

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T.721 and T.999 of 1987

**IN THE MATTER OF AN APPLICATION
BY THE HOSPITAL EMPLOYEES
FEDERATION OF AUSTRALIA, TASMANIA
NO. 2 BRANCH TO VARY THE
HOSPITALS AWARD**

ORDER -

No. 4 of 1988

THE **HOSPITALS AWARD** IS AMENDED IN THE FOLLOWING MANNER:

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

1. Clause 11 - Annual Leave - insert at the end of this clause the following:-

"(j) Employer Instigated Cancellation of Leave

- (i) If, as a consequence of an employer instigated cancellation of approved annual leave (whether agreed or otherwise by the employee, and irrespective of when such cancellation notification is given) an employee incurs a monetary loss directly associated with pre-established annual leave holiday arrangements, and such loss is deemed to be unrecoverable, the employee shall be entitled to recover such otherwise unrecoverable costs from the employer.

Provided that such claims must be verified by the production of receipts or other form of documentation indicating the prior expenditure incurred associated with pre-holiday arrangements. This information is to be accompanied by written notification, from the person or organisation with whom or which the payment was made, stating the amount which is not recoverable.

Provided further that the employer shall only be liable to pay that portion of the payment declared unrecoverable, which is not subject to an insurance claim or payment.

- (ii) An employee who, during a period of annual leave, responds to an employer instigated request to return to work during such a period of annual leave shall be entitled to redeem from the employer any travel and other associated costs incurred in returning to work and the subsequent resumption of annual leave. Such costs are deemed to be those in excess of costs normally incurred by the employee in travelling daily to and from work.

The reimbursement of costs associated with the resumption of annual leave would only apply when the period of leave was deemed to be continuous, save only for the interruption occasioned by the return to work.

Claims for reimbursement of travel and other associated costs must be accompanied by receipts and any other form of documentation which would be appropriate to the circumstances of the claim.

- (iii) An employee, on returning to work in response to an employer instigated request, shall be recredited with one day's annual leave for each day or part thereof the employee is deemed to be at work. The employee shall be entitled to observe such additional recredited day or days in addition to that unused portion of approved annual leave (which the employee would have observed but for the interruption occasioned by his return to work) immediately upon the expiration of the period of duty for which the employer recalled the employee.

Provided that an employee may elect to take the balance of unused leave and recredited days at a later date."

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

2. Clause 15 - Casual Employees - insert at the end of this clause the following:

"Casual employees shall have their wages for working shifts, which attract a penalty payment, calculated by adding the 20% loading to their hourly rate. Shift penalties are to be calculated on the base hourly rate, i.e. excluding 20%, the resultant amount to be added to the earlier calculation. In the case of overtime penalty payments, the above method of calculation shall not be used. Overtime payments shall be calculated by adding the overtime penalty to the normal hourly rate payable to a full-time employee employed in the same classification."

3. Clause 32 - Part-time Employees - insert at the end of subclause (b) the following:

"Part-time employees, working less than 20 hours per week who receive a 20% loading, shall have their wages for working shifts, which attract a penalty payment, calculated by adding the 20% loading to their hourly rate. Shift penalties are to be calculated on the base hourly rate, i.e. excluding 20%, the resultant amount to be added to the earlier calculation. In the case of overtime penalty payments the above method of calculation shall not be used. Overtime payments shall be calculated by adding the overtime penalty to the normal hourly rate payable to a full-time employee employed in the same classification."

4. Clause 34 - Payment of Wages - delete the whole of this clause and insert in lieu thereof the following:

"34. PAYMENT OF WAGES

- (a) Wages including overtime shall be paid during working hours, at intervals of not more than two weeks and not later than Thursday.

When a public holiday falls on a normal pay day wages shall be paid on the last working day prior to the public holiday.

- (b) Subject to any arrangements arising from 38-hour week agreement provisions, payment shall be by cash, cheque or direct deposit into a credit institution nominated by the employee.

The present pay day and time of payment, or method of payment shall not be varied, except after consultation with the union/unions concerned and an agreed phasing-in period.

- (c) On or prior to pay day the employer shall provide to the employee, particulars in writing, setting out full details of the wages the employee is entitled to. The statement shall at least include the following information:

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

- (i) Date of payment.
- (ii) Period covered by the payment.
- (iii) The total amount of wages.
- (iv) The amount of wages at ordinary rate, including the hourly rate.
- (v) The amount of wages paid as overtime, at the rate of time and one half, including the rate.
- (vi) The amount of wages paid as overtime, at the rate of double time, including the rate.
- (vii) The amount paid as shift or other allowances, with sufficient information to allow the employee to identify each payment, i.e. what allowance is being paid, at what rate and for how long, also how much at 15%, how much at 30% etc.
- (viii) The amount paid as penalty rates for rostered shifts, with sufficient information to allow the employee to identify each payment, i.e. how much at time and one half, how much at double time and how much at double time and one half etc.
- (ix) Any payment for annual leave, sick leave, workers compensation, back pay or any other payment not usually included in the employee's wages, which shall contain sufficient detail so as to allow an employee to calculate how each amount listed has been arrived at.
- (x) Employee's classification.
- (xi) The amount deducted for taxation purposes.
- (xii) The amount of any other deduction shall be listed individually and identified.
- (xiii) The nett amount of wages.

PROVIDED THAT employers be allowed a period of twelve months from the date this award variation is ratified to implement subclause (c) items (i) to (xiii) hereof.

In the meantime they shall be required to provide the following information:

- (i) Date of payment.
- (ii) Period covered by payment.
- (iii) Total amount of wages.
- (iv) Amount deducted for taxation purposes.

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

- (v) The amount of any other deductions.
- (vi) Nett amount of wages.
- (d) The employer may deduct from moneys due to the employee such amount as is authorised by the employee in writing for the lawful purpose specified in the authority.
- (e) (i) Except in circumstances beyond the control of the employer and subject to subclause (ii) an employee kept waiting for wages on the normal pay day after the usual time for ceasing work for more than a quarter of an hour shall be paid at overtime rates after that quarter of an hour with a minimum payment for a quarter of an hour and payment shall continue on that day until advised that payment will not be forthcoming on that day. Further, such payment at overtime rates shall continue during all ordinary hours of work on each succeeding day or days, including rostered days off, up to a maximum of 7.6 hours per day, until such time as payment is effected. Provided that, in no circumstances will the aggregate of ordinary time wages, and overtime penalty for waiting time on any day exceed 2 1/2 times the ordinary rate of salary.

For the purposes of this clause ordinary rates shall be exclusive of premiums, loadings or penalties.

- (ii) Subject to subclause (iii) the provisions of subclause (i) shall have no effect in circumstances whereby payment cannot be effected on pay day but the employer and employee agree to an alternative arrangement for payment.
- (iii) Should however, the employer fail to discharge payment in accordance with the terms of the alternatively agreed arrangement, as provided in (ii) the employee shall be deemed to have been kept waiting for payment since pay day and shall thereby be entitled to payment in accordance with subclause (i) until such time as payment is effected.
- (f) Allowances prescribed by this award other than higher duties allowance, certificate and/or diploma allowance shall not be taken into account in the compilation of overtime and penalty rates prescribed herein.

Notwithstanding the foregoing, the 20% loading payable to casual and part-time employees working less than 20 hours per week shall be taken into account before calculating penalty rates payable for weekend and public holiday shifts, but shall not be taken into account when calculating overtime payments.

- (g) (i) Where employment is terminated, summarily or on the giving of the prescribed notice all moneys owing shall, where practical, be paid to the employee on termination.

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

(ii) If payment on termination is not practical the employer shall, on the next working day of the pay office send to the employee's recorded home address all moneys due by registered post, or, if agreed between the employer and employee, the employer shall make the moneys available at a nominated location.

(iii) Except in circumstances beyond the employer's control if the money is not posted within that time, or is not available at the nominated location, then any time spent waiting after the date of termination shall be paid for at ordinary rates up to a maximum of 7.6 hours per day for each day that they are deemed to be kept waiting and shall continue until such time as payment is effected.

(iv) Provided further that no waiting time is payable where the employee nominates to pick up his moneys at a location and then does not report to pick up those moneys."

5. Clause 48 - Annual Leave - insert at the end of this clause the following:

"(i) Employer Instigated Cancellation of Leave

- (i) If, as a consequence of an employer instigated cancellation of approved annual leave (whether agreed or otherwise by the employee, and irrespective of when such cancellation notification is given) an employee incurs a monetary loss directly associated with pre-established annual leave holiday arrangements, and such loss is deemed to be unrecoverable, the employee shall be entitled to recover such otherwise unrecoverable costs from the employer.

Provided that such claims must be verified by the production of receipts or other form of documentation indicating the prior expenditure incurred associated with pre-holiday arrangements. This information is to be accompanied by written notification, from the person or organisation with whom or which the payment was made, stating the amount which is not recoverable.

Provided further that the employer shall only be liable to pay that portion of the payment declared unrecoverable, which is not subject to an insurance claim or payment.

- (ii) An employee who, during a period of annual leave, responds to an employer instigated request to return to work during such a period of annual leave shall be entitled to redeem from the employer any travel and other associated costs incurred in returning to work and the subsequent resumption of annual leave. Such costs are deemed to be those in excess of costs normally incurred by the employee in travelling daily to and from work.

The reimbursement of costs associated with the resumption of annual leave would only apply when the period of leave was deemed to be continuous, save only for the interruption occasioned by the return to work.

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

Claims for reimbursement of travel and other associated costs must be accompanied by receipts and any other form of documentation which would be appropriate to the circumstances of the claim.

- (iii) An employee, on returning to work in response to an employer instigated request, shall be recredited with one day's annual leave for each day or part thereof the employee is deemed to be at work. The employee shall be entitled to observe such additional recredited day or days in addition to that unused portion of approved annual leave (which the employee would have observed but for the interruption occasioned by his return to work) immediately upon the expiration of the period of duty for which the employer recalled the employee.

Provided that an employee may elect to take the balance of unused leave and recredited days at a later date."

6. Clause 58- Annual Leave - insert at the end of this clause the following:

"(k) Employer Instigated Cancellation of Leave

- (i) If, as a consequence of an employer instigated cancellation of approved annual leave (whether agreed or otherwise by the employee, and irrespective of when such cancellation notification is given) an employee incurs a monetary loss directly associated with pre-established annual leave holiday arrangements, and such loss is deemed to be unrecoverable, the employee shall be entitled to recover such otherwise unrecoverable costs from the employer.

Provided that such claims must be verified by the production of receipts or other form of documentation indicating the prior expenditure incurred associated with pre-holiday arrangements. This information is to be accompanied by written notification, from the person or organisation with whom or which the payment was made, stating the amount which is not recoverable.

Provided further that the employer shall only be liable to pay that portion of the payment declared unrecoverable, which is not subject to an insurance claim or payment.

- (ii) An employee who, during a period of annual leave, responds to an employer instigated request to return to work during such a period of annual leave shall be entitled to redeem from the employer any travel and other associated costs incurred in returning to work and the subsequent resumption of annual leave. Such costs are deemed to be those in excess of costs normally incurred by the employee in travelling daily to and from work.

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

The reimbursement of costs associated with the resumption of annual leave would only apply when the period of leave was deemed to be continuous, save only for the interruption occasioned by the return to work.

Claims for reimbursement of travel and other associated costs must be accompanied by receipts and any other form of documentation which would be appropriate to the circumstances of the claim.

- (iii) An employee, on returning to work in response to an employer instigated request, shall be recredited with one day's annual leave for each day or part thereof the employee is deemed to be at work. The employee shall be entitled to observe such additional recredited day or days in addition to that unused portion of approved annual leave (which the employee would have observed but for the interruption occasioned by his return to work) immediately upon the expiration of the period of duty for which the employer recalled the employee.

Provided that an employee may elect to take the balance of unused leave and recredited days at a later date."

7. Clause 62 - Casual Employees - insert at the end of this clause the following:

"Casual employees shall have their wages for working shifts, which attract a penalty payment, calculated by adding the 20% loading to their hourly rate. Shift penalties are to be calculated on the base hourly rate, i.e. excluding 20%, the resultant amount to be added to the earlier calculation. In the case of overtime penalty payments, the above method of calculation shall not be used. Overtime payments shall be calculated by adding the overtime penalty to the normal hourly rate payable to a full-time employee employed in the same classification."

8. Clause 76 - Part-time Employees - insert at the end of subclause (b) the following:

"Part-time employees, working less than 20 hours per week who receive a 20% loading, shall have their wages for working shifts, which attract a penalty payment, calculated by adding the 20% loading to their hourly rate. Shift penalties are to be calculated on the base hourly rate, i.e. excluding 20%, the resultant amount to be added to the earlier calculation. In the case of overtime penalty payments the above method of calculation shall not be used. Overtime payments shall be calculated by adding the overtime penalty to the normal hourly rate payable to a full-time employee employed in the same classification."

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

9. Clause 92 - Annual Leave - insert at the end of this clause the following:

"(i) Employer Instigated Cancellation of Leave

- (i) If, as a consequence of an employer instigated cancellation of approved annual leave (whether agreed or otherwise by the employee, and irrespective of when such cancellation notification is given) an employee incurs a monetary loss directly associated with pre-established annual leave holiday arrangements, and such loss is deemed to be unrecoverable, the employee shall be entitled to recover such otherwise unrecoverable costs from the employer.

Provided that such claims must be verified by the production of receipts or other form of documentation indicating the prior expenditure incurred associated with pre-holiday arrangements. This information is to be accompanied by written notification, from the person or organisation with whom or which the payment was made, stating the amount which is not recoverable.

Provided further that the employer shall only be liable to pay that portion of the payment declared unrecoverable, which is not subject to an insurance claim or payment.

- (ii) An employee who, during a period of annual leave, responds to an employer instigated request to return to work during such a period of annual leave shall be entitled to redeem from the employer any travel and other associated costs incurred in returning to work and the subsequent resumption of annual leave. Such costs are deemed to be those in excess of costs normally incurred by the employee in travelling daily to and from work.

The reimbursement of costs associated with the resumption of annual leave would only apply when the period of leave was deemed to be continuous, save only for the interruption occasioned by the return to work.

Claims for reimbursement of travel and other associated costs must be accompanied by receipts and any other form of documentation which would be appropriate to the circumstances of the claim.

- (iii) An employee, on returning to work in response to an employer instigated request, shall be recredited with one day's annual leave for each day or part thereof the employee is deemed to be at work. The employee shall be entitled to observe such additional recredited day or days in addition to that unused portion of approved annual leave (which the employee would have observed but for the interruption occasioned by his return to work) immediately upon the expiration of the period of duty for which the employer recalled the employee.

Provided that an employee may elect to take the balance of unused leave and recredited days at a later date."

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

10. Clause 98 - Intermittent Employees - insert at the end of subclause (b) the following:

"Intermittent employees working less than 20 hours per week who receive a 20% loading, shall have their wages for working shifts, which attract a penalty payment, calculated by adding the 20% loading to their hourly rate. Shift penalties are to be calculated on the base hourly rate, i.e. excluding 20%, the resultant amount to be added to the earlier calculation. In the case of overtime penalty payments the above method of calculation shall not be used. Overtime payments shall be calculated by adding the overtime penalty to the normal hourly rate payable to a full-time employee employed in the same classification."

DATE OF OPERATION:

The foregoing variations shall take effect from the first pay period commencing on or after 5 May 1988.

J.G. King
COMMISSIONER

5 May 1988