



DETERMINATION

Fair Work Act 2009

s.156—4 yearly review of modern awards

4 yearly review of modern awards—Overtime for casuals (AM2017/51)

PLUMBING AND FIRE SPRINKLERS AWARD 2010 [MA000036]

Plumbing industry

VICE PRESIDENT HATCHER
VICE PRESIDENT CATANZARITI
DEPUTY PRESIDENT BULL

SYDNEY, 30 OCTOBER 2020

4 yearly review of modern awards – common issue – overtime for casuals – Plumbing and Fire Sprinklers Award 2010.

A. Further to the decisions issued by the Full Bench of the Fair Work Commission on 18 August 2020 [\[\[2020\] FWCFB 4350\]](#) and 30 October 2020 [\[\[2020\] FWCFB 5636\]](#) the above award is varied as follows:

1. By renumbering clause 14.3 as clause 14.4.
2. By inserting a new clause 14.3 as follows:

14.3 When a casual employee works overtime, they must be paid the overtime rates in clauses 33.2 and 33.4.

3. By deleting clause 33.1 and inserting the following:

33.1 General overtime provision—full-time and part-time employees

- (a) In respect of all time worked beyond the ordinary hours of work as prescribed in clause 29—Ordinary hours of work over a four week work cycle, full-time and part-time employees must be paid:
 - (i) plumbing and mechanical services employees—150% of the hourly minimum wage (plus any all-purpose allowance) for the first two hours and 200% of the hourly minimum wage (plus any all-purpose allowance) after two hours;

- (ii) plumbing and mechanical services employees in Victoria—150% of the hourly minimum wage (plus any all-purpose allowance) for the first hour and 200% of the hourly minimum wage (plus any all-purpose allowance) after one hour, provided that this clause will cease to operate on 31 December 2014;
 - (iii) sprinkler fitter employees—150% of the hourly minimum wage (plus any all-purpose allowance) for the first two hours and 200% of the hourly minimum wage (plus any all-purpose allowance) after two hours.
 - (b) Work commenced after midnight and prior to the commencement of ordinary hours must be paid for at the rate of 200% of the hourly minimum wage (plus any all-purpose allowance).
- 4. By deleting clause 33.2 and inserting the following.

33.2 General overtime provision—casual employees

- (a) In respect of all time worked beyond the ordinary hours of work as prescribed in clause 29—Ordinary hours of work over a four week work cycle, casual employees must be paid:
 - (i) plumbing and mechanical services employees—175% of the hourly minimum wage (plus any all-purpose allowance) for the first two hours and 225% of the hourly minimum wage (plus any all-purpose allowance) after two hours;
 - (ii) plumbing and mechanical services employees in Victoria—175% of the hourly minimum wage (plus any all-purpose allowance) for the first hour and 225% of the hourly minimum wage (plus any all-purpose allowance) after one hour, provided that this clause will cease to operate on 31 December 2014;
 - (iii) sprinkler fitter employees—175% of the hourly minimum wage (plus any all-purpose allowance) for the first two hours and 225% of the hourly minimum wage (plus any all-purpose allowance) after two hours.
- (b) Work commenced after midnight and prior to the commencement of ordinary hours must be paid for at the rate of 225% of the hourly minimum wage (plus any all-purpose allowance).

NOTE: The overtime rates for casual employees have been calculated by adding the casual loading prescribed by clause 14.2 to the overtime rates for full-time and part-time employees prescribed by clause 33.1.

- 5. By renumbering clauses 33.3 to 33.7 as clauses 33.6 to 33.10.
- 6. By inserting a new clause 33.3 as follows:

33.3 Weekend and public holiday overtime and breaks—full-time and part-time employees

- (a) Overtime worked on a Saturday must be paid for at the rate of:
- (i) Plumbing and mechanical services and irrigational installer employees in Victoria—150% of the hourly minimum wage (plus any all-purpose allowance) for the first hour and 200% of the hourly minimum wage (plus any all-purpose allowance) after one hour provided that this clause will cease to operate on 31 December 2014;
 - (ii) Plumbing and mechanical services and irrigation installer employees (other)—150% of the hourly minimum wage (plus any all-purpose allowance) for the first two hours and 200% of the hourly minimum wage (plus any all-purpose allowance) after two hours; and
 - (iii) Sprinkler fitter employees—200% of the hourly minimum wage (plus any all-purpose allowance),

provided that all time worked after 12 noon must be paid for at 200% of the hourly minimum wage (plus any all-purpose allowance).

- (b) Overtime worked on a Sunday must be paid for at the rate of 200% of the hourly minimum wage (plus any all-purpose allowance).
- (c) An employee required to work overtime on a public holiday must be paid for at the rate of 250% of the hourly minimum wage (plus any all-purpose allowance).

NOTE: Clause 33.5 contains weekend and public holiday overtime and breaks provisions relating to all employees.

7. By inserting a new clause 33.4 as follows:

33.4 Weekend and public holiday overtime and breaks—casual employees

- (a) Overtime worked on a Saturday must be paid for at the rate of:
- (i) Plumbing and mechanical services and irrigational installer employees in Victoria—175% of the hourly minimum wage (plus any all-purpose allowance) for the first hour and 225% of the hourly minimum wage (plus any all-purpose allowance) after one hour provided that this clause will cease to operate on 31 December 2014;
 - (ii) Plumbing and mechanical services and irrigation installer employees (other)—175% of the hourly minimum wage (plus any all-purpose allowance) for the first two hours and 225% of the hourly minimum wage (plus any all-purpose allowance) after two hours; and
 - (iii) Sprinkler fitter employees—225% of the hourly minimum wage (plus any all-purpose allowance),

provided that all time worked after 12 noon must be paid for at 225% of the hourly minimum wage (plus any all-purpose allowance).

- (b) Overtime worked on a Sunday must be paid for at the rate of 225% of the hourly minimum wage (plus any all-purpose allowance).
- (c) An employee required to work overtime on a public holiday must be paid for at the rate of 275% of the hourly minimum wage (plus any all-purpose allowance).

NOTE 1: The overtime rates for casual employees have been calculated by adding the casual loading prescribed by clause 14.2 to the overtime rates for full-time and part-time employees prescribed by clause 33.3.

NOTE 2: Clause 33.5 contains weekend and public holiday overtime and breaks provisions relating to all employees.

8. By inserting a new clause 33.5 as follows:

33.5 Weekend and public holiday overtime and breaks—all employees

- (a) An employee required to work on a Saturday will be afforded at least three hours of work.
- (b) An employee required to work on a Sunday or a public holiday will be afforded at least four hours of work.
- (c) Clauses 33.5(a) and 33.5(b) will not apply in circumstances where the employee is recalled to work in accordance with clause 33.6—Call-back.
- (d) An employee working overtime on a Saturday, Sunday or public holiday will be allowed a paid rest period of 10 minutes. This rest period will be paid for as though worked.
- (e) An employee working on a Saturday, Sunday or public holiday will be allowed a paid meal break of 20 minutes after four hours of work, to be paid at the relevant overtime rate of pay, but this will not prevent any arrangement being made for a 30 minute meal period, the time in addition to the paid 20 minutes being without pay. In the event of an employee being required to work in excess of a further four hours, the employee will be allowed to take a paid rest break of 30 minutes payable at the relevant overtime rate.

9. By updating the cross-references accordingly.

B. This determination comes into operation on 20 November 2020. In accordance with s.165(3) of the *Fair Work Act 2009* this determination does not take effect in relation to a particular employee until the start of the employee's first full pay period that starts on or after 20 November 2020.

VICE PRESIDENT

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