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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984
s23 application for award or variation of award

The Australian Workers' Union, Tasmania Branch
(T7198 of 1997)

Automotive Industries Award
Bootmakers Award
Butter and Cheesemakers Award
Clay and Mud Products Award
Concrete Products Award
Dairy Processing Award
Electrolytic Zinc Award
Farming and Fruit Growing Award
Fish Aquaculture & Marine Products Award
Goliath Cement Enterprise 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
Public Vehicles Award
Quarrymens Award
Roadmakers Award
Rubber Trades Award
Shellfish Industry Award
Timber Merchants Award
Wireworking Award

Australian Municipal, Administrative, Clerical and Services Union
(T7214 of 1997)

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

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Photographic Industry Award
Public Accountants Award
Restaurant Keepers Award
Retail Trades Award
Shipping Award
Softgoods Award
Textile Award
Totalizator Agency Award
Wholesale Trades Award

Shop, Distributive and Allied Employees Association, Tasmanian Branch
(T7246 of 1997)
(T7247 of 1997)
(T7248 of 1997)

Restaurant Keepers Award
Photographic Industry Award
Retail Trades Award

TEXTILE AWARD

FULL BENCH:
PRESIDENT F D WESTWOOD
DEPUTY PRESIDENT B R JOHNSON
COMMISSIONER R J WATLING

Award variation - nominated private sector awards - meal allowance - increase to reflect CPI movements - applications granted - operative ffpp 1 October 1997

ORDER -

No. 4 of 1997

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

1. Delete Clause 32 - Tea money and insert in lieu thereof the following:

"32. TEA MONEY

- (a) An employee who has worked six or more hours during ordinary time and who is required to work overtime for more than one and a half hours shall either be supplied with an adequate meal by the employer or be paid \$9.65 meal money.
- (b) Any dispute as to what constitutes an adequate meal shall be referred to and decided by the Tasmanian Industrial Commission.
- (c) The payment prescribed in subclause (a) of this clause shall be made on the day on which the overtime is worked."

2. Delete Clause 52 - Overtime and insert in lieu thereof the following:

"52. OVERTIME

- (a) Payment for Working Overtime

Except as provided in Clause 56 - Shifts, of this section of this award for all work done outside ordinary hours 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 overtime work. For the purpose of this clause, ordinary hours shall mean the hours worked in an establishment in accordance with Clause 46 - Hours, Clause 47 - Implementation of 38-Hour Week, Clause 55 - Procedures for In-plant Discussions and Clause 56 - Shifts, of this award

PROVIDED that the ordinary hours of a night shift finishing on Saturday morning shall not be subject to overtime rates.

PROVIDED ALWAYS that an employee required 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 a shift or rostered work period or overtime commenced on the day previous. From 1 January 1984, the hourly rate when computing overtime shall be determined by dividing the appropriate weekly rate by 38, even in cases when an employee works more than 38 ordinary hours in a week.

- (b) The 38 ordinary hours of work each week may be worked in four days without incurring overtime penalties provided that the hours on any day shall not exceed ten hours and provided the provisions of Clause 56 - Shifts, subclause (a)(iii) of this award, provided further that mutual agreement is obtained.

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- (c) (i) Employees required to work overtime for more than two hours without being notified on the previous working day or earlier, that they will be required to work, shall be paid a meal allowance of \$9.65 for each subsequent meal. Where the employee so requests, such payment shall be made before the overtime is worked. If the notice is given and overtime is not worked (except as a result of a breakdown in machinery or plant, or due to reasons beyond the control of the employer), the meal allowance prescribed herein shall be paid.
- (ii) Irrespective of whether or not a meal allowance is paid as a result of working overtime, a second meal break shall be taken not later than four hours after the completion of the first meal break where such overtime continues after the first meal break.
- (d) (i) A casual employee who works in excess of eight hours in any one day shall be paid at the rate of time and one half for the first three hours and double time thereafter.
- (ii) For work performed by casual employees on Saturdays, payment shall be at the rate of time and one half.
- (iii) For work performed by casual employees on Sundays or public holidays, payment shall be at double the ordinary rate.
- (e) Time Off in Lieu of Payment

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.
- (f) Juniors under 18 years of age, for each period of overtime worked, shall be paid 5 cents up to two hours and 2.6 cents for each additional hour in addition to their overtime earnings and any tea money to which they might be entitled.
- (g) Youths under 18 years of age and females required to work overtime shall be paid overtime at the rate of time and a half to a maximum of three hours in any one day, Monday to Saturday inclusive, and 10 hours in one week and double time thereafter.
- (h) All females and males under the age of 16 years shall not work overtime for more than 200 hours in a calendar year. Provided that further overtime shall be allowed when the Union cannot supply competent and suitable labour and the consent of the Union is first obtained. If the Union refuses to give such consent the matter shall be referred to the Tasmanian Industrial Commission.

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(i) 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 his ordinary work on one day and the commencement of his ordinary work on the next day that he has not had at least 10 consecutive hours off duty between those times shall, subject to this subclause, be released after completion of such overtime until he has had 10 consecutive hours off duty without loss of pay for ordinary working time occurring during such absence.

If on the instruction of his employer such an employee resumes or continues work without having had such 10 consecutive hours 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 10 consecutive hours off duty without loss of pay for ordinary working time occurring during such absence.

The provisions of this subclause shall apply in the case of shift workers as if eight hours were substituted for 10 hours when overtime is worked:

- (i) for the purpose of changing shift rosters; or
- (ii) where a shift worker does not report for duty and a day worker or a shift worker is required to replace such shift worker; or
- (iii) where a shift is worked by arrangement between the employees themselves.

(j) Callback

An employee recalled to work overtime after leaving his employer's business premises (whether notified before or after leaving the premises) shall be paid a minimum of three 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 three 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.

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

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(k) Compulsory Overtime

- (i) An employer may require any employee to work reasonable overtime at overtime rates, and such employee shall work overtime in accordance with such requirement.
- (ii) The organisation party to this award shall not in any way, whether directly or indirectly, be a party to or be concerned in any ban, limitation, or restriction upon the working of overtime in accordance with the requirements of this subclause.
- (iii) This subclause shall remain in operation until otherwise determined by the authority competent so to do.

(l) Transport of Employee

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

OPERATIVE DATE

These variations shall come into operation from the first full pay period to commence on or after 1 October 1997.

R J Watling
COMMISSIONER

29 September 1997