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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

CORRECTION ORDER

WHEREAS an error occurred in the order giving effect to the Commission's decision of 4 June 1992 (T.2706 of 1990 and T.3785 of 1992) varying the **Welfare and Voluntary Agencies Award** in accordance with Section 21(1) of the Act the Commission hereby corrects Order No 2 of 1992 in the following manner:

1. By deleting Clause 45 - Annual Leave subclause (k) - Close Down and inserting the following:

"(k) Close Down

For all employees other than those in Sheltered Workshops the previous subclauses shall not apply to an employer who elects to allow his/her employees school holidays each year, provided that he/she:

- (i) provides such employee with not less than 10 full weeks' annual leave per calendar year;
- (ii) pays them for such leave at a rate of not less than 2/3rds of their normal rate of pay;
- (iii) pays them an additional amount at the appropriate rate for any day during such leave period on which they come to work."

2. By deleting Clause 57 - Holidays with Pay; subclause (e) and inserting the following:

"(e) Notwithstanding anything else contained in this clause, a shift worker, employed to work in a residential home, rostered for duty on any of the holidays specified in subclause (a) hereof, where the major portion of the work performed (other than as overtime) falls on the holiday, shall be paid in the manner prescribed by this clause."

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3. By deleting Clause 57 - Holidays with Pay, subclause (f) and inserting the following:

"(f) Employees, other than those employees mentioned in subclause (g) hereof, who are required to work on any of the holidays mentioned in subclause (a) hereof shall be paid an additional fifty per cent and granted a holiday in lieu to be taken by mutual agreement or paid at the rate of double time and a half.

PROVIDED that, subject to agreement being reached between the employer and employee/s concerned, time off may be allowed in lieu of payment of penalties. The amount of time off shall be calculated on the basis of the appropriate penalty rate prescribed elsewhere in this clause.

Further, subject to agreement being reached between the employer and the employee/s concerned, any of the holidays mentioned in subclause (a) hereof may be worked at ordinary time and another working day substituted for the holiday concerned.

PROVIDED ALWAYS that such agreement shall be subject to the employee having opportunity to consult with the relevant union and the agreement shall be recorded in writing.

PROVIDED FURTHER that such agreement may be discontinued by mutual consent of both parties or at the request of one such party."

A. Robinson
DEPUTY PRESIDENT

1 October 1992