

IN THE TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T No. 2600 of 1990

**IN THE MATTER OF AN
APPLICATION BY THE FEDERATED
CLERKS UNION OF AUSTRALIA,
TASMANIAN BRANCH TO VARY THE
SHIPBUILDERS AWARD**

**RE: 4Z SECOND TIER, 38 HOUR
WEEK AND 3Z OCCUPATIONAL
SUPERANNUATION**

COMMISSIONER P A IMLACH

HOBART, 19 July 1990

REASONS FOR DECISION

Appearances:

For the Federated Clerks Union
of Australia, Tasmanian
Branch

- Mrs H Dowd

For the Tasmanian Confederation
of Industries

- Mr T Edwards

Dates and place of hearing:

1990.
Hobart:
July 17.

This was an application by the Federated Clerks Union of Australia, Tasmanian Branch (the FCU) for variations to the Shipbuilders Award "to vary wages by 4%, reduce normal working hours from 40 to 38 per week and include award provision for (the) 3% occupational superannuation benefit."

Mrs H Dowd appeared for the FCU and, with the aid of an exhibit¹ outlined in detail the variations sought. The alterations were quite extensive and proposed to affect a wide number and variety of clauses and to introduce new clauses. All this was brought about by the need to reflect in the Award the not inconsiderable offsets given by the FCU in exchange for the 4% second tier increase and the introduction of the 38 hour working week as well as the appropriate occupational superannuation provisions.

Brief details of those offsets, which will be listed for the record were supplied by Mr T Edwards who appeared for the Tasmanian Confederation of Industries (the TCI); they were:

1. Annual Leave

- (a) Broken leave provision as per Retail Trades Award.
- (b) Leave to be taken after 6 months by mutual agreement.

¹ Exhibit H1

2. Sick Leave

- (a) Notice of absence to be given where practicable before normal commencement time.
- (b) Accrual of sick leave for first 3 months of service.

3. Payment of Wages

- (a) Payment to be by EFT, cheque or cash at the employers discretion.
- (b) Payment to be either weekly or fortnightly by mutual agreement or by giving not less than one months notice of change.

4. Time in Lieu of Overtime

As per Retail Trades Award.

5. Hours

- (a) Span to be 7.00 am to 6.00 pm.
- (b) Meal break to be a minimum 45 minutes maximum 60 minutes or 30 minutes by agreement.
- (c) Meal to be taken between 11.00 am to 3.00 pm.

6. Saturday Work

No rest period if time worked is 4 hours or less.

7. Remain at Work Station

Employees are to remain at their work station for up to 10 minutes after normal finishing time to 'finish up' without additional payment (as per Retail Trades Award).

8. Probationary Employment

Provisions to be inserted providing for termination of employment on one day's notice by either side during the first two weeks of employment.

9. 38 Hour Week

- (a) Maximum range of options
- (b) No prima facie directive provisions.
- (c) Actual method of implementation to be by consultation between employer and employees.
- (d) Dispute settlement procedure.
- (e) Provision to work up to 10 hours per day without overtime.
- (f) Mixed functions provisions not to apply when employees are absent on an RDO unless banked RDO's in excess of one day are taken.
- (g) Substitution of RDO's without penalty payments.

Mr Edwards also confirmed the TCI's agreement to the award variations proposed and the offsets listed. He said the trade-offs were more than sufficient to cover the 4% increase and the introduction of the 38 hour week.

Whilst it seems to me that it would be well nigh impossible to assess accurately the value of the offsets, I am well satisfied that the parties have made genuine and significant attempts to satisfy the Wage Guidelines in all three matters raised. Also I am satisfied that the requirements have been met in each case.

I confirm and endorse the operative dates agreed between the parties, they were:

- (a) for the 4% wage increase - from the beginning of the first full pay period commencing on or after 17 July 1990.
- (b) for the remaining award variations - from the beginning of the first full pay period commencing on or after 15 August 1990.

An order is attached.

