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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

**FURNISHING TRADES AWARD**

**ORDER BY CONSENT**

**No. 2 of 2001**

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AMEND THE **FURNISHING TRADES AWARD** IN THE FOLLOWING MANNER:

**1. By deleting Clause 25 - Overtime - Day Workers, and inserting in lieu thereof the following:**

**"25. OVERTIME - DAY WORKERS**

- (a) (i) Except as provided in subclauses (b) and (c) hereof all work done by day workers before or after the usual time of beginning or ending work or outside the ordinary hours of work shall be paid for at the rate of time and one half for the first two hours on any one day and at the rate of double time thereafter, such double time to continue until the completion of the overtime work. For the purposes of this clause ordinary hours shall mean the hours of work fixed in an establishment in accordance with subclauses 1, 2 and 3 of Clause 20 - Hours of Work - Day Workers or Clause 36 - Shift Work.
- (ii) 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) Notwithstanding anything contained in subclauses (a) and (c) hereof, all time worked between 9.00pm and 6.00am shall be paid for at the rate of double time.
- (c) (i) Notwithstanding anything contained in subclause (a) hereof work performed on a Saturday shall be paid for at the rate of time and one half for the first two hours and double time thereafter. Provided that any work performed after 12noon on a Saturday shall be paid for at the rate of double time.
- (ii) An employee required to work on the day following Good Friday shall be afforded at least four hours work or paid for four hours at the appropriate rate.
- (d) Rest Period before Recommencing Work
  - (i) When overtime work including work on a Sunday or holiday, is necessary, it shall, wherever reasonably practicable, be so arranged that an employee works not more than 14 hours in any period of 24 consecutive hours and so that each employee may have at least 10 consecutive hours off duty in each such 24 consecutive hours.
  - (ii) Subject to the exceptions referred to in subclause (e) hereof as to call backs of less than three hours when an employee (other than a casual employee) finishes a period of work he/she shall, subject to this subclause, be released until he/she has had 10 consecutive hours off duty without loss of pay for his/her ordinary working time occurring during such absence.
  - (iii) If, on the instruction of his/her employer, such an employee resumes or continues work without having had such 10 consecutive hours off duty he/she shall be paid at the rate of double time until he/she is released from duty for

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such period and he/she shall then be entitled to be absent until he/she has had 10 consecutive hours off duty without loss of pay for ordinary working time occurring during such absence.

(e) Call Back

- (i) An employee recalled to work overtime after leaving his/her employer's business premises (whether notified before or after leaving the premises) shall be paid for a minimum of three hours work at the appropriate rate for each time he/she is so recalled. Provided that except in the case of unforeseen circumstances arising an employee shall not be required to work the full three hours if the job he/she was recalled to perform is completed within a shorter period.
- (ii) The provisions of paragraph (i) hereof shall not apply:
  - (1) in cases where it is customary for an employee to return to his/her employer's premises to perform a specific job outside his/her ordinary working hours; or
  - (2) where the overtime is continuous (subject to a reasonable meal break) with the commencement of ordinary working time; or
  - (3) where, from Monday to Friday inclusive, an employee is recalled to work two hours or less, in which case he/she shall be paid for three hours at the appropriate rate.
- (iii) Where the actual time worked is less than three hours on such recall or on each of such recalls, overtime worked in the circumstances specified in this subclause shall not be regarded as overtime for the purposes of subclause (d) hereof.
- (iv) When an employee, after having worked overtime other than regular overtime and/or a shift for which he/she has not been regularly rostered, finishes work at a time when reasonable means of transport are not available the employer shall provide him with conveyance to his/her home or to the nearest public transport.

(f) Crib Time

- (i) An employee working overtime for one and one half hours or more after working ordinary hours shall, before starting such overtime, be allowed a crib break of 20 minutes which shall be paid for at ordinary rate.
- (ii) An employee working overtime shall be allowed a crib break of 20 minutes without deduction of pay after each four hours of overtime worked provided he/she continues work after such crib break. Provided that where a day worker is required to work overtime on a Saturday, the first prescribed crib break shall, if occurring between 10.00am and 1.00pm be paid for at ordinary rate.

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- (iii) An employer and an employee may agree to any variation of this subclause to meet the circumstances of the work in hand provided that the employer shall not be required to make any payment in respect of time allowed in excess of 20 minutes.

(g) Meal Money

- (i) An employee required to work overtime for more than two hours without being notified on the previous day or earlier that he/she will be so required to work shall either be supplied with a meal by the employer or paid \$11.60 for the first meal, \$11.60 for the second meal and \$11.60 for each subsequent meal, but such payment need not be made to an employee living in the same locality as his/her workshop who can reasonably return home for meals.
- (ii) Unless an employer advised 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 prescribed in paragraph (i) hereof.
- (iii) 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/she shall be paid as prescribed in paragraph (i) hereof for meals which he/she has provided but which are surplus.

(h) Compulsory Overtime

An employer may require an employee to work reasonable overtime at overtime rates and such employee shall work overtime in accordance with such requirement.

- (i) An employee under the age of 17 years shall not be permitted to work more than four hours overtime in any one week."

**2. By deleting Clause 67 - Tea Money, and inserting in lieu thereof the following:**

**"67. TEA MONEY**

- (a) An employee who has worked six hours or more during ordinary time and who is required to work overtime for more than one and one half hours shall either be supplied with an adequate meal by the employer or be paid \$11.60 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) shall be made on the day on which the overtime is worked."

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**Operative Date**

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

Tim Abey  
**COMMISSIONER**

4 September 2001