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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

s23 application for award or variation of award

Tasmanian Trades and Labor Council

(T11548 of 2004)

Private Sector Awards

Tasmanian Trades and Labor Council

(T11564 of 2004)

Private Sector Awards

Tasmanian Trades and Labor Council

(T11566 of 2004)

Private and Public Sector Awards

FULL BENCH:

PRESIDENT P L LEARY

COMMISSIONER T J ABEY

COMMISSIONER J P McALPINE

Wage Rates – State Wage Case July 2004 – applications to vary private sector awards in a manner consistent with the Australian Industrial Relations Commission in Print PR002004 – Safety Net Review – Award rates to be increased by \$19 per week – Wage related allowances increased by 3.5% - Meal allowances increased to \$12.70 – Supported Wage increased to \$61 per week – Operative date ffpp 1 August 2004 – State Minimum Wage determined at \$467.40 – s.35(1)(b)

CLOTHING INDUSTRY AWARD

**No.1 of 2004
(Consolidated)**

CLAUSES 4, 5, 8 AND 9 ARE VARIED, AND THE AWARD IS CONSOLIDATED:

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1. TITLE

This award shall be known as the 'Clothing Industry Award'.

2. SCOPE

This award is established in respect of the manufacturing/making and/or altering and/or repairing and/or work incidental thereto of all wearing apparel including the making and/or trimming and/or repairing of hats, caps and bonnets.

3. ARRANGEMENTS

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4. DATE OF OPERATION

This award shall come into operation from the first full pay period to commence on or after 1 August 2004.

5. SUPERSESSION AND SAVINGS

This award incorporates and supersedes the Clothing Industry Award No. 1 of 2003 (Consolidated).

PROVIDED that no right, obligation or liability incurred or accrued under any of the abovementioned provisions shall be affected by the replacement and supersession.

6. AWARD INTEREST AND PERSONS BOUND

(a) The following employee organisations have an interest in this award under Part V of the *Industrial Relations Act 1984*:

Textile, Clothing and Footwear Union of Australia, Tasmanian Branch.

(b) The following employer organisations have an interest in this award under Part V of the *Industrial Relations Act 1984*:

- (i) Retail Traders Association of Tasmania;
- (ii) Tasmanian Chamber of Commerce and Industry Ltd;
- (iii) Australian Retailers Association - Tasmania Division.

(c) This award is binding upon:

- (i) all employers covered by this award; and
- (ii) all employees covered by this award.

7. DEFINITIONS

Classifications

Entry Level

(% Wage relativity to employee skill level 4 after minimum rate and broadbanding adjustment - 78%)

Employee at this level:

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- Shall be new entrants into the industry.
- *Shall for a period of up to three months undergo approved (including induction) training so as to enable them to achieve the level of competence required to be classified at skill level 1.
- Shall work under the following conditions:
 - Totally defined procedures and methods
 - Constant direct supervision
 - Constant direct training
 - Progressive assessment and feedback

Training for new entrants will be determined in accordance with the needs of the enterprise, but shall involve instruction aimed at assisting trainees to achieve the range of competencies required at skill level 1, including:

- The knowledge and skills required to apply relevant Occupational Health and Safety practices and procedures.
- The knowledge and skills required to apply specified quality control standards to their own work.
- The knowledge and skills required to apply specified operation practices and procedures and to meet efficiency requirements.
- The knowledge and skills required to apply minor equipment/machine maintenance relevant to the equipment involved in the performance of their own work.

Employee Skill Level 1

(% Wage relativity to employee skill level 4 after minimum rate and broadbanding adjustment - 82%)

Employees at this level:

1. Shall work to defined procedures/methods either individually or in a team environment; and
2. Shall exercise skills to perform basic tasks; and
3. Shall be aware of and apply basic quality control skills in the receipt and completion of their own work to the specified quality standards.

In addition, according to the needs and operational requirements of the enterprise, employees at this level:

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4. May be required to exercise the skill necessary to assist in providing basic on the job instruction by way of demonstration and explanation.
5. May be required to record basic information on production and/or quality indicators as required.
6. May be required to work in a team environment.
7. May be required to apply minor equipment/machine maintenance.
8. May be required to exercised key pad skills.
9. May be required to exercise the level of English literacy and numeracy skills to effectively perform their tasks.
10. May commence training in additional skills required to advance to a higher skill level.

Employee Skill Level 2

(% Wage relativity to employee skill level 4 after minimum rate and broadbanding adjustment - 87.4%)

Employees at this level exercise the skills required to be graded at skill level 1, and

1. Shall work to defined procedures/methods, either individually or in a team environment, and
2. Shall exercise the skills to perform intermediate tasks; and
3. Shall understand and apply quality control skills in their own work and component parts (including understanding of the likely cause/s of deviations to specified quality standards in their own work).

In addition, according to the needs and operational requirements of the enterprise, employees at this level:

4. May be required to exercise the skill necessary to assist in providing on the job instruction to employees in skills required at skill level 2 and by way of demonstration and explanation.
5. May be required to record detailed information on production and/or quality indicators as required.
6. May be required to exercise team work skills.

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7. May be required to identify and rectify minor equipment/machine faults, and report problems that cannot be rectified to a mechanic or supervisor.
8. May be required to exercise basic computer skills.
9. May commence training in additional skills required to advance to a higher skill level.

Employee Skill Level 3

(% Wage relativity to employee skill level 4 after minimum rate and broadbanding adjustment - 92.4%)

Employees at this level exercise the skills required to be graded at skill level 2, and:

1. Shall exercise discretion, initiative and judgement on the job in their own work, either individually or in a team environment, and
2. Shall exercise skills to:
 - (a) perform a complex task/s or
 - (b) perform a series of different operations on a machine/s or
 - (c) use a variety of machine types three of which require the exercise of level 2 skills, and
3.
 - (a) Shall be responsible for quality assurance in their own work and assembly of component parts including having an understanding of how this work relates to subsequent production processes and its contribution to the final appearance of the garment.
 - (b) May be required to investigate causes of quality deviations to specified standards and recommend preventative action
4. May be required to exercise the skills necessary to assist in providing on the job instruction to employees in skills required at skill level 3 and below by way of demonstration and explanation.
5. May be required to record detailed information, and recommend improvements to production and/or quality.
6. May be required to take a co-ordinating role for a group of workers or in a team environment (which includes contributing to the identification and resolution of the problems of others and assisting in defining work group procedures and methods), where the members of the group or team are at skill level 3 and below.
7. May be required to exercise advanced equipment maintenance and problem solving skills (including identification of major equipment faults).

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8. May commence training in additional skills required to advance to a higher skill level.

Employee Skill Level 4

(% Wage relativity to employee skill level 4 after minimum rate and broadbanning adjustment - 100%)

Employees at this level exercise the skills required to be graded at skill level 3 and have a comprehensive knowledge of product construction. Employees at this level shall also:-

- Apply skills and knowledge, equivalent to that of a qualified tradesperson, that have been acquired as a result of training or experience, or
 - Hold a relevant trade certificate, and
1. Shall work largely independently (including developing and carrying out of a work plan to specifications), and
 2. Shall exercise a range of skills involving planning, investigation and resolution of problems, and/or training, and/or supervision, and/or specialised technical tasks, or
- Shall make a whole garment to specifications, or exercise equivalent skills.

In addition, according to the needs and operational requirements of the enterprise, employees at this level:

3. May be required to apply quality control/assurance techniques to their work group or team.
4. May have designated responsibility for the training of the employees (and if so shall be trained trainers).
5. May be responsible for quality and production records relating to their own work group or team.
6. May be required to take a co-ordinating role for a group of workers or in a team environment (which includes contributing to the identification and resolution of the problems of others and assisting in defining work group procedures and methods), where the members of the group or team are at skill level 4 and below.
7. May be required to exercise advanced equipment maintenance and problem solving skills (including identification of major equipment faults and organisation or performance of necessary repair).
8. May commence training in additional skills required to advance to a higher skill level.

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Employee Skill Level 5

(% Wage relativity to employee skill level 4 after minimum rate and broadbanding adjustment - 110%)

To be determined.

EXPLANATION OF TERMS

1. Basic tasks

Uncomplicated tasks which are easily learned to involve little decision making whether machine or non machine.

Basic machine tasks are those where the positioning of the work may be controlled by guidebars and sensor lights, or other such guiding devices or where there is uncomplicated feeding of the fabric.

2. Intermediate tasks

Tasks which are more difficult to learn, involve more decision making than skill level 2 tasks and which may require fabric knowledge, whether machine or not machine.

Intermediate machine tasks require skill in positioning, feeding and handling of work involving directional changes, contouring or critical stopping points, or require feeding and handling skills beyond those of a skill level 1 operator because of fabric variation.

3. Complex tasks

Tasks which are more difficult to learn and involve a higher level of decision making than skill level 2 tasks, whether machine or non machine.

Complex machine tasks require fabric manipulation skills and knowledge beyond those of a skill level 2 operator to perform more difficult tasks or to handle and align the sections while ensuring correct shaping of the end result because of the complexity of combining parts or because of frequent variation in fabrics.

4. Series of different operations on a machine/s

Performing a sequence of different operations on a machine/s to complete the majority of a complex garment.

5. Machine

Any piece of equipment which performs a significant part of an operation in:

- designing/grading of patterns

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- marker spreading;
- spreading of fabric;
- cutting, sewing, finishing, pressing and packaging of products.

and which is powered by an external source i.e. electricity, steam or compressed air or combinations of these.

Hand tools are machines and refer to those items which are primarily powered by the operator e.g. scissors, shears, staplers, tagging guns and tape dispensers.

6. Variety of machine types

Three or more different types of machines which are sufficiently different in their operation to require the exercise of different skills (a button holer and a button sewer are the same machine type for this purpose whereas a button holer and an overlocker are different machine types).

7. Whole garment machinist or equivalent skills

A machinist who works largely independently in producing a complex garment from written specifications and patterns, examples of 'equivalent skills' include:

- sample machinist;
- a machinist who performs each of the operations required to complete a complex whole garment from specifications;
- a fully multi-skilled machinist who is required to perform any of the operations involved in the making of a complex whole garment to specification.

8. Skill

The application of combination of abilities, knowledge and attributes to competently perform a given activity or activities.

9. Competence

The ability to perform a particular activity or activities to a prescribed standard (or standards) and under a prescribed set of circumstances.

10. Component parts

The parts of the product which the operator receives in order to perform their job.

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11. Key pad skills

Ability to use a small panel of keys, either numerical or with symbols, to operate equipment.

12. Basic computer skills

Use of a computer to enter, retrieve and interpret data.

13. Co-ordinating role

A role which involves responsibility for organising and bringing together the work and resource requirements of a work group or team.

14. Defined procedures/methods

Specific instructions outlining how an operator is to do their job.

15. Largely independently

Where the employee is accountable for own results including:

- carrying out assigned task;
- co-ordinating processes;
- setting and working to deadlines.

16. Designated responsibility

Identified by management as a person with a specific role or responsibility.

17. Minor equipment/machine maintenance

Includes cleaning and minor adjustments to the equipment involved. In the case of sewing machines for example, it may include:

- changing needles;
- cleaning;
- lubrication;
- tension and stitch adjustment.

18. On-the-job instruction

Demonstrating, showing, explaining and/or guiding other employees as to how to perform a particular task or operation to a competent standard.

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19. Quality assurance

The overall and plans used to provide confidence that goods and services will satisfy given requirements.

20. Quality control

The activities used to check that materials and products meet quality specifications; includes the grading of product into acceptable and unacceptable.

21. Quality deviations

Departures from the quality standard.

22. Quality indicators

Information used to determine whether a quality standard has been met.

23. Specified quality standards

Detailed standards against which quality is measured.

24. Team environment

An environment involving work arrangements in which a group of people work closely, flexibility and in co-operation with each other to ensure efficient and effective performance.

General

'Casual Employee' means an employee who is engaged to work on an irregular basis, as and when required, and shall include any employee who is engaged for a period of less than 20 consecutive working days.

'Ordinary working week' means the hours and days occurring between midnight on Sunday night and midnight on Friday night in any week.

'Outworker' means a person who performs work as herein defined for an employer outside the employer's workshop or factory under a contract of service.

'Part-time Employee' means an employee who is engaged by the week to work on a regular basis for less hours per week than 38.

'Show Day' means not more than one local show day observed on an employee's ordinary working day, other than a Saturday or Sunday, in the city, town or district in which the employee is employed; or such other day which, in the absence of such a local show day, is agreed on by the employee and the employer, therefore making a total of 11 paid public holidays per year.

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'Work' means hand or machine sewing in the construction of a garment or part thereof being work performed other than in a factory or workshop.

8. WAGE RATES

- (a) Adult employees in a classification hereunder mentioned shall be paid the base rate and supplementary payments appearing opposite that classification:

	Base Rate Relativity %	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
Entry Level				
New Employee less than 3 months service	78	325.40	142.00	467.40
Employee Skill Level 1	82	342.10	142.00	484.10
Employee Skill Level 2	87	364.60	142.00	506.60
Employee Skill Level 3	92	385.50	142.00	527.50
Employee Skill Level 4	100	417.20	144.00	561.20
Employee Skill Level 5	110	458.90	144.00	602.90

PROVIDED that for the purpose of identifying an employee's new classification in accordance with the creation of a new broadly based and generic classification structure Schedule A to this award shall apply.

- (b) Apprentices

The minimum weekly wage rate to be paid by employers to apprentices shall be the undermentioned percentages of the Employee Skill Level 4 rate of wages appearing in subclause (a) - Wage Rates.

	Percentage of Employee Skill Level 4 %
First year - 1st 6 months	45
First year - 2nd 6 months	50
Second year - 1st 6 months	55
Second year - 2nd 6 months	60
Third year - 1st 6 months	65
Third year - 2nd 6 months	70
Fourth year - 1st 6 months	75
Fourth year - 2nd 6 months	80

Thereafter the appropriate adult rate.

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(c) Juniors

The minimum weekly wage rate to be paid by employers to Junior Workers shall be the undermentioned percentages of the weekly wage rate appearing subclause (a) - Wage Rates of this clause for the classification 'Employee Skill Level 2'.

	Percentage of Employee Skill Level 2 %
16 years and under	50
16 & 1/2 years	55
17 years	60
17 & 1/2 years	65
18 years	69
18 & 1/2 years	72
19 years	75
19 & 1/2 years	80
20 years	85

PROVIDED that any Juniors:

- (i) with at least 3 years and not more than 4 years experience in the clothing industry shall be paid not less than the percentage of the rate for a 20 years old junior.
- (ii) after 4 years experience in the Clothing Industry shall be paid the appropriate rate for an adult employee in the classification in which he or she is employed.
- (iii) on attaining 20 years of age who has had more than 2 years experience in the clothing industry shall be paid the appropriate adult rate.
- (iv) Time served by an apprentice or junior in any occupation for which a classification is prescribed by this award in similar experience in the same classification in the Textile Industry shall be counted as experience for the purpose of apprenticeship indenture or continuance of junior experience, both as regards wages and the terms to be served in respect of the continuation of the employment by such apprentice or junior in the occupation covered by such classification.

PROVIDED FURTHER that such person on attaining the age of 21 years shall be paid the wage herein prescribed for an adult.

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(d) Supported Wage System

(i) Eligibility criteria

Subject to this subclause an employer may engage employees at a supported wage rate (as set out in paragraph (iii) of this subclause) who meet the impairment criteria for receipt of a Disability Support Pension and who, because of their disability, are unable to perform the range of duties to the competence level normally required for the class of work for which they are engaged.

PROVIDED that this subclause does not apply to any existing employee who has a claim against the employer which is subject to the provisions of workers' compensation legislation or any provision of this award relating to the rehabilitation of employees who are injured in the course of their current employment.

PROVIDED FURTHER that this subclause does not apply to employers in respect of their facility, programme, undertaking, service or the like which receives funding under the *Disability Services Act 1986* and fulfils the dual role of service provider and sheltered employer to people with disabilities who are in receipt of or are eligible for a disability support pension, except with respect to an organisation which has received recognition under s.10 or under s.12A of the above Act, or if a part only has received recognition, that part.

(ii) For the purposes of this subclause:

- (1) **'Supported Wage System'** means the Commonwealth Government System to promote employment for people who cannot work at full award wages because of a disability.
- (2) **'Accredited Assessor'** means a person accredited by the management unit established by the Commonwealth under the Supported Wage System to perform assessments of an individual's productive capacity within the Supported Wage System.
- (3) **'Disability Support Pension'** means the pension available under the Commonwealth pension scheme to provide income security for persons with a disability as provided under the *Social Security Act 1991*, as amended from time to time, or any successor to that scheme.
- (4) **'Assessment instrument'** means the form provided for under the Supported Wage System that records the assessment of the productive capacity of the person to be employed under the Supported Wage System.

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(iii) Supported wage rates

Employees to whom this subclause applies shall be paid the applicable percentage of the minimum rate of pay prescribed by this award for the class of work which the person is performing according to the following schedule:

Assessed capacity (paragraph (iv))	% of prescribed award rate
10%	10%
20%	20%
30%	30%
40%	40%
50%	50%
60%	60%
70%	70%
80%	80%
90%	90%

PROVIDED that the minimum amount payable shall be not less than \$61 per week.

(iv) Assessment of capacity

For the purpose of establishing the percentage of the award rate to be paid to a supported wage employee under this award, the productive capacity of the employee will be assessed in accordance with the Supported Wage System and documented in an assessment instrument by either:

- (1) the employer and a union party to the award, in consultation with the employee or, if desired by any of these;
- (2) the employer and an accredited Assessor from a panel agreed by the parties to the award and the employee.

(v) Lodgment of assessment instrument

- (1) All assessment instruments under the conditions of this subclause, including the appropriate percentage of the award wage to be paid to the employee, shall be lodged by the employer with the Registrar of the Tasmanian Industrial Commission.
- (2) All assessment instruments shall be agreed and signed by the parties to the assessment.

PROVIDED that where a union which is party to the award, is not a party to the assessment, it shall be referred by the Registrar of the Tasmanian Industrial Commission to the union by certified mail and shall take effect unless an objection is notified to the Registrar of the Tasmanian Industrial Commission within 10 working days.

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(vi) Review of assessment

The assessment of the applicable percentage shall be subject to annual review or earlier on the basis of a reasonable request for such a review. The process of review shall be in accordance with the procedures for assessing capacity under the Supported Wage System.

(vii) Other terms and conditions of employment

Where an assessment has been made, the applicable percentage shall apply to the wage rate only. Employees covered by the supported wage provisions of this subclause shall be entitled to the same terms and conditions of employment as all other workers covered by this award who are paid on a pro rata basis.

(viii) Workplace adjustment

An employer wishing to employ a person under the provisions of this subclause shall take reasonable steps to make changes in the workplace to enhance the employee's capacity to do the job. Changes may involve re-design of job duties, working time arrangements and work organisation in consultation with other workers in the area.

(ix) Trial Period

- (1) In order for an adequate assessment of the employee's capacity to be made, an employer may employ a person under the provisions of this subclause for a trial period not exceeding 12 weeks, except that in some cases additional work adjustment time (not exceeding 4 weeks) may be needed.
- (2) During that trial period the assessment of capacity shall be undertaken and the proposed wage rate for a continuing employment relationship shall be determined in accordance with paragraphs (iv) and (v).
- (3) The minimum amount payable to the employee during the trial period shall be no less than \$61 per week or such greater amount as is agreed from time to time between the parties.
- (4) Work trials should include induction or training as appropriate to the job being trialed.
- (5) Where the employer and employee wish to establish a continuing employment relationship following the completion of the trial period, a further contract of employment shall be entered into based on the outcome of assessment under paragraph (iii) hereof.

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9. ANNUAL LEAVE

(a) Period of Leave

A period of one hundred and fifty two hours paid annual leave shall be allowed annually to an employee after 12 months continuous service (less the period of annual leave).

(b) Annual Leave Exclusive of Holidays with Pay

Subject to this subclause, the annual leave prescribed by this clause shall be exclusive of any of the holidays prescribed by Clause 14 - Holidays with Pay, and if any such holiday falls within an employee's period of annual leave and is observed on a day which in the case of that employee would have been an ordinary working day, there shall be added to that period one day for each such holiday falling as aforesaid.

Where a holiday falls as aforesaid and the employee fails, without reasonable cause (proof whereof shall be upon the employee), to attend for work at the employees ordinary starting time on the working day immediately following the last day of the period of the employees annual leave, the employee shall not be entitled to be paid for such holiday.

(c) Calculation of Continuous Service

For the purpose of this clause, service shall be deemed to be continuous notwithstanding -

- (i) Any interruption or determination of the employment by the employer if such interruption or determination has been made merely with the intention of avoiding obligations hereunder in respect of leave of absence;
- (ii) Any absence from work on account of personal sickness or accident, and in calculating the period of 12 months' continuous service, absence on account of personal sickness or accident to the extent of 91 days in any 12 months shall be deemed to be part of the period of continuous service;
- (iii) Any absence with reasonable cause, proof whereof shall be upon the employee, or leave lawfully granted by the employer, but such absence shall not be taken into account in calculating the period of 12 months' continuous service.

(d) Proportionate Leave on Termination of Service

If after one months' continuous service is any qualifying monthly period an employee lawfully leaves employment or employment is terminated by the employer through no fault of the employee, the employee shall be paid at his/her ordinary rate of wage as follows:

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12.67 hours for each completed month of service.

(e) Payment in Lieu Prohibited

The annual leave provided for by this clause shall be allowed and shall be taken and, except as provided in subclause (d) of this clause, payment shall be made or accepted in lieu of annual leave.

(f) Payment of Period of Leave

All employees, before going on annual leave, shall be paid the amount of wages they would have received in respect of the ordinary time they would have worked had they not been on leave during the relevant period. In addition thereto, all employees, other than casual employees (as defined), and part-time employees (as defined) engaged to work less than 20 hours per week shall be paid an amount of \$355.60.

(g) Time of Taking Leave

Annual leave shall be given at a time fixed by the employer within a period not exceeding 6 months from the date when the right to annual leave accrued. Where practicable, and unless otherwise mutually arranged between the employer and the employee, at least 2 weeks' notice shall be given to the employee that his/her annual leave is to be taken.

(h) Broken Leave

Leave allowed under the provisions of subclause (a) shall be granted and taken in one consecutive period, or where the employer and employee agree, in any combination.

(i) Annual Shut Down

Where an employer closes down his plant, or a section or sections thereof, for the purpose of allowing annual leave to all or the bulk of the employees in the plant, or section or sections concerned, the following shall apply:

the employer may, by giving no less than three months' notice of his intention so to do, stand off for the duration of the closedown all employees in the plant or section or sections concerned and allow to those who are not qualified for a full entitlement to annual leave for twelve months' continuous service pursuant to subclause (h) hereof, paid leave on a proportionate basis for 12 2/3 hours for each completed month on continuous service subject to and the including the initial qualifying period of one month of continuous service with the employer.

PROVIDED that where in any establishment a ballot indicates that at least 75 per cent of employees agree, and with the consent of the union, the period of closedown may be extended and all employees stood down without pay for a further period of not more than two days.

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(j) Disputes

Any dispute arising out of this clause shall be determined by the Secretary for Labour, whose decision shall be final.

10. CASUAL WORKERS

A casual employee shall be paid as follows:

- (a) the ordinary time rate of pay plus 33 1/3 per cent; or
- (b) if on any system of payment by results - the appropriate rate plus 33 1/3%.

Upon engagement a casual employee shall be given written notice by the employer that their employment is on a casual basis.

A casual employee shall not be entitled to paid annual leave, holidays with pay, or sick leave, but, unless specifically excluded, all other award provisions shall apply to casual employees.

11. COMPASSIONATE LEAVE

An employee shall on the death of wife, husband, father, mother, child, stepchild, brother, sister, mother-in-law, father-in-law, stepmother, stepfather, grandfather, grandmother, grandchild, be entitled upon application being made to, and approved by the employer, to leave up to and including the day of the funeral of such relative and such leave will be without deduction of pay not exceeding the number of ordinary hours worked by the employee in 3 ordinary days.

PROVIDED that no payments shall be made in respect of an employee's rostered days off.

Proof of such death, in the form of a death notice or other written evidence, shall be furnished by the employee to the satisfaction of the employer.

PROVIDED FURTHER that this clause shall have no operation while the period of entitlement to leave is coincides with any other period of entitlement to leave.

For the purpose of this clause the words 'wife and 'husband' shall not include a wife or husband from whom the employee is separated, but shall include a person who lives with the employee as a de facto wife or husband.

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12. CONTRACT OF EMPLOYMENT

- (a) With the exception of employees engaged as specified in Clause 10 - Casual Workers and 23 - Part-Time Employees hereof, all employment shall be by the week and shall be terminated only by a week's notice by either party or the payment or forfeiture of a week's wages, as the case may be. This shall not affect the right of the employer to dismiss any employee without notice for neglect of duty or misconduct; in such cases the wages shall be paid up to the time of dismissal only.
- (b) Monies due shall include a payment in lieu for any time which may have accrued in accordance with an arrangement pursuant to Clause 15 - Hours, subclause (a)(ii).
- (c) Except as prescribed in Clause 14 - Holiday with Pay, Clause 9 - Annual Leave and Clause 29 - Sick Leave an employee not attending for duty shall lose his pay for the actual time of non-attendance.
- (d) Notwithstanding anything contained in subclause (a) hereof, during the first two weeks of employment the services of an employee may be terminated by the giving of one hour's notice on either side, or by the payment of forfeiture of one hour's pay in lieu of notice as the case may be.

PROVIDED that, after the first pay and during the balance of the first two weeks of employment, where on any day the employer terminates the services of an employee other than for malingering, neglect of duty or misconduct, he shall be required to pay the employee not less than a day's pay for that day.

13. EXISTING WAGE RATES

No employee shall have his rate of wages reduced as a result of this award.

14. HOLIDAYS WITH PAY

- (a) All employees on weekly hire shall be allowed the following days as paid holidays: New Year's Day, Australia Day, Hobart Regatta Day, (south of Oatlands), Labour Day, Good Friday, Easter Monday, Anzac Day, Queen's Birthday, Show Day (as defined in Clause 7 - Definitions), Recreational Day (where Hobart Regatta Day is not observed), Christmas Day and Boxing Day.
- (b) Payment for the holidays mentioned in subclause (a) which are taken and not worked, shall be at normal rate if pay which would have applied to the employee concerned, when, if it were not for the said holiday, he had been at work.
- (c) Payment to an employee for work performed on holidays mentioned in subclause (a) shall be at the rate prescribed elsewhere in this award.

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- (d) Should the rostered day off agreed to in accordance with an arrangement pursuant to Clause 15 - Hours, subclause (a)(ii), fall on a public holiday, the employer shall allow the employee to take the day off on the working day next following.
- (e) Any continuation period of unpaid leave in excess of four weeks shall not be deemed to be service and the employee shall not be entitled to payment for any holiday falling within this period of leave.

15. HOURS

- (a) (i) Subject to any part of this award which prescribes otherwise, all employees other than casual employees and part-time employees, shall be engaged by the week. Except where an arrangement has been made in accordance with subclause (ii) hereof, thirty-eight hours shall constitute a week's work to be worked within five days, Monday to Friday inclusive, and within the following hours: time of beginning 7.30am, time of ending 6.00pm: but no employees shall be rostered for duty for longer than eight hours without payment of overtime unless an arrangement has been made in accordance with the last proviso to this subclause.

PROVIDED that in retail stores employees may be rostered for ordinary duty on five-and-a-half days rather than five days of the week at ordinary rates of pay within hours prescribed by the appropriate award applies to retail shop employees.

PROVIDED FURTHER that any other starting and finishing times, other than those herein prescribed, and the number of hours in excess of eight on any day which may be worked without the payment of overtime, may be agreed upon by the employer and at least 75% of the employees concerned and assented to by the union in writing or as approved by the Tasmanian Industrial Commission.

- (ii) Subject to the daily limitations prescribed in subclause (a)(i) hereof, where the employer and a majority of employees agree the hours of work may be arranged by any one of the following methods:
 - (1) by working shorter hours on one or more days of each week;
 - (2) fix a day on which all employees will be off during a particular work cycle;
 - (3) roster employees off on various days of the week during a particular work cycle.
- (iii) On each site, an assessment should be made as to which method of implementation best suits the business and the proposal shall be discussed with the employees concerned, the object being reach agreement on the method of implementation.

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- (b) Where employees are entitled to a rostered day or days off in accordance with subclause (a)(ii)(b) and (c) hereof, the employer shall notify such employees not less than 4 weeks in advance of the week day he or she is to take off. Where an employee has not accumulated a full day's entitlement when a rostered day off occurs, such employee shall for that day receive payment for the actual time accrued.
- (c) Where the employer and employees agree, rostered days off may accumulated to a maximum of 4 days which shall betaken in one continuous period within one month of such accrual.
- (d) Where an arrangement is made in accordance with this clause, starting and finishing times and the daily and weekly hours so determined shall constitute the ordinary working hours and work performed outside or in excess of such times and hours will constitute overtime for the purpose of this award.
- (e) (i) An employer, with the agreement of the majority of employees concerned, may substitute the day an employee is to take off in accordance with an arrangement pursuant to subclause (a)(ii) hereof, for another day in the case of a breakdown in machinery or a failure or shortage of electric power or to meet the requirements of the business in the event of rush orders or some other emergency situation.

(ii) An individual employee, with the agreement of his employer, may substitute the day he is to take off another day.
- (f) Except in case of an emergency the employer shall give one week's notice of any alteration to the starting and finishing times of ordinary work.
- (g) The employer and the majority of employees in the plant, business, section or sections concerned, may agree that the ordinary working hours are to exceed 8 on any one day, thus enabling a week day off to be taken more frequently than would otherwise apply.

16. MEAL ALLOWANCE

Employees who are required to work overtime after the usual time of ceasing work for more than one and a half hours shall be paid a meal allowance of \$9.45 in addition to any other wage rates they may be entitled to.

17. MEAL PERIOD

A meal period of not less than 30 minutes shall be allowed each employee. Such meal period shall be taken the hours of 11.30am and 2.30pm.

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18. MIXED FUNCTIONS

An employee engaged for more than half of one day on duties carrying a higher rate than his or her ordinary classification shall be paid the higher rate for such day. If for less than half of one day he or she shall be paid the higher rate for the time so worked.

PROVIDED that where an employee is engaged for more than half of a week on higher grade work, the employee shall be paid for the full week at the higher rate of pay.

19. OUTWORKERS

- (a) An employer shall not employ any person to perform work covered by this award outside the employer's workshop or factory unless that employer is a registered employer of outworkers, pursuant to subclause (b).
- (b) (i) During the period of 3 months immediately after the first full pay period to commence on or after 18 December 1996 all employers shall be deemed to be registered employers for the purposes of subclause (a) of this clause. At the conclusion of this period all employers who wish to engage outworkers must make application to the Tasmanian Industrial Commission for continued registration.
- (ii) Any application for registration shall in the first instance be considered by the union(s) party to this award. Where the union agrees with the application to the Commission shall register the employer for the purposes of this clause.

Where agreement is not reached the matter shall be heard and determined by the Tasmanian Industrial Commission.

An employer may choose to forego consideration of an application for registration by the union(s) and have the matter determined in the first instance by the Tasmanian Industrial Commission.

- (iii) The following employers shall be deemed to be registered employers for the purposes of this clause, and such registration will continue beyond the three month period set out in paragraph (i) of this subclause:

Raelene Rose Turley - t/a Blue Horizons Outdoor Clothing Company

BC & A McCarthy - t/a Van Dieman Uniform Supplies

Routleys Pty Ltd

Southern Cross Country Pty Ltd

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- (c) An employer shall not employ a person to perform work covered by this clause outside the workshop or factory unless prior agreement in writing has been reached between the employer and the employees as to whether that employee is to be employed on a full-time or part-time basis, the agreed number of hours.

PROVIDED that nothing in this clause shall prevent the parties to any such agreement varying the same by consent from employment on a full-time basis to employment on a part-time basis or vice versa.

- (d) An employer shall not employ more than 10 outworkers at any one time.

PROVIDED that an employer may employ a specified greater number of outworkers with the consent of the Union.

- (e) An employer shall:

- (i) pay any outworkers employed at the rates prescribed by Clause 8 - Wage Rates and Clause 24 - Piece Work of this award (as appropriate) for the classification in which the outworker is engaged.

PROVIDED that working time allowed for work to be performed shall be fair and reasonable and that the time standards set for the work to be performed by outworkers will in every case be longer than the time standards that would be set for the same work if done in the factory to include a reasonable component to cover time spent on ancillary tasks, such as bundling and unbundling, sorting, packing and the like.

PROVIDED FURTHER that in the event that the employer has no factory, a factory undertaking the same or comparable work shall be used for the purpose of setting the time standards.

- (ii) pay for outwork performed in the ordinary working week at the minute rate of:
- (1) 1/2280 of the weekly award rate for the classification in which the outworker is employed for the first 38 hours worth of work; and
 - (2) The minute rate is subparagraph (1) above multiplied by 1.5 for the classification in which the outworkers employed, for each hour thereafter.
- (iii) pay for outworker performed on a Saturday or Sunday or a holiday with pay, at the minute rate in subparagraph (ii)(1) above multiplied by 2 for the classification in which the outworker is employed. An outworker shall not be entitled to penalty payment for work performed on a Saturday, Sunday or holiday with pay unless there is prior agreement with the employer for the performance of work on any such day(s) in accordance with subparagraph (k)(xii) below.

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- (f) The provisions of Clause 24 - Piece Work shall apply to outworkers working under any system of payment by results, unless expressly excluded from such operation either in this clause or in Clause 24 - Piece Work itself.
- (g) The employer shall provide sufficient work (that is 38 hours worth of work each week for full-time outworkers and at least 20 hours worth of work each week for part-time outworkers) in the ordinary working week where the outworker is ready, willing and able to perform such work.

PROVIDED that an outworker under any system of payment by results who is ready, willing and able to work:

- (i) on a full-time basis (ie 38 hours or more) in the ordinary working week but receives, in any such week, less than 38 hours worth of work from the employer, shall be paid in accordance with the following formula:
 - (A) if the employee receives no work at all the weekly award rate for the classification in which the outworker is employed.
 - (B) if the employee receives less than 38 hours worth of work the weekly award rate for the classification in which the outworker is employed.
 - (ii) On a part-time basis (ie at least 20 hours) in the ordinary working week (for one or more employers) but receives in any such week, fewer hours worth of work than the number of hours for which the outworker was employed from any one such employer, shall be paid (by each employer) for the number of hours for which the outworker was employed. Such payment to be so much of the weekly award rate as is proportionate to the number of hours the worker was employed to work in any ordinary working week.
- (h) A full-time outworker shall not be required to complete more than 38 hours worth of work, or any part-time outworker to complete more hours worth of work than the number of hours for which the outworker was employed in any working week.
 - (i) Subject to subclause (k) below an employer shall not require any outworker to perform work on a Saturday or a Sunday or on any holiday with pay.
 - (j) An outworker shall be paid for each holiday with pay prescribed by Clause 14 - Holidays with Pay, an amount equal to 1/5 of the applicable weekly award rate for full-time outworkers and on a proportionate basis for part-time outworkers.
 - (k) At the time of delivery of any work to an outworker provide full details of the following matters and shall keep true and correct records thereof in writing:
 - (i) the name of the employer,
 - (ii) the address of the employer bound by this award,
 - (iii) the name of the person to whom the work is given,

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- (iv) the address where the work is to be done,
- (v) the date of delivery of the work,
- (vi) the description of the garments or articles upon which work is to be done (eg skirts, dresses, jeans),
- (vii) a description of the nature of the work to be performed (eg overlocking),
- (viii) the number of garments or articles of each description being given out to the person,
- (ix) full details of the appropriate time standard in accordance with paragraph (b)(v) which when considered with the minute rate set out in paragraph (b)(vi) will enable the price to be paid for each garment or article to be calculated,
- (x) the number of working hours that will therefore be necessary to be worked to complete the said garments or articles; and accordingly.
- (xii) the appropriate time and date for the work to be picked up from the outworker. The pickup time and date shall be set on the basis that no work will need to be performed on any Saturday, Sunday or holiday with pay which may occur between delivery and pickup unless there is prior agreement between the employer and the outworker that work will be performed on any or all of such days.

If there is such agreement the written record referred to in this subclause must specify the actual date of any Saturday, Sunday or holiday with pay on which it has been agreed that work will be performed and the number of hours to be worked on any such day.

- (xiii) the total amount to be paid to the person calculated in accordance with (k)(viii), (ix) and (x) above.

PROVIDED that a copy of this record shall be given to the person doing the work and the employers copy shall be available for inspection at the employer's premises by a person duly authorised in accordance with Clause 27 - Right of Entry of this award as if it was a record described in section 75 of the *Industrial Relations Act 1984*, and Industrial Relations Regulations pertaining thereto.

PROVIDED FURTHER that if the time period between delivery and pickup (arrived at via calculations under (k)(xi) above) will necessarily include:

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- a Saturday; and/or
- a Sunday; and/or
- a holiday(s) with pay,

then the first agreed pickup date shall be reset (ie put back) to ensure, consistently with paragraph (x) above and given the number of days needed to do the work arrived at in (k)(xi) and (xii), that the employee will not be required to work on any of the days set out in this proviso that fall within the period set under (11) above, to complete the work delivered (the rest pickup date will be hereinafter referred to as "the second agreed pickup date"):

PROVIDED ALWAYS that if an outworker who has work delivered to be performed in a time period that includes a weekday(s) or a public holiday(s) expressly agrees or simply elects to complete that work by the first agreed pickup date rather than the second agreed pickup date then the worker will, for the purpose of payment, be deemed to have completed 7.6 hours (but no more) worth of work on each of the weekend and/or public holiday days occurring in the period between delivery and pickup.

- (l) Outworkers shall be entitled to paid annual leave in accordance with the provisions of Clause 9 - Annual Leave of this award.
- (m) an employer shall pay all wages due not later than two working days following end of the working week, at a time and by a method mutually agreed between the outworker and the employer.
- (n) Except as otherwise provided in this clause, all terms and conditions of employment provided for in this award shall apply to outworkers with the exception of the following clauses:
 - Casual Workers 10
 - Hours 15
 - Meal Allowance 16
 - Meal Period 17
 - Overtime 20
 - Payment of Wages 23
 - Rest Period 26
 - Right on Entry 27
 - Sick Leave 29
 - Stewards 31
- (o) The employer shall provide outworkers with all necessary materials, trimmings and sewing threads.
- (p) The employer shall cause all work to be delivered to and collected from an outworker free of charge.

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- (q) Any dispute arising out of or concerning this award relating to the employment of an outworker may be referred to the commission.

20. OVERTIME

- (a) For all time of duty in excess of ordinary hours or before the time fixed for commencing work or after the time fixed ceasing work and for work after 6.30pm on Friday, payment shall be made at the rate of time and a half for the first 3 hours and double time thereafter.
- (b) An employee who is recalled to work overtime after a period of one hour from the time fixed for ceasing work, whether or not he has been notified before ceasing work, shall receive a minimum payment as for 3 hours worked.

21. PARENTAL LEAVE

Subject to the terms of this clause employees are entitled to maternity, paternity and adoption leave and to work part-time in connection with the birth or adoption of a child.

PART A - MATERNITY LEAVE

- (a) Nature of Leave

Maternity leave is unpaid leave.

- (b) Definitions

For the purpose of this part:

'Employee' includes a part-time employee but does not include an employee engaged upon casual or seasonal work.

'Paternity leave' means leave of the type provided for in Part B - Paternity Leave.

'Child' means a child of the employee under the age of one year.

'Spouse' includes a de facto or a former spouse.

'Continuous service' means service under an unbroken contract of employment and includes:

- (i) any period of leave taken in accordance with this clause;
- (ii) any period of part-time employment worked in accordance with this clause; or
- (iii) any period of leave or absence authorised by the employer or by the award.

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(c) Eligibility for Maternity Leave

- (i) An employee who becomes pregnant, upon production to her employer of the certificate required by subclause (d) hereof, shall be entitled to a period of up to 52 weeks maternity leave provided that such leave shall not extend beyond the child's first birthday. This entitlement shall be reduced by any period of paternity leave taken by the employee's spouse in relation to the same child and apart from paternity leave of up to one week at the time of confinement shall not be taken concurrently with paternity leave.
- (ii) Subject to subclause (f) and (i) hereof the period of maternity leave shall be unbroken and shall, immediately following confinement, include a period of six weeks compulsory leave.
- (iii) The employee must have had at least 12 months continuous service with that employer immediately preceding the date upon which she proceeds upon such leave.

(d) Certificate

At the time specified in subclause (a) hereof the employee must produce to her employer:

- (i) a certificate from a registered medical practitioner stating that she is pregnant and the expected date of confinement;
- (ii) a statutory declaration stating particulars of any period of paternity leave sought or taken by her spouse and that for the period of maternity leave she will not engage in any conduct inconsistent with her contract of employment.

(e) Notice Requirements

- (i) An employee shall, not less than ten weeks prior to the presumed date of confinement, produce to her employer the certificate referred to in paragraph (d) (i).
- (ii) An employee shall give not less than four weeks notice in writing to her employer of the date upon which she proposes to commence maternity leave stating the period of leave to be taken and shall, at the same time, produce to her employer the statutory declaration referred to in paragraph (d) (ii).
- (iii) An employer by not less than 14 days notice in writing to the employee may require her to commence maternity leave at any time within the six weeks immediately prior to her presumed date of confinement.

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(iv) An employee shall not be in breach of this clause as a consequence of failure to give the stipulated period of notice in accordance with paragraph (ii) hereof if such failure is occasioned by the confinement occurring earlier than the presumed date.

(f) Transfer to a Safe Job

Where in the option of a registered medical practitioner, illness or risks arising out of the pregnancy or hazards connected with the work assigned to the employee make it inadvisable for the employee to continue at her present work, the employee shall, if the employer deems it practicable, be transferred to a safe job at the rate and on the conditions attaching to that job until the commencement of maternity leave.

(g) Variation of Period of Maternity Leave

(i) Provided the maximum period of maternity leave does not exceed the period to which the employee is entitled under subclause (c) hereof:

(1) the period of maternity leave may be lengthened once only by the employee giving not less than 14 days' notice in writing stating the period by which the leave is to be lengthened;

(2) the period may be further lengthened by agreement between the employer and the employee.

(ii) The period of maternity leave may, with the consent of the employer, be shortened by the employee giving not less than 14 days' notice in writing stating the period by which the leave is to be shortened.

(h) Cancellation of Maternity Leave

(i) an employee terminates other than by the birth of a living child.

(ii) Where the pregnancy of an employee then on maternity leave terminates other than by the birth of a living child, it shall be the right of the employee to resume work at a time nominated by the employer which shall not exceed 4 weeks from the date of notice in writing by the employee to the employer that she desires to resume work.

(i) Special Maternity Leave and Sick Leave

(i) Where the pregnancy of an employee not then on maternity leave terminates after 28 weeks other than by the birth of a living child then:

(1) she shall be entitled to such period of unpaid leave (to be known as special maternity leave) as a registered medical practitioner certifies as necessary before her return to work; or

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- (2) for illness other than the normal consequences of confinement she shall be entitled, either in lieu of or in addition to special maternity leave, to such paid sick leave as to which she is then entitled and which a registered medical practitioner certifies as necessary before her return to work.
- (ii) Where an employee not then on maternity leave suffers illness related to her pregnancy, she may take such paid sick leave as to which she is then entitled and such further unpaid leave (to be known as special maternity leave) as a registered medical practitioner certifies as necessary before her return to work, provided that the aggregate of paid sick leave, special maternity leave and maternity leave shall not exceed the period to which the employee is entitled under subclause (c) hereof.
- (iii) For the purposes of subclauses (j), (k) and (l) hereof, maternity leave shall include special maternity leave.
- (iv) An employee returning to work after the completion of a period of leave taken pursuant to this subclause shall be entitled to the position which she held immediately before proceeding on such leave or, in the case of an employee who was transferred to a safe job pursuant to subclause (f) hereof, to the position she held immediately before such transfer.

Where such position no longer exists but there are other positions available, which the employee is qualified for and the duties of which she is capable of performing, she shall be entitled to a position as nearly comparable in status and pay to that of her former position.

(j) Maternity Leave and Other Leave Entitlements

- (i) Provided the aggregate of any leave including leave taken under this part, does not exceed the period to which the employee is entitled under subclause (c) hereof, and employee may, in lieu of or in conjunction with maternity leave, take any annual leave or long service leave or any part thereof to which she is entitled.
- (ii) Paid sick leave or other paid authorised award absences (excluding annual leave or long service leave), shall not be available to an employee during her absence on maternity leave.

(k) Effect of Maternity Leave on Employment

Subject to this part, notwithstanding any award or other provision to the contrary, absence on maternity leave shall not break the continuity of service of an employee but shall not be taken into account in calculating the period of service for any purpose of any relevant award or agreement.

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(l) Termination of Employment

- (i) An employee on maternity leave may terminate her employment at any one time during the period of leave by notice given in accordance with this award.
- (ii) An employer shall not terminate the employment of an employee on the ground of her pregnancy or of her absence on maternity leave, but otherwise the rights of an employer in relation to termination of employment are not hereby affected.

(m) Return to Work After Maternity Leave

- (i) An employee shall confirm her intention of returning to work by notice in writing to the employer given not less than four weeks prior to the expiration of her period of maternity leave.
- (ii) An employee, upon returning to work after maternity leave or the expiration of the notice required by paragraph (i) hereof, shall be entitled to the position which she held immediately before proceeding on maternity leave or, in the case of an employee who was transferred to a safe job pursuant to subclause (f) hereof, to the position which she held immediately before such transfer or in relation to an employee who has worked part-time during the pregnancy the position she held immediately before commencing such part-time work.

Where such position no longer exists but there are other positions available for which the employee is qualified and the duties of which she is capable of performing, she shall be entitled to a position as nearly comparable in status and pay to that of her former position.

(n) Replacement Employees

- (i) A replacement employee is an employee specifically engaged as a result of an employee proceeding on maternity leave.
- (ii) Before an employer engages a replacement employee the employer shall inform that person of the temporary nature of the employment and of the rights of the employee who is being replaced.
- (iii) Before an employer engages a person to replace an employee temporarily promoted or transferred in order to replace an employee exercising her rights under this part, the employer shall inform that person of the temporary nature of the promotion or transfer and of their rights of the employee who is being replaced.
- (iv) Nothing in this part shall be constructed as requiring an employer to engage a replacement employee.

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PART B - PATERNITY LEAVE

(a) Nature of Leave

Paternity leave is unpaid leave.

(b) Definitions

For the purpose of this part:

'Employee' includes a part-time employee but does not include an employee engaged upon casual or seasonal work.

'Maternity leave' means leave of the type provided for in Part A - Maternity Leave (and includes special maternity leave).

'Child' means a child of the employee under the age of one year.

'Spouse' includes a de facto or a former spouse.

'Primary care-giver' means a person who assumes the principal role of providing care and attention to a child.

'Continuous service' means service under an unbroken contract of employment and includes:

- (i) any period of leave taken in accordance with this clause;
- (ii) any period of part-time employment worked in accordance with this clause; or
- (iii) any period of leave or absence authorised by the employer or by the award.

(c) Eligibility for Paternity Leave

A male employee, upon production to his employer of their certificate required by subclause (d) - Certification shall be entitled to one or two periods of paternity leave, the total of which shall not exceed 52 weeks, in the following circumstances:

- (i) an unbroken period of up to one week at the time of confinement of his spouse;
- (ii) a further unbroken period of up to 51 weeks in order to be the primary care-giver of a child provided that such leave shall not extend beyond the child's first birthday. This entitlement shall be reduced by any period of maternity leave taken by the employee's spouse and shall not be taken concurrently with that maternity leave.

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The employee must have had at least 12 months continuous service with that employer immediately preceding the date upon which he proceeds upon either period of leave.

(d) Certification

At the time specified in subclause (e) the employee must produce to his employer:

- (i) a certificate from a registered medical practitioner which names his spouse, states that she is pregnant and the expected date of confinement or states the date of which the birth took place;
- (ii) in relation to any period to be taken under paragraph (c) (ii) hereof, a statutory declaration stating:
 - (1) he will take that period of paternity leave to become the primary care-giver of the child;
 - (2) particulars of any period of maternity leave sought or taken by his spouse; and
 - (3) for the period of paternity leave he will not engage in any conduct inconsistent with his contract of employment.

(e) Notice Requirements

- (i) The employee shall, not less than ten weeks prior to each proposed period of leave, give the employer notice in writing stating the dates on which he proposes to start and finish the period or periods of leave and produce the certificate and statutory declaration required in subclause (d) hereof.
- (ii) The employee shall not be in breach of this subclause as a consequence of failure to give the notice required in paragraph (i) hereof if such failure is due to:
 - (1) the birth occurring earlier than the expected date; or
 - (2) the death of the mother or child; or
 - (3) other compelling circumstances.
- (iii) The employee shall immediately notify his employer of any change in the information provided pursuant to subclause (d) hereof.

(f) Variation of Period of Paternity Leave

- (i) Provided the maximum period of paternity leave does not exceed the period to which the employee is entitled under subclause (c) hereof:

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- (1) the period of paternity leave provided by paragraph (c) (ii) may be lengthened once only by the employee giving not less than 14 days notice in writing stating the period by which the leave is to be lengthened.
 - (2) the period may be further lengthened by agreement between the employer and the employee.
 - (ii) The period of paternity leave taken under paragraph (c) (ii) hereof may, with the consent of the employer, be shortened by the employee giving not less than 14 days notice in writing stating the period by which the leave is to be shortened.
- (g) Cancellation of Paternity Leave
- Paternity leave, applied for under paragraph (c) (ii), hereof but not commenced, shall be cancelled when the pregnancy of the employee's spouse terminates other than by the birth of a living child.
- (h) Paternity Leave and Other Leave Entitlements
- (i) Provided the aggregate on any leave, including leave taken under this part, does not exceed the period to which the employee is entitled under subclause (c) hereof, an employee may, in lieu of or in conjunction with paternity leave, take any annual leave or long service leave or any part thereof to which he is entitled.
 - (ii) Paid sick leave or other paid authorised award absences (excluding annual leave or long service leave) shall not be available to an employee during his absence on paternity leave.
- (i) Effect of Paternity Leave on Employment
- Subject to this part, notwithstanding any award or other provision to the contrary, absence of paternity leave shall not break the continuity of service of an employee but shall not be taken into account in calculating the period of service for any purpose of any relevant award or agreement.
- (j) Termination of Employment
- (i) A employee on paternity leave may terminate his employment at any time during the period of leave by notice given in accordance with this award.
 - (ii) An employer shall not terminate the employment of an employee on the ground of his absence on paternity leave, but otherwise the rights of an employer in relation to termination of employment are not hereby affected.

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(k) Return to Work after Paternity Leave

- (i) An employee shall confirm his intention of returning to work by notice in writing to the employer given not less than four weeks prior to the expiration of the period of paternity leave provided by paragraph (c) (ii) hereof.
- (ii) An employee, upon returning to work after paternity leave or the expiration of the notice required by paragraph (i) hereof, shall be entitled to the position which he held immediately before proceeding on paternity leave, or in relation to an employee who has worked part-time under this clause to the position he held immediately before commencing such part-time work.

Where such position no longer exists but there are other positions available which the employee is qualified for and is capable of performing, he shall be entitled to a position as nearly comparable in status and pay to that of his former position.

(l) Replacement Employees

- (i) A replacement employee is an employee specifically engaged as a result of an employee proceeding on paternity leave.
- (ii) Before an employer engages a replacement employee the employer shall inform that person of the temporary nature of the employment and of the rights of the employee who is being replaced.
- (iii) Before an employer engages a person to replace an employee temporarily promoted or transferred in order to replace an employee exercising his rights under this part, the employer shall inform that person of the temporary nature of the promotion or transfer and of the rights of the employee who is being replaced.
- (iv) Nothing in this part shall be constructed as requiring an employer to engage a replacement employee.

PART C - ADOPTION LEAVE

(a) Nature of Leave

Adoption leave is unpaid leave.

(b) Definitions

For the purpose of this part:

'Employee' includes a part-time employee but does not include an employee engaged upon casual or seasonal work.

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'Child' means a person under the age of five years who is placed with the employee for the purposes of adoption, other than a child or stepchild of the employee or of the spouse of the employee or a child who has previously lived continuously with the employee for a period of six months or more.

'Relative adoption' occurs where a child, as defined, is adopted by a grandparent, brother, sister, aunt or uncle (whether of the whole blood or half blood or by marriage).

'Primary care-giver' means a person who assumes the principal role of providing care and attention to a child.

'Spouse' includes a de facto spouse.

'Continuous service' means service under an unbroken contract of employment and includes:

(c) Eligibility

An employee, upon production to the employer of the documentation required by subclause (d) hereof shall be entitled to one or two periods of adoption leave, the total of which shall not exceed 52 weeks, in the following circumstances:

- (i) an unbroken period of up to three weeks at the time of the placement of the child;
- (ii) an unbroken period of up to 52 weeks from the time of the child's placement in order to be the primary care-giver of the child. This leave shall not extend beyond one year after the placement of the child and shall not be taken concurrently with adoption leave taken by the employee's spouse in relation to the same child. This entitlement of up to 52 weeks shall be reduced by:
 - (1) any period of leave taken pursuant to paragraph (i) hereof; and
 - (2) the aggregate of any periods of adoption leave taken or to be taken by the employee's spouse;

The employee must have had at least 12 months continuous service with that employer immediately preceding the date upon which he or she proceeds upon such leave in either case.

(d) Certification

Before taking adoption leave the employee must produce to the employer:

- (i) (1) A statement from an adoption agency or other appropriate body of the presumed date of placement of the child with the employee for adoption purposes; or

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- (2) A statement from the appropriate government authority confirming that the employee is to have custody of the child pending application for an adoption order.
 - (ii) In relation to any period to be taken under paragraph (c) (ii) hereof, a statutory declaration stating:
 - (1) the employee is seeking adoption leave to become the primary care-giver of the child;
 - (2) particulars of any period of adoption leave sought or taken by the employee's spouse; and
 - (3) for the period of adoption leave the employee will not engage in any conduct inconsistent with his or her contract or employment.
- (e) Notice Requirements
- (i) Upon receiving notice of approval for adoption purposes, an employee shall notify the employer of such approval and within two months of such approval, shall further notify the employer of the period or periods of adoption leave the employee proposes to take. In the case of a relative adoption the employee shall notify as aforesaid upon deciding to take a child into custody pending an application for an adoption order.
 - (ii) An employee who commences employment with an employer after the date of approval for adoption purposes shall notify the employer thereof upon commencing employment and of the period or periods of adoption leave which the employee proposes to take. Provided that such employee shall not be entitled to adoption leave unless the employee has not less than 12 months continuous service with that employer immediately preceding the date upon which he or she proceeds upon such leave.
 - (iii) An employee shall, as soon as the employee is aware of the presumed date of placement of a child for adoption purposes but no later than 14 days before such placement, give notice in writing to the employer of such date, and of the date of the commencement of any period of leave to be taken under paragraph (c) (i) hereof.
 - (iv) An employee shall, ten weeks before the proposed date of commencing any leave to be taken under paragraph (c) (ii) hereof give notice in writing to the employer of the date of commencing leave and the period of leave to be taken.

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- (v) An employee shall not be in breach of this part as a consequence of failure to give the stipulated period of notice in accordance with paragraphs (iii) and (iv) hereof if such failure is occasioned by the requirement of an adoption agency to accept earlier or later placement of a child, the death of the spouse or other compelling circumstances.
- (f) Variation of Period of Adoption Leave
 - (i) Provided the maximum period of adoption leave does not exceed the period to which the employee is entitled under subclause (c) hereof:
 - (1) the period of leave taken under paragraph (c) (ii) hereof may be lengthened once only by the employee giving not less than 14 days notice in writing stating the period by which the leave is to be lengthened.
 - (2) the period may be further lengthened by agreement between the employer and employee.
 - (ii) The period of adoption leave taken under paragraph (c) (ii) hereof may, with the consent of the employer, be shortened by the employee giving not less than 14 days notice in writing stating the period by which the leave is to be shortened.
- (g) Cancellation of Adoption Leave
 - (i) Adoption leave, applied for but not commenced, shall be cancelled should the placement of the child not proceed.
 - (ii) Where the placement of a child for adoption purposes with an employee then on adoption leave does not proceed or continue, the employee shall notify the employer forthwith and the employer shall nominate a time not exceeding four weeks from receipt of notification for the employee's resumption of work.
- (h) Special Leave

The employer shall grant to any employee who is seeking to adopt a child, such unpaid leave not exceeding two days, as is required by the employee to attend any compulsory interviews or examinations as are necessary as part of the adoption procedure. Where paid leave is available to the employee the employer may require the employee to take such leave in lieu of special leave.
- (i) Adoption Leave and Other Entitlements
 - (i) Provided the aggregate of any leave, including leave taken under this part, does not exceed the period of which the employee is entitled under subclause (c) hereof, an employee may, in lieu of or in conjunction with adoption leave, take any annual leave or long service leave or any part thereof to which he or she is entitled.

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- (ii) Paid sick leave or other paid authorised award absences (excluding annual leave or long service leave), shall not be available to an employee during the employee's absence on adoption leave.

(j) Effect of Adoption Leave on Employment

Subject to this part, notwithstanding any award or other provision to the contrary, absence on adoption leave shall not break the continuity of service of an employee but shall not be taken into account in calculating the period of service for any purpose of any relevant award or agreement.

(k) Termination of Employment

- (i) An employee on adoption leave may terminate the employment at any time during the period of leave by notice given in accordance with this award.
- (ii) An employer shall not terminate the employment of an employee on the ground of the employee's application to adopt a child or absence on adoption leave, but otherwise the rights of an employer in relation to termination of employment are not hereby affected.

(l) Return to Work After Adoption Leave

- (i) An employee shall confirm the intention of returning to work by notice in writing to the employer given not less than four weeks prior to the expiration of the period of adoption leave provided by paragraph (c) (ii) hereof.
- (ii) An employee, upon returning to work after adoption leave, shall be entitled to the position held immediately before proceeding on such leave or in relation to an employee who has worked part-time under this clause the position held immediately before commencing such part-time work.

Where such position no longer exists but there are other positions available which the employee is qualified for and is capable of performing, the employee shall be entitled to a position as nearly comparable in status and pay to that of the employee's former position.

(m) Replacement Employees

- (i) A replacement employee is an employee specifically engaged as a result of an employee proceeding on adoption leave,
- (ii) Before an employee engages a replacement employee the employer shall inform that person of the temporary nature of the employment and of the rights of the employee who is being replaced.

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- (iii) Before an employer engages a person to replace an employee temporarily promoted or transferred in order to replace an employee exercising rights under this part, the employer shall inform that person of the temporary nature of the promotion or transfer and of the rights of the employee who is being replaced.
- (iv) Nothing in this part shall be constructed as requiring an employer to engage a replacement employee.

PART D - PART-TIME WORK

(a) Definitions

For the purpose of this part:

'Male employee' means an employed male who is caring for a child born of his spouse or a child placed with the employee for adoption purposes.

'Female employee' means an employed female who is pregnant or is caring for a child she has borne or a child who has been placed with her for adoption purposes.

'Former position' means the position held by a female or male employee immediately before proceeding on leave or part-time employment under this part whichever first occurs or, if such position no longer exists but there are other positions available for which the employee is qualified and the duties of which he or she is capable of performing, a position as nearly comparable in status and pay to that of the position first mentioned in this definition.

'Spouse' includes a de facto spouse.

'Continuous service' means service under an unbroken contract of employment and includes:

- (i) any period of leave taken in accordance with this clause;
- (ii) any period of part-time employment worked in accordance with this clause; or
- (iii) any period of leave or absence authorised by the employer or by the award.

(b) Entitlement

With the agreement of the employer:

- (i) A male employee may work part-time in one or more periods at any time from the date of birth of the child until its second birthday or, in relation to adoption, from the date of placement of the child until the second anniversary of the placement.

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- (ii) A female employee may work part-time in one or more period while she is pregnant where part-time employment is, because of the pregnancy, necessary or desirable.
 - (iii) A female employee may work part-time in one or more periods at any time from the seventh week after the date of birth of the child until its second birthday.
 - (iv) In relation to adoption a female employee may work part-time in one or more period at any time fro the date of the placement of the child until the second anniversary of that date.
- (c) Return to Former Position
- (i) An employee who has had at least 12 months continuous service with an employer immediately before commencing part-time employment after the birth or placement of a child has, at the expiration of the period of such part-time employment or the first period, if there is more than one, the right to return to his or her former position.
 - (ii) Nothing in paragraph (i) hereof shall prevent the employer from permitting the employee to return to his or her former position after a second or subsequent period of part-time employment.
- (d) Effect of Part-time Employment on Continuous Service
- Commencement on part-time work under this clause, and return from part-time work to full-time work under this clause, shall not break the continuity of service of employment.
- (e) Pro Rata Entitlements
- Subject to the provisions of this part and the matters agreed to in accordance with subclause (h) hereof, part-time employment shall be in accordance with the provisions of this award which shall apply pro rata.
- (f) Transitional Arrangements - Annual Leave
- (i) An employee working part-time under this part shall be paid for and any leave accrued in respect of a period of full-time employment, in such periods and manner as specified in the annual leave provisions of this award, as if the employee were working full-time in the class of work the employee was performing as a full-time employee immediately before commencing part-time work under this part.

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- (ii) (1) A full-time shall be paid for and take any annual leave accrued in respect of a period of part-time employment under this part, in such periods and manner as specified in this award, as if the employee were working part-time in the class of work the employee was performing as a part-time employee immediately before resuming full-time work.
- (2) Provided that, by agreement between the employer and the employee, the period over which the leave is taken may be shortened to the extent necessary for the employee to receive pay at the employee's current full-time rate.

(g) Transitional Arrangements - Sick Leave

An employee working part-time under this part shall have sick leave entitlements which have accrued under this award (including any entitlements accrued in respect of previous full-time employment) converted into hours. When this entitlement is used, whether as a part-time employee or as a full-time employee, it shall be debited for the ordinary hours that the employee would have worked during the period of absence.

(h) Part-time Work Agreement

- (i) Before commencing a period of part-time employment under this part the employee and the employer shall agree:
 - (1) that the employee may work part-time;
 - (2) upon the hours to be worked by the employee, the days upon which they will be worked and commencing times for the work;
 - (3) upon classification applying to the work to be performed; and
 - (4) upon the period of part-time employment.
- (ii) The terms of this agreement may be varied by consent.
- (iii) The terms of this agreement or any variation to it shall be reduced to writing and retained by the employer. A copy of the agreement and any variation to it shall be provided to the employee by the employer.
- (iv) The terms of this agreement shall apply to the part-time employment.

(i) Termination of Employment

- (i) The employment of a part-time employee under this clause, may be terminated in accordance with the provisions of this award but may not be terminated by the employer because the employee has exercised or proposes to exercise any rights arising under this clause or has enjoyed or proposes to enjoy any benefits arising under this clause.

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(ii) Any termination entitlements payable to an employee whose employment is terminated while working part-time under this clause, or while working full-time after transferring from part-time work under this clause, shall be calculated by reference to the full-time rate of pay at the time of termination and by regarding all service as a full-time employee as qualifying for a termination entitlement based on the period of full-time employment and all service as a part-time employee on a pro rata basis.

(j) Extension of Hours of Work

An employer may request, but not require, an employee working part-time under this clause to work outside or in excess of the employee's ordinary hours of duty provided for in accordance with subclause (h).

(k) Nature of Part-time Work

The work to be performed part-time need not be the work performed by the employee in his or her former position but shall be work otherwise performed under this award.

(l) Inconsistent Award Provisions

An employee may work part-time under this clause notwithstanding any other provisions of this award which limits or restricts the circumstances in which part-time employment may be worked or the terms upon which it may be worked including provisions:

- (i) limiting the number of employees who may work part-time;
- (ii) establishing quotas as to the ration of part-time to full-time employees;
- (iii) prescribing a minimum or maximum number of hours a part-time employee may work; or
- (iv) requiring consultation with, consent of or monitoring by a union;

and such provisions do not apply to part-time work under this clause.

(m) Replacement Employees

- (i) A replacement employee is an employee specifically engaged as a result of an employee working part-time under this clause.
- (ii) A replacement employee may be employed part-time. Subject to this subclause, subclauses (e), (f), (g), (h), (i) and (l) of this part apply to the part-time employment of replacement employees.

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- (iii) Before an employer engages a replacement employee under this subclause, the employer shall inform the person of the temporary nature of the employment and of the rights of the employee who is being replaced.
- (iv) Unbroken service as a replacement employee shall be treated as continuous service for the purposes of subclause (a) – Definitions. **'Continuous Service'** hereof.
- (v) Nothing in this part shall be construed as requiring an employer to engage a replacement employee.

22. PART-TIME EMPLOYEES

- (a) Part-time employees shall be employed subject to the following terms:
 - (i) they shall be entitled, on a proportionated basis, to payments in respect of annual leave, holidays with pay, and sick leave arising under the terms of this award.
 - (ii) they shall be employed for not less than 20 hours per week;
 - (iii) they shall be paid at the ordinary time rate, and
 - (iv) unless specifically excluded, all other award provisions shall apply to them.
- (b) Notwithstanding the provisions of subclause (a) above, where an employer and employee agree that a part-time employee may work less than 20 hours per week, such part-time employee may work for those agreed hours. The rate of pay for such a part-time employee shall be as follows:
 - (i) the ordinary time rate of pay plus 20 per cent: or
 - (ii) if on any system of payment by results - the appropriate rate plus 20%.

A part-time employee engaged to work less than 20 hours per week shall not be entitled to paid annual leave, holidays with pay, or sick leave, but, unless specifically excluded, all other award provisions shall apply.

23. PAYMENT OF WAGES

- (a) Employees shall be paid all wages due to them in full during the ordinary working hours not later than two working days following the termination of the working week.

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PROVIDED however, that where at least 75% of the employees in a factory, workshop or section thereof agree, and with the consent in writing to the State Secretary of the union payment of all wages due in full may be made fortnightly and/or weekly and in the form of cheque or cash transfer to the individual employees' nominated account. Such transfer shall occur not later than during the forenoon of the second working day following the termination of the working week.

- (b) Notwithstanding anything else contained in this clause, where an arrangement is made on the basis that ordinary working hours shall average 38 per week over a particular work cycle, wages may be paid on the basis of 38 ordinary hours worked in each week even though in some weeks during that cycle, the ordinary working hours may be more or less than 38 hours.
- (c) On or prior to pay day, the employer shall state to each employee in writing, details of the payment to which he is entitled, the amount of each deduction made therefrom and the next amount being paid to him.

24. PIECE WORK

- (a) Subject to payment of the minimum weekly wages prescribed by this award for employees in their respective classes, and to the conditions hereinafter set out, an employer in conjunction with the employees, may fix own piece-work rates provided such rates enable adults of average capacity working under like conditions to earn at least 10 per cent more than the minimum weekly wage in their respective classes. The same piece-work rate shall be paid to all piece-workers doing the same operation in the factory or workshop whether by adults or apprentices.
- (b) All piece-workers who are available and ready and willing to work during the ordinary working hours but for whom work is not provided by the employer shall be paid the appropriate weekly rate for the class of work being performed. In the case of apprentices, not less than the amount prescribed by this award for an apprentice of like experience.
- (c) The piece-work rate in respect of all garments or parts of garments or other articles or parts of articles shall be determined in the following manner:
 - (i) where there are less than 20 employees involved in the work to be performed the employer or his representative, in conference with 2 employees chosen by and from such employees, shall fix the rates;
 - (ii) where there are 20 or more employees involved in the work to be performed the employer or his representative, in conference with 3 employees so chosen, shall fix the rates.
- (d) In the event of a dispute with reference to piece-work rates the matters shall be referred to the Tasmanian Industrial Commission for determination.

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- (e) A signed and dated copy of all piece-work schedules shall, within 24 hours of their being fixed, be posted and kept posted by the employer in a conspicuous place in each and every room of the workshop or factory where such piece-work is being performed.
- (f) In all factories and workshops where piece-work conditions are now in operation they shall not be altered except in the manner prescribed in this clause for the determination of the piece-work rates.

(g) Collecting Logs

Where piece-work is in operation, the employer shall make arrangements for collecting the logs and the employees need not leave their places.

(h) Adjustment of Piece-Work Rates

Effect shall be given in piece-work rates to adjustments in wages by increasing or decreasing piece-work rates proportionately.

25. PROTECTIVE CLOTHING

When an employer requires an employee to wear protective clothing or distinctive uniform such protective clothing or distinctive uniform shall be supplied and laundered free of cost to the employee. Protective clothing or distinctive uniform so supplied shall remain the property of the employer.

26. REST PERIOD

Employees shall be allowed a rest period between the start of work and the midday meal break and a rest period between the resumption of work after midday meal break and the cessation of work for the day. one rest period shall be of 10 minutes duration and one of 5 minutes duration to be taken at such times as may be mutually arranged between the employer and the employees.

27. RIGHT OF ENTRY

Right of entry for duly accredited representatives of the employee organisations mentioned in Clause 6 - Award Interest and Persons Bound, shall be in accordance with the provision of Section 77 of the *Industrial Relations Act 1984*.

28. SATURDAY, SUNDAY AND HOLIDAY WORK

- (a) For all ordinary time of duty on a Saturday, payment shall be made at time and one half of the ordinary rate.

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- (b) Double time shall be paid for all work performed on Sunday.
- (c) Double time and a half shall be paid for all work performed on any of the holidays specified in Clause 14 - Holidays with Pay hereof.

29. SICK LEAVE

- (a) An employee, other than one engaged as a casual who is absent from work on account of personal illness or on account of injury by accident shall be entitled to leave of absence without deduction of pay, subject to the following conditions and limitations:
 - (i) he shall not be entitled to such leave of absence for any period in respect of which he is entitled to worker's compensation;
 - (ii) the employee shall, no later than the working day next following the commencement of such absence, inform the employer of the inability to attend for duty and as far as practicable state the nature of the illness or injury and the estimated duration of the absence;
 - (iii) he shall prove to the satisfaction of the employer (or in the event of a dispute, the Tasmanian Industrial Commission) that he was unable on account of such illness or injury to attend for work on the day or days for which the sick leave is claimed;
 - (iv) he shall not be entitled in any year (whether in the employment of one employer or of more) to sick leave credit in excess of 2 weeks or ordinary working time;
 - (v) for the purpose of administering paragraph (iv) of this subclause, an employer may within one month of this award coming into operation or with 2 weeks of the employee entering his employment require an employee to make a sworn declaration or other written statement as to what paid leave of absence he has had from any employer during the then current year, and upon such statement the employer shall be entitled to rely and act.
- (b) Sick leave shall accumulate from year to year so that any balance of the period specified in subclause (a)(iv) of this clause which has in any year not been allowed to an employee by an employer as paid sick leave shall be credited to the employee, and subject to the conditions hereinbefore prescribed shall be allowed by that employer in a subsequent year without diminution of the sick leave prescribed in respect of that year;
- (c) An employer shall not be required to make any payment in respect of accumulated sick leave credits to an employee who is discharged or leaves his employment, or for any time an employee is absent from work without producing satisfactory evidence of personal illness.

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- (d) Sickness on Rostered Day Off

Where an employee is absent on account of illness or injury on the week-day he is to take off in accordance with an arrangement pursuant to Clause 15 - Hours, subclause (a)(ii), he shall not be entitled to sick pay nor shall his sick pay entitlement be reduced as a result of his absence on that day.

30. SUPERANNUATION

- (a) The subject of superannuation is dealt with extensively by legislation including the *Superannuation Guarantee (Administration) Act 1992*, the *Superannuation Guarantee Charge Act 1992*, the *Superannuation Industry (Supervision) Act 1993*, and the *Superannuation (Resolution of Complaints) Act 1993*. This legislation, as varied from time to time, governs the superannuation rights and obligations of the parties to this Agreement.
- (b) In relation to superannuation, "ordinary time earnings" shall include an employees loaded or unloaded classification rate, and any permanent all purpose work related allowance but shall exclude overtime payments, annual leave loading, annual or long service leave payments on termination and allowances paid as reimbursement of expenses.

31. STEWARDS

An employee appointed steward in the shop, office or department in which they are employed shall, upon notification thereof to the employer, be recognised as the accredited representative of the union to which the employee belongs, and shall be allowed the necessary time during working hours to interview the employer or the employers representatives on matters affecting employees whom the employee represents.

PROVIDED that if the steward so requests it another employee or union official may accompany the steward.

PC Shelley
DEPUTY PRESIDENT

20 August 2004

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SCHEDULE A

Classification Structure - Translation Schedule

For the purpose of identifying an employees new classification in accordance with the creation of a new broadly based and generic classification structure the following schedule shall apply:

PRE-EXISTING CLASSIFICATION: <u>GROUP A - ORDER TAILORING FOR MALES</u>	<u>NEW CLASSIFICATION</u>
All others not herein classified	Employee Skill Level 1
Coat table hand or coat machinist Trousers table hand or trouser machinist Vest table hand or vest machinist Embosser, embroider, cornelli workers	Employee Skill Level 2
Trimmer, marking in and/or cutting linings or trimmings Fitter up and/or shaper Coat maker engaged on three of any of the following operations: (a) Canvassing fore-parts by hand (b) Basting-under the basting-out facings by hand (c) inserting pads, basting on under-collars and basting in sleeves for try on (d) hand felling top collars (e) basting-in sleeves by and working sleeve heads Employees employed making and/or altering by hand or by machine any part of a dress coat, tuxedo, frock coat, dinner jacket, or body coats of all description Presser, pressing off and/or underpressing Examiner examining for faults in construction	Employee Skill Level 3
Tailor or tailoress employed making and/or altering coats by hand or by machine and who in ordinary course of employment is performing similar work to that ordinary performed by an older tailor	Employee Skill Level 4
Cutter, marking in and/or cutting out	Employee Skill Level 5

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PRE-EXISTING CLASSIFICATION: GROUP B - ORDER TAILORING FOR FEMALES	NEW CLASSIFICATION
All others not herein classified	Employee Skill Level 1
Coat table hand or coat machinist Skirt maker and/or machinist Outer leg wear maker and/or machinist Embosser, embroiderer, cornelli worker	Employee Skill Level 2
Trimmer, marking in and/or cutting out linings or trimmings Fitter up and/or shaper Coat maker engaged on three of any of the following: (a) Canvassing fore-parts by hand (b) basting-under the basting-out facings by hand (c) inserting pads, basting on under-collars and basting in sleeves for try on (d) hand feeling top collars (e) basting-in sleeves by hand working sleeves hands Presser pressing off and/or underpressing Examiner examining for faults in construction	Employee Skill Level 3
Tailor or tailoress employed making and/or altering coats by hand or by machine and who in the ordinary course of employment is performing similar work to that ordinarily performed by an order tailor	Employee Skill Level 4
Cutter, marking in and/or cutting out	Employee Skill Level 5

PRE-EXISTING CLASSIFICATION GROUP C - READY MADE CLOTHING FOR MALES	NEW CLASSIFICATION
All others not herein classified	Employee Skill Level 1
Operator, electronic welding machine Operator of press or riveting machine Coat table hand or coat machinist Trousers table hand or trouser machinist Vest table hand or trouser machinist Presser pressing off and/or underpressing garments other than the garment which the employee is making Durable crease setters and/or sprayers Seam presser and/or steam opener by machine or by hand Canvas fuser and/or air operated fusing machine operator other	

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<p>than on a Hoffman type press Embosser, embroiderer, cornelli worker Proofer Examiners, examining for faults in construction: Others Brusher and folder Hand sewer of buttons, hooks, eyes, press studs and the like Transporter operator, i.e. employee operating console</p>	<p>Employee Skill Level 2</p>
<p>Trimmer marking in and/or cutting out linings or trimmings Fitter up and/or shaper Alteration hand (other than tailor or tailoress) in retail establishment Examiners, examining for faults in construction: Tailors or Tailoress</p>	<p>Employee Skill Level 3</p>
<p>Cutter, laying up and/or marking in and/or using marker lay and/or cutting out Die Cutter in cutting room Tailor and tailoress Alteration or repair hand (tailor or tailoress)</p>	<p>Employee Skill Level 4</p>

<p>PRE-EXISTING CLASSIFICATION GROUP D- OTHER DRESSMAKING</p>	<p>NEW CLASSIFICATION</p>
<p>All other not herein classified</p>	<p>Employee Skill Level 1</p>
<p>Table hand or machinist Presser pressing off and/or underpressing - other Pleater, rolling in by hand or machine and/or inserting pleat into patterns Embosser, embroiderer, cornelli worker Hand sewer of buttons, hooks, eyes, press studs and the like</p>	<p>Employee Skill Level 2</p>
<p>Presser operating Hoffman type press or hand iron more than 3.63kg in weight (not counter-weighted) Pleater making patterns and pleating by hand or by machine Fitter-on trying on to a customer unfinished or finished garments</p>	<p>Employee Skill Level 3</p>
<p>Cutter, marking in and/or cutting out</p>	<p>Employee Skill Level 5</p>

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PRE-EXISTING CLASSIFICATION <u>GROUP E - READY MADE DRESSMAKING AND READY MADE TAILORING FOR FEMALES</u>	<u>NEW CLASSIFICATION</u>
Operator, electronic welding machine Operator of press studs or riveting machine All others not herein classified	Employee Skill Level 1
Table hand, finisher or machinists Embosser, embroiderer, cornelli worker Presser pressing off and/or underpressing - other Fuser machine operator Seam presser and/or seam opener by machine or by hand Durable crease setter and/or sprayer Pleater, rolling in by hand or by machine and/or inserting pleat into patterns Examiner, examining for faults in construction Hand sewer of buttons, hooks, eyes, press studs and the like Transporter operators, i.e. employee operating console	Employee Skill Level 2
Trimmer marking in and cutting out linings and/or trimmings Fitter up and/or shaper Alternation hand (other than tailor and tailoress) in retail establishment Presser pressing off and/or underpressing operating Hoffman type press or hand iron more than 3.63kg in weight (not counter-weighted) Pleater making patterns and pleating by hand or by machine	Employee Skill Level 3
Cutter, marking in and/or cutting out Die cutter in cutting room Tailor or tailoress	Employee Skill Level 4
PRE-EXISTING CLASSIFICATION <u>GROUP F- UNDERCLOTHING</u>	<u>NEW CLASSIFICATION</u>
All others not herein classified	Employee Skill Level 1
Machinist	Employee Skill Level 2
Presser and/or ironer operating Hoffman type press or hand iron more than 3.63kg in weight (not counter-weighted)	Employee Skill Level 3
Adornment worker Table hand and/or finisher Presser and/or ironer - other Transferer Examiner examining for faults in construction Hand sewer of buttons, hooks, eyes, press studs and the like Transporter operator, i.e. employee operating console	Employee Skill Level 4
Cutter, marking in and/or cutting out Die cutter in cutting room	Employee Skill Level 5

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PRE-EXISTING CLASSIFICATION GROUP G- WHITEWORK	<u>NEW</u> <u>CLASSIFICATION</u>
All others not herein classified	Employee Skill Level 1
Machinist and/or table hand Transferer and/or adornment worker Presser and/or ironer - other Examiner Vat attendant (chenille) Divider of material	Employee Skill Level 2
Presser and/or ironer operating Hoffman type press or hand iron more than 3.63kg in weight (not counter-weighted) Dyer and/or bleacher (chenille)	Employee Skill Level 3
Cutter, marking in and/or cutting out Die cutter in cutting room	Employee Skill Level 4

PRE-EXISTING CLASSIFICATION GROUP H - COLLARS, SHIRTS, TIES, SCARVES AND PYJAMAS	<u>NEW</u> <u>CLASSIFICATION</u>
All others not herein classified	Employee Skill Level 1
Machinist and/or table hand and/or adornment worker Presser and/or ironer - other Fuser Examiner examining for faults in construction Transporter operator, i.e. employee operating console	Employee Skill Level 2
Presser and/or ironer operating Hoffman type press or hand iron more than 3.63kg in weight (not counter-weighted)	Employee Skill Level 3
Cutter, marking in and/or cutting out Die cutter in cutting room	Employee Skill Level 4

PRE-EXISTING CLASSIFICATION GROUP I - INDUSTRIAL CLOTHING	<u>NEW</u> <u>CLASSIFICATION</u>
Operator, electronic welding machine level 1 engaged in the manufacture of other industrial safety equipment or exercising skill with no requirement to reset machine or mould regularly Operator or press stud or riveting machine All others not herein classified	Employee Skill Level 1
Machinist and/or tale hand Presser and/or ironer - other Examiner Transporter operator, i.e. employee operating console	Employee Skill Level 2
Presser and/or ironer operating Hoffman type press or hand iron more than 3.63kg in weight (not counter-weighted)	Employee Skill Level 3
Cutter, marking in and/or cutting out Die cutter in cutting room	Employee Skill Level 4

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PRE-EXISTING CLASSIFICATION GROUP J- HEADWEAR	<u>NEW</u> <u>CLASSIFICATION</u>
Operator, electronic welding machine All others not herein classified	Employee Skill Level 1
Helmet maker Cap maker Machinist and/or table hand Milliner Presser and/or ironer - other	Employee Skill Level 2
Presser and/or ironer operating Hoffman type press or hand iron more than 3.63kg in weigh (not counter-weighted) Machine blocker	Employee Skill Level 3
Cutter other than milliner Hand blocker	Employee Skill Level 4

PRE-EXISTING CLASSIFICATION GROUP K - UMBRELLAS	<u>NEW</u> <u>CLASSIFICATION</u>
Umbrella assembler, including rib assembling, band fixing, topping, clipping in, rolling, studding, pulling up and fitting handles, angle joints, runners notches, bells and spikes All others not herein classified	Employee Skill Level 1
Machinist Examiner Hand ironer Frame maker	Employee Skill Level 2
Gore cutter, marking in and/or cutting out	Employee Skill Level 3

PRE-EXISTING CLASSIFICATION GROUP L - FUR TRADE	<u>NEW</u> <u>CLASSIFICATION</u>
All others not herein classified	Employee Skill Level 1
Machinist (other than on fur machine) and/or table hand	Employee Skill Level 2
Nailer Fur machinist	Employee Skill Level 3
Cutter marking in and/or cutting out	Employee Skill Level 5

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PRE-EXISTING CLASSIFICATION GROUP M - ARTIFICIAL FLOWERS AND BRUSHED SIDE EMBLEMS	<u>NEW CLASSIFICATION</u>
All others not herein classified	Employee Skill Level 1
Shaper of petals by hand, with aid of curling iron and/or bowler and assembling the petals so shaped Employee assembling and/or making and/or tying and/or pressing artificial flowers Tiers and/or cutters and/or brushes of emblems	Employee Skill Level 2
Cutter and/or stamper Dyer	Employee Skill Level 3