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## **TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984

s23 application for award or variation of award

### **Australian Municipal, Administrative, Clerical and Services Union**

(T8603 of 1999)

Aerated Waters Award  
Barristers and Solicitors Award  
Broadcasting and Television Award  
Clerical and Administrative Employees (Private Sector) Award  
Disability Service Providers Award  
Estate Agents Award  
Fuel Merchants Award  
Furnishing Trades Award  
Independent Schools (Non-Teaching Staff) Award  
Insurance Award  
Marine Boards Award  
Medical Practitioners (Private Sector) Award  
Photographic Industry Award  
Public Accountants Award  
Restaurant Keepers Award  
Retail Trades Award  
Shipping Award  
Softgoods Award  
Textile Award  
Totalizator Agency Award  
Wholesale Trades Award

### **The Australian Workers' Union, Tasmania Branch**

(T8613 of 1999)

Australian Cement Holdings Enterprise Award  
Automotive Industries Award  
Bootmakers Award  
Butter and Cheesemakers Award  
Clay and Mud Products Award  
Concrete Products Award  
Civil Construction and Maintenance Award  
Dairy Processing Award  
Pasminco Hobart Smelter Enterprise Award  
Farming and Fruit Growing Award  
Fish Aquaculture and Marine Products Award  
Horticulturists Award  
Meat Processing Industry Award  
Metal and Engineering Industry Award  
Monumental Masons Award  
Optical Industries Award  
Pasminco Rosebery (Mining) Award  
Plant Nurseries Award  
Produce Award

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Public Vehicles Award  
Quarrymens Award  
Rubber Trades Award  
Shellfish Industry Award  
Timber Merchants Award  
Wireworking Award

**The Australasian Meat Industry Employees Union, Tasmanian Branch**  
(T8621 of 1999)

Meat Processing Industry Award  
Meat Retailing Award

**Shop, Distributive and Allied Employees Association, Tasmanian Branch**  
(T8624 of 1999)

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

**Australian Liquor, Hospitality and Miscellaneous Workers Union - Tasmanian Branch**  
(T8628 of 1999, T8629 of 1999 and T8630 of 1999)

Cleaning and Property Services Award  
Fibreglass and Plastics Award  
Health and Fitness Centres Award  
Ice Cream Makers Award  
Laundry and Dry Cleaning Award  
Miscellaneous Workers Award  
Security Industry Award  
Veterinary Services Award  
Wholesale Plant Bakeries Award  
Baking Industry Award  
Hotels, Resorts, Hospitality and Motels Award  
Licensed Clubs Award

**FULL BENCH:**

DEPUTY PRESIDENT B R JOHNSON  
COMMISSIONER R J WATLING  
COMMISSIONER P A IMLACH

Award variation - nominated private sector awards - meal allowance - increase to reflect CPI movements - applications granted - operative ffpp 27 September 1999

**ORDER BY CONSENT-**

**No. 2 of 1999**

AMEND THE **WIREWORING AWARD** IN THE FOLLOWING MANNER:

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**Delete Clause 22 - Overtime and insert 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 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 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 \$10.00 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 \$10.00 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 Order shall come into operation from the first full pay period to commence on or after 27 September 1999.

P A Imlach  
**COMMISSIONER**

27 September 1999