

IN THE TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act, 1984

T. No. 99 of 1985

IN THE MATTER OF an application
by the Tasmanian Trades and
Labor Council TO VARY SALARIES
AND ALLOWANCES IN NOMINATED
PUBLIC AND PRIVATE SECTOR AWARDS
IN ACCORDANCE WITH THE NATIONAL
WAGE CASE DECISION OF 3 APRIL
1985.

ORDER BY CONSENT:

Amendment No. 1 of 1985

AMEND THE AWARD OF THE TEXTILE INDUSTRIAL BOARD by deleting PART I - WAGE
RATES and inserting in lieu thereof the following:

TEXTILE AWARD

Established in respect of the trade of manufacturer of cloth and all woven materials and/or fabrics and/or knitted articles.

OPERATIVE DATE: As from the first pay period to commence on or after 6 April, 1985.

NOTE: This Award incorporates and supersedes No. 4 of 1984.

INDEX

PART I - WAGE RATES

SECTION I - MANUFACTURING SECTION

Clause No.		Page No.
1.	Wage Rates	3

SECTION II - CLERKS

1.	Basic Wage	3
2.	Margins	3
3.	Hours	5

SECTION III - AUXILIARY SERVICES

1.	Margins	6
2.	Juniors	6
3.	Shifts	7
4.	Tool Allowance	11

PART I - WAGE RATES

SECTION I - MANUFACTURING SECTION

1. WAGE RATES

- (a) The rates of pay of employees engaged in the knitting, hosiery and allied manufacturing and fabricating industries shall be in accordance with those prescribed in the award known as the Textile Industry Award, made by the Commonwealth Conciliation and Arbitration Commission.
- (b) Any disputes arising in respect of the provisions of sub-clause (a) hereof be referred to the President of the Tasmanian Industrial Commission whose decision shall be final.

SECTION II - CLERKS

1. BASIC WAGE

The minimum rate of wage that may be paid by employers to adult employees per week as a basic wage shall be \$104.20.

2. MARGINS

Except as prescribed in sub-clause (iii) hereof, adult employees of a classification hereunder mentioned shall, in addition to the basic wage prescribed in Clause 1 hereof, be paid the margin assigned opposite that classification.

Margin
Per Week
\$

(i) Adults

1.	1st year's adult experience	115.80
	2nd year's adult experience	134.40
	3rd year's adult experience	158.60
	4th year's adult experience	168.00
	5th year's adult experience	175.10
	6th year's adult experience and thereafter	184.60

2. An accountant or chief clerk wholly responsible for the office work and who prepares the balance sheet and profit and loss account 256.30
3. A clerk who is in charge of and responsible for the work of -
 - (a) 5 or more employees 210.50
 - (b) 3 or 4 employees 196.40
 - (c) 2 employees 189.60

(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 %	Amount Per Week \$
Under 16 years of age	40	95.40
16 to 17 years of age	45	107.40
17 to 18 years of age	55	131.20
18 to 19 years of age	70	167.00
19 to 20 years of age	80	190.90
20 to 21 years of age	90	214.70

(iii) 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 19 years shall be counted as adult experience.

(iv) Additional Payments

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

	Amount \$
Under 16 years of age	1.00
16 to 17 years of age	1.20
17 to 18 years of age	1.30
18 to 19 years of age	1.40
19 to 20 years of age	1.70
20 to 21 years of age	1.80
21 years of age and over	2.30

'Employees' in this sub-section shall mean any male or female clerk, typist or stenographer and shall include the Clerk-in-Charge.

3. HOURS

- (a) The maximum number of hours per week in respect of which the rates for wages fixed by this award shall be paid shall be 40 hours, to be worked between the hours of 7.00 a.m. and 6.00 p.m. Monday to Friday, inclusive.
- (b) The hours of work prescribed in this clause shall, excepting for a meal break of not less than 45 minutes nor more than 75 minutes, be continuous on each day. Such meal break shall be taken between the hours of 11.30 a.m. and 2.30 p.m.
- (c) Except where overtime is worked for a period not exceeding one hour after normal finishing time, no employee shall work for more than five hours without a break of not less than 45 minutes for a meal.
- (d) Employees other than those engaged as provided for in Clause 16 (Casual Employees) and Clause 17 (Part-time Employees) Section II, Part II, shall notwithstanding anything contained in Section 43 of the Industrial Relations Act 1975 be paid the weekly wage prescribed for a week of 40 hours for each week that he is ready, willing and available for work during the hours prescribed herein, and in addition thereto, such overtime or penalty rates, if any, that may have occurred during the relevant period.
- (e) Shifts may be worked between the hours of 6.00 a.m. and 11.00 p.m.

"Morning Shift" shall mean a shift commencing at 6.00 a.m.

"Afternoon Shift" shall mean a shift finishing after 6.00 p.m. but no later than 11.00 p.m.

Textile 5. Part I

Employees engaged on morning or afternoon shift shall be paid at the rate of \$23.00 per week in addition to the ordinary rates payable to day workers, irrespective of whether such shift is regarded as morning or afternoon shift, whether permanent or rotating.

The shift allowance shall be paid each shift on the basis of \$4.60 per shift worked each day.

SECTION III - AUXILIARY SERVICES

1. MARGINS

In addition to the basic wage prescribed in Clause 1, Section II of this Part, employees of a classification hereunder mentioned shall be paid the margin assigned opposite that classification.

	Margin Per Week \$
1. Watchman	140.80
2. Pastrycook	174.50
3. Cook in Charge	162.50
4. Cook other	143.80
5. Canteen Worker	125.90
6. Employee responsible for canteen work and mobile cash sales	129.60
7. Employee in charge of canteen stores	136.70
8. Cleaner	140.20
9. Gardener	142.60
10. Greenkeeper	149.20
11. Gatekeeper	136.40
12. Leading Hands : In charge of up to 10 employees \$12.60 per week extra.	

2. JUNIORS

The minimum rates of pay that may be paid to junior employees shall be the undermentioned percentages of the appropriate adult total wage calculated to the nearest ten cents.

	%
16 years of age	50
16½ years of age	55
17 years of age	59
17½ years of age	64

Textile 6. Part I

	%
18 years of age	69
18½ years of age	75
19 years of age	80
19½ years of age	85
20 years of age	100

Notwithstanding anything elsewhere contained in this clause a junior after three years experience, or upon attaining the age of 20 years, shall be paid the appropriate rate prescribed for an adult employee in the classification in which he or she is employed.

3. SHIFTS

- (a) "Day Shift" shall mean a shift worked between the hours of 7.00 a.m. and 6.00 p.m. provided that in cases where employees are required to work overtime commencing at 6.00 a.m. for a period exceeding 4 consecutive weeks they shall be deemed to be engaged on a morning shift.

"Morning Shift" shall mean a shift commencing at 6.00 a.m.

"Afternoon Shift" shall mean a shift finishing after 6.00 p.m. but not later than midnight.

"Night Shift" shall mean a shift the finishing time of which shall be after midnight but not later than 8.00 a.m.

"Permanent Night Shift" shall mean a shift which is applicable to an employee who -

- (i) during a period of engagement works night shift only; or
- ii) remains on night shift for a longer period than 4 consecutive weeks; or
- (iii) works on a night shift which does not rotate or alternate with another shift or with day work so as to give him at least one-third of his working time off night shift in each shift cycle.

"Short Shift" shall mean a shift of not less than 20 ordinary working hours per week.

Provided that, to meet extraordinary circumstances, the foregoing hours may be varied by mutual agreement in writing between the employer concerned and the Secretary of the local branch of the Union. In the event of any dispute the matter shall be referred to the Secretary for Labour for decision.

Provided further that by mutual agreement between the employer and his employees and with the concurrence of the Union, the hours of duty prescribed herein for a 'Night Shift' worker may be worked in 4 shifts. Under any such arrangement, all hours of duty beyond 9 hours, even if they come within the starting and finishing time of a shift, shall be paid for at overtime rates

- (b) Subject to the provisions of this clause employees under 18 years of age are prohibited from working before 6.00 a.m. or after 11.00 p.m.
- (c) Employees engaged on shifts (other than 'Day Shift' as herein defined) shall be paid at the rate of \$6.88 per day in addition to the ordinary rates payable to day workers, irrespective of whether such shift is regarded as morning, afternoon, or night shift, whether permanent or rotating.

Provided that employees engaged on the permanent night shift shall be paid at the rate of \$13.78 per day in addition to the ordinary rate payable to day workers.

- (d) Any employee who is employed on a Sunday shall for all time worked on that day be paid at the rate of double time. Provided that when by mutual agreement between an employer and his employee and with the consent of the Union, shifts are rearranged to commence on Sunday instead of Monday, ordinary rates shall be paid for Sunday work.
- (e) As far as practicable, employees shall work shifts in rotation.
- (f) Short shifts of employees over 18 years of age may be worked at the discretion of the employer. For work done on such shifts other than the day shift as defined in sub-clause (a) hereof, payment shall be made at the rate of \$6.95 per day in addition to the rates payable to day shift workers.
- (g) (i) All time worked by a shift worker (other than a 7 day continuous shift worker as defined) between midnight on Sunday and 7.00 a.m. on Monday shall be paid for at the rate of time and one half for the first 3 hours and double time thereafter.

- (ii) Starting the week's hours on a Sunday night any employee who is employed on a Sunday shall, for all time worked on that day, be paid at the rate of double time.

Provided that where by mutual agreement between an employer and his employees and with the consent of the Union, shifts are rearranged to commence on Sunday instead of Monday, ordinary rates shall be paid for Sunday work.

- (h) An employee who is required to change from one shift to another without 2 days notice of such change of shift shall be paid \$10.16 extra as compensation, but this shall not apply during any period where power restrictions are operating.
- (i) Shift workers may be required to work until the completion of their shifts on holidays without the payment of holiday rates. Provided they are not required to work on the night shift commencing on a holiday. Where a holiday prescribed by this award is observed on a Monday, shift workers may be given time off on the shift commencing on the Sunday night preceding a holiday and in such event shall be required to work on the usual night shift commencing on the holiday without additional pay. Provided further that where an employee works two complete shifts on a holiday, both shifts shall be paid for as holiday shifts.
- (j) Except for the regular changeover of shifts, no employee shall be required to change from one shift to another without a break of at least 12 hours.
- (k) (i) "Seven-day Continuous Shift Work" means work carried out with consecutive shifts of employees throughout the 24 hours of each of the 7 days of the week without interruption except during breakdowns or due to unavoidable causes beyond the control of the employer.

(ii) Sick Pay - Subject to the provisions of sub-clause (iv) hereof where the ordinary hours of a roster provide for a rostered overtime shift then employees shall be entitled to claim sickness benefits at ordinary rates for absences occurring through illness on the rostered overtime shift.

(iii) "Overtime" work performed by 7 day continuous workers shall be paid at the rate of double time.

(iv) This sub-clause shall apply to shift workers on continuous work as hereinbefore defined. The ordinary hours of shift workers shall, from 1 January, 1984 average 38 per week inclusive of crib time and shall not exceed 152 hours in twenty-eight consecutive days. Provided that, where the employer and the majority of employees concerned agree, a roster system may operate on the basis that the weekly average of 38 ordinary hours is achieved over a period exceeding 28 consecutive days. Provided further that prior to 1 January 1984, the ordinary hours of such shift workers shall continue as prescribed as at 2 November 1983. Subject to the following conditions, such shift workers shall work at such times as the employer may require:-

(A) A shift shall consist of not more than 10 hours inclusive of crib time. Provided that in any arrangement of ordinary working hours where the ordinary working hours are to exceed 8 on any shift the arrangement of hours shall be subject to the agreement of the employer and the majority of employees concerned.

(B) Except at the regular change-over of shifts, an employee shall not be required to work more than one shift in each twenty-four hours.

(l) 20 minutes shall be allowed each shift for a meal which shall be counted as time worked.

(m) Seven-day continuous shift workers for work done on a rostered shift, the major portion of which is performed on a Saturday, shall be paid at the rate of time and a half. Such extra rate shall be in substitution for and not cumulative upon the shift premium elsewhere prescribed.

(n) Seven-day continuous shift workers for work done on a rostered shift, the major portion of which is performed on a Sunday, shall be paid at the rate of double time. Such extra rate shall be in substitution for and not cumulative upon premium elsewhere prescribed.

(o) Seven-day continuous shift workers for work done on a rostered shift, the major portion of which is performed on a holiday, shall be paid at the rate of double time. Such extra rate shall be in substitution for and not cumulative upon the shift premium elsewhere prescribed.

- (p) A seven-day continuous shift worker who is rostered to work regularly on Sundays and holidays, when his rostered day off falls on a public holiday prescribed by this clause shall, at the discretion of the employer, be paid for that day, prior to 1 January 1984, 8 hours, and from 1 January 1984, 7 hours 36 minutes, at the ordinary rate or have an additional day added to his annual leave.

This sub-clause shall not apply when the holiday on which he is rostered off falls on a Saturday or Sunday.

- (q) Notwithstanding anything contained elsewhere in this award in any area where by reason of the legislation of a State, summer time is prescribed as being in advance of the standard time of the State, the length of any shift:

(i) commencing before the time prescribed by the relevant legislation for the commencement of a summer time period, and

(ii) commencing on or before the time prescribed by such legislation for the termination of summer time period shall be deemed to be the number of hours represented by the difference between the time recorded by the clock at the beginning of the shift and the time so recorded at the end thereof, the time of the clock in each case to be set to the time fixed pursuant to the State legislation.

In this sub-clause the expressions 'standard time' and 'summer time' shall bear the same meaning as prescribed by the State legislation.

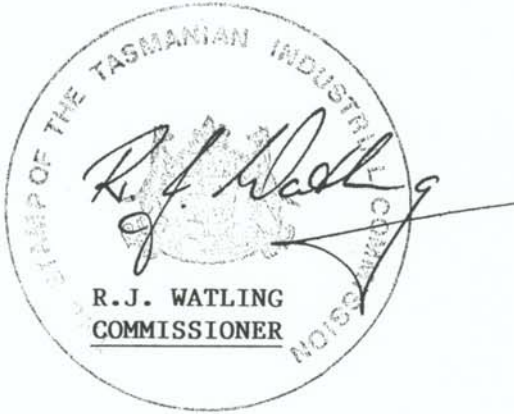
- (r) Save as aforesaid all the provisions of the award shall apply to 7 day continuous shift workers.

4. TOOL ALLOWANCE

All employees engaged in classifications that are proclaimed as trades under the Apprentices Act 1942, shall either be supplied with all tools by the employer or be paid a tool allowance of not less than \$7.60 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.

Dated at Hobart this Fifth day of July, 1985.



Textile 12. Part I