

**TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984  
s23 application for award or variation of award

**Australian Liquor, Hospitality and Miscellaneous Workers Union - Tasmanian Branch**  
(T9245 of 2000)

Aerated Waters Award  
Automotive Industries Award  
Baking Industry Award  
Cleaning and Property Services Award  
Fibreglass and Plastics Award  
Furnishing Trades Award  
Health and Fitness Centres Award  
Hotels, Resorts, Hospitality and Motels Award  
Ice Cream Makers Award  
Independent Schools (Non Teaching Staff) Award  
Laundry and Dry Cleaning Award  
Leather, Canvas and Sheet Plastic Fabrication Award  
Licensed Clubs Award  
Miscellaneous Workers Award  
Restaurant Keepers Award  
Retail Trades Award  
Security Industry Award  
Shipping Award  
Veterinary Services Award  
Wholesale Plant Bakeries Award

**Australian Municipal, Administrative, Clerical and Services Union**  
(T9248 of 2000)

Barristers and Solicitors Award  
Broadcasting and Television Award  
Clerical and Administrative Employees (Private Sector) Award  
Community Services Award  
Disability Service Providers Award  
Estate Agents Award  
Fuel Merchants Award  
Insurance Award  
Marine Boards Award  
Medical Practitioners (Private Sector) Award  
Photographic Industry Award  
Public Accountants Award  
Softgoods Award  
Textile Award  
Totalizator Agency Award  
Wholesale Trades Award

**Shop, Distributive and Allied Employees Association, Tasmanian Branch**  
(T9251 of 2000)

Automotive Industries Award  
Bootmakers Award  
Hairdressers Award  
Insurance Award  
Retail Pharmacy Award  
Retail Trades Award  
Timber Merchants Award  
Wholesale Trades Award

**The Australian Workers' Union, Tasmania Branch**  
(T9275 of 2000)

Australian Cement Holdings Enterprise Award  
Automotive Industries Award  
Bootmakers Award  
Butter and Cheesemakers Award  
Clay and Mud Products Award  
Concrete Products Award  
Civil Construction and Maintenance Award  
Dairy Processing Award  
Farming and Fruit Growing Award  
Fish Aquaculture and Marine Products Award  
Horticulturists Award  
Leather, Canvas and Sheet Plastic Fabrication Award  
Meat Processing Award  
Metal and Engineering Industry Award  
Monumental Masons Award  
Optical Industries Award  
Pasminco Hobart Smelter Enterprise Award  
Pasminco (Rosebery) Mining Award  
Plant Nurseries Award  
Produce Award  
Public Vehicles Award  
Quarrymens Award  
Rubber Trades Award  
Shellfish Industry Award  
Timber Merchants Award  
Wireworking Award

**The Australasian Meat Industry Employees Union, Tasmanian Branch**  
(T9278 of 2000)

Meat Retailing Award

FULL BENCH:  
DEPUTY PRESIDENT R J WATLING  
COMMISSIONER P A IMLACH  
COMMISSIONER T J ABEY

Award variation - nominated private sector awards - meal allowance - increase to reflect CPI movements - applications granted - operative fpp 23 November 2000

## **AUSTRALIAN CEMENT HOLDINGS ENTERPRISE AWARD**

**ORDER BY CONSENT**

**No. 3 of 2000**

**THE AUSTRALIAN CEMENT HOLDINGS ENTERPRISE AWARD IS AMENDED IN THE FOLLOWING MANNER:**

By deleting Clause 22 - OVERTIME, and inserting in lieu thereof the following:

**"22. OVERTIME**

(a) Day Workers

Subject to subclause (c) hereof all work done by day workers in excess of or outside the ordinary hours prescribed shall be paid for at the rate of one and one half times the appropriate rate of wage for the first two hours on any one day at the rate of double such appropriate rate of wage thereafter, such double rate of wage to continue until the completion of the overtime work.

(b) Shift Workers

All work done by shift workers in excess of or outside the ordinary working hours prescribed or on a shift other than a rostered shift shall be paid at double the appropriate rate of wage, except when the time is worked:

- (i) by arrangement between the employees themselves, or
- (ii) for the purpose of effecting the customary rotation of shifts, or
- (iii) on a shift to which an employee is transferred on short notice as an alternative to standing down the employee in circumstances which would entitle the employer to deduct payment for a day in accordance with Clause 15 - Contract of Employment hereof;
- (iv) a shift worker required to work overtime immediately after working ordinary hours shall be paid a minimum of one hour's work at the appropriate rates, provided that except in the case of unforeseen circumstances arising the employee shall not be required to work the full hour if the job which he is held back to perform is completed within a shorter period.

(c) Rest Period Before Recommencing Work

- (i) An employee who works so much overtime between the termination of his ordinary work on one day and the commencement of his ordinary work on the next day that he has not had at least 10 consecutive hours off duty between those times shall, subject to this subclause be released after completion of such overtime until he has had 10 consecutive hours off duty without loss of pay for ordinary working time occurring during such absence.

If on the instructions of his employer such an employee resumes or continues work without having had such 10 consecutive hours off duty he shall be paid at double rates until he is released from duty for such period and he shall then be entitled to be absent until he has had 10 consecutive hours off duty without loss of pay for ordinary working time occurring during such absence.

**PROVIDED** that time off duty without loss of pay shall not be regarded as time worked for the computation of overtime or other penalty rates.

In the case of day workers, such rest period shall be exclusive of meal breaks.

- (ii) The provisions of paragraph (i) of this subclause shall apply in the case of shift workers as if eight hours were substituted for 10 hours when overtime is worked:
    - (1) for the purpose of changing shift rosters; or
    - (2) where a shift worker does not report for duty and a day worker or shift worker is required to replace such shift worker; or
    - (3) where a shift is worked by arrangement between the employees themselves.
  - (iii) When a day worker is required to change from day to shift work commencing on the same day he shall be allowed to cease work at such time as to allow a rest period of eight hours without loss of pay for ordinary hours of employment on that day. Provided that the time off duty without loss of pay shall not be regarded as time worked for the purpose of computation of overtime or other penalty rates.
  - (iv) Where an employee continues to work on the instructions of his employer after working for four hours or more at overtime rates before his ordinary starting time, he shall be paid at double time for his work until he shall have been relieved for at least 10 hours. Provided that he shall not be entitled to payment for any such rest period.
- (d) Recalls
- (i) An employee recalled to work overtime after leaving the employer's premises shall be paid for a minimum of four hours work at the appropriate overtime rate for each time he is so recalled; provided that, except in the case of unforeseen circumstances arising the employee shall not be required to work the full four hours if the job he was recalled to perform is completed within a shorter period.
  - (ii) Paragraph (i) hereof shall not apply:-
    - (1) In cases where it is customary for an employee to return to the employer's premises for periods not exceeding 30 minutes each to perform a specific job outside his ordinary working hours in which case he shall be paid for a minimum of one hour's work at the appropriate rate for each time he is so recalled; or
    - (2) Where the overtime is continuous (subject to a reasonable meal break) with the commencement of ordinary working time.

(iii) Where the actual time worked is less than four hours on such recall or in each of such recalls, overtime worked in the circumstances specified in this subclause shall not be regarded as overtime for the purpose of subclause (c) hereof.

(e) Overtime on Saturday

(i) A day worker required to work overtime on a Saturday shall be afforded at least four hours or paid for four hours at the appropriate rate except when such overtime is continuous with overtime or work commenced on the previous day or completed on the following day. Provided that where work continues over two days the minimum payment shall be for four hours at the appropriate rate.

(ii) This subclause shall not apply to any employee performing work on recall in accordance with subclause (d) hereof.

(f) Weekend Penalty Rates

The minimum rate to be paid to shift workers for work performed during ordinary hours shall be as follows:-

(i) Between midnight on Friday and midnight on Saturday, time and a half.

(ii) Between midnight on Saturday and midnight on Sunday, double time.

The extra rates provided by this subclause shall be in substitution for, and not cumulative on, premium prescribed for shift workers.

(g) Standing By

An employee required to hold himself in readiness for work outside his ordinary working hours shall, until released be paid standing by time at the ordinary rate of wage from the time he so holds himself in readiness.

(h) Working During Meal Breaks

All work performed by day workers during meal breaks and thereafter until a meal break is allowed shall be paid for at the rate on one and one-half times the ordinary rate of wage.

(i) Meal breaks - Maintenance Employees

An employee employed on regular maintenance shall work during meal breaks at the appropriate rate of wage whenever instructed to do so for the purpose of making good breakdowns of plant or upon routine maintenance of plant which can only be done whilst such plant is idle.

(j) Crib Time

An employee working overtime shall be allowed a crib time of 20 minutes without deduction of pay after each four hours of overtime worked if the employee continues work after such crib time.

**PROVIDED** that where a day worker on a five day week is required to work overtime on a Saturday, the first prescribed crib time shall, if occurring between 10.00 am and 1.00 pm be paid at ordinary rates.

Unless the period of overtime is one and a half hours or less an employee before starting overtime after working ordinary hours shall be allowed a meal break of 20 minutes which shall be paid for at appropriate overtime rate. An employer and employee may agree to any variation of this provision to meet the circumstances of the work in hand provided that the employer shall not be required to make any payment in respect of any time allowed in excess of 20 minutes.

(k) Meal Money

(i) Any employee required to continue at work on overtime for more than one and a half hours after his ordinary time, without having been notified on the previous day that he would be required to work overtime, shall be provided, free of cost, with a suitable meal and, if the work extends into a second meal break, another meal.

**PROVIDED** that in the event of meals not being provided by the employer he shall pay to the employee a meal allowance at the rate of \$10.20 for the first and each subsequent meal.

(ii) If an employee pursuant to notice has provided a meal and is not required to work overtime or is required to work less than one and a half hours he shall be paid \$10.20 for the meal which he has provided but which is surplus.

(l) Transport of Employees

Where an employee after having worked overtime or a shift for which he has not been regularly rostered or in order to commence overtime work or a shift for which he has not been regularly rostered has to travel at a time when reasonable means of transport are not available the employer shall provide him with a conveyance to and/or from his home or pay him his appropriate rate of wage for the time reasonably occupied in travelling to and/or from his home.

(m) Night Work for Day Workers

(i) A day worker who in lieu of ordinary day work, works at night for a period of less than 38 hours on consecutive nights, shall be paid at the rate of one and one-half times the ordinary rate of wage, except on a Saturday, a Sunday or a holiday when he shall be paid at the appropriate overtime rate prescribed for day workers.

(ii) In this subclause '**night**' means any hours between 4.00 pm and 8.00 am.

(n) Overtime Divisor

For the purpose of determining the appropriate hourly rate for overtime purposes, the appropriate weekly wage shall be divided by 40. Provided that '40' shall be replaced by '38' as at 4 January 1985.

(o) Requirement to Work Reasonable Overtime

The employer may require that employees shall work a reasonable amount of overtime at overtime rates and employees shall work in accordance with such requirements.

Should any dispute arise as to what constitutes a reasonable amount of overtime in view of the circumstances then prevailing, such dispute shall be referred to the Tasmanian Industrial Commission, for hearing and adjudication and his decision on the matter shall be final and binding on both employer and employees."

**OPERATIVE DATE**

This variation shall come into operation from the first full pay period to commence on or after 23 November 2000.

P A Imlach  
**COMMISSIONER**

27 November 2000