

**AUSTRALIAN WORKERS' UNION ASPHALT AND BITUMEN INDUSTRY**  
**(W.A.) AWARD 1988 (FEDERAL) (Cont'd)**

**6. - CONTRACT OF EMPLOYMENT**

**(a) Method of Engagement**

**(i) Weekly Employment**

Employment shall be by the week, unless an employee is specifically engaged as a casual. Where employment is by the week it shall be for at least eight weeks continuous employment.

**(ii) Casual Employment**

A casual employee is one engaged by the hour and paid as such. A casual employee for working ordinary time shall be paid one thirty-eighth of the weekly award wage and the industry allowance prescribed herein for each hour so worked, plus a loading of twenty percent.

Where a casual employee works overtime or on a Public Holiday the casual rate shall be the base upon which the appropriate overtime or Public Holiday penalty rate is applied.

The 20 percent loading prescribed herein is in lieu of all paid leave and Public Holidays not worked and to compensate for the nature of casual employment.

- (ii)** An employee shall not be engaged for a continuous period of more than eight weeks as a casual without written agreement between the employer concerned and the Branch Secretary of the Union.

**(b) Absence from Duty**

If a weekly engaged employee absents himself from work, his wages shall be subject to a deduction proportionate to the length of his absence except when absent on paid leave.

**(c) Employee's Address**

- (i)** At the time of engagement, the employee shall provide a written statement of his usual place of residence.
- (ii)** The employee shall inform his employer in writing of any subsequent change in his usual place of residence.

**(d) Classification of Employee**

Upon commencing work with an employer, an employee shall be classified under a classification prescribed by this award, and shall remain upon such classification and be paid the wage prescribed therefore unless re-classified. A weekly employee or a casual employee shall be entitled to one week's notice or one day's notice respectively of any proposed re-classification by the employer.

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If an employee fails to give notice the employer shall have the right to withhold moneys due to the employee with a maximum amount equal to the ordinary time rate of pay for the period of notice.

**(c) Time Off during Notice Period**

Where an employer has given notice of termination to an employee, an employee shall be allowed up to one day's time off without loss of pay for the purpose of seeking other employment. The time off shall be at times that are convenient to the employee after consultation with the employer.

**(d) Statement of Employment**

The employer shall, upon receipt of a request from an employee whose employment has been terminated, provide to the employee a written statement specifying the period of his or her employment and the classification of or the type of work performed by the employee.

**(e) Summary Dismissal**

Notwithstanding the provisions of paragraph (a)(i) hereof the employer shall have the right to dismiss any employee without notice for conduct that justifies instant dismissal, including malingering, inefficiency or neglect of duty and in such cases the wages shall be paid up to the time of dismissal only.

**(f) Unfair Dismissals**

Termination of employment by an employer shall not be harsh, unjust or unreasonable.

For the purposes of this clause, termination of employment shall include terminations with or without notice.

Without limiting the above, except where a distinction, exclusion or preference is based on the inherent requirements of a particular position, termination on the ground of race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction and social origin shall constitute a harsh, unjust or unreasonable termination of employment.

**7. - PAYMENT OF WAGES**

**(a) Method of Payment**

Employees shall be paid their weekly wages in cash, or where arrangement is reached between the employer and the employee, payment of wages may be made by cheque or by electronic fund transfer into an account nominated by the employee.

Notwithstanding all employees hired after 24 September 1990 shall be paid their weekly wages by electronic fund transfer, cash or by cheque at the discretion of the employer.

**(b) Time of Payment**

- (i)** Employees shall be paid their wages during working hours on or before the regular nominated pay day.

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**IMPORTANT - PLEASE NOTE:**

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- (viii) The amount of each deduction made and the nature thereof.
- (ix) The net amount of wages and allowances paid.
- (x) Any payments in respect of public holidays or paid leave.

**8. - RATES OF PAY AND ALLOWANCES**

**PART 1 - MANUFACTURE AND PREPARATION**

**(a) Wage Rates:**

<b>Classification:</b>	<b><u>Weekly Rate</u></b>
	<b>\$</b>
1. Employees in charge of plant	-
2. Employees who operate mixing plant	-
3. Loader Drivers	
(A) 40 kW net engine power and above	-
(B) Below 40 kW net engine power	-
4. General Hands	
(A) With six or more months' experience	-
(B) With less than six months' experience	-

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**PART II - APPLYING, LAYING AND FIXING**

**Classification:**

**Weekly Rate**  
**\$**

1. Employees who lead a crew and who are not Foremen -
2. Plant Operators including Relief Operators -
  - (A) Paver, screed, roller of 3 tonne and above, and Spray Truck Driver -
  - (B) Roller and under 3 tonne, Sprays and Rake Hand -
3. General Hands -
  - (A) With six or more months' experience
  - (B) With less than six months' experience

**PART III - SPRAY AND COVER (BORAL)**

1. Drivers of Bituminous Products Spraying Vehicle, with a combined weight of vehicle and maximum load of:
  - (A) Under 15 tonnes -
  - (B) 15 tonnes and under 31 tonnes -
  - (C) 31 tonnes and under 37 tonnes -
  - (D) 37 tonnes and under 43 tonnes -
  - (E) 43 tonnes and under 49 tonnes -
  - (F) over 49 tonnes -

Where the product trailers are drawn, the combined weight of the trailer and maximum load is to be treated as part of the combined weight of which wages are determined for all purposes of the award.

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**PART III - SPRAY AND COVER (BORAL) (cont'd)**

**Classification:**

**Weekly Rate**  
**\$**

**2. Drivers of Aggregate Spreader Trucks:**

(A) Up to and including 10 tonnes carrying capacity -

(B) Over 10 tonnes carrying capacity -

Where tip trucks tow trailers with a carrying capacity in excess of 10 tonnes, an additional \$..... per week will be paid.

**3. Drivers of:**

(A) Aggregate Loader, Flaherty Spreader, Rubber-tyred Wheeled Tractor with rotary broom or other power operated equipment in use e.g. Front-end loader and rollers -

**4. Bituminous Products Sprayman:**

(A) Cockerill Spreader Operator  
Flaherty Spreader Operator -

**5. General Hands:**

(A) With six or more months' experience -

(B) With less than six months' experience -

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**PART IV - TRAINEES**

The following percentages are based on the classification prescribed in Part II 2(A) hereof - Power, Screed Roller of 3 tonnes and above, and Spray Truck Driver.

1. Trainee Age		<u>Year 1</u>	<u>Year 2</u>
		%	%
15 years of age	.....	70 x 75	-
16 years of age	.....	72.5 x 75	67.5
17 years of age	.....	82.5 x 75	75
18 years of age	.....	92.5 x 75	82.5
19 years of age	.....	100 x 75	100
20 years of age	.....	87.5	100

**PART V - ALL EMPLOYERS - SKILLS ACQUISITION**

1. Upon successful completion of the course an employee shall be paid a loading of 10% in addition to the rate prescribed in Part II 2(A) hereof.

**(b) Industry Allowance**

The rates prescribed in paragraphs (c) (i), (ii) and (iii) hereof are inclusive of an industry allowance of \$..... per week which shall be paid to each employee covered by the terms of this award. Such allowance shall be to compensate for any or all of the following disabilities.

- climatic conditions when working in the open on all types of work.
- dust blowing in the wind on construction sites and on the construction and maintenance of roads, etc.
- the lack of usual amenities associated with fixed location work.

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- working on roads, etc. with vehicular traffic nearby.
- working with hot bitumen and bituminous products.
- working with heavy plant and equipment.

**(c) Special Rates**

The following special rates shall be paid as prescribed irrespective of the times at which the work is being performed and shall not be subject to any premium or penalty addition. Where more than one of the rates prescribed below provides payment for disabilities of substantially the same nature then only the highest of such rates shall be payable.

**(i) Confined Space Allowance**

An employee required to work in a place the dimensions or nature of which necessitate working in a cramped position or without sufficient ventilation shall be paid an additional \$0.44 per hour or part thereof.

**(ii) Toxic Substances**

- (1) Employees required to use toxic substances shall be informed by the employer of the health hazards that may be involved and instructed in the correct and necessary safeguards which must be observed in the use of such substances.
- (2) Employees using toxic substances shall be provided with and shall use all safeguards as are required by the appropriate Government Authority or, in the absence of such requirement, such safeguards as are defined by a competent authority or person chosen by the Union and the employer.
- (3) Employees using toxic substances or materials of a like nature shall be paid \$0.44 per hour extra. Employees working in the same enclosed area or, if in an open area, in close proximity to employees so engaged shall be paid \$0.36 per hour extra.