

IN THE 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
PERCENT AND TO VARY THE PRINCIPLES
TO CONFORM WITH THE DECISION OF THE
FULL BENCH OF THE AUSTRALIAN
CONCILIATION AND ARBITRATION
COMMISSION**

ORDER -

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

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

1. TITLE

This award shall be known as the "Shipping Award".

2. SCOPE

This award is established in respect of the industries of:

- (a) Shipping, including the operation of ferries, barges, cruise vessels and charter vessels; and
- (b) Stevedoring.

3. ARRANGEMENT

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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. SUPERSESSION AND SAVINGS

This award incorporates and supersedes No. 1 of 1986 (Consolidated).

Provided further, that no right, obligations 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 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;
- (d) the Tasmanian Chamber of Industries up to and including 26 April 1987, and thereafter the Tasmanian Confederation of Industries; and
- (e) the Tasmanian Trades and Labor Council.

7. DEFINITIONS

Division A

"Afternoon Shift" means any shift finishing after 6.00p.m. and at or before midnight.

"Continuous Work" means work carried on with consecutive shifts of men throughout the 24 hours of at least six consecutive days without interruptions except during breakdowns or meal breaks, or due to unavoidable causes beyond the control of the employer.

"Night Shift" means any shift finishing subsequent to midnight and at or before 8.00a.m.

"Broken Shift" means a shift worked in two parts excluding a meal break of not more than one hour.

"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.

Division B

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

Division C

"Gangway watchmen" shall mean persons (other than the ship's crew) whose principal duties are to ensure the safety of the vessel on which he is employed and ensure that unauthorised persons and/or goods do not board or leave the vessel, and shall include employees engaged to check the passage of persons and/or goods between vessels and a wharf. A gangway watchman may be required to exercise a general supervision of cargo within his vision of the wharf.

"Other watchmen" shall mean persons employed to safeguard premises or property (including cargo) in, on, or in connection with wharves, wharf sheds, ships and vessels, and he shall if required by the employer make appropriate notes and reports in connection with damaged and/or pillaged cargo.

"Day Shift" shall mean a gangway watchman shift commencing at 7a.m. and an ordinary watchman shift commencing at 8a.m.

"Afternoon Shift" shall mean a gangway watchman shift commencing at 3p.m. and an ordinary watchman shift commencing at 5p.m.

"Night Shift" shall mean a gangway watchman shift commencing at 11p.m. and an ordinary watchman shift commencing at 12 midnight.

8. WAGE RATES

Division A - Ferry Boats and River and Harbour Trade

1. WAGE RATES

Adult employees of a classification hereunder mentioned shall be paid the amount assigned opposite that classification:-

	Amount Per Week \$
(a) Vessels operating as Tugs -	
"Maydena", "Boyer" -	
Master	276.60
Engineer	274.00
Deck Hand	230.60
(b) Ferries and other vessels	
(i) Passenger Ferries under 21.3 metres and other vessels	
1. Master	347.50
2. Engineer	347.50
3. Coxswain (work boats)	321.20
4. Fireman	293.10
5. Deck hand (required to collect fares) and/or bar attendant	298.90
6. Deck hand and/or linesman	290.50

	Amount Per Week \$
(ii) Passenger Ferries over 21.3 metres but under 38.1 metres (Cartela).	
1. Master	353.70
2. Engineer	353.70
3. Deck hand (required to collect fares) and/or bar attendant	298.90
4. Deck hand and/or linesman	290.50
(iii) Vehicular Ferries; and Passenger Ferries over 38.1 metres	
1. Senior Master	376.40
2. Master (Other)	370.30
3. Senior Engineer	373.90
4. Engineer (Other)	370.30
5. Deck hand (required to collect fares) and/or bar attendant	298.90
6. Deck hand and/or linesman	290.50
(iv) Bruny Island Ferry	
1. Senior Master	421.50
2. Master (Other)	414.00
3. Senior Engineer	418.40
4. Engineer (Other)	414.00
5. Deck hand (required to collect fares) and/or bar attendant	334.20
6. Deck hand and/or linesman	319.30
(c) Hopper Barge (self-propelled) - m.v. "Anson"	
1. Master	358.90
2. Mate	293.50
3. Engineer	315.20
4. Greaser/deck hand	264.40
5. Deck hand	246.00

(d) Juniors

	Percentage of the total wage for Classification 6, Sub-clause (b)(i) hereof %	Amount Per Week \$
Under 19 years of age	70	203.40
19 years of age	90	261.50
20 years of age	Adult Rate	290.50

On vessels where only one deck hand is permanently employed the deck hand shall be over 21 years of age, or if a junior is employed he shall be paid the adult rate.

In all cases where keep is provided by the employer the abovementioned wage rate may be respectively reduced by \$7.80 per week.

Division B - Clerks

1. WAGE RATES

Adult employees of a classification hereunder mentioned shall be paid the amount assigned opposite that classification.

Classification	Amount Per Week \$
1. First year's adult experience	232.60
Second year's adult experience	252.30
Third year's adult experience & thereafter	278.20
2. An accountant or chief clerk wholly responsible for the office work and who prepares the balance sheet and profit and loss account	381.80
3. A clerk who is in charge of and responsible for the work of -	
(a) Five or more employees	333.40
(b) Three or four employees	318.10
(c) Two employees	299.10

'Employees' in this sub-section 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 adjusted to the nearest 10 cents:-

	Percentage of Second Year Adult Rate	Amount Per Week \$
Under 16 years of age	40	100.90
16 to 17 years of age	45	113.50
17 to 18 years of age	55	138.80
18 to 19 years of age	70	176.60
19 to 20 years of age	80	201.80
20 to 21 years of age	90	227.10

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 trade or groups of trades in respect of which awards of the Tasmanian Industrial Commission are established, experience obtained after reaching the age of 18 years shall be counted as adult experience.

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	1.80
20 to 21 years of age	1.90
21 years of age and over	2.50

DIVISION C - INTRASTATE AND COASTAL VESSELS

1. WAGE RATES

Employees of a classification hereunder mentioned shall be paid the amount assigned opposite that classification for the following vessel:-

(a) M.V. "Flinders Trader" Amount Per Week
\$

Classification

1. Mate	266.10
2. Engineer	266.10
3. Second Mate	232.30
4. Second Engineer	232.30
5. Boatswain	215.10
6. Deck hand	205.60
7. Cook	205.60

	Percentage of the total wage for Item 6 %	Amount Per Week \$
8. Deck boy -		
Under 19 years	60	123.40
At 19 years	80	164.50
At 20 years	90	185.00

(b) M.V. "Emu Bay"

The wage rates and conditions of work applicable to employees engaged on the aforementioned vessels shall be in accordance with those set out in the terms of a written agreement reached between the operators of the said vessels and the Merchant Service Guild (Tasmanian Branch).

The form of the agreement shall be subject to the approval of the Tasmanian Industrial Commission and shall include a provision for the reference of all disputes to the President of the Tasmanian Industrial Commission for determination.

(c) M.V. "Roger Rougier"

Classification	Amount Per Week \$
1. Master	395.30
2. Mate	347.40
3. First Engineer	387.30
4. Second Engineer	347.40
5. Deck Hand	205.60
6. Deck Hand/Cook	205.60

2. MINIMUM WAGE

- (a) Notwithstanding the provisions of sub-clause 1 hereof, no adult employee shall be paid less than the rate of \$208.70 per week.
- (b) Provided that payments for overtime, special rates, holiday and weekend penalties, and shift allowances 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.

DIVISION D - WHARF AND/OR SHIPPING WATCHMEN

1. WAGES

The ordinary rates of wages that may be paid by employers to wharf and/or shipping watchmen shall be \$10.00 per hour computed on the following basis:-

The amount of \$280.10 divided by a quantum of twenty eight. On any day on which an employee is engaged for work by an employer he shall be paid for at least seven hours at the appropriate rates, provided that:-

- (a) On any Saturday the minimum payment for watchmen working in association with waterside workers shall be as for four hours at the appropriate rate unless the normal shift has been extended to enable a vessel to finish, in which event, unless circumstances beyond the employer's control preclude the working of labour after 1 p.m. the minimum payment shall be as for six hours at the appropriate rate. Time spent opening up or covering up before 8 a.m. or after 12 noon will not be regarded as an extension of the normal shift, nor will time so spent be included when calculating the minimum payment.
- (b) The minimum payment for any shift the normal duration of which is less than six hours shall be paid as for the normal duration of such shift and shall be paid for at the appropriate rate.
- (c) The minimum payment prescribed herein shall not apply to any employee who cannot be usefully employed for at least six hours on any day as a result of any strike, ban, limitation or restriction imposed on the proper performance of work by any employee or group of employees whether covered by this award or not.
- (d) On a day on which a stop-work meeting is held at any port the minimum payment for the day shift in that port shall be as for four hours at the appropriate rate.
- (e) When required, casual employees shall work extended shifts, with waterside workers and work reasonable overtime at overtime rates and on such other occasions as may be necessary to meet special circumstances.

Conditions for Employees in Division A

9. ANNUAL LEAVE

(a) Period of Leave -

(i) Dayworkers and Shiftworkers

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

(ii) Continuous Shift Workers

In addition to the leave prescribed in Section (i) of this Clause, continuous shiftworkers, shall be allowed 7 consecutive days' leave including nonworking days.

Where an employee with twelve months' continuous service is engaged for part of the 12 monthly period as a seven day shift worker, he shall be entitled to have the period of annual leave prescribed in Section (i) increased by one half a day for each month he is continuously engaged.

For the purpose of this Clause, employees employed on the Bruny Ferry shall be deemed to be shift workers and shall qualify for the additional leave prescribed by this sub-clause, provided that such employee has been rostered to perform and actually carried out work on not less than 10 Saturdays and not less than 10 Sundays during any one leave year.

(b) Annual Leave exclusive of Public Holidays

(i) The annual leave prescribed by sub-clause (a) shall be exclusive of any of the holidays prescribed by Clause 14 - Holidays with Pay of this Division.

(ii) Where a public holiday occurs on a day on which an employee is "rostered off" an additional day shall be added to such employee's annual leave. The provisions of this sub-clause shall not apply when a public holiday falls and is observed on a Saturday or on a Sunday.

(c) Leave to be Taken and Given

The leave prescribed in this clause shall be given and taken within six months of becoming due.

(d) Payment for Period of Leave

All employees, before going on annual leave, shall be paid the amount of wages they would have received in respect of the ordinary time they would have worked had they not been on leave during the relevant period. In addition thereto, all employees other than casual employees, shall be paid an amount equivalent to the minimum wage as prescribed in sub-clause 2 of Division C, Clause 8 - Wage Rates. This amount shall apply to all leave taken on and from the 1st day of July 1975.

(e) Proportionate Leave on Termination of Service

If after one completed month of service in any twelve-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 at his ordinary rate of wage as follows:-

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

10. CASUAL RATES

Casual employees, viz. employees who are engaged as such, and whose employment is of a casual nature shall be paid per hour one fortieth of the weekly rates prescribed for the work performed and in addition thereto an amount representative of a loading of 20%.

11. 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.

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.

12. CONTRACT OF EMPLOYMENT

Employment shall be by the week terminable only by a week's notice from either the employer or the employee unless the amount of a week's wages be paid or allowed in lieu of such notice.

13. DISTANT WORK

- (a) Except as otherwise determined herein an employee engaged on distant work, i.e. work at a place which in the opinion of the employer, because of its distance from, or the restricted facilities available for travelling to and from his usual place of residence reasonably necessitates the employee's living and sleeping elsewhere than at such usual place, shall be allowed \$11.00 per day in addition to his ordinary rates if free board and accommodation is not found by his employer, or \$4.40 per day in addition to his ordinary rates if accommodation only be found. Where the time so employed includes an additional part of a day, the allowance shall be at the rate of \$1.65 per meal.
- (b) An employee -
 - (i) engaged in one place to work in another; or
 - (ii) sent, other than at his own request, from his usual place of employment to another, for work which can reasonably be regarded as permanent,

who is thus involved in a change of residence, shall be paid in accordance with the provisions of sub-clause (a) hereof and of Clause 34 - Travelling Time and Allowances of this Award.

Provided that such payments shall cease after a period of three months or after he has taken up abode at the new place of employment, whichever event is the sooner.

- (c) Where the employer offers to provide free weekend transport between the distant work and the employee's place of engagement, the provisions of sub-clause (a) shall apply to working days only.
- (d) The time spent in travelling to and from the work site at the beginning and end of his employment at the site and at week-ends shall be paid for at ordinary rates when outside normal working hours.

14. HOLIDAYS WITH PAY

- (a) All employees (other than casuals) 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 sub-clause (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 sub-clause (a) shall be at the rates prescribed elsewhere in this Award.

15. HOURS

(a) Day Workers

The ordinary hours of employment shall not exceed forty per week, to be worked in periods of not more than eight hours per day, Monday to Friday, inclusive, between the hours of 7a.m. and 6p.m. each day.

(b) Shift Workers

The ordinary hours of employment shall not exceed eight, including a twenty-minute meal break (to be taken not later than five hours after the commencement of shift), in each twenty-four hour period, or more than forty hours in each week. The forty hours shall be worked in five days. Provided that where possible shift workers shall be given forty eight hours notice of change of shift.

(c) Employees - Bruny Ferry

The ordinary hours of employment for employees engaged on the Bruny Ferry shall not exceed an average of eighty per fortnight to be worked within a spread of twelve hours per day or shift between 6a.m. on Monday and midnight of the following Sunday.

Provided that for all work done in excess of 8 hours per day (up to 12 hours per day) the rates of pay shall be one and one quarter times the ordinary rate.

16. LOSS OF PERSONAL EFFECTS

If by fire, foundering, collision or stranding an employee sustains damage or loss to his equipment or personal effects an employer shall reimburse the employee for such loss but the amount of such reimbursement shall not exceed the sum of \$87.00.

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 sub-clauses (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 sub-clauses (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
 - (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 sub-clauses (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 sub-clause 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 sub-clause (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 sub-clauses (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 sub-clause (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 sub-clause, 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 sub-clause 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

- (a) An employee required to work overtime for more than one and a half hours, or in the case of employees engaged on the Bruny Ferry, beyond 8.00p.m., shall either be supplied with an adequate meal by the employer, or be paid \$4.80 meal money.
- (b) When a vessel is proceeding outside the harbour limits for a period exceeding twenty-four hours, the victualling of the crew shall be the responsibility of the employer and no deductions shall be made for it.

19. MEAL BREAKS ON ALL VESSELS OPERATING WITHIN HARBOUR LIMITS

- (a) A meal break of one hour shall be allowed between 11.30a.m. and 2p.m. to employees on permanent day work on all vessels operating within harbour limits.

- (b) Working during meal intervals shall be avoided as far as possible. If employers require work to continue during a recognised meal interval the employee shall be paid at the rate of double time. Any fraction of an hour less than thirty minutes worked during a meal interval shall be paid for as half an hour and any fraction of an hour in excess of thirty minutes so worked shall be paid for as a full hour.

20. MEALS ON VESSELS OPERATING AS TUGS

A meal break of one hour shall be allowed between 11.30a.m. and 2p.m. provided that if a meal is not commenced before 1p.m. and the vessel is under way at the time, a disturbed meal allowance of 82 cents shall be paid for such meal.

21. MIXED FUNCTIONS

- (a) When an employee is required to do, and does on any one day for a time exceeding two hours in the aggregate, work for which a higher rate is prescribed than for other work done by him on that day, he shall be paid at not less than such higher rate for all work done by him on that day.
- (b) The master of a vessel powered by an engine of 150kw governed power or over, who is required to act in a dual capacity as master and engine-driver shall be paid an additional \$11.25 per week, or 28.1 cents per hour, whilst so engaged.
- (c) Bruny Ferry Employees:-

An employee nominated to act as Master or engineer on a relieving basis shall be paid an allowance of \$31.80 per week extra on the rates as prescribed in Clause 21 - Mixed Functions and Clause 15 - Hours of this Award whilst working in a lower capacity.

Provided that such extra rate shall not be in substitution for the higher rate as prescribed when so acting as Master or engineer.

22. OVERTIME

- (a) For all work done outside ordinary hours the rates of pay shall be time and a half for the first two hours and double time thereafter, such double time to continue until the completion of overtime work. The aggregate of hours worked in excess of ordinary hours in each day shall constitute the amount of overtime at the appropriate rate. Provided that for all work performed on an employee's rostered days off, payment shall be made at the rate of double time.

Provided further that a continuous shift worker shall be paid at the rate of double time for all overtime worked.

Except as provided in this sub-clause, or sub-clause (b) hereof, in computing overtime, each day's work shall stand alone.

For all time worked by employees on the Bruny Ferry in excess of 12 hours on any day or shift, the minimum payment shall be at the rate of double time.

Rest Period after Overtime -

- (b) When overtime work is necessary it shall wherever reasonably practicable be so arranged that employees have at least ten consecutive hours off duty between the work of successive days.

An employee (other than employees on vessels operating as tugs) who worked so much overtime between the termination of his ordinary work on one day and the commencement of his ordinary work on the next day that he has not had at least ten consecutive hours off duty between those times, shall, subject to this sub-clause, be released after completion of such overtime until he has had ten consecutive hours off duty without loss of pay for ordinary working time occurring during such absence.

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

23. PAY ABSTRACT

Employers shall supply to each employee on or before pay day a statement showing the number of ordinary hours and overtime hours worked during the relevant period and the deductions, if any, that have been made from the wages.

24. PROTECTIVE EQUIPMENT

Deck hands on the Bruny Island Ferry shall be provided with oilskins, south-westerns and torches.

25. RATES NOT CUMULATIVE

Penalty rates prescribed herein are not cumulative so as to exceed the maximum of double the ordinary rates excepting as to payments for work performed on public holidays or broken shifts.

26. RECALL TO WORK

Employees who are recalled to work special trips outside their ordinary hours shall be paid as for a minimum of four hours work at appropriate rates.

27. REFERENCE OF DISPUTES

Any dispute arising in respect of any matter to which this award relates shall be referred to the Tasmanian Industrial Commission, whose decision shall be final.

28. SATURDAY WORK

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

29. SHIFT ALLOWANCE

Shift workers employed on afternoon, night or broken shifts shall be paid 15% more than the ordinary rates for such shifts.

When in any day a shift is worked in two periods a travelling allowance of \$1.65 shall be paid to each employee working such broken shift, provided his place of residence is in excess of 1.5 kilometres from his place of work.

30. 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 forty-eight 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 two weeks of ordinary working time;
 - (v) For the purposes of administering paragraph (iv) of this sub-clause an employer may within one month of this award coming into operation or within two 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 sub-clause (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.

31. SPECIAL RATES

- (a) Chipping Hammers - Employees using electric or pneumatic chipping hammers, wire brushing machine and sandblasting machine shall be paid at the rate of 7.2 cents per hour in addition to any other ordinary or overtime rate for the time so occupied.

Where a chipping hammer is being used in a confined space, suitable ventilation shall be installed, if practicable, before work commences.

- (b) Dirty Work - For any of the following work, an employee shall, in addition to any other ordinary or overtime rate payable under this award, be paid at the rate of 20.5 cents per hour for the time so occupied:-

- Working inside boilers or furnaces
- Cleaning inside the casing of internal combustion engines
- Cleaning inside oil tanks in motor vessels
- Cleaning tubes, uptakes or smoke boxes where doors have to be opened
- Cleaning bilges (including roseboxes) and coffer dams.

32. SUNDAY AND HOLIDAY WORK

- (a) Employees required to work on a Sunday shall be paid at the rate of double time.
- (b) Employees required to work on a public holiday shall be paid at the rate of double time and one-half.

33. TIME AND WAGES RECORD

The employer shall keep or cause to be kept a record of the times during which each employee has been on duty, including the times of commencing and finishing duty by each employee on each day and the payments made to each employee, including wages, overtime payment and all allowances paid to him, and a duly accredited official of the Union shall be permitted by the employer to inspect such a record at a reasonable time during the office hours of the employer at his place of business.

34. TRAVELLING TIME AND ALLOWANCES

- (a) Employees who are required to travel from their regular place of employment to distant locations during periods that vessels are on the slip or undergoing repairs shall either be supplied with transport by the employer or reimbursed the cost of fares to and from the job. If they are required to remain away from their homes overnight, they shall be reimbursed the amount spent for board and lodging.
- (b) Where an employee, after having worked overtime, or a shift for which he has not been regularly rostered, finishes work at a time when public transport is no longer available, he shall be paid a distance allowance except where the employer provides or offers to provide transport for such employee to or from his home as the case applies.

The allowance shall be paid at the rates prescribed by the Public Service (Conditions of Service) Award applying from time to time.

- (c) Travelling time at ordinary rates only shall be allowed each way when an employee is required to perform work away from his place of engagement which does not reasonably necessitate the employee residing on or near the job.

35. VESSELS ON WATCHES

- (a) Where a vessel is proceeding beyond harbour limits for a period in excess of two hours, the crew shall be paid an additional 25% of the normal rate.
- (b) Whilst the vessel is in an out-port, but not on watches, an additional 5% shall be paid.

36. UNIFORMS

Where an employee is required to wear a uniform or distinctive dress, same shall be provided by the employer free of cost to the employee.

Conditions for Employees in Division B

37. ESTIMATING SERVICE

In estimating the number of years service of an employee, the total clerical experience in the service of every employer in the trades or groups of trades in respect of which awards of the Tasmanian Industrial Commission are established shall be taken into account.

38. GENERAL CONDITIONS

The provisions of Clauses

- 9. Annual Leave
- 11. Compassionate Leave
- 12. Contract of Employment
- 14. Holidays with Pay
- 15. Hours
- 17. Maternity Leave
- 18. Meal Allowance
- 22. Overtime
- 23. Pay Abstract

- 25. Rates Not Cumulative
- 27. Reference of Disputes
- 28. Saturday Work
- 30. Sick Leave
- 32. Sunday and Holiday Work
- 33. Time and Wages Record
- 34. Travelling Time and Allowances

of Division A hereof shall also apply to this Division.

Conditions for Employees in Division C

39. GENERAL CONDITIONS

The provisions of Clauses

- 9. Annual Leave
- 10. Casual Rates
- 11. Compassionate Leave
- 12. Contract of Employment
- 14. Holidays With Pay
- 17. Maternity Leave
- 21. Mixed Functions
- 23. Pay Abstract

- 27. Reference of Disputes
- 30. Sick Leave
- 31. Special Rates
- 33. Time and Wages Record
- 34. Travelling Time & Allowances

of Division A hereof shall also apply to this Division.

40. HOURS

The maximum number of ordinary working hours per week in respect of which the rates of wages herein determined shall be paid shall be forty, to be worked in periods of not more than eight hours per day. Provided that the hours worked inclusive of overtime shall not exceed sixteen in any twenty-four hour day.

41. OVERTIME

- (a) An employee required to work outside the normal hours in his home port shall be paid at the rate of time and one-half for the first two hours and double time thereafter.
- (b) Payment for overtime worked away from the home port shall be at the rate of time and one-half.
- (c) Time off may be allowed in recompense for overtime worked away from the home port and payment for such time off shall be at the rate of time and one-half for each hour of overtime so worked including work performed on Saturday, and at the rate of two hours for each hour of work performed on Sundays and such public holidays as are prescribed in Clause 14 - Holidays with Pay. Time off allowed under the provisions of this sub-clause shall be at the discretion of the employer.
- (d) In computing overtime, each day's work shall stand alone provided that the appropriate overtime rate shall continue to apply until the completion of the overtime work commenced the day before.

42. SAILING BOARD

On the day of departure of the ship from any port, the clock time appointed for the departure shall be clearly stated on a notice board, fixed in a conspicuous place at the gangway and if any change be made the substituted time shall be likewise stated as early as practicable.

43. SATURDAY WORK

Except as provided in sub-clause (a) Clause 41 - Overtime hereof an employee required to work on a Saturday shall be paid at the rate of time and one-half for all time so worked.

44. SHIPWRECK OR STRANDING

- (a) If a ship, in the course of a voyage, becomes wrecked or stranded, and an employee is called upon for special efforts while the ship is still wrecked or stranded, he shall, for the time during which he so assists, be paid at the rate of \$1.33 per hour in addition to the ordinary rates.
- (b) For the purposes of this clause a ship shall be deemed to be wrecked if while at sea it is so disabled as to be in a dangerous crisis and unable for the time being to continue its voyage in the ordinary course of its operations.
- (c) Where a ship grounds in a tidal harbour or river and is refloated by ordinary means, without lightening cargo, it shall not be deemed to be wrecked or stranded within the last preceding sub-clause.
- (d) Notwithstanding anything in this clause, in a case of wreck or loss of the ship, proof that any seaman has not exerted himself to the utmost to save the ship, human life, cargo, stores and equipment shall bar his claim to wages as prescribed in the Navigation Act. Questions of fact shall be determined as provided for in the said Act.
- (e) If by fire, explosion, foundering, collision or stranding, an employee sustains damage or loss to his equipment or personal effects, an employer shall reimburse the employee for such loss but the amount of such reimbursement shall not exceed \$265.

45. SUNDAY AND HOLIDAY WORK

- (a) An employee required to work on a Sunday shall be paid at the rate of double time.
- (b) An employee required to work on a public holiday shall be paid at the rate of double time and one-half.

Conditions for Employees in Division D

46. AMENITIES

- (a) A pick-up shelter shall be provided for watchmen, with suitable accommodation and amenities, and be kept in a clean condition by the employer.
- (b) The employer shall provide adequate shelter on all job sites.

47. GENERAL CONDITIONS

The provisions of clauses

- 9. Annual Leave
- 11. Compassionate Leave
- 14. Holidays With Pay
- 17. Maternity Leave
- 27. Reference of Disputes
- 30. Sick Leave

of Division A hereof shall also apply to this Division.

48. HOURS

The ordinary hours of duty during which rates prescribed herein shall be paid, shall be as follows:-

- (a) Gangway Watchmen - Between the hours of 7a.m. and 3p.m., 3p.m. and 11p.m. and 11p.m. and 7a.m. Provided that on a week day the commencement of the afternoon shift for gangway watchmen may be extended to 5p.m.
- (b) Other Watchmen - Between the hours of 8a.m. and 5p.m., 5p.m. and 11p.m. and 12 midnight and 8a.m.; provided that on a week day or a Sunday the commencement of the day shift for other watchmen may be extended to 10a.m. Provided further that the hours or shifts mentioned herein may be varied by agreement between the employer and Union in terms which conform with the standards currently prevailing in the stevedoring industry at that time.

Watchmen (other than gangway watchmen) working ordinary hours between 5p.m. and 11p.m. shall be paid time and a half the ordinary rate for such work; and work performed between 12 midnight and 8a.m. shall be paid for at the rate of double the ordinary rate.

Gangway watchmen shall be paid 50% extra for ordinary time of duty between 3p.m. and 11p.m. and 100% extra for ordinary time of duty between 11p.m. and 7a.m. and for any time of duty in excess of twelve hours on any day or shift they shall be paid at treble the ordinary rates.

49. HOURS OF ENGAGEMENT

- (a) All watchmen shall be registered and engaged only at and through the engagement centre.
- (b) Registered watchmen who are eligible for engagement shall report to the engagement centre not later than 8a.m. on each day that they are not working Mondays to Fridays except when such days are observed as holidays by the general body of employees in the port.
- (c) In the case of emergency or unforeseen circumstances unemployed registered watchmen may be engaged outside the pick-up centre and outside engagement hours.
- (d) Watchmen shall be notified of labour requirements not later than 10a.m. daily, provided that in the event of any emergency beyond the control of the employer the engagement time may be extended to 11a.m.
- (e) Except when required to commence duty prior to the ordinary time fixed for commencing a shift, a registered watchman shall be deemed to have commenced duty as from the normal time fixed for commencing each shift as defined in Clause 48 - Hours.

50. INDUSTRIAL CLOTHING

Registered watchmen shall from July 1st 1980 be issued with one "Industry Approved" warm jacket triennially and annually with two pairs of trousers, two shirts and one pair of safety footwear each to be of an Industry Approved Standard.

51. MEALS

- (a) Excepting as to gangway watchmen, employees shall be allowed a meal break not exceeding one hour, such meal break to be taken (where convenient) at the same time as the waterside workers.

- (b) Excepting as to gangway watchmen, employees who are required to work during the usual meal period shall be paid at the rate of double time.
- (c) An employee who is required to work overtime shall be supplied with a meal by the employer, or paid the same meal allowance applying in the stevedoring industry.

An employee who, pursuant to notice that he will be required to work overtime and is not required to work shall be paid the same meal allowance as is paid in the stevedoring industry.

- (d) Excepting on a shift commencing at 5p.m. and finishing not later than 11p.m., an employee other than gangway watchmen shall not be required to work more than five hours without a break for a meal unless paid for a meal hour worked. A gangway watchman shall be supplied with a meal by the employer at not longer than five-hour intervals or be paid the same meal allowance as is paid to waterside workers for each meal not provided.

52. OVERTIME

- (a) For all time worked before the normal time fixed for commencing work on a shift as defined in Clause 48 - Hours, (a) and (b) hereof, payment shall be made at the rate of double the hourly rate, provided that such rate is not a diminution of the rates prescribed in Clause 58 - Sunday and Holiday Work.
- (b) For all time worked in excess of seven hours on any shift, payment shall be made at the appropriate shift rate plus the minimum rate as prescribed in sub-clause 1 - Wages, Division D, Clause 8 - Wage Rates.

53. RECRUITMENT OF LABOUR

- (a) The Federated Miscellaneous Workers' Union of Australia (Tasmanian Branch) will provide an effective force to meet the requirements of all ports.
- (b) Officials of The Federated Miscellaneous Workers' Union of Australia (Tasmanian Branch) shall co-operate in the prompt recruitment of labour to meet the requirement of the ports. The determination shall be on the number of men required working reasonable overtime to meet the needs of the ports.

- (c) Employers shall have the right to approve or reject applicants for admittance to the industry, and for that purpose the Federated Miscellaneous Workers' Union of Australia (Tasmanian Branch) shall arrange to supply employers with the names of nominees for admittance whenever men are needed to meet the requirements of the ports.

54. REST PERIODS

Any employee who has completed a shift of a duration of not less than six hours or who has worked overtime following the completion of ordinary time of duty and who has not had a rest period of at least eight consecutive hours between the completion of such a shift or overtime duty and the commencement of another period of duty shall be paid at the rate of double time for all such time until he has been relieved from duty for at least eight consecutive hours.

55. SATURDAY WORK

The minimum rate that may be paid for ordinary hours worked between 11p.m. on Friday and 11p.m. on Saturday, shall be double time. Such extra rate shall be in substitution for and not cumulative on the shift premiums prescribed in Clause 48 - Hours.

56. SPECIAL ALLOWANCES

All registered watchmen shall be paid a special allowance of \$8.20 per week.

The allowance provided in this clause shall not be payable in respect of any pay week an employee is absent from work for the whole pay week on long service leave, annual leave, sick leave or workers compensation.

57. SPECIAL WORK

- (a) Watchmen employed in an area of dirty or obnoxious work shall be paid the same additional rate for such work as is paid to other employees with whom they are working in association.
- (b) Watchmen employed in refrigerated holds or compartments of any vessel shall be paid the same additional rate for such work as is paid to other employees with whom they are working in association.

58. SUNDAY AND HOLIDAY WORK

- (a) Ordinary watchmen employed on a Sunday or a holiday as prescribed in Clause 14, Division A hereof, shall be paid at the rate of two and one-half times the minimum rate as prescribed in sub-clause I, Division D, Clause 8 - Wage Rates.
- (b) Gangway watchmen employed on a Sunday or a holiday as prescribed in Clause 14 - Holidays with Pay hereof, shall be paid at the rate of two and one-half times the minimum rate as prescribed in sub-clause 1, Division D, Clause 8 - Wage Rates, provided that where a shift worked on a Sunday or a holiday commences the day prior, the rate of two and one-half times the minimum rate shall be paid for all time worked on that shift.

59. TRANSFER OF LABOUR

- (a) As far as practicable the work available shall be equally distributed between the registered employees, and if an employee who has been engaged on a ship or location is transferred to another ship or location whilst registered Union labour is available during engagement hours the employer shall pay the same amount of wages paid to the transferred employee to the employee who would have performed the work if there had not been a transfer of labour.
- (b) Employers shall engage relief labour to relieve employed labour at the conclusion of each shift as prescribed in Clause 48 - Hours (a) and (b) hereof. The provisions of sub-clause (a) herein shall apply if relief labour is not engaged, providing registered labour is available for engagement.
- (c) Employers shall be notified of a relief being available before 11a.m. when working on the day shift, and on commencement of the shift when engaged on other shifts.
- (d) In the event of any dispute as to whether Union labour is available, the matter shall be referred to the Tasmanian Industrial Commission for hearing and adjudication and the decision shall be final and binding on the employer and his employees.

60. TRAVELLING TIME

- (a) Employees shall be paid for one hour at ordinary rates each way when travelling to and from wharf to the Zinc Works, Selfs Point, or other wharves distant from Hobart. Provided that when travelling to and from Port Huon, employees shall be paid one and a half hours at ordinary rates each way.
- (b) Employees required to travel from Launceston or Devonport to Bell Bay and/or Beauty Point or Inspection Head shall be paid for one hour forty minutes each way at ordinary rates.
- (c) Employees required to travel between Burnie and Devonport shall be paid one hour each way at ordinary rates.
- (d) Employees required to travel between Beauty Point and Bell Bay shall be paid 30 minutes each way at ordinary rates.

Employees required to travel between Launceston and Bell Bay or Beauty Point shall be paid 45 minutes each way at ordinary rates.

- (e) Employees required to commence or complete a shift when public transport is not available at an outport mentioned in sub-clauses (a), (b), (c) and (d) hereof shall be reimbursed for transport costs incurred.

