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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984
s.23 application for award or variation of award

The Australian Workers' Union, Tasmania Branch
(T12742 of 2006)

PRODUCE AWARD

DEPUTY PRESIDENT SHELLEY

Award variation – Part V Clause 1 - consent matter - application granted - award varied - operative date 31/8/06

ORDER BY CONSENT

No. 3 of 2006

THE **PRODUCE AWARD** IS VARIED IN THE FOLLOWING MANNER:

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BY DELETING FROM PART V – HOURS OF WORK, PENALTY PAYMENTS AND OVERTIME SUBCLAUSE 1(a) AND INSERTING IN LIEU THEREOF THE FOLLOWING:

"(a) All Employees except where otherwise listed in subclause (b) (c) or (d) of this clause

(i) The ordinary hours of work shall be an average of 38 per week to be worked on one of the following bases:

(1) 38 hours within a period not exceeding seven consecutive days; or

(2) 76 hours within a period not exceeding fourteen consecutive days; or

(3) 114 hours within a period not exceeding twenty-one consecutive days;
or

(4) 152 hours within a period not exceeding twenty-eight consecutive days;
or

(ii) The ordinary hours of work prescribed herein may be worked on all days of the week Monday to Friday inclusive, between 6.00 am and 6.00 pm. Subject to subclause (a) the ordinary hours of work prescribed herein shall not exceed ten hours on any day.

PROVIDED that the ordinary hours for employees who are employed by fruit wholesalers, shall be worked between the hours of 6.00 am to 6.00 pm Monday to Friday inclusive and 7.00 am to 12 noon on Saturday.

(iii) Circumstances may arise where different methods of implementing a 38 hour week may apply to various groups or sections of employees in the establishment concerned.

PROVIDED that the method of implementing the 38 hour week once adopted may be altered by mutual agreement.

(iv) Where the method of working a 38 hour week involves the employee taking a rostered day off such days may be worked and accrued to be taken at a time mutually agreed. No more than 10 rostered days off may be accrued.

PROVIDED that a rostered day off may be taken by mutual agreement between the employer and employee/s concerned and in the absence of agreement the employer shall provide the employee with 24 hours notice for the time of taking such day or days off.

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- (v) Rostered days off may be worked as an ordinary working day or days without penalty when substituted by another day or days by agreement between the employer and the employee/s concerned.
- (vi) No employee shall be entitled to more than 12 rostered days off in any 12 month period."

OPERATIVE DATE

This variation shall come into operation from 31 August 2006.

P C Shelley
DEPUTY PRESIDENT

31 August 2006