from work without loss of continuity of employment and to payment of the appropriate wages to attend any training and assessment specified in, or associated with, the training contract.
- C.6.3** Time spent by a trainee, other than a trainee undertaking a school-based traineeship, in attending any training and assessment specified in, or associated with, the training contract is to be regarded as time worked for the employer for the purposes of calculating the trainee's wages and determining the trainee's employment conditions.
- C.6.4** Subject to clause C.3.5 of this schedule, all other terms and conditions of this award apply to a trainee unless specifically varied by this schedule.

Appendix C1: Allocation of Traineeships to Wage Levels

The wage levels applying to training packages and their AQF certificate levels are:

C1.1 Wage Level A

Training package	AQF certificate level
Aeroskills	II
Aviation	I II III
Beauty	III
Business Services	I II III
Chemical, Hydrocarbons and Refining	I II III
Civil Construction	III
Coal Training Package	II III
Community Services	II III
Construction, Plumbing and Services Integrated Framework	I II III
Correctional Services	II III
Drilling	II III
Electricity Supply Industry—Generation Sector	II III (in Western Australia only)
Electricity Supply Industry—Transmission, Distribution and Rail Sector	II
Electrotechnology	I II III (in Western Australia only)
Financial Services	I II III
Floristry	III
Food Processing Industry	III
Gas Industry	III

Building and Construction General On-site Award 2010

Training package	AQF certificate level
Information and Communications Technology	I II III
Laboratory Operations	II III
Local Government (other than Operational Works Cert I and II)	I II III
Manufactured Mineral Products	III
Manufacturing	I II III
Maritime	I II III
Metal and Engineering (Technical)	II III
Metalliferous Mining	II III
Museum, Library and Library/Information Services	II III
Plastics, Rubber and Cablemaking	III
Public Safety	III
Public Sector	II III
Pulp and Paper Manufacturing Industries	III
Retail Services (including wholesale and Community pharmacy)	III
Telecommunications	II III
Textiles, Clothing and Footwear	III
Tourism, Hospitality and Events	I II III
Training and Assessment	III
Transport and Distribution	III
Water Industry (Utilities)	III

C1.2 Wage Level B

Training package	AQF certificate level
Animal Care and Management	I

Building and Construction General On-site Award 2010

Training package	AQF certificate level
	II
	III
Asset Maintenance	I
	II
	III
Australian Meat Industry	I
	II
	III
Automotive Industry Manufacturing	II
	III
Automotive Industry Retail, Service and Repair	I
	II
	III
Beauty	II
Caravan Industry	II
	III
Civil Construction	I
Community Recreation Industry	III
Entertainment	I
	II
	III
Extractive Industries	II
	III
Fitness Industry	III
Floristry	II
Food Processing Industry	I
	II
Forest and Forest Products Industry	I
	II
	III
Furnishing	I
	II
	III
Gas Industry	I
	II
Health	II
	III
Local Government (Operational Works)	I
	II
Manufactured Mineral Products	I
	II
Metal and Engineering (Production)	II

Building and Construction General On-site Award 2010

Training package	AQF certificate level
	III
Outdoor Recreation Industry	I II III
Plastics, Rubber and Cablemaking	II
Printing and Graphic Arts	II III
Property Services	I II III
Public Safety	I II
Pulp and Paper Manufacturing Industries	I II
Retail Services	I II
Screen and Media	I II III
Sport Industry	II III
Sugar Milling	I II III
Textiles, Clothing and Footwear	I II
Transport and Logistics	I II
Visual Arts, Craft and Design	I II III
Water Industry	I II

C1.3 Wage Level C

Training package	AQF certificate level
Agri-Food	I
Amenity Horticulture	I II III
Conservation and Land Management	I II III
Funeral Services	I II III
Music	I II III
Racing Industry	I II III
Rural Production	I II III
Seafood Industry	I II III

Schedule D—School-based Apprentices

- D.1** This schedule applies to school-based apprentices. A school-based apprentice is a person who is undertaking an apprenticeship in accordance with this schedule while also undertaking a course of secondary education.
- D.2** A school-based apprenticeship may be undertaken in the trades covered by this award under a training agreement or contract of training for an apprentice declared or recognised by the relevant State or Territory authority.
- D.3** The relevant minimum wages for full-time junior and adult apprentices provided for in this award, calculated hourly, will apply to school-based apprentices for total hours worked including time deemed to be spent in off-the-job training.
- D.4** For the purposes of clause D.3, where an apprentice is a full-time school student, the time spent in off-the-job training for which the apprentice must be paid is 25% of the actual hours worked each week on-the-job. The wages paid for training time may be averaged over the semester or year.
- D.5** A school-based apprentice must be allowed, over the duration of the apprenticeship, the same amount of time to attend off-the-job training as an equivalent full-time apprentice.
- D.6** For the purposes of this schedule, off-the-job training is structured training delivered by a Registered Training Organisation separate from normal work duties or general supervised practice undertaken on the job.
- D.7** The duration of the apprenticeship must be as specified in the training agreement or contract for each apprentice but must not exceed six years.
- D.8** School-based apprentices progress through the relevant wage scale at the rate of 12 months progression for each two years of employment as an apprentice.
- D.9** The apprentice wage scales are based on a standard full-time apprenticeship of four years (unless the apprenticeship is of three years duration). The rate of progression reflects the average rate of skill acquisition expected from the typical combination of work and training for a school-based apprentice undertaking the applicable apprenticeship.
- D.10** If an apprentice converts from school-based to full-time, all time spent as a full-time apprentice will count for the purposes of progression through the relevant wage scale in addition to the progression achieved as a school-based apprentice.
- D.11** School-based apprentices are entitled pro rata to all of the other conditions in this award.