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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984
s.23 application for award or variation of award

Tasmanian Trades and Labor Council
(T7702 of 1998)

Private and public sector awards

FULL BENCH:

PRESIDENT F D WESTWOOD
DEPUTY PRESIDENT B R JOHNSON
COMMISSIONER R J WATLING

Wage Rates - State Wage Case July 1998 - application to review the Wage Fixing Principles and to vary awards in a manner consistent with the Australian Industrial Relations Commission decision in Print number Q 1998 Safety Net Review - Wages - Agreed Settlement - Two-stage Arbitrated Safety Net Adjustment - ffpp on or after 14 July 1998 and ffpp on or after 14 October 1998 - Revised Wage Fixing Principles - Approved

PUBLIC VEHICLES AWARD

ORDER BY CONSENT -

No. 1 of 1998

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AMEND THE **PUBLIC VEHICLES AWARD** IN THE FOLLOWING MANNER:

1. By deleting Clause 8 - Wage Rates, and inserting in lieu thereof the following:

"8. WAGE RATES

**DIVISION A - PERSONS ENGAGED IN THE TRADE OF AN OMNIBUS PROPRIETOR
AND/OR SERVICE CAR PROPRIETOR**

1. WAGES

- (a) The amounts set out hereunder shall be the minimum weekly wage rate paid to employees classified herein:

- (i) Operative from the first full pay period to commence on or after 14 July 1998:

	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
Grade 1 Yardperson, Cleaner, Greaser, Refueller	301.40	44.00	345.40
Grade 2 Loader, Freight Receiver	335.90	44.00	379.90
Grade 3 Charter driver under 25 passengers	364.40	44.00	408.40
Driver single day tour under 25 passengers	367.40	44.00	411.40
Driver route service under 25 passengers	367.60	44.00	411.60
Grade 4 Driver charter 25 passengers and over	366.80	44.00	410.80
Driver single day tour 25 passengers and over	371.10	44.00	415.10
Driver route service 25 passengers and over	374.40	44.00	418.40
Grade 5 Driver extended tour	379.40	44.00	423.40

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- (ii) Operative from the first full pay period to commence on or after 14 October 1998:

	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
Grade 1 Yardperson, Cleaner, Grease, Refueller	301.40	48.00	349.40
Grade 2 Loader, Freight Receiver	335.90	48.00	383.90
Grade 3 Charter driver under 25 passengers	364.40	48.00	412.40
Driver single day tour under 25 passengers	367.40	48.00	415.40
Driver route service under 25 passengers	367.60	48.00	415.60
Grade 4 Driver charter 25 passengers and over	366.80	48.00	414.80
Driver single day tour 25 passengers and over	371.10	48.00	419.10
Driver route service 25 passengers and over	374.40	48.00	422.40
Grade 5 Driver extended tour	379.40	48.00	427.40

- (b) Employee driving passenger vehicle to which trailer is attached shall be paid an additional amount of \$1.57 per shift.

PROVIDED that where an entitlement exists pursuant to subclause (d) hereof, such additional amount shall not be paid.

- (c) A leading hand shall be paid a rate exceeding the highest rate of the employee he supervises by \$21.70 per week extra.
- (d) Employees who drive a passenger vehicle which is in excess of 11.28 metres in length on long distance express service work shall be paid an additional amount of \$4.20 per shift.

2. MINIMUM WAGE

- (a) Notwithstanding the provisions of subdivision 1 hereof, no adult employee shall be paid less than the rate of:

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- (i) \$277.40 per week operative from the first full pay period to commence on or after 14 July 1998.
- (ii) \$281.40 per week operative from the first full pay period to commence on or after 14 October 1998.

PROVIDED that payments for overtime, weekend penalties and holiday work prescribed in this award shall not be taken into account in the calculation of such minimum weekly rate of wage.

- (b) Where a minimum rate of pay as aforesaid is applicable to an employee for work in ordinary hours the same rate shall be applicable to the calculation of overtime and all other penalty rates, payments during sick leave and annual leave, and for all other purposes of this award.

3. JUNIOR EMPLOYEES

- (a) The class of work which may be performed by junior employees shall be - running messages, cleaning, washing, polishing, changing tyres, assisting in tyre repairs, oiling, conducting, assisting in store, and issuing fuel.
- (b) The minimum weekly wage rate which shall be paid to junior employees shall be the undermentioned percentages of the weekly wage rate prescribed for Grade 1 - Yardperson, Cleaner, Greaser, Refueller, subdivision 1 of this Division, or the appropriate rate prescribed for the type of work on which he is engaged, calculated to the nearest 10 cents.

	%
Under 16 years of age	26
16 years of age	36
17 years of age	49
18 years of age	62
19 years of age	78
20 years of age	93

DIVISION B - TAXI CAB PROPRIETORS

1. WAGES

Employees hereunder mentioned shall be paid the amount assigned opposite that classification.

- (a) Operative from the first full pay period to commence on or after 14 July 1998:

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	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
(i) Driver of a taxi-cab, i.e. a driver of a vehicle constructed to carry not more than 8 adult persons exclusive of the driver, standing or plying for hire in the public streets, or a vehicle that is required under the <i>Traffic Act</i> to run with a meter If required to collect fares, \$1.10 per week extra	226.90	44.00	270.90
(ii) Cleaner and/or floorman, i.e. an employee changing tyres, assisting in tyre repairs, oiling, washing, polishing, and issuing fuel or oil	222.40	44.00	266.40
(iii) (1) Storeman Grade 1 A storeman and/or packer during the first two months of service	270.00	44.00	314.00
(2) Storeman Grade 2 A storeman and/or packer after two months of service	271.60	44.00	315.60
(iv) Greaser	225.50	44.00	269.50
(v) Traffic Officer, i.e. an employee who is responsible for the regulation and control of taxi traffic -			
(1) Day Shift (6.00am - 6.00pm)	292.20	44.00	336.20
(2) Afternoon Shift (A shift finishing after 6.00pm but before midnight)	308.40	44.00	352.40
(3) Night Shift (A shift finishing after midnight)	323.70	44.00	367.70

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(b) Operative from the first full pay period to commence on or after 14 October 1998:

	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
(i) Driver of taxi-cab, i.e. a driver of a vehicle constructed to carry not more than 8 adult persons exclusive of the driver, standing or plying for hire in the public streets, or a vehicle that is required under the <i>Traffic Act</i> to run with a meter If required to collect fares, \$1.10 per week extra	226.90	48.00	274.90
(ii) Cleaner and/or floorman, i.e. an employee changing tyres, assisting in tyre repairs, oiling, washing, polishing, and issuing fuel or oil	222.40	48.00	270.40
(iii) (1) Storeman Grade 1 A storeman and/or packer during the first two months of service	270.00	48.00	318.00
(2) Storeman Grade 2 A storeman and/or packer after two months of service	271.60	48.00	319.60
(iv) Greaser	225.50	48.00	273.50
(v) Traffic Officer, i.e. an employee who is responsible for the regulation and control of taxi traffic -			
(1) Day Shift (6.00am - 6.00pm)	292.20	48.00	340.20
(2) Afternoon Shift (A shift finishing after 6.00pm but before midnight)	308.40	48.00	356.40
(3) Night Shift (A shift finishing after midnight)	323.70	48.00	371.70

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2. MINIMUM WAGE

The provisions of Division A, subdivision 2 hereof shall also apply to adult employees in this division.

3. JUNIOR EMPLOYEES

- (a) The class of work which may be performed by junior employees shall be running messages, cleaning, washing, polishing, changing tyres, assisting in tyre repairs, oiling, conducting, assisting in store, and serving petrol.
- (b) The minimum weekly wage rate which shall be paid to junior workers shall be the undermentioned percentages of the weekly wage rate prescribed for classification 4 - Greaser, subdivision 1 of this Division, or the appropriate rate prescribed for the type of work on which he is engaged, calculated to the nearest 10 cents.

	%
Under 16 years of age	26
16 years of age	36
17 years of age	49
18 years of age	62
19 years of age	78
20 years of age	93

DIVISION C - CLERKS

1. WAGES

Adult employees shall be paid in accordance with the following classification structure which shall be read in conjunction with the classification definitions contained in Clause 7 - Definitions.

(a) Adults

- (i) Operative from the first full pay period to commence on or after 14 July 1998:

	Base Rate Relativity %	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
Grade 1 Adult entry				
1st 6 months	80	333.80	44.00	377.80
2nd 6 months	85	354.60	44.00	398.60
Grade 1				
1A - 1st 12 months	87	363.00	44.00	407.00
1B - After 12 months	90	375.50	44.00	419.50

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Grade 2				
2A - 1st 12 months	92	383.80	44.00	427.80
2B - After 12 months	95	396.30	44.00	440.30
Grade 3				
3A - 1st 12 months	97	404.70	44.00	448.70
3B - After 12 months	100	417.20	44.00	461.20
Grade 4	105	438.10	44.00	482.10
Grade 5	110	458.90	44.00	502.90
Grade 6	115	479.80	44.00	523.80
Grade 7	120	500.60	44.00	544.60

- (ii) Operative from the first full pay period to commence on or after 14 October 1998:

	Base Rate Relativity %	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
Grade 1				
Adult entry				
1st 6 months	80	333.80	48.00	381.80
2nd 6 months	85	354.60	48.00	402.60
Grade 1				
1A - 1st 12 months	87	363.00	48.00	411.00
1B - After 12 months	90	375.50	48.00	423.50
Grade 2				
2A - 1st 12 months	92	383.80	48.00	431.80
2B - After 12 months	95	396.30	48.00	444.30
Grade 3				
3A - 1st 12 months	97	404.70	48.00	452.70
3B - After 12 months	100	417.20	48.00	465.20
Grade 4	105	438.10	48.00	486.10
Grade 5	110	458.90	48.00	506.90
Grade 6	115	479.80	48.00	527.80
Grade 7	120	500.60	48.00	548.60

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(b) Junior Employees

The minimum weekly wage rate that shall be paid to junior employees shall be the undermentioned percentages of Grade 1, 1st 12 months service rate.

Percentage of Grade 1 Adult Rate

Under 16 years of age	35
16 to 17 years of age	39
17 to 18 years of age	47
18 to 19 years of age	60
19 to 20 years of age	68
20 to 21 years of age	77

DIVISION D - SUPPORTED WAGE SYSTEM

(a) Eligibility Criteria

Subject to this division an employer may engage employees at a supported wage rate (as set out in subclause (c) of this division) who meet the impairment criteria for receipt of a Disability Support Pension and who, because of their disability, are unable to perform the range of duties to the competence level normally required for the class of work for which they are engaged.

PROVIDED that this division does not apply to any existing employee who has a claim against the employer which is subject to the provisions of workers' compensation legislation or any provision of this award relating to the rehabilitation of employees who are injured in the course of their current employment.

PROVIDED FURTHER that this division does not apply to employers in respect of their facility, programme, undertaking, service or the like which receives funding under the *Disability Services Act 1986* and fulfils the dual role of service provider and sheltered employer to people with disabilities who are in receipt of or are eligible for a disability support pension, except with respect to an organisation which has received recognition under Section 10 or under Section 12A of the above Act, or if a part only has received recognition, that part.

(b) For the purposes of this division:

'Accredited Assessor' means a person accredited by the management unit established by the Commonwealth under the Supported Wage System to perform assessments of an individual's productive capacity within the Supported Wage System.

'Assessment instrument' means the form provided for under the Supported Wage System that records the assessment of the productive capacity of the person to be employed under the Supported Wage System.

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'Disability Support Pension' means the pension available under the Commonwealth pension scheme to provide income security for persons with a disability as provided under the *Social Security Act 1991*, as amended from time to time, or any successor to that scheme.

'Supported Wage System' means the Commonwealth Government System to promote employment for people who cannot work at full award wages because of a disability.

(c) Supported Wage Rates

Employees to whom this division applies shall be paid the applicable percentage of the minimum rate of pay prescribed by this award for the class of work which the person is performing according to the following schedule:

Assessed Capacity (subclause (d))	% of Prescribed Award Rate
10%	10%
20%	20%
30%	30%
40%	40%
50%	50%
60%	60%
70%	70%
80%	80%
90%	90%

PROVIDED that the minimum amount payable shall be not less than \$45 per week.

(d) Assessment of Capacity

For the purpose of establishing the percentage of the award rate to be paid to a supported wage employee under this award, the productive capacity of the employee will be assessed in accordance with the Supported Wage System and documented in an assessment instrument by either:

- (i) the employer and a union party to the award, in consultation with the employee or, if desired by any of these;
- (ii) the employer and an accredited Assessor from a panel agreed by the parties to the award and the employee.

(e) Lodgment of Assessment Instrument

- (i) All assessment instruments under the conditions of this division, including the appropriate percentage of the award wage to be paid to the employee, shall be lodged by the employer with the Registrar of the Tasmanian Industrial Commission.

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- (ii) All assessment instruments shall be agreed and signed by the parties to the assessment, provided that where a union which is party to the award, is not a party to the assessment, it shall be referred by the Registrar of the Tasmanian Industrial Commission to the union by certified mail and shall take effect unless an objection is notified to the Registrar of the Tasmanian Industrial Commission within 10 working days.

(f) Review of Assessment

The assessment of the applicable percentage shall be subject to annual review or earlier on the basis of a reasonable request for such a review. The process of review shall be in accordance with the procedures for assessing capacity under the Supported Wage System.

(g) Other Terms and Conditions of Employment

Where an assessment has been made, the applicable percentage shall apply to the wage rate only. Employees covered by the supported wage provisions of this division shall be entitled to the same terms and conditions of employment as all other workers covered by this award who are paid on a pro rata basis.

(h) Workplace Adjustment

An employer wishing to employ a person under the provisions of this division shall take reasonable steps to make changes in the workplace to enhance the employee's capacity to do the job. Changes may involve re-design of job duties, working time arrangements and work organisation in consultation with other workers in the area.

(i) Trial Period

- (i) In order for an adequate assessment of the employee's capacity to be made, an employer may employ a person under the provisions of this division for a trial period not exceeding 12 weeks, except that in some cases additional work adjustment time (not exceeding four weeks) may be needed.
- (ii) During that trial period the assessment of capacity shall be undertaken and the proposed wage rate for a continuing employment relationship shall be determined in accordance with subclauses (d) and (e).
- (iii) The minimum amount payable to the employee during the trial period shall be no less than \$45 per week or such greater amount as is agreed from time to time between the parties.
- (iv) Work trials should include induction or training as appropriate to the job being trialed.
- (v) Where the employer and employee wish to establish a continuing employment relationship following the completion of the trial period, a further contract of

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employment shall be entered into based on the outcome of assessment under subclause (c) hereof."

2. By deleting Clause 14 - Contract of Employment, and inserting in lieu thereof the following:

"14. CONTRACT OF EMPLOYMENT

- (a) An employee shall be engaged either as a weekly employee or as a casual employee. Unless he/she is specifically engaged as a casual employee, he/she shall be deemed to be, and shall be paid as, a weekly employee, and notwithstanding anything contained in Section 49 of the *Industrial Relations Act 1984*, he/she shall, provided he/she is ready, available and willing to work, receive for work done in any week at least the total rate prescribed in Clause 8 - Wage Rates, Division A, subdivision 1 - Wages.
- (b) Except as to casual employees employment shall be terminated by giving one week's notice or the payment or forfeiture of one week's wages as the case may be, but this shall not affect the right of the employer to dismiss an employee for misconduct or neglect of duty, in which case wages shall be paid up to the time of dismissal only.
- (c) A casual employee shall receive a minimum of four hours work or payment for same for each start at work on any day except in the case of an employee employed in the transport of school children where as a minimum one hour's payment for each start at work on any day shall be paid.
- (d) A casual employee for working ordinary time shall be paid per hour one thirty eighth of the weekly rates prescribed for the work which he or she performs. In addition thereto a casual employee shall receive 20 per cent of the ordinary hourly rate in respect of each hour for which he or she is paid; such additional amount to be payment in lieu of annual leave, sick leave and public holidays.
- (e) Where a casual driver is required to report for duty but is not required to work at the appointed time of attending he/she shall be paid the amount of \$5.60 for each attendance at work.
- (f) (i) An employer may direct an employee to carry out such duties as are within the limits of the employee's skill, competence and training consistent with the classification structure of this award.
PROVIDED that such duties are not designed to promote de-skilling.
- (ii) An employer may direct an employee to carry out such duties and use such tools and equipment as may be required.
PROVIDED that the employee has been trained in the use of such tools and equipment.

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- (iii) Any direction issued by an employer pursuant to paragraphs (i) and (ii) of this subclause shall be consistent with the employer's responsibilities to provide a safe and healthy working environment."

3. By deleting Clause 20 - Hours, and inserting in lieu thereof the following:

"20. HOURS

- (a) The ordinary hours of work shall be an average of 38 per week to be worked on one of the following bases:
 - (i) 38 hours within a work cycle not exceeding seven consecutive days; or
 - (ii) 76 hours within a work cycle not exceeding 14 consecutive days; or
 - (iii) 114 hours within a work cycle not exceeding 21 consecutive days; or
 - (iv) 152 hours within a work cycle not exceeding 28 consecutive days.
 - (v) Ordinary hours of work shall be by either of the following options:
 - Providing for a normal rostered day off.
 - (1) By employees working to a roster drawn up in each depot, yard or garage providing for 19 days totalling 152 hours over a continuous four week period.
 - (2) Each employee shall take his rostered day off in accordance with the roster.
 - (3) Unless by agreement between the employer and employee Rostered Days Off may be accumulated to a maximum of 10 days over a 40 week period.
 - (vi) Calculation of Payment
 - Payment shall be for seven hours 36 minutes per day with accrual as entitlement for a rostered day off being made on the basis of a nineteen day period where an employee works 152 hours within a work cycle not exceeding 28 consecutive days at 24 minutes per day.
 - (vii) An employee whose rostered day off occurs on a pay day shall be paid his/her wages on his/her next ordinary working day following his/her rostered day off. This subclause shall not apply where rostered days off are taken in accordance with paragraph (v) subparagraph (3) when employees are to be paid prior to taking their accumulated rostered days off.

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- (viii) Where an employer is required to service a particular industry or plant or section thereof and there has been a cessation of operations resulting from annual closedown, industrial action, compulsory closure as a result of a legislative direction, including school holiday periods, and other circumstances beyond the control of the employer, the employer may require his/her employees to take a rostered day or days off to coincide with the day or days that the operations are closed, up to a maximum of ten days. In this event, a rostered day or days off which would normally become due to the employee shall not become so due for the number of days taken pursuant to the provisions of this paragraph.

PROVIDED that an employee disadvantaged in terms of leisure time by a rostered day or days off normally falling on a Friday or a Monday being required to be taken on a Tuesday, Wednesday or Thursday, then such employee shall be rostered to take a Friday or Monday off on the earliest practicable opportunity upon his/her normal roster being resumed.

(ix) Absences from Duty

- (1) Where an employee is absent from duty (other than on annual leave, long service leave, public holidays, paid sick leave, workers' compensation, bereavement leave or jury service) he/she shall, for each day absent lose average pay for each such day calculated by dividing his/her weekly wage rate as prescribed in Clause 8 - Wage Rates by five.

An employee who is absent for part of a day shall lose average pay for each hour he/she is absent by dividing the weekly wage rate by 38.

- (2) An employee so absent from duty will not accrue the entitlement for a normal rostered day off provided for in subclause (a) hereof. The employee shall take his/her day off as rostered but shall be paid, in respect of the week during which the rostered day off is taken, his/her average weekly pay less an amount calculated according to the following formula:

(No. of days absent x 0.4 hours x Average Weekly Pay during cycle).

PROVIDED, however, that absences of less than 0.5 of a day shall not be counted for the purposes of this subclause.

- (3) Where an employee takes long service leave his/her entitlement to accrue towards a rostered day off shall cease. The employee shall not be entitled to a rostered day off during the period of long service leave. In lieu, the employee shall be paid the value of accrued entitlement outstanding to him/her on the last day of work prior to taking long service leave.

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- (b) The maximum number of ordinary time hours on any one day or shift shall be:
- (i) in the case of shift workers eight on any one shift, which shall also be the minimum number of such hours;
 - (ii) in the case of other employees:
 - (1) nine for route service drivers with a minimum of seven such hours;
 - (2) eight for all other employees, which shall be the minimum number of such hours.
- (c) The spread of hours for employees other than shift workers shall be:
- (i) 11 consecutive hours in the case of route service drivers.

PROVIDED that all work performed by such drivers before 6.00am or after 6.00pm shall be paid for at ordinary time rates plus 25 per centum, such addition to be absorbed by the rates for overtime, Saturday, Sunday and holiday work hereinafter prescribed;
 - (ii) from 6.30am to 6.00pm in the case of all other such employees.
- (d) Ordinary time hours shall be worked consecutively save for meal breaks having (except in the case of shift workers) a minimum length of 30 minutes and a maximum of one hour, except in the following circumstances:
- (i) In the case of a route service driver the ordinary hours of duty may be broken into two but no more than two separate working periods without payment for any time not worked that does not go to the calculation of the minimum daily hours prescribed in subclause (b)(ii)(1) of this clause.
 - (ii) In the case of a driver on single day charter the ordinary hours of duty may be broken into two but no more than two separate working periods, with payment as set out below for all waiting time (not being the minimum period of 30 minutes allowed for a meal break) that does not go to the calculation of the minimum daily hours prescribed in subclause (b)(ii)(2) of this clause.

PROVIDED that during such time no demand for work is made upon him/her and he/she is placed under no restraint as to his/her movements and is not otherwise obliged to be on call by his/her employer:

 - (1) \$5.60 per hour between 7.00am and 5.30pm from Monday to Friday inclusive; or
 - (2) \$8.50 per hour for overtime or Saturday hours; or
 - (3) \$11.20 per hour on Sundays and holidays.

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PROVIDED FURTHER that the waiting time so paid for shall not come into the computation of hours for general overtime purposes.

- (e) No employee whether employed on shift work or otherwise shall be required to work for more than five hours without a break for a meal.
- (f) No employee whether engaged on a weekly or a casual basis and whether employed on a shift or otherwise shall be required, except in the case of a shift worker at the regular change of shifts, to commence work, until he/she has had a clear break of ten hours off duty after completing his/her day's work or shift.
- (g) Where an employee is required by his/her employer in any pay week to commence ordinary hours of duty at times which are in two or more cases (the difference at regular, and at least weekly, change of shift or working period being disregarded) at least half an hour different each from the others, he/she shall be paid an amount of \$1.55 for each starting time in excess of one at which he/she is required to commence such ordinary hours in that pay week.
- (h) Make Up Time

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

- (i) An employee may elect, with the consent of the employer, to work 'make up time' under which the employee takes time off during ordinary hours, and works those hours at a later time, during the spread of ordinary hours provided in the award.
- (ii) An employee on shift work may elect, with the consent of their employer, to work 'make up time' under which the employee takes time off ordinary hours and works those hours at a later time, at the shift work rate which would have been applicable to the hours taken off.
- (iii) An employee or the employees may choose to request a union party to this award, to represent their interests in negotiations referred to in paragraph (i) of this subclause.
- (iv) Once a decision has been taken to introduce an enterprise system of 'make up time', 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.
- (v) An employer shall record 'make up time' arrangements in the relevant time and wages book, as prescribed in Clause 31 - Time and Wages Book of this award at each time this provision is used.

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(i) Rostered Days Off

Notwithstanding provisions elsewhere in the award, the employer and the majority of employees at an enterprise may agree to establish a system of Rostered Days Off to provide that:

- (i) An employee may elect, with the consent of the employer, to take a rostered day off at any time.
- (ii) An employee may elect, with the consent of the employer, to take rostered days off in part day amounts.
- (iii) An employee may elect, with the consent of the employer, to accrue some or all rostered days off for the purpose of creating a bank to be drawn upon by the employee at times mutually agreed by the employer, or subject to the reasonable notice by the employee or the employer.
- (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 RDO flexibility, 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 RDO arrangements in the relevant time and wages book, as prescribed in Clause 31 - Time and Wages Book of this award at each time this provision is used."

4. By deleting Clause 35 - Casual Employees, and inserting in lieu thereof the following:

"35. CASUAL EMPLOYEES

- (a) A casual employee shall receive a minimum of four hours work or payment for same for each start at work on any day.

A start at work shall mean the commencement of work for the day and each resumption of work after a break on any day, except a break for a meal interval not exceeding one hour.

- (b) A casual employee for working ordinary time shall be paid per hour one-fortieth of the weekly rates prescribed for the work which he or she performs. In addition thereto a casual employee shall receive 15 per cent of the ordinary hourly rate in respect of each hour for which he or she is paid, such additional amount to be payment in lieu of annual leave, sick leave and public holidays.

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- (c) Where a casual employee is required to report for duty but is not required to work at the appointed time of attending he/she shall be paid the amount of \$2.30 for each attendance for work."

5. By deleting Clause 40 - Overtime, and inserting in lieu thereof the following:

"40. OVERTIME

- (a) For all time of duty outside the ordinary hours of duty payment shall be made at time and one half for the first two hours and double time thereafter, such double time to continue until the employee has been relieved from duty for at least eight hours.

PROVIDED that an employee who is required to report for work on a rostered day off shall be paid a minimum amount of \$1.65.

- (b) An employee required to work overtime for more than two hours without being notified the day before that he/she will be so required to work shall either be supplied with a meal by the employer or paid \$9.65 for each meal.
- (c) If an employee pursuant to notice has provided a meal or meals and is not required to work overtime, he/she shall be paid as above prescribed for meals so provided.
- (d) 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 this clause of this award, 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

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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 31 - Time and Wages Book of this award at each time this provision is used."

Operative Date

This Order shall come into operation from the first full pay period to commence on or after 14 July 1998.

B R Johnson
DEPUTY PRESIDENT

25 August 1998