

<p><b>OCEAN MASTER ACT &amp; NSW AWA</b></p>	<p><b>NSW SHOP EMPLOYEES (STATE) AWARD</b> (As from 28 June 2004)</p>	<p><b>ACT RETAIL AND WHOLESALE</b> (As from 11 June 2004)</p>
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<b>Operative Date</b>	3 years from date of registration. Would have expired in 2004.	Ongoing	Ongoing
<b>Classifications</b>	6 grades with matching rates of pay. (See wages, below).	Retail classifications. (NB: No classification for cleaners. Clerks in Retail – Separate Award).	Retail classifications. No classification for Clerks or Cleaners
<b>Probationary Period</b>	3 months. Termination on one day's notice by either party. (Clause 8)	1 month	No probationary period.
<b>Introductory Rate</b>	See grading system.	No Introductory rate	No Introductory Rate
<b>Full Time Employment</b>	<p>40 hours per week. Ordinary hours 9am to 9pm, Monday to Sunday.</p> <p>FT employees may work max of 10 Saturdays and 10 Sundays per annum.</p> <p>Min shift of 3 hours, max shift of 10 hours.</p> <p>All work outside span of hours paid at overtime rate of time and one half.</p> <p>Max 8 hours on a weekend shift.</p> <p>FT employees can work a maximum of 7 public holidays per annum. Paid at time and one half.</p>	<p>152 hours over 4 week cycle Same Av.38 hours max in a week RDO's guaranteed 5 days per week max (or 6/4 roster) No min shift length One start per day max.</p> <p>Max 9 hour shift with 1 shift of 11 hours</p>	<p>RDO's guaranteed (for stores with 20 or more employees)</p> <p>No min shift One start per day max. 2 consecutive days off per fortnight.</p> <p>Min 10 hour break between shifts Max 3 Sundays in 4 9 hours max and 11 once per week.</p>

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	<p>Additional worked public holidays worked at double time.</p>		
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<p><b>Part Time Employment</b></p>	<p>Max 20 hour per week between ord hours of 9am and 9pm.  Min shift of 2.5 hours.  Max shift of 10 hours on weekdays.  Can work max of 30 weekends per year. And 6 hours max on a weekend shift.  Can work max of 7 public holidays a year, paid at time and one half.  Additional public holidays worked paid at double time.  Max of 8 hours worked on a public holiday.</p>	<p>Min shift of 3 hours.  5 starts per week (or 6/4 roster)</p>
<p><b>Casual Employment</b></p>	<p>No provision for casual employment under the Award.  No casual loading specified.  No casual rates of pay specified.  No casual rostering provisions specified.</p>	<p>Max 9 hours shift with 1 shift/week of 11 hours.  7am to 6pm - Monday to Thursday 15%  7 am to 9 pm - Friday 15%  7 am to 6 pm – Saturday, a formula is applied as follows:  (adult weekly rate + \$35.90) x 115%  ( 38 7.6 )  8 am to 5 pm - Sunday 72.5%</p>

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	Max 9 hours but 1 shift of 11 hrs per week is allowed.	<p>The casual loadings are in lieu of all sick leave and annual leave entitlements.</p> <p>Casual Employees:</p> <p>Are rostered for a minimum of 3 hours per shift except in the case of a Friday night (6.30 p.m. to 9.00 p.m.) and a Saturday morning when they must be paid for a minimum of two and a half hours.</p>

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<b>Sunday Work</b>	<p>Paid at ordinary rate for work performed between 9am and 9pm.</p> <p>Limit on number of weekends that can be worked at ordinary rate.</p>	<p>Sunday work savings apply.</p> <p>Sunday work savings apply. \$10.40 paid for work after 1pm and an additional \$10.40 paid for work after 6pm.</p>
<b>Saturday Work</b>	<p>Paid at ordinary rate for work performed between 9am and 9pm.</p> <p>Limit on number of weekends that can be worked at ordinary rate.</p>	<p>Weekly and part-time employees working their ordinary rostered hours on Saturday shall receive an additional amount added to their weekly wage rate as follows:</p> <p>For work performed before 12 noon \$16.90</p> <p>For work performed after 12 noon \$20.20</p> <p>For work which includes both Saturday morning and Saturday afternoon \$37.10</p>
<b>Overtime</b>	<p>All overtime is paid at time and one half.</p>	<p>Same as NSW Shop Award.</p>
<b>Public Holidays</b>	<p>Actual public holidays not specified. Presumably, no entitlement to picnic day.</p> <p>FT employees can work a maximum of 7 public holidays per annum. Paid at time and one half.</p> <p>Additional worked public holidays</p>	<p>Canberra Day and Picnic Day</p> <p>Where an employee's day off falls on a day prescribed as a holiday, and the employee is rostered on different days each week, the employee is entitled to be paid by the mutual agreement in one of the following methods:</p>

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	<p>worked at double time.</p>	<p>day's pay, or an additional day of annual leave, or another day off within 28 days.</p>	<ul style="list-style-type: none"> <li>- an additional day's wages</li> <li>- addition of 1 day to annual holidays</li> <li>- another day off within 28 days of the public holiday, or 1 week before.</li> </ul>
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<b>Meal Breaks</b>	<p>Between 30 mins and 6 mins when working more than 5 continuous hours.</p> <p>Cannot be taken in first or last hour of work.</p>	<p>More than 5 hours = between 30 and 60mins.</p> <p>An employee required to work any day later than 6.30pm (other than in shops that close at 7.30pm) must be allowed not less than 30 minutes or more than 1 hour between 4.30pm and 6.30pm.</p>
<b>Tea Breaks</b>	<p>10 mins for each 5 hours worked during any one shift.</p>	<p>More than 4 hours = 10 mins 9 or more hours = 2<sup>nd</sup> lot of 10 mins.</p>
<b>Supported Wage</b>	<p>No provision.</p>	<p>Min rate is \$61.</p>
<b>Annual Leave</b>	<p>4 weeks for full timers only.</p> <p>17.5% loading paid on fully accrued leave. But no loading is paid on any accrued annual leave at termination or resignation.</p> <p>No annual leave for part time employees.</p>	<p>Entitled to leave of absence on full pay for a period equal to four working weeks.</p> <p>Annual leave must be taken in a continuous period, or in the event of an agreement between the employer and an employee, in two separate periods and not otherwise.</p> <p>Leave loading of 17.5%</p> <p>Up to 5 single days with agreement of employer.</p>
<b>Sick Leave</b>	<p>NSW: Full timers entitled to 40 hours in first year of service, and 64 hours p/a thereafter.</p> <p>ACT:</p>	<p>7.6 hours per month for first 10 months.</p> <p>Thereafter, 76 hour p/a</p> <p>Sick leave is cumulative to a max of 380 hours.</p>

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	<p>Can access Personal Leave to max of 76 hours per annum (full timers).</p> <p>Both NSW and ACT:</p> <p>No entitlement to sick leave in first 6 months of employment.</p> <p>Part timers can access sick leave on pro rata basis.</p>	



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<p><b>Family Leave / Personal Leave</b></p> <p>AWA contains Personal Leave of 98.8 hours per annum.</p>	<p>Accessed via Sick Leave No cap. Other forms of leave available with consent of employer. TO max of 5 single days.</p>	<p>5 days paid Carer's leave per annum. (ie not taken from Sick Leave).</p> <p>Non cumulative.</p> <p>Can also access Sick Leave if accrued Carer's Leave is exhausted.</p>
<p><b>Bereavement Leave</b></p> <p>No provision.</p>	<p>3 days for family members: spouse, child, parent, grandparent, siblings.</p>	<p>Permanent employees are entitled to up to 3 days, or 22.8 hours, paid leave per year on the death of a member of the employee's immediate family or household.</p>
<p><b>Blood Donor Leave</b></p> <p>No provision.</p>	<p>2 hours per occasion. Max 4 occasions per year.</p>	<p>No provision.</p>
<p><b>Jury Service Leave</b></p> <p>No provision.</p>	<p>Yes. Paid difference of fees.</p>	<p>Yes. Paid difference of fees.</p>
<p><b>Parental Leave</b></p> <p>As per legislation.</p>	<p>52 weeks Eligible casuals entitled.</p>	<p>52 weeks. Eligible casual employees entitled.</p>
<p><b>Long Service Leave</b></p> <p>No provision.</p>	<p>State Act.</p>	<p>Federal Act.</p>
<p><b>Uniform/Dress</b></p> <p>Employees have to pay Ocean Master for the cost of their uniform. This cost is deducted from their weekly pay over the first 4 weeks of employment.</p>	<p>Allowance.</p>	<p>Allowance.</p>

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<b>Termination of Employment</b> (by Company)	Less than 1 yr = 1 week 1 yr and less than 3yrs = 2 weeks 3 yrs and less than 5yrs = 3 weeks 5 years and over = 4 weeks	Same.
<b>Termination of Employment</b> (by employee)	2 weeks notice required.	Less than 1 yr = 1 week 1 year and over = 2 weeks.
<b>Redundancy</b>	No provision.	Federal Standard.
<b>Superannuation</b>	No provision.	Nothing is provided. Super Guarantee Act provides.
<b>Dispute Resolution</b>	Either party can seek mediation. No power given to AIRC to conciliate or arbitrate disputes. Additionally, employees agree not: <ul style="list-style-type: none"> <li>- to commence an action or penalty under s.170W;</li> <li>- obtain damages for breach of the AWA;</li> <li>- enforce a provision of the AWA or Part VID (other than to enforce 170VU of the Act)</li> </ul>	
<b>Union Matters</b>	No provision.	Obligatory Payroll Deductions.

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**Wage Comparison:**

**Base Rate**

	Level 1 (first 12 weeks of employment) - \$435 <b>Level 2 (following 6 weeks of employment) - \$450</b> Level 3 (following 6 weeks of employment) - \$465 Level 4 (following 6 weeks of employment) - \$480 Level 5 (following 12 weeks of employment) - \$495 Level 6 (following 12 weeks of employment) - \$571	\$542.80
	NB: There is no guarantee that an employee will move through successive grades. This is dependent on both the length of time employed, AND the passing of a proficiency test at 95% or better.	\$542.80

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**Junior Rates (same across the line)**

	NSW Shop	ACT Retail
Under 16 yrs	40%	40%
16 – 17 yrs	50%	50%
17 – 18 yrs	60%	60%
18 – 19 yrs	70%	70%
19 – 20 yrs	80%	80%
20 – 21 yrs	90%	90%

**Penalty Rates**

	NSW Shop	ACT Retail
	All time outside of ordinary hours is overtime.	All time outside of ordinary hours is overtime.
Friday	Ordinary time between 9am and 9pm. Time and one half outside of these hours.	<u>Permanent employees:</u> Friday 6.00pm to 12 midnight 125% <u>Casual employees:</u> Friday 6.00pm – 12 midnight 115%
Sunday	Ordinary time between 9am and 9pm. Time and one half outside of these hours.	<u>Permanent Employees</u> Sunday 8.00am to 5.00pm 150% <u>Casual Employees</u> Sunday 8.00am to 5.00pm 172.5%
Saturday	Ordinary time between 9am and 9pm. Time and one half outside of these hours.	<u>Permanent Employees</u>

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	hours.	<p>Saturday 7.00am to 6.00pm Work before 12 noon \$16.30 Work after 12 noon \$19.60 Work morning/afternoon \$35.90</p> <p>The additional amounts for Saturday work will apply for all purposes of the award including sick leave, annual leave, compassionate leave and public holidays but will not be taken into consideration in calculating payment for overtime.</p> <p><u>Casual Employees</u> Saturday 7.00am to 6.00pm a formula is applied as follows:</p> $(\text{adult weekly rate} + \$34.60) \times 115\%$ $(\quad 38 \quad \quad \quad 7.6)$
Additional Hours	Ordinary time between 9am and 9pm. Time and one half outside of these hours.	No provision.

**Casual Loading**

	NSW Shop	ACT Retail
No casual loading specified.	15% + Annual Leave Loading of 1/12 = 24.6%	115% + additional Saturday loading (see above)

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**Ordinary Hours**

		NSW Shop	Act Shop	Mon to
Mon, Tue, Wed	Ordinary time between 9am and 9pm. Time and one half outside of these hours.	6am to midnight (Special shops)	7.00am-6.00pm Thurs	Mon to
Thurs, Fri	Ordinary time between 9am and 9pm. Time and one half outside of these hours.	6am to midnight (Special shops)	7.00am-9.00pm	Friday
Sat	Ordinary time between 9am and 9pm. Time and one half outside of these hours.	6am to midnight (Special shops)	7.00am-6.00pm	Saturday
Sunday	Ordinary time between 9am and 9pm. Time and one half outside of these hours.	6am to midnight (Special shops)	8.00am-5.00pm	Sunday

**Allowances**

		NSW Shop	ACT Shop
First Aid	None	\$1.54 p/d	\$7.40 p/w (= \$1.48 p/d)
Motor Vehicle	None	49c under 2000cc 53c 2000cc and over	49c under 2000cc 53c 2000cc and over
Meal Allowance	FT employees and PT employees who work more than 6 hours in one day get benefit of free meal on any one day to value of \$10.	\$10.40	\$10.40
Uniform Allowance	None	\$8.60 p/w	\$8.60 p/w