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**TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984

**T.712 of 1987**

**IN THE MATTER OF** AN APPLICATION BY THE TASMANIAN TRADES AND LABOR COUNCIL FOR VARIATION OF ALL PUBLIC AND PRIVATE SECTOR AWARDS AND AGREEMENTS TO INCREASE ALL WAGES, SALARIES AND ALLOWANCES BY 6.7 PERCENT AND TO VARY THE PRINCIPLES TO CONFORM WITH THE DECISION OF THE FULL BENCH OF THE AUSTRALIAN CONCILIATION AND ARBITRATION COMMISSION

**ORDER -**

**No. 1 of 1987  
(Consolidated)**

AMEND THE **ELECTRICAL ENGINEERS AWARD**, BY DELETING ALL CLAUSES CONTAINED THEREIN AND INSERTING IN LIEU THEREOF THE FOLLOWING:

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## **1. TITLE**

This award shall be known as the "Electrical Engineers Award".

## **2. SCOPE**

This award is established in respect of the industry of:

- (a) electrical engineer;
- (b) electrician; or
- (c) wholesale seller of electrical goods.

## **3. ARRANGEMENT**

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**4. DATE OF OPERATION**

This award shall come into operation from the beginning of the first full pay period to commence on or after 10 March 1987.

Provided that it is a term of this award (arising from the decision of the Tasmanian Industrial Commission in the National Wage Case flow-on of 1987) that the unions undertake that for the period of the package they will not pursue any claims, award or overaward, except where consistent with the National Wage Case Principles.

**5. SUPERSESSION AND SAVINGS**

This award incorporates and supersedes No. 2 of 1986 - Consolidated.

Provided further, that no right, obligation or liability incurred or accrued under any of the abovementioned provisions shall be affected by the replacement and supersession.

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## **6. PARTIES AND PERSONS BOUND**

Unless otherwise specified, this award shall have application to and be binding upon

- (a) all employers (whether members of a Registered Organisation or not) who are engaged in the industry specified in Clause 2 - Scope;
- (b) all employees (whether members of a Registered Organisation or not) for whom classifications appear in this award and who are engaged in the industry specified in Clause 2 - Scope;
- (c) the Electrical Trades Union of Australia, Tasmanian Branch and the officers of that organisation and their members employed in the industry specified in Clause 2 - Scope;
- (d) the Federated Clerks' Union of Australia (Tasmanian Branch) and the officers of that organisation and their members employed in the industry specified in Clause 2 - Scope;
- (e) the Shop Distributive and Allied Employees' Association, Tasmanian Branch and the officers of that organisation and their members employed in the industry specified in Clause 2 - Scope;
- (f) the United Sales Reps and Commercial Travellers' Guild of Australia, Tasmanian Branch and the officers of that organisation and their members employed in the industry specified in Clause 2 Scope;
- (g) the Electrical Contractors' Association of Tasmania and the officers of that organisation and their members engaged in the industry specified in Clause 2 - Scope;
- (h) the Tasmanian Chamber of Industries up to and including 26 April 187, and thereafter the Tasmanian Confederation of Industries; and
- (i) the Tasmanian Trades and Labor Council.

## **7. DEFINITIONS**

For the purposes of Division A:

- 1. **'Battery fitter'**, means an adult employee wholly engaged in the erection, overhauling or repairing of storage batteries.
- 2. **'Cable jointer'**, means an adult employee employed as a jointer of underground cables or employed fixing or repairing underground services in pipes.

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3. **'Confined space'** means a compartment or space access to which is through a man-hole or similar opening, or a place the dimensions of which necessitate an employee working in a stooped or otherwise cramped position, or without proper ventilation.
4. **'Construction work'** means work in connection with the erection, repair, maintenance and renovation of buildings or structures.
5. **'Electrical fitter and/or armature winder'**, means a fitter mainly engaged in making, fitting, or repairing electrical machines, instruments or appliances, who in the course of his work applies electrical knowledge.
6. **'Electrical instrument maker and/or repairer'** means an adult employee employed in an electrical supply undertaking who is required to design, test, repair, and build electrical measuring and/or recording appliances and/or instruments (not including consumers' meters) and carry out experiments on same in workshops/laboratory.
7. **'Electrical mechanic'**, means a tradesman mainly engaged on electrical installation, repair and maintenance work.
8. **'Electrician, special class'**, means an electrical fitter or electrical mechanic who is mainly engaged on complex or intricate circuitry or both, the performance of which work requires the use of "additional knowledge" as herein defined. For the purpose of this definition, "additional knowledge" means knowledge in excess of that gained by the satisfactory completion of the appropriate technical college trade course which has been acquired by the tradesman by virtue of his:
  - (i) having had not less than 2 years on-the-job experience as a tradesman working mainly on such complex or intricate circuitry work as will enable the tradesman to perform such work unsupervised where necessary and practicable; and
  - (ii) having, by virtue of either the satisfactory completion of a prescribed post trade course in industrial electronics or the achievement of a comparable standard of knowledge by other means including the on-the-job experience referred to in paragraph (i) hereof, gained a sufficient comprehension of such complex or intricate circuitry work as will enable the tradesman to examine, diagnose and modify systems comprising inter-connected circuits.

For the purpose of this definition the following course is deemed to be the prescribed post trade course in industrial electronics -

The Industrial Electronics Course of the Technical Education Department of Tasmania, or such other approved course conducted by educational institutions in other States of Australia.

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9. **'Employees of electrical contractors only'**, means any employees working for any company or business who are engaged in the construction industry which includes construction, demolition, alteration, maintenance or repair work on buildings, roads, wharves or jetties or bridges, viaducts, tunnels, chimney stacks, silos, ships, etc., as well as the dunnaging of ship holds.
10. **'Linesman'**, means an adult employee qualified as an electrical tradesman engaged erecting, fixing, maintaining or repairing overhead conductors or electrical apparatus or fixing service cutout boxes or supports for meters.
11. **'Linesman's assistant'**, means an adult employee engaged in assisting a linesman.
12. **'Radio mechanic'**, means an employee solely engaged in repairing or assembling radio sets and public address systems.
13. **'Refrigeration mechanic or serviceman'**, means an adult employee engaged on the installation, repair and maintenance work on all types of electrically operated refrigeration units.
14. **'Shift electrician'**, means an electrician of at least 5 years' experience, who is in charge of a generating station or rotary converter sub-station during his shift and is not constantly under the supervision of a superior officer.
15. **'Show Day'** means not more than one local show day observed on an employee's ordinary working day, other than a Saturday or a Sunday, in the city, town or district in which the employee is employed; or such other day which, in the absence of such a local show day, is agreed on by the employee and the employer, therefore making a total of 11 paid public holidays per year.
16. **'Sunday'** means all time between midnight Saturday and midnight Sunday.
17. **'Television/radio electronic equipment serviceman'** -

GRADE I:

means an adult who has completed an appropriate trades course or who has achieved an equivalent standard of skill and knowledge and who is engaged on routine servicing work which requires no more than the application of the general trade experience gained through apprenticeship or equivalent training on that work.

GRADE II:

means an adult who has completed an appropriate trades course which includes instruction in colour television or who has achieved an equivalent standard of skill and knowledge through his experience in the industry or through a special course of tuition and is required to diagnose and rectify

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faults in television and radio equipment or other electronic equipment or apparatus.

For the purposes of Division B:

18. A '**casual employee**' means any person who is employed on a casual basis and includes any person who is employed for a period not exceeding 5 days at any one time.
19. A '**part-time employee**' is one engaged to regularly work for less hours per day or week than those prescribed for full-time employees.
20. '**Probationary traveller**' shall mean a commercial traveller of less than 12 months experience with one or more employer.
21. '**Section manager and/or buyer/orderer**' means an employee in charge of a section or an employee who buys or supervises the buying or selection of stock, and who is also responsible for the keeping of stock of the section and who is actually employed in that section and in direct contact with the customers, notwithstanding that he may be under the orders of a superior who does not devote the whole of his time to the management of the section.
22. '**Senior salesman**' or '**senior saleswoman**' means, in the case of a male employee, the adult salesman who is second-in-charge of a department controlled by a departmental manager, manager or owner; and, in the case of a female employee, the adult saleswoman who is second-in-charge of a department controlled by a departmental manageress or manager/owner. An employee shall be classed as second-in-charge only if so appointed by the employer or his representative.

For the purposes of Division C:

23. A '**casual employee**' means any person who is employed on a casual basis and includes any person who is employed for a period not exceeding 5 days at any one time.
24. A '**part-time employee**' is one engaged to regularly work for less hours per day or week than those prescribed for full-time employees.

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## **8. WAGE RATES**

### **DIVISION A - ELECTRICAL ENGINEERS AND ELECTRICIANS**

#### **1. WAGES**

The wage rates set out in this subclause shall be the minimum rates payable to employees herein named.

Classification	Amount Per Week \$
1. Battery fitter (as defined)	315.00
2. Battery attendant	239.90
3. Cable jointer (as defined)	315.00
4. Cable jointer's mate	239.90
5. Electrical fitter and/or armature winder (as defined)	315.00
6. Electrical mechanic (as defined)	315.00
PROVIDED that an employee who is a holder of an 'A' Grade Licence shall be paid an additional allowance of \$10.70 per week.	
7. Electrician, special class (as defined)	378.10
8. Linesman (as defined)	315.00
9. Linesman's assistant (as defined)	239.90
10. Shift electrician (as defined)	315.00
11. Electrical instrument maker and/or repairer	349.30
12. Refrigerator mechanic or serviceman (as defined)	315.00
13. Radio mechanic (as defined)	315.00
14. Television/Radio Electronic Equipment Serviceman	
Grade 1	315.00
Grade 11	378.10
15. Electrical fitter's and mechanic's assistant	240.50
16. Storeman Grade 1	274.00
17. Storeman Grade 2	280.60

#### 18. Leading Hand

- (a) In charge of not less than 3 and not more than 10 employees 13.30 per week extra.

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- (b) In charge of more than 10 and not more than 20 employees including apprentices, \$19.70 per week extra.
  - (c) In charge of more than 20 employees including apprentices \$30.20 per week extra.
19. Foreman Electrician, i.e. an employee appointed as such by the employer or his representative to direct and supervise the work of other employees, and who is responsible for the requisition of materials, keeping times, setting out work, and estimating - shall be paid an allowance of \$5.52 per day.
20. The Licence Nominee Allowance of \$28.50 per week shall be paid in addition to the appropriate margin and allowance prescribed elsewhere in this clause to the 'A' Grade Electrician who acts as the Licence Nominee, i.e. The person nominated on the H.E.C. Electrical Contracting Licence.

## 2. DISABILITY ALLOWANCE

In addition to the rates prescribed in subclause 1, employees (including apprentices) specified by classifications numbers 3, 4, 5, 6, 7, 10, 12, 15 and 18 therein, shall be paid an allowance at the rate of \$13.10 per week.

The payment of the allowance prescribed shall be in recognition of and compensation for disabilities generally existing where employees are engaged on construction work (as defined) on site or where work is performed on the installation, servicing, repairing and/or maintenance of lifts and/or escalators in situ.

## 3. DISPENSATION ALLOWANCE

In addition to the rates prescribed in subclause 1 hereof, employees specified by classifications 5, 6 and 7 of Clause 2 therein, shall be paid an allowance of:-

Classification	Amount Per Week \$
7	22.50
A Grade 5	27.30
A Grade 7	25.00
5 and 6 without A Grade	24.80
5 with A Grade	26.70
7 with A Grade	24.40
7 without A Grade	22.00
5 and 6 without A Grade	24.60

Increases to margins and basic wage in this section resulting from National Wage Cases occurring after 1st October, 1983, shall be absorbed into the Dispensation Allowance, provided the dispensation is not less than \$22.00 up to 30th June, 1984.

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The Dispensation Allowance (set out below) shall be paid to the Electrical Fitter's Assistant and the Electrical Mechanic's Assistant. This amount shall be absorbed against any future National Wage increase up to 30th June, 1984.

Amount Per Week

\$

13.70

5.30

Provided Further:-

- (i) This allowance is not payable to apprentices and juniors.
- (ii) This allowance applies to employees of electrical contractors only (i.e.) contractors whose principal source of income is derived from carrying out electrical work for hire).
- (iii) No junior shall be employed on a construction site.
- (iv) This allowance shall be for all purposes and shall be in lieu of all special rates contained in Clause 1, Section I, Part II, and shall not be payable to any tradesman who is paid the T.V. Industry Allowance.

#### 4. T.V. INDUSTRY ALLOWANCE

A T.V. Industry Allowance of \$15.60 shall be paid to a Television/Radio Electronic Equipment Serviceman Grade I (as defined) and \$12.60 shall be paid to a Television/Radio Electronic Equipment Serviceman Grade II (as defined) only.

This allowance is specifically in lieu of the allowances prescribed in Clauses 3 and 4 and shall be paid for all purposes. Provided that any general marginal increases for tradesmen in receipt of a margin of \$127.30 or more (National Wage excluded) shall be absorbed in this allowance.

This allowance is not payable to apprentices, juniors and non-tradesmen and is payable as a weekly amount.

#### 5. JUNIOR WORKERS

The class of work that may be performed by junior workers shall be sweeping and cleaning, running errands, or packing or unpacking goods, and the proportion of such juniors shall not exceed one junior to every three journeymen employees.

The minimum rates of wages that may be paid to junior workers shall be the undermentioned percentages of the adult male wage, prescribed for item 15, Clause 2 hereof calculated to the nearest 10 cents.

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	Percentage of Adult Wage for Item 15 %
Under 16 years of age	26
16 years of age	37
17 years of age	50
18 years of age	63
19 years of age	79
20 years of age	95

No junior workers shall be employed on a construction site.

## 6. APPRENTICES

(a) An employer shall not employ minors in the following trades or occupations otherwise than in accordance with the requirements of the Apprentices Act 1942 and the Regulations made thereunder:-

- (i) Electrical fitter and/or armature winder;
- (ii) Electrical mechanic;
- (iii) Refrigeration mechanic or serviceman;
- (iv) Television/Radio Electronic Equipment Serviceman.

(b) Probationary Period

Minors may be taken on probation for three months and if apprenticed, such three months shall count as part of their period of apprenticeship. An employer shall, within 14 days of employing a probationer, notify the Apprenticeship Commission of Tasmania of the employment of such probationer to any of the trades mentioned.

Wages

(c) The minimum ordinary rates of payment to be paid by employers to apprentices, probationary apprentices, adult apprentices and other junior workers not elsewhere provided for shall be:-

A. Apprentices and probationary apprentices:

The undermentioned percentages of the tradesmen's rate of wages, i.e. the wage rate for Classification 1, subclause 1 hereof.

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	Percentage of Tradesmen's Rate %
1st year	42
2nd year	55
3rd year	75
4th year	88

The said minimum rate shall be calculated to the nearest 10 cents.

B. All apprentices who have not completed their apprenticeship by their 22nd birthday shall be paid the base tradesman rate of wage (i.e. the total wage prescribed for classification 6 subclause 1 hereof, for all the period of their apprenticeship over the age of 22 years).

C. Other Junior Labour -

An employee who is under the age of 21 on completion of his apprenticeship or any junior, other than a probationer or an apprentice, who uses the tools in performing work usually carried out by a tradesman shall be paid not less than the appropriate wage prescribed for a tradesman.

Overtime and Shift Work

(d) No apprentice under the age of 18 years shall be required to work overtime or shift work unless he so desires.

No apprentice shall, except in an emergency, work or be required to work overtime or shift work at times which could prevent his attendance at technical school as required by any statute, or regulation applicable to him.

(e) An apprentice shall not work under any system of payment by results.

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## **DIVISION B - WHOLESALE SELLER OF ELECTRICAL GOODS**

### 1. WAGES

#### (a) Adults

The minimum rates of wages that may be paid to adult employees classified hereunder shall be:

	Amount Per Week \$
1. Shop assistant and salesman -	
First year's adult experience	243.60
One year's additional experience	263.40
Two year's additional experience and thereafter	289.10
2. Senior salesman (as defined)	304.20
3. Branch manager (other than Tasmanian head office)	367.50
4. Section manager and/or Buyer/ Orderer (as defined)	
(a) Of a section where 5 or more employees (including the section manager and/or buyer/ orderer) are employed	344.20
(b) Of a section where 3 or 4 employees (including the section manager and/or buyer/ orderer) are employed	329.20
(c) Of a section where 2 employees (including the section manager and/or buyer/orderer) are employed	321.80
5. Country salesman (irrespective of the number of hours worked)	337.60
6. Outside salesman (town and suburban)	310.90
7. Probationary traveller (as defined)	279.60
8. Storeman Grade 1.	274.00
9. Storeman Grade 2	280.60

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A storeman working singly and/or a storeman who has control of an isolated store where no direct supervision is exercised and is responsible for receipt, controls, issues and stock checking of goods and/or material, notation and preparation of necessary documents.

10. Leading Hands

- (i) If in charge of less than 3 employees, \$3.70 per week extra;
- (ii) If in charge of 3 to 10 employees, \$7.30 per week extra;
- (iii) If in charge of 11 to 20 employees, \$11.60 per week extra;
- (iv) If in charge of 21 or more employees, \$17.30 per week extra.

11. Cleaner 234.10

(b) 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 %
Under 17 years of age	54
17 to 18 years of age	59
18 to 19 years of age	73
19 to 20 years of age	86
20 to 21 years of age	90

Proviso:

When determining the margin payable to an employee attaining the age of 21 years, who has been employed as a junior assistant in any of the trades covered by this award, experience obtained after reaching the age of 18 years shall be counted as adult experience.

2. MINIMUM WAGE

- (a) Notwithstanding the provisions of subclause 1 hereof, no adult employee shall be paid less than the rate of \$208.70 per week.
- (b) Provided that payments for overtime, holiday and weekend penalties, prescribed in this award shall not be taken into account in the calculation of such minimum weekly rate of wage.

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Where a minimum rate of pay as aforesaid is applicable to an employee for work in ordinary hours the same rate shall be applicable to the calculation of overtime and all other penalty rates, payments during sick leave and annual leave, and for all other purposes of this award.

**DIVISION C - CLERKS**

1. WAGES

(a) Adults

The minimum rates of wages that may be paid to adult employees classified hereunder shall be:

	Margin Per Week \$
1. 1st year's adult experience	243.60
2nd year's adult experience	263.40
3rd year's adult experience and thereafter	289.10
2. An accountant or chief clerk wholly responsible for the office work and who prepares the balance sheet and profit and loss account	392.80
3. A clerk who is in charge of and responsible for the work of	
(a) 5 or more employees	344.20
(b) 3 or 4 employees	329.20
(c) 2 employees	321.80

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

(b) 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.

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	Percentage of Second Year Adult Rate %
Under 16 years of age	40
16 to 17 years of age	45
17 to 18 years of age	55
18 to 19 years of age	70
19 to 20 years of age	80
20 to 21 years of age	90

(c) Proviso

When determining the wage rate 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 awards of the Tasmanian Industrial Commission relating to private industry employees, experience obtained after reaching the age of 18 years shall be counted as adult experience.

(d) Additional Payments

In addition to the weekly rates prescribed herein the following additional amounts per week shall be paid to stenographers, audiotypists, 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	1.50
19 to 20 years of age	1.80
20 to 21 years of age	1.90
21 years of age and over	2.40

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## **CONDITIONS FOR EMPLOYEES IN DIVISION A - ELECTRICAL ENGINEERS AND ELECTRICIANS**

### **9. ANNUAL LEAVE**

(a) Period of Leave

(i) Dayworkers

A period of 28 consecutive days' leave shall be allowed annually to an employee after 12 months' continuous service (less the period of annual leave) to an employee on weekly hiring in any one or more of the occupations to which this award applies.

(ii) Shiftworkers

In addition to the leave hereinbefore prescribed, 7 day shiftworkers who are rostered to work regularly on Sundays and holidays shall be allowed 7 consecutive days' leave including non-working days.

Where an employee with 12 months' continuous service is engaged for part of the 12 monthly period as a 7 day shiftworker, he shall be entitled to have the period of annual leave hereinbefore prescribed increased by one half a day for each month he is continuously engaged.

(b) Annual Leave Exclusive of Public Holidays

Subject to this subclause, the annual leave prescribed by this clause shall be exclusive of any of the holidays prescribed by Clause 16 - Holidays with Pay, and if any such holiday falls within an employee's period of annual leave and is observed on a day which, in the case of that employee would have been an ordinary working day, there shall be added to the period of annual leave, time equivalent to the ordinary time which the employee would have worked if such day had not been a holiday.

Where a holiday falls as aforesaid and the employee fails without reasonable cause, proof whereof shall be upon him, to attend for work at his ordinary starting time on the working day immediately following the last day of the period of his annual leave he shall not be entitled to be paid for any such holiday.

(c) Calculation of Continuous Service

For the purposes of this clause, service shall be deemed to be continuous notwithstanding

- (i) Any interruption or determination of the employment by the employer if such interruption or determination has been made with the intention of avoiding obligations hereunder in respect of leave of absence;

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- (ii) Any absence from work on account of personal sickness or accident, and in calculating the period of 12 months' continuous service, absence on account of personal sickness or accident to the extent of 91 days in any 12 months shall be deemed to be part of the period of continuous service.
- (iii) Any absence with reasonable cause proof whereof shall be upon the employee or leave lawfully granted by the employer, but such absence shall not be taken into account in calculating the period of 12 months' continuous service.

(d) Proportionate Leave on Termination of Service

If after one month's continuous service in any qualifying 12 monthly period an employee lawfully leaves his employment, or his employment is terminated by the employer through no fault of the employee the employee shall be paid at his ordinary rate of wage as follows:

thirteen and one third hours for each completed month of continuous service.

(e) Payment in Lieu Prohibited

The annual leave provided for by this clause shall be allowed and shall be taken, and except as provided in subclause (d) hereof, payment shall not be made or accepted in lieu of annual leave.

(f) Payment for Period of Leave

(a) Employees other than Clerks and Shop Assistants

- (i) Each employee before going on leave shall be paid the amount of wage he would have received respect of the ordinary time which he would have worked had he not been on leave during the relevant period.
- (ii) During a period of annual leave an employee shall receive a loading calculated on the rate of wages prescribed for the employee concerned. The loading shall be as follows:
  - (a) Day Workers - An employee who would have worked on day work only had he not been on leave, a loading of 17 1/2%.
  - (b) Shift Workers - An employee who would have worked on shift work had he not been on leave, a loading of 17 1/2%.

Provided that, where the employee would have received shift loadings as prescribed had he not been on leave during the relevant period and such loadings would have entitled him to a greater amount than the loading of 17 1/2%, then the shift loading shall be added to the rate of wage prescribed in lieu of the 17 1/2% loading.

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Provided further that if the shiftloading would have entitled him to a lesser amount than the loading of 17 ½%, then such loading of 17 1/2% shall be added to the rate of wage prescribed in lieu of the shift loadings.

(b) Clerks and Shop Assistants

- (i) All employees before going on leave shall be paid the amount of wages they would have received in respect of the ordinary time which they would have worked had they not been on leave during the relevant period.
- (ii) In addition thereto all employees (including part time employees engaged to work 20 or more hours per week) shall receive a loading of 17 1/2% on payments made for annual leave as prescribed in paragraph (a) for annual leave falling due. Such loading shall not apply to proportionate leave on termination of service.
- (iii) Part-time employees engaged to work less than 20 hours per week for a continuous 12 monthly period, shall be paid a loading on each anniversary date of their engagement.

Such loading shall be calculated in the following manner:

70% of the average weekly wage for the 3 months prior to the anniversary date falling due. This average weekly wage is to exclude the 20% loading paid in lieu of annual leave, sick leave and public holidays.

(g) Calculation of Service

Where the employer is a successor or assignee or transmittee of a business and an employee was in the employment of the employer's predecessors at the time when the employer became such successor or assignee or transmittee the employee in respect of the period during which he was in the service of the predecessor, shall for the purpose of this clause be deemed to be in the service of the employer.

(h) Time of Taking Leave

Annual leave shall be given at a time fixed by the employer within a period not exceeding 6 months from the date when the right to annual leave accrued. Where practicable and unless otherwise mutually arranged between the employer and the employee, at least 2 weeks' notice shall be given to the employee that his annual leave is to be taken.

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(i) Broken Leave

Leave allowed under the provisions of this subclause shall be given and taken in one consecutive period within 6 months from the end of the preceding year of employment, or if the employer and the employee so agree in 2 separate periods, the lesser of which shall be of not less than 7 consecutive days. No entitlement shall be permitted to accrue beyond 12 months after the date of accrual.

(j) Disputes

Any dispute arising out of this clause shall be determined by the Secretary for Labour, whose decision shall be final.

## **10. AVAILABILITY**

### Availability for Duty

When an employee is on 'availability duty' he shall be paid an additional allowance of \$26.00 per week.

'Availability duty' means that an employee is available for recall to work after normal working hours and within a period of approximately 15 minutes.

## **11. CAR ALLOWANCE**

Any employee who is required by his employer to use his own motor vehicle in the service of the employer shall be paid 24.4 cents per kilometre for the use thereof.

## **12. CLOTHING AND EQUIPMENT**

- (a) Overalls or other protective clothing - where an employer requires an employee to wear overalls or other protective clothing same shall be provided and laundered free of cost to the employee.
- (b) Damage to clothing - compensation to the extent of the damage sustained shall be made where, in the course of the work, clothing is damaged or destroyed by fire or molten metal or through the use of corrosive substances.
- (c) The provision of all protective and safety equipment shall be in accordance with the requirements of the Factories, Shops and Offices Act 1965, the Inspection of Machinery Act 1960, the Scaffolding Act 1960, and the Regulations made to each of these Statutes.

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### **13. COMPASSIONATE LEAVE**

An employee shall on the death of a wife, husband, father, mother, child, stepchild, brother, sister, mother-in-law, father-in-law, stepmother, stepfather, grandfather, grandmother, be entitled upon application being made to, and approved by the employer, to leave up to and including the day of the funeral of such relative and such leave will be without deduction of pay not exceeding the number of ordinary hours worked by the employee in 3 ordinary days, provided that no payment shall be made in respect of an employee's rostered days off.

Proof of such death, in the form of a death notice or other written evidence, shall be furnished by the employee to the satisfaction of the employer, provided furthermore that this clause shall have no operation while the period of entitlement to leave under it coincides with any other period of entitlement to leave.

For the purpose of this clause the words 'wife' and 'husband' shall not include a wife or husband from whom the employee is separated, but shall include a person who lives with the employee as a de facto wife or husband.

### **14. CONTRACT OF EMPLOYMENT**

- (a) Except as hereinafter provided, employment shall be by the week. Any employee not specifically engaged as a casual employee shall be deemed to be employed by the week.

Any employee employed by the week shall, provided he is ready, willing and available for work be paid the weekly wage prescribed for a full week's work and in addition thereto such overtime or other penalty rates if any that may have occurred during the relevant period.

- (b) Employment shall be terminated by a week's notice on either side given at any time during the week or by the payment or forfeiture of a week's wages, as the case may be. This shall not affect the right of the employer to dismiss any employee without notice for malingering, inefficiency, neglect of duty or misconduct, and in such cases the wages shall be paid up to the time of dismissal only or to deduct payment for any day the employee cannot be usefully employed because of any strike, or through any breakdown in machinery or any stoppage of work, by any cause for which the employer cannot be reasonably held responsible.
- (c) Any employee not attending for duty shall, except as provided by Clause 29 - Sick Leave, lose his pay for the actual time of such non-attendance.
- (d) Casual Employment
- (i) A casual employee, for working ordinary time, shall be paid 20% above the equivalent hourly rate of the weekly rate prescribed by this award for the work which he performs.

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(ii) A casual employee is one engaged and paid as such. He shall not be entitled to payment for public holidays not worked or sick pay.

(e) Late Comers

Notwithstanding anything elsewhere contained in this award an employer may select and utilise for time-keeping purposes, any fractional or decimal proportion of an hour (not exceeding a quarter of an hour) and may apply such proportion in the calculation of the working time of employees who, without reasonable cause promptly communicated to the employer, report for duty after their appointed starting times or cease duty before their appointed finishing times.

An employer who adopts a proportion for the aforesaid purpose shall apply the same proportion for the calculation of overtime.

## **15. HOLIDAY AND SUNDAY WORK**

- (a) Employees required to work on the holidays prescribed in Clause 16 - Holidays with Pay shall be paid at the rate of double time and one half with a minimum payment as for 4 hours' work, such double time and one half to continue until the employee is relieved from duty.
- (b) Employees required to work on Sundays shall be paid at the rate of double time with a minimum payment as for 4 hours' work, such double time to continue until the employee is relieved from duty.
- (c) If any employee is dismissed within 14 days before any of the holidays mentioned in Clause 16 hereof and is re-engaged within 14 days after any of the said holidays, he shall be deemed to have been dismissed for the purpose of evading payment for such holidays and any payment so evaded shall be due and payable to the employee.

## **16. HOLIDAYS WITH PAY**

- (a) All employees (other than casuals, or part-time employees mentioned in subclause (b), Clause 40 - Part-time Employees of Division B) shall be allowed the following days as paid holidays:

New Year's Day, Australia Day, Hobart Regatta Day (south of Oatlands), Labour Day, Good Friday, Easter Monday, -Anzac Day, Queen's Birthday, Show Day (as defined in Clause 7), the first Monday in November (where Hobart Regatta Day is not observed), Christmas Day and Boxing Day.

- (b) Payment for the holidays mentioned in subclause (a) which are taken and not worked shall be at the normal rate of pay which would have applied to the employee concerned, when, if it were not for such holiday, he had been at work.

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- (c) Payment to an employee for work performed on holidays mentioned in subclause (a) shall be at the rates prescribed elsewhere in this award.

## **17. HOURS OF EMPLOYMENT**

- (a) Day workers - the ordinary hours of employment for day work employees shall be 40 per week, to be worked in 5 days of 8 consecutive hours, excluding a meal break not exceeding one hour, between the hours of 8 a.m. and 5.30 p.m. on Monday to Friday inclusive.
- (b) Continuous work shifts as hereinafter defined - the ordinary hours of such shift worker shall not exceed:
- (i) 8 in any one day; nor
  - (ii) 40 in any one week; nor
  - (iii) 80 in 14 consecutive days; nor
  - (iv) 160 in 28 consecutive days.

Subject to the following conditions, such shift workers shall work at such times as the employer may require

- (i) A shift shall consist of 8 hours, inclusive of crib time.
  - (ii) Except at the regular change-over of shifts an employee shall not be required to work more than one shift in each 24 hours.
  - (iii) 20 minutes shall be allowed to shift workers each shift for crib, which shall be counted as time worked.
- (c) Shift workers, other than those on continuous work, as hereinafter defined - the ordinary hours of such shift workers shall not exceed:
- (i) 40 in any week, to be worked in 5 shifts of 8 hours, Monday to Friday inclusive;
  - (ii) 80 in 14 consecutive days in which case an employee shall not, without payment of overtime be required to work more than 8 consecutive hours on any shift or more than 6 shifts in any week;
  - (iii) 120 in 21 consecutive days in which case an employee shall not, without payment of overtime, be required to work more than 8 consecutive hours on any shift or more than 6 shifts in any week.

Such ordinary hours shall be worked continuously except for meal breaks at the discretion of the employer. An employee shall not be required to work for more than 5 hours without a break for a meal.

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Except at regular change-over of shifts, an employee shall not be required to work more than one shift in each 24 hours.

**18. HOURS OF WORK - EMPLOYEES OF ELECTRICAL CONTRACTORS ONLY**

- (a) The ordinary hours of work for day workers shall be an average of 38 per week to be worked on one of the following bases:
  - (a) 38 hours within a work cycle not exceeding 7 consecutive days; or
  - (b) 76 hours within a work cycle not exceeding 14 consecutive days; or
  - (c) 114 hours within a work cycle not exceeding 21 consecutive days; or
  - (d) 152 hours within a work cycle not exceeding 28 consecutive days.
- (b) The ordinary hours of work prescribed herein may be worked on any day or all of the days of the week, Monday to Friday.
- (c) The ordinary hours of work prescribed herein shall not exceed 8 hours on any day.
- (d) The ordinary hours of work prescribed herein shall be worked continuously, except for meal breaks, at the discretion of the employer between 8 a.m. and 5.30 p.m. Provided that the spread of hours may be altered as to all or a section of the employees by mutual agreement between an employer and his employees.
- (e) The ordinary working hours shall be worked as a 19 day 4 consecutive week cycle of 8 hours each Monday to Friday with a working day off in each cycle which will be taken on the days specified in the schedule to this clause. The first cycle shall be deemed to have commenced on 1 December, 1982. Provided that for the purpose of this award a reference to the day off pursuant to paragraph (iv) hereof shall be read as also referring to a day off pursuant to the first paragraph of this subclause. Provided that where an employer and the majority of his employees concerned agree, the method of implementation of the 38 hour week may, in lieu of the above, be any one of the following:
  - (i) by employees working less than 8 ordinary hours each day; or
  - (ii) by employees working less than 8 ordinary hours on one or more days in each week; or
  - (iii) by employees working less than 8 ordinary hours on one or more days in each fortnight; or
  - (iv) by fixing one week day on which all employees will be off during a particular work cycle; or
  - (v) by rostering employees off on various days of the week during a particular work cycle so that each employee has one day off during that cycle.

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- (f) Except as provided in paragraph (e)(i) hereof in cases where by virtue of the arrangement of the employees ordinary working hours, an employee, in accordance with paragraphs (e)(iv) and (e)(v) hereof, is entitled to a day off during his work cycle, such employee shall be advised by the employer at least 4 weeks in advance of the week-day the employee is to take off.
- (g) Where an employee's ordinary hours are arranged in accordance with paragraphs (e)(iv) or (e)(v) hereof the weekday taken off shall not coincide with a public holiday as prescribed in Clause 16 Holidays with Pay and Clause 15 - Holiday and Sunday Work. Provided that where a public holiday is prescribed after an employee has been given notice of a weekday off, subclause (d) shall apply.
- (h)
  - (i) An employer may substitute the day an employee is to take off in accordance with paragraphs (e)(iv) and (e)(v) for another day and require the employee to work on that day off if such work is necessary to allow other employees to be employed productively or to carry out out-of-hours maintenance or because of unforeseen delays to a particular project or a section of it or for other reasons arising from unforeseen or emergency circumstances on a project. Provided that if a substitute day off is not granted, then the employee shall be paid, in addition to the payment for the day off, for work performed in ordinary hours at the rate of time and a half, and for work outside ordinary hours, at the rate of double time.
  - (ii) An individual employee, with the agreement of the employer, may substitute the day the employee is to take off for another day.
  - (iii) Any substitute day off, referred to in paragraphs (i) and (ii) of this subclause, must be taken either in the current work cycle or in the next succeeding work cycle.
  - (iv) Where an employee, in accordance with paragraph (e)(iv) or (e)(v) is entitled to a day off during his work cycle and that day off falls on a public holiday, as prescribed in Clause 16 - Holidays with Pay and Clause 15 - Holiday and Sunday Work, the next working day shall be substituted as the day off unless an alternate day in that work cycle or the next succeeding work cycle is adopted by agreement in writing between the employer and the employee.

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## SCHEDULE

### ROSTERED DAYS OFF 1983

24 January 1983	8 August 1983
21 February 1983	5 September 1983
21 March 1983	3 October 1983
18 April 1983	31 October 1983
16 May 1983	28 November 1983
13 June 1983	26 December 1983
11 July 1983	

### **19. MATERNITY LEAVE**

#### (a) Eligibility for Maternity Leave

An employee who becomes pregnant, shall upon production to her employer of a certificate from a duly qualified medical practitioner stating the presumed date of her confinement, be entitled to maternity leave provided that she has had not less than 12 months' continuous service with that employer immediately preceding the date upon which she proceeds upon such leave.

For the purposes of this clause:

- (i) An employee shall include a part-time employee but shall not include an employee engaged upon casual or seasonal work.
- (ii) Maternity leave shall mean unpaid maternity leave.

#### (b) Period of leave and commencement of leave

- (i) Subject to subclauses (c) and (f) hereof, the period of maternity leave shall be for an unbroken period of from 6 to 52 weeks and shall include a period of 6 weeks compulsory leave to be taken immediately following confinement.
- (ii) An employee shall, not less than 10 weeks prior to the presumed date of confinement, give notice in writing to her employer stating the presumed date of confinement.
- (iii) An employee shall give not less than 4 weeks' notice in writing to her employer of the date upon which she proposes to commence maternity leave stating the period of leave to be taken.

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- (iv) An employer by not less than 14 days' notice in writing to the employee may require her to commence maternity leave at any time within 6 weeks immediately prior to her presumed date of confinement.
- (v) An employee shall not be in breach of this clause as a consequence of failure to give the stipulated period of notice in accordance with paragraph (iii) hereof, if such failure is occasioned by the confinement occurring earlier than the presumed date.

(c) Transfer to a safe job

Where in the opinion of a duly qualified medical practitioner, illness or risks arising out of the pregnancy or hazards connected with the work assigned to the employee make it inadvisable for the employee to continue at her present work, the employee shall, if the employer deems it practicable, be transferred to a safe job at the rate and on the conditions attaching to that job until the commencement of maternity leave.

If the transfer to a safe job is not practicable, the employee may, or the employer may require the employee to, take leave for such period as is certified necessary by a duly qualified medical practitioner. Such leave shall be treated as maternity leave for the purposes of subclauses (g), (h), (i) and (j) hereof.

(d) Variation of period of maternity leave

- (i) Provided the addition does not extend the maternity leave beyond 52 weeks, the period may be lengthened once only, save with the agreement of the employer, by the employee giving not less than 14 days' notice in writing stating the period by which the leave is to be lengthened.
- (ii) The period of leave may, with the consent of the employer, be shortened by the employee giving not less than 14 days' notice in writing stating the period by which the leave is to be shortened.

(e) Cancellation of Maternity Leave

- (i) Maternity leave, applied for but not commenced, shall be cancelled when the pregnancy of an employee terminates other than by the birth of a living child.
- (ii) Where the pregnancy of an employee then on maternity leave terminates other than by the birth of a living child, it shall be the right of the employee to resume work at a time nominated by the employer which shall not exceed 4 weeks from the date of notice in writing by the employee to the employer that she desires to resume work.

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(f) Special Maternity Leave and Sick Leave

- (i) Where the pregnancy of an employee not then on maternity leave terminates after 28 weeks other than by the birth of a living child then:
  - (a) she shall be entitled to such period of unpaid leave (to be known as special maternity leave) as a duly qualified medical practitioner certifies as necessary before her return to work, or
  - (b) for illness other than the normal consequences of confinement she shall be entitled, either in lieu of or in addition to special maternity leave, to such paid sick leave as to which she is then entitled and which a duly qualified medical practitioner certifies as necessary before her return to work.
- (ii) Where an employee not then on maternity leave suffers illness related to her pregnancy, she may take such paid sick leave as to which she is then entitled and such further unpaid leave (to be known as special maternity leave) as a duly qualified medical practitioner certifies as necessary before her return to work, provided that the aggregate of paid sick leave, special maternity leave and maternity leave shall not exceed 52 weeks.
- (iii) For the purposes of subclauses (g), (h) and (i) hereof, maternity leave shall include special maternity leave.
- (iv) An employee returning to work after the completion of a period of leave taken pursuant to this subclause shall be entitled to the position which she held immediately before proceeding on such leave or, in the case of an employee who was transferred to a safe job pursuant to subclause (c), to the position she held immediately before such transfer.

Where such position no longer exists but there are other positions available, for which the employee is qualified and the duties of which she is capable of performing, she shall be entitled to a position as nearly comparable in status and salary or wage to that of her former position.

(g) Maternity Leave and Other Leave Entitlements

Provided the aggregate of leave including leave taken pursuant to subclauses (c) and (f) hereof does not exceed 52 weeks;

- (i) an employee may, in lieu of or in conjunction with maternity leave, take any annual leave or any part thereof to which she is then entitled.
- (ii) paid sick leave or other paid authorised award absences (excluding annual leave), shall not be available to an employee during her absence on maternity leave.

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(h) Effect of Maternity Leave on Employment

Notwithstanding any award or other provision to the contrary, absence on maternity leave shall not break the continuity of service of an employee but shall not be taken into account in calculating the period of service for any purpose of an award.

(i) Termination of Employment

(i) An employee on maternity leave may terminate her employment at any time during the period of leave by notice given in accordance with this award.

(ii) An employer shall not terminate the employment of an employee on the ground of her pregnancy or of her absence on maternity leave, but otherwise the rights of an employer in relation to termination of employment are not hereby affected.

(j) Return to Work After Maternity Leave

(i) An employee shall confirm her intention of returning to her work by notice in writing to the employer given not less than 4 weeks prior to the expiration of her period of maternity leave.

(ii) An employee, upon expiration of the notice required by paragraph (i) hereof, shall be entitled to the position which she held immediately before proceeding on maternity leave or, in the case of an employee who was transferred to a safe job pursuant to sub-clause (c) to the position which she held immediately before such transfer. Where such position no longer exists but there are other positions available for which the employee is qualified and the duties of which she is capable of performing, she shall be entitled to a position as nearly comparable in status and salary or wage to that of her former position.

(k) Replacement Employees

(i) A replacement employee is an employee specifically engaged as a result of an employee proceeding on maternity leave.

(ii) Before an employer engages a replacement employee under this subclause, the employer shall inform that person of the temporary nature of the employment and of the rights of the employee who is being replaced.

(iv) **PROVIDED** that nothing in this subclause shall be construed as requiring an employer to engage a replacement employee.

(v) A replacement employee shall not be entitled to any of the rights conferred by this clause except where her employment continues beyond the 12 months' qualifying period.

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## **20. MIXED FUNCTIONS**

An employee engaged for more than 2 hours of one day or shift on duties carrying a higher rate than his ordinary classification shall be paid the higher rate for such day or shift. If for less than 2 hours of one day or shift he shall be paid the higher rate for the time so worked.

## **21. MULTI STOREY ALLOWANCE**

- (a) A multi-storey allowance shall be paid to compensate employees engaged on construction on site for the disabilities experienced in, and which are peculiar to, the construction of multi-storey buildings.
- (b) For the purpose of this award a multi-storey building is a building which, when complete, consists of not less than five storey levels.
- (c) For the purpose of this clause, a storey level means structurally completed floor, walls, pillars or columns, and ceiling (not being false ceilings) of a building, and shall include basement levels and mezzanine or similar levels, (but excluding "half floors" such as toilet blocks or store rooms located between floors.)
- (d) A multi-storey allowance in accordance with the table set out below shall be payable to all employees engaged on construction on-site when one of the following components of the building: structural steel, reinforcing steel, boxing or walls rise above the 4th floor level. Such payments shall be increased to the appropriate amounts as shown in the table when the structural steel, reinforcing steel or walls reach such designated level.
- (e) The commencing point of measurement shall be the lowest main floor level (including basement floor levels but excluding lift wells and shafts of the building).

'Floor level' means that stage of construction which, in the completed building, would constitute the walking surface of the particular floor level referred to in the table payment.

- (f) From the 4th floor level to the 10th floor level - 18 cents per hour extra.  
From the 11th floor level to the 15th floor level - 21.5 cents per hour extra.  
From the 16th floor level to the 20th floor level - 27.5 cents per hour extra.  
From the 21st floor level to the 25th floor level - 30.5 cents per hour extra.  
From the 26th floor level to the 30th floor level - 38 cents per hour extra.  
From the 31st floor level to the 40th floor level - 41.5 cents per hour extra.  
From the 41st floor level to the 50th floor level - 47 cents per hour extra.

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From the 51st floor level to the 60th floor level - 53.5 cents per hour extra.

From the 61st floor level onwards - 58 cents per hour extra.

- (g) Payment of the allowance shall cease when the walls are completed and the employees are working under cover and the lifts or passenger material hoists are available to employees.

Provided that the exclusion of odd wall panels, sections or windows for the purpose of entrance or exit of materials or the anchoring of cranes, external lifting or scaffolding shall not prevent the walls of a building being defined as completed.

- (h) Service Core

When a service core is scheduled separately and erected as an advanced part of the main structure all employees engaged on the service core shall be paid the appropriate special rate set out in subclause (i) of this clause applicable to the height to which the core has progressed in lieu of the multi-storey allowance prescribed by this subclause. When work on the service core does not proceed for a full day employees shall be paid at the appropriate rate for the actual hours worked, provided that on each and everyday when work on the service core proceeds for at least 8 hours employees engaged on the service core will be paid for a minimum of 8 hours at the appropriate rate irrespective of the hours an individual employee may work on the service core on any day as part of his days work.

- (i) The service core rates shall be:

Where the service core exceeds 15 metres in height - 21.5 cents per hour with 21.5 cents per hour additional for work above each further 15 metres. Provided that the service core allowance and the multi-storey allowance shall not be cumulative.

## **22. NOTICE BOARDS**

The employer shall, when requested by the accredited representative of the Electrical Trades Union, erect notice boards of reasonable dimensions in a prominent position in his establishment upon which accredited representatives shall be permitted to post formal union notices signed or countersigned by the representative posting same.

## **23. OVERTIME**

- (a) For all time worked outside ordinary hours the rates of pay shall be time and a half for the first 2 hours and double time thereafter, such double time to continue until the completion of the overtime work.

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Except as provided in this subclause or subclause (b) hereof in computing overtime each day's work shall stand alone.

(b) Rest Period after Overtime

Where overtime work is necessary it shall wherever reasonably practicable be so arranged that employees have at least 10 consecutive hours off duty between the work of the successive days; providing however that should the period of overtime worked exceed 8 consecutive hours an employee shall, following the completion of such overtime, be entitled to a rest period of consecutive hours at least equal to the number of consecutive overtime hours worked, without loss of pay for ordinary working time occurring during such absences. If, on the instruction of the employer or his representative the employee resumes or continues to work without having had such rest period 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 such credit rest period without loss of pay for ordinary time occurring during such absence.

(c) Call Back

An employee recalled to work overtime after leaving his employer's business premises (whether notified before or after leaving the premises), shall be paid for a minimum of 3 hours work at the appropriate rate for each time he is so recalled; providing that, except in the case of unforeseen circumstances arising, the employee shall not be required to work the full 3 hours if the job he is recalled to perform is completed within a shorter period.

This subclause shall not apply in cases where it is customary for an employee to return to his employer's premises to perform a specific job outside his ordinary working hours, or where the overtime is continuous (subject to a reasonable meal break), with the completion or commencement of ordinary working time.

Overtime worked in the circumstances specified in this subclause shall not be regarded as overtime for the purposes of subclause (b) of this clause where the actual time worked is less than 3 hours on such recall or on each of such recalls.

An employee who is recalled to work shall either be provided with transport by the employer or the employer shall defray the reasonable cost of the employee reporting for work and returning home.

(d) Saturday Work

Employees required to work overtime on a Saturday shall be afforded at least 4 hours work or paid for 4 hours at the appropriate rate except where such overtime is continuous with overtime commenced on the day previous.

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(e) Standing By

Subject to any custom now prevailing under which an employee is required regularly to hold himself in readiness for a call back, an employee required to hold himself in readiness to work after ordinary hours shall, until released, be paid standing by time at ordinary rates from the time from which he is so to hold himself in readiness.

(f) Meal Hours - General

For work done during meal hours and thereafter until a meal break is allowed time and a half rates shall be paid. An employee shall not be compelled to work for more than 5 hours without a break for a meal.

(g) Crib Time

An employee working overtime shall be allowed a crib time of 20 minutes without deduction of pay after each 4 hours of overtime worked if the employee continues work after such crib time.

Unless the period of overtime is less than one and a half hours, an employee, before starting overtime after working ordinary hours, shall be allowed a meal break of 20 minutes, which shall be paid for at ordinary rates.

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.

(h) Meal Allowances

An employee required to work overtime for more than 2 hours without being notified on the previous day or earlier that he will be so required to work, shall either be supplied with a meal by the employer or paid \$4.80 for the first meal, \$4.80 for the second meal and \$4.80 for each subsequent meal; but such payment need not be made to employees living in the same locality as their workshops who can reasonably return home for meals.

Unless the employer advises an employee on the previous day or earlier that the amount of overtime to be worked will necessitate the partaking of a second or subsequent meal (as the case may be), the employer shall provide such second and/or subsequent meals or make payment in lieu thereof as above prescribed.

If an employee pursuant to notice, has provided a meal or meals and is not required to work overtime or is required to work less than the amount advised, he shall be paid as above prescribed for meals which he has provided but which are surplus.

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(i) Transport of Employees

Where an employee, after having worked overtime or a shift for which he has not been regularly rostered, finishes work at a time when reasonable means of transport are not available, the employer shall provide him with a conveyance to his home or pay him his current wage for the time reasonably occupied in reaching his home.

**24. PAYMENT OF WAGES**

- (a) Wages shall be paid weekly in the employer's time and not later than Thursday.
- (b) On the first pay day occurring during his employment, an employee shall be paid whatever wages are due to him up to the completion of work on the previous day. Provided that this subclause shall not apply to employers who make a practice of allowing advances to employees approximating wages due:
- (c) Upon determination of the employment, wages due to an employee shall be paid to him on the day of such determination, or forwarded to him by post on the next working day.
- (d) An employee kept waiting for his wages on pay day after the usual time for ceasing work shall be paid at overtime rates for the time he is so kept waiting.
- (e) On or prior to pay day, the employer shall state to each employee, in writing, the amount of wages to which he is entitled, the amount of the deductions made therefrom, and the net amount paid to him.

**25. REST PERIODS**

There shall be allowed without deduction of pay, a rest period of 10 minutes (from the time of ceasing duty therefor until the time of resuming duty) between the hours of 9.30 a.m. and 11.00 a.m.

**26. RIGHT OF ENTRY**

The Secretary for Labour may authorise an official of a union (to be named by him), and thereupon such official shall have the right, in accordance with the terms of such authorisation, to enter any place where work is being carried on under this award subject to the following conditions

- (a) The authorisation shall be in writing signed by the Secretary for Labour.
- (b) The authorisation shall state the time at which the entry is authorised. Such time may be at any reasonable time.

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- (c) The purpose of the entry if authorised during working hours shall be confined to interviewing the appointed representatives of the union in the place mentioned in the authorisation, or with the consent of the employer or his representative of interviewing any member of the union employed therein; or if authorised during a meal hour or at non-working time of interviewing any employee engaged at the place who is willing to be interviewed.
- (d) Provided that -
  - (i) Except during any meal hour, or non-working time, not more than one such official shall be permitted to enter the place in question at one time except by express consent of the employer or his representative.
  - (ii) Before entering any such place the official shall produce the authorisation to the employer or his representative.
  - (iii) If an employer alleges that an official is unduly interfering with the work of the job or is causing dissatisfaction among the employees thereon or is offensive in his manner or is committing a breach of any of the conditions set out in this clause such employer may refuse to allow the official to enter into or remain on the place but the official shall have the right to bring such refusal to the attention of the Secretary for Labour who may either cancel the authorisation or refer the matter to the Tasmanian Industrial Commission.

## **27. SHIFT WORK**

### (a) Definitions

For the purpose of Clause 17 hereof -

'Afternoon shift' means any shift finishing after 6 p.m. and at or before midnight.

'Continuous work' means work carried on with consecutive shifts of employees throughout the 24 hours of each of at least 6 consecutive days without interruption, except during breakdowns or meal breaks or due to unavoidable causes beyond the control of the employer.

'Night shift' means any shift finishing subsequent to midnight and at or before 8 a.m.

'Rostered shift' means a shift of which the employee concerned has had at least 48 hours notice.

### (b) Rosters

Shift rosters shall specify the commencing and finishing times of ordinary working hours of the respective shifts.

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(c) Variation by Agreement

The method of working shifts may, in any case, be varied by agreement between the employer and the accredited representatives of the union of the employees concerned to suit the circumstances of the establishment.

The time of commencing and finishing shifts once having been determined may be varied by agreement between the employer and the accredited representatives of such union to suit the circumstances of the establishment or in the absence of agreement by 7 days notice of alteration given by the employer to the employee.

(d) Shift Allowances

Shift workers whilst on afternoon or night shifts shall be paid 15% more than the ordinary rates of such shifts.

Shift workers on construction work on site, whilst on afternoon or night shifts shall be paid 15% more than the ordinary rates for such shifts.

Shift workers who work on any afternoon or night shift which does not continue for at least 5 successive afternoons or nights shall be paid at the overtime rates prescribed for day workers.

An employee who:

- (i) during a period of engagement on shift, 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, shall, during such engagement, period or cycle, be paid at the rate of time and a quarter for all time worked during ordinary working hours on such night shifts.

(e) Shift workers, for all time worked in excess of or outside the ordinary working hours prescribed by this award or on a shift other than a rostered shift shall:

- (i) if employed on continuous work be paid at the rate of double time; or
- (ii) if employed on other shiftwork be paid at the rate of time and a half for the first 2 hours and double time thereafter, except in each case when the time worked is:
  - (A) by arrangement between the employees themselves;
  - (B) is due to the fact that the relief man does not come on duty at the proper time; or

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- (C) On a shift to which an employee is transferred on short notice as an alternative to standing the employee off in circumstances which would entitle the employer to deduct payment for a day in accordance with subclause (b) of Clause 14 - Contract of Employment.

Provided that when not less than 8 hours notice has been given to the employer by the relief man that he will be absent from work and the employee whom he should relieve is not relieved, the unrelieved employee shall be paid at the rate of time and a half for the first 2 hours on duty after he has finished his ordinary shift and at the rate of double time thereafter.

- (f) Saturday Work

The minimum rate to be paid to any shift worker for work performed between midnight on Friday and midnight on Saturday shall be time and a half. Such extra rate shall be in substitution for and not cumulative upon the shift premiums prescribed by the first and second paragraphs of subclause (d).

- (g) Sundays and Holidays

Shift workers on continuous shifts for work done on a rostered shift the major portion of which is performed on a Sunday or holiday shall be paid at the rate of time and a half.

Shift workers on other than continuous work for all time worked on a Sunday or a holiday shall be paid at the rates prescribed by Clause 15 - Holiday and Sunday Work. When shifts commence between 11 p.m. and midnight on a Sunday or holiday, the time so worked by an employee on a shift commencing before midnight on the day preceding a Sunday or holiday and extending into a Sunday or holiday shall be regarded as time worked on such Sunday or holiday.

## **28. SHOP STEWARDS**

An employee appointed shop steward in the shop or department in which he is employed shall, upon notification thereof to his employer, be recognised as the accredited representative of the union to which he belongs, and he shall be allowed the necessary time during working hours to interview the employer or his representative on matters affecting employees whom he represents, provided that if the shop steward so requests it he may be accompanied at such interview by another employee.

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## **29. SICK LEAVE**

- (a) An employee, other than one engaged as a casual or a part-time, as mentioned in subclause (b) of Clause 24 - Payment of Wages, who is absent from work on account of personal illness or on account of injury by accident shall be entitled to leave of absence without deduction of pay, subject to the following conditions and limitations:
- (i) he shall not be entitled to such leave of absence for any period in respect of which he is entitled to workers' compensation;
  - (ii) he shall, within 48 hours of the commencement of such absence, inform the employer of his inability to attend for work, and as far as may be practicable, state the nature of the illness or injury and the estimated duration of the absence;
  - (iii) he shall prove to the satisfaction of the employer (or in the event of a dispute, the Secretary for Labour) that he was unable on account of such illness or injury to attend for work on the day or days for which the sick leave is claimed;
  - (iv) he shall not be entitled in any year (whether in the employment of one employer or of more) to sick leave credit in excess of 2 weeks of ordinary working time. Sick leave shall be credited on the date of commencement and on each anniversary of that date.
  - (v) For the purpose of administering paragraph (iv) of this subclause an employer may within one month of this award coming into operation or within 2 weeks of the employee entering his employment require an employee to make a sworn declaration or other written statement as to what paid leave of absence he has had from any employer during the then current calendar year, and upon such statement the employer shall be entitled to rely and act.
- (b) Sick leave shall accumulate from year to year so that any balance of the period specified in subclause (a)(iv) of this clause which has in any year not been allowed to an employee by an employer as paid sick leave shall be credited to the employee and, subject to the conditions hereinbefore prescribed shall be allowed by that employer in a subsequent year without diminution of the sick leave prescribed in respect of that year;
- (c) An employer shall not be required to make any payment in respect of accumulated sick leave credits to an employee who is discharged or leaves his employment, or for any time an employee is absent from work without producing satisfactory evidence of personal illness.

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(d) Employees of Electrical Contractors Only

Where an employee is sick or injured on the week day he is to take off in accordance with Clause 18 - Hours of Work - Employees of Electrical Contractors Only, he shall not be entitled to sick pay nor will his sick pay entitlement be reduced as a result of sickness or injury on that day.

**30. SPECIAL RATES**

In addition to the wages prescribed in subclauses 1, 5 and 6 of Division A, Clause 8, the following special rates and allowances shall be paid to employees, including apprentices and unapprenticed juniors who are not entitled to the disability allowances prescribed in subclause 2, Division A of Clause 8.

(a) Boiling Down Works

Working in boiling down works - 18.5 cents per hour extra.

(b) Cold Places

Working for more than one hour in places where the temperature is reduced by artificial means below zero degrees Celsius - 27.5 cents per hour extra. Where the work continues for more than 2 hours, employees shall be entitled to a rest period of 20 minutes every 2 hours without loss of pay.

(c) Confined Spaces

Working in confined spaces (as defined) - 37.5 cents per hour extra.

(d) Dirty Work

Work which a foreman and employee shall agree is of an unusually dirty and offensive nature - 38.0 cents per hour extra.

In the case of disagreement between the foreman and the employee, the employee or a shop steward on his behalf shall be entitled, within 24 hours, to ask for a decision on the employee's claim by the employer's industrial officer (if there be one), or otherwise by the employer or the executive officer responsible for the management or superintendence of the plant concerned. In such cases a decision shall be given on the employee's claim within 48 hours of its being asked for (unless the time expires on a nonworking day, in which case it shall be given during the next working day), or else the said allowance shall be paid.

(e) Explosive Powered Tools

Employees required to use explosive powered tools shall be paid 9.5 cents per hour extra, with a minimum payment of 76 cents per day.

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(f) Hot Places

Working for more than one hour in the shade in places where the temperature is raised by artificial means to between 46.1 degrees and 54.4 degrees Celsius, 27.5 cents per hour extra; in places where the temperature exceeds 54.4 degrees Celsius - 38 cents per hour extra with a minimum payment of 26 cents per day. Where work continues for more than 2 hours in temperatures exceeding 54.4 degrees Celsius, employees shall also be entitled to 20 minutes' rest after every 2 hours work without deduction of pay. The temperature shall be decided by the foreman of the work after consulting with the employees who claim the extra rate.

(g) Height Money

Electrical tradesmen and their assistants engaged in the erection, repair and/or maintenance of radar or electrical equipment on masts or ships or other structures at a height of 15.2 metres or more directly above the nearest horizontal place shall be paid at the rate of 18.5 cents per hour extra.

(h) Slag Wool

Employees handling loose slag wool, loose insulwool or other loose material of a like nature used for providing insulation against heat, cold or noise, shall, when so employed on ship construction or ship repairing or on the construction, repair or demolition of furnaces, walls, floors and/or ceilings, be paid 38 cents per hour extra.

(i) Slaughtering Yards

Working in slaughtering yards, 18.5 cents per hour extra.

(j) Smoke Boxes, etc.

Working on repairs to smoke boxes or fire boxes of locomotives or on repairs to the smokeboxes, uptake, funnel, flue, furnace or combustion chamber of marine type boilers, or on repairs to smokeboxes, fireboxes, furnaces or flues of other types of boilers, 18.5 cents per hour extra.

Provided that an employee engaged on repairs to oil boilers, including the casings, uptakes, and funnels or flues and smoke stacks, shall, while working inside such boiler, be paid 76 cents per hour extra.

(k) Underground Mine Work

Electrician working underground in mines or tunnels shall be paid 12% extra.

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(l) Wet Places

An employee working in any place where his clothing or boots become saturated, whether by water, oil or otherwise shall be paid 27.5 cents per hour extra; provided that this extra rate shall not be payable to an employee who is provided by the employer with suitable and effective protective clothing and/or footwear. And provided further that any employee who becomes entitled to this extra rate shall be paid such extra rate for such part of the day or shift as he is required to work in wet clothing or boots.

(m) Special Rates Not Cumulative

Where more than one of the disabilities entitling an employee to extra rates exist on the same job the employer shall be bound to pay only one rate, namely the highest for the disabilities so prevailing.

### **31. TOOLS**

(a) The employer shall provide the employee with all hand, power or special tools necessary for the proper performance of the employee's duties.

(b) Where the employer does not supply the employee with hand tools the employee shall be paid a tool allowance of \$8.10 per week.

(c) Where the tool allowance is paid to the employee, the employee will be obliged to provide and maintain the undermentioned tools in efficient working order:

- allen keys
- brace
- bits countersunk
- hardwood 1/2", 5/8", 1/4" clear
- calbe lug crimping tool 1/004 to 7/052
- chisel cold 1/2"
- 1/2" & 1" wood
- drill hand with 1/16" to 1/2" bits
- drills 3/8" to 1/2" star
- hammer claw and club
- knife
- pliers insulated, side cutting, long nose
- plumb bob
- file - round and flat
- tong tester incorporating a multi metre
- footprints
- stilson wrench 3/4" - 2" opening
- adcolar iron or similar
- punch centre
- rule 1 metre wood folding type, or 3 metre tape
- multi grips

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- screwdriver small, medium, large, phillips head (2 sizes)
- S.A.A. wiring rule book
- string line
- spirit level
- steel square and level
- hacksaw large
- spanners shifting 6", 8", 10"
  - set 3/16", 1/4", 5/16", 3/8", 3/8", 1/4"
  - 6 to 25 mm metric
  - tube spanners set of metric 6 to 25 mm
- 1 kg gas bottle with suitable neck nozzle
- tap wrench and taps 1/8" to 1/4"
- test lamp set
- torch
- tool bag or box
- 30 metre extension lead
- electric drill 1/4" not exceeding \$20.00 in value
- set of wire strippers
- test pencil
- tin snips

### **32. TRAVELLING AND BOARD**

- (a) An employee who, on any day or from day to day is required to work at a job away from his accustomed workshop or depot shall at the direction of his employer present himself for work at such job at the usual starting time; but for all time reasonably spent in reaching and returning from such job (in excess of time normally spent in travelling from his home to such workshop or depot and returning) he shall be paid travelling time, and also any fares reasonably incurred in excess of those normally incurred in travelling between his home and such workshop or depot.

An employee who, with the approval of the employer, uses his own motor vehicle for travelling to or from outside jobs shall be paid the car allowance prescribed in Clause 11.

- (b) An employee -
- (i) engaged in one locality to work in another; or
  - (ii) sent from his usual locality to another for employment which can reasonably be regarded as permanent,

involving any change of residence shall be paid travelling time whilst necessarily travelling between such localities and for a period not exceeding 3 months' expenses.

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- (c) An employee sent from his usual locality to another (in circumstances other than those prescribed in subclause (b) hereof) and required to remain away from his usual place of abode shall be paid travelling time whilst necessarily travelling between such localities, and expenses whilst so absent from his usual locality.
- (d) The rate of pay for travelling time shall be ordinary rates, except on Saturdays, Sundays and holidays when it shall be at the appropriate penalty rates for those days.
- (e) **'Expenses'** for the purposes of this clause means:
  - (i) all fares reasonably incurred.
  - (ii) reasonable expenses incurred whilst travelling including not less than \$4.80 for each meal taken;
  - (iii) an allowance to cover the cost incurred for board and lodging of satisfactory standard per week of 7 days.
- (f) A camping allowance of \$4.36 per day for every day, including Sunday, shall be paid to employees engaged on country jobs at places where ordinary board and residence is not obtainable and camping in huts, caravans, etc., of accepted standard is necessary. Provided that where cooked meals are procurable by the employees at a mess established by the employer, the amount of such country allowance shall be \$2.23 per day of every day including Sunday.
- (g) Travelling and fares allowance \$4.25 per day. This applies to employees who are required to start and finish on site.

**CONDITIONS FOR EMPLOYEES IN DIVISION B -  
SELLER OF ELECTRICAL AND/OR RADIO EQUIPMENT**

**33. CAR ALLOWANCE**

All vehicles required shall be provided and maintained by the employer. Where a salesman by arrangement with his employer provides his own car, he shall be paid in addition to the weekly rate prescribed in subclause 1, Division B of Clause 8, the following minimum allowance:

- (a) Outside Salesman -
  - (i) For motor cars under 10.4 kW an overhead cost allowance of \$12.50 per week plus a weekly amount calculated at the rate of 0.99 cents per kilometre for the actual distance travelled by his car each week, in connection with his employment including that travelled to and from his place of residence for this purpose.

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- (ii) For motor cars 10.4 kW to 18.6 kW inclusive an overhead cost allowance of \$14.70 per week, plus a weekly amount calculated at the rate of 1.28 cents per kilometre for the actual distance travelled by his car each week in connection with his employment including that travelled to and from his place of residence for this purpose.
  - (iii) For motor cars over 18.6 kW an overhead cost allowance of \$14.70 per week, plus a weekly amount calculated at the rate of 1.70 cents per kilometre for the actual distance travelled by his car each week in connection with this employment including that travelled to and from his residence for this purpose.
- (b) Country Salesman -
- An overhead cost allowance of \$21.80 per week, plus a weekly amount calculated at the rate of 1.28 cents per kilometre for cars up to and including 18.6 kW or 1.45 cents per kilometre for cars over 18.6 kW for the actual distance travelled by his car each week in connection with his employment including that travelled to and from his residence for this purpose.
- (c) Provided that rates specified in subclauses (a) and (b) hereof shall not apply when a salesman is absent from duty on account of annual leave, sickness or other causes, and that the overhead cost allowance prescribed in the said subclauses shall not be payable when a salesman
- (i) Subject to placitum (ii) hereof is either:
    - (A) absent from duty for any cause including sick leave or long service leave but not including public holidays or annual leave as prescribed in this award; or
    - (B) unable to use his motor car in his employment because of damage to such car by accident, for such period as exceeds a total of 13 weeks in any one working year.
  - (ii) is absent from duty at his own request where such absence exceeds one week.
- (d) Provided further that the said rate shall not also apply where an employer provides petrol and oil free of cost to a salesman.
- (e) Notwithstanding anything contained in subclauses (a) and (b) of this clause the employer and employee may make other arrangements as to car or car allowance not less favourable to the employee.
- (f) Provided that when any employee in this division is required to use his own motor car for a part of a week he shall be paid at the rate of 6.3 cents per kilometre for the actual distance travelled by his car in such time in connection with his employment including that travelled to and from his residence for this purpose.

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### **34. CASUAL EMPLOYEES**

A casual employee (as defined) for working ordinary time shall be paid per hour one-fortieth of the weekly rate prescribed herein for work which he or she performs. In addition thereto a casual employee shall receive 20% of the ordinary hourly rate in respect of each hour for which he or she is paid; such additional amount to be payment in lieu of annual leave, sick leave, and public holidays.

### **35. CONTRACT OF EMPLOYMENT**

With the exception of the employees engaged as specified in Clause 40 - Part-time Employees, all employment shall be by the week and the employment of an employee will not be terminated except for misconduct or neglect of duty which would justify instant dismissal without at least one week's notice being given by the employer to the employee and the employee shall likewise give to the employer one week's notice of his intention to terminate his employment. If one week's notice is not given by the employer or employee, one week's wages shall be paid or forfeited as the case may be.

### **36. ESTIMATING SERVICE**

In estimating the number of years service of an employee mentioned in this division, the total time in the service of every employer engaged in the trade or trades covered by this award shall be taken into account to ascertain the minimum wage rate which shall be paid.

### **37. GENERAL CONDITIONS**

The provisions of Division A relating to holidays with pay, annual leave, sick leave, maternity leave, compassionate leave, travelling time allowance and board, payment of wages and rest periods shall also apply to this division.

### **38. HOURS**

- (a) The maximum number of hours per week in respect of which the wage rates fixed by this award shall be paid shall be forty to be worked in 5 days of 8 consecutive hours (excluding meal breaks) between the hours of 8.00 a.m. and 6.00 p.m. Monday to Friday inclusive.
- (b) A meal period of not less than 45 minutes nor more than 75 minutes shall be allowed each employee. Such meal period shall be taken between the hours of 11.30 a.m. and 2.30 p.m.

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- (c) Except where overtime is worked for a period not exceeding one hour after normal finishing time, no employee shall work for more than 5 hours without a break of not less than 45 minutes for a meal.
- (d) Employees other than those engaged on a part-time or casual basis, shall, notwithstanding anything contained in Section 49 of the Industrial Relations Act 1984, 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 other penalty rates, if any, that may have occurred during the relevant period.

### **39. OVERTIME**

- (a) For all work performed outside of the hours prescribed in Clause 38 - Hours on Monday to Friday inclusive, payment shall be made at the rate of time and one half for the first 3 hours and double time thereafter.
- (b) An employee who is recalled to work overtime after a period of one hour from the time fixed for ceasing work whether or not he has been notified before ceasing work, shall receive a minimum payment as for 3 hours worked.
- (c) A junior employee under the age of 18 years shall not be required to work overtime unless he or she so desires.
- (d) In computing overtime each day's work shall stand alone.

### **40. PART-TIME EMPLOYEES**

- (a) Part-time employees engaged to work 20 hours or more per week shall be entitled to the annual leave, holidays and sick leave as prescribed in Clauses 9, 16 and 29 of Division A provided that payment therefor shall be made at the rate normally paid to such employees for a similar period of time worked.

The wage rates payable per hour shall be one-fortieth of the relevant rate above set out.

- (b) Part-time employee engaged to work less than 20 hours per week shall be paid per hour one-fortieth of the weekly rates prescribed for the work he or she performs. In addition thereto such employee shall receive 20% of the ordinary hourly rate in respect of each hour for which he or she is paid; such additional amount to be payment in lieu of annual leave, sick leave and public holidays.

### **41. RATIO OF JUNIORS TO ADULT EMPLOYEES**

The maximum number of juniors to be employed shall not exceed the ratio of two juniors to every one adult.

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## **42. SATURDAY, SUNDAY AND HOLIDAY WORK**

For all work performed on Saturdays, Sundays and public holidays, payment shall be made as follows

(a) Saturdays -

- (i) Where the employer's business premises are regularly open for normal business and require manning on Saturday, payment shall be made at the rate of double time with a minimum payment as for 3 hours worked;
- (ii) Where the employer's business premises are not open for normal business, payment shall be made at the rate of one and one half times the ordinary rate for the first 2 hours and double time thereafter;

(b) Sundays -

For all time of duty on a Sunday payment shall be made at the rate of double time with a minimum payment as for 4 hours worked;

(c) Public Holidays -

For all time of duty on any of the holidays mentioned in Clause 16 of Division A, payment shall be made at the rate of double time and one half with a minimum payment as for 4 hours worked.

### **NOTE:**

The penalty rates prescribed in Clauses 42 - Saturday, Sunday and Holiday Work and 39 - Overtime shall apply to part-time and casual employees in addition to other loadings prescribed for these classes of employees.

## **43. TEA MONEY**

- (a) An employee required to work overtime for more than one and a half hours shall either be supplied with an adequate meal by the employer or be paid \$4.80 meal money.
- (b) Any dispute as to what constitutes an adequate meal shall be referred to and decided by the Secretary for Labour.
- (c) The payment prescribed in subclause (a) shall be made on the day on which the overtime is worked.

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#### **44. TRAVELLING TIME**

Where an employee is required to work overtime beyond a time when public transport is available the employer shall be required to provide transport or meet the cost of transport to the employee travelling to his home. Where an employee uses his own means of transport he shall be paid an allowance of 10.1 cents per kilometre travelled on his return to home by the most direct road route.

### **CONDITIONS FOR EMPLOYEES IN DIVISION C - CLERKS**

#### **45. ESTIMATING SERVICE**

In estimating the number of years service of an employee the total clerical experience in the service of every employer in the trades or groups of trades in respect of awards of the Tasmanian Industrial Commission relating to private industry employees shall be taken into account.

#### **46. GENERAL CONDITIONS**

(a) The provisions of the following clauses in Division A shall also apply to employees in this division:

- Clause No. 9. Annual Leave
- 13. Compassionate Leave
- 16. Holidays with Pay
- 19. Maternity Leave
- 24. Payment of Wages
- 25. Rest Periods
- 29. Sick Leave
- 32. Travelling and Board

(b) The provisions of the following clauses in Division B shall also apply to employees in this division:

- Clause No. 34. Casual Employees
- 35. Contract of Employment
- 38. Hours
- 39. Overtime
- 40. Part-time Employees
- 41. Ratio of Juniors to Adult Employees
- 42. Saturday, Sunday and Holiday Work
- 43. Tea Money
- 44. Travelling Time

J.G. King  
**COMMISSIONER**

16 June 1987