

From: [REDACTED]

Sent: Tuesday, 28 February 2017 1:54 AM

To: Complaints

Subject: I'd like to formally challenge the Business Equipment Award MA000021 on the grounds that it violates minimum wage laws and is grossly unfair.

I'd like to formally challenge the Business Equipment Award MA000021 on the grounds that it violates minimum wage laws and is grossly unfair.

The minimum wage for all permanent employees in Australia is \$17.70 per hour. Casual employees covered by the minimum wage are entitled to a 25% casual loading¹, which is \$22.12 per hour. Computer technicians are allowed to be paid as low as \$18.19 per hour - with casuals only receiving a 21% loading², which is only \$22.01 per hour, which is actually 11 cents per hour less than minimum wage. That means the Business Equipment Award is actually in violation of minimum wage laws!

My arguments in favour of awarding computer technicians (including those referred to as "technical employees"), particularly casual computer technicians, significantly more than minimum wage is as follows:

- It is an absolute disgrace that computer technicians can be legally paid as little as people doing jobs that require no education or training, no initiative, no responsibility, no problem solving, no work in their own time, no ongoing private study and no personal tools.
- As a computer technician, I have been paid "shifts" as short as 1 hour³, incurring transport costs that were a substantial proportion of my income. By contrast, "early childhood educators" who are employed casually at a school get paid for a minimum of half a day!⁴
- Sometimes computer technicians are asked to do background preparation for a job, such as reading of installation manuals⁵, downloading software or images to take with us, printing out forms for customers to sign, etc. And it is common for clients to expect us to do online OH&S inductions in our own time, even when we are contracted to work for them on a very short-term basis or at a piece-rate.
- Computer technicians are often expected to, in their own time, account for their time spent on-site and document everything including scanning documents, compressing photos and sending emails to clients or temporary employment agencies⁶. I have even had clients call me in my own time, on my private mobile phone which I am often expected to supply, several times, sometimes even weeks after a job was completed.
- Information technology is probably the most rapidly changing field with the greatest requirement for ongoing private study of any profession with the possible exception of doctors and university lecturers.
- Computer technicians are often / usually expected to have a tool-kit, including some expensive items that depreciate fairly rapidly like a laptop computer, a mobile phone and a car.
- It would be extremely rare to find a computer technician with less than 2 years of tertiary education.⁷
- I.T. courses are some of the hardest courses there are. Anyone who could pass an I.T. course could most likely pass any other course, but the reverse is not true. A Certificate 4 in I.T., or 1.5 years at university in I.T. is probably more work than a 3 year Arts Degree if you're only after a pass mark. I.T. courses are not padded with material that's either waffle or intuitively obvious to anyone who has a bit of common-sense. You can't "wing-it" like a certificate in child-care or business administration. You have to really work to pass.
- Pay parity: computer technicians at entry-level pay grade, on average, would have spent the same or more time in tertiary education than most enrolled nurses who are at pay point 1, and enrolled nurses' casual award rate is \$26.24 per hour⁸ (19% more than computer technicians). A casual employee who is covered by the Professional Employees Award is entitled to \$29.49 per hour as a

graduate of a 3 year degree. And the minimum casual rate of a person working in child-care as an early childhood educator is \$29.49 per hour⁹, by decree of Award MA000077, and believe me, it's a lot harder to do things like extract and manipulate data, automate administrative procedures and trouble-shoot I.T. problems, or teach people how to use software, than it is to teach 2 year olds to sing the ABC.

I believe that at the absolute least, computer technicians at pay grade Level 1 should be paid at least half way between minimum wage, and Level 1 pay grade of the Professional Employees Award, which would work out as \$25.80 per hour. And I also believe the minimum hours payable should be 2 hours, to bring it in line with most other awards.

Footnotes / references:

¹ <http://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/minimum-workplace-entitlements/minimum-wages>

What is the current national minimum wage?

The national minimum wage is currently **\$17.70 per hour** or \$672.70 per 38 hour week (before tax).

Casual employees covered by the national minimum wage also get at least a **25 per cent casual loading**.

For award and agreement free junior employees, the percentage scale in the Miscellaneous Award 2010 ² is applied to the national minimum wage.

² <http://awardviewer.fwo.gov.au/award/show/MA000021>

[13.2 varied by PR579782 ppc 01Jul16]

13.2 A casual employee is one engaged and paid as such, and for working ordinary time will be paid, per hour, **1/38th of the weekly wage** prescribed by this award for the work which employee performs, **plus 21%**.

[20.2(a)(i)] varied by PR509052, PR522883, PR536686, PR551609, PR566690, PR579782 ppc 01Jul16]

Classification	Rate per week	Annual salary
	\$	\$
Technical employee		
Level 1	691.20	35,942

³ Sample job: on-site 30m, paid for 1hr – if I caught a taxi to and from work, I'd make negative dollars, and that's not even counting reductions in welfare entitlement or increased tax liability – Centrelink and the ATO's rules make no allowance for transport costs.



⁴ https://www.fwc.gov.au/documents/documents/modern_awards/award/ma000077/default.htm

14.5 Casual employee

(a) The salary payable to a casual employee will be:

(i) no higher than the salary at Level 8 in clause 14.1 where the employee is engaged for less than five consecutive days; or

(ii) where the employee is engaged for five or more consecutive days the salary will be the appropriate salary for the classification as specified in clause 13—Classifications.

calculated in accordance with the table below:

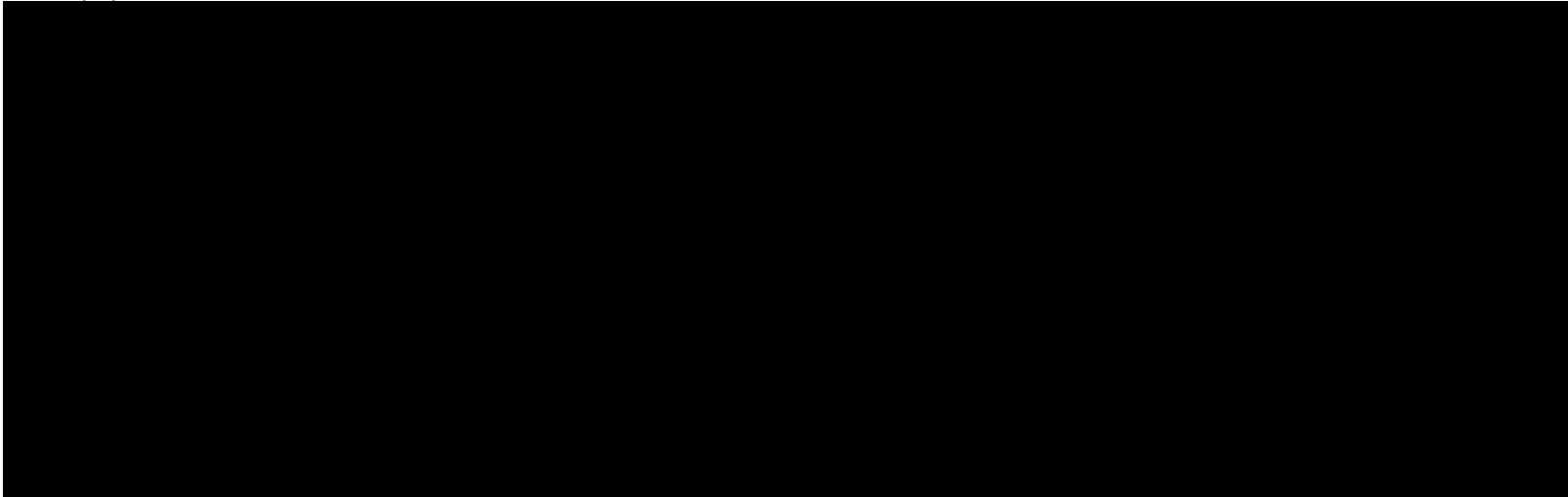
Full day	Weekly rate calculated in accordance with clause <u>14.3</u> divided by 5 plus 25%
Half day	Weekly rate calculated in accordance with clause <u>14.3</u> divided by 10 plus 25%
Quarter day	Weekly rate calculated in accordance with clause <u>14.3</u> divided by 20 plus 25%

(b) Provided that:

(i) a casual employee in a school will be paid for a **minimum of half a day**; where a day is the usual required attendance time for an employee at that school and a half day is half the usual required attendance time; and

(ii) a casual employee in a children's service or early childhood education service may be paid for a minimum of a quarter day.

⁵ Sample job where I was expected to know exactly what to do before arriving on-site, yet as is standard practice in the I.T. industry was only paid for time actually spent on-site:



⁶ Sample job where I had to spend a significant amount of my own time reporting activities and expenses to my employer:

Time-sheet and expenses for [REDACTED] (Hobart) - [REDACTED] / HP printers

Sent: Wed 1/06/2016 1:51 PM

To: Hasb Al-Amin

Message Petrol receipt 1 - BP Devonport 26 May 2016.jpg (39 KB)

Petrol receipt 2 - Hobart 27 May 2016.jpg (94 KB)

Accommodation receipt - Leisure Inn Penny Royal Launceston 26 M.jpg (56 KB)

Wed 18 May (Hobart): Start 9am finish 5.30pm break 30min total 8hrs

Thu 19 May (Hobart): Start 9.05am finish 4.05am break 30min total 6.5hrs

Fri 20 May (Cambridge): Start 9am finish 9.40pm break 40min total 8hrs

Sat 21 May (Cambridge): Start 12.10pm finish 4.58pm break 3min total 4.75hrs

Mon 23 May (Moonah): Start 9.10am finish 5.30pm break 20min total 8hrs

Tue 24 May (Cambridge): Start 11am finish 3.50pm break 5min total 4.75hrs

Wed 25 May (Launceston): Signed-in 9.15am finish 5.30pm break 15min total 8hrs onsite

Thu 26 May (Devonport): Signed-in 9.10am finish 12.05pm break 0min total 2.9hrs onsite

Thu 26 May (Burnie): First photo timestamp 1.10pm last photo timestamp 5.20pm left at 5.30pm break 0min total 4.3hrs onsite

A significant amount of time was also spent Sat 28 May editing photos, and Sun 29 May typing notes and submitting photos via the webforms. I actually spent a lot more than 4hrs, but I'll only claim 4hrs.

Total time excluding travel: 59.2hrs

Travel times as per Google estimation:

My place to HN Launceston: 2.3hrs

HN Launceston to HN Devonport: 1.2hrs

HN Devonport to HN Burnie: 0.6hrs

HN Burnie to my place: 3.7hrs

Total travel: 7.8hrs

Total time including Northern travel: 67hrs

I also spent a couple hours picking up and dropping off the rental car and more time preparing this email, but I don't expect that will be paid for.

Printer count excluding receipt and sticker printers:

Hobart: 24

Cambridge: 35

Moonah: 18

Launceston: 22

Devonport: 9

Burnie: 14

Total 122 printers.

Expenses:

Petrol receipt 1: \$30

Petrol receipt 2: \$51.94

Total petrol \$81.94

Accommodation: \$100

Total petrol and accommodation: \$181.94

I also got billed \$44 for excess data usage, but I'm willing to write that off.

⁷ Today I was one of 3 lowly paid I.T. temps on-site: one had a Bachelor of Computing Degree and a Certificate 4 in I.T., and the other was preparing to sit his Cisco Certified Network Associate exams in the next few weeks – a post-tertiary qualification with similarities to accounting body professional membership. Myself, I’ve passed 4.375 years of university units, including 5 from I.T, in addition to another 10 I.T. units from TAFE. On another project I worked alongside a person who doing their masters in I.T. By comparison, an enrolled nurse at Pay Point 1 who is on an award that pays 19% more than a computer technician is defined as someone who has completed a hospital based course of *not more than 12 months duration!*

https://www.fwc.gov.au/documents/documents/modern_awards/award/ma000034/default.htm

B.4.1 Enrolled nurse—pay point 1

[B.4.1 varied by PR531015 ppc 14Nov12]

- (a) Pay point 1 refers to the pay point to which an enrolled nurse (EN) has been appointed.
- (b) An employee will be appointed based on training and experience including:
 - having satisfactorily completed a hospital based course of training in nursing of not more than 12 months duration leading to enrolment as an EN; or

⁸ RE pay parity - enrolled nurse award wage – https://www.fwc.gov.au/documents/documents/modern_awards/award/ma000034/default.htm

(b) Enrolled nurse

[14.2(b) substituted by PR997958 ppc 01Jul10; varied by PR509065, PR522896, PR536699, PR551622, PR566705, PR579799 ppc 01Jul16]

	Per week \$
Pay point 1	797.80

10.4 Casual employment

(a) A casual employee is an employee engaged as such on an hourly basis.

(b) A casual employee will be paid an hourly rate equal to 1/38th of the weekly rate appropriate to the employee's classification plus a casual loading of 25%.

° RE pay parity – early childhood educators – https://www.fwc.gov.au/documents/documents/modern_awards/award/ma000077/default.htm

[14.1 varied by PR997937, PR509108, PR522939, PR536742, PR551665, PR566755, PR579857 ppc 01Jul16]

14.1 The minimum salary per annum payable to a full-time employee will be determined in accordance with the provisions of clause 13—Classifications, and the following table.

Level	Per year
	\$
1	46,782

14.3 The weekly rate of pay for an employee will be determined by dividing the annual rate by 52.18

14.5 Casual employee

(a) The salary payable to a casual employee will be:

(i) no higher than the salary at Level 8 in clause 14.1 where the employee is engaged for less than five consecutive days; or

(ii) where the employee is engaged for five or more consecutive days the salary will be the appropriate salary for the classification as specified in clause 13—Classifications.

calculated in accordance with the table below:

Full day	Weekly rate calculated in accordance with clause <u>14.3</u> divided by 5 plus 25%
Half day	Weekly rate calculated in accordance with clause <u>14.3</u> divided by 10 plus 25%
Quarter day	Weekly rate calculated in accordance with clause <u>14.3</u> divided by 20 plus 25%

Regards,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED], TAS [REDACTED]

Please consider the impact to the environment and your responsibility before printing this email. This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender.