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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T.2146 of 1989

IN THE MATTER OF AN APPLICATION BY THE TASMANIAN TRADES AND LABOR COUNCIL TO VARY **ALL PRIVATE AND PUBLIC SECTOR AWARDS AND AGREEMENTS** TO INCREASE WAGE RATES AND ALLOWANCES GENERALLY AND TO REVIEW THE WAGE FIXATION PRINCIPLES

AND

T2147 of 1989

IN THE MATTER OF AN APPLICATION BY THE BUILDING WORKERS' INDUSTRIAL UNION OF AUSTRALIA (TASMANIAN BRANCH) TO VARY THE **BUILDING TRADES AWARD** RE BASE RATE FOR TRADESPERSON IN DIVISION A. AND TO INCREASE WORK RELATED ALLOWANCES

AND

T.2152 of 1989

IN THE MATTER OF AN APPLICATION BY THE TASMANIAN PUBLIC SERVICE ASSOCIATION TO VARY **NOMINATED AWARDS AND AGREEMENTS** RE SALARIES, ALLOWANCES AND AWARD RESTRUCTURING

AND

T.2167 of 1989

IN THE MATTER OF AN APPLICATION BY THE TASMANIAN TEACHERS FEDERATION TO VARY **NOMINATED AWARDS** TO INCREASE SALARIES AND SALARY-RELATED ALLOWANCES

CONSEQUENT ON THE DECISION OF THE AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION IN THE NATIONAL WAGE CASE DECISION OF 7 AUGUST 1989

AND

P033

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T2098 of 1989

IN THE MATTER OF AN APPLICATION BY THE FEDERATED CLERKS UNION OF AUSTRALIA, TASMANIAN BRANCH TO VARY THE **FURNISHING TRADES AWARD**

RE: MATERNITY LEAVE

ORDER -

No. 1 of 1990
(Consolidated)

AMEND THE **FURNISHING TRADES AWARD** BY DELETING ALL CLAUSES CONTAINED THEREIN AND INSERTING IN LIEU THEREOF THE FOLLOWING:

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1. TITLE

This award shall be known as the "Furnishing Trades Award".

2. SCOPE

This award is established in respect of the industry of:

Manufacturer, repairer or installer of -

(a) Furniture or furnishings;
(b) Wicker articles;
(c) Baby carriages;
(d) Musical instruments;
(e) Wooden toys or ornaments;
(f) Coffins; or
(g) Plate, sheet or stained glass of glass lenses or prisms, other than installed as part of the structure of a building.

- and covers the work and persons performing such work more particularly detailed in Clause 33 – Scope of Division A.

3. ARRANGEMENT

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For the purposes of Division A	
For the purposes of Division B	
Wage Rates	8
Division A - Persons Employed in the Manufacture and/or Repair of Furniture	
Division B - Clerks	
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4. DATE OF OPERATION

This award shall come into operation from the beginning of the first full pay period to commence on or after 14 November 1980 in relation to T2098 of 1989 and from the beginning of the first full pay period to commence on or after 23 November 1989 in relation to T2146, 2147, 2152 and 2167 of 1989.

PROVIDED that it is a term of this award (arising from the decision of the Tasmanian Industrial Commission in the State Wage Case of 30 October 1989) that the union(s) undertake(s), for the duration of the principles determined by that decision, not to pursue any extra claims, award or overaward, except where consistent with those principles.

5. SUPERSESSION AND SAVINGS

This award incorporates and supersedes No. 1 of 1989 (Consolidated) and No. 2 of 1989.

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

6. PARTIES AND PERSONS BOUND

Unless otherwise specified, this award shall have application to and be binding upon:

(a) all employers (whether members of a Registered Organisation or not) who are engaged in the industry specified in Clause 2 - Scope;

(b) all employees (whether members of a Registered Organisation or not) for whom classifications appear in this award and who are engaged in the industry specified in Clause 2 - Scope;

(c) the following organisations of employees in respect of whom award interest has been determined:

  (i) the Federated Clerks' Union of Australia, Tasmanian Branch and the officers of that organisation and their members employed in the industry specified in Clause 2 - Scope;

  (ii) The Federated Furnishing Trade Society of Australasia, Tasmanian Branch and the officers of that organisation and their members employed in the industry specified in Clause 2 - Scope;

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(iii) The Federated Miscellaneous Workers Union of Australia, Tasmanian Branch and the officers of that organisation and their members employed in the industry specified in Clause 2 - Scope;

(iv) the Transport Workers' Union of Australia, Tasmanian Branch and the officers of that organisation and their members employed in the industry specified in Clause 2 - Scope;

(d) the following organisations of employers in respect of whom award interest has been determined:

(i) The Retail Traders Association of Tasmania and the Officers of that organisation and their members engaged in the industry specified in Clause 2 - Scope;

(ii) the Tasmanian Sawmillers Industrial Association and the Officers of that organisation and their members engaged in the industry specified in Clause 2 - Scope; and

(iii) the Tasmanian Confederation of Industries.

7. DEFINITIONS

For the purposes of DIVISION A:

1. **'Apprentice'** means a person who is bound by an indenture of apprenticeship.

2. **'Employer'** means an employer bound by this award.

3. **'Examiner'** means an employee who is capable of using all measuring equipment and who is sufficiently versatile to examine and check any .kind of product normally produced. He may be called upon to work under supervision but is not expected to exercise discretion and is only required to accept or reject those articles which conform or fail to conform to clearly defined standards.

4. **'Inspector'** means a tradesman who is engaged to inspect components or finished products whilst in production or upon completion as to their conformity with a specific standard of quality and accuracy and who is authorised to exercise and does exercise a discretion to pass components which may not conform to that standard.

5. The term **'journeyman'** shall include 'journeywoman' and shall be synonymous with the term 'tradesman' which shall include 'tradeswoman'.

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6. **'Junior Worker'** means a person under the age of 21 years who is not an indentured apprentice or a journeyman.

7. **'Society'** means the Federated Furnishing Trade Society of Australasia (Tasmanian Branch).

8. **'Utility Worker'** means an employee engaged -

   (i) On repetition work on any automatic, semi-automatic or single purpose machine or any machine fitted with jigs, gauges or other tools rendering operations mechanical and in connection with which he is not responsible for the setting up of the machine nor for the dimensions of the products other than by checking with gauges which shall be either unadjustable or, if adjustable, shall not be set by the operator, or

   (ii) in the assembling of component parts of appliances or articles to which this award applies and in which no fitting or adjustment whatever is required, or

   (iii) in specialised processes not requiring the use of hand tools except stapling machines, hammers, pliers, screw drivers, spanners or files;

   (iv) on any other operations other than those coming within the classifications appearing in the table in Clause 35 - Shift Work.

For the purposes of DIVISION B:

9. **'Casual employee'** means any person who is employed on a casual basis and includes any person who is employed for a period not exceeding five days at any one time.

10. **'Clerk'** includes book-keepers, timekeepers, cashiers, typists and/or stenographers, calculating and/or accounting machine operators.

11. **'Part-time employee'** is one engaged to regularly work for less hours per day or week than those prescribed for full-time employees.

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8. WAGE RATES

DIVISION A - PERSONS EMPLOYED IN THE MANUFACTURE AND/OR REPAIR OF FURNITURE

Employees of a classification mentioned herein shall be paid for a week of 38 hours not less than the amount assigned to that classification.

1. WAGE RATES

No.	Classification	Amount Per Week $
	SUB-DIVISION 1 FURNITURE MANUFACTURING (including wood machining, polishing assembling etc. bedding, wire mattresses and bedspreads).	
(i)	Classification Grades	
	Furniture Maker Grade A1	359.60
	Furniture Maker Grade A	345.10
	Furniture Maker Grade B1	320.00
	Furniture Maker Grade B	310.30
	Furniture Maker Grade C	306.30
	Furniture Maker Grade D	302.10
(ii)	Leading Hands	
	In addition to the rates elsewhere prescribed in Sub-Division 1 Leading Hands shall be paid the following: -	
	In charge of not less than 3 and not more than 10 employees	10.40
	In charge of more than 10 and not more than 20 employees	18.80
	In charge of more than 20 employees	27.00

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Adults

(iii) Composition of Grades

Adult employees shall be classified in grades as provided in paragraph (i) of this subclause and such classified grades shall consist of the following designated classifications of labour.

Grade A1
Inspector

Grade A
Examiner
Machinist 'A' Grade, i.e.

(1) A tradesman who is capable of and may be called upon to grind cutters and/or set up and operate the following machines;

(a) Lindeman or similar jointer
(b) Moulder
(c) Router or who works freehand
(d) Shaper or who works freehand
(e) Edgebander, double edgebander and/or double ended tenoner
(f) Computerised automatic two dimensional dividing and squaring saw
(g) V-grooving machine
(h) Vinyl or melamin laying machine
(i) Multi headed boring machine, with three or more bits
(j) V-line folding machine
(k) Automatic profile sander
(l) Longitudinal grooving machine
(m) Any programmed and/or computerised high output wood machine not already mentioned in (1)(a) to (1) above

(2) (a) Wood turner who grinds cutters and/or sets up and operates or who works freehand
(b) Turner on copying or automatic lathe who sets up or who sets up and operates

Polisher, including a tradesman who is responsible for the setting up and operation of a curtain coating machine.
Cabinet maker
Wood carver
Chair frame maker
Upholsterer, who is capable of and does spring canvas, first and second stuff cover and finish

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Bedding making (excluding pillows, quilts, blankets and sleeping bags)

Class 'A' (as defined)

Grade B1
Operator in charge of synthetic foam dispensing machine (in furniture factory)

Grade B
Assembler 1st class, i.e. an adult Employee engaged in fitting together by nailing, screwing, glueing or fixing in any way machine jointer or finishing parts of furniture or cabinets and who in so doing, completely assembles an article or the main and substantial portion thereof.

Machinist 'B' Grade, i.e.

(1) An employee engaged in setting up and operating the following machines or working freehand:

(a) Band and/or jig saw
(b) Belt sander on veneers
(c) Buzzer
(d) Circular saw
(e) Dovetailer
(f) Glue jointer and/or automatic dowell driving machine
(g) Morticer
(h) Borer with less than three bits
(i) Planer
(j) Tenoner, other than double ended tenoner
(k) Thicknesser
(l) Triple drum sander or wide belt sander
(m) Mechanical cutting veneer guillotine
(n) Veneer press

(2) An employee who operates the following machines:

(a) Double ended tenoner
(b) Multi-headed boring machine with three or more bits
(c) V-grooving machine
(d) Longitudinal grooving machine
(e) V-line folding machine
(f) Vinyl or melanin laying machine
(g) Computerised automatic two dimensional dividing and squaring saw
(h) Edge bander and/or double edge bander
(i) Any other programmed and/or computerised high output wood machine not already mentioned in (2) to (h) above

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Spray hand, engaged on finishing coats
Veneer cutter
Employee who sets up, adjusts and operates a buttoning machine
Bedding making (excluding pillows, quilts, blankets and sleeping bags)
Class 'B' (as defined)
Operator of quilting machine (other than on work caning within the Bedding Making Classifications)

Grade C
Stuff over couch frame maker, i.e. an adult employee who makes frame on which the upholsterer covers all the woodwork except the legs and/or feet and of which the woodwork is prepared by machine.
Assistant on synthetic foam dispensing machine (in furniture factory)
Assembler 2nd class, i.e. an adult employee other than a utility worker engaged in assembling component parts of furniture cabinets or camping furniture
Machinist 'C' Grade, i.e. cutter operating an electric cutting machine, and/or sewing machinist.
Sprayhand, engaged on priming and/or under-coating and/or sealing and/or staining
Bedding making (excluding pillows, quilts, blankets and sleeping bags)
Class 'C' (as defined)

Grade D
Hand cutter and/or hand sewer of pillows, quilts, cushions or the like
Utility worker
Veneer matcher

SUBDIVISION II - GLASS

No.	Classification	Amount Per Week $
1.	Inspector	400.10
2.	Examiner	386.50
3.	Employee who is capable of and is engaged on -	
	(a) Silvering all types of glass used in trade including preparation of glass and silvering mixes and completion of the process	386.50
	(b) Cutting all types of glass to all shapes and for all purposes used in the trade	386.50

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	(c) Bevelling and/or brilliant cutting to own designs on all types of glass used in trade including maintenance of tools, stones, processing wheels etc.	386.50
	(d) Glass bevelling of all types of glass including preparation of moulds from drawings or templates, placing of moulds in kiln and control of blending and annealing cycles	386.50
	(e) Glazing, including fixing and fitting all types of glass and leadlights with putties, mastics, sealants etc. or by patent glazing techniques in all locations including fitting and fixing of fibreglass and spandrel panels	386.50
	(f) Leadlights and/or sandblasting including preparation of designs or stencils and who performs the functions necessary for designs or handpainting on glass including pencil hand Embossing	386.50
4.	Cutter, beveller, glazier, leadlighter, glass bender or sandblaster other than those capable of performing all functions of 3 (b) , (c) , (d) , (e) or (f) above	374.20
5.	Utility Worker	333.80
6.	Wrapper of finished products or employees not elsewhere provided for	326.70
7.	In charge of not less than three and not more than ten employees	8.80
8.	In charge of more than ten and not more than twenty employees	15.70
9.	In charge of more than twenty employees	22.40

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SUBDIVISION III - OTHER INDUSTRIES

A. Wood Machining and Polishing

(including ornaments of wood and wooden toys)

1. Machinist 'A' Grade, i.e. 345.10

(1) A tradesman who is capable of and may be called upon to grind cutters, and/or set up and operate the following machines:

- (a) Lindeman or similar jointer
- (b) Moulder
- (c) Router or who works freehand
- (d) Shaper or who works freehand
- (e) Edgebander; double edgebander and/or double ended tenoner
- (f) Computerised automatic two dimensional dividing and squaring saw
- (g) V-grooving machine
- (h) Vinyl or melamin laying machine
- (i) Multi-headed boring machine, with three or more bits
- (j) V-line folding machine
- (k) Automatic profile sander
- (l) Longitudinal grooving machine
- (m) Any programmed and/or computerized high output wood machine not already mentioned in 1(a) to (1) above

(2) (a) Wood turner who grinds cutters and/or sets up and operates or who works freehand

(b) Turner on copying or automatic lathe who sets up or who sets up and operates

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2. Machinist 'B' Grade, i.e. 309.30

(1) An employee engaged in setting up and operating the following machines or working freehand

(a) Band and/or jig saw
(b) Belt sander on veneers
(c) Buzzer
(d) Circular saw
(e) Dovetailer
(f) Glue jointer and/or automatic dowell driving machine
(g) Morticer
(h) Borer with less than three bits
(i) Planer
(j) Tenoner, other than double ended tenoner
(k) Thicknesser
(l) Tripledrum sander or wide belt sander
(m) Mechanical cutting veneer guillotine
(n) Veneer press

(2) An employee who operates the following machines -

(a) Double ended tenoner
(b) Multi-headed boring machine with three or more bits
(c) V-grooving machine
(d) Longitudinal grooving machine
(e) V-line folding machine
(f) Vinyl or melamin laying machine
(g) Computerised automatic two dimensional dividing and squaring saw
(h) Edgebander and/or double edgebander
(i) Any other programmed and/or computerised high output wood machine not already mentioned in (2)(a) to (h) above.

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3.	Utility Worker	302.40
4.	Polisher including a tradesman who is responsible for the setting up and operation of a curtain coating machine	345.10
5.	Spray hand -	
	(a) Engaged on finishing coats	309.30
	(b) Engaged on priming and/or undercoating and/or sealing and/or staining	305.90

B. Blinds, Screens and Awnings

6.	Cutter of blinds (other than venetian blinds) or fixer and/or installer of blinds	309.30
7.	Sewer of blinds, utility worker, and/or table hand	302.40

C. Soft Furnishings

8.	Cutter and/or machinist of loose covers, curtains, drapes or lamp shades	309.30
9.	Press operator (Hoffman type)	309.30
10.	Examiner	304.50
11.	Utility Worker	302.40

D. Pianos and other Musical Instruments (other than Organs)

12.	Piano tuner and/or action repairer	345.10
13.	Piano player mechanic	345.10
14.	Maker and/or repairer of musical instruments other than organs and pianos	345.00
15.	Gluer-up of basic materials for musical instruments other than organs and pianos	305.90

E. Organs

16.	Organ builder and/or erector	350.20
17.	Metal pipe maker	350.20
18.	Tuner and/or voicer	350.20
19.	Woodworker	345.10

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F. Picture Frames

20.	Composition and embossing machine operator who sets up and operates, including mixing of compositions	309.30
21.	Cutter and joiner of picture frames	309.30
22.	Gold leafer by hand, and/or hand colourer of picture frames and/or mouldings	309.30
23.	Hand stainer of picture frames and/ or mouldings	305.90
24.	Utility worker	302.40

G. Coffins

25.	Maker and/or polisher of coffins	345.10

H. Refrigerators (Other than Ice)

26.	Cabinet maker	345.10
27.	Painter and/or enameller, spray or brush	
	(a) on coats other than prime coats	345.10
	(b) on prime coats	315.70
28.	Wet rubber	315.70
29.	Assembler 2nd Class, i.e. an adult employee other than a utility worker engaged in assembling component parts of refrigerator cabinets or wooden parts of refrigerators	306.30
30.	Utility worker	302.40

I. Wicker and Basket Ware

31.	Maker and/or repairer of wicker furniture and/or baskets	345.10

J. Baby Carriages, Dolls Carriages and Mobile Chairs

32.	Cabinet maker	345.10
33.	Woodworker other than cabinet maker	309.30
34.	Cutter	309.30
35.	Pram body maker	309.30
36.	Production welder, arc or electric (other than spot welder)	309.30
37.	Upholsterer and/or wicker worker	311.80

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38.	Painter and/or sprayer	
	(a) engaged on finishing coats	311.80
	(b) engaged on priming and/or undercoating and/or sealing	305.90
39.	Assembler of baby carriages, dolls carriages or mobile chairs	305.50
40.	Sewer and/or machinist	302.40
41.	Utility worker	302.40

K. Safety Glass

42.	Autoclave attendant	310.40
43.	Beveller	345.10
44.	(a) Freehand cutting of glass to all shapes and for all purposes	345.10
	(b) Other hand cutting of glass	323.50
	(c) Automatic cutting machine operator	315.70
45.	Edge grinder -	
	(a) By hand edger or on machine using diamond impregnated wheels (including allowance for wet work)	323.50
	(b) Other	315.70
46.	Furnace operator (including allowance for hot work) Large plate-flat and intermittent flat furnaces	323.50
47.	Furnace operator's assistant (including allowance for hot work)	310.40
48.	Scratch polisher - glasses of all shapes and sizes	318.70
49.	Utility worker	302.40

L. Inspecting and Examining

50.	Inspector	359.60
51.	Examiner	345.10

M. Floor Finishing and Floor Coverings

52.	Floor finisher and/or floor coverer (Tradesman, as defined), i.e. an employee who is capable of all the following functions and is engaged upon work falling within those processes.	345.10

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(a) the measuring, planning and cutting of carpets in the workroom and on site

(b) the testing (wood and concrete) sanding, (rough and fine) polishing, underlaying, grinding levelling and sealing of floors

(c) the installation of seamless flooring, parquetry, cork vinyl and linoleum

(d) the laying of stick down, broad loom and body carpets

53.	Floor sander and/or sealer, i.e. an employee engaged upon the cleaning up of wooden floors, the punching of nails and the application of sanding of wooden floors by machine or by hand and/or engaged upon the application of all types of sealers and plastic coatings on wooden floors	305.90
54.	Carpet planner and/or layer of carpets, linoleum or other floor coverings	345.10
55.	Sewer and/or gluer aril/or seamer of carpets, linoleums or other floor coverings	310.30
56.	Utility worker	302.40

N. Leading Hands

In addition to the rates elsewhere prescribed in Division III, hereof leading hands shall be paid the following:

57.	In charge of not less than three and not more than ten employees	10.40
58.	In charge of more than ten and not more than twenty employees	18.80
59.	In charge of more than twenty employees	27.00

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2. ABSORPTION OF OVERAWARDS

The rates of wages prescribed in subclause 1. Wage Rates of this Division except in subdivision II - Glass are inclusive of an amount of $5.20 per week which amount may be absorbed against any existing overaward payment.

3. APPRENTICES & JUNIORS

(a) Subdivision II - Glass

The weekly rate of wage for apprentices and junior workers shall be the undermentioned percentages of the ordinary weekly rates prescribed elsewhere by this award for an adult employee in the area in which the apprentice or junior worker is employed -

Apprentices -	Percentage of Wage for Adult in Classification 3 of Sub-Division II	Amount Per Week $
First year	40	154.60
Second year	50	193.25
Third year	71	274.40
Fourth year	85.5	330.45

Junior Workers -	Percentage of Wage for Adult in Classification 6 of Sub-Division II	Amount Per Week $
Under 17	45	147.00
17 and under 18 years	55	179.70
18 and under 19 years	65	212.35
19 and under 20 years	78.5	256.45
20 and under 21 years	93	303.85

(b) Other than Subdivision II

(i) The minimum weekly rate of wage for apprentices shall be the undermentioned percentages of the amount of $337.40.

Apprentices -	Percentage %	Amount Per Week $
First year	42.0	141.70
Second year	55.0	185.60
Third year	75.0	253.05
Fourth year	88.0	296.90

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(ii) **Adult Apprentices** –

The minimum weekly wage rate for adult apprentices i.e. an apprentice 21 years of age or over shall be the undermentioned percentages of the amount of $337.40.

	Percentage %	Amount Per Week $
First year	83.5	281.75
Second Year	88.0	296.90
Third Year	93.0	313.80
Fourth Year	98.0	330.65

The above percentages shall be calculated in multiples of 5 cents, amounts of 2 cents or less being taken to the lower multiple and amounts in excess of 2 cents being taken to the higher multiple.

An adult apprentice shall be entitled to a tradesman's rate of pay within 12 months of successfully completing the formal training.

(iii) **Unapprenticed Juniors** -

The minimum weekly rate of wage for an unapprenticed junior shall be the undermentioned percentage of the amount of $296.90.

Age	Percentage %	Amount Per Week $
Under 17	45	133.60
17 and under 18 years	55	163.30
18 and under 19 years	65	193.00
19 and under 20 years	78.5	233.05
20 and under 21 years	93	276.10

The above percentages shall be calculated in multiples of 5 cents, amounts of 2 cents or less being taken to the lower multiple and amounts in excess of 2 cents being taken to the higher multiple.

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DIVISION B - CLERKS

1. WAGE RATES

The minimum rate of wage that may be paid by employers to adult employees classified hereunder shall be as follows:

Classification	Amount Per Week $
Clerks -	
1. 1st year's adult experience	279.60
2nd year's adult experience	300.00
3rd year's adult experience	326.50
2. An accountant or chief clerk wholly responsible for the office work and who prepares the balance sheet and profit and loss account	435.80
3. A clerk who is in charge of and responsible for the work of	
(a) 5 or more employees	385.70
(b) 3 or 4 employees	370.30
(c) 2 employees	360.10

'Employees' in this subclause shall mean any male or female clerk, typist or stenographer and shall include the clerk-in-charge.

2. JUNIORS

The minimum rates of wages that may be paid to juniors shall be the undermentioned percentages of the second year adult rate in classification 1 above, adjusted to the nearest 10 cents.

	Percentage of Second Year Adult Rate %
(a) Under 16 years of age	40
16 to 17 years of age	45
17 to 18 years of age	55
18 to 19 years of age	70
19 to 20 years of age	80
20 to 21 years of age	90

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(b) Proviso

When determining the margin payable to an employee attaining the age of 21 years, who has been employed as a junior clerk in the trades or groups of trades in respect of awards of the Tasmanian Industrial Commission, applicable to private industry employees, experience obtained after reaching the age of 18 years shall be counted as adult experience.

(c) Additional Payments

In addition to the weekly rates prescribed herein the following additional amounts per week shall be paid to stenographers, audio-typists, teletypists, accounting machine, computer, data processing, tabulating machine, card punch and verifier operators.

	Amount $
Under 16 years of age	1.00
16 to 17 years of age	1.20
17 to 18 years of age	1.30
18 to 19 years of age	1.50
19 to 20 years of age	1.90
20 to 21 years of age	2.00
21 years of age and over	2.60

DIVISION C - CARTERS AND DRIVERS

1. ADULT EMPLOYEES

The minimum rate of wage that may be paid by employers to adult employees classified hereunder shall be as follows:-

	Amount Per Week $
(a) Employee driving motor vehicle having maker's capacity	
1.2 tonnes or less	334.00
Over 1.2 tonnes but not over 3 tonnes	337.80
Over 3 tonnes but under 6 tonnes	342.60
6 tonnes and over but under 7 tonnes	343.30
7 tonnes and over but under 8 tonnes	344.20
8 tonnes and over but under 9 tonnes	344.90
9 tonnes and over but under 10 tonnes	345.70
10 tonnes and over but under 11 tonnes	346.70

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(b) Motor Driver's Assistant 318.70

Provided that an employee handling money (as defined) shall be paid the following additional weekly amounts:-

For any amount handled up to $20	0.60
Over $20 but not exceeding $200	1.10
Over $200 but not exceeding $600	2.10
Over $600 but not exceeding $1000	3.10
Over $1000	4.10

2. CASUAL EMPLOYEES

(a) A casual employee is one engaged for a period not exceeding 8 weeks and paid as such. A casual employee for working ordinary time shall be paid per hour one-fortieth of the weekly rates prescribed by this award for the work which he or she performs plus 20 per centum; such additional amount to be payment in lieu of annual leave, sick leave, and public holidays.

(b) A casual employee shall be notified at the end of the day if his services are not required next working day; failing such notice a full day's wages shall be paid for the next working day.

3. JUNIORS

Junior employees shall be paid the following percentages of the appropriate adult rate of wage:

Under 19 years of age	- 70%
19 and under 20 years of age	- 80%
20 years and over	- Adult Rate

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CONDITIONS FOR EMPLOYEES IN DIVISION A – PERSONS EMPLOYED IN THE MANUFACTURE AND/OR REPAIR OF FURNITURE

9. ANNUAL LEAVE

(a) Period of Leave

A period of 28 consecutive days leave shall be allowed annually to an employee after 12 months continuous service (less the period of annual leave) to an employee on weekly hiring in any one or more of the occupations to which this award applies.

(i) The factories of employers shall be closed down at Christmas time for the purpose of granting leave to all weekly wage employees which leave shall consist of not less than 14 consecutive days which shall be exclusive of any of the holidays prescribed by Clause 18 - Holidays with Pay, and if any such holiday falls within the period of annual leave and is observed on a day which would have been an ordinary working day there shall be added to the period of annual leave one working day for each such holiday falling as aforesaid. Provided that in the case of holidays occurring during any period of annual leave any payment due under this paragraph shall be made on the day preceding the commencement of the annual leave.

The method of granting and taking the balance of the annual leave, if any, shall be decided by mutual agreement between an employer and the majority of his employees. Where the remainder of leave is rostered, the employer shall notify each employee one month before the said balance of leave is to be taken and it shall be granted and taken not later than the 1st day of December in the following year.

Any dispute as to the granting and taking of the annual leave may be referred and determined by the Secretary for Labour.

(ii) The representatives of the parties shall meet not later than 3 months before Christmas for the purpose of determining the day or dates on which the factories shall close down for the annual leave at Christmas time.

(iii) Notwithstanding anything elsewhere contained in this subclause:

(1) During a close down, skeleton staffs may be retained in the following sections of the industry and for the purposes mentioned:-

(A) In the glass section for the emergency replacement of glass.
(B) In all sections where an employer is under a contract to service ships in port.
(C) In the organ section where an employer is under contract to service organs in churches or other buildings.

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(D) In retail shops for the purpose of servicing furniture and/or musical instruments.

(E) In any other section where the said representatives of the parties consider special provisions necessary.

(2) An employer by agreement with the Society may, in special circumstances, retain more than a skeleton staff during close down period.

(b) Calculation of Continuous Service

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

(i) Any interruption or termination of the employment by the employer if such interruption or termination 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 or on account of leave lawfully granted by the employer; or

(iii) Any absence with reasonable cause proof whereof shall be upon the employee.

In cases of personal sickness or accident or absence with reasonable cause the employee to become entitled to the benefit of this subclause shall inform the employer, in writing if practicable, within 24 hours of the commencement of such absence of his inability to attend for duty and as far as practicable state the nature of the illness, injury or cause and the estimated duration of his absence. A notification given by the employee pursuant to Clause 37 - Sick Leave shall be accepted as a notification under this subclause.

Any absence from work by reason of any cause not being a cause specified in this subclause shall not be deemed to break the continuity of service for the purposes of this clause unless the employer during the absence or within 14 days of the termination of the absence notifies the employee in writing that such absence will be regarded. as having broken the continuity of service.

In cases of individual absenteeism such notice shall be given in writing to the employee concerned, but in cases of concerted or collective absenteeism notice may be given to employees by the posting up of a notification in the plant, in the manner in which general notifications to employees are usually made in that plant and by posting to each union whose members have participated in such concerted or collective absenteeism a copy of it not later than the day it is posted up in the plant.

A notice to an individual employee may be given by delivering it to him personally or by posting it to his last recorded address, in which case it shall be deemed to have reached him in due course of post.

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In calculating the period of 12 months continuous service the following absences shall be taken into account and counted as time worked:

(i) up to 91 days in a 12 monthly period in case of sickness or accident;

(ii) long service leave taken by an employee in accordance with the appropriate State legislation.

Other absences from work shall not be taken into account and shall not count as time worked in calculating the period of 12 months continuous service.

(c) Calculation of Service

Subject to the provisions of subclause (a) hereof:

Service before the date of this award shall be taken into consideration for the purpose of calculating annual leave but an employee shall not be entitled to leave or payment in lieu thereof for any period in respect of which leave or a payment in lieu thereof has been allowed. The period of annual leave to be allowed under this subclause shall be calculated to the nearest day; any broken part of a day in the result not exceeding half a day to be disregarded.

Where the employer is a successor or assignee or transmittee of a business if an employee was in the employment of the employer's predecessor at the time when he became such successor or assignee or transmittee the employee in respect of the period during which he was in the service of the predecessor shall for the purpose of this clause be deemed to be in the service of the employer.

(d) Leave to be Taken

The annual leave provided by this clause shall be allowed and shall be taken and except as provided by subclauses (e) and (i) hereof payment shall not be made or accepted in lieu of annual leave.

(e) Annual Close Down

(i) An employer may by giving not less than two months' notice of his intention so to do, stand off for the duration of the close down all employees in the plant or section or sections concerned and allow to those who are not then qualified to four full weeks leave pursuant to subclause (a) hereof, paid leave on a proportionate basis at the appropriate rate of wage as prescribed in subclauses (h) and (i) hereof for 3.08 hours of each 40 ordinary hours worked prior to 1 April 1984 and from 1 April 1984 for 2.923 hours for each 38 ordinary hours worked. From 1 April 1984 the hourly rate shall be calculated by dividing the appropriate weekly rate by 38.

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(ii) An employee who has then qualified for four full weeks' leave pursuant to subclause (a) hereof and has also completed a further week or more of continuous service shall be allowed his leave, and shall subject to subclause (c) hereof also be paid at the appropriate rate of wage as prescribed by subclauses (h) and (i) hereof prior to 1 April 1984 for 3.08 hours for each 40 ordinary hours worked and from 1 April 1984 for 2.923 hours for each 38 ordinary hours worked since the close of his last twelve-monthly qualifying period. From 1 April 1984 the hourly rate shall be calculated by dividing the appropriate weekly rate by thirty-eight (38).

(iii) The next 12 monthly qualifying period for each employee affected by such close down shall commence from the day on which the plant, or section or sections concerned is reopened for work. Provided that all time during which an employee is stood off without pay for the purposes of this subclause shall be deemed to be time of service in the next 12 monthly qualifying period.

(iv) If in the first year of his service with an employer an employee is allowed proportionate annual leave under paragraph (i) hereof and subsequently within such year lawfully leaves his employment or his employment is terminated by the employer through no fault of the employee, he shall be entitled to the benefit of subclause (i) of this clause subject to adjustment for any proportionate leave which he may have been allowed as aforesaid.

(v) Subject to subclause (a)(i) hereof, an employer may close down his plant for two separate periods for the purpose of granting annual leave in accordance with this subclause provided the majority of the employees in the plant or section concerned agree. An employer who desires to close down his plant in 2 periods shall, before asking the employees concerned for their agreement, advise them of the proposed dates of each close down.

(f) Part Close Down and Part Rostered Leave

Subject to subclause (a)(i) hereof an employer may close down his plant or section thereof, for a period of less than 28 consecutive days and allow the balance of the annual leave due to an employee in one continuous period in accordance with the roster. The granting and taking of annual leave in accordance with this subclause shall be subject to the agreement of the employer and the majority of employees in the plant, or a section or sections thereof respectively.

An employer who desires employees to take annual leave on a part close down and part rostered basis shall, before asking the employees concerned for their agreement, advise them of the proposed date of the close down and details of annual leave roster.

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(g) Leave Where Close Down does not Apply

(i) The annual leave shall be given and taken in a continuous period or, if the employer and employee so agree, in 2 separate periods. Notwithstanding the foregoing an employer may grant any entitlement of 4 weeks leave in 2 periods.

(ii) 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 and after not less than 4 weeks notice to the employee.

(iii) Leave Allowed Before Due Date

An employer may allow annual leave to an employee before the right thereto has accrued due but where leave is taken in such a case a further period of annual leave shall not commence to accrue until after the expiration of the 12 months in respect of which annual leave had been taken before it accrued.

Where leave has been granted to an employee pursuant to this subclause before the right thereto has accrued due and the employee subsequently leaves or is discharged from the service of the employer before completing the 12 months continuous service in respect of which the leave was granted the employer may for each 5 ordinary working days of the qualifying period of 12 months not served by the employee deduct from whatever remuneration is payable upon the termination of the employment one fifty-second of the amount of wage paid on account of the annual leave, which amount shall not include any sums paid for any of the holidays prescribed by Clause 18 - Holidays with Pay.

(iv) Annual Leave Exclusive of Public Holidays

Subject to this subclause the annual leave prescribed by this clause shall be exclusive of any of the holidays prescribed by Clause 18 - 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 the period of annual leave time equivalent to the ordinary time which the employee would have worked if such day had not been a holiday.

Provided that in the case of holidays occurring during any period of annual leave any payment due under this paragraph shall be made on the day preceding the commencement of the annual leave.

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(h) Payment for Period of Annual Leave

Each employee before going on leave shall be paid the wages due by cash, cheque or by electronic transfer directly into a bank, building society, credit union, or other financial institution in the same manner as prescribed in Clause 27 - Payment of Wages this award. Such wages shall be in respect of ordinary time he/she would have worked had he/she not been on leave during the relevant period.

Each employee shall, where applicable, have the amount of wages to be received for annual leave calculated by including the following where applicable:

(1) Time Workers (other than Payment by Results Workers)

(i) The rate prescribed by Clause 8 - Wage Rates, Division A and Clause 39 - Tools and Tool Allowance for the occupation in which the employee is ordinarily employed.

(ii) The rate prescribed for work in ordinary time by subclause (e) of Clause 35 - Shift Work, according to the employee's roster or projected roster.

(iii) The rate payable pursuant to Clause 23 - Mixed Functions, calculated on a daily basis which the employee would have received for. ordinary time during the relevant period whether on shift roster or otherwise.

(iv) Any extra payment provided in the Tasmanian Industrial and Commercial Training Act 1985 for proficiency.

(v) Any other rate to which the employee is entitled in accordance with his contract of employment for ordinary hours of work provided that this provision shall not operate so as to include any payment which is of a similar nature or is paid for the same reasons as or is paid in lieu of those payments prescribed in subclause (d) of Clause 22 - Meal Hours - Day Workers; Clause 25 - Overtime - Day Workers; Clause 34 - Second Hand Work; subclause (f) of Clause 35 Shift Work; Clause 38 - Special Rates, Allowances and Conditions or Clause 40 - Travelling in Employer's Vehicle nor any payment which might have become payable to the employees as reimbursement for expenses incurred.

(2) Payment by Results Workers

In the case of an employee employed on piece or bonus work or any other system of payment by results, whether in accordance with Clause 28 - Piecework or otherwise, the rate which is the weekly average of payments made to the employee under such scheme for the period actually worked by him during ordinary hours during the last 3 monthly period in respect of which such payments have been calculated prior to the time of going on leave or termination of employment as the case may be.

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(i) Loading on Annual Leave

During a period of annual leave an employee shall receive a loading calculated on the rate of wage prescribed by subclause (h)(1)(i) and (v) of this clause.

The loading shall be as follows:

(i) Day Workers - an employee who would have worked on day work only had he not been on leave - a loading of 17.5 per cent.

(ii) Shift Workers - an employee who would have worked on shift work had he not been on leave - a loading of 17.5 per cent.

Provided that where the employee would have received shift loadings prescribed by Clause 35 - Shift Work, had he not been on leave during the relevant period and such loadings should have entitled him to a greater amount than the loading of 17.5 per cent, then the shift loadings shall be added to the rate of wage prescribed by subclause (h)(1)(i) and (v) in lieu of the 17.5 per cent loading.

Provided further, that if the shift loadings would have entitled him to a lesser amount than the loading of 17.5 per cent then such loading of 17.5 per cent shall be added to the rate of wage prescribed by subclause (h)(1)(i) and (v) in lieu of the shift loadings.

(iii) The loading shall not apply in the case of an employee engaged under a system of payments by results, as prescribed by Clause 28 - Piecework.

The loading prescribed by this subclause shall not apply to proportionate leave on termination.

(j) Proportionate Leave on Termination

An employee on weekly hiring who:

(i) After one month's continuous service in his first qualifying 12 monthly period with an employer, lawfully leaves the employment of the employer or his employment is terminated by the employer through no fault of the employee, or

(ii) After twelve months' continuous service with an employer, leaves the employment of the employer or his employment is terminated by the employer for any reason, shall prior to 1 April 1984, be paid for 3.08 hours for each 40 ordinary hours worked and from 1 April 1984, 2.923 hours for each 38 ordinary hours worked and in respect of which leave has not been granted under this clause at the appropriate rate of wage calculated in accordance with subclause (h) of this clause prior to 1 April 1984, and from 1 April 1984, in accordance with Clause 27 - Payment of Wages, subclause (i).

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(iii) Transition Period

In the case of an employee whose employment is terminated after 1 April 1984 and who has accrued an entitlement to proportionate leave in accordance with subclause (a) of this clause in respect of a period up to 1 April 1984 he shall be paid for that period on the following basis:

$$\text{Number of accrued hours up to 1 April 1984} \times \frac{\text{appropriate weekly rate}}{40}$$

9A. APPRENTICESHIPS

(a) Apprentices

(i) One apprentice shall be allowed to the first two adult workers or fraction thereof and thereafter one additional apprentice to every two such workers.

(ii) An employee who is under 21 years of age on the expiration of his apprenticeship and thereafter works as a minor in the occupation to which he has been apprenticed shall be paid at not less than the adult rate prescribed in this award for that classification.

(iii) Provided at least one apprentice is employed under the provisions of subclause (a)(i) of this clause, one adult apprentice shall be allowed to the first 5 tradesmen and .thereafter one additional adult apprentice to every additional 5 tradesmen and additional 2 apprentices employed under the provisions of subclause (a)(i) of this clause.

(iv) Where a junior worker becomes indentured to a trade, the time spent in such trade as a junior worker shall count as part of the term of apprenticeship.

(v) A probationary period of three months shall be allowed before a person is indentured for the first time, but the period of probation shall be treated as part of the period of apprenticeship and apprentices rates shall be paid during the probationary period.

(vi) The term "adult workers" shall mean adults whose wages are prescribed by this award and includes a proprietor working in his factory; provided that an apprentice shall not be an adult worker until he has completed his term of apprenticeship prescribed by this award.

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(b) (i) For the purpose of indentures, the following shall be apprenticeship trades:

Furniture: Cabinet making, polishing, upholstering, machining - instruction and practice in four of the following machines: shaper, router, moulder, band saw, dovetailer, buzzer, planer, glue jointer, tenoner, copying lathe, automatic lathe.

Floor finishing and covering

Piano tuning and/or repairing

Glazing and flat glass processing

All glazing procedures (timber, aluminium, shopfronts, etc.) All cutting procedures, All glass work procedures including bevelling, silvering, embossing, glazing, including lead and copper glazing, painting and designing, bending, blocking, scratch polishing and sandblasting. Use of tools for the above procedures. Cutting-assembling-fixing of showerscreens, showcases, shopfronts, aluminium doors, leadlights and all of its associated work.

(ii) In all types of machining, instruction and practice shall be given in one of the following machines, viz., shaper, moulder or router.

(c) Compulsory Apprenticeship Trades

Juniors employed as cabinet makers, polishers (furniture), upholsterers, wood machiners (furniture), glazing and flat glass processors, floor finishers and coverers, piano tuners and repairers shall only be employed as apprentices.

(d) Technical Training

(i) On an apprentice producing a certificate from an approved college or school providing technical training which certificate states that he has a record of 70 per cent of attendance at such college or school, his employer shall refund to him his college or school class fees.

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(ii) An apprentice who obtains and produces to his employer a certificate or statement of competency or proficiency issued for any year of his technical education by an approved college or school providing technical training shall be entitled, for the ensuing twelve months, to the following extra payment:

if in his first year	$1.00 per week
if in his second year	$1.25 per week
if in his third or fourth year	$1.50 per week

Such additional payments shall not be cumulative.

(iii) Where an employer has allowed an apprentice time for the purpose of attending any class and the apprentice, through his own fault, has not attended the class his employer shall be entitled to deduct from the wages of the apprentice, an amount proportionate to the time allowed to the apprentice.

(iv) An employer shall grant an apprentice leave of absence with pay for the purpose of undertaking apprenticeship training provided by a State apprenticeship authority.

(e) Terms of Apprenticeship

(i) The term of apprenticeship for persons entering apprenticeship trades shall comply with the Industrial and Commercial Training Act 1985 (Tas.).

(ii) Nothing in this award shall be deemed to amend (except as herein provided) or in any way render inoperative the terms contained in an indenture of apprenticeship which at the time of the coming into force of this award has been in existence for a period of not less than three and a half years.

(iii) The provisions of this award governing holidays and sick pay shall apply to all apprentices whether the apprenticeship was commenced before or after the date of the coming into force of this award.

(iv) In the event that a statutory body issues regulations relating to apprentices in this industry, such regulations shall apply notwithstanding any provision contained in this award.

(v) Where under any law or regulation apprentices exceeding the number herein prescribed are at the date of the making of this award employed by any employer, such apprentices shall continue to be employed until such time as their indentures are completed or cancelled.

(f) Calculation of Proportions

The proportion of apprentices shall be based on the average number of adult workers employed for the preceding six months in each workshop or factory.

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10. BREAKAGE OF DENTURES AND SPECTACLES ETC.

(a) Subject to proof that breakage or damage occurred at work, compensation to the extent of the damage sustained shall be made where clothing, spectacles, dentures, contact lenses, hearing aids or artificial eyes are damaged or destroyed by fire or through the use of corrosive substances or by impact damage caused by equipment or material normally used in the course of the employees duties.

(b) Provided further that this clause shall not apply when the employee is entitled to workers' compensation in respect to the damage, or such damage is caused through wilful misconduct.

(c) Where an employee is entitled to recover the replacement cost in part or whole of any such article as is above specified by virtue of Commonwealth Medicare legislation and/or private health insurance, the employer shall only be responsible for any balance of cost, if any, not met from such other source.

11. CLOTHING, EQUIPMENT AND TOOLS

(a) Materials to be Provided

An employee engaged at spraying, polishing or finishing shall be supplied by his employer with all materials including suitable clean rags, brushes and kit box.

(b) Rubber Shoes for Layers of Floor Coverings

An employee engaged in laying carpets, linoleums or similar types of floor coverings shall be supplied by his employer free of charge with rubber soled shoes as required, but such supply shall not exceed 2 pairs per year.

(c) Protective Clothing - Glass Section

An employee working in the glass section shall be supplied by his employer with the following protective clothing -

(i) If engaged in cleaning mirrors with acid - rubber or leather gloves;

(ii) If employed bevelling or silvering - rubber or leather aprons and rubber boots;

(iii) If employed on any other work – canvas or leather gloves when necessary;

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(iv) In addition all employees shall be initially provided with one pair of safety boots or shoes and two pairs of overalls with the employer bearing the full cost of the standard issue. If, during the first year of issue the footwear wear out, a second pair may be issued. In subsequent years there shall be an annual issue of one pair of footwear and one pair of overalls to be made at the employer's expense provided that an additional issue of footwear and/or overalls shall be made in any given year where such footwear or overalls wear out before the expiry of such year provided that worn out items are returned by the employee as evidence that replacement issue is warranted.

Footwear or overalls required in excess of the above quantities shall be at the employee's expense.

Laundering and upkeep of protective clothing shall be the responsibility of employees who shall be expected to maintain them in good condition and take reasonable care of such clothing.

Before any clothing is provided by an employer free of cost to an employee, the employee may be required to sign a document in which he gives an undertaking that on termination of employment he shall return the clothing, or reimburse the employer with the value of the clothing, as at the time of the termination of employment.

The employer shall observe a probationary period of three months employment before the issue of protective clothing, unless payment is made by the employee for standard issue of clothing issued prior to the completion of the first three months employment, such payment to be refunded to the employee upon the satisfactory completion of three months service. Such issue shall be considered to be the initial issue as from the time of issue.

The wearing of protective clothing provided by the employer shall be a condition of employment except in special cases where individual physical disabilities preclude wearing a standard issue.

(d) Masks and Goggles

(i) A suitable mask and goggles or other approved appliance shall be provided by an employer for an employee on spray painting or sand blasting.

(ii) Goggles shall be provided by an employer for an employee grinding tools.

(iii) Masks or goggles containing celluloid shall not be considered suitable for the purpose of this subclause.

(iv) An employee when performing work referred to in this subclause, shall wear the equipment provided for his protection.

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(e) Rubber Boots and Aprons

Suitable protective clothing shall be supplied to employees engaged in glue spreading, tile laying, polishing and bedding spring making.

Such protective clothing shall be deemed to include suitable footwear. In the case of tile laying, footwear shall be provided in accordance with subclause (b) hereof.

A polisher engaged on wet rubbing shall be provided by his employer with rubber boots and a rubber apron. In other cases, an apron shall be considered as adequate suitable protective clothing for polishers, but shoes shall be provided as hereunder prescribed in this subclause. Where overalls or shoes are otherwise provided by the employer to employees engaged in glue spreading, tile laying, polishing and bedding spring making, an employee who has been employed for a period of not less than 3 months continuously shall suitably be supplied by that employer with one pair of shoes and two pairs of overalls. Thereafter a maximum issue of one pair of each shall be made annually at the employer's expense provided that the worn out items are returned by the employee as evidence that a replacement issue is warranted.

Laundering and upkeep of protective clothing shall be the responsibility of the employee, who shall be expected to maintain them in good condition and take reasonable care of such protective clothing, which shall remain the property of the employer.

On termination the employer may require the employee to return such protective clothing or to recover from the employee concerned the value of such protective clothing, proportionate to the length of service since issue, from any monies payable to the employee.

(f) A furnace operator shall, when necessary, be provided by his employer with canvas or leather gloves.

12. COMPASSIONATE LEAVE

An employee shall on the death of a wife, husband, father, mother, child, step-child, brother, sister, mother-in-law, father-in-law, step-mother, step-father, grand-father, grand-mother, 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 payment 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 furthermore that this clause shall have no operation while the period of entitlement to leave under it coincides with any other period of entitlement to leave.

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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.

13. CONTRACT OF EMPLOYMENT

(a) Except as hereinafter provided, employment shall be by the week.

(b) (i) An employee to become entitled to payment of the wages prescribed by this award shall be available and ready and willing to perform such work as his employer shall from time to time require on the days and during the hours usually worked by the class of employee affected.

(ii) Notwithstanding the provisions contained in subclause (b)(i) of this clause an employee shall be properly attired in work clothes, including safety equipment, and be located at the designated work station immediately prior to both commencement and finishing times of work. This condition applies to all rest periods, meal breaks and crib time breaks. Provided that lunch rooms or areas designated for rest period or crib time are to be within reasonable distance from the work station.

(c) (i) Where the majority of the employees in any establishment or of any department of such establishment agree to work part time for any period or to close down for any period on days other than prescribed holidays, the provisions of this award as to the weekly wage shall not apply to an employee in such establishment or department during such period.

(ii) Any such period of part time working or close-down shall not exceed 4 weeks and such be subject to review before the end of such period.

(iii) An employee affected by this subclause shall retain the weekly credits prescribed by Clause 8 - Wage Rates, Division A, subclause 1, Adult Employees, as though he were working.

(iv) The Society shall be advised by the employer of any agreement entered into pursuant to this subclause.

(d) Employment for the first week of service at any time shall be from hour to hour at the weekly rate prescribed by this award.

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(e) (i) Employment shall be terminated by a week's notice on either side given at any time during the week or by the payment or forfeiture of a week's wages, as the case may be. This shall not affect the right of an employer to dismiss an employee without notice for neglect of duty or misconduct and in such cases the wages shall be paid up to the time of dismissal only, or to deduct payment for any time an employee cannot be usefully employed because of any strike by the Society or any other union or through any breakdown of machinery or any stoppage of work by any cause for which the employer cannot reasonably be held responsible.

(ii) Where an employee has given or been given notice as aforesaid he shall continue in his employment until the date of the expiration of such notice. An employee who, having given or been given notice as aforesaid, without reasonable cause (proof whereof shall lie upon him) absents himself from work during such period shall be deemed to have abandoned his employment and shall not be entitled to payment for work done by him within that period.

(f) (i) An employer shall not terminate the employment of a weekly employee for the purposes of evading payment for the holidays prescribed by this award.

(ii) Where an employee is dismissed within 7 days prior to a holiday prescribed by this award re-engagement of such employee within 7 days after such holiday shall be prima facie evidence that the employment was terminated for the purpose of evading payment for such holiday.

(g) Where an employee terminates the employment of an employee who had been employed by that employer for a period of at least one week prior to the termination of the employment and the termination is made within one week of a day on which a holiday prescribed by this award occurs, the employee shall be paid for such holiday.

(h) Casual Employment

A casual employee is one engaged for a period not exceeding 8 weeks and paid as such. A casual employee for working ordinary hours shall be paid per hour one-thirty-eighth of the weekly rate prescribed by this award for the work he or she performs plus 20 per centum.

(i) Part-time Employees

A part-time employee is one engaged on a weekly contract of hire to work less than 38 hours but at least 19 hours or more per week.

(i) They shall be engaged for a constant number of hours, which shall be for not less than nineteen (19) hours in any week.

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(ii) If time workers, they shall be paid for each hour worked during the regular hours of work at the rate of at least 1/38th of the minimum weekly wage prescribed by this award for the class of work performed by them and if payment by results workers they shall be paid at the appropriate payment by results rate payable under this award, but in no case shall any of such employees be paid less than so much of the minimum weekly wage prescribed by the said award as is appropriate to the time worked by them.

(iii) The payment or deduction of payment in lieu of notice of termination of employment shall be calculated on a proportionate basis. For example where an employee was rostered for nineteen (19) hours in the preceding week, then the pro rata amount is 19/38ths of the rate of wage for the classification involved.

(iv) The provisions of this award as regards annual leave, sick leave and holidays shall apply to such part-time employees, but they shall be paid in respect of the period as such annual leave and sick leave only in proportion to the number of hours worked each week during regular hours as compared with those worked by an ordinary weekly employee. In respect of holidays and sick leave, they shall be paid not more than the number of hours they would otherwise have worked on that day.

(v) Such part-time employees shall not be compelled by the employer to work overtime.

(vi) Save as aforesaid, all the provisions of this award shall apply to such part-time employees.

14. CONTRACT WORK - EMPLOYEES NOT TO PERFORM OTHER WORK

An employee working on weekly engagement for an employer bound by this award shall not perform work (except under the prescribed conditions for piece work in Clause 28 - Piecework), by contracting, subletting, or other similar systems.

15. DAMAGE TO CLOTHING AND TOOLS

The employer shall provide his employees with all tools of trade necessary for his type of operations, and such tools remain the property of the employer. An employee who has been provided by the employer with facilities to lock up such tools shall be held responsible for the safe custody of tools issued to him, and shall replace or pay for any tools so provided if lost or wilfully or negligently damaged.

Provided that where, by mutual agreement, the employee provides tools of trade necessary for the performance of his duties as required by the employer, such tools shall be insured by the employer against loss by theft or by fire up to a maximum of **$320** and the employer shall also be required to replace those tools worn out by fair wear and tear.

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16. DISABILITY ALLOWANCE

(a) An employee, apprentice or a junior engaged on work on a construction site or a glazier, including an apprentice, other than on a factory glazing, that is

(1) glazing in the employer's factory, or

(2) while on temporary transfer to perform stock glazing in a factory fabricating or manufacturing window frames, partitions or doors,

shall be paid a disability allowance for all work performed on site at the rate of **$13.00** per week (or 34 cents per hour) to compensate for the following disabilities of the industry, namely:

(i) Climatic conditions when working in the open on all types of work.

(ii) The physical disadvantage of having to climb stairs or ladders.

(iii) The disability of dust blowing in the wind, brick dust, and drippings from newly poured concrete.

(iv) Sloppy and muddy conditions associated with the initial stages of the erection of a building.

(v) The disability of working on all types of scaffolding, or ladders other than a swing scaffold, suspended scaffold, or a bosun's chair.

(vi) The lack of the usual amenities associated with factory work e.g. meal rooms, change rooms, lockers.

(vii) Dirty conditions caused by sanding machines or other unpleasant materials.

This allowance shall be paid for the time such employees are travelling between the workshop and job or between jobs and then loading at the workshop preparatory to proceeding to a job, but such employees are not entitled to this allowance when brought back to or retained at the workshop for any reason other than loading as above stated.

(b) Such allowance shall be in lieu of any special rates or allowances prescribed by paragraphs (ii), or (v) of subclause (a) of Clause 38 - Special Rates, Allowances and Conditions.

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(c) Other Glaziers

A glazier normally employed in a factory who is required to perform other glazing work covered by Clause 8 - Wage Rates, Division A, subclause 1, Adult Employees, sub-division II, Glass, shall be paid the disability allowance of 34 cents per hour whilst so employed.

(d) The foregoing disability allowance where applicable shall be paid for all purposes of the award, subject to the following conditions:

(i) Payment of wages in respect of public holidays not worked (where payment is otherwise due), sick leave, annual leave and attendance by apprentices at prescribed technical training shall include payment of the foregoing disability allowance, provided that the employee during such relevant period would have been engaged 'on-site'. In the case of an employee proceeding on annual leave or receiving payment in lieu of annual leave on termination and where it cannot be established to what extent he would have worked 'on-site' during the relevant period had he not been on leave or been terminated the payment of the disability allowance shall be calculated pro rata for the period of his continuous service during ordinary hours during the last twelve weeks period, in respect of which such payments have been made immediately prior to the time of going on leave or termination of employment as the case may be.

(e) Work on a construction site for the purpose of this clause means work performed on a building construction site during the course of the erection of a building or during major building renovations involving new construction.

However, such work shall not include work associated with the installation of internal blinds, curtains and the like, when the walls are completed and the employees are working under cover and the lifts or passenger/material hoists are available to employees. Provided that the exclusion of odd wall panels, sections or windows for the purpose of entrance or exit of materials or the anchoring of cranes, external lifting devices or scaffolding shall not prevent the walls of a building being defined as completed.

17. FIRST AID CERTIFICATE

An employee who is the holder of a current St. John First Aid Certificate, shall if required to act as a First Aid Attendant be paid **$4.60** per week extra.

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18. HOLIDAYS WITH PAY

(a) All weekly employees 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), the first Monday in November (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 the normal rate of pay which would have applied to the employee concerned, when, if it were not for such holiday, he had been at work.

(c) Payment to an employee for work performed on holidays mentioned in subclause (a) shall be at the rates prescribed elsewhere in this award.

(d) 'Show Day' means not more than one local Show Day observed on an employee's ordinary working day, other than a Saturday or a 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.

(e) Rostered Day Off Falling On Public Holiday

From 1 April 1984, in the case of an employee whose ordinary hours of work are arranged in accordance with sub-paragraphs (b)(iii) or (b)(iv) or paragraph (e), subclause 2. Implementation of 38 Hour Week of Clause 19 - Hours of Work - Day Workers, the weekday to be taken off shall not coincide with a public holiday fixed in accordance with subclause (a) or (b) hereof. Provided that in the event that a public holiday is prescribed after an employee has been given notice of his weekday off in accordance with paragraph (g) of subclause 2 of Clause 19 - Hours of Work - Day Workers, and the public holiday falls on the weekday the employee is to take off, the employer shall allow the employee to take the day off on an alternative weekday.

19. HOURS OF WORK-DAY WORKERS

1. (a) Hours and Spread of Hours

The ordinary hours of work of day workers shall be an average of 38 per week to be worked between the hours of 7.00 a.m. and 5.00 p.m. on any or all of the days Monday to Friday inclusive. Such average 38 hours per week shall be worked on one of the following bases:

(i) 38 hours within a work cycle not exceeding 7 consecutive days; or

(ii) 76 hours within a work cycle not exceeding 14 consecutive days; or

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(iii) 114 hours within a work cycle not exceeding 21 consecutive days; or

(iv) 152 hours within a work cycle not exceeding 28 consecutive days.

Provided that prior to 1 April 1984 ordinary hours of work shall be 40 each week to be worked in a manner prescribed by the award as at 31 March 1984.

(b) Rest Periods

(i) When any spell of duty in ordinary hours is for 4 hours or more, an interval of 10 minutes for employees at a time to be selected by an employer shall be allowed in the third hour of duty.

(ii) The interval referred to in sub-paragraph (i) hereof shall be regarded as time on duty and during such interval an employee may leave his or her work position but shall not leave the premises.

(c) Washing Time for Polishers

An employee engaged in the polishing shop or as a spray paint operator or stripper of mirrors or an employee using rouge or glacite or an employee engaged in the spring making section of bedding making or in glue spreading shall be allowed 5 minutes before the midday meal break and 5 minutes before knocking off time for washing purposes.

2. IMPLEMENTATION OF 38 HOUR WEEK

(a) From 1 April 1984 ordinary hours of work shall be an average of 38 per week as provided in subclause 1 hereof and Clause 35 - Shift Work.

(b) Except as provided in paragraphs (e) and (f) hereof, the method of implementation of the 38-hour week may be any one of the following:

(i) by employees working less than eight ordinary hours each day;

(ii) by employees working less than eight ordinary hours on one or more days each week; or

(iii) by fixing one weekday on which all employees will be off during a particular work cycle; or

(iv) by rostering employees off on various days of the week during a particular work cycle so that each employee has one weekday off during that cycle.

(c) In each plant, 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 objective being to reach agreement on the method of implementation prior to 1 April 1984.

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(d) In the absence of agreement at plant level, the procedure for resolving special, anomalous or extraordinary problems shall be applied in accordance with subclause 4 hereof. The procedure shall be applied without delay.

(e) Notwithstanding paragraph (a) hereof, the employer and the majority of employees in the plant or section or sections concerned may agree that the ordinary working hours are to exceed eight on any day, thus enabling a weekday off to be taken more frequently than would otherwise apply.

(f) Circumstances may arise where different methods of implementation of a 38 hour week apply to various groups or sections of employees in the plant or establishment concerned.

(g) Notice of Days Off

Except as provided in paragraph (h) hereof, in cases where, by virtue of the arrangement of his ordinary working hours an employee, in accordance with sub-paragraphs (b)(iii) and (b)(iv) hereof, is entitled to a day off during his work cycle, such employee shall be advised by the employer at least four weeks in advance of the weekday he is to take off.

(h) Substitute Days

(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 sub-paragraphs (b)(iii) and (b)(iv) 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 for another day.

(iii) Where implementation of the 38-hour week is agreed to in accordance with sub-paragraphs (b)(iii) or (b)(iv) or paragraph (e) hereof, or where a rostered day off is taken under paragraph (f) hereof, an employee and his employer may agree to a banking system of rostered days off provided that not more than four days can be banked for any employee in any twelve month period.

An employee would therefore work on what would normally have been his or her rostered day off and accrue an entitlement to bank a rostered day off to be taken at a mutually convenient time for both the employee and the employer, provided that not less than seven days' notice is given before taking the banked rostered days) off.

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No payments or penalty payment shall be made to employees working under this substitute banked rostered day off. However the employer will maintain a record of the number of rostered days banked and will apply the Average Pay System during the weeks when an employee elects to take a banked rostered day off.

Employees terminating prior to taking any banked rostered days) off shall receive the following:

$$\frac{\text{Average Week Pay}}{5} \times \text{number of banked Substitute days}$$

The Society shall be notified in writing by the employer of agreements made pursuant to this paragraph by no later than the end of the fifth working day subsequent to the day upon which such agreement is made.

3. PROCEDURES FOR IN-PLANT DISCUSSIONS

(a) Procedures shall be established for in-plant discussions, the objective being to agree on the method of implementing a 38-hour week in accordance with subclauses 1 and 2 of Clause 19 - Hours of Work - Day Workers and Clause 35 - Shift Work, and entailing an objective review of current practices to establish where improvements can be made and implemented.

(b) The procedures should allow for in-plant discussions to continue even though all matters may not be resolved by 1 April 1984.

(c) The procedures should make suggestions as to the recording of understandings reached and methods of communicating agreements and understandings to all employees, including the overcoming of language difficulties.

(d) The procedures should allow for the monitoring of agreements and understandings reached in-plant.

(e) In cases where agreement cannot be reached in-plant in the first instance or where problems arise after initial agreements or understandings have been achieved in-plant, a formal monitoring procedure shall apply. The basic steps in this procedure shall be as applies with respect to special, anomalous or extraordinary problems as prescribed in subclause 4 of Clause 19 - Hours of Work - Day Workers.

(f) Separate to these procedures the employer organisations or the Society may provide assistance and guidance to their members on the subject matters to be dealt with in in-plant discussions and on other relevant matters.

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4. PROCEDURES FOR SETTLING PROBLEMS
RELATED TO THE IMPLEMENTATION OF 38 HOUR WEEK

The procedure for settling any problems which may arise in the implementation of the 38-hour week shall be as follows:

(i) Consultation shall take place within the particular establishment concerned.

(ii) If it is unable to be resolved at establishment level, the matter shall be referred to the State Secretary of the Society concerned or his deputy, at which level a conference of the parties shall be convened without delay.

(iii) In absence of agreement either party may refer the matter to the Tasmanian Industrial Commission for resolution.

20. LIMITATION OF EMPLOYMENT

(a) Except as hereinafter provided, no weekly employee shall work for' more than one employer during any week nor shall an employee make or assist in the production of goods for sale on his own account.

(b) An employer may, by mutual arrangement between himself, his employee concerned, the Society and another employer, provide for temporary transfer of that employee during the ordinary working hours of the week; but, except for this provision, no employer shall employ any person at any time who is already employed by another employer.

(c) The provisions of this clause shall not affect the right of an employee to transfer from one employer to another after properly terminating his engagement in accordance with the provisions of Clause 13 - Contract of Employment.

21. MATERNITY LEAVE

(a) Eligibility for Maternity Leave

An employee who becomes pregnant, shall upon production to her employer of a certificate from a duly qualified medical practitioner stating the presumed date of her confinement, be entitled to maternity leave provided that she has had not less than 12 months' continuous service with that employer immediately preceding the date upon which she proceeds upon such leave.

For the purposes of this clause:

(i) An employee shall include a part-time employee but shall not include an employee engaged upon casual or seasonal work.

(ii) Maternity leave shall mean unpaid maternity leave.

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(b) Period of leave and commencement of leave

(i) Subject to subclauses (c) and (f) hereof, the period of maternity leave shall be for an unbroken period of from 6 to 52 weeks and shall include a period of 6 weeks compulsory leave to be taken immediately following confinement.

(ii) An employee shall, not less than 10 weeks prior to the presumed date of confinement, give notice in writing to her employer stating the presumed date of confinement.

(iii) An employee shall give not less than 4 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.

(iv) 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 6 weeks immediately prior to her presumed date of confinement.

(v) 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 (iii) hereof, if such failure is occasioned by the confinement occurring earlier than the presumed date.

(c) Transfer to a safe job

Where in the opinion of a duly qualified 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.

If the transfer to a safe job is not practicable, the employee may, or the employer may require the employee to, take leave for such period as is certified necessary by a duly qualified medical practitioner. Such leave shall be treated as maternity leave for the purposes of subclauses (g), (h), (i) and (j) hereof.

(d) Variation of period of maternity leave

(i) Provided the addition does not extend the maternity leave beyond 52 weeks, the period may be lengthened once only, save with the agreement of the employer, but the employee giving not less than 14 days' notice in writing stating the period by which the leave is to be lengthened.

(ii) The period of 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.

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(e) Cancellation of maternity leave

(i) Maternity leave, applied for but not commenced, shall be cancelled when the pregnancy of 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.

(f) 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

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

(b) 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 duly qualified 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 duly qualified 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 52 weeks.

(iii) For the purposes of subclauses (g), (h) and (i) 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 (c), to the position she held immediately before such transfer.

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 salary or wage to that of her former position.

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(g) Maternity leave and other entitlements

Provided the aggregate of leave including leave taken pursuant to subclauses (c) and (f) hereof does not exceed 52 weeks:

(i) An employee may, in lieu of or in conjunction with maternity leave, take any annual leave or any part thereof to which she is then entitled.

(ii) Paid sick leave or other paid authorised award absences (excluding annual leave), shall not be available to an employee during her absence on maternity leave.

(h) Effect of maternity leave on employment

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 an award.

(i) Termination of employment

(i) An employee on maternity leave may terminate her 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 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.

(j) Return to work after maternity leave

(i) An employee shall confirm her intention of returning to her work by notice in writing to the employer given not less than 4 weeks prior to the expiration of her period of maternity leave.

(ii) An employee, upon 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 (c) to the position which she held immediately before such transfer. 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 salary or wage to that of her former position.

(k) Replacement employees

(i) A replacement employee is an employee specifically engaged as a result of an employee proceeding on maternity leave.

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(ii) Before an employer engages a replacement employee under this subclause, 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 clause, 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) Provided that nothing in this subclause shall be construed as requiring an employer to engage a replacement employee.

(v) A replacement employee shall not be entitled to any of the rights conferred by this clause except where her employment continues beyond the 12 months' qualifying period.

22. MEAL HOURS - DAY WORKERS

(a) An interval of 45 minutes shall be allowed to an employee other than a shift worker, for the midday meal between the hours of noon and 2 p.m. but such interval may be reduced to 30 minutes if the employer and the Society mutually agree.

(b) Except where from 1 April 1984 any alternative arrangement is entered into as a result of in-plant discussions as provided in subclause 3 of Clause 19 - Hours of Work - Day Workers, time and a half rates shall be paid for all work done during meal hours and thereafter until a meal break is allowed.

(c) An employee shall not be compelled to work for more than 5 hours continuously without a break for a meal.

23. MIXED FUNCTIONS

An employee engaged for more than 2 hours during one day or shift on duties carrying a higher rate than his ordinary classification shall be paid the higher rate for such day or shift. If for 2 hours or less during one day or shift he shall be paid the higher rate for the time so worked.

24. NOTICE BOARDS

An employer shall provide a notice board to be erected in a prominent position in his establishment upon which the Society shall be permitted to post notices in connection with meetings of the Society.

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25. OVERTIME - DAY WORKERS

(a) (i) Except as provided in subclauses (b) and (c) hereof all work done by day workers before or after the usual time of beginning or ending work or outside the ordinary hours of work shall be paid for at the rate of time and one half for the first two hours on any one day and at the rate of double time thereafter, such double time to continue until the completion of the overtime work. For the purposes of this clause ordinary hours shall mean the hours of work fixed in an establishment in accordance with subclauses 1, 2 and 3 of Clause 19 -Hours of Work - Day Workers or Clause 35 - Shift Work.

(ii) From 1 April 1984, the hourly rate when computing overtime shall be determined by dividing the appropriate weekly rate by 38, even in cases when an employee works more than 38 ordinary hours in a week.

(b) Notwithstanding anything contained in subclauses (a) and (c) hereof, all time worked between 9 p.m. and 7 a.m. shall be paid for at the rate of double time.

(c) (i) Notwithstanding anything contained in subclause (a) hereof work performed on a Saturday shall be paid for at the rate of time and one half for the first 2 hours and double time thereafter. Provided that any work performed after 12 noon on a Saturday shall be paid for at the rate of double time.

(ii) An employee required to work on the day following Good Friday shall be afforded at least four hours work or paid for four hours at the appropriate rate.

(d) Rest Period before recommencing work

(i) When overtime work including work on a Sunday or holiday, is necessary, it shall, wherever reasonably practicable, be so arranged that an employee works not more than 14 hours in any period of 24 consecutive hours and so that each employee may have at least 10 consecutive hours off duty in each such 24 consecutive hours.

(ii) Subject to the exceptions referred to in subclause (e) hereof as to call backs of less than 3 hours when an employee (other than a casual employee) finishes a period of work he shall, subject to this subclause, be released until he has had 10 consecutive hours off duty without loss of pay for his ordinary working time occurring during such absence.

(iii) If, on the instruction of his employer, such an employee resumes or continues work without having had such 10 consecutive hours off duty he shall be paid at the rate of double time until he is released from duty for such period and he shall then be entitled to be absent until he has had 10 consecutive hours off duty without loss of pay for ordinary working time occurring during such absence.

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(e) Call Back

(i) An employee recalled to work overtime after leaving his employer's business premises (whether notified before or after leaving the premises) shall be paid for a minimum of 3 hours work at the appropriate rate for each time he is so recalled. Provided that except in the case of unforeseen circumstances arising an employee shall not be required to work the full 3 hours if the job he was recalled to perform is completed within a shorter period.

(ii) The provisions of paragraph (i) hereof shall not apply -

(1) in cases where it is customary for an employee to return to his employer's premises to perform a specific job outside his ordinary working hours; or

(2) where the overtime is continuous (subject to a reasonable meal break) with the commencement of ordinary working time; or

(3) where, from Monday to Friday inclusive, an employee is recalled to work 2 hours or less, in which case he shall be paid for 3 hours at the appropriate rate.

(iii) Where the actual time worked is less than 3 hours on such recall or on each of such recalls, overtime worked in the circumstances specified in this subclause shall not be regarded as overtime for the purposes of subclause (d) hereof.

(iv) When an employee, after having worked overtime other than regular overtime and/or a shift for which he has not been regularly rostered, finishes work at a time when reasonable means of transport are not available the employer shall provide him with conveyance to his home or to the nearest public transport.

(f) Crib Time

(i) An employee working overtime for one and one half hours or more after working ordinary hours shall, before starting such overtime, be allowed a crib break of 20 minutes which shall be paid for at ordinary rate.

(ii) An employee working overtime shall be allowed a crib break of 20 minutes without deduction of pay after each 4 hours of overtime worked provided he continues work after such crib break. Provided that where a day worker is required to work overtime on a Saturday, the first prescribed crib break shall, if occurring between 10 a.m. and 1 p.m. be paid for at ordinary rate.

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

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(g) Meal Money

(i) An employee required to work overtime for more than 2 hours without being notified on the previous day or earlier that he will be so required to work shall either be supplied with a meal by the employer or paid **$4.90** for the first meal, **$4.90** for the second meal and **$4.90** for each subsequent meal, but such payment need not be made to an employee living in the same locality as his workshop who can reasonably return home for meals.

(ii) Unless an employer advised an employee on the previous day or earlier that the amount of overtime to be worked will necessitate the partaking of a second or subsequent meal (as the case may be) the employer shall provide such second and/or subsequent meals or make payment in lieu thereof as prescribed in paragraph (i) hereof.

(iii) If an employee pursuant to notice has provided a meal or meals and is not required to work overtime or is required to work less than the amount advised, he shall be paid as prescribed in paragraph (i) hereof for meals which he has provided but which are surplus.

(h) Compulsory Overtime

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

(i) An employee under the age of 17 years shall not be permitted to work more than 4 hours overtime in any one week.

26. PAYMENT FOR WORK ON SUNDAYS AND HOLIDAYS

(a) An employee who is employed on a holiday prescribed by Clause 18 - Holidays with Pay, shall be paid for such work at the rate of time and a half in addition to his usual rate.

(b) All work done on a Sunday shall be paid for at the rate of double time.

27. PAYMENT OF WAGES

(a) Prior to 1 April 1984

When ordinary hours are 40 per week, the method of paying wages in force as at 31 March 1984 shall be continued.

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(b) From 1 April 1984

From 1 April 1984 wages shall be paid as follows:

(i) Employee who actually works 38 ordinary hours each week.

In the case of an employee whose ordinary hours of work are arranged in accordance with sub-paragraphs (b)(i) or (b)(ii) of Clause 19 - Hours of Work - Day Workers, subclause 2, Implementation of 38 Hour Week, so that he works 38 ordinary hours each week, wages shall be paid weekly according to the actual ordinary hours worked each week.

(ii) Employee who works an average of 38 ordinary hours each week.

Subject to Special Note (2) and subclause (h) hereof, in the case of an employee whose ordinary hours of work are arranged in accordance with sub-paragraphs (b)(iii) or (b)(iv) of Clause 19 - Hours of Work - Day Workers, subclause 2, Implementation of 38 Hour Week , so that he works an average of 38 ordinary hours each week during a particular work cycle, wages shall be paid weekly according to a weekly average of ordinary hours worked even though more or less than 38 ordinary hours may be worked in any particular week of the work cycle.

(iii) An employee shall be paid weekly in cash or by bank deposit, not later than Thursday, provided that where a Public Holiday falls on Friday, an employee where practicable shall be paid no later than Wednesday.

Payment of wages made via bank deposit, shall ensure that wages are available for employees' withdrawal no later than commencement of business of the nominated bank on the day such wages are due. Special arrangements may be necessary should an employee wish to have wages paid into a Credit Society.

In the event that technical problems within the Electronic Transfer System prevent an employee collecting his wages, the employer shall take immediate action to ensure such employee receives due payment in cash.

The implementation of this system shall be at the discretion of the employer and shall apply to all employees.

(iv) In the event that an employee, by virtue of the arrangement of his ordinary working hours, is to take a day off on a day which coincides with pay day, such employee shall be paid no later than the working day immediately following pay day. Provided that, where the employer is able to make suitable arrangements, wages may be paid on the working day preceding pay day.

(c) Except as provided in Clause 37 - Sick Leave, an employer shall not hold more than two days' pay in hand.

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(d) An employee kept waiting for his wages on pay day, after the usual time for ceasing work, without reasonable cause and advice, shall be paid at overtime rates until he receives his wages.

(e) When an employee is dismissed or his employment terminates he shall be paid when he ceases work all wages due to him, provided that such payment may be made by the employer by cheque.

Provided that in the case of an employee whose ordinary hours are arranged in accordance with sub-paragraphs (b)(iii) and (b)(iv) of Clause 19 - Hours of Work - Day Workers, subclause 2, Implementation of 38 Hour Week, and who is paid average pay and who has not taken the day off due to him during the work cycle in which his employment is terminated, the wages due to that employee shall include the total of credits accrued during the work cycle as detailed in the Special Note following subclause (i) hereof.

Provided further, where the employee has taken a day off during the work cycle in which his employment is terminated the wages due to that employee shall be reduced by the total of credits which have not accrued during the work cycle.

(f) Where as a result of an error in the calculation or the preparation of the pay packet an adjustment has to be made to the employee's wages, such adjustment shall be made wherever practicable on the same day, but not later than the close of business on the next working day.

(g) (i) On or prior to pay day, an employer shall state to each employee in writing the amount of wages to which he is entitled, the amount of each deduction made therefrom and the net amount being paid to him. Slips containing such written information shall be inserted inside an envelope.

(ii) Each employee, annually at the time of taking annual leave shall receive in his weekly pay slip a detailed statement outlining current sick leave accruals.

(h) Where the employer and the majority of employees concerned agree, an alternative method of paying wages to that provided by subclause (b) and Special Note (2) hereof, may be introduced.

(i) Except as provided in Special Note (2)(i) of this clause, hourly rates shall be calculated by dividing the appropriate weekly rate by 38.

SPECIAL NOTE

1. Explanation of Averaging System

As provided in paragraph 14 (b)(ii) an employee whose ordinary hours may be more or less than 38 in any particular week of a work cycle, is to be paid his wages on the basis of an average of 38 ordinary hours so as to avoid fluctuating wage payments each week. An explanation of the averaging system of paying wages is set out below:

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(i) Clause 19 - Hours of Work - Day Workers, subclause 2, Implementation of 38 Hour Week provides in sub-paragraphs (b)(iii) and (b)(iv) that in implementing a 38-hour week the ordinary hours of an employee may be arranged so that he is entitled to a day off, on a fixed day or rostered day basis, during each work cycle. It is in these circumstances that the averaging system would apply.

(ii) If the 38-hour week is to be implemented so as to give an employee a day off in each work cycle this would be achieved if, during a work cycle of 28 consecutive days (that is, over four consecutive weeks) the employee's ordinary hours were arranged on the basis that for three of the four weeks he worked 40 ordinary hours each week and in the fourth week he worked 32 ordinary hours. That is, he would work for 8 ordinary hours each day, Monday to Friday inclusive for three weeks and 8 ordinary hours on four week days only in the fourth week - a total of 19 days during the work cycle.

(iii) In such a case the averaging system applies and the weekly wage rates for ordinary hours of work applicable to the employee shall be the average weekly wage rates set out for the employee's classification in Clause 8 - Wage Rates, and shall be paid each week even though more or less than 38 hours are worked that week.

In effect, under the averaging system, the employee accrues a 'credit' each day he works actual ordinary hours in excess of the daily average which would otherwise be 7 hours 36 minutes. The 'credit' is carried forward so that in the week of the cycle that he works on only four days, his actual pay would be for an average of 38 ordinary hours even though, that week, he works a total of 32 ordinary hours.

Consequently, for each day an employee works 8 ordinary hours he accrues a 'credit' of 24 minutes (0.4 hours). The maximum 'credit' the employee may accrue under this system is 0.4 hours on 19 days, that is, a total of 7 hours 36 minutes.

(iv) As provided in Special Note (2) Absences from Duty, of this clause, an employee will not accrue a 'credit' for each day he is absent from duty other than on annual leave, long service leave, public holiday, paid sick leave, workers' compensation, bereavement leave or jury service. When an employee is absent from duty because of annual leave, long service leave, public holidays, paid sick leave, workers' compensation, bereavement leave or jury service, his entitlement is determined in accordance with the appropriate award provision dealing with such entitlements.

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2. Absences From Duty

(i) An employee whose ordinary hours are arranged in accordance with sub-paragraphs (b)(iii) and (b)(iv) of Clause 19 Hours of Work - Day Workers, subclause 2, Implementation of 38 Hour Week and who is paid wages in accordance with subclause (b) hereof and is absent from duty (other than on annual leave, long service leave, public holidays, paid sick leave, workers' compensation, bereavement leave or jury service) shall, for each day he is so absent, lose average pay for that day calculated by dividing his average weekly wage rate by five (5).

An employee who is so absent from duty for part of a day shall lose average pay for each hour or part thereof he is absent at an hourly rate calculated by dividing his average daily pay rate by 8.

(ii) Provided further, when such an employee is absent from duty for a whole day he will not accrue a 'credit' because he would not have worked ordinary hours that day in excess of 7 hours 36 minutes for which he would otherwise have been paid. Consequently, during the week of the work cycle he is to work less than 38 ordinary hours he will not be entitled to average pay for that week. In that week, the average pay will be reduced by the amount of the 'credit' he does not accrue for each whole day during the work cycle he is absent.

The amount by which an employee's average weekly pay will be reduced when he is absent from duty (other than on annual leave, long service leave, public holidays, paid sick leave, workers' compensation, bereavement leave or jury service), is to be calculated as follows:

$$\text{Total of credits not accrued during cycle} \times \frac{\text{average weekly pay}}{38}$$

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Examples:

(An employee's ordinary hours are arranged so that he works 8 ordinary hours on five days of each week for 3 weeks and 8 ordinary hours on four days of the fourth week).

1. Employee takes one day off without, authorisation in first week of cycle.

Week of Cycle	Payment
1st week	= average weekly pay less one day's pay (i.e. less 1/5th)
2nd and 3rd weeks	= average weekly pay each week
4th week	= average pay less credit not accrued on day of absence = average pay less 0.4 hours x $\frac{\text{average weekly pay}}{38}$

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2. Employee takes each of the 4 days off without authorisation in the 4th week.

Week of Cycle	Payment
1st, 2nd and 3rd weeks	= average pay each week
4th week	= average pay less 4/5ths of average pay for the four days absent less total of credits not accrued that week = 1/5 average pay less 4 x 0.4 hours x average weekly pay / 38 = 1/5 average pay less 1.6 hours x average weekly pay / 38

28. PIECEWORK

(a) The employer, in conjunction with his employees, may fix his own piece work or task rates, provided such rates enable a journeyman of average capacity working under like conditions to earn at least 12.5 per cent more than the minimum weekly wage in their respective classes. The same piece work rates shall be paid to all piece workers doing the same operation in the factory or workshop whether they be apprentices or juveniles on piece work or otherwise.

(b) An employee shall, if ready, willing and available to work during the ordinary hours of the week, receive at least the weekly rate prescribed by this award for the class of work being performed.

(c) In the event of a dispute with reference to piecework rates, the matter shall be referred to the Secretary for Labour.

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29. PREFERENCE FOR UNION MEMBERS

(a) Subject to the provisions of this clause preference of employment within this Division shall be given to suitable members of the Society.

(b) Such preference. shall be limited to the point where a member of such union and a person who is not such a member are offering for service or employment at the same time, and in the case of retrenchment, to the point where either such a member or such a person is to be dismissed from service or employment.

30. PROPORTION OF JUNIOR WORKERS

(a) (i) Except as hereinafter provided, one junior worker shall be allowed to each 6 adult workers or fraction thereof, provided that at least 3 adult workers must be employed before a junior worker can be employed.

(ii) In the wire mattresses and bedding sections where no apprentices are employed, one junior worker shall be allowed to each 4 adult workers or fraction thereof.

(iii) In the safety glass section, one junior worker shall be allowed to each 3 adult workers or fraction thereof.

(iv) In the glass section in classifications for which no apprenticeship is provided, one junior worker shall be allowed to each 4 adult workers or fraction thereof.

(v) In the floor finishing section one junior worker shall be allowed for each 3 adult workers or portion thereof.

(b) The term **'adult workers'** shall mean adults whose wages are prescribed by this award and include a proprietor working in his factory; provided that an apprentice shall not be an adult worker until he has completed his term of apprenticeship prescribed by this award.

(c) Calculation of Proportions

The proportion of junior workers shall be based on the average number of adult workers employed for the preceding 6 months in each workshop or factory.

31. RIGHT OF ENTRY OF UNION OFFICIALS

(a) For the purposes of interviewing employees on legitimate Society business, a duly accredited representative of the Society shall have the right to enter an employer's premises during the midday meal break on the following conditions:

(i) That he produces the authority to the gatekeeper or such other person as may be appointed by the employer.

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(ii) That he interviews employees at places where they are taking their meal or at such other place as is mutually agreed.

(iii) That if any employer alleges that a representative is unduly interfering with his work or is creating dissatisfaction amongst his employees or is offensive in his methods or is committing a breach of any of the previous conditions, such employer may refuse the right of entry but the representative shall have the right to bring such refusal before the Secretary for Labour.

Provided that where certain employees are working under a system of shift work which precludes a representative from interviewing them during the midday meal break the representative shall have the right to enter the employer's premises for the purpose of interviewing such employees at such time and under such conditions as to notice as may be mutually arranged by the representative and the employer or failing agreement at such times and under such conditions as the appropriate authority may decide.

(b) Notwithstanding the provisions of subclause (a) hereof, but subject to the provisions of Section 77 of the Industrial Relations Act, 1984 a duly accredited representative of the Society, provided that he complies with paragraph (i) of subclause (a) hereof and does not interfere with the work being performed shall have the right to enter an employer's workshop during working hours.

32. SAVING

An employee covered by this award shall not have the rate at present payable to him by his employer reduced merely as a consequence of this award.

33. SCOPE OF DIVISION A

This award shall cover the following work and persons performing such work:

Furniture

1. Any person employed in wholly or partly preparing, packing, manufacturing, or repairing any article of furniture (including built-in furniture) or in repairing any new or second-hand article of furniture usually made or partly prepared by cabinet makers, chairs and couch makers, upholsterers, wood carvers, french polishers, wood turners, and wood machinists.

2. Any person or persons or classes of persons employed in -

(a) fixing or repairing new or second-hand furniture or seating in buildings; or
(b) french, wax or lacquer polishing new or second-hand furniture or fittings in or in connection with buildings.

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3. Any person or persons, or classes of persons employed in the trade of designing, making, repairing, painting, or decorating -

   (a) furnishing accessories or novelties, wholly or partly made of wood, such as nut bowls, smoker's or ornamental stands, or fancy boxes;
   (b) domestic woodware, such as bread boards or salt boxes;
   (c) walking sticks;
   (d) venetian-type blinds made in wood, metal and/or plastic.

4. Any person employed in wholly or partly preparing or manufacturing furniture timbers cut to size, veneers, veneered panels, plywood, or corewood.

5. Any person or persons, or classes of persons, employed in the manufacturing processes of a maker of over-mantels and of wood mantel-pieces (other than wood mantel-pieces to be painted, such as are usually made in saw-mills), or in repairing any such over-mantels or wood mantel-pieces.

6. Any person or persons, or classes of persons, employed in the manufacturing of wire mattresses.

7. Any person employed in the manufacture or repairing of mattresses or bedding.

8. Any person employed as upholsterers, carpet hands, table hands or draper hands, persons employed in planning and laying floor coverings, or fixing draperies, blinds or screens; and persons employed in making or repairing blinds, but not including persons working as tent makers.

9. Any person or persons, or classes of persons employed either inside or outside a factory or workroom in the process, trade or business of a maker or repairer of picture frames, including art picture frames, frame mirrors, and over-mantels, other than over-mantels usually made by cabinetmakers and any person employed in wholly or partly preparing or manufacturing any refrigerator.

Glass

1. Any person employed in the trade of -

   (a) designing, bevelling, cutting, embossing, glazing, painting, silvering, sandblasting, bending or otherwise working all kinds of plate sheet, or stained glass lenses or prisms, or leaded or coppered lights;

   (b) fixing in position all kinds of plate, sheet, or stained glass, or glass lenses or prisms;

   (c) packing all kinds of plate, sheet, or stained glass or glass lenses or prisms, including any labouring work in connection with any such operations.

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2. Any person employed in the manufacture or repair of lamp shades.

3. Any person employed on optical work or glass, excepting spectacle lenses or frames.

Wicker and Baby Carriages

Any person or persons, or classes of persons, employed in the trade of -

(a) manufacturing -

(i) Baby carriages, dolls' carriages, mobile chairs or parts thereof;

(ii) Reed-Tex, Hy-Tex or similar materials;

(iii) Any goods made of wicker, bamboo, cane, Reed-Tex, Hy-Tex or similar materials;

(b) assembling or putting together any parts of baby carriages or dolls carriages.

Musical Instruments

Any person employed -

(a) in the manufacturing or tuning of any musical instrument;

(b) in making or repairing musical instruments or parts thereof.

Organs

Any persons or classes or persons employed in the process, trade, or business of a builder of pipe organs.

Wooden Toys

Any persons employed in the manufacture or repair of wooden toys in any factory covered by this award.

34. SECOND HAND WORK

(a) An employee working on second hand upholstering, bedding, floor covering and/or soft furnishings shall, for the time so engaged, be paid 25 per centum in addition to the ordinary rates prescribed elsewhere in this award.

(b) Before any work is performed on second-hand bedding the bedding shall be vacuum fumigated.

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(c) For the purposes of this clause, second-hand upholstering shall mean –

(i) all work done whilst stripping old materials and preparing the job for the use of new materials,

(ii) patching,

(iii) replacing flock, fibre or stuffing taken from the job and replaced,

(iv) replacing old covers on Dunlopillo or other sponge rubber; but shall not mean

the cutting and sewing of new materials where such work is done away from the job,

the placing of new materials on the job where such job has been reduced to the frame or where springs and/or webbing are left,

the replacing of new covers on Dunlopillo or other sponge rubber,

the replacing of new upholstering on old material after such old material is wholly covered by new hessian or new material.

(d) All work on floor coverings and soft furnishings once they have been laid and fixed, shall be classed as second-hand unless such floor coverings or soft furnishings have been thoroughly cleansed by subjection to a dry cleaning process in the case of soft furnishings and to a shampooing process involving lifting in the case of floor coverings. Provided, however, that the second-hand rate shall at all times apply to sewers of second-hand floor coverings.

(e) In the event of any dispute arising as to whether work is secondhand, an employee or a shop steward on his behalf or the employer or the foreman on his behalf shall be entitled within 24 hours to ask for a decision on the dispute by the Secretary for Labour.

35. SHIFT WORK

(a) Definitions

For the purposes of this clause

(i) **'Afternoon shift'** means any shift finishing after 6 p.m. and at or before midnight.

(ii) **'Day shift'** means any shift commencing not earlier than 7 a.m. and finishing at or before 6 p.m.

(iii) **'Night shift'** means any shift finishing subsequent to midnight and at or before 8 a.m.

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(b) Hours

The ordinary hours of actual work or duty of a shift worker inclusive of a paid crib break of 20 minutes, which shall be counted as time worked or on duty, shall be an average of 38 per week to be worked on any or all of the days Monday to Friday inclusive. Such average 38 hours per week to be worked on one of the following bases:

(i) 38 hours within a period not exceeding 7 consecutive days; or

(ii) 76 hours within a period not exceeding 14 consecutive days; or

(iii) 114 hours within a period not exceeding 21 consecutive days; or

(iv) 152 hours within a period not exceeding 28 consecutive days.

Provided that prior to 1 April 1984 ordinary hours of work shall be 40 each week to be worked in a manner prescribed by the award as at 31 March 1984.

(c) Where shifts commence between 11 p.m. and midnight on a Sunday or holiday, the time so worked before midnight shall not entitle an employee to the Sunday or holiday rate provided that the time worked by an employee on a shift commencing before midnight on the day preceding a holiday and extending into the holiday shall be regarded as time worked on such holiday.

(d) Where shifts fall partly on a holiday that shift the mayor portion of which falls on the holiday shall be regarded as the holiday shift.

(e) Shift Work Allowance

(i) Except as provided in paragraphs (ii), (iii) and (iv) hereof or in subclause (f) hereof, an employee working on afternoon or night shift shall be paid 15 per centum in addition to his ordinary rate. For the purposes of this clause ordinary hours shall mean the hours of work fixed in an establishment in accordance with subclause 2 of Clause 19 - Hours of Work - Day Workers or subclause (b) of Clause 35 - Shift Work.

(ii) Except as provided in subclause (f) hereof, an employee working on an afternoon or night shift which does not continue for 5 successive shifts shall be paid at the rate of time and a half.

(iii) Except as provided in subclause (f) hereof, an employee who, during a period of engagement works only on night shift shall be paid 30 per cent more than his ordinary rate.

(iv) Except as provided in subclause (f) hereof, ordinary hours worked by a shift worker between midnight on Friday and midnight on Saturday shall be paid at the rate of time and a quarter.

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(v) The payments prescribed by this subclause shall stand alone and shall not be included for any other purposes of this award.

(f) Overtime for Shift Workers

(i) Except as provided in paragraph (ii) hereof, work done by a shift worker in excess of or outside the ordinary working hours of his shift shall be paid for at the rate of time and a half for the first two hours and double time thereafter. For the purposes of this clause ordinary hours shall mean the hours of work fixed in an establishment in accordance with subclause 2 of Clause 19 - Hours of Work - Day Workers or subclause (b) of Clause 35 - Shift Work.

(ii) Work done by a shift worker on a Saturday, except the continuation of a shift which commenced on the preceding day, shall be considered as overtime and paid for at the rate of time and a half for the first 2 hours and double time thereafter. Provided that any work performed after 12 noon on a Saturday shall be paid for at the rate of double time.

(iii) In computing overtime, the work of each day or shift shall stand alone.

(iv) The provisions of subclauses (d), (e), (f), (g) and (h) of Clause 25 - Overtime - Day Workers shall apply to shift workers.

(v) An employee under the age of 17 years shall not be permitted to work more than 4 hours overtime in any one week.

(g) An employee called upon to work afternoon and night shifts only shall change over week and week about.

(h) An employee called upon to work day and afternoon shifts only shall change over week and week about.

(i) Shift work shall only be worked as provided in this clause.

36. SHOP STEWARDS

(a) In cases where shop stewards have been appointed and recognised by an employer, the practice shall continue until otherwise varied.

(b) In all other cases where such appointment is approved of by an employer or his representative and the Society appoints one of the employees of that employer as a shop steward for any particular shop or department that employee shall be allowed the necessary time during working hours to interview the employer or his representative at the shop on any matter affecting employees working in his shop or department.

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(c) One shop steward, duly appointed as aforesaid, in each establishment of more than 30 employees covered by this award shall be permitted by his employer time during ordinary working hours without loss of pay up to a maximum of one hour each quarter for the purpose of collecting union contributions, where the employer is not already deducting the same from his employees.

37. 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 workers' compensation;

(ii) he shall, within 48 hours of the commencement of such absence, inform the employer of his inability to attend for work, and as far as may be 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 Secretary for Labour) 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 prior to 1 April 1984, in excess of two weeks' ordinary working time and from 1 April 1984, in excess of 76 hours' 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 within 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.

(vi) In the case of employees paid in accordance with paragraph (b)(i) of Clause 27 - Payment of Wages, sick day entitlements for part day absences shall be calculated on a proportionate basis as follows:

$$\text{Duration of Sick Leave Absence} \times \frac{\text{appropriate weekly rate}}{38}$$

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In the case of employees whose hours of work are paid in accordance with paragraph (b)(ii) of Clause 27 - Payment of Wages, sick day entitlements for part day absences shall be calculated on a proportionate basis as follows:

$$\frac{\text{Duration of Sick Leave Absence}}{\text{Ordinary Hours Normally Worked on that Day}} \times \frac{\text{appropriate weekly rate}}{5}$$

(vii) Sickness on Day Off

From 1 April 1984, where an employee is sick or injured on the weekday he is to take off in accordance with subparagraphs (b)(iii) or (b)(iv) or paragraph (e) of Clause 19 - Hours of Work - Day Workers, subclause 2, Implementation of 38 Hour Week, he shall not be entitled to sick pay nor will his sick pay entitlements be reduced.

(viii) Alternative Methods of Payment

Provided that in the case of an employee who, prior to 1 April 1984, was working less than 40 ordinary hours each week and who had his sick leave entitlements calculated by a different method to that provided in this clause, such method may be continued. Provided further that, where the employer and the majority of employees concerned agree, an alternative method of calculating sick leave entitlements to that provided for in the clause may be introduced.

(b) Sick leave shall accumulate from year to year so that any balance of the period specified in paragraph (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.

Transition Period

The days of accumulated sick leave standing to the credit of each employee as at 1 April 1984, shall be converted to hours of accumulated sick leave by multiplying the total days of sick leave accumulated as at 1 April 1984 by eight.

(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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38. SPECIAL RATES, ALLOWANCES AND CONDITIONS

(a) In addition to the wages and conditions prescribed elsewhere in this award the following special rates, allowances and conditions shall be paid or applied:

(i) Confined Spaces

29c per hour to an employee working in a confined space, i.e. a compartment space or place the dimensions of which necessitate the employee working in a stooped or otherwise cramped position or without proper, ventilation.

(ii) Dirty Work

22.5c per hour to an employee called upon to dismantle or clean used pipe organs or on work which a foreman and the employee agree is of an unusually dirty or offensive nature.

In the case of disagreement between the foreman and the employee the shop steward on his behalf shall be entitled, within 24 hours, to ask for a decision on the employee's claim by the employer's Industrial Officer if there be one, or otherwise by the employer or the executive officer responsible for the management or superintendence of the plant concerned. In such case a decision shall be given on the employee's claim within 48 hours of its being asked for (unless that time expires on a non-working day, in which case it shall be given during the next working day) or else the said allowance shall be paid.

Any dispute arising under this subclause as to whether the work is of an unusually dirty or offensive nature shall be determined by the Secretary for Labour.

(iii) Height Money

To an employee working at a height of 15 metres or more directly above the nearest horizontal plane of reasonable dimensions

(1) Working at height of 15 metres or more but under 45 metres - 15c per hour.

(2) Working at a height of 45 metres or more - 22.5c per hour.

(iv) Hot Places

To an employee working more than one hour in the shade

(1) in places where the temperature is raised by artificial means to between 46 degrees Celsius and 54 degrees Celsius - 22.5c per hour;

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(2) in places where the temperature exceeds 54 degrees Celsius - 29c per hour;

(3) where work continues for more than 2 hours in temperatures exceeding 54 degrees Celsius, an employee shall also be entitled to 20 minutes' rest without deduction of pay after every 2 hours' work;

(4) the temperature shall be decided by the foreman of the work after consultation with the employees who claim the extra rate.

(v) Wet Places

22.5c per hour to an employee working in any place where clothing or boots become saturated, whether by water, oil or otherwise. Provided that this extra rate shall not be payable to an employee who is provided by his employer with suitable and effective protective clothing and/or footwear. Provided further than an employee who becomes entitled to this extra rate shall be paid such extra rate for such part of the day or shift as he is required to work in wet clothing or boots.

(vi) Slag Wood etc.

29c per hour to an employee handling loose slag wool, loose insulwool or other loose material of a like nature used for providing insulation against heat, cold or noise.

(vii) Urinals and Lavatories

25 per centum in addition to his ordinary rate for the time an employee is engaged working on the replacement of the surface of urinals and lavatories where structural glass is used.

(viii) Collection of Moneys

$1 per week to an employee who, in the course of his duties, is authorized to collect and does collect, moneys on behalf of his employer.

(ix) Milk for Sand Blasters

600ml of milk per day to an employee on sand blasting, and on request 300ml of milk per day to an employee on spray painting and/or polishing.

(b) Special Rates Not Cumulative

Where more than one of the disabilities entitling an employee to extra rates exist on the same fob, an employer shall be bound to pay only one rate, namely, the highest for the disabilities so prevailing.

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(c) Rates Not Subject to Penalty Additions

The special rates and allowances prescribed by this clause shall be paid irrespective of the times at which the work is performed and shall not be subject to any premium or penalty additions.

38A. SUPERANNUATION

(a) Definitions

(i) **'Employee'** means a weekly employee of an employer and shall include part-time employees who shall be engaged for a constant number of hours, which shall be not less than nineteen (19) hours in any week.

(ii) **'TASPLAN'** shall mean that scheme established by trust deed and jointly sponsored by the Tasmanian Confederation of Industries and the Tasmanian Trades and Labor Council.

(iii) **'Scheme'** means TASPLAN.

(iv) **'Member/s'** means employees who are members of TASPLAN.

(v) **'Contribution Rates'** means a full contribution as defined in subclause (e) of this clause for adults, apprentices or juniors and is payable for each week during which an employee is 'employed' - even if employment is for one day only.

No pro-rata contributions are to be paid. If an employee is 'employed' by an employer for part of a week and another employer for part of a week, then the full contribution must be paid.

An employer shall pay into the scheme the full contribution as set out in subclause (e) of this clause.

(vi) **'Society'** means The Federated Furnishing Trade Society of Australasia, Tasmanian Branch.

(vii) **'Union'** means The Federated Miscellaneous Workers Union of Australia, Tasmanian Branch.

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(b) Effect of Clause

(i) This clause shall be binding upon The Federated Furnishing Trade Society of Australasia, Tasmanian Branch and The Federated Miscellaneous Workers Union of Australia, Tasmanian Branch and on the members thereof and upon employers in respect of the employment by them in the State of Tasmania of all their employees engaged within Division A - Persons Employed In the Manufacture And/Or Repair Of Furniture - Clause 8 - Wage Rates of the Furnishing Trades Award whether members of the Society or Union or not.

Notwithstanding the provisions of this clause, exemptions may be granted to employers bound by this clause, who are participating in, and whose employees are members of an existing superannuation scheme which entitles its employees to provisions which are as good as or better than, those benefits available to members of TASPLAN. Provided that such scheme meets with the criteria required by the Insurance and Superannuation Commission and is in accordance with the State Wage Case decision of 5 September 1988 (T1524, 1525, 1549 & 1550 of 1988) and is agreed between the Society and the employer. Provided further that any dispute in relation to any application for exemption shall be determined in accordance with subclause (g) of this clause. Any exemptions granted under this clause shall be incorporated in this award not later than 3 months after the date of commencement of this clause.

(c) Eligibility of Employees

Employees herein defined who have completed 3 months of service with the employer shall be eligible to join the scheme.

Membership of the scheme shall be from the date of commencement of employment with that employer.

(d) Eligibility of Employer

An employer shall become party to the scheme upon the Deed of Adherence being signed by the employer and the trustees.

(e) Employer Contribution

(i) An employer shall contribute (as defined), to the scheme in respect to each member employed by the week, the amount of $10.00 per week for adults and $5.00 per week for apprentices and juniors.

(ii) The contribution rates may be varied by agreement between the Society, the Union and the Tasmanian Confederation of Industries and ratified by the Tasmanian Industrial Commission or failing agreement by application to the Tasmanian Industrial Commission.

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(iii) In respect to part-time employees the employer shall contribute 50% of the relevant full contribution to the scheme.

(f) Approved Status

(i) Should the scheme lose its approved status under the Income Tax Assessment Act, or if the scheme fails to conform fully to the standards laid down by the Office of the Insurance and Superannuation Commissioner the employer may suspend employer contributions immediately and until such time as compliance is achieved.

(ii) Upon compliance being re-established the employer shall pay contributions that would have been payable during the period the scheme failed to comply with the appropriate standards.

(g) Settlement of Disputes

Should a dispute arise in relation to an employer seeking exemption or any other matter related to superannuation in respect of the obligations of the employer, the Society, the Union or members under the terms of this clause, the matter in dispute shall be referred for resolution to the Tasmanian Industrial Commission. During such period, work shall continue as normal.

39. TOOLS AND TOOL ALLOWANCE

The employer shall provide his employees with all tools of trade of a good quality necessary for his type of operation and such tools shall remain the property of the employer.

Provided that where by mutual agreement the employee provides his own tools of trade (as listed) the employer shall pay to those employees the respective amounts as set out below

	Per Week
Cabinet Maker	$8.20
Carpet Layer	$8.20
Upholsterer	$0.50
Machinist	$0.50

List of tools to ,be maintained by the employees:

Cabinet Makers

Large Square	Pincers
Combination Square	Pliers
Set Square	Tenon Saw
Sliding Bevel	Panel Saw

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Planes
- Try Plane
- Smooth Plane
- Jack Plane
- Rebate Plane

Spokeshave Roundface
Spokeshave Flat
Chisels 1/8" to 1 1/4"
Brace and set of Bits
1/4" to 1"
Hand Drill
Set of Drills 1/16" to 1/4"
Marking Gauge
Mortise Gauge
Flat File
Half Round File
Rasp Medium
Rasp Coarse
Screw drivers 6"
Oil Stone
Sanding Cork
Scraper
Rule 1 metre

Tape 3 metre
Claw Hammer
Brad Hammer
Mallet

Upholsterers

Scissors
Magnetic Hammer
Long Needle (double pointed)
Circular Needle
Screw driver

Machinists

Ruler
Pencil
Square
Sliding Level

Carpet Layers

Delux Knee Kicker
G.T. Conventional Carpet Trimmer
G.P. Loop Pile Cutter
Utility Knife
Floor - Wall Scraper
Leather Tool Pouch
12" Carpet Shears
Duck Bill Napping Shears
Laminated Sharpening Stone
Replaceable Blade Trowel
Knee Pads
Staple Hammer Carpet Underlay
Folding Ruler
Steel Tape Measure
1 metre Carpet Straight Edge
Tile Cutter
2 Metre Carpet Straight Edge
Strip Cutters
Stair Tool
Base Moulding Lifter
Metal Tool Box
Hacksaw
Mitre Box
Carpet Hammer
Awl
Thriftline Chalk Reel
Wing Divider
Horizontal Scriber
45cm. Blade and Pin Scriber
Hook Bladed Trimmer
Nail Driving Bar

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40. TRAVELLING IN EMPLOYER'S VEHICLE

When an employee is required to travel to and from work in his employer's vehicle, the employer shall provide a vehicle with suitable seating accommodation together with a fly or other cover to protect the employee from the weather.

41. TRAVELLING TIME ALLOWANCE AND BOARD

(a) All time reasonably occupied by an employee in travelling to or from work outside the shop and outside ordinary hours and in travelling to and from work in a country district if engaged in any of the capital cities for employment in a country district, shall be treated as time of duty and paid for at ordinary rates up to a maximum of 12 hours for the journey, except on Sundays, when time and a half rates shall be paid up to a maximum of 12 hours for the journey. Provided that, where an employee proceeds direct from his or her home to a job outside the shop, he or she shall be paid for all time reasonably occupied in travelling to the job in excess of the time usually taken to go from his or her home to the job. Provided further that where a sleeping berth is provided for an employee by his employer for all-night travel, the maximum payment shall be as for 8 hours.

(b) All fares and reasonable travelling expenses incurred by an employee in such travelling including the cost incurred for meals together with the reasonable cost of board or lodging if the employee has to be away from his home for a night - shall be paid by his employer.

(c) The fares allowed an employee shall be first-class on coastal boats or on interstate boats where there is no second-class distinct from steerage. On trains where an employee has to travel all night in connection with his employer's business, the fares to be allowed shall be first-class. In other cases on trains the fares shall be second-class. Where air travel is concerned the fares shall be tourist-class where available.

(d) The foregoing travelling and accommodation allowances shall be paid additional to the usual rates for the time an employee is working.

(e) Subclauses (a) to (d) hereof shall not apply to a piano tuner who is a member of the staff of a retail selling organisation as distinct from a factory.

(f) Where it is more convenient for an employee to go direct to the job from his home he shall do so and start and cease work at the usual times customary at the shop. Provided that any extra expense incurred by him in so travelling shall be borne by his employer.

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42. UNION DELEGATES

Where the appointment of a shop steward is not approved of or recognised by an employer, a delegate chosen by and from the employees in the shop or factory concerned shall be allowed the necessary time during working hours to interview the employer or his representative at the shop or factory for the purpose of submitting grievances.

CONDITIONS FOR EMPLOYEES IN DIVISION B - CLERKS

43. ANNUAL LEAVE

(a) Period of Leave

A period of 28 consecutive days' leave shall be allowed annually to an employee after 12 months' continuous service on weekly hiring (less the period of annual leave).

(b) Leave to be exclusive of Public Holidays - If any of the holidays prescribed in Clause 50 - Holidays with Pay 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 leave one day for each such holiday so occurring.

(c) Payment in Lieu Prohibited - Except as provided in subclause (g) payments shall not be made or accepted in lieu of annual leave.

(d) Time of Taking Leave - Subject to the provisions of subclause (f), 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 and after not less than 2 weeks' notice to the employee.

(e) Payment for Period of Leave

(i) All employees before going on leave shall be paid the amount of wages they would have received in respect of the ordinary time which they would have worked had they not been on leave during the relevant period.

(ii) In addition thereto all employees (including part-time employees engaged to work 20 or more hours per week) shall receive a loading of 17.5% on payments made for annual leave as prescribed in paragraph (i). Such loading shall not apply to proportionate leave on termination of service.

(iii) Part-time employees engaged to work less than 20 hours per week for a continuous 12 months period, shall be paid a loading on each anniversary date of their engagement.

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Such loading shall be calculated in the following manner:

70% of the average weekly wage for the 3 months prior to the anniversary date falling due. This average weekly wage is to exclude the 20% loading paid in lieu of annual leave, sick leave and public holidays.

(f) Leave Allowed Before Due Date -

An employer may allow annual leave to an employee before the right thereto has accrued due but where leave is taken in such case a further period of annual leave shall not commence to accrue until after the expiration of the 12 months in respect of which annual leave had been taken before it accrued.

Where leave had been granted to an employee pursuant to this subclause before the right thereto had accrued due and the employee subsequently leaves or is discharged from the service of the employer before completing the 12 months' continuous service in respect of which the leave was granted, the employer may for each complete month of the qualifying period of 12 months not served by the employee deduct from whatever remuneration is payable to the employee upon the termination of the employment one twelfth of the amount of wages paid on account of the annual leave, which amount shall not include any sums paid for any of the holidays prescribed by Clause 50 - Holidays with Pay.

(g) Proportionate Leave on Ending Service -

If after one completed month of service in any qualifying 12 monthly period an employee lawfully leaves his employment or his employment is terminated by the employer through no fault of the employee, the employee shall be paid as follows:

thirteen and one third hours for each completed month of continuous service in respect of which leave has not been granted.

(h) Calculation of Continuous Service -

For the purpose of this clause, service shall be deemed to be continuous notwithstanding any absence from work on account of personal sickness or accident.

In calculating the period of 12 months continuous service any such absence as aforesaid shall not, except to the extent of not more than 91 days in any 12 monthly period, be taken into account in calculating the period of 12 months continuous service.

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44. CASUAL EMPLOYEES

A casual employee (as defined) for working ordinary time shall be paid per hour one-fortieth of the weekly rates prescribed for the work which he or she performs. In addition thereto a casual employee shall receive 20% of the ordinary hourly rate in respect of each hour for which he or she is paid; such additional amount to be payment in lieu of annual leave, sick leave, and public holidays.

45. CLOTHING

Where an employer requires an employee to wear outer clothing or protective clothing of a distinctive colour or style such clothing shall be supplied by the employer without cost to the employee. The cost of repair and replacement of such clothing shall likewise be the responsibility of the employer.

46. COMPASSIONATE LEAVE

An employee shall on the death of a wife, husband, father, mother, child, stepchild, brother, sister, mother-in-law, father-in-law, stepmother, stepfather, grandfather, grandmother, 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 payment 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 furthermore that this clause shall have no operation while the period of entitlement to leave under it 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.

47. ESTIMATING SERVICE

In estimating the number of years service of an employee, mentioned in this award, the total time in the service of every employer engaged in the trade or trades covered by this award shall be taken into account to ascertain the minimum wage rate which shall be paid.

Provided that in respect to clerks, the total clerical experience in the service of every employer in the trades or groups of trades in respect of awards of the Tasmanian Industrial Commission, applicable to private industry employees, shall be taken into account.

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48. EXISTING WAGE RATES

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

49. FULL WEEK'S WAGES TO BE PAID

Employees other than those engaged as provided for in Clause 44 - Casual Employees and Clause 54 – Part-time Employees shall, notwithstanding anything contained in Section 49 of the Industrial Relations Act 1984, be paid the weekly wage prescribed for a week of 40 hours for each week that he is ready, willing and available for work during the hours prescribed in Clause 51 - Hours and, in addition thereto, such overtime or other penalty rates, if any, that may have occurred during the relevant period.

50. HOLIDAYS WITH PAY

(a) All employees (other than casuals or part-time employees engaged to work less than 20 hours per week) 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), the first Monday in November (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 the normal rate of pay which would have applied to the employee concerned, when, if it were not for such holiday, he had been at work.

(c) Payment to an employee for work performed on holidays mentioned in subclause (a) shall be at the rates prescribed elsewhere in this award.

(d) **'Show Day'** means not more than one local Show Day observed on an employee's ordinary working day, other than a Saturday or a 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.

51. HOURS

(a) The maximum number of hours per week in respect of which the wage rates fixed by this award shall be paid shall be 40 to be worked in 5 days of 8 consecutive hours (excluding meal breaks) between the hours of 8.00 a.m. and 6.00 p.m. Monday to Friday inclusive.

(b) A meal period of not less than 45 minutes nor more than 75 minutes shall be allowed each employee. Such meal period shall be taken between the hours of 11.30 a.m. and 2.30 p.m.

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(c) Except where overtime is worked for a period not exceeding one hour after normal finishing time, no employee shall work for more than 5 hours without a break of not less than 45 minutes for a meal.

52. MATERNITY LEAVE

(a) Eligibility for Maternity Leave

An employee who becomes pregnant, shall upon production to her employer of a certificate from a duly qualified medical practitioner stating the presumed date of her confinement, be entitled to maternity leave provided that she has had not less than 12 months' continuous service with that employer immediately preceding the date upon which she proceeds upon such leave.

For the purposes of this clause:

(i) An employee shall include a part-time employee but shall not include an employee engaged upon casual or seasonal work.

(ii) Maternity leave shall mean unpaid maternity leave.

(b) Period of leave and commencement of leave

(i) Subject to subclauses (c) and (f) hereof, the period of maternity leave shall be for an unbroken period of from 6 to 52 weeks and shall include a period of 6 weeks compulsory leave to be taken immediately following confinement.

(ii) An employee shall, not less than 10 weeks prior to the presumed date of confinement, give notice in writing to her employer stating the presumed date of confinement.

(iii) An employee shall give not less than 4 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.

(iv) 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 6 weeks immediately prior to her presumed date of confinement.

(v) 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 (iii) hereof, if such failure is occasioned by the confinement occurring earlier than the presumed date.

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(c) Transfer to a safe job

Where in the opinion of a duly qualified 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.

If the transfer to a safe job is not practicable, the employee may, or the employer may require the employee to, take leave for such period as is certified necessary by a duly qualified medical practitioner. Such leave shall be treated as maternity leave for the purposes of subclauses (g), (h), (i) and (j) hereof.

(d) Variation of period of maternity leave

(i) Provided the addition does not extend the maternity leave beyond 52 weeks, the period may be lengthened once only, save with the agreement of the employer, but the employee giving not less than 14 days' notice in writing stating the period by which the leave is to be lengthened.

(ii) The period of 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.

(e) Cancellation of maternity leave

(i) Maternity leave, applied for but not commenced, shall be cancelled when the pregnancy of 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.

(f) 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

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

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(b) 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 duly qualified 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 duly qualified 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 52 weeks.

(iii) For the purposes of subclauses (g), (h) and (i) 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 (c), to the position she held immediately before such transfer.

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 salary or wage to that of her former position.

(g) Maternity leave and other entitlements

Provided the aggregate of leave including leave taken pursuant to subclauses (c) and (f) hereof does not exceed 52 weeks:

(i) An employee may, in lieu of or in conjunction with maternity leave, take any annual leave or any part thereof to which she is then entitled.

(ii) Paid sick leave or other paid authorised award absences (excluding annual leave), shall not be available to an employee during her absence on maternity leave.

(h) Effect of maternity leave on employment

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 an award.

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(i) Termination of employment

(i) An employee on maternity leave may terminate her 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 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.

(j) Return to work after maternity leave

(i) An employee shall confirm her intention of returning to her work by notice in writing to the employer given not less than 4 weeks prior to the expiration of her period of maternity leave.

(ii) An employee, upon 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 (c) to the position which she held immediately before such transfer. 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 salary or wage to that of her former position.

(k) 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 under this subclause, 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 clause, 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) Provided that nothing in this subclause shall be construed as requiring an employer to engage a replacement employee.

(v) A replacement employee shall not be entitled to any of the rights conferred by this clause except where her employment continues beyond the 12 months' qualifying period.

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53. MIXED FUNCTIONS

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

54. OVERTIME

(a) For all work performed outside of the hours prescribed in Clause 51 - Hours, on Monday to Friday inclusive, payment shall be made at the rate of time and one half for the first three 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 three hours worked.

(c) A junior employee under the age of 18 years shall not be required to work overtime unless he or she so desires.

(d) In computing overtime each day's work shall stand alone.

55. PART-TIME EMPLOYEES

(a) Part-time employees engaged to work twenty or more hours per week shall be entitled to the annual leave, holidays and sick leave as prescribed in Clauses 43, 50 and 60, provided that payment therefor shall be made at the rate normally paid to such employees for a similar period of time worked.

The wage rates payable per hour shall be one-fortieth of the relevant rate above set out.

(b) Part-time employees engaged to work less than twenty hours per week shall be paid per hour one-fortieth of the weekly rates prescribed for the work he or she performs. In addition thereto such employee shall receive 20% of the ordinary hourly rate in respect of each hour for which he or she is paid; such additional amount to be payment in lieu of annual leave, sick leave and public holidays.

56. PAYMENT OF WAGES

Wages shall be paid weekly during the employer's time not later than Wednesday in each week. On the completion of the first full pay period and when any change is made in the weekly rate, the employee shall be notified in writing of the amount of wages to which he is entitled, the amount of deduction made therefrom, and the net amount being paid to him, provided also that such notification shall be given not less often than once in each year of service.

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57. RATIO OF JUNIORS TO ADULT EMPLOYEES

The maximum number of juniors to be employed shall not exceed the ratio of 2 juniors to every one adult.

58. REST PERIODS

Employees shall be allowed a rest period between the start of work and the midday meal break and rest period between resumption of work after the 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.

59. RIGHT OF ENTRY OF UNION OFFICIALS

(a) For the purposes of interviewing employees on legitimate union business an officer of an organisation of employees, accredited as hereinafter provided may enter the employer's premises during regular meal or crib-time of employees on each day of the week on the following conditions:

(i) That he produces his authority to the gatekeeper or such other person as may be appointed by the employer for that purpose;

(ii) That he interviews employees only at recognised places where they are taking their meal or crib;

(iii) That not more than one representative of each of not more than three unions be on the premises at any one time;

(iv) That no one representative visits the premises more than once in each week; and

(v) That if the employer alleges that a representative is unduly interfering with his work or is offensive in his methods, or is creating dissatisfaction amongst his employees, or is committing a breach of the previous conditions, the employer may refuse the right of entry, but the representative shall have the right to bring such refusal before the Secretary for Labour.

(b) An officer shall be a duly accredited representative of an organisation if he be the holder for the time being of a certificate which has not been cancelled or revoked, signed by the secretary and bearing the seal of the organisation and bearing the signature of the holder. The certificate shall be in the following form or in a form not materially different therefrom:

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(Name of Organisation)

This is to certify that ……whose signature appears hereunder, is a duly accredited representative of the abovenamed organisation for the purpose of the Furnishing Trades Award.

..... Secretary

(Seal)

Signature of holder of Certificate

(This certificate is strictly not transferable).

60. SATURDAY, SUNDAY AND HOLIDAY WORK

For all work performed on Saturdays, Sundays and Public Holidays payment shall be made as follows:

(a) Saturdays

(i) Where the employer's business premises are regularly open for normal business and require manning on Saturday, payment shall be made at the rate of double time with a minimum payment as for 3 hours worked.

(ii) Where the employer's business premises are not open for normal business, payment shall be made at the rate of one and one half times the ordinary rate for the first 2 hours and double time thereafter.

(b) Sundays

For all time of duty on a Sunday payment shall be made at the rate of double time with a minimum payment as for 4 hours worked.

(c) Public Holidays

For all time of duty on any of the holidays mentioned in Clause 50 - Holidays with Pay payment shall be made at the rate of double time and one half with a minimum payment as for 4 hours worked.

NOTE: The penalty rates prescribed herein and in Clause 53 - Overtime shall apply to part-time and casual employees in addition to other loadings prescribed for these classes of employees.

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61. 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 workers' compensation.

(ii) he shall, within 48 hours of the commencement of such absence, inform the employer of his inability to attend for work, and as far as may be 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 Secretary for Labour), 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 of 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 within 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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62. STEWARDS

An employee appointed steward in the shop, office or department in which he is employed shall, upon notification thereof to his employer be recognised as the accredited representative of the union to which he belongs, and he shall be allowed the necessary time during working hours to interview the employer or his representative on matters affecting employees whom he represents, provided that if the steward so requests it, he may be accompanied at such interview by another employee and/or by his union official.

63. TEA MONEY

(a) An employee required to work overtime for more than one and a half hours shall either be supplied with an adequate meal by the employer or be paid **$4.90** meal money.

(b) Any dispute as to what constitutes an adequate meal shall be referred to and decided by the Secretary for Labour.

(c) The payment prescribed in subclause (a) shall be made on the day on which the overtime is worked.

64. TERMINATION OF EMPLOYMENT

Excepting as to casual employees, employment shall be terminated by giving one week's notice or the payment or forfeiture of one weeks' wages, as the case may be, but this shall not affect the right of the employer to dismiss an employee for misconduct or neglect of duty, in which case wages shall be paid up to the time of dismissal only.

65. TRAVELLING TIME

When an employee is required to work overtime beyond a time when public transport is available the employer shall be required to provide transport or meet the cost of transport to the employee travelling to his home. Where an employee uses his own means of transport he shall be paid an allowance of 11 cents per kilometre travelled on his return to home by the most direct road route.

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CONDITIONS FOR EMPLOYEES IN DIVISION C - GARTERS AND DRIVERS

66. ANNUAL LEAVE

(a) Period of Leave

A period of 28 consecutive days' leave shall be allowed annually to an employee after 12 months' continuous service on weekly hiring (less the period of annual leave).

(b) Leave to be exclusive of Public Holidays

If any of the holidays prescribed in Clause 50 -.Holidays with Pay 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 leave one day for each such holiday so occurring.

(c) Payment in Lieu Prohibited

Except as provided in subclause (g) payments shall not be made or accepted in lieu of annual leave.

(d) Time of Taking Leave

(i) Subject to the provisions of subclause (f), 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 and after not less than 2 weeks' notice to the employee.

(ii) Where an employer closes down his factory for the purposes of allowing annual leave to employees engaged under Division A of this award the provisions of Clause 9 - Annual Leave subclause (e) -Annual Close Down and subclause (f) - Part Close Down and Part Rostered Leave shall apply to employees engaged in this Division.

(e) Payment for Period of Leave

(i) All employees before going on leave shall be paid the amount of wages they would have received in respect of the ordinary time which they would have worked had they not been on leave during the relevant period.

(ii) In addition thereto all employees (including part-time employees engaged to work 20 or more hours per week) shall receive a loading of 17.5% on payments made for annual leave as prescribed in paragraph (i). Such loading shall not apply to proportionate leave on termination of service.

(iii) Part-time employees engaged to work less than 20 hours per week for a continuous 12 months period, shall be paid a loading on each anniversary date of their engagement.

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Such loading shall be calculated in the following manner:

70% of the average weekly wage for the 3 months prior to the anniversary date falling due. This average weekly wage is to exclude the 20% loading paid in lieu of annual leave, sick leave and public holidays.

(f) Leave Allowed Before Due Date

An employer may allow annual leave to an employee before the right thereto has accrued due but where leave is taken in such case a further period of annual leave shall not commence to accrue until after the expiration of the 12 months in respect of which annual leave has been taken before it accrued.

Where leave has been granted to an employee pursuant to this subclause before the right thereto had accrued due and the employee subsequently leaves or is discharged from the service of the employer before completing the 12 months' continuous service in respect of which the leave was granted, the employer may for each complete month of the qualifying period of 12 months not served by the employee deduct from whatever remuneration is payable to the employee upon the termination of the employment one twelfth of the amount of wages paid on account of the annual leave, which amount shall not include any sums paid for any of the holidays prescribed by Clause 50 - Holidays with Pay.

(g) Proportionate Leave on Ending Service

If after one completed month of service in any qualifying 12 monthly period an employee lawfully leaves his employment or his employment is terminated by the employer through no fault of the employee, the employee shall be paid as follows:

thirteen and one third hours for each completed month of continuous service in respect of which leave has not been granted.

(h) Calculation of Continuous Service

For the purpose of this clause, service shall be deemed to be continuous notwithstanding any absence from work on account of personal sickness or accident.

In calculating the period of 12 months continuous service any such absence as aforesaid shall not, except to the extent of not more than 91 days in any 12 monthly period, be taken into account in calculating the period of 12 months continuous service.

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(i) Broken Leave

Leave allowed under the provisions of subclause (a) shall be given and taken in one consecutive period, or if the employer and the employee agree, in one of the following methods:

(i) in two separate periods, the lesser of which shall be not less than seven consecutive days, i.e. five working days;

(ii) in any combination, provided one period shall be not less than 7 consecutive days, i.e. 5 working days.

67. GENERAL CONDITIONS

The provisions of clauses:

45. Clothing
46. Compassionate Leave
47. Estimating Service
48. Existing Wage Rates
50. Holidays With Pay
52. Mixed Functions
56. Ratio of Juniors to Adult Employees
58. Right of Entry of Union Officials
59. Saturday, Sunday and Holiday Work
62. Tea Money
63. Termination of Employment

of Division B shall also apply to this Division.

68. HOURS

(a) The maximum number of hours per week in respect of which the wage rates fixed by this award shall be paid shall be 40 to be worked in 5 days of 8 consecutive hours (excluding meal breaks) between the hours of 7.00 a.m. and 6.00 p.m. Monday to Friday inclusive.

(b) A meal period of not less than 45 minutes nor more than 75 minutes shall be allowed each employee. Such meal period shall be taken between the hours of 11.30 a.m. and 2.30 p.m.

(c) Except where overtime is worked for a period not exceeding one hour after normal finishing time, no employee shall work for more than 5 hours without a break of not less than 45 minutes for a meal.

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69. OVERTIME

For all time worked in excess of the maximum number of ordinary working hours per week, time and a half for the first 4 hours and double time thereafter shall be paid.

70. PAYMENT OF WAGES

An employee shall be paid weekly in cash or by bank deposit, not later than Thursday, provided that where a Public Holiday falls on Friday, an employee where practicable shall be paid no later than Wednesday.

Payment of wages made via bank deposit shall ensure that wages are available for employees' withdrawal no later than commencement of business of the nominated bank on the day such wages are due. Special arrangements may be necessary should an employee wish to have wages paid into a Credit Society.

In the event that technical problems within the Electronic Transfer System prevent an employee collecting his wages, the employer shall take immediate action to ensure such employee receives due payment in cash.

The implementation of this system shall be at the discretion of the employer and shall apply to all employees.

71. REST PERIODS

Employees shall be allowed a rest period between the start of work and the midday meal break and rest period between resumption of work after the 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.

Provided that: by agreement between the employer and employee one rest period of 15 minutes duration may be taken 3n lieu of the two breaks provided in this clause.

72. 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 workers' compensation;

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(ii) he shall, as soon as possible and where practicable within one hour of the commencement of the employee's normal working day, inform the employer of his inability to attend for work, 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 to sick leave in excess of eighty hours of ordinary working time. Provided that during the first three months of employment, sick leave shall accrue on the basis of 6.66 hours for each completed calendar month of service with the employer;

(v) for the purpose of administering paragraph (iv) of this subclause, an employer may within one month of this award coming into operation or within 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.

R.J. Watling
COMMISSIONER

29 March 1990

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