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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

s23 application for an award or variation of an award

Australian Municipal, Administrative, Clerical & Services Union

(T9729 of 2001)

Barristers and Solicitors Award
Broadcasting and Television Award
Business Services Award
Clerical and Administrative Employees (Private Sector) Award
Community Services Award
Disability Services Providers Award
Estate Agents Award
Fuel Merchants Award
Insurance Award
Medical Practitioners (Private Sector) Award
Photographic Industry Award
Public Accountants Award
Softgoods Award
Textile Award
Totalizator Agency Award
Wholesale Trades Award

The Australian Workers' Union, Tasmania Branch

(T9738 of 2001)

Australian Cement Holdings Enterprise Award
Automotive Industries Award
Bootmakers Award
Butter and Cheesemakers Award
Civil Construction and Maintenance Award
Clay and Mud Products Award
Concrete Products Award
Dairy Processing Award
Farming and Fruit Growing Award
Fish Aquaculture and Marine Products Award
Horticulturists Award
Leather, Canvas and Sheet Plastic Fabrication Award
Meat Processing Industry Award
Metal and Engineering Industry Award
Monumental Masons Award
Optical Industries Award
Pasminco Hobart Smelter Enterprise Award
Pasminco Rosebery (Mining) Award
Plant Nurseries Award
Produce Award
Public Vehicles Award
Quarrying and Lime Processing Award
Rubber Trades Award

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Shellfish Industry Award
Silviculture and Afforestation Award
Timber Merchants Award
Wireworking Award

**Australian Liquor, Hospitality and Miscellaneous Workers Union -
Tasmanian Branch**

(T9740 of 2001)

Aerated Waters Award
Automotive Industries Award
Baking Industry Award
Cleaning and Property Services Award
Fibreglass and Plastics Award
Furnishing Trades Award
Health and Fitness Centres Award
Hotels, Resorts, Hospitality and Motels Award
Ice Cream Makers Award
Independent Schools (Non Teaching) Staff Award
Laundry and Dry Cleaning Award
Leather, Canvas and Sheet Plastic Fabrication Award
Licensed Clubs Award
Miscellaneous Workers Award
Restaurant Keepers Award
Retail Trades Award
Security Industry Award
Shipping Award
Veterinary Services Award
Wholesale Plant Bakeries Award

The Shop, Distributive & Allied Employees Association, Tasmania Branch

(T9741 of 2001)

Automotive Industries Award
Bootmakers Award
Hairdressers Award
Insurance Award
Retail Pharmacy Award
Retail Trades Award
Timber Merchants Award
Wholesale Trades Award

The Australasian Meat Industry Employees Union, Tasmanian Branch

(T9778 of 2001)

Meat Retailing Award

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FULL BENCH:

PRESIDENT P L LEARY
DEPUTY PRESIDENT R J WATLING
COMMISSIONER T J ABEY

Award variation - nominated private sector awards - meal allowance - increase to reflect CPI movements - 11.78% - applications granted - operative date ffpp 3 September 2001

WIREWORRING AWARD

ORDER BY CONSENT

No. 2 of 2001

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THE **WIREWORKING AWARD** IS VARIED IN THE FOLLOWING MANNER:

By deleting Clause 22 - OVERTIME and inserting in lieu thereof the following:

"22. OVERTIME

- (a) For all work done outside ordinary hours the rates of pay shall be time and a half for the first 2 hours and double time thereafter, such double time to continue until the completion of the overtime worked.

Except as provided in this subclause or subclause (b) hereof in computing overtime, each day's work shall stand alone.

From the beginning of the first full pay period commencing on or after 21 August 1985 the hourly rates, when computing overtime, shall be determined by dividing the appropriate rate by 38 even in cases where the employee works more than 38 ordinary hours in a week.

- (b) Rest Period After Overtime

When overtime work is necessary, it shall wherever reasonably practicable be so arranged that employees have at least a full shift off duty between work of successive days.

An employee (other than a casual employee) who works so much overtime between the termination of his ordinary work on one day and the commencement of his ordinary work on the next day that he has not had at least a full shift off duty between those times shall, subject to this subclause be released after completion of such overtime until he has had a full shift off duty without loss of pay for ordinary working time occurring during such absence.

If on the instructions of his employer such an employee resumes or continues work without having had a full shift off duty, he shall be paid at double rates until he is released from duty for such period and he shall then be entitled to be absent until he has had a full shift off duty without loss of pay for ordinary working time occurring during such absence.

- (c) Call Back

An employee recalled to work overtime after leaving his employer's business premises (whether notified before or after leaving the premises) shall be paid for a minimum of four hours work at the appropriate rate for each time he is so recalled.

PROVIDED that, except in the case of unforeseen circumstances arising, the employee shall not be required to work the full four hours if the job he was recalled to perform is completed within a shorter period. This subclause shall not apply in cases where it is customary for an employee to return to his employer's premises to perform a specific job outside his ordinary working hours, or where the overtime

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is continuous (subject to a reasonable meal break) with the completion or commencement of ordinary working time.

Overtime worked in the circumstances specified in this subclause shall not be regarded as overtime for the purpose of subclause (b) of this clause where the actual time worked is less than four hours on such recall or on each of such recalls.

(d) Saturday Work

Employees required to work overtime on a Saturday shall be afforded at least 3 hours work or paid for 3 hours at the appropriate rate except where such overtime is continuous with overtime commenced on the day previous.

(e) Standing By

Subject to any custom now prevailing under which an employee is required regularly to hold himself in readiness for a call back, an employee required to hold himself in readiness to work after ordinary hours shall until released be paid standing by time in ordinary rates from the time from which he is so to hold himself in readiness.

(f) Crib Time

An employee working overtime shall be allowed a crib time of 20 minutes without deduction of pay after each 4 hours of overtime worked if the employee continues work after such crib time.

PROVIDED that where an employee is required to work overtime on a Saturday the first prescribed crib time shall, if occurring between 10.00 am and 1.00 pm, be paid at ordinary rates.

Unless the period of overtime is less than 1 1/2 hours an employee before starting overtime after working ordinary hours shall be allowed a meal break of 20 minutes which shall be paid for at ordinary rates. An employer and employee may agree to any variation of this provision to meet the circumstances of the work in hand provided that the employer shall not be required to make any payment in respect of any time allowed in excess of 20 minutes.

(g) Meal Allowance

Any employee required to continue at work on overtime for more than two hours after his ordinary ceasing time without having been notified before leaving his work on the previous day that he would be required to work overtime, shall be provided, free of cost with a suitable meal and, if the work extends into a second meal break, another meal.

PROVIDED that in the event of meals not being provided by the employer he shall pay to the employee a meal allowance at the rate of \$11.60 for the first and each subsequent meal.

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If an employee pursuant to notice has provided a meal and is not required to work less than two hours he shall be paid \$11.60 for the meal which he has provided but which is surplus.

If an employee pursuant to notice has provided a meal or meals and is not required to work overtime or is required to work less than the amount advised he shall be paid as above prescribed for meals which he has provided but which are surplus.

(h) Transport of Employees

When an employee, after having worked overtime or a shift for which he has not been regularly rostered, finishes work at a time when reasonable means of transport are not available, the employer shall provide him with a conveyance to his home, or pay him his current wage for the time reasonably occupied in reaching his home."

OPERATIVE DATE

This variation shall come into operation from the first full pay period to commence on or after 3 September 2001.

P C Shelley
COMMISSIONER

7 September 2001