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TASMANIAN INDUSTRIAL COMMISSION

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

**Australian Liquor, Hospitality and Miscellaneous Workers Union
- Tasmanian Branch
(T11032 of 2003)**

FULL BENCH:

PRESIDENT P L LEARY
DEPUTY PRESIDENT R J WATLING
COMMISSIONER T J ABEY

**Award variation - reasonable hours provision - application approved -
operative date 14 November 2003**

LAUNDRY AND DRY CLEANING AWARD

ORDER BY CONSENT

No. 2 of 2003

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THE **LAUNDRY AND DRY CLEANING AWARD** IS VARIED IN THE FOLLOWING MANNER:

1. By deleting Clause 21 - OVERTIME, and inserting in lieu thereof the following:

"21. OVERTIME

- (a) For all time worked in excess of the hours prescribed in Clause 19 - Hours of this award, payment shall be made at the rate of time and a half for the first 2 hours and double time thereafter.
- (b) Where overtime exceeds two hours on any day, employees shall be paid a meal allowance of \$12.30 in addition to the overtime rate prescribed.
- (c) The method by which the hourly rate shall be calculated for the purpose of this clause shall be by division of the weekly rate of pay for the employee concerned by 38.
- (d)
 - (i) Subject to agreement being reached between the employee and the employer, time off may be allowed in lieu of payment for overtime worked. The amount of time off shall be calculated on the basis of the appropriate overtime rate.
 - (ii) An employer shall, if requested by an employee, provide payment at the rate provided for the payment of overtime as prescribed in this clause of this award, for any overtime worked under this subclause where such time has not been taken within four weeks of accrual.
- (e) Requirement to work reasonable overtime
 - (i) Subject to paragraph (ii) of this subclause and subclause (d) of this clause, an employer may require an employee to work reasonable overtime at overtime rates.
 - (ii) An employee may refuse to work overtime in circumstances where the working of such overtime would result in the employee working hours which are unreasonable having regard to:
 - (1) any risk to employee health and safety;
 - (2) the employee's personal circumstances including any family responsibilities;
 - (3) the needs of the workplace or enterprise;
 - (4) the notice (if any) given by the employer of the overtime and by the employee of his or her intention to refuse it; and

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(5) any other relevant matter.”

This variation shall come into operation on and from 14 November 2003.

RJ Watling
DEPUTY PRESIDENT

18 November 2003