

## IN THE FAIR WORK COMMISSION

**Matter No.:** AM2014/203 Graphic Arts, Printing and Publishing Award 2010

**Re Application by:** "Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union" known as the Australian Manufacturing Workers' Union (AMWU)



## Graphic Arts, Printing and Publishing Award 2010

### 4 Yearly Review of Modern Awards

## COVER SHEET

### **About the Australian Manufacturing Workers' Union**

The Australian Manufacturing Workers' Union (AMWU) is registered as the "Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union". The AMWU represents members working across major sectors of the Australian economy, including in the manufacturing sectors of vehicle building and parts supply, engineering, printing and paper products and food manufacture. Our members are engaged in maintenance services work across all industry sectors. We cover many employees throughout the resources sector, mining, aviation, aerospace and building and construction industries. We also cover members in the technical and supervisory occupations across diverse industries including food technology and construction. The AMWU has members at all skills and classifications from entry level to Professionals holding degrees.

The AMWU's purpose is to improve member's entitlements and conditions at work, including supporting wage increases, reasonable and social hours of work and protecting minimum award standards. In its history the union has campaigned for many employee entitlements that are now a feature of Australian workplaces, including occupational health and safety protections, annual leave, long service leave, paid public holidays, parental leave, penalty and overtime rates and loadings, and superannuation.

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## Introduction

1. The Australian Manufacturing Workers' Union (AMWU) is proposing changes to the *Graphic Arts, Printing and Publishing Award 2010* to ensure that employees who work in all daily newspapers, including metropolitan newspapers are covered by a Modern Award.
2. The 4 Yearly Review of Modern Awards Full Bench said the following about the coverage of metropolitan newspapers:

*“[96] We consider that the first three issues identified above are substantive issues which should be referred to a separately constituted Full Bench for hearing and determination. In relation to the fourth issue, we accept in principle that it should be made clear that the Award’s coverage extends to metropolitan daily newspapers. However that change or clarification of coverage may require consequential changes to various other provisions of the Award having regard to the terms of the pre-2009 industrial instruments which applied. A number of parties have adverted to the need for this wider consideration to arise. Accordingly we will also refer this issue to the separately constituted Full Bench for finalisation.”<sup>1</sup> (emphasis added)*

3. The AMWU will address in this submission:
  - (a) The current coverage of the *Graphic Arts, Printing and Publishing Award 2010*;
  - (b) The need to clarify Modern Award coverage of metropolitan newspapers;

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<sup>1</sup> 4 yearly review of modern awards – award stage – exposure drafts – Group 2 awards [2016] FWCFB 7254

- (c) The specific conditions which form part of the pre-2009 awards for metropolitan newspapers which should be retained in the modern award system.

### **The Current Award**

4. As it currently stands, the Graphic Arts, Printing and Publishing Award 2010 (Graphic Arts Award 2010) has no specific reference to metropolitan daily newspapers. The Graphic Arts Award 2010 needs to be amended to properly reflect coverage of metropolitan daily newspaper centres. The Award's coverage of employees working for metropolitan newspapers is unclear, and the current Award entitlements and conditions for those employees is not appropriate. These two reasons weigh heavily in favour of a finding that the current Award is not providing a 'fair and relevant minimum safety net of terms and conditions' as required by the Modern Awards Objective at s. 134 of the *Fair Work Act 2009* (the Act).
5. The real world effect of this circumstance is that employees are, in the worst case scenario, potentially award-free and in the best case scenario have ambiguous Award coverage with an inappropriate set of conditions and entitlements for the purposes of the 'better off overall test' (the BOOT).
6. The Award coverage provisions refer to the 'graphic arts, printing, publishing and associated industries and occupations'.<sup>2</sup> At clause 4.9(a), this includes "printing of all classes".
7. Relevantly, at clause 4.9(n), the Award's newspaper coverage is characterised as the "production of non-daily and regional daily newspapers, which includes any business, trade, manufacture, undertaking, calling, service, employment, handicraft or industrial occupation in the

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<sup>2</sup> *Graphic Arts, Printing and Publishing Award 2010*, cl. 4.1.

printing and any kindred industries” (emphasis added).

8. The Award also provides the following definitions for non-daily newspaper, and regional daily newspaper respectively in clause 3 of the Graphic Arts Award 2010:
  - a. **Non-daily newspaper office** includes every office in which a newspaper is printed and/or published on fewer than five days in a week and includes an office where, in addition to the printing and publishing of a newspaper, commercial printing is carried on;
  - b. **Regional daily newspaper office** includes every office in which a daily newspaper is printed and/or published on more than four days a week.
9. The Award contains specific provisions tailored for non-daily newspaper offices, and regional daily newspaper offices.
10. However, daily metropolitan newspapers are conspicuously absent from the coverage and definitions. This is unsurprising, as daily metropolitan newspaper employers took a very limited role during the Award Modernisation proceedings, with only News Ltd submitting brief correspondence to the Award Modernisation Full Bench. In submissions, News Ltd sought further clarification that daily metropolitan newspapers were not covered by the Award’s then exposure draft. News Ltd submitted that it had “never been respondent to the Graphic Arts Award” and emphasised their “long and separate industrial relations history.”<sup>3</sup> News Ltd then proposed that coverage should be clarified to specifically exclude metropolitan newspapers from the draft award. The Full Bench of the

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<sup>3</sup> News Ltd Submission – 19 February 2009 - [http://www.airc.gov.au/awardmod/databases/graphic/Submissions/News\\_graph\\_ed.pdf](http://www.airc.gov.au/awardmod/databases/graphic/Submissions/News_graph_ed.pdf).

Australian Industrial Relations Commission (the AIRC) said in releasing an updated exposure draft that “we have not made any changes to the draft relating to coverage of web design, design generally, or metropolitan newspapers or plastic manufacture...the provisions largely reflect the coverage of awards to be subsumed into the modern award.”<sup>4</sup>

11. The Award is lacking in terms of its coverage scope and definitions to properly incorporate metropolitan daily newspapers. In terms of coverage, it is plainly insufficient for the modern award to refer only to “printing of all classes” as a mechanism for the award to apply to daily metropolitan newspapers.<sup>5</sup> The Award applies specifically to the “production of non-daily and regional daily newspapers.”<sup>6</sup> From the specific referral to other newspaper publishing operations, and the omission of daily metropolitan newspapers, it would seem that coverage only extends to non-daily and regional daily newspaper offices.
  
12. Looking at the “regional daily newspaper” definition, it may also be interpreted that “regional daily newspaper” could be taken to include from a literal points of view “every office in which a daily newspaper is printed and/or published on more than four days a week.” This would involve suspending the plain meaning of the word “regional” and the historical context of where the definition of “regional daily newspaper” came from. The identical definition is taken from the *Regional Daily Newspapers (Printing) Award 2001*.<sup>7</sup> The *Regional Daily Newspapers (Printing) Award 2001* included as respondents only regional Australian newspapers and no metropolitan or capital city daily newspapers. This identical definition

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<sup>4</sup> *Award Modernisation* [2009] AIRCFB 345, [142].

<sup>5</sup> *Graphic Arts, Printing and Publishing Award 2010*, cl. 4.9(a).

<sup>6</sup> *Graphic Arts, Printing and Publishing Award 2010*, cl. 4.9(n).

<sup>7</sup> [https://www.fwc.gov.au/documents/consolidated\\_awards/ap/ap811502/asframe.html](https://www.fwc.gov.au/documents/consolidated_awards/ap/ap811502/asframe.html)

points to the coverage excluding metropolitan daily newspapers.

13. There is also the possibility that the broad coverage in clause 4.9(a) of “printing of all classes” is broad enough to capture metropolitan daily newspapers. However, it would also be broad enough to capture non-daily and regional daily newspapers, and consequently, clause 4.9(n) would have no work to do as coverage of newspaper production would already be encapsulated in clause 4.9(a). The principle of *lex specialis* reinforces this interpretation. The general principle can be expressed as where two laws equally apply to the same subject matter, the more specialised law will prevail over the general law. Clause 4.9(n) applies specifically to the production of “non daily and regional daily newspapers”, whereas clause 4.9(a) applies generally to “printing of all classes”.
14. The general principle that the specific overrides the general would tend to lead to a conclusion that the specific metropolitan newspapers was excluded because of the specific inclusion of regional daily newspapers and daily newspapers. Otherwise metropolitan daily newspapers would be covered by the general entitlements and conditions which apply to the printing and publishing industry generally.
15. As a point of comparison, the *Journalists Published Media Award 2010* (the Journalists Award) includes a stand alone definition of “metropolitan daily newspapers” as a “newspaper published Monday to Saturday or published only on a Sunday and which is principally distributed throughout the metropolitan area of one or more capital cities or the metropolitan areas of Newcastle or Wollongong.”<sup>8</sup> This definition sits alongside the definition of “published media industry” which means “the publication of newspapers,

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<sup>8</sup> *Journalists Published Media Award 2010*, cl. 3.1.

magazines, periodicals, journals and online publications, and the provision of wire services.” The Journalists Award does not simply rely on the definition of “published media industry”.

16. It would appear that it was necessary to include specific reference to non-daily and regional daily newspapers because there were specific terms and conditions which were associated with these two areas of the general industry.

### **The December 2014 decision**

17. A Full Bench decision about the modernisation of News Ltd’s enterprise awards sheds further light on the coverage of the Graphic Arts Award 2010. In 2013, the AMWU and News Ltd lodged applications pursuant to Item 4 of Schedule 6 of the *Fair Work (Transitional and Consequential Amendments) Act 2009* (the Transitional Act) to create Modern Enterprise Awards covering the printing and publishing operations of News Ltd. Item 4(5) of Schedule 6 of the Transitional Act requires the FWC to take into account a range of factors in deciding whether to make a modern enterprise award. Relevantly, Item 4(5)(b) requires the FWC to consider whether there is another modern award that would cover the persons who are to be covered by the instrument.
18. The result of the Applications which were heard jointly, was the decision by the Full Bench on 5 December 2014 (the 2014 Decision) <sup>9</sup> which found that whilst the Award applies generally to the printing and publishing industries, “it expressly includes the production of non-daily and regional daily newspapers, but conspicuously does not expressly apply to the production

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<sup>9</sup> ‘Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union’ known as the Australian Manufacturing Workers’ Union (AMWU) [2014] FWCFB 6167.

of metropolitan dailies” (emphasis added).<sup>10</sup> The Full Bench went on to say:

“This omission led News Limited to refrain from any involvement in the making of the Graphic Arts Award. When the Graphic Arts Award was made, the award modernisation Full Bench noted that changes had not been made to reflect coverage of metropolitan newspapers. The particular shift working arrangements and classifications developed for metropolitan dailies are not reflected in the Graphic Arts Award”.<sup>11</sup>

19. When considering Item 4(5)(c), that is, the content of a modern award referred to in Item 4(5)(b), the Full Bench said that “if a modern enterprise award is not made covering the News Limited publishing operations, variations need to be considered to the industry award to ensure that it provides an appropriate safety net” (emphasis added).<sup>12</sup>
  
20. The Full Bench decided that due to “the unique history of the current awards, the unique nature of dedicated metropolitan daily newspaper production at News Limited print sites, the large number of enterprise specific provisions in the current instruments and the omission of this segment of the printing industry from the industry award modernisation process collectively amounts to a strong case for continuing the enterprise award approach” (emphasis added).<sup>13</sup> The decision resulted in the creation of four separate modern enterprise awards covering News Ltd printing

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<sup>10</sup> [2014] FWCFB 6167 [9].

<sup>11</sup> [2014] FWCFB 6167 [9].

<sup>12</sup> [2014] FWCFB 6167 [10].

<sup>13</sup> [2014] FWCFB 6167 [21].



operations.<sup>14</sup>

21. The AMWU submits that both Fairfax and WAN operate in the same industry as News Ltd, and that the principles in the 2014 decision are equally applicable to Fairfax and WAN printing and publishing operations. The following principles from the 2014 decision are of general import and are relevant to the AMWU's current application:
- a. That the Award "does not expressly apply to the production of metropolitan dailies";
  - b. That during the Award Modernisation process, the Full Bench noted that "changes had not been made to reflect coverage of metropolitan newspapers";
  - c. That industry-specific "shift working arrangements and classifications" are not reflected in the modern award";
  - d. That if a modern enterprise award was not created covering the operations of News Ltd, then "variations would need to be considered to the industry award to ensure that it provides an appropriate safety net";
  - e. That the Award was "not intended to cover" the daily metropolitan newspaper publishing industry.

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<sup>14</sup> *Metropolitan Newspapers (South Australia and Tasmania) Printing Award 2015, Northern Territory News Award 2015, Queensland Newspapers Pty Ltd Printing (Murarrie) Award 2015, Chullora Printing Award 2015.*

22. The AMWU submits that the consideration by the Full Bench of Item 4(5)(b) of the Transitional Act would have been different had the *Graphic Arts, Printing and Publishing Award 2010* covered metropolitan newspapers. The finding in the decision is good authority for the contention that daily metropolitan newspapers are not within the coverage of the modern award. In the context of the decision, it is difficult to see how other industry participants (including Fairfax and WAN) would have been covered by the modern award, where News Ltd was found to be clearly outside of its scope.
23. The decision also supports the AMWU's claim to include industry-specific entitlements and conditions. Any submission stating that the regional daily entitlements and conditions are analogous to metropolitan daily entitlements and conditions cannot be sustained, and is inconsistent with the conclusions of the Full Bench in the 2014 decision which expressed the need for variations "to ensure that it provides an appropriate safety net" in the event daily metropolitan newspapers fell under the modern award coverage.

#### **Regional Daily Newspaper – Entitlements and Conditions**

24. The entitlements and conditions for regional daily newspaper offices have developed separately to that of metropolitan daily newspapers. The regional daily newspaper provisions in the modern award are an amalgam of the terms and conditions of employment from the *Regional Daily Newspaper (Printing) Award 2001* and the *Country Printing and Publishing Award 2001*.

#### **West Australian Newspapers and Fairfax Metropolitan Newspapers**

25. It appears that the principal award covering West Australian News (WAN) operations has historically been the *Printing (Newspaper) Award 1979*.<sup>15</sup> Fairfax Ltd has previously been covered by the *Fairfax Printers Award 1999*<sup>16</sup> and the *Print Centre (Canberra Times) Award 2000*. It is also worth noting that the *West Australian Production Employees Enterprise Agreement 2012* covering WAN printing is to be read “in conjunction with” the *Printing (Newspaper) Award 1979*.<sup>17</sup>
26. The AMWU submits that it would be inappropriate to simply clarify that the regional daily newspapers definition includes metropolitan newspapers without including standards of entitlements and conditions which are specific to metropolitan newspapers, given their historical and substantive differences.

#### **Proposed AMWU changes**

27. The AMWU’s proposed draft determination reflects necessary changes to the Award in the following ways:
- a. Replace all references to “regional daily newspaper” with “daily newspaper.”
  - b. Include a new definition of “Daily metropolitan newspaper office” which is “any daily newspaper office where the newspaper is a metropolitan masthead”;

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<sup>15</sup> *Printing (Newspaper) Award 1979*, Schedule A – Respondents. Includes West Australian Newspapers Ltd., and Nationwide News Pty. Ltd., trading as the “Sunday Times”.

<sup>16</sup> *Fairfax Printers Award 1999*. The *Fairfax Printers Enterprise Agreement 2010* was to be read in conjunction with the 1999 Award at cl. 4.

<sup>17</sup> *West Australian Production Employees Enterprise Agreement 2012*, at cl. 5.

- c. Included daily metropolitan specific entitlements and conditions such as redundancy, annual leave, personal leave and jury service.
28. Given the lack of a national metropolitan daily newspaper award, the AMWU's proposal is based on what can generally be considered industry standards found in various pre-modern metropolitan daily awards. Generally, the conditions found in the AMWU's proposed entitlements and conditions for metropolitan newspapers are derived from the *Printing (Newspaper) Award 1979*, *Fairfax Printers Award 1999*, and *Print Centre (Canberra Times) Award 2003*. The News Ltd Enterprise Awards have not been taken into account specifically because they are separate from the industry Award. However, it is important to note what the redundancy provisions for the News Ltd Enterprise Awards are as they should be taken into account in establishing what the industry standard is.

### **Redundancy**

29. There is a clear standard of Redundancy entitlements across the metropolitan daily newspaper awards that provides for four weeks pay for each year of service up to ten years, after which the redundancy pay increases by three weeks pay for each additional year of service. This standard of entitlement is reinforced by the standard which exists in all the News Ltd Enterprise Awards that provides for four weeks pay for each year of service with no cap.

### **Annual Leave**

30. There is a clear standard for 6 weeks and three days annual, which is currently provided to regional daily newspapers. However, there seems to be a part of the current clause which attempts to clarify the interaction with the "shiftworker" provision that seems to render the clause otiose. The AMWU proposes an amendment which should clarify the clause interaction.

### **Personal Leave**

31. There is a standard for personal leave which is 20 days at full pay, tapering off at half pay for the next twenty days and quarter pay for the next twenty days which appears in the award that applies to WAN. This standard did not exist for the Fairfax Awards. However, it is a standard that exists within two of the four News Ltd Enterprise Awards. One of the other News Ltd Awards had an entitlement to 100 hours which is also above the NES. It makes sense that there should be an entitlement for additional sick leave for employees who consistently work night shift or intermediate shift in order to ensure newspaper production. The evidence points to employees who regularly work night shift having negative impacts upon their health. The provision of additional sick leave can ensure that workers can access sick leave when they need to.

### **Jury Service**

32. There is a clear standard for jury service that ensures no loss of pay regardless of how long the jury service is, which is superior to the NES that should be retained.

### **Modern awards objective**

33. The modern awards objective applies to the Four Yearly Review,<sup>18</sup> and therefore s. 134 considerations are relevant. The AMWU will deal with each matter separately as below.

### ***Relative living standards and the needs of the low paid – s. 134(1)(a)***

34. Clarifying metropolitan daily newspaper coverage is important to ensure that the history of entitlements which were won by employees working in that industry over its history are not lost. The inclusion of metropolitan daily newspapers in the Award is necessary for the protection of employee

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<sup>18</sup> 4 Yearly Review of Modern Awards: Preliminary Jurisdictional Issues [2014] FWCFB 1788, at [29].

entitlements and industry conditions. The FWC must also consider, the possibility of new entrants into the daily metropolitan printing industry. In the absence of Award coverage, the industrial standard for such workers would fall to the National Employment Standards (NES). This outcome would not achieve a “relevant” safety net of terms and conditions for employees in the daily metropolitan newspaper industry. The clarification of daily newspapers also ensures that new entrants to the market will be covered by an appropriate safety net and not undercut existing employers.

35. The fact that an industry may be covered by enterprise agreements does not diminish the FWC’s requirement to ensure a fair and effective safety net.<sup>19</sup> This requirement is given increased importance by the broader range of circumstances where enterprise agreements may be terminated by the FWC, leaving employees reliant on the modern award safety net.<sup>20</sup>
36. It is also manifestly unfair that employees in a traditionally award covered industry may find themselves without the explicit protection of the modern award for the purposes of enterprise bargaining. It is equally unfair that such workers should rely on provisions which exclude the historical bargains of employees in the industry.

***The need to encourage collective bargaining – s. 134(1)(b)***

37. Employees reliant on the NES do not have the same access to processes and entitlements of a collective nature such as consultation procedures, facilitative provisions, dispute resolution procedures, and dispute resolution training leave. These entitlements that create an environment of collective

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<sup>19</sup> *Telstra v CEPU and others* [2012] FWA 5401 at paragraph [38] confirms the role of the Awards in relation to enterprise agreements

<sup>20</sup> *Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia v Aurizon Operations Ltd* [2015] FCAFC 126 this decision confirmed that it may be in the public interest to terminate an agreement in the middle of bargaining resulting in employees falling to the Modern Award for their terms and conditions.

engagement are more likely to facilitate enterprise bargaining, than the individual rights based National Employment Standards. Enterprise bargaining would be better facilitated by the inclusion of daily metropolitan coverage and specific conditions. The Award would provide a clear reference point of terms and conditions, and an appropriate framework for bargaining to take place. The current arrangements risk employees potentially falling to that of the NES.

38. There is also no evidence to suggest that the inclusion of similar provisions in other Modern Awards has adversely impacted upon collective bargaining. For example, those provisions distinguishing “metropolitan daily newspapers” in the Journalists Award and as mentioned in paragraph [10] of this submission.
39. Clarifying the safety net ensures that there is an appropriate vehicle for the Better Off Overall Test (BOOT).

***The need to promote social inclusion through increased workforce participation – s. 134(1)(c)***

40. The inclusion of metropolitan daily newspapers in the Modern Award would promote workforce participation. Access to the skills based classification structure and career path in the Graphic Arts Award 2010 should promote productivity and increased workforce participation.

***The need to promote flexible modern work practices and the efficient and productive performance of work – s. 134(1)(d)***

41. The AMWU submits that the proposed variation is consistent with the need to promote flexible modern work practices and the efficient and productive performance of work. Providing access to Modern Award coverage does not result in inefficient or unproductive performance of work.

***The need to provide additional remuneration for (i) employees working overtime (ii) employees working unsocial, irregular or unpredictable hours (iii)***

***employees working on weekends or public holidays (iv) employees working shifts – s. 134(1)(da)***

42. This criteria is neutral.

***The principle of equal remuneration for work of equal or comparable value – s. 134(1)(e)***

43. This criteria is neutral.

***The likely impact of any exercise of modern awards powers on business including on productivity, employment costs and the regulatory burden – s. 134(1)(f)***

44. The AMWU submits that the impact on any additional employment costs or, an increase the regulatory burden for business is neutral. The immediate impact on WAN and Fairfax should be neutral given they are covered by enterprise agreements.

***The need to ensure a simple, easy to understand, stable and sustainable modern award system for Australia that avoids overlap of modern awards – s. 134(1)(g)***

45. The proposed variation is drafted in terms that are simple and easy to understand. It provides further clarity about the distinction between a non-daily newspaper office, a daily newspaper and a metropolitan daily newspaper.

***The likely impact of any exercise of modern award powers on employment growth, inflation and the sustainability, performance and competitiveness of the national economy – s. 134(1)(h)***

46. Clarifying coverage of the metropolitan daily newspapers will have a neutral impact on employment growth, inflation and the sustainability, performance and competitiveness of the national economy.



## **Conclusion**

47. The AMWU's draft determination will clarify coverage for daily metropolitan newspapers. It would also ensure that the particular entitlements that are a standard in daily metropolitan newspapers including redundancy, annual leave, personal leave, and jury service are reflected in the Award.
  
48. The AMWU submits that the proposed draft determination if made by the Commission ensures that the Graphic Arts Award 2010 provides for a fair and relevant minimum safety net.

END

**7 April 2017**

## **DRAFT DETERMINATION**

*Fair Work Act 2009*

Part 2-3 Division 4 – 4 Yearly Review of Modern Awards

s.156(2)(b)(i)

### **Graphic Arts, Printing and Publishing Award 2010**

(MA000026)

Graphic Arts

### **AM2014/203 Graphic Arts, Printing and Publishing Award 2010**

DEPUTY PRESIDENT

MELBOURNE, X XXX 2017

Review of modern awards to be conducted.

[1] Further to the decision and reasons for decision <<decision reference>> in AM2014/203, it is determined pursuant to section 156(2)(b)(i) of the Fair Work Act 2009, that the Graphic Arts, Printing and Publishing Award 2010 be varied as follows.

[2] Replace all references to “regional daily newspaper” with “daily newspaper.”

[3] Insert in clause 3:

“Daily metropolitan newspaper office is any daily newspaper office where the newspaper is a metropolitan masthead”

[4] Insert clause 16.7

“16.7 Metropolitan Daily Newspapers Redundancy

An employee who is made redundant will be paid redundancy pay as follows with a minimum of four weeks pay:

- (a) for each year of service of the employee up to and including ten years of service, four weeks pay and pro rata for each additional completed quarter year of service; and
- (b) for each year of service in excess of ten years service, three weeks pay and pro rata for each additional completed quarter year of service.

[5] Delete the words in clause 37.2 “This provision does not apply to a shiftworker as defined in clause 37.4.” and replace with “This provision applies to a daily newspaper office instead of clause 37.4.”

[6] Insert clause 38.1

“38.1 Metropolitan Daily Newspaper employees

- (a) In each calendar year a worker with not less than six months continuous service is entitled to be paid sick leave on the following basis;
  - (i) full pay for the first twenty working days;
  - (ii) half pay for the second twenty working days; and
  - (iii) quarter pay for the third twenty working days.
- (b) Where, in any year, a worker is allowed, as sick leave on full pay, less than the period prescribed in paragraph (a) of subclause (3) of this clause, one half of the unused portion of such sick leave shall be carried forward as accumulated sick leave (full pay) and shall be available to the worker for a period of five years from the end of the year in which it accrued.
- (c) A worker with more than three but less than six months continuous service is entitled to paid sick leave on the following basis:
  - (i) full pay for the first ten working days;
  - (ii) half pay for the second ten working days;
  - (iii) quarter pay for the third ten working days.
- (d) A worker with less than three months continuous service is entitled to paid sick leave on the basis of one day's pay for each completed month of service.”

[7] Insert clause 39.1

“39.1 Jury Service Metropolitan Daily Newspaper

- (a) An employee required to attend for jury service during the employee's ordinary working hours shall be reimbursed by the employer an amount equal to the difference between the amount paid in respect of his attendance for such jury service and the amount of wage the employee would have received in respect of the ordinary time the employee would have worked had the employee not been on jury service.
- (b) The employee shall notify the employer as soon as possible of the date on which the employee is required to attend for jury service. Further, the employee shall provide the employer with proof of the attendance, the duration of such attendance and the amount received in respect of such jury service.”

[8] This determination will operate on and from 1 XXX 2017.

DEPUTY PRESIDENT