

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984
s23 application for award or variation of award

Tasmanian Chamber of Commerce and Industry Limited
(T8122 of 1998)

GOLIATH CEMENT ENTERPRISE AWARD

Award variation - title - scope - parties and persons bound - op date 01.07.98 - sick leave -
op date ffpp 01.12.96 - consent matters - approved

ORDER BY CONSENT-

No. 1 of 1999

The GOLIATH CEMENT ENTERPRISE AWARD is amended in the following manner:

1. By deleting Clause 1 - Title, and inserting in lieu thereof the following:

"1. TITLE

This award shall be known as the "Australian Cement Holdings Enterprise Award"."

2. By deleting Clause 2 - Scope, and inserting in lieu thereof the following:

"2. SCOPE

This award is established in respect of all employees employed at the enterprise of Australian Cement Holdings Pty Ltd who are engaged in or incidental to the manufacture, storage and distribution of cement."

3. By deleting Clause 6 - Parties and Persons Bound, and inserting in lieu thereof the following:

"6. PARTIES AND PERSONS BOUND

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

- (a) Australian Cement Holdings Pty Ltd;
- (b) all employees (whether members of a Registered Organisation or not) who are engaged in the enterprise specified in Clause 2 - Scope;
- (c) the following organisations of employees in respect of whom award interest has been determined:-
 - (i) the Australian Municipal, Administrative, Clerical and Services Union and the officers of that organisation and their members who are employed in the industry specified in Clause 2 - Scope;
 - (ii) The Australian Workers' Union, Tasmania Branch and the officers of that organisation and their members who are employed in the industry specified in Clause 2 - Scope;
 - (iii) the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union and the officers of that organisation and their members who are employed in the industry specified in Clause 2 - Scope;
 - (iv) the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia and the officers of that organisation and their members who are employed in the industry specified in Clause 2 - Scope;

- (v) the Construction, Forestry, Mining and Energy Union, Tasmanian Branch and the officers of that organisation and their members who are employed in the industry specified in Clause 2 - Scope; and
 - (vi) the Transport Workers' Union of Australia, Tasmanian Branch and the officers of that organisation and their members who are employed in the industry specified in Clause 2 - Scope.
- (d) the following organisation of employers in respect of whom award interest has been determined:

the Tasmanian Chamber of Commerce and Industry Limited."

4. By deleting Clause 30 - Sick Leave, and inserting in lieu thereof the following:

"30. SICK LEAVE

- (a) An employee, other than a casual employee, who is absent from work on account of personal illness or injury shall be entitled to payment for such absence subject to the following conditions:
- (i) All absences are to be supported by a certificate from a registered medical practitioner.
PROVIDED that shift work employees on weekends that are unable to access a medical practitioner shall execute a statutory declaration.
 - (ii) Sick leave will be paid on the employees weekly rate of pay.
 - (iii) Any absence that continues past 12 months shall be subject to review by the EBA Committee and continued entitlement to payment shall be at the discretion of the employer after recommendation of the EBA Committee.
- (b) Transitional provisions

Employees may elect to withdraw their entitlement to sick leave accrued under the previous award at any time up to their retirement subject to the following provisions:

- (i) The accrual will be the hours accumulated up to 1 December 1996 for employees that withdrew their entitlement at that date or the hours accrued to 31 October 1997 for those employees that withdrew their entitlement during October 1997.

- (ii) The actual entitlement is to be calculated in accordance with the provisions of Clause 30 - Sick Leave of the Goliath Cement Enterprise Award (No. 3 of 1996) dependant on the years of service calculated at the actual date of payment.
- (iii) The amount to be paid out will be calculated at the employees base rate at the time of payment."

OPERATIVE DATE

This variation shall come into operation as follows:

- (a) Clause 1 - Title, Clause 2 - Scope and Clause 6 - Parties and Persons Bound, from 1 July 1998;
- (b) Clause 30 - Sick Leave, from the first full pay period to commence on or after 1 December 1996.

P A Imlach
COMMISSIONER

7 January 1999