

# AWU Construction Update

ISSUE March 2015



## KEY POINTS

- TMAA – an employer union is waging a campaign to reduce your conditions
- TMAA want to introduce a new award which will undercut current conditions
- AWU will be opposing the TMAA's application at the Fair Work Commission
- AWU members need to provide their feedback

## Traffic Control Conditions Under Attack

The Traffic Management Association of Australia (TMAA), a registered employer union is currently waging a campaign to reduce the working conditions of AWU members across Australia.

When employer groups try to introduce change, it's always an attempt to cut workers conditions. The TMAA plan is to introduce a new *Traffic Management Award* which is inferior to the conditions in the *Building and Construction General On-site Award* (B & C Award) which currently underpin the working conditions of Traffic Controllers working in the civil construction industry.

While many AWU members across Australia have their working conditions protected in Enterprise Agreements, the majority of these agreements are based on the minimum conditions in the B & C Award. The introduction of the proposed TMAA Award will undercut the current industry minimum conditions.

The AWU will be opposing the TMAA's application at the Fair Work Commission, **but we will need your support** to maximise our collective strength to fight these changes.

We are seeking your feedback to determine what interest we have from members to attend a state wide meeting via video conference to brief members on the changes and to get them involved in the campaign to oppose these changes.

To register interest to attend the state wide campaign meeting please visit [https://www.surveymonkey.com/s/TC\\_changes](https://www.surveymonkey.com/s/TC_changes) or email your name, mobile phone number, employer and your depot location to [campaigns@awu.org.au](mailto:campaigns@awu.org.au) with the subject name 'Traffic Control Award' Please also indicate if want to be a workplace contact to help distribute information to your work mates.

To download a copy of the proposed award visit <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/AM2014195-draftaward-TMAA-221214.pdf>

Authorised by Ben Swan,  
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## Below is an outline of the proposed reduction of conditions:

- **Clause 6.5:** The draft award does not specify the payment of the daily travel allowance as part of the minimum engagement conditions (see clause 14.4 of the B & C Award).
- **Clause 6.5:** There is no casual conversion in the draft award (see clause 14.8 of the B & C Award).
- **Clause 8.1:** The draft award would introduce a seven day working week because there is no reference to ordinary hours being worked from Monday to Friday (see clause 33.1 of the B & C Award).
- **Clause 8.1:** There is no reference to an RDO system (see clause 33.1 of the B & C Award).
- **Clause 9.5:** As the draft award introduces ordinary hours on the weekend, the entitlement to a 20 minute paid break for every 4 hours of overtime on the weekend is omitted (see clause 37.7 of the B & C Award).
- **Clause 9.5 (a) (ii):** The draft award reduces the overtime meal break entitlements by specifying the break is taken after 2 hours of overtime is worked and then the subsequent break entitlement is 20 minutes instead of 30 minutes (see clause 35.3 (b) of the B & C Award).
- **Clause 10.1:** It appears the standard traffic control level in the draft award would be Traffic Controller Level 2 – the ordinary hourly rates are \$19.28 for permanent employees and \$24.10 for casuals. Under the B & C Award, the loaded (including special allowance and industry allowance) CW2 rates are \$20.01 for permanent employees and \$25.01 for casuals. Whilst the draft award does contain an industry allowance at clause 11.1 – this is not paid for all purposes so will not form part of the loaded rate – hence not included for shift and penalty calculations.
- **Clause 11.3:** The ability to remove the meal allowance entitlement if notification of the overtime is provided on the previous day does not appear in the B & C Award.
- **Clause 11.6:** The draft award requires employees to supply and maintain their own two-way radio.
- **Clause 12.1:** Rain has been omitted from the definition of inclement weather (see clause 23.3 of the B & C Award).
- **Clause 13:** The draft award does not contain the entitlement to superannuation contributions during paid leave and absence due to work-related injury and illness.
- **Clause 14:** The right to higher penalty payments if less than 5 consecutive shifts are worked has been omitted from the draft award (see clause 34.2 (m) of the B & C Award).
- **Clause 22:** The B & C Award's industry specific redundancy scheme has not been included in the draft award, and neither have transfer of business provisions (see clause 17 of the B & C Award).

## There are also inferior conditions for:

- Part-time employment
- Payment of wages
- Higher duties
- Minimum break after overtime
- Call-back
- Annual close-down
- Personal/carer's leave