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NSW – Guide to Common Employment Conditions in Construction Awards

This info sheet is a guide only to some of the more common employee entitlements and conditions in building and construction industry awards. The award conditions discussed below are based on the NSW Building and Construction Industry (State) Award (BCI award).

Wages

Most employees in NSW are covered by an award which sets out a minimum legal pay rate and conditions. Award pay rate summaries are available from the HIA InfoCentre. Where an employee is employed under a Workplace Agreement rates and conditions will be determined by that agreement.

Hours of Work & RDO

Most building awards include a Rostered Day Off (RDO) provisions. Under the BCI Award an employee is entitled to a RDO after every 19 working days. The method for recording RDO's is as follows:

1. An employee works 40 hours in a week but is only paid for 38 hours, thus accruing two hours per week towards the RDO. After 4 weeks (19 working days) the employee is entitled to 1 day's (7.6 hours) paid leave on the gazetted RDO day. Unions and industry agree on the RDO days each year and an RDO calendar is produced.
2. If an employee works on a gazetted RDO they are entitled to be paid overtime rates for that day as well as payment for the accrued RDO (7.6 hours at normal time) unless arrangements have been made for another day to be substituted for the gazetted day.
3. Fare allowance is paid on a RDO
4. Tool allowance is paid on a RDO

Travel Allowance

In relation to a BCI award an employee is **not paid** travel allowance where the employee is picked up from his residence and dropped off at his residence at the end of each day.

An employee **is paid** travel allowance where the employee:

- is provided with a company vehicle
- drives his own vehicle
- is required to pick-up and return another employee (driver gets paid time as well)
- is required to drive between jobs during the day

Extra travel allowance is paid where employee has to travel outside of the radial area (50km from GPO or normal place of employment)

Probation Period

If you wish to put a new employee on a probation or trial period then you should include an express probationary period between 1 month and 3 months and confirm this in writing to the employee.

Superannuation

An employer is required to contribute to a Superannuation fund for each employee. The current rate is 9% of ordinary time earnings. From 1 July 2003 employers are required to make super contributions on behalf of their employees at least once each quarter. The contributions are now due by 28 October, 28 January, 28 April and 28 July each year. Employers that already make quarterly (or more often) superannuation contributions should continue to do so.



Workers Compensation

It is mandatory for an employer to have a workers compensation policy that covers all employees.

Annual Leave

Full-time employees are entitled to 4 weeks annual leave per year. Part-time employees receive a pro-rata entitlement to 4 weeks annual leave based on their hours worked.

Casual employees are not entitled to annual leave. They are paid for this leave in the higher casual leave loading.

Sick Leave

An employee’s entitlements to sick leave will depend upon the award that governs their employment. Under the BCI, a full-time employee is entitled to 10 days paid sick leave per year. Part-time employees receive a pro-rata entitlement to sick leave proportional to hours worked. Casual employees are not entitled to sick leave.

Public Holidays

Full-time employees are entitled to a paid day off on any work day that is a public holiday. A part-time employee is entitled to a paid day off for any public holiday that falls on a day they would normally work. A casual employee is not entitled to be paid for public holidays. Any employee who works on a public holiday is entitled to special penalty rates for the hours worked.

Bereavement Leave

An employee, other than a casual employee, is entitled to up to 2 days bereavement leave without deduction of pay for the death of:

- a spouse or defacto spouse, or same sex partner
- a child, including adopted, foster ex-nuptial or step child
- a parent, including foster, parent or guardian
- a grandparent, grandchild or sibling; siblings of the employees spouse or defacto
- a relative who is a member of their household

Carers Leave

An employee can use their own accrued sick leave for the purpose of carers leave. Carers leave can be used by an employee for caring for a family member who is dependent upon that employee and that employee is responsible for the family member. An employee can be required to provide evidence of their need for carers leave.

Parental Leave

Full-time, part-time and regular casual employees are entitled to parental leave. The employee is entitled to a total of 52 weeks unpaid parental leave in connection with the birth or adoption of a child after completing at least 12 months continuous service with that employer. On returning to work the employee is entitled to the position they held immediately before commencing parental leave. If this position no longer exists, the employer must provide the employee with a position as close as possible in status and pay to that of the employee's former position.

Long Service Leave

It is compulsory for employers to pay long service leave under a Federal and State legislation. In NSW a portable long service scheme operates in the building industry that is administered by the Long Service Leave Payments Corporation. Employers need to register their employees with the Long Service Leave Payments Corporation.

For more information call the HIA member Hotline on 1300 650 620

DISCLAIMER - The above is intended to provide general information in summary form. The contents do not constitute specific advice and should not be relied upon as such. For more specific advice should be sought by members with respect to particular matters before taking action.