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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T.1135 of 1988

IN THE MATTER OF AN APPLICATION BY THE TASMANIAN PUBLIC SERVICE ASSOCIATION TO VARY NOMINATED PUBLIC SECTOR AWARDS IN LINE WITH THE NATIONAL WAGE CASE DECISION OF 5 FEBRUARY 1988

AND

T.1136 of 1988

IN THE MATTER OF AN APPLICATION BY THE TASMANIAN TRADES AND LABOR COUNCIL TO VARY PUBLIC AND PRIVATE SECTOR AWARDS AND AGREEMENTS IN LINE WITH THE NATIONAL WAGE CASE DECISION OF 5 FEBRUARY 1988

ORDER BY CONSENT -

No. 1 of 1988
(Consolidated)

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

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1. TITLE

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

2. SCOPE

This award is established in respect of the following group of trades:

(a) auctioneer, artificial manure, agricultural implement and/or produce merchant;

(b) hop and/or fruit merchant, and/or cool storekeeper and/or refrigeration storekeeper;

(c) wool, skin and hide merchant;

(d) fruit agent;

(e) seller of agricultural machinery and/or equipment.

3. ARRANGEMENT

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4. DATE OF OPERATION

This award shall come into operation from the beginning of the first full pay period to commence on or after 5 February 1988.

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

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5. SUPERSESSION AND SAVINGS

This award incorporates and supersedes No. 1 of 1987 - Consolidated.

Provided further, that no right, obligation or liability incurred or accrued under any of the abovementioned provisions shall be affected by the replacement or supersession.

6. PARTIES AND PERSONS BOUND

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

(a) all employers (whether members of a Registered Organisation or not) who are engaged in the group of trades specified in Clause 2 Scope;

(b) all employees (whether members of a Registered Organisation or not) for whom classifications appear in this award and who are engaged in the group of trades specified in Clause 2 - Scope;

(c) the Australasian Society of Engineers, Tasmanian Branch and the officers of that organisation and their members employed in the group of trades specified in Clause 2 - Scope;

(d) the Federated Clerks' Union of Australia (Tasmanian Branch) and the officers of that organisation and their members employed in the group of trades specified in Clause 2 - Scope;

(e) the Shop, Distributive and Allied Employees' Association, Tasmanian Branch and the officers of that organisation and their members employed in the group of trades specified in Clause 2 - Scope;

(f) the Federated Engine Drivers' and Firemen's Association of Australasia (Tasmanian Branch) and the officers of that organisation and their members employed in the group of trades specified in Clause 2 - Scope;

(g) the Federated Storemen and Packers' Union of Australia, Tasmanian Branch and the officers of that organisation and their members employed in the group of trades specified in Clause 2 - Scope;

(h) the Transport Workers' Union of Australia, Tasmanian Branch and the officers of that organisation and their members employed in the group of trades specified in Clause 2 - Scope;

(i) the United Sales Representatives and Commercial Travellers' Guild of Australia, Tasmanian Branch and the officers of that organisation and their members employed in the industry specified in Clause 2 - Scope;

(j) the Hop Producers' Association of Tasmania;

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(k) the Tasmanian Chamber of Industries up to and including 26 April 1987, and thereafter the Tasmanian Confederation of Industries; and

(l) the Tasmanian Trades and Labor Council.

7. DEFINITIONS

For the purposes of Division A:

1. **'Casual hand'** means an employee engaged and paid by the hour.

2. **'Dead wool'** means wool gathered from the carcases of sheep which have died otherwise that by slaughter.

3. **'Handling dead wool'** means the direct handling by hand of loose dead wool in the carrying out of sorting, picking, grading, pressing or packing.

4. **'Hides and/or skin and station produce stores'** means stores in which the principal business done is the receiving or storing or baling or packing or classing or drying or selling or delivering of hides and/or skins, even though the business includes dealing with wool, grain and tallow or any of them.

5. **'Leader of gang'** means an employee who throughout a week has other employees, whether storemen or packers, working under his supervision, notwithstanding that he may be under the supervision of a head storeman or foreman.

6. **'Overseer or overlooker'** means an employee who oversees or overlooks 6 or more wool sorters or wool classers.

7. **'Sheetman'** means an employee whose duties shall include -

   (i) marking bales of wool which are to appear on the show floor;

   (ii) marking bales of wool from buyers' orders after sale which are to be prepared for shipping;

   (iii) marking bales of wool for re-handling; and

   (iv) handling catalogue sheets on the show floor;

8. **'Show Day'** means not more than one local show day observed on an employee's ordinary working day, other than a Saturday or a Sunday, in the city, town or district in which the employee is employed; or such other day which, in the absence of such a local show day, is agreed on by the employee and the employer, therefore making a total of 11 paid public holidays per year.

9. **'Weekly hand'** means an employee engaged and paid by the week.

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10. **'Wool and grain and/or tallow stores'** means stores in which the principal business done is the receiving or storing or baling or packing or dumping or sorting or classing or selling or delivering of wool or of wool and grain and/or tallow, even though the business includes the dealing with produce, hides, tallow and skins or any of them.

For the purposes of Division B:

11. **'Auctioneer'** means an employee engaged in the work of offering for sale by public auction livestock, dead stock, produce, real estate and/or furniture and effects and who holds a licence for such purpose.

12. **'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;

    (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 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.

13. **'Country traveller'** shall mean a commercial traveller who spends at least 2 week nights in any one week away from his normal place of residence or home town, but it shall be a condition of this award that an employer of a country traveller (as defined) shall at all times retain the right to instruct such traveller to remain away from his normal place of residence or home town until Friday and that a country traveller shall comply with any instructions received from his employer regarding this matter.

14. **'Probationary traveller'** shall mean a commercial traveller of less than 12 months' experience with one or more employers.

15. **'Town or local traveller'** shall mean a commercial traveller, who ordinarily returns each day to his hometown or headquarters.

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8. WAGE RATES

DIVISION A - STOREMEN, SALESMEN, ETC.

1. WAGES

Employees of a classification hereunder mentioned shall be paid the amount assigned to that classification.

GROUP A - STOREMEN ETC.

		Amount Per Week $
	Section I - Wool Stores	
1.	Adult Storeman and Packer	257.60
2.	Breaker-out of certain specified bales for shipment or show purposes	260.00
3.	Adult brander port marking wool for shipment	260.00
4.	Sheetman	261.60
5.	In charge of or operating dumping press	260.00
6.	Wool Presser	261.60
7.	In charge of or operating skin press	261.60
8.	Employed in or in connection with the handling and drying of green rabbit skins	261.60
9.	Operator of mechanically propelled vehicles in a store	261.60
10.	Operator of hand press used in bailing reclassed wool	261.60
11.	Operator, mobile press working singly	261.60
12.	Trottering or hanging green sheep skins	261.60
13.	Handling hides	261.60
14.	Classer of sheepskin or furs	265.20
15.	Leader of gangs	265.20
16.	Classer of hides	265.20
17.	Employed weighing or as shipping or receiving of delivery clerk or wool weigher	265.20
18.	Head shipping clerk	268.10
19.	Head sheep skin and rabbit skin classer	268.10
20.	In charge of hide section	262.10
21.	Head furred skin classer	268.10
22.	In charge of show floor	268.10
23.	In charge of inter-lotting	268.10
24.	Employee stationed in and responsible for an outstore	268.10
25.	Woolclasser	280.50
26.	Wool sorting in wool stores where necessary	280.50

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27.	Overseer or overlooker - in charge of 2 to 5 employees	286.70
28.	Overseer or overlooker - in charge of 6 or more employees	286.70

Section II - Skin & Hide Stores

29.	Classer of sheep skins or fur skins for export	268.50
30.	Storeman & Packer in charge of and being responsible for stock	261.90

Note: Classifications which exist in skin and hide stores which are specified in Section I hereof, also apply to this Section.

Section III - Grain Stores

31.	Adult Storeman & Packer	265.50
32.	Employee on grain cleaners, graders or processors	268.50
33.	Employee in charge of sampling grain	268.50
34.	Employee stacking or carrying grain	269.50

Section IV - Cool Stores

35.	Adult Storeman & Packer	292.80
36.	Operator of motor driven fork lift	298.20

Section V - Other Stores

37.	Adult Storeman & Packer	289.30
38.	Operator of mechanically propelled vehicle in a store	291.00
39.	Employee stationed in and responsible for an outstore	310.30

Section VI - Leading Hands
Applicable to Sections III, IV & V only

		Per Week Extra $
(i)	in charge of less than 3 employees	7.20
(ii)	in charge of 3-10 employees	10.60
(iii)	in charge of 11-20 employees	16.70
(iv)	in charge of 21 or more employees	20.20

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GROUP B - SELLER OF AGRICULTURAL MACHINERY AND/OR EQUIPMENT

		Amount Per Week $
1.	Outside salesman of implements or tractors	308.10
2.	Indoor salesman of implements or tractors & demonstrators of tractors and implements -	
	1st year's experience as such	249.60
	2nd year's experience as such	269.40
	3rd year's experience as such	295.10
	Experience for the purpose of this classification shall mean experience gained as an adult or a junior in these Classifications.	
3.	Assembler	220.80
4.	Salesman of spare parts of implements or tractors –	
	(a) qualified	295.10
	(b) unqualified	278.20
5.	Field serviceman mechanic	321.00
6.	Spare parts storeman (not serving customers)	287.70
7.	Fitter and/or motor mechanic	321.00
8.	Tradesman's assistant	214.50
	Provided that a field serviceman mechanic and/or fitter shall be paid $1.98 extra for each day or part of a day on which he is required to work away from the employers premises.	
9.	Leading Hands:	
	In charge of not less than 3 and not more than 10 employees $13.30 per week extra.	
	In charge of more than 10 and not more than 20 employees - $19.70 per week extra.	
	In charge of more than 20 employees - $25.30 per week extra.	

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2. TOOL ALLOWANCE

All employees engaged in classifications that are proclaimed as trades under the Apprentices Act 1942 and classification 3, Division B (Assembler) shall either be supplied with all tools by the employer or be paid a tool allowance of not less than $8.10 per week.

Provided that such allowance shall not be subject to adjustment when computing payments for shift penalty rates, for weekend or holiday work, for overtime or for any other purpose.

3. JUNIOR WORKERS

The minimum rates of wages for junior workers shall be the undermentioned percentages of the appropriate adult storeman and packer total weekly rate as determined by the type of store in which the junior worker is employed:

	%
16 years of age and under	60
At 17 years of age	70
At 18 years of age	80
At 19 years of age	90
At 20 years of age	100

Such percentages to be of the rates fixed for the classification of adult storemen and packers and shall be calculated to the nearest 10 cents.

Provided that -

(i) In station produce departments and stores junior workers employed to truck or lift bales of sheepskin hides, etc., exceeding 50.8kg or to up-end casks of tallow, shall be paid the full minimum rate prescribed for adults for the class of work at which they are working.

(ii) In skin and hide stores (shippers) junior workers Employed at classing (except under instruction), trucking bales working hoists or hand lifts (except when assisting an adult) or doing any work usually done by adults shall be paid the full minimum rate prescribed for adults for the class of work at which they are working.

In wool selling brokers stores and wool dumping stores and in station produce departments and stores junior workers may not be employed (except at full adult rates) except at marking, branding, sweeping, lift driving (subject to State laws and regulations) wool gathering or light work of a similar nature or under the instruction of a qualified classer or sorter at classing or sorting.

(iv) In skin and hide stores (shippers) junior workers may not be employed (except at full adult rates) except at tailing-up rabbit skins or light work of a similar nature or under the instruction of a qualified classer or sorter at classing or sorting.

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(v) Notwithstanding the provisions of provisos (iii) and (iv) hereof junior workers shall not be employed at classing or sorting except in the proportion of not more than one junior worker to every 4 or fraction of 4 adults not being less than 3 adult classers or sorters.

DIVISION B - AUCTIONEERS AND TRAVELLERS

1. WAGES

Employees of a classification hereunder mentioned shall be paid the amount assigned opposite that classification:

		Amount Per Week $
1.	Auctioneer (as defined)	
	1st year's experience	239.10
	2nd year's experience	250.20
	3rd year's experience and thereafter	266.50
2.	Commercial traveller (as defined)	
	(i) Country traveller (as defined)	343.60
	(ii) Town or local traveller (as defined)	316.90
	(iii) Probationary traveller (as defined)	285.60

DIVISION C - CARTERS, DRIVERS AND ENGINE DRIVERS

1. WAGES

Employees of a classification hereunder mentioned shall be paid the amount assigned to that classification:

GROUP A - CARTERS AND DRIVERS

Employees driving motor vehicle having maker's capacity of -

	Amount Per Week $
1.2 tonnes or less	290.80
Over 1.2 tonnes but not over 3 tonnes	294.40
Over 3 tonnes but under 6 tonnes	298.80
6 tonnes and over but under 7 tonnes	299.50
7 tonnes and over but under 8 tonnes	300.30
8 tonnes and over but under 9 tonnes	301.00
9 tonnes and over but under 10 tonnes	301.70
10 tonnes and over but under 11 tonnes	302.60
11 tonnes and over but under 12 tonnes	303.40
12 tonnes and over	303.90

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Employees driving articulated vehicle having maker's capacity of -	
Under 9 tonnes	305.30
9 tonnes and over but under 10 tonnes	306.20
10 tonnes and over but under 11 tonnes	306.60
11 tonnes and over but under 12 tonnes	307.50
12 tonnes and over but under 13 tonnes	308.60
13 tonnes and over but under 14 tonnes	309.10
14 tonnes and over but under 15 tonnes	310.10
15 tonnes and over but under 16 tonnes	310.50
16 tonnes and over but under 17 tonnes	311.00
17 tonnes and over but under 18 tonnes	312.40
18 tonnes and over but under 19 tonnes	312.80
19 tonnes and over but under 20 tonnes	313.70
20 tonnes and over but under 21 tonnes	314.20
Loader	282.00
Motor driver's assistant	276.50

Employee handling money, i.e. an employee who collects or pays out money and who is responsible for the safe custody of the amounts so collected or carried to be paid out shall be paid per week the following in addition to his weekly wage:

	Amount Per Week $
For any amount handled up to $20.00	0.60
Over $20.00 but not exceeding $200.00	1.10
Over $200.00 but not exceeding $600.00	2.00
Over $600.00 but not exceeding $1,000.00	3.00
Over $1,000.00	4.00

'Maker's Capacity' shall mean the capacity attributed to the vehicle by the manufacturer as a maximum gross rating less the vehicle's tare, except in cases on any day the maximum weight of any load exceeds such capacity by one-third or more thereof, in which cases such maximum load shall for the purposes of assessing the wages to be paid for that day, be deemed to be the maker's capacity.

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GROUP B - ENGINE DRIVERS

		Amount Per Week $
(a)	Steam engines	
(i)	First class	273.50
(ii)	First class with condenser	279.90
(iii)	Second class	266.90
(iv)	Second class with condenser	273.10
(b)	Suction gas or other internal combustion engine -	
(i)	35kw brake power or over	271.40
(ii)	Under 35kw brake power	265.50
(c)	Fireman	
(i)	Fireman First Class	266.20
(ii)	Fireman	260.40

(d) Engine Driver -

(i) Attending to refrigerator or compressor - $15.40 extra;

(ii) Attending to electric generator or dynamo exceeding 10 kilowatt capacity - $15.40 extra;

(iii) In charge of plant - $15.40 extra.

(e) Boiler cleaners engaged inside the gas or water space of any boiler flue or economiser in cleaning, or scraping work, shall, whilst so employed, be paid 82 cents per hour in addition to his ordinary or overtime rate of pay.

2. JUNIOR WORKERS

The minimum rates of wages that may be paid to junior workers mentioned in Group A, subclause 1 of Division C shall be the undermentioned percentages of the appropriate wage rates of adult employees as prescribed by subclause 1 of Division C.

	%
Under 19 years of age	70
19 to 20 years of age	80
20 years of age and over	Adult Rate

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DIVISION D - CLERKS

(Employed in any of the trades hereinbefore mentioned in Clause 2 - Scope, and includes clerks, book-keepers, cashiers, typists and/or stenographers).

1. WAGES

Except as prescribed in subclause (ii) hereof, adult employees of a classification hereunder mentioned shall, be paid the amount assigned opposite that classification -

(i) Adults

		Amount Per Week $
1.	1st year of adult experience	249.70
	2nd year of adult experience	269.40
	3rd year of adult experience	295.10
	4th year of adult experience	305.30
	5th year of adult experience	312.70
	6th year of adult experience	322.70
2.	An accountant or chief clerk wholly responsible for the office work and who prepares the balance sheet and profit and loss account	398.80
3.	A clerk who is in charge of and responsible for the work of -	
	(a) 5 or more employees	350.40
	(b) 3 or 4 employees	335.30
	(c) 2 employees	328.10

(ii) Juniors

The minimum rates of wages that may be paid to juniors shall be the undermentioned percentages of the second year adult rate, adjusted to the nearest 10 cents

	Percentage of Second Year Adult Rate %
Under 16 years of age	40
16 to 17 years of age	45
17 to 18 years of age	55
18 to 19 years of age	70
19 to 20 years of age	80
20 to 21 years of age	90

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Proviso

When determining the margin payable to an employee attaining the age of 21 years, who has been employed as a junior clerk in the trades or groups of trades in respect of which awards of the Tasmanian Industrial Commission are established, experience obtained after reaching the age of 18 years shall be counted as adult experience.

(iii) Additional Payments

In addition to the weekly rates prescribed herein the following additional amounts per week shall be paid to stenographers, audio-typists, tele-typists, accounting machine, computer, data processing, tabulating machine, card punch and verifier operators.

	Amount $
Under 16 years of age	1.00
16 to 17 years of age	1.20
17 to 18 years of age	1.30
18 to 19 years of age	1.50
19 to 20 years of age	1.80
20 to 21 years of age	1.90
21 years of age and over	2.50

CONDITIONS FOR EMPLOYEES IN DIVISION A - STOREMEN, SALESMEN, ETC.

9. ANNUAL LEAVE

(a) Period of Leave

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

(b) Broken Leave

Leave allowed under the provisions of this subclause shall be given and taken in one consecutive period, or if the employer and employee so agree in 2 separate periods, the lesser of which shall be not less than 7 consecutive days. No entitlement shall be permitted to accrue beyond 12 months after the date of accrual.

(c) Annual Leave Exclusive of Public Holidays

In any of the holidays prescribed by Clause 19 - Holidays with Pay falls 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 that leave, one day for each such holiday so occurring.

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(d) Payment in Lieu Prohibited

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

(e) Time of Taking Leave

Annual leave shall be given at a time fixed by the employer within a period not exceeding 6 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

Each employee before going on leave shall be paid the amount of wages he would have received in respect of the ordinary time which he would have worked had he not been on leave during the relevant period plus a loading of 17 1/2 per cent of the amount paid in respect of annual leave.

The loading prescribed in this clause shall not be paid in respect of proportionate leave on termination of service.

(g) Leave Allowed Before Due Date

An employer may allow annual leave to an employee before the right thereto has accrue due, but where it is taken in such a case a further period of annual leave shall not commence to accrue until 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 1/12 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 Clause 19 hereof.

(h) Proportionate Leave on Termination of Service

If after one completed month of service in any 12 monthly period an employee lawfully leaves his employment, or his employment is terminated by the employer through no fault of the employee the employee shall be paid at his ordinary rate of wage as follows:

13 1/3 hours for each completed month of continuous service.

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

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10. CASUAL HANDS

(i) The minimum hourly rate to be paid to casual hands shall be ascertained by dividing the total weekly wage for the class of work performed by 40 and adding 20 per cent to the hourly rate thus ascertained. In addition, 10 cents per hour shall be added to cover the incidence of annual leave, sick leave and public holidays prescribed in this award.

(ii) All casual hands upon engagement shall be paid as for 4 hours at least, even if they are not turned to work, except in the case of misconduct when payment shall be made only for actual time worked.

11. COLD PLACES

Working for more than one hour in places where the temperature is reduced by artificial means below zero degrees Celsius an amount of 27 cents per hour extra shall be paid.

Where the work continues for more than two hours employees shall be entitled to a rest period of twenty minutes every two hours at ordinary time.

12. COMPASSIONATE LEAVE

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

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

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

13. DUST ALLOWANCE

(a) For all general hands engaged in unloading bulk grain received by rail and at the rail track sheds, a rate of 27 cents per hour dust allowance shall be paid for the time that bulk grain is actually being unloaded at those points.

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(b) For all general hands engaged to work within a silo a rate of 21 cents per hour shall be paid as a dust allowance during the time that bulk grain is actually being received into or shipped from the silo block or whilst grain is being transferred within the silo block.

14. ENGAGEMENT AND TERMINATION THEREOF

(a) If it is intended to engaged an employee as a weekly hand he shall be notified in writing at the commencement of his engagement as such that his engagement is to be a weekly one and failing such notification, he shall be paid at casual rates.

(b) Where a weekly hand is engaged to begin work on any day other than the customary pay-day, he shall be entitled to be paid at casual rates for the broken portion of the week worked by him.

(c) The engagement of a weekly hand shall be terminable by not less than one week's notice on either side (except in the case of misconduct, when no notice shall be necessary), and such notice shall commence to run from the beginning of the customary weekly period.

(d) The engagement of a casual hand may be terminated at any moment without notice.

15. ESTIMATING SERVICE

In estimating the number of years experience of an employee in order to ascertain the minimum rate of wages to which such employee may be entitled, the total experience in the service of every employer in any trade or business whether in any of the trades mentioned in this award or otherwise shall be taken.

The provisions of this clause shall not apply to employees mentioned in Group B of subclause 1, Division A, Clause 8.

16. EXISTING PRACTICES

This award comprehends the continuance of existing customs and conditions of employment not inconsistent with its provisions.

The provisions of this clause shall not apply to employees mentioned in Group B of subclause 1, Division A, Clause 8.

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17. FIRST AID

An employee who has been trained to render first aid and who is the current holder of first aid qualifications such as a certificate from St. John's Ambulance or similar body shall be paid a weekly allowance of $4.80 if the person is appointed by the employer to perform first aid duty.

18. HOLIDAY AND SUNDAY WORK

(a) For all time of duty on holidays mentioned in Clause 19 hereof payment shall be made as follows:-

(i) For adults - double time and one half

(ii) For juniors - treble time

(b) For all time of duty on Sundays payment shall be made as follows:-

(i) For adults - double time

(ii) For juniors - treble time

(c) An employee who is required to work on a holiday or on a Sunday shall be paid for not less than 3 hours at the prescribed rate.

19. HOLIDAYS WITH PAY

(a) All employees (other than casuals) shall be allowed the following days as paid holidays:- New Year's Day, Australia Day, Hobart Regatta Day (south of Oatlands), Labour Day, Good Friday, Easter Monday, Anzac Day, Queen's Birthday, Show Day (as defined in Clause 7), the first Monday in November (where Hobart Regatta Day is not observed), Christmas Day and Boxing Day.

(b) Payment for the holidays mentioned in subclause (a) which are taken and not worked, shall be at the normal rate of pay which would have applied to the employee concerned, when, if it were not for such holiday, he had been at work.

(c) Payment to an employee for work performed on holidays mentioned in subclause (a) shall be at the rates prescribed elsewhere in this award.

20. HOT WATER

The employer shall provide a plentiful supply of hot water for making tea.

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21. HOURS

(a) Excepting as elsewhere provided herein, ordinary hours of employment shall be 40 per week, to be worked between the hours of 7.00a.m. and 5.00p.m. Monday to Friday inclusive.

(b) For employees who are employed by fruit agents the ordinary hours of employment shall be 40 per week, to be worked between the hours of 7.00a.m. and 5.30p.m., Monday to Friday, inclusive, and 8.00a.m. and 11.00a.m. on Saturday.

(c) For auctioneers and travellers the ordinary hours of employment shall be 80 per fortnight.

Provided that, subject to overtime rates being paid for term of duty in excess of ordinary hours, the number of hours to be worked by an employee in any week shall be such number not exceeding 56 as the employer may reasonably require.

Any question of the reasonableness of any requirement of any employer involving work otherwise than during the hours referred to as ordinary hours in this clause shall-be referred to the Tasmanian Industrial Commission for adjudication, and the decision shall be final and binding on the employer and employees.

22. MATERNITY LEAVE

(a) Eligibility for Maternity Leave

An employee who becomes pregnant, shall upon production to her employer of a certificate from a duly qualified medical practitioner stating the presumed date of her confinement, be entitled to maternity leave provided that she has had not less than 12 months' continuous service with that employer immediately preceding the date upon which she proceeds upon such leave.

For the purposes of this clause:

(i) An employee shall include a part-time employee but shall not include an employee engaged upon casual or seasonal work.

(ii) Maternity leave shall mean unpaid maternity leave.

(b) Period of Leave and Commencement of Leave

(i) Subject to subclauses (c) and (f) hereof, the period of maternity leave shall be for an unbroken period of from 6 to 52 weeks and shall include a period of 6 weeks compulsory leave to be taken immediately following confinement.

(ii) An employee shall, not less than 10 weeks prior to the presumed date of confinement, give notice in writing to her employer stating the presumed date of confinement.

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(iii) An employee shall give not less than 4 weeks' notice in writing to her employer of the date upon which she proposes to commence maternity leave stating the period of leave to be taken.

(iv) An employer by not less than 14 days' notice in writing to the employee may require her to commence maternity leave at any time within 6 weeks immediately prior to her presumed date of confinement.

(v) An employee shall not be in breach of this clause as a consequence of failure to give the stipulated period of notice in accordance with paragraph (iii) hereof, if such failure is occasioned by the confinement occurring earlier than the presumed date.

(c) Transfer to a Safe Job

Where in the opinion of a duly qualified medical practitioner, illness or risks arising out of the pregnancy or hazards connected with the work assigned to the employee make it inadvisable for the employee to continue at her present work, the employee shall, if the employer deems it practicable, be transferred to a safe job at the rate and on the conditions attaching to that job until the commencement of maternity leave.

If the transfer to a safe job is not practicable, the employee may, or the employer may require the employee to, take leave for such period as is certified necessary by a duly qualified medical practitioner. Such leave shall be treated as maternity leave for the purposes of subclauses (g), (h), (i) and (j) hereof.

(d) Variation of Period of Maternity Leave

(i) Provided the addition does not extend the maternity leave beyond 52 weeks, the period may be lengthened once only, save with the agreement of the employer, by the employee giving not less than 14 days' notice in writing stating the period by which the leave is to be lengthened.

(ii) The period of leave may, with the consent of the employer, be shortened by the employee giving not less than 14 days' notice in writing stating the period by which the leave is to be shortened.

(e) Cancellation of Maternity Leave

(i) Maternity leave, applied for but not commenced, shall be cancelled when the pregnancy of an employee terminates other than by the birth of a living child.

(ii) Where the pregnancy of an employee then on maternity leave terminates other than by the birth of a living child, it shall be the right of the employee to resume work at a time nominated by the employer which shall not exceed 4 weeks from the date of notice in writing by the employee to the employer that she desires to resume work.

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(f) Special Maternity Leave and Sick Leave

(i) Where the pregnancy of an employee not then on maternity leave terminates after 28 weeks other than by the birth of a living child then:

(a) she shall be entitled to such period of unpaid leave (to be known as special maternity leave) as a duly qualified medical practitioner certifies as necessary before her return to work, or

(b) for illness other than the normal consequences of confinement she shall be entitled, either in lieu of or in addition to special maternity leave, to such paid sick leave as to which she is then entitled and which a duly qualified medical practitioner certifies as necessary before her return to work.

(ii) Where an employee not then on maternity leave suffers illness related to her pregnancy, she may take such paid sick leave as to which she is then entitled and such further unpaid leave (to be known as special maternity leave) as a duly qualified medical practitioner certifies as necessary before her return to work, provided that the aggregate of paid sick leave, special maternity leave and maternity leave shall not exceed 52 weeks.

(iii) For the purposes of subclauses (g), (h) and (i) hereof, maternity leave shall include special maternity leave.

(iv) An employee returning to work after the completion of a period of leave taken pursuant to this subclause shall be entitled to the position which she held immediately before proceeding on such leave or, in the case of an employee who was transferred to a safe job pursuant to subclause (c), to the position she held immediately before such transfer.

Where such position no longer exists but there are other positions available, for which the employee is qualified and the duties of which she is capable of performing, she shall be entitled to a position as nearly comparable in status and salary or wage to that of her former position.

(g) Maternity Leave and Other Leave Entitlements

Provided the aggregate of leave including leave taken pursuant to subclauses (c) and (f) hereof does not exceed 52 weeks;

(i) An employee may, in lieu of or in conjunction with maternity leave, take any annual leave or any part thereof to which she is then entitled.

(ii) Paid sick leave or other paid authorised award absences (excluding annual leave), shall not be available to an employee during her absence on maternity leave.

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(h) Effect of Maternity Leave on Employment

Notwithstanding any award or other provision to the contrary, absence on maternity leave shall not break the continuity of service of an employee but shall not be taken into account in calculating the period of service for any purpose of an award.

(i) Termination of Employment

(i) An employee on maternity leave may terminate her employment at any time during the period of leave by notice given in accordance with this award.

(ii) An employer shall not terminate the employment of an employee on the ground of her pregnancy or of her absence on maternity leave, but otherwise the rights of an employer in relation to termination of employment are not hereby affected.

(j) Return to Work after Maternity Leave

(i) An employee shall confirm her intention of returning to her work by notice in writing to the employer given not less than 4 weeks prior to the expiration of her period of maternity leave.

(ii) An employee, upon expiration of the notice required by paragraph (i) hereof, shall be entitled to the position which she held immediately before proceeding on maternity leave or, in the case of an employee who was transferred to a safe job pursuant to sub-clause (c) to the position which she held immediately before such transfer. Where such position no longer exists but there are other positions available for which the employee is qualified and the duties of which she is capable of performing, she shall be entitled to a position as nearly comparable in status and salary or wage to that of her former position.

(k) Replacement Employees

(i) A replacement employee is an employee specifically engaged as a result of an employee proceeding on maternity leave.

(ii) Before an employer engages a replacement employee under this subclause, the employer shall inform that person of the temporary nature of the employment and of the rights of the employee who is being replaced.

(iii) Before an employer engages a person to replace an employee temporarily promoted or transferred in order to replace an employee exercising her rights under this clause, the employer shall inform that person of the temporary nature of the promotion or transfer and of the rights of the employee who is being replaced.

(iv) Provided that nothing in this subclause shall be construed as requiring an employer to engage a replacement employee.

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(v) A replacement employee shall not be entitled to any of the rights conferred by this clause except where her employment continues beyond the 12 months' qualifying period.

23. MEAL ALLOWANCE

(a) An employee required to work overtime for more than one hour after his usual finishing time or after 5.30p.m. on any day, whichever is the earlier, shall be entitled to receive a meal allowance of $4.80.

(b) An employee required to commence overtime before noon on a Saturday, Sunday, or public holiday, and is then required to continue working overtime on such day after noon without having been advised by the employer not later than the previous day of intention to work past noon, shall be entitled to a meal allowance of $4.80.

(c) An evening meal allowance of $4.80 shall be payable to an employee required to continue overtime after 5.00p.m. on a Saturday, Sunday or public holiday.

24. MEAL AND REST PERIODS

(a) Not less than 40 minutes nor more than one hour shall be allowed for lunch between the hours of 12 noon and 2.00p.m.

Provided that

(i) When an employee is required to be in attendance on buyers on any sale or show day during the prescribed lunch period, he shall be allowed his lunch period after the prescribed lunch period and in lieu thereof and without additional payment; and

(ii) The employer shall maintain the lunch period at present established in his store,- but may, with the consent of the majority of the employees, fix any different time for lunch in any particular store.

(b) Where an employee is called upon to continue work for more than one hour after the usual knock off time not less than 40 minutes or more than one hour immediately following the knocking-off time shall be allowed for tea.

Note: This subclause applies to Divisions A and C of this award only.

(c) Where an employee is called upon to work after midnight, one hour shall be allowed for supper from midnight to 1.00a.m.

(d) Where an employee is called upon to commence work before 7.00a.m. one hour shall be allowed for breakfast between 7.00a.m. and 9.00a.m.

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(e) If a weekly employee is called upon to work during any meal period as prescribed herein and such work is not expressly authorised by this award, he shall be paid one-half of his ordinary rate, in addition to the rate applicable to him immediately prior to such meal period, until he has been allowed such meal period.

(f) A casual employee who is called upon to work during his meal period shall be paid not less than 50 cents in addition to the amount otherwise payable provided that where a casual employee is allowed a meal period in the hour consecutive to his usual meal period (during which he has been called upon to work), he shall be paid not less than overtime rates for the time so worked; provided further that if in exceptional circumstances an employee is required to work after the hour fixed for the dinner period for a period not exceeding 10 minutes, no additional payment shall be incurred by the employer for such work so long as 10 minutes are allowed at the end of the ordinary dinner period in lieu of the time so worked.

(g) Employees shall be allowed a rest period between the start of work and the mid-day meal break and rest period between the resumption of work after the mid-day 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.

25. MEAL PERIOD RATES OF PAY

Subject to the provisions of Clause 24, any employee called upon to work during a meal period shall be paid in addition to his ordinary time, one half extra until a meal period is allowed. Provided also, that if in exceptional circumstances, an employee is required to work after the hour fixed for the meal period not exceeding 10 minutes, no additional payment shall be incurred by the employer for such work so long as 10 minutes are allowed at the end of the ordinary meal period in lieu of the time so worked.

26. MIXED FUNCTIONS

(a) Where a weekly employee is put to work temporarily at a. classification higher than that under which he was engaged or deemed to be working, he shall be paid as follows:

(i) Up to 2 hours on any one day - the rate prescribed for such classification with a minimum of one hour.

(ii) Over 2 hours on any one day - a full day's pay at the rate prescribed for such higher classification.

(iii) Over 22 hours in any one week - a full week's pay at the rate prescribed for such higher classification.

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(b) A weekly employee shall not suffer any reduction in wages during any week by reason of his having been put to work for a part of such week at a classification lower than that under which he was engaged or deemed to be working.

27. NOTICE BOARD

The employer shall permit a notice board of reasonable dimensions to be erected in a prominent position on his plant or in separate buildings in each plant so that it will be reasonably accessible to all his employees working under this award. Accredited union representatives shall be permitted to put on the notice board or boards union notices, signed or countersigned by the representatives posting it. Any notice posted on such board not so signed or countersigned may be removed by an accredited union representative or by the employer.

28. OVERTIME RATES

For all time worked outside ordinary hours on any one day or on a Saturday payment shall be made at the rate of time and a half for the first 3 hours and double time thereafter. In computing overtime each day's work shall stand alone.

29. PAYMENT OF WAGES

(a) In the case of casual hands, all moneys due at the time of termination of engagement shall be paid within 30 minutes thereof, except where such termination occurs outside of the ordinary hours of work as prescribed in Clause 21 - Hours in which case payment shall be made after 10.00a.m. on the day following such termination and within 30 minutes of the employee applying therefor; provided, nevertheless that where the place of employment is distant from the employer's office reasonable travelling time shall be allowed in addition to the said 30 minutes, except in the case where payment is made at the said place.

(b) In the case of weekly hands, wages shall be paid in the employer's time in cash before the hour of 5.00p.m. on the usual day of the employer (which shall not be later than Wednesday in each week), and shall be made up at least to 5.00p.m. on the day before pay day.

30. POSTING-OF AWARD

Each employer shall cause a copy of this award to be posted or hung in a conspicuous and accessible place in each store or other premises where employees are employed and such posting shall be maintained during the term of this award.

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31. PRECAUTIONS WHEN HANDLING DEAD WOOL

On premises used in connection with handling dead wool, an adequate supply of requisites for treating scratches and slight wounds shall be provided by the employer.

The provisions of this clause shall not apply to employees mentioned in Group B of subclause 1, Division A, Clause 8.

32. PROTECTIVE CLOTHING

(a) After 6 months employment, employees engaged in handling green skins in drying sheds and/or handling hides shall be entitled to be supplied by the employer with suitable footwear and bib aprons which items shall be replaceable by the employer not more frequently than each 12 months. Gloves and a bib apron shall be provided for postmarking and other branding with brush and stencil.

Gloves and a bib apron shall be made available to an employee engaged handling tallow.

(b) The employer shall provide overalls and safety footwear to workshop personnel.

(c) Where it is agreed between the employer and the employees that the work normally performed by the employee is of an unusually dirty, wet or obnoxious nature, suitable protective clothing and/or footwear shall be supplied and maintained as required by the employer. In the event of a dispute arising over the issue of protective clothing the matter shall be referred to the Tasmanian Industrial Commission.

33. RIGHT OF ENTRY

Reasonable facilities shall be afforded officers of unions for investigating grievances of members or for the purpose of interviewing employees on legitimate union business and without affecting the generality of the. foregoing provision, each employer shall permit an official of a union, authorised in writing by the Secretary for Labour, to enter his establishment during working hours for the purpose of interviewing members of the union on matters relating to this award. The representative shall not unduly interfere with the working of the establishment.

If such authorised person exceeds the limits of his authority or fails to conduct himself properly, such authority may be terminated by the Secretary for Labour on the application of an employer showing good cause.

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34. SHOP STEWARDS

(a) An employee appointed shop steward in the shop or department in which he is employed shall upon notification thereof to his employer be recognised as the accredited representative of the union to which he belongs.

An accredited shop steward shall be allowed the necessary time during working hours to interview the employer or his representative on matters affecting employees whom he represents.

(b) Subject to the prior approval of the employer an accredited shop steward shall be allowed at a place designated by the employer a reasonable period of time during working hours to interview a duly accredited union official of the union to which he belongs, on legitimate union business.

35. SICK LEAVE

(a) An employee, other than one engaged as a casual, who is absent from work on account of personal illness or on account of injury by accident shall be entitled to leave of absence without deduction of pay, subject to the following conditions and limitations

(i) he shall not be entitled to such leave of absence for any period in respect of which he is entitled to workers' compensation;

(ii) he shall, within 48 hours of the commencement of such absence, inform the employer of his inability to attend for work, and as far as may be practicable, state the nature of the illness or injury and the estimated duration of the absence;

(iii) he shall prove to the satisfaction of the employer (or in the event of a dispute, the Secretary for Labour), that he was unable on account of such illness or injury to attend for work on the day or days for which the sick leave is claimed;

(iv) he shall not be entitled in any year (whether in the employment of one employer or of more) to sick leave credit in excess of 2 weeks ordinary working time.

(v) For the purpose of administering paragraph (iv) of this subclause an employer may within one month of this award coming into operation or within 2 weeks of the employee entering his employment require an employee to make a sworn declaration or other written statement as to what paid leave of absence he has had from any employer during the then current year, and upon such statement the employer shall be entitled to rely and act.

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(b) Sick leave shall accumulate from year to year so that any balance of the period specified in subclause (a) (iv) of this clause which has in any year not been allowed to an employee by an employer as paid sick leave shall be credited to the employee and, subject to the conditions hereinbefore prescribed, shall be allowed by that employer in a subsequent year without diminution of the sick leave prescribed in respect of that year;

(c) An employer shall not be required to make any payment in respect of accumulated sick leave credits to an employee who is discharged or leaves his employment or for any time an employee who is absent from work without producing satisfactory evidence of personal illness.

36. SMOKE-OH'S DURING OVERTIME

(a) Where work is to be continued after 10.00p.m. a 'smoke-oh' shall be allowed and paid for from 9.30p.m. to 9.50p.m.

(b) Where night work is to be continued after 6.00a.m. a 'smoke-oh' shall be allowed and paid for from 5.30a.m. to 5.50a.m.

CONDITIONS FOR EMPLOYEES IN DIVISION B - AUCTIONEERS AND TRAVELLERS

37. FARES AND EXPENSES

Employees mentioned in this division shall be reimbursed all fares, hotel, and other expenses reasonably and necessarily incurred by them in travelling on their employer's business.

38. GENERAL CONDITIONS

The provisions of -

Clauses 9. Annual Leave
12. Compassionate Leave
14. Engagement and Termination thereof
15. Estimating Service
16. Existing Practices
17. First Aid
18. Holiday and Sunday Work
19. Holidays with Pay
20. Hot Water
21. Hours
22. Maternity Leave
23. Meal Allowance
24. Meal and Rest Periods

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25. Meal Period Rates of Pay
26. Mixed Functions
27. Notice Board
28. Overtime Rates
29. Payment of Wages
30. Posting of Award
31. Precautions when Handling Dead Wool
32. Protective Clothing
33. Right of Entry
34. Shop Stewards
35. Sick Leave
36. Smoke-oh's During Overtime

of Division A shall also apply to employees in this division.

CONDITIONS FOR EMPLOYEES IN DIVISION C - GARTERS, DRIVERS AND ENGINE DRIVERS

39. CASUAL EMPLOYEES

(a) A casual employee, for working ordinary time, shall be paid per hour 1/40 of the weekly rate prescribed herein for the work which he performs plus 75 cents per day or portion thereof. A minimum payment as for 4 hours shall be paid.

(b) A casual employee shall be notified at the end of the day if his services are not required on the next working day; failing such notice, a full day's wages shall be paid for the next working day.

The provisions of this clause shall not apply to employees mentioned in Group B of subclause 1, Division C, Clause 8.

40. GENERAL CONDITIONS

The provisions of

Clauses 9. Annual Leave
12. Compassionate Leave
14. Engagement and Termination thereof
15. Estimating Service
16. Existing Practices
17. First Aid
18. Holiday and Sunday Work
19. Holidays with Pay
20. Hot Water
21. Hours
22. Maternity Leave
23. Meal Allowance

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24. Meal and Rest Periods
25. Meal Period Rates of Pay
26. Mixed Functions
27. Notice Board
28. Overtime Rates
29. Payment of Wages
30. Posting of Award
31. Precautions when Handling Dead Wool
32. Protective Clothing
33. Right of Entry
34. Shop Stewards
35. Sick Leave
36. Smoke-oh's During Overtime

of Division A shall also apply to employees in this division.

CONDITIONS F0R EMPLOYEES IN DIVISION D - CLERKS

(Employed in any of the trades hereinbefore mentioned in Clause 2 Scope, and includes clerks, book-keepers, cashiers, typists and/or stenographers).

41. CASUAL EMPLOYEES

A casual clerk, that is, a clerk employed for less than one week - shall be paid 25 per cent more than the rates above set out.

42. ESTIMATING SERVICE

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

43. GENERAL CONDITIONS

The provisions of -

Clauses 9. Annual Leave
12. Compassionate Leave
14. Engagement and Termination thereof
16. Existing Practices
17. First Aid
18. Holiday and Sunday Work
19. Holidays with Pay
20. Hot Water
22. Maternity Leave

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23. Meal Allowance
24. Meal and Rest Periods
25. Meal Period Rates of Pay
26. Mixed Functions
27. Notice Board
29. Payment of Wages
30. Posting of Award
31. Precautions when Handling Dead Wool
32. Protective Clothing
33. Right of Entry
34. Shop Stewards
35. Sick Leave
36. Smoke-oh's During Overtime

of Division A shall also apply to employees in this division.

44. HOURS

(a) The ordinary hours of employees in this division (except employees employed by fruit agents), shall be 40 per week, to be worked between the hours of 8.00a.m. and 6.00p.m. Monday to Friday inclusive.

(b) The ordinary hours of employees in this division who are employed by fruit agents shall be 40 per week, to be worked between the hours of 7.00a.m. and 5.30p.m. Monday to Friday inclusive, and 8.00a.m. and 11.00a.m. on Saturday.

45. OVERTIME

(a) For all time of duty outside ordinary hours payment shall be made at the rate of time and a half for the first 3 hours and double time thereafter.

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

(b) An employee who is required to work overtime for more than 90 minutes without being notified the day before that he will be so required to work, shall be paid a meal allowance of $4.80 per meal, but such payment need not be made to employees who live in the same locality as the place of work who can reasonably return home for meals.

(c) When an employee, after having worked overtime finishes work at a time when reasonable means of transport are not available, or who is required to commence work at a time when reasonable means of transport are not available the employer shall provide him with a conveyance to his home or from his home to the job, as the case may be, or pay him his current rate of pay for the time so occupied.

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46. SAVING

No employee shall have his wages reduced as a result of this award being made.

J.G. King
COMMISSIONER

15 March 1988