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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984
s23 application for award or variation of 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
Shellfish Industry Award

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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

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The Australasian Meat Industry Employees Union, Tasmanian Branch
(T9778 of 2001)
Meat Retailing Award

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

METAL AND ENGINEERING INDUSTRY AWARD

ORDER BY CONSENT

No. 4 of 2001

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THE **METAL AND ENGINEERING INDUSTRY AWARD** IS AMENDED 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 as prescribed in Clause 17 - Hours of Work the rate of pay shall be time and a half for the first three hours and double time thereafter, such double time to continue until the completion of the overtime work.

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

- (b) Rest Period After Overtime

When overtime work is necessary it shall wherever reasonably practicable, be so arranged that employees have at least 10 consecutive hours off duty between the work of successive days.

An employee (other than a casual employee) who works so much overtime between the termination of their ordinary work on one day and the commencement of their ordinary work on the next day that the employee did not have at least 10 consecutive hours off duty between those times shall subject to this subclause be released after completion of such overtime until the employee has had 10 consecutive hours off duty without loss of pay for ordinary work occurring during such absence.

If on the instructions of the employer such an employee resumes or continues work without having had such 10 consecutive hours off duty the employee shall be paid at double rates until released from duty for such period and shall be entitled to be absent until the employee has had 10 consecutive hours 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 the 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 the employee 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 the employee 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 the employer's premises to perform a specific job outside ordinary working hours, or where the overtime is continuous (subject to a reasonable meal break) with the completion or commencement of ordinary working time.

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Overtime worked in the circumstances specified in this subclause shall not be regarded as overtime for the purposes 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

Except as provided in Clause 27 - Shift Work an employee engaged to work overtime on a Saturday shall be afforded at least three hours work or paid for three hours at the appropriate rate except where such overtime is continuous with overtime commenced on the day previous.

(e) Stand-by

An employee who is required by the employer to be available for a call back or be available to work after hours shall until notified by the employer be paid the ordinary hourly rate of wage as specified in Clause 8 - Wage Rates.

(f) Rest Period

An employee working overtime shall be allowed a rest period of 20 minutes without deduction of pay after each four hours of overtime worked if the employee continues to work after each rest period.

Unless the period of overtime is less than one and a half hours an employee before starting overtime after working ordinary hours shall be allowed a meal break not exceeding 20 minutes which shall be paid for at ordinary rates.

However, 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

An employee required to work overtime for more than one and one half hours without being notified on the previous day or earlier that the employee will be so required to work shall either be supplied with a meal by the employer or paid \$11.60 for each meal.

Unless the employer advises an employee on the previous day or earlier that the amount of overtime to be worked will necessitate the partaking of a second or subsequent meal (as the case may be) the employer shall provide such second and/or subsequent meals or make payment in lieu thereof as above prescribed.

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 the employee shall be paid as above prescribed for meals which have been provided but are surplus.

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(h) Requirement to Work Reasonable Overtime

An employer may require any employee to work reasonable overtime at overtime rates and such employee shall work overtime in accordance with such requirement. The assignment of overtime by an employer to an employee shall be based on specific work requirements.

(i) Time Off in Lieu of Payment

Notwithstanding provisions elsewhere in the award, the employer and the majority of employees at an enterprise may agree to establish a system of time off in lieu of overtime provided that:

- (i) An employee may elect, with the consent of the employer, to take time off in lieu of payment for overtime at a time or times agreed with the employer.
- (ii) Overtime taken as time off during ordinary time hours shall be taken at the ordinary time rate, that is an hour for each hour worked (unless otherwise provided elsewhere in the award).
- (iii) An employer shall, if requested by an employee, provide payment at the rate provided for the payment of overtime as prescribed in subclause (a) of this clause, for any overtime worked under this subclause where such time has not been taken within four weeks of accrual.
- (iv) An employee or the employees may choose to request a union party to this award, to represent their interests in negotiation referred to in paragraph (i) of this subclause.
- (v) Once a decision has been taken to introduce an enterprise system of time off in lieu, in accordance with this clause, its terms must be set out in the time and wages records kept pursuant to Regulation 25 of the Industrial Relations Regulations 1993.
- (vi) An employer shall record time off in lieu arrangements in the time and wages book as prescribed in Clause 33 - Time and Wages Record of this award at each time this provision is used."

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OPERATIVE DATE

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

P A Imlach
COMMISSIONER

4 September 2001