

SKOUT SOLUTIONS INDUSTRIAL ENTERPRISE AGREEMENT 2024

Suggested Changes to EA Summary

Clause No.	Clause Area	Summary of Change	Reason for Change
1	Title	Change name from '2019' to '2024'.	General update
3	Modern Awards and Replacement of Existing Enterprise Agreement	Change previous EA name from '2016' to '2019'	General update
5	No Extra Claims	Delete: This agreement is made in full and final settlement of all claims.	Remove due to difficulties with no extra claims clauses.
7	(Deleted – Building Code)	Deleted Clause 7 – Building Code: although not incorporated into this Agreement, this Agreement operates subject to the terms of the Building Code.	References to the Building Code including this section and subsequent sections have been removed as this is no longer relevant.
7	Definitions	The name of the Award has been updated from 2010 to 2020.	General update
7	Definitions	'Immediate family' definition has been amended to specify "spouse" includes a former spouse.	This ensures compliance with the FW Act.
7	Definitions	"Ordinary time rate" has been given a specific definition in this section – Insertion of "Ordinary time rate" means the rate of pay in clause 20.	The EA contains numerous references to the expression "ordinary time rate". Therefore, it is worthwhile to define the term. In the award system the use of the expression "ordinary time rate" has been dispensed with given interpretation problems (e.g. unions have argued that this is the rate that an employee receives for working ordinary time, including shift and weekend penalties). Awards now use the expressions "minimum hourly rates" and "ordinary hourly rates".

8.5	Dispute Settlement Procedure	Clause 8.5 (b) previously stated "If the Fair Work Commission is unable to resolve the dispute at the first stage, the Fair Work Commission may then arbitrate the dispute by declaration". The phrase "by declaration" has been removed.	Removed as unclear as to nature of declaration.
9.2	Enterprise Flexibility	Phrase 'provision of' was repeated twice.	Grammar change
12.3	Part-time employees	12.3 has been amended to include (a) as the previous part time employee clause at 12.3 but with an additional clause at (b): A part-time employee must be offered a minimum 4-hour shift per engagement.	This is consistent with the undertaking given at the approval stage for the current EA.
12.4 (a)	Casual employees	Section 12.4 (a) has been changed from a definition to be the meaning given by the Act.	In line with legislation changes regarding casual employment.
12.4 (c)	Casual employees	The minimum engagement periods for casual employees have been specifically defined depending on what Award they are covered by.	This is consistent with the undertaking given at the approval stage for the current EA.
12.4 (e)	Casual employees	The previous clause (13.6 – Right to request) has been deleted. The new clause states that casual conversion is provided for in the NES.	In line with legislation changes regarding casual employment.
15	(Deleted – Reasonable Inquiries)	The clause regarding 'Reasonable Inquiries' stating what happens when an employee is absent without authorisation has been deleted from the Agreement.	In line with legislation changes and FWC approval of EAs.
16.1	Day Work	The phrase "at either end of the spread" has been added to the sentence "Provided that the spread of hours may be altered by up to 1 hour at either end of the spread by agreement with an individual Employee or with the majority of Employees in the plant, section or sections concerned."	Clarity

17.2	Shift Work – Definitions	The word “loading” has been added to the sentence twice: “Where more than one allowance, loading or penalty rate may apply to the Ordinary Time Rate, only the highest applicable allowance, loading or penalty rate will apply.”	Clarity
17.9	Shift Work – Shift Loadings (Afternoon / Night Shift)	For employees who work less than 5 successive shifts, this clause will now state: Employees who work on any afternoon or night shift which does not continue for at least 5 successive afternoons or nights will be paid a 50% shift loading for the first two Ordinary Hours and a 100% loading for their Ordinary Hours thereafter. The relevant overtime rates will be paid for all hours worked beyond Ordinary Hours.	As per the undertaking given at the approval stage for the current EA.
18.4	Overtime – Obligation to work overtime	The phrase loading has been added to the phrase “allowance, loading or penalty rate”. This clause has also changed to clarify that employees will be paid the higher allowance, loading or penalty rate where more than one applies.	Clarity
19	Classifications and Wage Rates	<p>The previous EA rates for each classification have been deleted and updated to the rates proposed in the new EA:</p> <p>Previous rates – Level 1a - \$22.21 Level 1 - \$23.04 Level 2- \$24.91 Level 3- \$25.95 Level 4- \$28.03 Level 5- \$30.10 Level 6 - \$32.18</p> <p>Proposed rates – Level 1a - \$26.24 Level 1 - \$27.22 Level 2 - \$29.43 Level 3 - \$30.66 Level 4 - \$33.11 Level 5 - \$35.56 Level 6 - \$38.08</p>	Updated to reflect proposed wage increases.

20	Allowances	<p>The previous EA allowances have been deleted and updated to the proposed rates in the new EA:</p> <p>Previous allowances: Leading hand - \$1.03 per hour Meal allowance - \$15.38 Construction allowance - \$3.08 Construction allowance before 6am - \$5.13 Electrical allowance - \$1.13 First aid allowance - \$3.11 Underground allowance - \$17.10 per week, \$2.98 per day Confined space - \$0.91 Furnace work - \$1.93 Acid work - \$1.93 Travel (less than 50 km) - \$11.28 Travel (more than 50 km) - \$22.55 Living away from home allowance - \$503.40</p> <p>Proposed allowance rates: Leading hand - \$1.25 Meal allowance - \$21.00 Construction allowance - \$3.40 Construction allowance before 6am - \$5.60 Electrical allowance - \$1.30 First aid allowance - \$3.20 Underground allowance - \$18.59 per week, \$3.72 per day Confined space - \$1.03 Furnace work - \$2.05 Acid work - \$2.05 Travel (less than 50 km) - \$12.83 Travel (more than 50 km) - \$25.65 Living away from home allowance - \$558.35</p>	Updated to reflect proposed wage increases.
20.17	Allowances – Board and Lodging	A new clause has been added at 20.17: Casual employees performing offshore work who, but for the Agreement, would be covered by the <i>Hydrocarbons Industry (Upstream) Award 2020</i> , shall be paid LAFHA pursuant to clause 20.15(b) of the Agreement at the rate of	As per the undertaking given during the appeal proceedings. See para [109] in the appeal decision: here .

		\$71.91 per day (or part thereof) in lieu of the amount otherwise provided for in that sub-clause. For the avoidance of any doubt, for those employees, provision of board and lodging in clause 20.15(a) will not be in lieu of 20.15(b).	
21	Increases during the life of the Agreement	The percentage increase that will be applied to the wages and allowances has been deleted from the previous Agreement (2%) and updated to the proposed Agreement (X%). The dates have also been amended to reflect the new dates the increases will apply on.	Updated in line with proposed wage increases.
27.1	Annual Leave	The accrual of Annual Leave has been amended – in particular previous the provision about part time accrual has been replaced with “Annual leave accrues progressively during a year of service according to the employee’s ordinary hours of work.”	In accordance with NES provisions and clarity for part time accrual of annual leave.
27.8	Annual Leave	References to the Awards have been updated as the titles have changed from “2010” to “2020”.	General update
35.3	Superannuation	The existing clause has been amended to now state: Contributions will be paid into an eligible fund nominated by the Employee. Provided that where an Employee does not nominate a fund, or the Company is unable to pay into that fund, the Company will pay into the Employee’s ‘stapled super fund’ as advised by the Australian Taxation Office. If the Employee does not nominate a fund and does not have a ‘stapled super fund’, contributions will be paid into the Company’s default superannuation fund.	In accordance with superannuation legislation changes.
Schedule A	Signatories	The previous signatures have been deleted and will be	General update

		replaced with updated signatures and position titles relevant.	
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