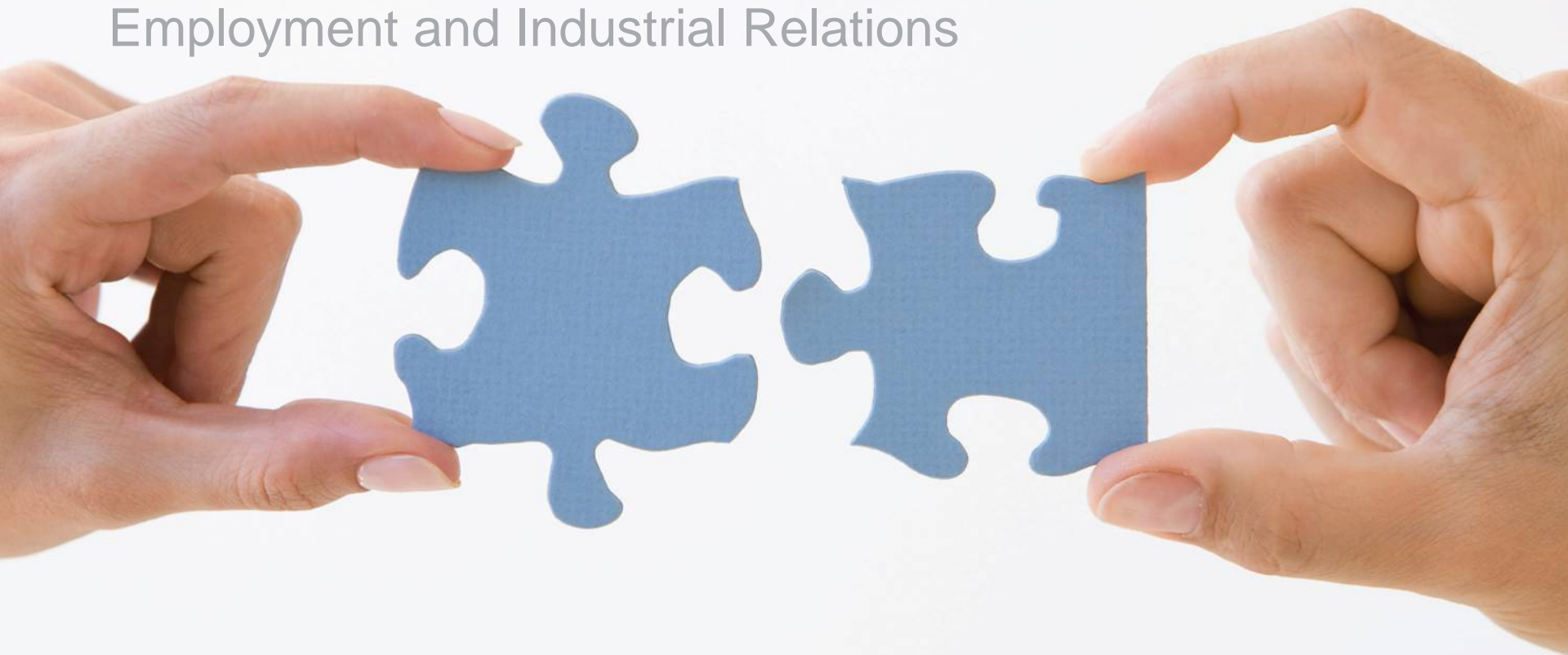


# Productivity and the Modern Award Review: Creating a New Award

Jonathon Hadley – Partner,  
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**How could productivity be improved through the modern award review?**

- 
1. Reduce regulatory burden on employers;
  2. Increase efficiency in the enterprise bargaining process

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- Traffic Management Association of Australia (TMAA).
  - Employer association registered under the *Fair Work (Registered Organisations) Act 2009* (Cth).
  - First registered in November 2011.
  - TMAA currently has 73 members across Australia

- TMAA members currently employ approximately **10,000 employees** nationally.
- It is estimated that a further 10,000 traffic controllers are employed by non-members throughout Australia.
- A majority of these employees are employed on a casual basis.

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- *Building and Construction General On-site Award 2010*
  - *Security Services Industry Award 2010*
  - *Black Coal Mining Industry Award 2010*
  - *Asphalt Industry Award 2010 (possibly)*

# Building and Construction General On-site Award 2010



**(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 la buildings, structures or works are permanent and maintenance undertaken by employees of employers covered by clause 4.1 of such buildings, structures or
- (ii) site clearance, earth-moving, excavation, site restoration, landscaping and the provision of car parks and other access works associated with the activiti
- (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 preparations, hot 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~~

# Building and Construction General On-site Award 2010

(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
- Hoist or winch driver
- Landscaper
- Manhole builder
- Pitcher or beacher
- Powder monkey
- Scaffolder
- Spotter
- Steelfixer
- Storeman
- Tack welder
- Tool sharpener
- Traffic controller
- Wall builder



# Security Services Industry Award 2010

**4.2** To avoid doubt, the security services industry includes:

- (a) patrolling, protecting, screening, watching or guarding any people and/or property, including cash or other valuable possession or use of a firearm) or by electronic means;
- (b) crowd, event or venue control whether through physical or electronic means;
- (c) body guarding or close personal protection;
- (d) the operation of a security control room or monitoring centre;
- (e) loss prevention; and
- (f) traffic control when it is incidental to, or associated with, the activities referred to in clauses 4.2(a), (b) or (c).

**4.3** To avoid doubt, this award does not apply to an employer merely because that employer, as an incidental part of a business, performs functions referred to in clause 4.2.

# Black Coal Mining Industry Award 2010

Coal and/or Dust Sampler	
<b>GROUP B</b>	<b>801.30</b>
(Adult coal mining industry employee engaged in one of the following classifications)	
Tracer	
Surveyor's Assistant	
Clerk	
Laboratory Assistant	
Technical Assistant	
Stores Clerk	
Trainee	
Coal and/or Dust Sampler	
Screen and Surface Overseer	
Traffic Controller	
<b>GROUP C</b>	<b>821.80</b>
Computer Operator	

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**Should the FWC exercise its  
modern award powers to make a  
modern award?**

# Modern Awards Objective

## SECTION 134 *FAIR WORK ACT 2009* (CTH)



Relative **living standards and needs of the low paid**



The need to encourage **collective bargaining**



The need to promote **social inclusion** through increased workforce participation



The need to promote **flexible modern work practices** and the **efficient and productive performance** of work



The need to provide additional remuneration for employees working **overtime, unsocial, irregular or unpredictable hours, weekends, public holidays or shiftwork**



The principle of **equal remuneration** for work of equal or comparable value



The likely impact of any exercise of modern award powers on business, including on **productivity, employment costs and the regulatory burden**



The need to ensure a **simple, easy to understand, stable and sustainable modern award system** for Australia that avoids unnecessary overlap of modern awards



The likely impact of any exercise of modern award powers on **employment growth, inflation and the sustainability, performance and competitiveness** of the national economy.



The need to encourage **collective bargaining**



The likely impact of any exercise of modern award powers on business, including on **productivity, employment costs and the regulatory burden**



The need to promote **flexible modern work practices** and the **efficient and productive performance** of work



The likely impact of any exercise of modern award powers on **employment growth, inflation and the sustainability, performance and competitiveness of the national economy**

# The need to encourage collective bargaining

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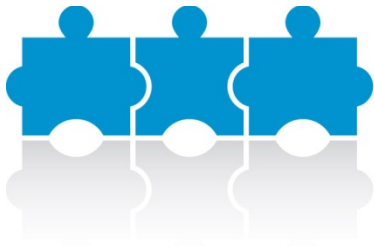
**The likely impact of any exercise  
of modern award powers on  
business, including on  
productivity, employment costs  
and the regulatory burden**

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**The need to ensure a simple, easy  
to understand, stable and  
sustainable modern award system  
for Australia that avoids  
unnecessary overlap of modern  
awards**



- The 4 yearly Modern Award Review is critical to ensuring the continued success of the modern award system.



DIBBS BARKER