

IN THE TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T.1904, T.1910 and
T.1965 of 1989

IN THE MATTER OF APPLICATIONS
BY THE SHOP DISTRIBUTIVE AND
ALLIED EMPLOYEES' ASSOCIATION
AND THE FEDERATED CLERKS
UNION OF AUSTRALIA TO VARY
THE **TIMBER MERCHANTS AWARD**

RE: **4% SECOND TIER 38 HOUR
WEEK AND 3% SUPERANNUATION**

DEPUTY PRESIDENT

HOBART, 8 August 1989

REASONS FOR DECISION

APPEARANCES:

For the Shop Distributive and Allied Employees' Association	- Mr P Targett
For the Federated Clerks Union of Australia	- Mr D J Fry
For the Australian Timber Workers' Union, No. 6 Tasmanian Branch	- Mr P Oakley with Mr R Smith
For the Transport Workers Union of Australia	- Mr B Hansch
For the Tasmanian Confederation of Industries	- Mr M Sertori

DATE AND PLACE OF HEARING:

3 July 1989	Hobart
25 July 1989	Hobart

These matters concern applications to vary the Timber Merchants Award by the Shop Distributive and Allied Employees Association and the Federated Clerks Union of Australia (Tasmanian Branch).

Those applications concern claims for:-

1. The introduction of a 38 hour week.
2. 3% occupation superannuation benefits.
3. 4% second tier increase.

Following a preliminary hearing on 3 July 1989 the parties presented a number of documents to the Commission for ratification on 25 July 1989.

That documentation constituted both a synopsis of efficiency measures which have been instituted as required by the Wage Fixation Principles as they relate to introduction of a 38 hour week and the 4% second tier increase, and details of consequential award variations in relation to those two items, plus occupational superannuation.

The efficiency measures cover the following:-

1. Variable methods of working 38 hour week.
2. Storage of rostered days off to a maximum of 10 per annum.

3. In house discussion to determine the method of implementing the 38 hour week. The method of implementation may be reviewed at any time.
4. Spread of hours increased by 1/2 hour at the start of the day.
5. Meal Break can now be taken between 11.00 am and 3.00 pm.
6. 40 Divisor will apply for 12 months in calculating payment for work performed on Saturdays, Sundays, Public Holidays and overtime, and in calculating payment for part-time employees.
7. A minimum payment as for 2 hours worked will apply for work performed on Saturday mornings for employees engaged after 1 August 1989.
8. Annual Leave:
 - Proportionate leave on termination of service to become 12 2/3 hours per completed month of service.
 - Annual leave can be taken in multiple periods (Broken Leave).

- The annual leave provisions for part-timers working less than 20 hours per week is deleted.
 - One months notice of taking annual leave may be dispensed with subject to agreement between the employer, employee and endorsement by the union.
9. Work performed as overtime and on Saturdays, Sundays and Public Holidays may, subject to the employees request, be worked at ordinary time with time off taken at the penalty equivalent.
10. Sick Leave:
- The period of notification has been reduced from 48 hours to 1 hour.
 - New employees will accrue annual leave at the rate of 6.33 hours per month of service for the first three months of employment and will not be entitled to two weeks sick leave on engagement.
11. Wages may be paid by Electronic Fund Transfer, cash or cheque.
12. Introduction of a disputes and grievance procedure.

13. Employee can be required to remain at the work station for up to 10 minutes before overtime payment is applied.
14. Plant level negotiations to identify and agree upon further efficiency measures of a non-award nature.

All matters are consented to by the parties.

And efficiency items going to both the 38 hour week and 4% second tier are predominantly those which have already been accepted by this Commission in the Retail Trades Award.

The vast majority of employers are covered by the Federal Timber Industry Award in respect of employees other than shop assistants and clerks.

And the proposal in relation to superannuation mirrors the provisions already accepted by the Australian Industrial Relations Commission. This means that, if accepted by this Commission, the same fund, i.e. the Timber Industry Superannuation Scheme and the same list of exemptions will apply uniformly.

Such proposal is logical, and I agree with the parties that the consent variation sought in respect of all three matters meet the requirements of the Wage Fixation Principles and public interest.

It is therefore my decision that the claims in respect of the three categories, i.e. 4% second tier; 38 hour week; and 3% occupational superannuation be granted.

OPERATIVE DATE

- (a) The introduction of the 38 hour week and 4% second tier shall have effect from the beginning of the first full pay period to commence on or after 1 August 1989.
- (b) Provisions relating to the payment of 3% occupational superannuation shall have effect from the beginning of the first full pay period to commence on or after 1 September 1989.

