Painting & Decoration.
About the Author.

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Larry Drewsen has a wealth of experience — **over 35 years** — in the realm of Workplace Health and Safety (WHS). His experience spans across the NSW Department of Health, the NSW WorkCover Authority, and Employsure.

Over the past two decades, Larry has **led and managed a range of teams within WorkCover** — one of which conducted audits for several of the Sydney Olympic Games’ facilities.

Now, Larry works for Employsure, where he channels his extensive knowledge and experience to assist small businesses. He helps employers to develop their WHS Management Systems across producing legal documentation, implementing practical strategies, and organisational training.
Introduction.

The Painting and Decorating Industry faces unique and multi-faceted challenges. The project-based nature of the industry means that worksites are constantly changing, and each site brings with it its own set of risks and hazards. It is essential for employees to be briefed and inducted to each new site.

On top of ensuring workers’ safety, business owners also need to be certain that they understand their employees’ entitlements.

Interestingly, the Award a painter falls under varies depending on their worksite. They may be covered by one Award if predominately working on a construction site and another Award if they are more predominately associated with the painting of manufactured items.

This e-guide is tailored specifically for small business owners in the Painting and Decoration Industry. It provides advice on the different types of painters, their various Awards, licensing, as well as workplace health and safety policies.
Contents.

1. Different Types of Painters
   Who is a Painter? ................................................................. 6
   The Different Types of Painters ........................................... 7

2. Modern Awards and Allowances
   Building and Construction General On-Site Award 2010 .......... 9
   Manufacturing and Associated Industries Award 2010 .......... 10
   Timber Industry Award 2010 ................................................ 11
   Joinery and Building Trades Award 2010 ............................. 11
   Allowances (Building and Construction General On-Site Award 2010) .... 11
   Spray Application ............................................................... 12
   Tool Allowance ................................................................. 12
   Other Equipment (Hand Protective Paste) ............................. 12
   Allowance within the Civil Construction Sector .................. 12

3. State Specific Licensing
   Licensing: New South Wales (NSW) ..................................... 14
   Licensing: Queensland ....................................................... 15
   Licensing: Western Australia (WA) ....................................... 15
   Licensing: Victoria ............................................................. 16

4. Portable Long Service Leave and Record Keeping
   State Specific Schemes ....................................................... 18
   Record keeping ................................................................. 19
   Pay slip obligations ........................................................... 20

5. Workplace Health and Safety (WHS)
   Industry Specific Risks ....................................................... 22
   Safe Work Method Statements (SWMS) .............................. 23
   Accidents at Work ............................................................ 24
   First Aid Kits ................................................................. 25
   What our clients have to say ............................................... 26
Chapter 1

Different types of Painters.
Painters are an interesting category of tradies as they can fall under various different Awards, work in an array of worksites, and quite often are self-employed. When employing a painter to work on your site, you need to be aware of their entitlements and your obligations toward them.

Before venturing into specific details, let us first have a look at the overarching idea of painters and their variations.

**Who is a Painter?**

A painter applies paint and other decorative finishes to interior and exterior surfaces of buildings and other structures. The job of the painter is to prepare and decorate a particular surface in accordance with the wishes of the client.

This will involve working on a wide variety of surfaces, including metal, wood, plaster and stone, and incorporating numerous materials, such as paint, varnish and wallpaper.

Professional painters may be self-employed contractors, work for construction companies, contracting organisations, or building management companies. They may paint anything from small toys to large ocean liners, as well as anything in between.
The Different Types of Painters.

There are generally four types of painters:

- **Construction Painters**
- **Maintenance Painters**
- **Artisan Painters**
- **Spray Painters**

This e-guide will primarily focus on professional painters, who paint interior and exterior surfaces of buildings and other structures.

**Painting Accreditations and Industry Stakeholders**

Although this is not necessary, most professional painters will have at least completed a Certificate III in Painting and Decorating. The major industry stakeholders that consultants may hear of or encounter are:

- The Master Painters Australia
- The National Painting & Decorating Institute of Australia
- The Construction, Forestry, Mining, & Energy Union (CFMEU)
- Australian Workers’ Union (AWU)
Chapter 2

Modern Awards & Allowances.
Modern Awards and Allowances.

Every Modern Award has its own specifications and criteria. This makes it a little difficult for employers to pin down their painting employees’ exact entitlements and often times they end up, unintentionally, overlooking some of their obligations towards their employees.

It is essential that employers are fully aware of the details of the applicable industry Award or instrument. As the terms and conditions of employment are determined by individual Modern Awards, it is important for employers to identify their employees’ Awards.

This chapter breaks down and explains important employee entitlements pertinent to the Award.

Building and Construction General On-Site Award 2010.

The type of work being done and the respective worksites determine the Award the painter will fall under. Generally, if painters are employed by an employer in the on-site building industry, they should fall under the scope of the Building and Construction General On-Site Award 2010.
Manufacturing and Associated Industries Award 2010.

Painters are covered by this Award when they are engaged by employers covered by the Manufacturing and Associated Industries Award 2010.

This includes:

- Coating
- Painting
- Colouring
- Varnishing
- Japanning
- Lacquering
- Enamelling
- Porcelain enamelling
- Oxidizing
- Glazing
- Galvanizing
- Electroplating
- Gilding
- Bronzing
- Engraving
- Cleaning
- Polishing
- Tanning
- Dyeing
- Treatment and finishing of manufactured items (usually of materials other than timber)
Timber Industry Award 2010.

If the painter is employed to paint and decorate timber, and the employer is covered by the Timber Industry Award 2010, the employee will most likely be covered by that Award.

Joinery and Building Trades Award 2010.

In the event that none of the above industry Awards apply, there is also occupational coverage within the Joinery and Building Trades Award 2010 that employers can look into.

Given the complexity and range of Awards that painters can fall under, it is best to consult a workplace adviser for specific advice.

Allowances (Building and Construction General On-Site Award 2010).

Unlike office work, most tradies’ work involves the use of equipment and tools, excessive commuting, and other trade specific factors. These are often accompanied with their respective allowances.

The allowances outlined below are applicable to painters that are covered under the Building and Construction General On-Site Award.
Spray Application.

This allowance applies to all spray applications that are carried outside a properly constructed booth. The worksite will have to be approved by an appropriate certifying authority. The employee will have to be paid an additional 3.2% of the hourly standard rate per hour (as of September 2018).

Tool Allowance.

Tools are essential to all tradies. In fact, a survey commissioned by the Australian Physiotherapy Association (APA) in August 2018 revealed that 79% of tradies report taking good care of their tools, while only 47% take good care of their body.

There is no question about the importance and necessity of tools in the industry. There is, however, some ambiguity surrounding its allowances. Painters covered under the Building and Construction General On-Site Award will be paid a tool allowance of $7.61 per week (as of September 2018).

Other Equipment (Hand Protective Paste).

There are various types of equipment and protective gear that painters have to use in their work. The tool allowance above is not all-inclusive and it does not cover hand protective paste which sign writers, plasterers or glaziers may need to use.

If the employee brings their own hand protective paste, they have to be reimbursed for the cost. Alternatively, the employer may elect to provide hand protective paste.

Allowance within the Civil Construction Sector.

The employer must supply or reimburse adequate detergents and solvents for the removal of excessive dirt, bitumen, emulsions, paint and similar substances from the employee’s body.
Chapter 3
State Specific Licensing.
State Specific Licensing.

Australia is made up of six states and each one of them has specific variations in the details and implementation of their employment laws. This chapter speaks to industry-specific licensing requirements for New South Wales (NSW), Queensland, Western Australia and Victoria.

Licensing: New South Wales (NSW).

Most tradespeople have to carry a valid licence to carry out any construction work of any description – there are very few exceptions to this.

A painter’s licence falls within a class of contractor licence under the Home Building Licensing Scheme. This is awarded to individuals who hold sufficient qualifications or experience that prove they can operate safely and to a requisite standard.

A contractor licence allows the holder to carry out and sign off on work without supervision. This allows them to function – potentially – as a sole trader.

Builders and tradespeople in NSW need to be licensed to do building work where the total cost of labour and materials is more than $5,000.
Licensing: Queensland.

**Company**

A license may be required for businesses which intend to operate as a trade contractor on a project where work value exceeds $3300 (including GST).

A company doing building work must employ a nominated supervisor who is licensed in the same class of work as the company. This licence cannot be transferred.

**Contractor**

If you are a trade contractor and work on a project where work value exceeds $3300 (including GST), you may need a Contractor Licence - Trade Contractors from the Queensland Building Services Authority.

Applicants must meet technical and managerial qualifications, have sufficient experience, and meet the financial requirements. This licence cannot be transferred.

To obtain a painter’s licence, in most cases, a person will be required to complete a relevant trade qualification and undertake a business management course.

Licensing: Western Australia (WA).

In Western Australia, a registered painting contractor can:

- enter into contracts to provide painting services to the public valued over $1,000

  and

- use the title registered painting contractor

All painting contractors must have a nominated supervisor who is a registered painting practitioner.

To apply for registration as a painting contractor a person must be able to demonstrate that they have the financial and organisational capacity to carry out and complete painting services valued over $1,000.
Licensing: Victoria.

Registration is mandatory for painters who are performing residential work with a value of more than $5000. This is when they are performing more than one class of work.

For example, if a painter performs painting and one of the following classes of work on the same contract:

- Glazing of windows
- Plasterboard sheeting
- Solid plastering and rendering
- Door and window installation

To become registered with the Victorian Building Authority a person must:

- Be qualified with a recognised qualification such as Certificate III Painting and Decorating. If they are not qualified they are able to be assessed to this qualification
- Have Domestic Builder Insurance for projects over $16,000 in value
- Undergo a National Police Check
- Be able to provide a Technical Referee Report from another Registered Building Practitioner (this should show that you have managed building work, contain examples of how the individual plans, organises and directs building work).
Chapter 4
Portable Long Service Leave and Record Keeping.
Portable Long Service Leave.

Employees in most industries are entitled to long service leave after having worked for the same employer for a prolonged period of time. The duration of employment and length of leave differs in each state and territory.

As painting and decorating is mostly project-based, employees may be covered by state-specific portable long service leave schemes. This means that an employee is not required to remain with the same employer for an extended period to be entitled to their long service leave. Instead, they can ‘carry service’ or accumulate their time worked from previous employers forward to the next one.

For business owners, it is important to note that they need to be a registered employer and also register their employees to a scheme; and in some situations for regular payments. This may include the requirement to pay a levy or seek a reimbursement for contributions made to employees.

State Specific Schemes.

State Specific Schemes

Below is a list for painters under the Construction Industry Long Service Leave schemes in Australia:

- Victoria – CoINVEST
- South Australia – Portable Long Service Leave
- Queensland – QLeave
- Western Australia – Western Australian Construction Industry Long Service Leave Payments Board
- New South Wales – New South Wales Building and Construction Industry LSL Payments Corporation (LSPC)
- Tasmania – TasBuild
- Australian Capital Territory – Construction Industry Long Service Leave Board (A.C.T. LSLB)
- Northern Territory – NT Build

Penalties exist for failure to register or update employment details with the relevant state-based regulator.
Record keeping.

Regardless of size and industry, all employers need to keep employee records for seven years. In addition to the type of information that needs to be kept, employers need to be aware of who can access the records and what happens if records aren’t kept. Below is a list of records that employers have to keep:

- Employee name
- ABN
- Type of employment
- Employee start date and end date
- The rate of pay paid to the employee
- Gross and net amounts paid
- Details of any deductions from the gross amount
- Details of any incentive-based payment
- Details of any bonus, loading or penalty rate or other monetary allowance or separately identifiable entitlement to be paid
- Hours of work records
- Pay slips
- Any overtime paid
- Details of any arrangements made to average hours
- Leave entitlements
- Leave taken
- Leave cashed out
- Full details of superannuation contributions made
- All details of termination
- Workplace flexibility agreements
- Guarantees of annual earnings given to employees
- Termination records
- Transfer of business records
The emphasis on record keeping, including pay slip obligations, has been growing. In fact, as of September 2017, penalties for non-compliance of record keeping have increased and employers who cannot give a reasonable excuse for their lack of record keeping must disprove wage-related claims in court.

Pay slips are an important factor in record keeping. Employers must issue a pay slip within one working day of paying an employee, and these can be either electronic or a hard copy.

All pay slips must contain the following:

- Employer’s name and ABN
- Employee’s name
- Pay period dates
- Date the payment was made
- Employee’s hourly rate
- Number of hours worked, or salary details
- Gross and net amounts of the payment
- Bonuses, loadings, allowances, penalty rates, commissions
- Details of any deductions from the employee’s pay
- Details of any superannuation contributions made
Chapter 5

Workplace Health & Safety (WHS).
Workplace Health and Safety.

Painting and Decoration is a trade with diverse set of challenges, ranging from exposure to hazardous chemicals to electrical safety. It is necessary for employers to be fully aware of the risks ahead of each job and thoroughly brief their employees.

Industry Specific Risks.

Painters work in various conditions and on numerous tasks. Your employee may have to work on a rooftop one day, and amongst high voltage another. These changing worksites and differing tasks are often accompanied by their own hazards and risks.

Below is an outline of common hazards within the industry and what employers can do to help protect their employees.

Manual Handling

Although painters in general are exposed to a wide range of hazardous substances, according to Safework Australia statistics in the last statistical period, 16% of all injuries sustained by painters were back injuries.

A lot of these occur from manual handling. Employers can help by avoiding double handling of materials. They can also provide a lifting aid (like a trolley) to reduce manual handling.

Hazardous Chemicals

Chemicals in paints are another potential risk to employees. They are abundant even in water-based paints. Employers can label chemicals and provide Safety Data Sheet (SDS) to all workers.

An SDS is a register of hazardous chemicals used, handled or stored in the workplace. It should be readily available and updated. Workers should be given some time before the commencement of work to familiarise themselves with the chemicals involved.
Electrical Hazards

Electrical hazards are a concern for painters. Employers must ensure that any unsafe electrical equipment is disconnected and not re-connected back until it has been repaired and is deemed safe. Faulty tools should be tagged to notify workers. Employers need to educate the workers on how to use the tools and their respective dangers.

Safe Work Method Statements (SWMS).

Employers need to provide their employees with detailed instruction, training and supervision before every job. One of the ways to disseminate the information is through Safe Work Method Statements (SWMS).

The SWMS needs to account for the circumstances at the workplace that may affect the way in which the work is carried out. This includes understanding the nature of the work, the workers involved, and the work environment itself.

Although a generic SWMS may be prepared and used for activities carried out on a regular basis, it must also be reviewed regularly to take into account specific hazards and risks of changing worksites and revised accordingly.

Providing information and instruction

All workers involved in high-risk work must be provided with information and instruction so they:

• understand the hazards and risks arising from the work
• understand and implement the risk controls in a SWMS
• know what to do if the work is not being conducted in accordance with the SWMS

This information and instruction may be provided during an induction training, workplace-specific training or during a toolbox talk.
Accessibility of SWMS

The SWMS must be kept and made available to any person engaged to carry out high-risk work. It also needs to be kept for inspection for at least two years after the completion of the work.

Reviewing a SWMS

The review process should be carried out in consultation with workers and their health and safety representatives (if any). If the revisions affect contractors and subcontractors, they need to be included in the consultation as well. The review should include:

- Advising workers involved that a revision has been made
- Advising workers on how to implement the changes
- Providing workers with the necessary information and instructions to understand and implement changes

Accidents at Work.

Register of Injuries

An employer cannot always prevent accidents from happening at work, but they have a duty to minimise risks as far as is reasonably practicable. An employer must keep a record of every workplace accident (often called a register of injuries).

The register of injuries must be available at all times. It must include certain details, some of which include:

- Name of the injured person
- Date and time of injury
- Brief description of what happened
- Where it happened
- Cause of the accident
The register is not exclusive to employees. Anyone injured on the worksite, including an agency worker, contractor, visitor, must be on the register of injuries. Personal data must be stored carefully in line with privacy law.

**First Aid Kits.**

All employees must be able to easily access a first aid kit. The quantity of first aid kits depend on the size of the workplace and risk level.

The exact contents of a first aid kit should be based on the specific risk assessment conducted for your workplace. A first aider who has had adequate training should be nominated to maintain the first aid kit.

Maintaining high standards of health and safety will also see benefits to the business and protect it from any bad publicity or potential employee unrest that might follow a serious accident or prosecution.

For more information on workplace health and safety, as well as employment relations, contact Employsure’s advice line on 1300 832 795.
Why Employsure?

At Employsure, we believe all Australian employers, no matter the size, deserve access to comprehensive, quality, honest advice and support that is scalable to the needs of their business.

Since the introduction of the Fair Work Act in 2009, workplace obligations have become more complex and difficult to manage, especially for overstretched small business owners.

Employsure was established in response to these challenges. **It is our aim to ensure Australian business owners have access to cost-effective, professional advice on all employment relations and workplace health and safety matters.**

Employsure is the largest provider of employment relations and workplace health and safety services in Australia - servicing over 20,000 clients nationally.

What We Offer

Employsure provides customised documentation, unlimited advice, policy and procedure review, insurance and legal representation for small business owners.

Being an Employsure client means no surprises – we keep our clients updated on Award changes, wage updates and essential compliance issues. Our expert advisers are available 24 hours a day to guide employers through any difficulties they may face.

What our Clients have to say:

Employsure has given me the freedom to run my business in a way that I need to. It’s given me the time and it’s actually taken away a lot of worry that I previously had.

Kieran Syme DentFree AutoTree

Google can only help you so far. Sooner or later you need to actually talk to somebody who is an expert in the field and that’s where I found Employsure.

Ursula Zajaczkowski The Source Bulk Foods

Biggest thing from Employsure, it gives us certainty. Where we have guidance and help of what we need in place, how to put it in place, and how to implement the systems for HR.

Jonathon Grealy Niche Reform
Navigating workplace relations can be confusing.

Employsure works directly with employers to ensure they stay on top of rapidly changing legislation and provide a fair and safe workplace for their staff.

Whether it be dealing with a difficult employee, facing a tribunal claim or reviewing workplace health and safety, our clients can rest assured we have them covered.

Get in touch with us today to find out how we can help your business grow.

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