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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

DAIRY PROCESSING AWARD

ORDER BY CONSENT

No. 3 of 2001

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THE **DAIRY PROCESSING AWARD** IS VARIED IN THE FOLLOWING MANNER:

By deleting from PART V - HOURS OF WORK, PENALTY PAYMENTS AND OVERTIME, Clause 3 - OVERTIME and inserting in lieu thereof the following:

3. OVERTIME

- (a) In recognition of the perishable nature of the product, and the need to supply product on a daily basis, an employee may be required to work overtime at the direction of the employer, however legitimate and pressing reasons for declining overtime shall be considered by the company.

Employees required to work outside the ordinary hours of work prescribed in Part V Clause 1 - Hours of Work shall except on a public holiday be paid as follows:

Day workers, including casual employees

- (i) Time worked in excess of ordinary hours Monday to Friday shall be paid at the rate of time and one half for the first two hours and double time thereafter.
- (ii) Time worked on a Saturday shall be paid at the rate of time and one half for the first two hours and double time thereafter.
- (iii) All time worked on a Sunday shall be paid at the rate of double time.
- (iv) In the case of casual employees the penalty rates for overtime shall absorb the plus 20% loading.

Cyclic roster workers

- (v) Time worked in excess of ordinary hours Monday to Friday shall be paid at the rate of time and one half for the first two hours and double time thereafter.
 - (vi) Time worked in excess of ordinary hours Saturday shall be paid at the rate of double time.
 - (vii) All time worked on a Sunday shall be paid at the rate of double time.
- (b) Wherever practicable an employer shall give an employee notice of the requirement to work overtime on the day prior to such overtime being required.
- (c) Call Outs

Employees who are recalled to the employer's premises to work time outside of their ordinary hours shall work as directed and shall be allowed a minimum of four hours pay at the appropriate rate. Where the actual time worked on each such recall is less than four hours, overtime worked in the circumstances specified in this subclause shall not be regarded as overtime for the purposes of subclause (c) of this clause.

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(d) Rest Periods

When overtime work, including overtime work on a Saturday and Sunday or public holiday is necessary, it shall, whenever practicable, be so arranged that employees have at least eight consecutive hours off duty between the work of successive days.

If on the instruction of the employer such an employee resumes or continues work without having eight consecutive hours off duty the employee will be paid at double time rates until released from duty for such period and will be entitled to be absent for eight consecutive hours of duty without loss of pay for ordinary working time occurring during such absence.

(e) By agreement between the employer and an employee time off at the penalty equivalent may be allowed in lieu of payment for overtime worked provided that such time off shall be paid at the ordinary rate, and that the time off is taken at a mutually agreed time within a two week period.

(f) An employee who is required to work overtime for one and a half hours or more without being notified the previous day shall either be supplied with a meal by the employer or be paid a meal allowance of \$11.60.

(g) An employee rostered to commence work one and one half hours or more prior to the commencement of the span of hours, i.e. 6.00am shall be provided breakfast by the employer. The meal provided for by this subclause may be substituted by the payment of a meal allowance of \$11.60 in lieu thereof."

OPERATIVE DATE

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

P C Shelley
COMMISSIONER

7 September 2001