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**TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984  
s.23 application for award or variation of award

**Health Services Union of Australia,  
Tasmania No. 1 Branch**  
(T.4960 of 1994)

**WELFARE AND VOLUNTARY AGENCIES AWARD**

COMMISSIONER R K GOZZI

Award variation - Sleep-over allowance

**ORDER - No. 3 of 1994**

The above award is varied as follows:

Delete Clause 78 - Sleeping-in Allowance and insert in lieu thereof the following:

**"78. SLEEP-OVER**

- (a) Unless otherwise agreed between the employer and the relevant union, when an employee is required to sleep overnight on the Employer's premises, the employee shall be paid an allowance of \$20.00 per night.
- (b) Where an employee, during the period rostered sleep-over, is required to work, in assisting or caring for residents, in excess of one and one half hours, consecutive or otherwise, or if there are more than three disturbances, shall be paid overtime payment for the time so worked.

An employee who is entitled to overtime payment under this subclause shall receive at least 30 minutes payment for each disruption in accordance with Clause 65 - Overtime.

- (c) An employee who is entitled to the allowance prescribed by subclause (a) hereof, for any period spent on sleep-over shall be provided with:

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- (i) wherever practicable single bedrooms and under no circumstances shall an employee be required to share a bed,
  - (ii) bed linen, blankets and use of cutlery and crockery without charge to the employee;
  - (iii) reasonable storage facilities for securing personal belongings;
  - (iv) access to shower and toilet facilities that can be made secure for private use.
- (d) Where an employee requests the employer to provide meals during a period for which the sleep-over allowance is paid, in accordance with subclause (a) hereof, and the employer agreed to do so, the employer may deduct from the employee's wages the amount prescribed for a meal allowance in Clause 61 - Meal and Meal Allowance.
- (e) Sleep-overs will be established in accordance with a roster setting out clearly the names of the rostered employees and the days, dates and hours during which each employee is required to attend for duty. The roster shall provide for a system of scheduled days off in accordance with Clause 74 - Scheduled Days Off and shall not be implemented or changed until after the expiration of 4 weeks notice or in the case of an individual employee after the expiration of one weeks notice or the payment of one weeks pay in lieu of notice.

**PROVIDED** that such notice of payment in lieu of notice shall not apply in an emergency situation where agreement is reached between the employer and employee concerned.

**PROVIDED ALWAYS** that employees shall not be required to work consecutive shifts and sleep-overs unless agreed by the employer and employees affected. Employees will not unreasonably withhold agreement.

**PROVIDED FURTHER** that each nights sleep-over shall stand alone and the period of sleep-over shall be nominated by the employer at each workplace."

#### **OPERATIVE DATE**

This order shall commence operation from the first full pay period on or after 12 April 1994.

R K GOZZI  
**COMMISSIONER**

12 April 1994