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**TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984
s.23 application for award or variation of award

**National Union of Workers, Tasmanian Branch**
(T9685 of 2001)

# WHOLESALE PHARMACEUTICAL AWARD

Award variation - application amended - restructure of award - conditions of employment - consent matter - application granted - award varied - operative date ffpp 16 October 2001

**ORDER BY CONSENT -**

**No. 2 of 2001**
**(Consolidated)**

THE CLAUSES LISTED IN APPENDIX 1 ARE VARIED AND THE AWARD IS CONSOLIDATED:

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## PART I - APPLICATION AND OPERATION OF THE AWARD

### 1. TITLE

This award shall be known as the Wholesale Pharmaceutical Award.

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## 3. SCOPE

This award is established in respect of the wholesale pharmaceutical industry

## 4. DATE OF OPERATION

This award shall come into operation from the first full pay period to commence on or after 16 October 2001.

## 5. AWARD INTEREST

(a) The following employee organisations have an interest in this award under Section 63(10) of the *Industrial Relations Act 1984*:

the National Union of Workers - Tasmanian Branch.

(b) The following organisations are deemed to have an interest in this award pursuant to Section 62(2) of the *Industrial Relations Act 1984*:

the Tasmanian Chamber of Commerce and Industry Limited.

(c) The following organisations are deemed to have an interest in this award pursuant to Section 62(3) of the *Industrial Relations Act 1984*:

the Tasmanian Trades and Labor Council.

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## 6. SUPERSESSION

This award incorporates and supersedes the Wholesale Pharmaceutical Award No. 1 of 2000 (Consolidated), No. 2 of 2000, No. 3 of 2000 and No. 1 of 2001.

## 7. GENERAL DEFINITIONS

**'Wholesale Pharmaceutical Industry'** for the purposes of this award shall mean the wholesaling and/or distribution of pharmaceutical products in accordance with a licence issued under the *Poisons Act, 1971*, and may include the wholesaling and/or distribution of other medicines and non-prescription pharmaceutical products and other goods.

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## PART II - EMPLOYMENT RELATIONSHIP AND ASSOCIATED MATTERS

### 1. DEFINITIONS

**'Casual employee'** shall mean any person who is employed on a casual basis and includes any person who is employed for a period not exceeding four weeks at any one time.

### 2. CONTRACT OF EMPLOYMENT

(a) With the exception of employees engaged as casual employees, all employment shall be by the week and shall be terminated only by a week's notice by either party or by the payment or forfeiture of a week's wages, as the case may be. This shall not affect the right of the employer to dismiss any employee without notice for neglect of duty or misconduct and in such cases the wages shall be paid up to the time of dismissal only.

(b) The employer in the event of misconduct may suspend an employee without pay. The maximum period of suspension shall be one week. Prior to the implementation of a suspension, the union shall be advised of the intention to undertake such suspension. In the event that a union official cannot be contacted, the suspension will not be implemented for a period of at least 24 hours.

(c) Should the employee not agree to the suspension the union shall have the right to refer the matter to the Tasmanian Industrial Commission. If upon examination the Tasmanian Industrial Commission forms the view that the suspension was harsh or unjust, it may vary the term of or rescind the suspension. Nothing in this subclause shall affect the right of the employer to dismiss an employee in accordance with the previous subclause.

(d) n employer may direct an employee to carry out such duties as are within the limits of the employee's skill, competence and training consistent with the classification structure of this award provided that such duties are not designed to promote de-skilling.

(e) An employer may direct an employee to carry out such duties and use such tools and equipment as may be required provided that the employee has been properly trained in the use of such tools and equipment.

(f) This provision does not deny such employees any award entitlement which might be applicable for performing work of a higher classification; nor should the provision enable the employer to pay an employee at a rate lower than the employees' substantive classification for performing work of a lower classification.

(g) Any direction issued by an employer pursuant to subclause (c) and (d) hereof shall be consistent with the employer's responsibilities to provide a safe and healthy working environment.

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## 3. EMPLOYMENT CATEGORIES

(a) Casual Employees

(i) A casual employee for working ordinary time shall be paid per hour one thirty-eighth of the weekly rates prescribed for the work which he or she performs. In addition thereto a casual employee shall receive 20% of the ordinary hourly rate in respect of each hour for which he or she is paid; such additional amount to be payment in lieu of the provisions of Part V - Leave and Holidays with Pay, Clause 2 - Annual Leave, Clause 5 - Holidays with Pay and Clause 7 - Sick Leave of this award.

(ii) Penalty rates prescribed elsewhere in this award are applicable to casual employees. The 20 per cent loading prescribed elsewhere in this clause shall be paid for all hours worked including times when penalty rates are applicable.

**PROVIDED** that all penalty additions shall be calculated on the ordinary time rate excluding this loading. Viz.:

| | | |
|---|---|---|
| Time and one half equates to 1.7 | ) | of the ordinary time |
| Double time equates to 2.2 | ) | rate without the 20 |
| Double time and one half equates to 2.7 | ) | percent loading |

(b) Part-time employees

(i) Part-time employees engaged to work 20 or more hours per week shall be entitled to the annual leave, holidays with pay and sick leave as prescribed in Part V - Leave and Holidays with Pay, Clause 2 - Annual Leave, Clause 5 - Holidays with Pay and Clause 7 - Sick Leave of this award.

**PROVIDED** that payment therefor shall be made at the rate normally paid to such employees for a similar period of time worked.

(ii) Part-time employees engaged to work less than 20 hours per week shall be paid per hour one thirty-eighth of the weekly rates prescribed for the work he or she performs. In addition thereto such employees shall receive 20% of the ordinary hourly rate in respect of each hour for which he or she is paid; such additional amount to be payment in lieu of the provisions of Part V - Leave and Holidays with Pay, Clause 2 - Annual Leave, Clause 5 - Holidays with Pay and Clause 7 - Sick Leave of this award.

**PROVIDED** that in the case of part-time employees in receipt of a 20% loading, the penalty rates shall be calculated in the same manner as applies to casual employees in subclause (a) - Casual Employees of this clause.

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## 4. RATIO OF JUNIOR EMPLOYEES TO ADULT EMPLOYEES

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

## 5. MIXED FUNCTIONS

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

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## PART III - WAGE RATES AND RELATED MATTERS

### 1. WAGE RATES

(a) Adult Minimum Weekly Wage Rate

The minimum weekly rates of wages that shall be paid to employees classified hereunder shall be the base rate and supplementary payments appearing opposite that classification.

(i) Warehouse and Storeworker Employees

| Classification | Wage rate Relativity % | Base Rate $ | Safety Net Adjustment $ | Weekly Wage Rate $ |
|---|---|---|---|---|
| Warehouse and Storeworker (Grade 1) | | | | |
| On commencement | 87.4 | 364.60 | 88.00 | 452.60 |
| After 3 months service | 89.2 | 372.10 | 88.00 | 460.10 |
| After 12 months service | 91 | 379.70 | 88.00 | 467.70 |
| Warehouse and Storeworker (Grade 2) | 92.4 | 385.50 | 88.00 | 473.50 |
| Warehouse and Storeworker (Grade 3) | 96.9 | 404.30 | 88.00 | 492.30 |
| Warehouse and Storeworker (Grade 4) | 100.9 | 421.00 | 90.00 | 511.00 |

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(ii) Clerical and Administrative Employees

| Classification | Wage rate Relativity % | Base Rate $ | Safety Net Adjustment $ | Weekly Wage Rate $ |
|---|---|---|---|---|
| Clerical and Administrative Employee - Adult Entry | | | | |
| 1st 6 months service | 80 | 333.80 | 88.00 | 421.80 |
| 2nd 6 months service | 85 | 354.60 | 88.00 | 442.60 |
| Clerical and Administrative Employee - Grade 1 | | | | |
| 1A - 1st 12 months service | 87 | 363.00 | 88.00 | 451.00 |
| 1B - after 12 months service | 90 | 375.50 | 88.00 | 463.50 |
| Clerical and Administrative Employee - Grade 2 | | | | |
| 2A - 1st 12 months service | 92 | 383.80 | 88.00 | 471.80 |
| 2B - after 12 months service | 95 | 396.30 | 88.00 | 484.30 |
| Clerical and Administrative Employee - Grade 3 | | | | |
| 3A - 1st 12 months service | 97 | 404.70 | 88.00 | 492.70 |
| 3B - after 12 months service | 100 | 417.20 | 90.00 | 507.20 |
| Clerical and Administrative Employee - Grade 4 | 105 | 438.10 | 90.00 | 528.10 |
| Clerical and Administrative Employee - Grade 5 | 110 | 458.90 | 90.00 | 548.90 |
| Clerical and Administrative Employee - Grade 6 | 115 | 479.80 | 88.00 | 567.80 |
| Clerical and Administrative Employee - Grade 7/Chief Clerk/Accountant | 120 | 500.60 | 88.00 | 588.60 |

(iii) Transport Employees

| Classification | Wage rate Relativity % | Base Rate $ | Safety Net Adjustment $ | Weekly Wage Rate $ |
|---|---|---|---|---|
| Transport Employee – Grade 1 | 93.2 | 388.80 | 88.00 | 476.80 |
| Transport Employee – Grade 2 | 97.4 | 406.30 | 88.00 | 494.30 |
| Transport Employee – Grade 3 | 99.5 | 415.10 | 90.00 | 505.10 |

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(iv) Commercial Travellers

| Classification | Wage rate Relativity % | Base Rate $ | Safety Net Adjustment $ | Weekly Wage Rate $ |
|---|---|---|---|---|
| Probationary Traveller | 87 | 363.00 | 88.00 | 451.00 |
| Town or Local Traveller | 95 | 396.30 | 88.00 | 484.30 |
| Country Traveller | 100 | 417.20 | 90.00 | 508.30 |

(b) Juniors Wage Rates

(i) Warehouse and Storeworker Classifications

The minimum weekly wage rate to be paid to a junior Warehouse and Storeworker employee shall be the undermentioned percentages of the total weekly wage rate for an Adult Storeworker Grade 1, on commencement.

| | % |
|---|---|
| Under 16 years of age | 55 |
| 16 to 17 years of age | 65 |
| 17 to 18 years of age | 78.5 |
| 18 to 19 years of age | 93 |
| 19 years of age | 100 |

(ii) All Others (Not including Students and Trainees)

The following percentages of the relevant classification rate shall be used to determine the minimum rate payable to junior employees in other than storeworker classifications:

| | % |
|---|---|
| Under 16 years of age | 45 |
| 16 to 17 years of age | 54 |
| 17 to 18 years of age | 59 |
| 18 to 19 years of age | 73 |
| 19 to 20 years of age | 86 |
| 20 to 21 years of age | 90 |

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**PROVIDED** that:

(1) For clerks the relevant classification shall be the rate for an Adult, Clerical and Administrative Employee - Grade 1, 1A.

(2) No junior employee engaged as a driver shall receive less than the percentage rate for 18 to 19 year olds of the relevant classification and the full adult rate shall apply to all drivers on reaching 20 years of age.

(iii) The wages of junior workers shall be calculated to the nearest 10 cents.

(iv) When determining the amount payable to an employee attaining the age of 21 years, who has been employed as a junior assistant in any of the trades covered by this award, experience obtained after reaching the age of 18 years shall be counted as adult experience.

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## 2. CLASSIFICATION DESCRIPTORS

### WAREHOUSE AND STOREWORKER EMPLOYEES

**'Warehouse and Storeworker - Grade 1' - (Wage relativity to Adult, Clerical and Administrative Employee - Grade 3 (3B) = on commencement 87.4%, after 3 months service 89.2%, after 12 months service 91%)**

Employees in this grade perform duties to the level of their training for this grade including appropriate certification.

1. Are responsible for the quality of their own work subject to routine supervision.

2. Work under routine supervision either individually or in a team environment.

3. Exercise discretion within their level of skills and training.

4. Undertake duties in a safe and responsible manner.

5. Acquire and apply a limited knowledge of office procedures and requirements.

Indicative of the tasks which an employee in this grade may perform are the following:

- sorting and packing of goods and materials in accordance with operative procedures and regulations;
- preparation and receipt of appropriate documentation including liaison with suppliers and dispatchers;
- allocating and retrieving goods from specific warehouse areas;
- basic operation of V.D.U. or similar equipment;
- licensed operation of all appropriate materials moving equipment;
- periodic housekeeping and stock checks;
- maintenance of relevant records;
- use of non-licensed materials handling equipment;
- licensed operation of appropriate materials handling equipment (Forklift Operation) up to a training period of 3 months;
- assisting drivers of motor vehicles;
- operates rigid vehicle up to 4.5 tonnes gross vehicle mass;
- loads and unloads vehicles;

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- clerical duties that are incidental and peripheral to the operations of the warehouse.

PROMOTIONAL CRITERIA

Employees remain in this grade until they are capable of effectively performing, through assessment or appropriate certification, the tasks required of this function so as to enable them to progress to the next grade as a position becomes available.

**PROVIDED** that a motor driver's assistant shall not progress beyond this grade.

**'Warehouse and Storeworker - Grade 2' (Wage relativity to Adult, Clerical and Administrative Employee - Grade 3 (3B) = 92.4%)**

Employees in this grade perform work above and beyond the skills of a Warehouse and Storeworker - Grade 1 and to the level of their training for this grade including appropriate certification.

1. Work from complex instructions and procedures and exercise discretion within the limit of their skills.

2. Co-ordinate work in a team environment or work individually under general supervision.

3. Responsible for the quality of their own work.

Indicative of the tasks which an employee in this grade may perform are the following:

- licensed operation of appropriate materials handling equipment (Forklift) having completed 3 months training;

- use of measuring equipment and scales;

- maintenance of relevant records;

- operation of V.D.U. and similar equipment at a higher level than that of a Warehouse and Storeworker - Grade 1;

- use of tools and equipment within the scope of basic non-trades maintenance;

- customer service, processing of sales orders, periodic checking of stock and stock reconciliation;

- operates rigid vehicle up to 10 tonnes gross vehicle mass;

- clerical duties that are incidental and peripheral and of a level higher than Warehouse and Storeworker - Grade 1 associated with the operations of the warehouse.

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PROMOTIONAL CRITERIA

Employees remain in this grade until they are capable of effectively performing, through assessment or appropriate certification, the tasks required of this function so as to enable them to progress to the next grade as a position becomes available.

**'Warehouse and Storeworker - Grade 3' - (Wage relativity to Adult, Clerical and Administrative Employee - Grade 3 (3B) = 96.9%)**

Employees in this grade perform work above and beyond the skills of a Warehouse and Storeworker - Grade 2 and to the level of their training for this grade including appropriate certification.

1. May perform work requiring minimal supervision either individually or in a team environment.

2. Responsible for checking quality of their own work.

3. Exercise discretion within the scope of this level.

4. Exercise keyboard skills at a higher level than a Warehouse and Storeworker - Grade 2.

5. Demonstrate an advanced level of interpersonal and communication skills.

6. Possess a sound knowledge of all warehousing/distribution duties performed at levels below this level.

Indicative of the tasks which an employee at this level may perform are:

- operate all materials handling equipment under licence;

- maintenance of relevant records;

- development and refinement of a stores layout, including proper storage system, information input/retrieval etc;

- detailing and co-ordinating the activities of other workers and responsible for the supervision and conduct of the work of up to 10 Warehouse and Storeworkers.

PROMOTIONAL CRITERIA

Employees remain in this grade until they are capable of effectively performing, through assessment or appropriate certification, the tasks required of this function so as to enable them to progress to the next level as a position becomes available.

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**'Warehouse and Storeworker - Grade 4' - (Wage relativity to Adult, Clerical and Administrative Employee - Grade 3 (3B) = 100.9%)**

Employees in this grade perform work above and beyond a Warehouse and Storeworker - Grade 3 and to the level of their training for this grade including completion of a certificate level or equivalent qualification according to the needs of the enterprise.

1. Implement quality control techniques and procedures.

2. Understanding of and overall responsibility for a warehouse or a large section of a warehouse unit within an enterprise.

3. Possess a highly developed level of inter-personal communication skills.

4. Exercise keyboard skills at a higher level than a Warehouse and Storeworker - Grade 3.

5. Possess ability to supervise and provide direction and guidance to other employees including the ability to assist in the provision of on-the-job training and inductions.

6. Exercise discretion within the scope of this level.

Indicative of the tasks which an employee at this level may perform are:

- liaising with management, suppliers and customers with respect to stores/company's operation;

- detailing and co-ordinating activities of other workers and responsible for the supervision and conduct of the work of more than 10 Warehouse and Storeworkers;

- maintaining control registers including inventory control and being responsible for the preparation and reconciliation of regular reports on stock movement, dispatches, etc;

- evaluating the performance of other employees;

- maintaining relevant records;

- ensuring efficient service is provided by employees within their designated area of responsibility.

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## CLERICAL AND ADMINISTRATIVE EMPLOYEES

This classification structure shall not apply to employees who perform clerical and/or administrative tasks incidental or peripheral to the warehouse, distribution and/or manufacturing operations of the employer.

**'Adult entry'** shall mean the entry point for adult employees (21 years and over) with less than 12 months clerical experience either as a junior employee or an adult employee, and on completion of 12 months clerical experience (whether with one employer or more) such adult employee shall be advanced to a graded position dependent on skills held and position requirements.

**'Clerical and Administrative Employee - Grade 1' - (Proposed wage relativity to Adult, Clerical and Administrative Employee at the completion of the minimum rate adjustment process = 87% (1A) - 1st 12 months service and 90% (1B) - after 12 months service)**

A. GRADING

Employees shall be graded at this grade where the principal functions of their employment, as determined by the employer, require the following:

(i) The exercise of the "General Requirements" specified in "B" hereunder and

(ii) In addition to the "General Requirements" are required to exercise any one or more of the broad skill levels set out in "C" hereunder.

B. GENERAL REQUIREMENTS

(i) Employees in this grade perform, and are accountable for clerical and office tasks as directed, within the skill levels set out. They work, within established routines, methods and procedures. Supervision is direct.

(ii) Employees in this grade shall be able to acquire and apply a limited knowledge of office procedures and requirements.

C. SKILL REQUIREMENTS

(i) Technical Skills

Machine Operation - Skill Level 1:

Employees at this level are able to operate telephone/intercom systems, telephone answering machines, facsimile machines, photocopiers, franking machines, guillotines.

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(ii) Information Handling Skills - Skill Level 1:

Employees at this level are able to receive, sort, open, distribute incoming mail, process outgoing mail, receive incoming and dispatch outgoing courier mail, deliver messages and documents to appropriate persons/locations, prepare and collate documents, sort and file documents/records accurately in correct location/sequence using an established paper-based filing system.

**'Clerical and Administrative Employee - Grade 2' - (Proposed wage relativity to Adult, Clerical and Administrative Employee - Grade 3 (3B) at the completion of the minimum rate adjustment process = 92% (2A) - 1st 12 months service and 95% (2B) - after 12 months service)**

A. GRADING

Employees shall be graded at this grade where the principal functions of their employment as determined by the employer require the following:

(i) The exercise of the "General Requirements" specified in "B" hereunder and

(ii) In addition to the "General Requirements" are required to exercise any one or more of the broad skill levels set out in "C" hereunder.

B. GENERAL REQUIREMENTS

(i) Employees in this grade perform clerical and office tasks using a more extensive range of skills and knowledge at a level higher than required in Grade 1. They are responsible and accountable for their own work which is performed within established routines, methods and procedures. Supervision is routine.

(ii) Employees in this grade are able to acquire and apply a working knowledge of office or sectional operating procedures and requirements; acquire and apply a working knowledge of the organisation's structure and personnel in order to deal with enquiries at first instance, locate appropriate staff in different sections, relay internal information, respond to or redirect enquiries, greet visitors.

C. SKILL REQUIREMENTS

(i) Technical Skills

Machine Operation - Skill Level 2:

Employees at this level are able to operate adding machines, switchboard, paging system, telex machine, typewriter and calculator.

Computer - Skill Level 1:

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Employees at this level are able to use knowledge of keyboard and function keys to enter and retrieve data through computer terminal.

Keyboard Typing - Skill Level 1:

Employees at this level are able to type at 25 words per minute with 98% accuracy. Utilise basic word processing skills.

Note: Technical skills herein specified are to be read as a whole, i.e. an employee if required shall be capable of exercising all skills relating to machine operation, keyboard, computer and word processing at this level.

(ii) Information Handling Skills - Skill Level 2:

Employees at this level are able to maintain mail register and records; maintain established paper-based filing/records systems in accordance with set procedures including creating and indexing new files, distributing files within the organisation as requested, monitoring file locations, transcribe information into records, complete forms, take telephone messages.

Business/Financial Skills - Skill Level 1:

Employees at this level are able to keep appropriate records, prepare and record petty cash transactions, undertake bank transactions (deposits and withdrawals).

**'Clerical and Administrative Employee - Grade 3' - (Proposed wage relativity to Adult, Clerical and Administrative Employee - Grade 3 (3B) at the completion of the minimum rate adjustment process = 97% (3A) - 1st 12 months service and 100% (3B) - after 12 months service)**

A. GRADING

Employees shall be graded at this grade where the principal functions of their employment as determined by the employer require the following:

(i) The exercise of the "General Requirements" specified in "B" hereunder; and

(ii) In addition to the "General Requirements" are required to exercise any one or more of the broad skill levels set out in "C" hereunder;

OR ARE:

(iii) Employees holding a Certificate of Commercial Studies (TAFE) or accredited equivalent, and who are required to use skills and perform tasks within the range of Grade 3.

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B. GENERAL REQUIREMENTS

(i) Employees in this grade perform clerical and office tasks using a more extensive range of skills and knowledge, at a level higher than required in Grade 2. They are responsible and accountable for their own work, which is performed within established guidelines. They exercise limited discretion within the range of their skill and knowledge. Supervision is general.

(ii) They must be able to acquire a working knowledge of the organisation's products/services, functions, locations and clients, respond to, and act upon most internal/external enquiries in own function area.

C. SKILL REQUIREMENTS

(i) Technical Skills

Machine Operation - Skill Level 3:

Employees at this level are able to operate computerised radio telephone equipment, micro/personal computer, printing devices attached to personal computer, dictaphone equipment, typewriters.

Keyboard - Typing - Skill Level 2:

Employees at this level are able to produce documents and correspondence using knowledge of standard formats, touch type at 40 words per minute with 98% accuracy, audio type.

Computer - Skill Level 2:

Employees at this level are able to use one software application package developed for a micro-personal computer to create:

- a database file structure, or
- a spreadsheet/worksheet, or
- a graphic, or
- an accounting/payroll file following standard procedures and using existing models/fields of information; or
- use a central computer resource to an equivalent standard.

Word Processing - Skill Level 1:

Employees at this level are able to use ONE software package to create, format, edit, proof read, correct, print and save text documents, e.g. standard correspondence and business documents.

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Note: Technical skills herein specified are to be read as a whole i.e. an employee if required shall be capable of exercising all skills relating to machine operation, keyboard, computer and word processing at this level.

(ii) Secretarial - Skill Level 1:

Employees at this level are able to take shorthand notes at 70wpm and transcribe with 95% accuracy.

(iii) Information Handling - Skill Level 3:

Employees at this level are able to use computer-based record management systems to file and retrieve records such as accounts, stock inventory, finance and personnel records.

(iv) Business/Financial - Skill Level 2:

Employees at this level are able to maintain records and journals, sort, process and record transactions such as incoming/outgoing cheques, invoices, debit/credit items, payroll data, establish petty cash imprest system.

**'Clerical and Administrative Employee - Grade 4 - (Proposed wage relativity to Adult Clerical and Administrative Employee - Grade 3 (3B) at the completion of the minimum rate adjustment process = 105%)**

A. GRADING

Employees shall be graded at this grade where the principal functions of their employment as determined by the employer require the following:

(i) The exercise of the "General Requirements" specified in "B" hereunder; and

(ii) In addition to the "General Requirements" are required to exercise any one or more of the broad skill levels set out in "C" hereunder.

B. GENERAL REQUIREMENT

(i) Employees in this grade perform clerical and office tasks using a more extensive range of skills and knowledge at a level higher than required in Grade 3. They are responsible and accountable for their own work, and exercise discretion and initiative in the organisation of work within prescribed limits. Supervision is limited.

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(ii) Employees in this grade are able to provide detailed advice and information on the organisation's products and services, respond to client/public/supplier problems within own function area, using such techniques as personal interview and liaison, explain organisation's viewpoint to clients and appropriate persons related to own function area.

(iii) Employees in this grade shall be capable of guiding employees graded at a lower level by means of personal instruction and demonstration. This may include general supervision of up to 4 employees.

(iv) Employees in this grade shall be capable of acquiring and using specialist vocabulary, i.e. technical, medical, legal etc. within the scope of this grade.

C. SKILL REQUIREMENTS

(i) Technical Skills

Keyboard - Typing - Skill Level 3:

Employees at this level are able to format complex documents including technical data, technical language, tables, graphs, text design, indexing, variable type face, produce documents requiring specified legal form or to comply with regulations or standards.

Computer - Skill Level 3:

Employees at this level are able to use TWO application software packages developed for a micro/personal computer at a standard equal to Skill Level 2 in each, e.g. database, communications, accounting, payroll/personnel, spreadsheets, graphics, other applications; or are able to use a central computer resource to an equivalent standard.

Word Processing - Skill Level 2:

Employees at this level are able to use TWO software packages at a standard equal to Skill Level 1; or are able to apply additional functions such as search and replace, variable fonts, moving and merging across documents, text columns, money columns, tables, e.g. to produce financial statements, printed forms.

Note: Technical skills herein specified are to be read as a whole i.e. an employee if required shall be capable of exercising all skills relating to machine operation, keyboard, computer and word processing at this level.

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(ii) Secretarial Skills - Skill Level 2:

Employees at this level are able to arrange travel bookings and itineraries, make appointments, screen telephone calls, follow visitor protocol procedures, establish telephone contact on behalf of executive, take shorthand notes at 90wpm and transcribe with 95% accuracy.

(iii) Information Handling - Skill Level 4:

Employees at this level are able to maintain a computer based records management system, identify, access and extract information from internal sources.

(iv) Business/Financial - Skill Level 3:

Employees at this level are able to prepare cash payment summaries, banking reports and bank statements, maintain wage and salary records, follow credit referral procedures, apply purchasing and inventory control requirements, post journals to ledger.

**'Clerical and Administrative Employee - Grade 5' - (Proposed wage relativity to Adult, Clerical and Administrative Employee - Grade 3 (3B) at the completion of the minimum rate adjustment process = 110%)**

A. GRADING

Employees shall be graded at this grade where the principal functions of their employment as determined by the employer require the following:

(i) The exercise of the "General Requirements" specified in "B" hereunder; and

(ii) In addition to the "General Requirements" are required to exercise any one or more of the broad skill levels set out in "C" hereunder.

B. GENERAL REQUIREMENTS

(i) Employees in this grade perform clerical and administrative duties using a more extensive range of skills and knowledge at a level higher than required in Grade 4. They are responsible and accountable for their own work, and may have limited responsibility for the work of others. They exercise initiative, discretion and judgement within the range of their skills and knowledge. Supervision is minimal.

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(ii) Employees in this grade must be able to acquire a detailed knowledge of enterprise operations and structures and a basic knowledge of the industry or field of interest in which the organisation operates. Respond to and act upon complex issues/arrangements in such areas as consumer/client services, special products/service knowledge, production and planning schedules, material supply, transport/freight arrangements.

(iii) Employees in this grade shall be capable of guiding employees in lower grades by means of personal instruction and demonstration.

C. SKILL REQUIREMENTS

(i) Technical Skills

Computer - Skill Level 4:

Employees at this level are able to use THREE application software packages developed for a micro/personal computer at a standard equal to Skill Level 2 in each; or use a central computer resource to an equivalent standard; or apply knowledge of advanced functions of a SINGLE application software package to manipulate data, i.e. modify fields of information, develop new database or spreadsheets models, or graph previously prepared spreadsheets, or perform reconciliation;

and/or

Word Processing - Skill Level 3:

Employees at this level are able to apply advanced functions including macros, sorting and maths functions, boxes, thesaurus using ONE software package; or apply knowledge of additional functions defined in Skill Level 2 using TWO software packages.

(ii) Secretarial Skills - Skill Level 3:

Employees at this level are able to write shorthand notes at 100wpm and transcribe at 95% accuracy, maintain executive diary, respond to invitations, organise internal meetings on behalf of executive, establish and maintain reference lists/personal contact systems for executives, maintain current working and personal filing systems for executive.

(iii) Information Handling - Skill Level 5:

Employees at this level are able to create new forms of files and records as required using computer-based records systems, access, identify, and extract information as required from external sources, e.g. databases, libraries, local authorities, maintain subscriptions for required technical, trade and other publication systems, maintain circulation, indexing and filing systems for publications, review/close files, archive files.

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(iv) Business/Financial - Skill Level 4:

Employees at this level are able to reconcile accounts to balance, follow-up unpaid accounts, calculate wage and salary requirements, calculate work valuations, prepare bank reconciliations.

(v) Supervisory - Skill Level 1:

Employees at this level are able to allocate work tasks to individuals, check work progress and correct errors. Normally five or more subordinates would be involved.

(vi) Specialist Skills - Skill Level 1:

Employees at this level are able to apply knowledge of export and customs documentation requirements and procedures, apply knowledge of separate relevant industrial award rates of pay and conditions, occupational health and safety requirements.

**'Clerical and Administrative Employee - Grade 6' - (Proposed wage relativity to Adult, Clerical and Administrative Employee - Grade 3 (3B) at the completion of the minimum rate adjustment process = 115%)**

A. GRADING

Employees shall be graded at this grade where the principal functions of their employment as determined by the employer require the following:

(i) The exercise of the "General Requirements" specified in "B" hereunder; and

(ii) In addition to the "General Requirements" are required to exercise any one or more of the broad skill levels set out in "C" hereunder.

B. GENERAL REQUIREMENTS

(i) Employees in this grade perform clerical and administrative duties using a more extensive range of skills and knowledge at a level higher than required in Grade 5. They are responsible and accountable for their own work, and may have limited responsibility for the work of a section or unit. They exercise initiative, discretion and judgement within the range of their skills and knowledge. Supervision is by means of reporting to more senior officers as required.

(ii) Employees in this grade are able to apply knowledge of the organisation's objectives, performance, projected areas of growth, product trends and general industry conditions, e.g. knowledge of competitors and major clients market structure in the performance of own responsibilities.

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(iii) Employees in this grade shall be capable of guiding employees graded at a lower level by means of personal instruction and demonstration.

C. SKILL REQUIREMENTS

(i) Technical Skills

Computer - Skill Level 5:

Employees at this level are able to use TWO application software packages on a micro/personal computer to a standard equal to Skill Level 4 in each; or use a central computer resource to an equivalent standard; or assist in operating a mainframe computer;

and/or

Word Processing - Skill Level 4:

Employees at this level are able to use complex functions such as moving columns, creating displays of charts or graphs, booklet or report format on ONE software package; or apply knowledge of advanced functions defined in Skill Level 3 using TWO software packages.

(ii) Secretarial Skills - Skill Level 4:

Employees at this level are able to write shorthand notes at 120wpm and transcribe at 95% accuracy; attend executive/organisational meetings and take minutes, establish current working and personal executive filing system, answer correspondence from verbal or rough handwritten instructions, organise teleconferences.

(iii) Information Handling - Skill Level 6:

Employees at this level are able to establish new paper based/manual filing records systems for the enterprise, assist in separate undertaking research (locate/solicit, summarise/extract and interpret information) related to function area, compose original business correspondence from minimal instructions.

(iv) Business/Financial - Skill Level 5:

Employees at this level are able to post transactions to ledger and prepare a trial balance, prepare financial/tax schedules, calculate costings, stock pricing, complete personnel/payroll data for authorisation.

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(v) Supervisory - Skill Level 2:

Employees at this level are able to assist in the development of work quality and performance in a team environment, solve operational problems in own work functional area and resolve operational problems for staff in lower grades, co-ordinate work flow within a section or unit and counsel and advise staff who are under direct supervision.

(vi) Specialist Skills - Skill Level 2:

Employees at this level are able to apply working knowledge of industrial/employment law, equal opportunity, workers compensation procedures and superannuation requirements.

**'Clerical and Administrative Employee - Grade 7/Chief Clerk/Accountant' - (Proposed wage relativity to Adult, Clerical and Administrative Employee - Grade 3 (3B) at the completion of the minimum rate adjustment process = 120%)**

A. GRADING

Employees shall be graded at this grade where the principal functions of their employment as determined by the employer require the following:

(i) The exercise of the "General Requirements" specified in "B" hereunder; and

(ii) In addition to the "General Requirements" are required to exercise any one or more of the broad skill levels set out in "C" hereunder.

B. GENERAL REQUIREMENTS

(i) Employees in this grade perform clerical and administrative duties using a more extensive range of skills and knowledge at a level higher than required in Grade 6. They are responsible and accountable for their own work, and may have designated responsibility for the unit/section under their supervision. They exercise initiative, discretion and judgement within the range of their skills and knowledge. Supervision is by means of reporting to more senior officers as required.

(ii) Employees in this grade are able to assist in developing policy or new products and services to meet changing market or other circumstances, identify and assess internal and external factors impacting on production and service delivery, identify future trends.

(iii) Employees in this grade are able to assist in the delivery of structured training courses and apply a knowledge of training materials and aids, train employees (where appropriate) in lower grades by means of personal instruction and demonstration.

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C. SKILL REQUIREMENTS

(i) Technical Skills

Computer - Skill Level 6:

Employees at this level are able to use and integrate a variety of application software packages within a micro/personal computer network; or use a central computer resource to an equivalent standard, or evaluate and determine optimum software solutions (using existing software/programs) to meet new or different application requirements; or use macro function (logical operators) on a spreadsheet package;

and/or

Word Processing - Skill Level 5:

Employees at this level are able to use all preceding word processing functions and integrate word processing software with other application software packages to produce complex text and data documents, apply knowledge of Desk Top Publishing to integrate documents and select style sheets appropriate to final presentation, determine all document production design needs without instructions.

(ii) Secretarial Skills - Skill Level 5:

Employees at this level are able to arrange conferences and external meetings, originate executive correspondence, assist executive in preparing, attending and following up appointments, interviews, meetings, etc., act on delegated authority of executive.

(iii) Business/Financial - Skill Level 6:

Employees at this level are able to assist in preparing budgets, cash flow records, balance sheets, trading accounts, cash management analysis, Fringe Benefits Tax and company tax requirements, administer individual executive salary packages, travel expenses and allowances, company transport, administer specialised salary and payroll requirements, e.g. Eligible Termination Payments, Superannuation Trust Deed Requirements, Workers Compensation, Maintenance Support Scheme, etc., assist in financial forecasting, interpret and prepare financial information for senior management and prepare reports and assessment relevant to areas of responsibility.

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(iv) Supervisory - Skill Level 3:

Employees at this level are able to plan and organise work priorities of a unit or section, reschedule work loads as necessary and resolve operational problems in area of responsibility, monitor work quality of those supervised, use observations, diagnosis and intervention skills to ensure unit/section meets objectives, organise and chair necessary work meetings/conferences, assist in planning future sectional/office organisational resources and equipment needs.

(v) Specialist Skills - Skill Level 3:

Employees at this level are able to use knowledge of basic statistics to interpret data from spread sheets, statistical tables, graphs and frequency tables using tools such as mean, mode, median variation, etc., apply knowledge of exchange rate fluctuations in areas of functional responsibility, apply working knowledge of legal requirements, e.g. personal income tax and company tax law, company law, contract law, superannuation law, local government and environmental regulation.

## TRANSPORT EMPLOYEES

This classification structure shall not apply to employees who perform driving or associated tasks incidental or peripheral to the warehouse, distribution and/or manufacturing operations of the employer.

**'Transport Employee - Grade 1' - (Proposed wage relativity to Adult, Clerical and Administrative Employee - Grade 3 (3B) at the completion of the minimum rate adjustment process = 93.2%**

Employees in this grade perform duties to the level of their training for this grade including appropriate certification.

Indicative of the tasks which an employee in this grade may perform are the following:

- General hand;
- Motor Drivers Assistant;
- Loader.

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**'Transport Employee - Grade 2' - (Proposed wage relativity to Adult, Clerical and Administrative Employee - Grade 3 (3B) at the completion of the minimum rate adjustment process = 97.4%**

Employees in this grade perform work above and beyond the skills of a Transport Employee - Grade 1 and to the level of their training for this grade including appropriate certification.

Indicative of the tasks which an employee in this grade may perform are the following:

- Driver Tow Motor;
- Leading Loader;
- Driving a vehicle (including a Motor Cycle) not exceeding 4.5 tonnes Gross Vehicle Mass (G.V.M.).

**'Transport Employee - Grade 3' - (Proposed wage relativity to Adult, Clerical and Administrative Employee - Grade 3 (3B) at the completion of the minimum rate adjustment process = 99.5%)**

Employees in this grade perform work above and beyond the skills of a Transport Employee - Grade 2 and to the level of their training for this grade including appropriate certification.

Indicative of the tasks which an employee in this grade may perform are the following:

- Driving a forklift up to and including 5 tonnes lifting capacity;
- Driving a two axle rigid vehicle exceeding 4.5 tonnes but not exceeding 13.9 tonnes (G.V.M.)

## COMMERCIAL TRAVELLER EMPLOYEES

**'Commercial traveller'** shall mean a person over the age of 21 years employed outside the employer's place of business in the process, trade, business or occupation of:

(a) soliciting orders for articles, goods, wares, merchandise or materials:

  (i) wholesale in quantity for resale;

  (ii) to be used by the purchaser or by persons in the manufacture, production, preparation or distribution of commodities for sale;

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(b) soliciting orders for articles, goods, wares, merchandise or materials to be used by the purchaser or by the person from whom the order was solicited in his, her or their business, trade or occupation or (in the case of a public or semi-public body) for the purpose of its undertaking;

(c) buying outside the employer's place of business for some person, firm or company engaged in wholesale business for resale in any form.

**'Probationary Traveller' - (Wage relativity to Adult, Clerical and Administrative Employee - Grade 3 (3B) = 87%)**

Means a commercial traveller with less than 12 months experience with one or more employers.

**'Town or Local Traveller' - (Wage relativity to Adult, Clerical and Administrative Employee - Grade 3 (3B) = 95%)**

Means a commercial traveller who ordinarily returns each day to their home town or headquarters.

**'Country Traveller' - (Wage relativity to Adult, Clerical and Administrative Employee - Grade 3 (3B) = 100%)**

Means a commercial traveller who spends at least two week nights in any one week away from the employee's normal place of residence or home town, but it shall be a condition of this award that an employer of a country traveller shall at all times retain the right to instruct such traveller to remain away from the employees normal place of residence or home town until Friday and that country traveller shall comply with any instructions received from the employer regarding this matter.

## 3. PAYMENT OF WAGES

(a) Wages shall be paid weekly and not later than Thursday each week by one of the following methods:

cash (in employer's time);

cheque; or

electronic funds transfer.

**PROVIDED** that:

(i) Where the method of payment is electronic funds transfer this shall be at no cost to the employee.

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(ii) By agreement with the majority of employees at an establishment the interval of payment may be fortnightly.

(b) On each pay day an employee shall be issued a statement setting out the amount of wages to which he or she is entitled, the amount of deductions made therefrom and the net amount being paid.

## 4. SUPERANNUATION

Superannuation contributions shall be made in accordance with the *Superannuation Guarantee (Administration) Act 1992*, the *Superannuation Guarantee Charge Act 1992*, the *Superannuation Industry (Supervision) Act 1993* and the *Superannuation (Resolution and Complaints) Act 1993*.

This legislation as varied from time to time, shall govern the superannuation rights and obligations of the parties.

(a) Definitions

**'Eligible employee'** shall mean an employee classified in this award whether weekly, part-time or casual, who has had at least 6 months continuous service with an employer subject to this award.

**PROVIDED** that in the case of an employee who has so qualified with one employer, that employee shall not be required to serve the qualifying period with any subsequent employer subject to this award.

**'Approved fund'** shall mean a superannuation fund or scheme approved in accordance with the Commonwealth Operational Standards for Occupational Superannuation Funds.

**'Ordinary time earnings'** shall mean the classification rate including overaward payments and loadings for shiftwork, part-time or casual work and any permanent all purpose allowance but shall exclude overtime payments, leave loading and/or Long Service Leave payments on termination of employment and allowances in the nature of reimbursement (such as meal money).

(b) Contributions

An employer shall make a contribution equivalent to the percentage required to comply with the *Superannuation Guarantee (Administration) Act 1992* and the *Superannuation Guarantee Charge Act 1992* as amended from time to time into an approved Superannuation Fund in respect of all eligible employees.

Contributions to the fund shall be made by the employer on at least a calendar monthly basis unless there are circumstances for which the employer cannot be held responsible.

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(c) Casual and Part-time Employees

In the case of eligible casual and part-time employees, contributions shall be made where the employee works at least 12 hours per week averaged over a fund billing statement month.

(d) Fund

Contributions determined in accordance with subclause (b) of this clause shall, subject to subclause (f) of this clause, be made into either of the following nominated approved funds:

(i) Retail Employees Superannuation Trust;

(ii) TASPLAN.

(e) Unpaid Absence

The employer shall not be required to make a contribution on behalf of an employee who is absent from work without pay, and the employer's contribution in any week on behalf of such employee will be reduced by a proportionate amount.

(f) Exemptions

The following employers shall be exempt from using the nominated funds in subclause (d) herein:

| | |
|---|---|
| Sigma Company | CARE and LUCRF; |
| F.H. Faulding & Co. Ltd | Faulding Superannuation Fund; |

**PROVIDED** that where this fund does not fully conform with the award provision, one of the award nominated funds shall be used, e.g. employees who work less than 30 hours per week.

| | |
|---|---|
| KB Holdings Pty Ltd | Commonwealth Life Superannuation Master Trust. |

## 5. EXPENSES AND ACCOMMODATION

(a) In addition to the remuneration payable under Part III - Wage Rates and Related Matters, Clause 1 - Wage Rates, the employer shall make suitable arrangements to cover all reasonable expenses incurred by an employee required to travel in the course of his or her employment. Accommodation provided by an employer should be of an acceptable standard and suitable arrangements made for all meals whilst travelling on the employer's business.

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(b) Arrangements established by an employer shall be discussed with the employee prior to the incurring of any expense.

(c) An employee required to use his or her own car on any day shall be paid not less than the amounts as outlined in the table below for each kilometre travelled by car in connection with employment.

| Ordinary Cars | Rate per Kilometre |
|---|---|
| Up to 1600 cc | 45.9 cents |
| 1601 to 2600 cc | 54.9 cents |
| 2601 cc and Over | 55.8 cents |

## 6. CLOTHING AND CLOTHING ALLOWANCE

Where an employee wears, when at work, a washable outer garment the laundering of same shall be paid for by the employer, provided that the cost does not exceed $3.00 per week. If the employer provides the garment, laundering shall be at the employee's expense.

## 7. SUPPORTED WAGE SYSTEM

(a) Eligibility criteria

Subject to this subclause an employer may engage employees at a supported wage rate (as set out in subclause (c) of this clause) who meet the impairment criteria for receipt of a Disability Support Pension and who, because of their disability, are unable to perform the range of duties to the competence level normally required for the class of work for which they are engaged.

**PROVIDED** that this subclause does not apply to any existing employee who has a claim against the employer which is subject to the provisions of workers' compensation legislation or any provision of this award relating to the rehabilitation of employees who are injured in the course of their current employment.

**PROVIDED FURTHER** that this subclause does not apply to employers in respect of their facility, programme, undertaking, service or the like which receives funding under the *Disability Services Act 1986* and fulfils the dual role of service provider and sheltered employer to people with disabilities who are in receipt of or are eligible for a disability support pension, except with respect to an organisation which has received recognition under s.10 or under s.12A of the above Act, or if a part only has received recognition, that part.

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(b) For the purposes of this subclause:

**'Supported Wage System'** means the Commonwealth Government System to promote employment for people who cannot work at full award wages because of a disability.

**'Accredited Assessor'** means a person accredited by the management unit established by the Commonwealth under the Supported Wage System to perform assessments of an individual's productive capacity within the Supported Wage System.

**'Disability Support Pension'** means the pension available under the Commonwealth pension scheme to provide income security for persons with a disability as provided under the *Social Security Act 1991*, as amended from time to time, or any successor to that scheme.

**'Assessment instrument'** means the form provided for under the Supported Wage System that records the assessment of the productive capacity of the person to be employed under the Supported Wage System.

(c) Supported wage rates

Employees to whom this subclause applies shall be paid the applicable percentage of the minimum rate of pay prescribed by this award for the class of work which the person is performing according to the following schedule:

| Assessed capacity(paragraph (iv)) | % of prescribed award rate |
|---|---|
| 10% | 10% |
| 20% | 20% |
| 30% | 30% |
| 40% | 40% |
| 50% | 50% |
| 60% | 60% |
| 70% | 70% |
| 80% | 80% |
| 90% | 90% |

**PROVIDED** that the minimum amount payable shall be not less than $51 per week.

(d) Assessment of capacity

For the purpose of establishing the percentage of the award rate to be paid to a supported wage employee under this award, the productive capacity of the employee will be assessed in accordance with the Supported Wage System and documented in an assessment instrument by either:

(i) the employer and a union party to the award, in consultation with the employee or, if desired by any of these;

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(ii) the employer and an accredited Assessor from a panel agreed by the parties to the award and the employee.

(e) Lodgment of assessment instrument

(i) All assessment instruments under the conditions of this subclause, including the appropriate percentage of the award wage to be paid to the employee, shall be lodged by the employer with the Registrar of the Tasmanian Industrial Commission.

(ii) All assessment instruments shall be agreed and signed by the parties to the assessment, provided that where a union which is party to the award, is not a party to the assessment, it shall be referred by the Registrar of the Tasmanian Industrial Commission to the union by certified mail and shall take effect unless an objection is notified to the Registrar of the Tasmanian Industrial Commission within 10 working days.

(f) Review of assessment

The assessment of the applicable percentage shall be subject to annual review or earlier on the basis of a reasonable request for such a review. The process of review shall be in accordance with the procedures for assessing capacity under the Supported Wage System.

(g) Other terms and conditions of employment

Where an assessment has been made, the applicable percentage shall apply to the wage rate only. Employees covered by the supported wage provisions of this subclause shall be entitled to the same terms and conditions of employment as all other workers covered by this award who are paid on a pro rata basis.

(h) Workplace adjustment

An employer wishing to employ a person under the provisions of this subclause shall take reasonable steps to make changes in the workplace to enhance the employee's capacity to do the job. Changes may involve re-design of job duties, working time arrangements and work organisation in consultation with other workers in the area.

(i) Trial Period

(i) In order for an adequate assessment of the employee's capacity to be made, an employer may employ a person under the provisions of this subclause for a trial period not exceeding 12 weeks, except that in some cases additional work adjustment time (not exceeding 4 weeks) may be needed.

(ii) During that trial period the assessment of capacity shall be undertaken and the proposed wage rate for a continuing employment relationship shall be determined in accordance with paragraphs (iv) and (v).

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(iii) The minimum amount payable to the employee during the trial period shall be no less than $51 per week or such greater amount as is agreed from time to time between the parties.

(iv) Work trials should include induction or training as appropriate to the job being trialed.

(v) Where the employer and employee wish to establish a continuing employment relationship following the completion of the trial period, a further contract of employment shall be entered into based on the outcome of assessment under paragraph (iii) hereof.

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## PART IV - HOURS OF WORK, TEA MONEY, REST PERIODS, OVERTIME AND SATURDAY, SUNDAY AND HOLIDAY WORK

### 1. HOURS OF WORK

(a) The ordinary hours of work shall be an average of 38 per week to be worked on one of the following bases:

(i) seven hours thirty-six minutes per day; or

(ii) eight hours per day on four days and six hours on one day in each week; or

(iii) eight hours per day on nine days and four hours on one day in each fortnight; or

(iv) eight hours per day on nineteen days with an accumulated rostered day off; or

(v) eight hours per day with an accumulation of rostered day off up to a maximum of five.

The method of implementation shall be determined on a Branch by Branch or a department by department basis, whereby the primary consideration shall be the efficient maximisation of customer service in each establishment. In the event of a dispute in relation to the method of implementation, the provisions of Part VI - Consultation and Dispute Resolution, Clause 1 - Settlement of Disputes, shall be observed.

**PROVIDED** that establishments which employ fifteen or more full-time employees subject to this award adopt one or both of the options contained in (iv) and (v) herein. In circumstances whereby the implementation of such options can be shown to be contrary to the efficient maximisation of customer service, an establishment may seek discussions with the relevant unions as to alternative methods of implementation. If agreement cannot be reached the matter may be referred to the Tasmanian Industrial Commission for resolution.

For the purposes of this clause **'establishment'** shall mean an identifiable outlet or office.

(b) The ordinary hours shall be worked between the hours of 7.00 am and 6.00 pm Monday to Friday inclusive.

(c) The hours of work prescribed by this clause shall, except for a meal break of not less than 30 minutes nor more than 75 minutes, be continuous on each day. Such meal break shall be taken between the hours of 11.00 am and 3.00 pm.

In circumstances whereby a second meal break is required on any one day such break shall be not less than 30 minutes.

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(d) Except where overtime is worked for a period not exceeding one hour after normal finishing time, no employee shall work for more than 5 hours without a break of not less than 30 minutes for a meal.

(e) In circumstances whereby a system of 'Rostered Leisure Days' (RLD's) applies, an employer with the agreement of the employee may in an emergency situation substitute the day an employee is to take off for another day.

**PROVIDED** that such agreement will not be unreasonably withheld.

(f) Employees other than casual employees shall, notwithstanding anything contained in Section 49 of the *Industrial Relations Act 1984*, be paid the weekly wage prescribed for a week of 38 hours for each week that he or she is ready, willing and available for work during the hours prescribed herein and, in addition thereto, such overtime or other penalty rates, if any, that may have occurred during the relevant period.

## 2. TEA MONEY

(a) An employee who has worked six hours or more during ordinary time and who is required to work overtime for more than one and a half hours shall be either supplied with an adequate meal by the employer or be paid $11.60 meal money.

(b) Any dispute as to what constitutes an adequate meal shall be referred to and decided by the Tasmanian Industrial Commission.

(c) The payment prescribed in subclause (a) shall be made on the day on which the overtime is worked, prior to the meal break being taken, or by agreement of the employer and employee on the occasion of the next payment of wages.

## 3. REST PERIOD

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 midday meal break and the cessation of work for the day. One rest period shall be of 10 minutes duration and one of 5 minutes duration to be taken at such times as may be mutually arranged between the employer and the employees.

## 4. OVERTIME

(a) For all work performed outside of the hours prescribed in Part IV - Hours of Work, Tea Money, Rest Periods, Overtime and Saturday, Sunday and Holiday Work, Clause 1 - Hours of Work, payment shall be made at the rate of time and one half for the first 3 hours and double time thereafter.

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(b) An employee who is recalled to work overtime after a period of one hour from the time fixed for ceasing work, whether or not he or she has been notified before ceasing work, shall receive a minimum payment as for 3 hours worked.

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

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

(e) For the purpose of determining the appropriate hourly rate for overtime purposes, the appropriate weekly rates shall be divided by thirty eight.

(f) For the purpose of determining overtime entitlements of an employee, an employee who works ten minutes or more past the time fixed for ceasing work shall be paid overtime at the appropriate overtime rate for all time worked after the time fixed for ceasing work.

**PROVIDED** that this subclause shall not be used to obtain unpaid work from employees on a regular basis.

(g) Where an employee requests and the employer agrees, time off at the penalty equivalent may be allowed in lieu of payment for overtime.

**PROVIDED** that such time off shall be paid at the ordinary rate.

## 5. SATURDAY, SUNDAY AND HOLIDAY WORK

For all work performed on Saturdays, Sundays and holidays with pay shall be made as follows:

(a) Saturdays

Payment for any duty on a Saturday shall be made at the rate of one and one half times the ordinary rate for the first 3 hours and double time thereafter, with a minimum payment as for 3 hours worked.

(b) Sundays

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

(c) Holidays with pay

Subject to the exceptions outlined in Part V - Leave and Holidays with Pay, Clause 5 - Holidays with Pay, subclause (a), all time of duty on any of the holidays mentioned in Clause 5 - Holidays with Pay hereof, payment shall be made at the rate of double time and one half with a minimum payment as for four hours worked.

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**PROVIDED** that for employees in wage groups 1, 3 and 4 payment shall be at the rate of double time.

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## PART V - LEAVE AND HOLIDAYS WITH PAY

### 1. DEFINITIONS

**'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.

### 2. ANNUAL LEAVE

(a) Period of Leave

An employee [other than one engaged as a casual or a part-time employee in receipt of the 20% loading as prescribed in Part II - Employment Relationship and Associated Matters, Clause 3 - Employment Categories, sub-clause (b) - Part-time employees, paragraph (ii)] shall be allowed a period of one hundred and fifty two hours paid annual leave after each 12 months' continuous service.

(b) Broken Leave

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

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

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

(c) Annual Leave Exclusive of Public Holidays

If any of the holidays prescribed by in Part V - Leave and Holidays with Pay, Clause 5 - Holidays with Pay, hereof fall within an employee's period of annual leave and is observed on a day which in the case of that employee would have been an ordinary working day, there shall be added to the period of annual leave one day for each such holiday so occurring.

(d) Payment in Lieu Prohibited

Except as provided in subclause (h) hereof, payment shall not be made or accepted in lieu of annual leave.

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(e) Time of Taking Leave

Annual leave shall be given at a time fixed by the employer within a period not exceeding 12 months from the date when the right to annual leave accrued and after not less than 2 weeks' notice to the employee.

(f) Payment for Period of Leave

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

(ii) In addition thereto all employees (including part-time employees engaged to work 20 or more hours per week) shall receive a loading of 17.5% on payments made for annual leave as prescribed in paragraph (i) hereof.

(g) Leave Allowed before Due Date

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

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

(h) Proportionate Leave on Termination of Service

(i) If after one months continuous service in any qualifying 12 monthly period an employee lawfully leaves his or her employment, or the employee's employment is terminated by the employer through no fault of the employee, the employee shall be paid at his or her ordinary rate of wage as follows:

12.67 hours for each completed month of continuous service.

The service being in respect of leave which has not been granted.

(ii) The 17.5% leave loading prescribed in subclause (f)(ii) of this clause shall not apply to proportionate leave on termination of service.

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(iii) Calculation of Continuous Service

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

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

## 3. BEREAVEMENT LEAVE

An employee shall on the death of a wife, husband, father, mother, child, stepchild, brother, sister, mother-in-law, father-in-law, stepmother, stepfather, grandfather, grandmother, be entitled upon application being made to, and approved by the employer, to leave up to and including the day of the funeral of such relative and such leave will be without deduction of pay not exceeding the number of ordinary hours worked by the employee in 3 ordinary days provided that no payment shall be made in respect of an employee's rostered days off.

Proof of such death, in the form of a death notice or other written evidence, shall be furnished by the employee to the satisfaction of the employer, provided furthermore that this clause shall have no operation while the period of entitlement to leave under it coincides with any other period of entitlement to leave.

For the purpose of this clause the words **'wife'** and **'husband'** shall not include a wife or husband from whom the employee is separated, but shall include a person who lives with the employee as a de facto wife or husband.

## 4. CARER'S LEAVE

(a) Paid Carer's Leave

(i) In accordance with this subclause, an employee is entitled to use up to a maximum of five days per annum of any current or accrued sick leave entitlement provided for at in Part V - Leave and Holidays with Pay, Clause 7 - Sick Leave, of the award for absences to provide care and support for either members of their immediate family or household who need their care and support when they are ill.

For the purposes of this clause part-time employees, who are not in receipt of a loading in lieu of entitlements to paid leave as specified in Part II – Employment Relationship and Associated Matters, Clause 3 - Employment Categories, subclause (b) - Part-time employees, paragraph (i), shall be entitled to use up to a maximum of one week of any current or accrued sick leave entitlement per annum.

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Where a part-time employee's hours of work are not constant the employee's entitlement to carer's leave shall be based on the average number of weekly hours worked by the employee during the 12 month period immediately preceding the commencement of the relevant period of carer's leave or the employee's actual period of service if less than 12 months.

Leave may be taken for part of a single day.

(ii) If required the employee must establish, either by production of a medical certificate or statutory declaration, the illness of the person concerned and that the illness is such as to require care by another person.

(iii) The entitlement to use sick leave in accordance with this subclause is subject to the person being either:

(1) a member of the employee's immediate family, or

(2) a member of the employee's household.

The term '**immediate family'** includes:

(A) spouse (including a former spouse, a de facto spouse and a former de facto spouse) of the employee. A de facto spouse, in relation to a person, means a person of the opposite sex to the first mentioned person who lives with the first mentioned person as the husband or wife of that person on a bona fide domestic basis although not legally married to that person; and

(B) child or an adult child (including an adopted child, a step child, a foster child or an ex nuptial child), parent (including foster parent, step parent and legal guardian), grandparent, grandchild or sibling of the employee or spouse of the employee.

(iv) Where practicable the employee must give the employer notice prior to the absence of the intention to take leave, the name of the person requiring care and the person's relationship to the employee, the reasons for taking such leave and the estimated length of absence. If it is not practicable to give prior notice of absence, the employee shall notify the employer by telephone of such absence at the first opportunity on the day of absence.

(v) In normal circumstances an employee must not take carer's leave under this clause where another person has taken leave to care for the same person.

(b) Unpaid Carer's Leave

(i) An employee may elect, with the consent of the employer, to take unpaid leave for the purpose of providing care to a family or household member who is ill.

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(ii) A part-time employee in receipt of a loading in lieu of entitlements to paid leave as specified in Part II – Employment Relationship and Associated Matters, Clause 3 - Employment Categories, subclause (b) - Part-time employees, paragraph (ii), shall be entitled to take a maximum of one week's unpaid carer's leave per annum.

Where a part-time employee's hours of work are not constant the employee's entitlement to unpaid carer's leave shall be based on the average number of weekly hours worked by the employee during the 12 month period immediately preceding the commencement of the relevant period of carer's leave or the employee's actual period of service if less than 12 months.

(c) Grievance Process

Part VI – Consultation and Dispute Resolution, Clause 1 - Settlement of Disputes, of the award also applies to a dispute about the effect or operation of this clause.

## 5. HOLIDAYS WITH PAY

(a) All employees other than casual employees and part-time employees shall be allowed the following days as paid holidays:

New Year's Day, Australia Day, Hobart Regatta Day (south of Oatlands), Labour Day, Good Friday, Easter Monday, ANZAC Day, Queen's Birthday, Show Day , Recreation Day (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 or she had been at work.

(c) Payment to an employee for work performed on holidays mentioned in subclause (a) shall be at the rates prescribed in Part IV - Hours of Work, Tea Money, Rest Periods, Overtime, Saturday, Sunday and Holiday Work - Clause 5 - Saturday, Sunday and Holiday Work, of this award.

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## 6. PARENTAL LEAVE

Subject to the terms of this clause employees are entitled to maternity, paternity and adoption leave and to work part-time in connection with the birth or adoption of a child.

(a) Definitions

For the purposes of this clause:

(i) **'Child'** means a child of the employee under the age of one year except for adoption of a child where 'child' means a person under the age of five years who is placed with the employee for the purposes of adoption, other than a child or step-child of the employee or of the parent of the employee or a child who has previously lived continuously with the employee for a period of six month or more.

(ii) **'Continuous service'** means service under an unbroken contract of employment and includes:

(1) any period of leave taken in accordance with this clause;

(2) any period of part-time employment worked in accordance with this clause; or

(3) any period of leave or absence authorised by the employer or by the award.

(iii) **'Employee'** includes a part-time employee but does not include an employee engaged upon casual work, unless that work has been under a continuous contract of employment of at least 12 months.

(iv) **'Female employee'** means an employed female who is pregnant or is caring for a child she has borne or a child who has been placed with her for adoption purposes.

(v) **'Male employee'** means an employed male who is caring for a child borne of his spouse or a child placed with the employee for adoption purposes.

(vi) **'Primary care-giver'** means a person who assumes the principal role of providing care and attention to a child.

(vii) **'Spouse'** includes a de facto or a former spouse.

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(b) Entitlement

(i) After twelve months continuous service, parents are entitled to a combined total of 52 weeks unpaid parental leave on a shared basis in relation to the birth or adoption of their child. For mothers, maternity leave provisions apply and for male employees, paternity leave provisions apply. Adoption leave provisions apply in the case of adoption.

(ii) Subject to subclause (c) (vi), parental leave is to be available to only one parent at a time, in a single unbroken period, except that both parents may simultaneously take:

(1) for maternity and paternity leave, an unbroken period of up to one week at the time of the birth of the child;

(2) for adoption leave, an unbroken period of up to three weeks at the time of placement of the child.

(iii) Unless otherwise agreed between the employee and the employer, parental leave shall be granted and taken in accordance with the notice given by the employee as specified below.

(c) Maternity Leave

(i) An employee must provide notice to the employer in advance of the expected date of commencement of parental leave. The notice requirements are:

(1) of the expected date of confinement (included in a certificate from a registered medical practitioner stating that the employee is pregnant) – at least 10 weeks;

(2) of the date on which the employee proposes to commence maternity leave and the period of leave to be taken – at least 4 weeks.

(ii) Where the employee gives notice under (d) (i) the employee must also provide a statutory declaration stating particulars of any period of paternity leave sought or taken by her spouse, and that for the period of maternity leave she will not engage in any conduct inconsistent with her contract of employment.

(iii) An employee will not be in breach of this clause if failure to give the stipulated notice is occasioned by confinement occurring earlier than the presumed date or other compelling circumstances.

(iv) An employee may commence maternity leave at any time within six weeks immediately prior to the expected date of birth.

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(v) Where an employee continues to work within the six week period immediately prior to the expected date of birth, or where the employee elects to return to work within six weeks after the birth of the child, an employer may require the employee to provide a medical certificate stating that she is fit to work on her normal duties.

(vi) Special maternity leave

(1) 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 the employee may take unpaid special maternity leave of such periods as a registered medical practitioner certifies as necessary.

(2) Where an employee is suffering from an illness not related to the direct consequences of the confinement, an employee may take any paid sick leave to which she is entitled in lieu of, or in addition to, special maternity leave.

(3) Where an employee not then on maternity leave suffers illness related to her pregnancy, she may take any paid sick leave to which she is then entitled and such further unpaid special maternity leave as a registered medical, practitioner certifies as necessary before her return to work. The aggregate of paid sick leave, special maternity leave and parental leave, including paternity leave taken by her spouse, may not exceed 52 weeks.

(vii) Transfer to a safe job

(1) Where an employee is pregnant and, in the opinion of a registered 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 will, 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.

(2) If the transfer to a safe job is not practicable, the employee may elect, or the employer may require the employee to commence parental leave for such period as is certified necessary by a registered medical practitioner.

(d) Paternity Leave

A male employee will provide to the employer at least 10 weeks prior to each proposed period of paternity leave:

(i) that a certificate from a registered medical practitioner which names his spouse, states that she is pregnant and the expected date of confinement, or states the date on which the birth took place, and

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(ii) written notification of the proposed dates on which the period of paternity leave will start and finish and

(iii) a statutory declaration stating:

(1) that period of paternity leave will be taken to become the primary care-giver of a child;

(2) particulars of any period of maternity leave sought or taken by the mother, and

(3) that for the period of paternity leave, the employee will not engage in any conduct inconsistent with their contract of employment.

(iv) The employee will not be in breach of this subclause if the failure to give the required period of notice is because of the birth occurring earlier than expected, the death of the mother of the child, or other compelling circumstances.

(e) Adoption leave

(i) The employee will notify the employer at least ten weeks in advance of the date of commencement of adoption leave and the period of leave to be taken. An employee may commence adoption leave prior to providing such notice, where through circumstances beyond the control of the employee, the adoption of a child takes place earlier.

(ii) Before commencing adoption leave, an employee will provide the employer with a statutory declaration stating:

(1) the employee is seeking adoption leave to become the primary care-giver of the child;

(2) particulars of any period of adoption leave sought or taken by any other person in respect of that child, and

(3) that for the period of adoption leave the employee will not engage in any conduct inconsistent with their contract of employment.

(iii) An employer may require an employee to provide confirmation from the appropriate government authority of the placement.

(iv) Where the placement of a child for adoption with an employee does not proceed or continue, the employee will notify the employer immediately and the employer will nominate a time not exceeding four weeks from receipt of notification for the employee’s return to work.

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(v) An employee will not be in breach of this subclause as a consequence of failure to give the stipulated periods of notice if such failure results from a requirement of an adoption agency to accept earlier or later placement of a child, the death of an adoptive parent or other compelling circumstances.

(vi) An employee seeking to adopt a child is entitled to unpaid leave for the purpose of attending any compulsory interviews or examinations as are necessary as part of the adoption procedure. The employee and the employer should agree on the length of the unpaid leave. Where agreement cannot be reached, the employee is entitled to take up to two days unpaid leave. Where paid leave is available to the employee, the employer may require the employee to take such leave instead.

(f) Parental leave and other entitlements

An employee may in lieu of or in conjunction with parental leave, access any annual leave or long service leave entitlements which they have accrued subject to the total amount of leave not exceeding 52 weeks.

(g) Part time work

(i) Entitlement

With the agreement of the employer:

(1) An employee may work part-time in one or more periods at any time from the date of birth of the child until its second birthday or, in relation to adoption, from the date of placement of the child until the second anniversary of the placement.

(2) A female employee may work part-time in one or more periods while she is pregnant where part-time employment is, because of the pregnancy, necessary or desirable.

(ii) Effect of Part-time Employment on Continuous Service

Commencement on part-time work under this clause, and return from part-time work to full-time work under this clause, shall not break the continuity of service or employment.

(iii) Pro Rata Entitlements

Subject to the provisions of this subclause and the matters agreed to in accordance with this subclause, part-time employment shall be in accordance with the provisions of this award which shall apply pro rata.

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(iv) Transitional Arrangements - Annual Leave

(1) An employee working part-time under this subclause shall be entitled to any leave accrued in respect of a period of full-time employment, as if the employee was still working full-time, in the position held prior to taking leave.

(2) (A) A full-time employee shall be entitled to annual leave accrued in respect of a period of part-time employment under this subclause, as if the employee was working part-time in the position held, immediately before resuming full-time work.

(B) Provided that, by agreement between the employer and the employee, the period over which the leave is taken may be shortened to the extent necessary for the employee to receive pay at the employee's current full-time rate.

(v) Transitional Arrangements - Sick Leave

An employee working part-time under this subclause shall have sick leave entitlements which have accrued under this award (including any entitlements accrued in respect of previous full-time employment) converted into hours. When this entitlement is used, whether as a part-time employee or as a full-time employee, it shall be debited for the ordinary hours that the employee would have worked during the period of absence.

(vi) Part-time Work Agreement

(1) Before commencing a period of part-time employment under this subclause the employee and the employer shall agree:

(A) that the employee may work part-time;

(B) upon the hours to be worked by the employee, the days upon which they will be worked and commencing times for the work;

(C) upon the classification applying to the work to be performed; and

(D) upon the period of part-time employment.

(2) The terms of this agreement may be varied by consent.

(3) The terms of this agreement or any variation to it shall be reduced to writing and retained by the employer. A copy of the agreement and any variation to it shall be provided to the employee by the employer.

(4) The terms of this agreement shall apply to the part-time employment.

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(vii) Termination of Employment

(1) The employment of a part-time employee under this clause, may be terminated in accordance with the provisions of this award but may not be terminated by the employer because the employee has exercised or proposes to exercise any rights arising under this clause or has enjoyed or proposes to enjoy any benefits arising under this clause.

(2) Any termination entitlements payable to an employee whose employment is terminated while working part-time under this clause, or while working full-time after transferring from part-time work under this clause, shall be calculated by reference to the full-time rate of pay at the time of termination and by regarding all service as a full-time employee as qualifying for a termination entitlement based on the period of full-time employment and all service as a part-time employee on a pro rata basis.

(viii) Extension of Hours of Work

An employer may request, but not require, an employee working part-time under this clause to work outside or in excess of the employee's ordinary hours of duty provided for in accordance with paragraph (vi).

(ix) Nature of Part-time Work

The work to be performed part-time need not be the work performed by the employee in his or her former position but shall be work otherwise performed under this award.

(x) Inconsistent Award Provisions

An employee may work part-time under this clause notwithstanding any other provisions of this award which limits or restricts the circumstances in which part-time employment may be worked or the terms upon which it may be worked including provisions:

(1) limiting the number of employees who may work part-time;

(2) establishing quotas as to the ratio of part-time to full-time employees;

(3) prescribing a minimum or maximum number of hours a part-time employee may work; or

(4) requiring consultation with, consent of or monitoring by a union;

and such provisions do not apply to part-time work under this clause.

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(h) Replacement Employees

(i) A replacement employee is an employee specifically engaged as a result of an employee proceeding on parental leave or working part time in accordance with this clause.

(ii) A replacement employee may be employed part-time. The provisions of this subclause in relation to annual leave and sick leave apply to the part-time employment of replacement employees.

(iii) Before an employer engages a replacement employee under this paragraph, the employer shall inform the person of the temporary nature of the employment and of the rights of the employee who is being replaced. Specifically, the employer must advise that the period of engagement is subject to variation or change in the event that the employee on leave exercises the right to vary the period of leave.

(iv) Unbroken service as a replacement employee shall be treated as continuous service.

(v) Nothing in this subclause shall be construed as requiring an employer to engage a replacement employee.

(i) Return to former position after a period of parental leave or part time work

Unless other wise agreed between employee and employer, and consistent with the provisions of this clause

(i) An employee will give at least four weeks' notice prior of their intention to return to work after a period of parental leave or part time work in accordance with this clause.

(ii) An employee will be entitled to the position which they held immediately before proceeding on parental leave or part time work. In the case of an employee transferred to a safe job pursuant to subclause (c)(vii) of this clause, the employee will be entitled to return to the position they held immediately before such transfer.

(iii) During the period of parental leave an employee shall be entitled to return to work at any time, as agreed between the employer and the employee, provided that the employer may require notice of not more than four weeks.

(iv) An employee shall be entitled to extend the period of parental leave on one occasion, provided that the employer may require notice of not more than four weeks.

By mutual agreement between the employee and the employer, the period of leave may be further extended.

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(j) Redundancy

(i) If a position held by an employee prior to taking parental leave is likely to be made redundant before the employee returns to work, the employer must advise the employee of the impending redundancy, provide an opportunity for consultation and shall not disadvantage the employee by virtue of the taking of parental leave.

(ii) Where such position no longer exists but there are other positions available which the employee is qualified for and is capable of performing, the employee will be entitled to a position as nearly comparable in status and pay to that of their former position.

## 7. SICK LEAVE

(a) An employee [other than one engaged as a casual employee, or a part-time employee in receipt of the 20% loading as prescribed in Part II - Employment Relationship and Associated Matters - Clause 3 - Employmnt Categories, subclause (b) - Part-time employees, 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) the employee shall not be entitled to such leave of absence for any period in respect of which the employee is entitled to workers' compensation;

(ii) the employee shall, as soon as possible, and where practicable within one hour of the commencement of the employee's normal working day, inform the employer of his or her 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) the employee shall prove to the satisfaction of the employer (or in the event of a dispute, the Tasmanian Industrial Commission) that he or she 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) the employee shall not be entitled in any year to sick leave in excess of seventy-six hours of ordinary working time.

**PROVIDED** that during the first three months of employment, sick leave shall accrue on the basis of 6.33 hours for each completed calendar month of service with the employer.

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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 or her employment, or for any time an employee is absent from work without producing satisfactory evidence of personal illness.

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## PART VI - CONSULTATION AND DISPUTE RESOLUTION

### 1. SETTLEMENT OF DISPUTES

Subject to the *Industrial Relations Act 1984* (as amended) any matter in dispute shall be the subject of negotiations and settlement in the following manner:

Any matter of concern shall in the first instance be discussed between the employer and the employee.

(a) The matter shall be taken up by an accredited union delegate or union organiser with the employer concerned or by the employer concerned with the accredited union delegate or union organiser, as the case may be.

(b) If the matter in dispute is not settled at the preceding stage, it may be referred by either the branch secretary (or his or her nominee) or the employer concerned to the Tasmanian Industrial Commission for settlement.

(c) The decision of the Tasmanian Industrial Commission shall be accepted by the parties as final.

(d) Where any of the provisions of this clause have been invoked by any party, the parties shall use their good offices and best endeavours to ensure that work continues without limitation during proceedings under this clause.

(e) Where a bona fide safety issue is involved, the parties shall give immediate priority to resolving the issue. In resolving the issue, the parties shall have regard to recognised safety standards and any relevant legislation.

### 2. STRUCTURAL EFFICIENCY

(a) The parties to this award are committed to co-operating positively to increase efficiency and productivity and to enhance the opportunities and job security of employees.

(b) At each place of employment a consultative mechanism appropriate to the size, structure and needs of that place shall be established to consider efficiency measures. The consultative mechanism shall involve management, employees of the centre and the union(s) relevant.

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(c) Efficiency measures which may seek to vary a provision of this award shall be referred to the Tasmanian Industrial Commission.

R J Watling
**DEPUTY PRESIDENT**

16 October 2001

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**APPENDIX 1**

## SUMMARY OF CHANGES TO THE WHOLESALE PHARMACEUTICAL AWARD

| PREVIOUS AWARD CLAUSE | NEW AWARD |
|---|---|
| 1. Title | No change. |
| 2. Scope | Renumbered Part 1, Clause 3. |
| 3. Arrangement | Renamed "Index", formatted into 6 Parts. Re-numbered Part 1, Clause 2. |
| 4. Date of Operation | Amended from 18 April 1997 to*[insert date]*. |
| 5. Supersession | Re-numbered Part 1, Clause 6. Amended reference to versions of the award superseded. Proviso removed. |
| 6. Parties and Persons Bound | Renamed "Award Interest". Re-numbered Part 1, Clause 5. Format amended to meet Award Review criteria. Inclusion of Tasmanian Trades and Labor Council as an organisation with an interest in the award. |
| 7. Definitions | Re-named "General Definitions". Removal of all definitions specific to one Part, to the appropriate Part, in line with Award Review guidelines. Deletion of definitions referring to classifications as definitions incorporated into new classification descriptors. |
| 8. Wage Rates | Re-numbered Part III, clause 1. Wage rates for additional classifications. Incorporates 2001 *Safety Net Review* increases. Deletion of additional payments. Subclause (d) - Supported Wage System now a separate clause at Part III, clause 7. |
| 9. Annual Leave | Re-numbered Part V, clause 2. |
| 10. Casual Employees | Re-numbered Part II, sub-clause 3(a). |
| 11. Clothing and Clothing Allowance | Re-numbered Part III, clause 6. |
| 12. Compassionate Leave | Renamed "Bereavement Leave". Re-numbered Part V, clause 3. |
| 13. Contract of Employment | Re-numbered Part II, clause 2. |
| 14. Expenses and Accommodation | Re-numbered Part III, clause 5. Travel allowance increased to amounts allowed as at 1 July 2000 by the Taxation Department as reimbursement. |
| 15. Holidays with Pay | Re-numbered Part V, clause 5. |
| 16. Hours of Work | Re-numbered Part IV, clause 1. |
| 17. Mixed Functions | Re-numbered Part II - clause 5. |

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|---|---|
| 18. Occupational Superannuation | Renamed "Superannuation".<br>Re-numbered Part III - clause 4.<br>Amended to update clause in line with federal superannuation legislation.<br>Deleted sub-clause 18(g). |
| 19. Overtime | Re-numbered Part IV, clause 4. |
| 20. Parental Leave | Re-numbered Part V, clause 6.<br>Format updated as part of award review. |
| 21. Part-time Employees | Re-numbered Part II, sub-clause 3(b). |
| 22. Payment of Wages | Renumbered Part III, clause 3. |
| 23. Ratio of Junior Employees to Adult Employees | Re-numbered Part II, clause 4. |
| 24. Rest Period | Re-numbered Part IV, clause 3. |
| 25. Saturday, Sunday and Holiday Work | Re-numbered Part IV, clause 5. |
| 26. Settlement of Disputes | Re-numbered Part VI, clause 1. |
| 27. Sick Leave | Re-numbered Part V, clause 7. |
| 28. Structural Efficiency | Re-numbered Part VI, clause 2. Deletion of sub-clause (d) - classification review. |
| 29. Tea Money | Re-numbered Part IV - clause 2.<br>Meal allowance increased to $11.60. |
| Insertion of Classification descriptors | Insertion of classification descriptors at Part III - clause 2. |
| Insertion of Carer's leave | Insertion of a carer's leave clause at Part V - clause 4. |