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## **TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984

**T.712 of 1987**

**IN THE MATTER OF AN APPLICATION BY THE TASMANIAN TRADES AND LABOR COUNCIL FOR VARIATION OF ALL PUBLIC AND PRIVATE SECTOR AWARDS AND AGREEMENTS TO INCREASE ALL WAGES, SALARIES AND ALLOWANCES BY 6.7 PER CENT AND TO VARY THE PRINCIPLES TO CONFORM WITH THE DECISION OF THE FULL BENCH OF THE AUSTRALIAN**

**ORDER -**

**No. 1 of 1987  
(Consolidated)**

AMEND THE **MEDICAL PRACTITIONERS (PRIVATE SECTOR) AWARD** BY DELETING ALL CLAUSES CONTAINED THEREIN AND INSERT IN LIEU THEREOF THE FOLLOWING:

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## **1. TITLE**

This award shall be known as the "Medical Practitioners (Private Sector) Award".

## **2. SCOPE**

This award is established in respect of the industry of a Medical Practitioner registered under the Medical Act 1959 and engaged in private practice.

## **3. ARRANGEMENT**

| <u>SUBJECT MATTER</u>             | <u>CLAUSE NO.</u> |
|-----------------------------------|-------------------|
| Title                             | 1                 |
| Scope                             | 2                 |
| Arrangement                       | 3                 |
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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 10 March 1987.

Provided that it is a term of this award (arising from the decision of the Tasmanian Industrial Commission in the National Wage Case flow-on of 1987) that the unions undertake that for the period of the package they will not pursue any claims, award or overaward, except where consistent with the National Wage Case Principles.

#### **5. SUPERSESION AND SAVINGS**

This award incorporates and supersedes No. 2 of 1986 - Consolidated.

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 Royal Australian Nursing Federation, Tasmanian Branch and the officers of that organisation and their members employed in the industry specified in Clause 2 - Scope;
- (d) the Hospital Employees' Federation of Australia, Tasmanian Branch No. 1 and the officers of that organisation and their members employed in the industry specified in Clause 2 - Scope;
- (e) the Hospital Employees' Federation of Australia, Tasmanian Branch No. 2 and the officers of that organisation and their members employed in the industry specified in Clause 2 - Scope;
- (f) the Tasmanian Chamber of Industries up to and including 26 April 1987, and thereafter the Tasmanian Confederation of Industries; and
- (g) the Tasmanian Trades and Labor Council.

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## **7. DEFINITIONS**

For the purposes of this award:

1. **'Casual Employee'** means one engaged and paid as such, but whose term of engagement shall not exceed 5 days at any one time.
2. **'Clerk'** means an adult employee who is engaged to perform duties which are of a strictly clerical nature and do not come within the scope of classifications 'Registered Nurse', 'Surgery Attendant' and 'Secretary'.
3. **'Medical Scientist'** means a person employed as such who holds qualifications acceptable for corporate membership of the Australian Institute of Medical Technologists, and who is engaged on professional medical technology duties.
4. **'Part-Time Employee'** is
  - (a) an employee who is engaged for less than 20 hours per week, or
  - (b) an employee who is engaged as such by the week and paid to work 20 hours or more per week but not exceeding 40 hours per week.
5. **'Radiographer'** means a person employed as such who holds the Diploma of Membership of the Australian Institute of Radiography, or its equivalent and has been engaged on full-time duties as a radiographer trainee for a minimum of 3 years under the direction of a qualified radiographer or a full time radiologist.
6. **'Registered Auxiliary Nurse, one year trained and 2 year trained'** means an employee appointed as such and who is registered under the provisions of the Tasmanian Auxiliary Nursing Act, 1949.
7. **'Registered Nurse'** means a nurse who is registered with the Nurses Registration Board and is the holder of a current general nursing certificate.
8. **'Secretary'** means an adult employee who has had not less than 2 years' experience in a doctor's surgery and whose duties include the forwarding of accounts, banking of moneys and who is in charge of the book-keeping system.
9. **'Senior Technical Assistant Laboratory'** means a person employed as such who carries out routine laboratory tests either under indirect supervision or for the majority of his/her employment.
10. **'Service'** means service in a doctor's surgery within the employee of one employer or of several.

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11. **'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.
12. **'Surgery Attendant'** means an adult employee (other than a registered nurse) who performs the duties of a receptionist and/or the keeping of the appointment book, clerical work associated with the forwarding of accounts, the receipt and banking of moneys and attending to patients and other general duties in a doctor's surgery.
13. **'Technical Assistant Laboratory'** means a person employed as such in a pathology laboratory who in addition to assisting in laboratory procedures carries out routine laboratory tests under supervision.

## **8. WAGE RATES**

### 1. WAGES

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

| Classification                               | Amount Per Week<br>of 40 Hours<br>\$ |
|--|--------------------------------------|
| 1. Registered Nurse (as defined) -           |                                      |
| 1st year of service                          | 328.20                               |
| 2nd year of service                          | 340.70                               |
| 3rd year of service                          | 345.60                               |
| 4th year of service                          | 357.00                               |
| 5th year of service and thereafter           | 369.30                               |
| 2. Registered Auxiliary Nurse (as defined) - |                                      |
| One Year Trained                             |                                      |
| 1st and 2nd year of service                  | 310.90                               |
| 3rd year of service and thereafter           | 316.60                               |
| Two Year Trained                             |                                      |
| 1st and 2nd year of service                  | 316.60                               |
| 3rd year of service and thereafter           | 322.90                               |

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|    |  |                                    |
|----|--|------------------------------------|
| 3. | Surgery Attendant (as defined) -           |                                    |
|    | 1st year of service                        | 246.80                             |
|    | 2nd year of service                        | 280.70                             |
|    | 3rd year of service                        | 303.50                             |
|    | 4th year of service                        | 320.30                             |
|    | 5th year of service and thereafter         | 336.10                             |
| 4. | Secretary (as defined) -                   |                                    |
|    | 1st year of service                        | 303.50                             |
|    | 2nd year of service                        | 320.30                             |
|    | 3rd year of service and thereafter         | 336.10                             |
| 5. | Cleaners                                   | 278.50                             |
| 6. | Clerk -                                    |                                    |
|    | 1st year's adult experience                | 238.10                             |
|    | 2nd year's adult experience                | 262.40                             |
|    | 3rd year's adult experience and thereafter | 294.80                             |
|    |  | Amount Per Week<br>of 37 1/2 Hours |
| 7. | Radiographer -                             | \$                                 |
|    | 1st year of service                        | 366.70                             |
|    | 2nd year of service                        | 381.60                             |
|    | 3rd year of service                        | 397.50                             |
|    | 4th year of service                        | 413.50                             |
|    | 5th year of service and thereafter         | 429.60                             |
| 8. | Medical Scientist -                        |                                    |
|    | 1st year of service                        | 375.40                             |
|    | 2nd year of service                        | 385.60                             |
|    | 3rd year of service                        | 401.50                             |
|    | 4th year of service                        | 427.00                             |
|    | 5th year of service                        | 455.50                             |
|    | 6th year of service                        | 488.50                             |
|    | 7th year of service                        | 521.20                             |
|    | 8th year of service                        | 544.30                             |
|    | 9th year of service and thereafter         | 562.90                             |

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|   | Amount Per Week<br>of 40 Hours<br>\$ |
|---|--------------------------------------|
| 9. Technical Assistant - Laboratory -         |                                      |
| 1st year of service                           | 308.80                               |
| 2nd year of service                           | 312.10                               |
| 3rd year of service                           | 315.40                               |
| 4th year of service and thereafter            | 318.10                               |
| 10. Senior Technical Assistant - Laboratory - |                                      |
| 1st year of service                           | 322.90                               |
| 2nd year of service                           | 331.50                               |
| 3rd year of service                           | 340.10                               |
| 4th year of service and thereafter            | 348.70                               |
| 11. Clerk/Driver                              | 294.90                               |

#### Proviso

When determining the amount 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 which awards of the Tasmanian Industrial Commission relating to private industry employees are established, experience obtained after reaching the age of 18 years shall be counted as adult experience.

## 2. MINIMUM WAGE

- (a) Notwithstanding the provisions of subclause 1 hereof, no adult employee shall be paid less than the rate of \$208.70 per week.
- (b) Provided that payments for overtime, and weekend penalties, prescribed in this award shall not be taken into account in the calculation of such minimum weekly rate of wage.

Where a minimum rate of pay as aforesaid is applicable to an employee for work in ordinary hours the same rate shall be applicable to the calculation of overtime and all other penalty rates, payments during sick leave, and annual leave and for all other purposes of this award.

## 3. JUNIORS

The minimum rates of wages that may be paid to junior employees shall be the undermentioned percentages of the wage rate prescribed for a surgery attendant in her 1st year of service (classification 3, Clause 1 hereof).

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|                       |    |
|-----------------------|----|
|                       | %  |
| Under 17 years of age | 50 |
| 17 years of age       | 60 |
| 18 years of age       | 70 |
| 19 years of age       | 80 |
| 20 years of age       | 90 |

Provided that when determining the amount payable to an employee attaining the age of 21 years, who has been employed under this award, as a junior, experience obtained after reaching the age of 18 years shall be counted as adult experience.

#### 4. ALLOWANCES

- (a) Typing and/or stenography - Any employee classified under items 1, 2, 3 or 4, Clause 1 hereof, who performs the duties of a typist, and who holds a certificate of proficiency from a registered business college, or who attains a standard of proficiency which will enable her to process medical reports and documents to the satisfaction of the employer shall be paid an additional amount of \$4.80 per week.
- (b) For an employee who, without aid, serves more than one part-time doctor, an additional amount of \$3.80 per week shall be paid, provided that an employee serving more than one full-time doctor shall be paid an additional amount of \$6.50 per week.
- (c) A registered nurse required to make use of additional certificates shall, whilst employed by a doctor practising in that field, be paid an additional amount of \$6.80 per week.
- (d) The payments prescribed in this clause shall be made in a manner so that they do not exceed the amount of \$16.40 per week in the aggregate.

#### **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).

- (b) Payment for period of leave -

- (i) All employees before going on annual leave other than casual or part-time employees working less than 20 hours per week who attract a 20% loading in lieu of annual leave, sick leave and public holidays as mentioned in Clause 11 - Casual Employees and Clause 21(b) - Part-Time Employees, shall be paid the amount of wages they would have received in respect of the ordinary time they would have worked had they not been on leave during the relevant period.



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- (ii) In addition thereto, all full time employees shall be paid an amount equivalent to the minimum wage as prescribed in subclause 2 of clause 8.
- (iii) Part-Time Employees (as defined) who work 20 hours or more a week shall have an entitlement based on the average weekly hours worked in the previous 3 months divided by 40 multiplied by the minimum wage.

- (c) Proportionate leave on termination of service -

A weekly employee who lawfully leaves the employment or who is dismissed, except for misconduct or neglect of duty, shall be paid 13 1/3 hours for each completed month of continuous service.

## **10. BREAKAGES**

Except in cases of proved carelessness, an employee shall not be required to pay for any breakages occurring in the ordinary course of her specified duties.

## **11. CASUAL EMPLOYEES**

- (a) The minimum rates that may be paid to casual employees shall be one-fortieth of the weekly rate mentioned in subclause 1 of clause 8 hereof, and in addition thereto 20 per centum.
- (b) Unless otherwise mutually arranged to the contrary, a casual employee other than a cleaner, shall be paid as for a minimum of 4 hours work on any one day.

## **12. 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, providing 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.

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### **13. CONTRACT OF EMPLOYMENT**

With the exception of employees engaged as specified in Clause 11 - Casual Employees hereof, all employment shall be by the week and the employment of an employee will not be terminated except for misconduct or neglect of duty which would justify instant dismissal without at least one week's notice being given by the employer to the employee and the employee shall likewise give to the employer one week's notice of his intention to terminate his employment. If one week's notice be not given by the employer or employee, one week's wages shall be paid or forfeited as the case may be.

An employee shall be entitled to receive on request a reference on termination of services. Such reference shall contain at least the commencing and finishing dates of service and shall become the absolute property of the employee. Any prospective or future employer shall return the reference to the employee within 7 days of having received it.

An employer shall not, in exercising his powers of termination in this clause, make any distinction, exclusion or preference on the basis of sex, other than a distinction, exclusion or preference based on the inherent requirements of a particular job.

### **14. DEDUCTION OF UNION SUBSCRIPTIONS**

The employer may on receipt of an authority from the employee deduct Union subscriptions quarterly in advance from the wages of that employee and forward the amount deducted to the office of the appropriate registered employee organisation.

### **15. HOLIDAYS WITH PAY**

- (a) All employees (other than casuals, part-time or intermittent employees mentioned in subclause (b), Clause 21 hereof) shall be allowed the following days as paid holidays: New Year's Day, Australia Day, Hobart Regatta Day (south of Oatlands), Labour Day, Good Friday, Easter Monday, Anzac Day, Queen's Birthday, Show Day (as defined in Clause 7), 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.

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## **16. HOURS OF DUTY**

Except where otherwise mutually agreed the ordinary hours of duty shall not exceed 40 per week within a spread of 9 hours per day to be worked as follows:

Between the hours of 8.30a.m. and 8.30p.m. Monday to Friday inclusive.

Evening Shift Allowance -

When normal hours of duty are altered, so that an employee finishes work after 6.00p.m., an additional rate of 15% shall be paid for those days.

## **17. 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.

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(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, by 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 leave 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.
  - (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.

## **18. MEAL ALLOWANCE**

Where an employee is called upon to work more than one and one-half hours after the usual time for finishing work the sum of \$4.80 shall be paid for a meal in addition to overtime rates.

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## **19. MEAL AND REST PERIOD**

- (a) A period of one full hour for lunch shall be taken between the hours of 12 noon and 2.00p.m.
- (b) Employees shall be allowed a rest period between the start of work and the midday meal break and a rest period between the resumption of work after the midday meal break and the cessation of work for the day. Each rest period shall be of 10 minutes duration.

## **20. OVERTIME**

- (a) For all time of duty before the usual time for commencing work or after the usual time for ceasing work or for work performed outside the ordinary hours of duty, payment shall be made at the rate of time and a half for the first 2 hours and double time thereafter.
- (b) Overtime shall not be payable unless the period of time worked in excess of the ordinary hours exceeds 15 minutes on any day and the overtime is worked on the orders of the employer or his representative.

## **21. PART-TIME EMPLOYEES**

- (a) Part-time employees engaged to work 20 or more hours per week shall be entitled to the annual leave, holidays and sick leave as prescribed in clauses 9, 15 and 27, provided that payment therefor shall be made at the rate normally paid to such employee 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 20 hours per week shall be paid per hour one-fortieth of the relevant rate set out, plus an additional 20%, such payment being in lieu of public holidays, annual leave, and sick leave.
- (c) Penalty provisions - penalty rates prescribed in Clause 25 herein are applicable to part-time employees.

## **22. PAYMENT OF WAGES**

Wages shall be paid during working hours and not later than Thursday of each week or at such other times as may be mutually agreed upon between the employer and the employee.

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On, or prior to pay day, if requested by the employee in writing, the employer shall state to the employee, the amount of wages to which she is entitled, the amount of tax deductions made therefrom, the amount of any other deductions made therefrom, and the net amount being paid to her.

### **23. PREFERENCE OF EMPLOYMENT**

- (a) Preference in engagement of employees shall be given equally to persons in the following categories who are available and suitable:
  - (i) Members of a Tasmanian Branch of the Hospital Employees' Federation or Royal Australian Nursing Federation, Tasmanian Branch;
  - (ii) Persons who are prepared to give forthwith a written undertaking to apply to join a Tasmanian Branch of the Hospital Employees' Federation of Australia or the Royal Australian Nursing Federation, Tasmanian Branch within 14 days;
  - (iii) Conscientious objectors

If there is more than one person applying for employment within any or all of these categories, the employer shall have freedom to select any one or more of such persons in his or its discretion.

- (b) For the purpose of this clause a conscientious objector is a person accepted as such by the appropriate union and in the event of disagreement a person accepted as such by the Secretary for Labour after hearing both parties.
- (c) Prior to commencing employment, conscientious objectors shall pay a sum equivalent to the subscription to the appropriate union, to a charity to be agreed upon between the person concerned and the abovementioned union and in default of agreement to a charity nominated by the Secretary for Labour.
- (d) This clause shall not apply in respect of engagement of employees in the following categories:
  - (i) Employees sought for managerial positions.
  - (ii) Owners of businesses or their spouses.

### **24. REFERENCE OF DISPUTES**

Any dispute arising in respect of any matter to which this award relates shall be referred to the Secretary for Labour for adjudication.



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## **25. SATURDAY, SUNDAY AND HOLIDAY WORK**

- (a) For all time of duty on a Saturday payment shall be made at the rate of time and one half for the first 3 hours and double time thereafter. Provided that all time of duty after noon on a Saturday shall be paid at the rate of double time.
- (b) 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) For all time of duty on any of the holidays mentioned in clause 15 of this award, payment shall be made at the rate of double time and one half with a minimum payment as for 4 hours worked.

Provided that the requirement to pay minimum payments for overtime Sundays and Public Holidays shall not apply in pathology laboratories where alternative methods of payment agreed between the employer, employees and appropriate union exist.

## **26. SICK LEAVE**

- (a) An employee, other than one engaged as a casual, a part-time or intermittent, as mentioned in subclause (b), clause 21 hereof, 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.

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- (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.

## **27. TIME AND WAGES RECORD**

Each employer shall keep a time record showing the name of each employee, the number of hours worked, when such hours are worked, the rates of pay, and the wages paid each week.

## **28. TOOLS OF TRADE**

Employers shall provide for the use of employees all necessary appliances for surgical and clerical duties including writing materials and pens.

## **29. UNIFORMS**

- (a) Sufficient and serviceable uniforms shall be provided free of cost to all employees required to wear uniforms, or if the employee provides her own uniforms she shall be paid an allowance of \$2.80 per week. Uniforms shall be laundered at the expense of the employer or an allowance of \$2.80 per week paid to the employee.
- (b) An employee, who has been supplied with a uniform by the employer shall, on leaving the service of the employer, return any uniform or part thereof which is still in use by her immediately prior to her leaving the employment.
- (c) From 1 January 1979 all employees shall be notified in writing as to whether or not they are required to wear uniforms. All employees engaged after that date shall be so advised on engagement.

J.G. King  
**COMMISSIONER**

17 June 1987

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