

2. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.
3. The Member, Members or international authority concerned may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 9, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

Article 9

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an Act communicated to the Director-General of the International Labour Office for registration. Such denunciation should not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 10

1. The Director-General of the International Labour Office shall notify all members of the International Labour Organisation of the registration of all ratification's and denunciations communicated to him by the Members of the Organisation.
2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 11

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratification's and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 12

At such times as may consider necessary the Governing Body of the

International Labour Office shall present to the General Conference a report on the working of this convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 13

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:
 - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 9 above, if and when the new revising Convention shall have come into force;
 - (b) as from the date when the new revising Convention comes into force this convention shall cease to be open to ratification by the Members.
2. This convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 14

The English and French versions of the text of this Convention are equally authoritative.

C111 Discrimination (Employment and Occupation) Convention, 1958
 Convention concerning Discrimination in Respect of Employment and
 Occupation

PREAMBLE

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International
 Labour Office,
 and having met in its Forty-second Session 4 June 1958, and
 Having decided upon the adoption of certain proposals with regard to
 discrimination in the field of employment and occupation, which is the fourth item
 on the agenda of the session, and
 Having determined that these proposals shall take the form of an international
 Convention, and
 Considering that the Declaration of Philadelphia affirms that all human beings,
 irrespective of race, creed or sex, have the right to pursue both their material
 well-being and their spiritual development in conditions of freedom and dignity,
 of economic security and equal opportunity, and
 Considering further that discrimination constitutes a violation of rights enunciated
 by the Universal Declaration of Human Rights, adopts the twenty-fifth day of
 June of the year one thousand nine hundred and fifty-eight, the following
 Convention, which may be cited as the Discrimination (Employment and
 Occupation) Convention, 1958:

TEXT

Article 1

1. For the purpose of this Convention the term discrimination includes—
 - (a) any distinction, exclusion or preference made on the basis of race, colour sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;
 - (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the member concerned after consultation with representative employers' and workers' organisations, where such exist, and with other appropriate bodies.
2. Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination.

3. For the purpose of this Convention the terms employment and occupation include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.

Article 2

Each Member for which this convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.

Article 3

Each Member for which this Convention is in force undertakes, by methods appropriate to national conditions and practice-

- (a) to seek the co-operation of employers' and workers' organisations and other appropriate bodies in promoting the acceptance and observance of this policy;
- (b) act such legislation and to promote such educational programmes as may be calculated to secure the acceptance and observance of the policy;
- (c) to repeal any statutory provisions and modify any administrative instructions, or practices which are inconsistent with the policy;
- (d) to pursue the policy in respect of employment under the direct control of a national authority;
- (e) to ensure observance of the policy in the activities of vocational guidance, vocational training and placement services under the direction of a national authority;
- (f) to indicate in its annual reports on the application of the convention the action taken in pursuance of the policy and the results secured by such action.

Article 4

Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State shall not be deemed to be discrimination, provided that the individual concerned shall have the right to appeal to a competent body established in accordance with national practice.

Article 5

1. Special measures of protection or assistance provided for in other Conventions or Recommendations adopted by the International Labour Conference shall not be deemed to be discrimination,
2. Any Member may, after consultation with representative employers' and workers' organisations, where such exist, determine that other

special measures designed to meet the particular requirements of persons who, for reasons such as sex, age, disablement, family responsibilities or social or cultural status, are generally recognised to require special protection or assistance, shall not be deemed to be discrimination.

Article 6

Each Member which ratifies this Convention undertakes to apply it to non-metropolitan territories in accordance with the provisions of the Constitution of the International Labour Organisation.

FINAL

Article 7

The formal ratification's of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 8

1. Article 9 This Convention shall be binding only upon those Members of the International Labour Organisation whose ratification's have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratification's of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification's has been registered.

Article 9

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an Act communicated to the Director-General of the International Labour Office for registration. Such denunciation should not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 11

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratification's and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 12

At such times as may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 13

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:
 - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 9 above, if and when the new revising Convention shall have come into force;
 - (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members;
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 14

The English and French versions of the text of this convention are equally authoritative.

TREATY OF ROME**TREATY ESTABLISHING THE EUROPEAN COMMUNITY****AS AMENDED BY SUBSEQUENT TREATIES****ROME, 25 MARCH 1957 (TREATY OF ROME)**

His Majesty The King of the Belgians, the President of the Federal Republic of Germany, the President of the French Republic, the President of the Italian Republic, Her Royal Highness The Grand Duchess of Luxembourg, Her Majesty The Queen of the Netherlands, Determined to lay the foundations of an ever closer union among the peoples of Europe,

Resolved to ensure the economic and social progress of their countries by common action to eliminate the barriers which divide Europe,

Affirming as the essential objective of their efforts the constant improvement of the living and working conditions of their peoples,

Recognising that the removal of existing obstacles calls for concerted action in order to guarantee steady expansion, balanced trade and fair competition,

Anxious to strengthen the unity of their economies and to ensure their harmonious development by reducing the differences existing between the various regions and the backwardness of the less favoured regions,

Desiring to contribute, by means of a common commercial policy, to the progressive abolition of restrictions on international trade,

Intending to confirm the solidarity which binds Europe and the overseas countries and desiring to ensure the development of their prosperity, in

accordance with the principles of the Charter of the United Nations,

Resolved by thus pooling their resources to preserve and strengthen peace and liberty, and calling upon the other peoples of Europe who share their ideal to join in their efforts,

Have decided to create a European Economic Community and to this end have designated as their Plenipotentiaries:

His Majesty The King of the Belgians: Mr Paul-Henri Spaak, Minister for Foreign Affairs, Baron J Ch. Snoy et d'Oppuers, Secretary-General of the Ministry of Economic Affairs, Head of the Belgian Delegation to the Intergovernmental Conference;

The President of the Federal Republic of Germany: Dr Konrad Adenauer, Federal Chancellor, Professor Dr Walter Hallstein, State Secretary of the Federal Foreign Office;

The President of the French Republic: Mr Christian Pineau, Minister for Foreign Affairs, Mr Maurice Faure, Under-Secretary of State for Foreign Affairs;

The President of the Italian Republic: Mr Antonio Segni, President of the Council of Ministers, Professor Gaetano Martino, Minister for Foreign Affairs;

Her Royal Highness The Grand Duchess of Luxembourg: Mr Joseph Bech, President of the Government, Minister for Foreign Affairs, Mr Lambert Schaus, Ambassador, Head of the Luxembourg Delegation to the Intergovernmental Conference;

Her Majesty The Queen of the Netherlands: Mr Joseph Luns, Minister for Foreign Affairs, Mr J Linthorst Homan, Head of the Netherlands Delegation to the Intergovernmental Conference;

Who, having exchanged their full powers, found in good and due form,
Have agreed as follows:

TITLE VIII. SOCIAL POLICY, EDUCATION, VOCATIONAL TRAINING
AND YOUTH

CHAPTER 1. SOCIAL PROVISIONS

Article 117. Member States agree upon the need to promote improved working conditions and an improved standard of living for workers, so as to make possible their harmonisation while the improvement is being maintained.

They believe that such a development will ensue not only from the functioning of the common market, which will favour the harmonisation of social systems, but also from the procedures provided for in this Treaty and from the approximation of provisions laid down by law, regulation or administrative action.

Article 118. Without prejudice to the other provisions of this Treaty and in conformity with its general objectives, the Commission shall have the task of promoting close co-operation between Member States in the social field, particularly in matters relating to:

- employment;
- labour law and working conditions;
- basic and advanced vocational training;
- social security;
- prevention of occupational accidents and diseases;

- occupational hygiene; the right of association, and collective bargaining between employers and workers.

To this end, the Commission shall act in close contact with Member States by making studies, delivering opinions and arranging consultations both on problems arising at national level and on those of concern to international organisations.

Before delivering the opinions provided for in this Article, the Commission shall consult the Economic and Social Committee.

...

Article 119. Each Member State shall during the first stage ensure and subsequently maintain the application of the principle that men and women should receive equal pay for equal work.

For the purpose of this Article, 'pay' means the ordinary basic or minimum wage or salary and any other consideration, whether in cash or in kind, which the worker receives, directly or indirectly, in respect of his employment from his employer.

Equal pay without discrimination based on sex means:

- (a) that pay for the same work at piece rates shall be calculated on the basis

of the same unit of measurement;

- (b) that pay for work at time rates shall be the same for the same job.

...

APPENDIX NO. 10.**CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN**

SEX DISCRIMINATION ACT 1984

SCHEDULE

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

The States Parties to the present Convention,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal right of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialised agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialised agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural

life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, of all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, and in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realisation of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognised, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

PART 1

Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realisation of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing

them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Article 5

States Parties shall take all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

PART II

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the

implementation thereof and to hold public office and perform all public functions at all levels of government;

- (c) To participate in non-governmental organisations and associations concerned with the public and political life of the country.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organisations.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

PART III

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaption of teaching methods;

- (d) The same opportunities to benefit from scholarships and her study grants;
- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- (f) The reduction of female student drop-out rates and the organisation of programmes for girls and women who have left school prematurely;
- (g) The same opportunities to participate actively in sports and physical education;
- (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 11

States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to work as an inalienable right of all human beings;
- (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
- (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
- (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
- (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
- (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

- (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
 - (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
 - (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
 - (d) provide special protection to women during pregnancy in types of work proved to be harmful to them.
3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.
2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connexion with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the

economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:
 - (a) To participate in the elaboration and implementation of development planning at all levels;
 - (b) To have access to adequate health care facilities, including information, counselling and services in family planning;
 - (c) To benefit directly from social security programmes;
 - (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
 - (e) To organise self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;
 - (f) To participate in all community activities;
 - (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
 - (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

PART IV

Article 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- (a) The same right to enter into marriage;
- (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
- (c) The same rights and responsibilities during marriage and at its dissolution;
- (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
- (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
- (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
- (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
- (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

PART V

Article 17

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilisation as well as the principal legal systems.
2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.
4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.
6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3, and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.
7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.
8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms

and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

Article 18

1. States Parties undertake to submit to the Secretary-General of the United Nations for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:

- (a) Within one year after the entry into force for the State concerned; and
- (b) Thereafter at least every four years and further whenever the Committee so requests.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

Article 19

- 1. The Committee shall adopt its own rules of procedure.
- 2. The Committee shall elect its officers for a term of two years.

Article 20

- 1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with Article 18 of the present Convention.
- 2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee.

Article 21

- 1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.
- 2. The Secretary-General shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

Article 22

The specialised agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialised agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

PART VI

Article 23

Nothing in this Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

- (a) In the legislation of a State Party; or
- (b) In any other international convention, treaty or agreement in force for that State.

Article 24

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realisation of the rights recognised in the present Convention.

Article 25

1. The present Convention shall be open for signature by all States.
2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.
3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 26

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 27

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

Article 29

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organisation of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State Party may at the time of signature or ratification of this Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.
3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 30

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, duly authorised, have signed the present Convention.

APPENDIX NO. 11.**CLOTHING TRADES (STATE) AWARD**

EXTRACT FROM 282 IG 1 at 22

Skill Level 1 - Employees at this level:

1. Shall work to defined procedures/methods either individually or in a team environment; and
2. Shall exercise skills to perform basic tasks; and
3. Shall be aware of and apply basic quality control skills in the receipt and completion of their own work to the specified quality standards.

In addition, according to the needs and operational requirements of the enterprise, employees at this level:

4. May be required to exercise the skills necessary to assist in providing basic on-the-job instruction by way of demonstration and explanation;
5. May be required to record basic information on production and/or quality indicators as required;
6. May be required to work in a team environment;
7. May be required to apply minor equipment/machine maintenance;
8. May be required to exercise key pad skills;
9. May be required to exercise the level of English literacy and numeracy skills to effectively perform their tasks;
10. May commence training in additional skills required to advance to a higher skill level.

Skill Level 2 - Employees at this level exercise the skills required to be graded at Skill Level 1; and

1. Shall work to defined procedures/methods, either individually or in a team environment; and
2. Shall exercise the skills to perform intermediate tasks; and
3. Shall understand and apply quality control skills in their own work and component parts (including understanding of the likely cause(s) of deviations to specified quality standards in their own work).

In addition, according to the needs and operational requirements of the enterprise, employees at this level:

4. May be required to exercise the skill necessary to assist in providing on-the-job instruction to employees in skills required at Skill Level 2 and below by way of demonstration and explanation;
5. May be required to record detailed information in production and/or quality indicators as required;
6. May be required to exercise team work skills;
7. May be required to identify and rectify minor equipment/machine faults, and report problems that cannot be rectified to a mechanic or supervisor;
8. May be required to exercise basic computer skills;
9. May commence training in additional skills required to advance to a higher skill level.

Skill Level 3 - Employees at this level exercise the skills required to be graded at Skill Level 2; and

1. Shall exercise discretion, initiative and judgement on the job in their own work, either individually or in a team environment; and
2. Shall exercise skills to:
 - (a) perform a complex task(s) or
 - (b) perform a series of different operations on a machine(s) or
 - (c) use a variety of machine types three of which require the exercise of level 2 skills and
3. (a) Shall be responsible for quality assurance in their own work and assembly of component parts including having an

understanding of how this work relates to subsequent production processes and its contribution to the final appearance of the garment.

In addition, according to the needs and operational requirements of the enterprise, employees at this level:

- (b) May be required to investigate causes of quality deviations to specified standards and recommend preventative action.
- 4. May be required to exercise the skills necessary to assist in providing on-the-job instruction to employees in skills required at Skill Level 3 and below by way of demonstration and explanation.
- 5. May be required to record detailed information on, and recommend improvements to, production and/or quality.
- 6. May be required to take a co-ordinating role for a group of workers or in a team environment (which includes contributing to the identification and resolution of the problems of others and assisting in defining work group procedures and methods), where the members of the group or team are at Skill Level 3 and below.
- 7. May be required to exercise advanced equipment maintenance and problem solving skills (including identification of major equipment faults).
- 8. May commence training in additional skills required to advance to a higher skill level.

Skill Level 4 - Employees at this level exercise the skills required to be graded at Skill Level 3 and have a comprehensive knowledge of product construction. Employees at this level shall also:

Apply skills and knowledge, equivalent to that of a qualified tradesperson, that have been acquired as a result of training or experience; or

Hold a relevant trade certificate; and

- 1. Shall work largely independently (including developing and carrying out of a work plan to specifications), and
- 2. Shall exercise a range of skills involving planning, investigation and resolution of problems, and/or training and/or supervision, and/or specialised technical tasks, or

Shall make a whole garment to specifications, or exercise equivalent skills.

In addition, according to the needs and operational requirements of the enterprise, employees at this level:

3. May be required to apply quality control/assurance techniques to their work group or team.
4. May have designated responsibility for the training of other employees (and if so shall be trained trainers).
5. May be responsible for quality and production records relating to their own work group or team.
6. May be required to take a co-ordinating role for a group of workers or in a team environment (which includes contributing to the identification and resolution of the problems of others and assisting in defining work group procedures and methods), where the members of the group or team are at Skill Level 4 and below.
7. May be required to exercise advanced equipment maintenance and problem solving skills (including identification of major equipment faults and organisation or performance of necessary repair).
8. May commence training in additional skills required to advance to a higher skill level.

Explanation of Terms -

1. Basic Tasks - Uncomplicated tasks which are easily learned and involve little decision making whether machine or non-machine.

Basic machine tasks are those where the positioning of the work may be controlled by guidebars and sensor lights, or other such guiding devices or where there is uncomplicated feeding of the fabric.

2. Intermediate Tasks - Tasks which are more difficult to learn, involve more decision making than Skill Level 1 tasks and which may require fabric knowledge, whether machine or non-machine.

Intermediate machine tasks require skill in positioning, feeding and handling of work involving directional changes, contouring or critical stopping points, or require feeding and handling skills beyond those of a Skill Level 1 operator because of fabric variations.

Intermediate non-machine tasks require skills to perform a sequence of related tasks.

3. Complex Tasks - Tasks which are more difficult to learn and involve a higher level of decision making than Skill Level 2 tasks, whether machine or non-machine.

Complex machine tasks require fabric manipulation skills and knowledge beyond those of a Skill Level 2 operator to perform more difficult tasks or to handle and align the sections while ensuring correct shaping of the end result because of the complexity of combining parts or because of frequent variation in fabrics.

4. Series of different operations on a machine(s) - Performing a sequence of different operations on a machine(s) to complete the majority of a complex garment.
5. Machine - Any piece of equipment which performs a significant part of an operation in:

designing/grading of patterns;
marker spreading;
spreading of fabric;
cutting, sewing, finishing, pressing and packaging of products,

and which is powered by an external source, i.e., electricity, steam or compressed air or combinations of these.

Hand tools are not machines and refer to those items which are primarily powered by the operated, e.g., scissors, shears, staplers, tagging guns and tape dispensers.

6. Variety of machine types - Three or more different types of machines which are sufficiently different in their operation to require the exercise of different skills (i.e., a button holder and button sewer are the same machine type for this purpose, whereas a button holder and an overlocker are different machine types).
7. Whole garment machinist or equivalent skills - A machinist who works largely independently in producing a complex garment from written specifications and patterns. Examples of "equivalent skills" include:

sample machinist;

a machinist who performs each of the operations required to complete a complex whole garment from specifications;

a fully multi-skilled machinist who is required to perform any of the operations involved in the making of a complex whole garment to specification.

8. Skill - The application of a combination of abilities, knowledge and attributes to competently perform a given activity or activities.
9. Competence - The ability to perform a particular activity or activities to a prescribed standard (or standards) and under a prescribed set of circumstances.
10. Component parts - The parts of the product which the operator receives in order to perform his/her job.
11. Key pad skills - Ability to use a small panel of keys, either numerical or with symbols, to operate equipment.
12. Basic computer skills - Use of a computer to enter, retrieve and interpret data.
13. Co-ordinating role - A role which involves responsibility for organising and bringing together the work and resource requirements of a work group or team.
14. Defined procedures/methods - Specific instructions outlining how an operator is to do his/her job.
15. Largely independently - Where the employee is accountable for his/her own results including:
 - carrying out assigned task;
 - co-ordinating processes;
 - setting and working to deadlines.
16. Designated responsibility - Identified by management as a person with a specific role or responsibility.
17. Minor equipment/machine maintenance - Includes cleaning and minor adjustments to the equipment involved. In the case of sewing machines, for example, it may include:
 - changing needles;
 - cleaning;
 - lubrication;
 - tension and stitch adjustment.
18. On-the-job instruction - Demonstrating, showing, explaining and/or guiding other employees as to how to perform a particular task or operation to a competent standard.
19. Quality assurance - The overall system and plans used to provide confidence that goods and services will satisfy given requirements.

- 20. Quality control - The activities used to check that materials and products meet quality specification: includes the grading of product into acceptable and unacceptable categories.
- 21. Quality deviations - Departures from a quality standard.
- 22. Quality indicators - Information used to determine whether a quality standard has been met.
- 23. Specified quality standards - Detailed standards against which quality is measured.
- 24. Team environment - An environment involving work arrangements in which a group of people work closely, flexibly and in co-operation with each other to ensure efficient and effective performance.

...

26. Contract Work

- (a) Contract work may only be performed subject to the following conditions:
 - (i) An employer may give out work to another employer and such work shall be performed by the later employer in a registered factory or workshop registered in compliance with the appropriate State Act.
 - (ii) An employer giving out work shall, at six-monthly intervals, file with the Industrial Registrar a list of employers and others to whom work is given, and forward a copy of such list to The Clothing and Allied Trades' Union of Australia, New South Wales.
- (b)
 - (i) For the purpose of this subclause "work" means hand or machine sewing in the construction of a garment or part thereof being work performed other than in a factory or workshop.
 - (ii) An employer bound by this award shall:
 - (1) not contract with any person pursuant to this subclause unless that employer is registered pursuant to clause 27A, Registration of Employers, for the purposes of this clause and clause 27, Outworkers;
 - (2) when desirous of contracting with any person pursuant to this subclause, make application for registration in accordance with clause 27A, Registration of Employers, to the Conciliation Committee.

- (iii) (1) An employer bound by this award, contracting with a person who alone will perform work, shall contract to provide and shall provide terms and conditions no less favourable than those prescribed by this award for persons engaged under a contract of service pursuant to clause 27, Outworkers.
- (2) An employer bound by this award contracting with a person who alone will perform work shall make a record in writing of the following details:
 - (A) The name of the employer bound by this award and the registration number of the employer.
 - (B) The address of the employer bound by this award.
 - (C) The name of the person to whom the work is given.
 - (D) The address where the work is to be performed,.
 - (E) The date of giving out the work.
 - (F) A description of the nature of the work to be performed (e.g., overlocking).
 - (G) A description of the garments or articles of each description being given out to the person.
 - (H) The number of garments or articles of each description being given out to the person.
 - (I) The price to be paid for each garment or article.
 - (J) The working time allowed for the work to be done.
 - (K) The total amount to be paid to the person calculated in accordance with sections (H), (I) and (J) of this subparagraph.
- (3) A copy of this record shall be given to the person doing the work and the employer's copy shall be available for inspection by a person duly authorised in accordance with clause 29, Authorised Person May Enter Factory, as if it was a record as described in clause 30, Time Book, Sheet or Records.
- (iv) (1) No employer bound by this award shall enter into any contract or arrangement with another person (hereinafter called "the second person") concerning the performance of work pursuant to which contract or arrangement the second

person will not personally or alone perform the work unless the contract or arrangement is entered into on terms whereby any work to be performed by a person other than the second person is carried out pursuant to a written agreement made between the second person and the person who will actually perform the work, such written agreement to:

- (A) specify the matters referred to in subparagraph (2) of paragraph (iii) of this subclause; and
 - (B) provide for wages and conditions no less favourable than those provided by this award for persons engaged under as contract of service pursuant to clause 27, Outworkers.
- (2) Any employer who enters into a contract pursuant to subparagraph (1) of paragraph (iii) of subclause (b) of this clause or pursuant to subparagraph (1) of this paragraph shall notify the Industrial Registrar and the Union within seven days of the last working day of February, May, August and November of each year of the existence of such contract and the names and addresses of the persons who enter into the contract.
- (v) Where a person has performed work either directly for an employer pursuant to paragraph (iii) of this subclause or for a second person (being work in respect of a contract or arrangement between the second person and an employer pursuant to paragraph (iv) of this subclause), such person may make a claim for payment for such work by serving upon the relevant employer a statutory declaration specifying the identity of the person performing the work, the work performed, the date or dates on which the work was performed and the payment claimed therefor. Such statutory declaration, if served within six months of completion of that work, shall be accepted as proof of liability on the part of that employer to pay the sum claimed, unless that employer against whom the claim is made is able to prove:
- (1) that the work was not in fact done; and/or
 - (2) the payment claimed was not the correct payment due for the work that was actually done.
- (vi) An employer bound by this award shall not in any way, whether directly or indirectly, be a party to or concerned in conduct that:
- (1) hinders, prevents or discourages the observance of this clause; or

- (2) causes or encourages or is likely to cause or encourage, a breach or non-observance of this clause.
- (vii) Any dispute arising out of or concerning this award relating to the performance of work by a person under this clause may be notified pursuant to the *Industrial Relations Act 1991*.

27. Outworkers

- (a) For the purpose of this clause -

"Employer" means an employer bound by this award.

"Ordinary working week" means the hours and days occurring between midnight on Sunday and midnight on Friday in any week.

"Outworker" means a person who performs work as herein defined for an employer outside the employer's workshop or factory under a contract of service.

"Work" means hand or machine sewing in the construction of a garment or part thereof being work performed other than in a factory or workshop.

- (b) Employers bound by this award shall -

- (i) not employ any person to perform work covered by this award under a contract of service outside the employer's workshop or factory unless that respondent employer is a registered employer of outworkers, pursuant to clause 27A. Registration of Employers;
- (ii) when desirous of employing outworkers, make application to the Conciliation Committee for registration in accordance with clause 27A. Registration of Employers;
- (iii) not employ a person to perform work covered by this clause outside the workshop or factory unless prior agreement in writing has been reached between that respondent and the person as to whether that person is to be employed on a full-time or part-time basis and if on a part-time basis, the agreed number of hours. Provided that nothing in this clause shall prevent the parties to any such agreement varying the same by consent from employment on a full-time basis to employment on a part-time basis or vice versa. Provided further that any such variation shall not take effect until the expiry of at least three days from the date of the agreement to that variation;
- (iv) not employ more than 10 outworkers at any one time. Provided that an employer may employ a specified greater number of

outworkers with the consent of the Union or if, in the absence of that consent, the Conciliation Committee in the exercise of its discretion grants permission to the employer to employ a specified greater number of outworkers;

- (v) pay any outworkers employed at the rates prescribed by clauses 7, Rates of Pay, and 20, Payment by Results, (as appropriate) for the classification in which the outworker is engaged. Provided that working time allowed for work to be performed shall be fair and reasonable and that the time standards set for the work to be performed by outworkers will in every case be longer than the time standards that would be set for the same work if done in the factory to include a reasonable component to cover time spent on ancillary tasks, such as bundling and unbundling, sorting, packing and the like. Provided further that in the event that the employer has no factory, a factory undertaking the same or comparable work shall be used for the purpose of setting the time standards;
- (vi) pay for outwork performed in the ordinary working week at the minute rate of:
 - (1) $\frac{1}{2280}$ of the weekly award rate for the classification in which the outworker is employed for the first 38 hours worth of work; and
 - (2) the minute rate in subparagraph (1) above, multiplied by 1.5 for the classification in which the outworker is employed, for each hour thereafter;
- (vii) pay for outwork performed or deemed to have been performed on a Saturday or Sunday or a public holiday, at the minute rate in subparagraph (1) of paragraph (vi) of this subclause above, multiplied by 2 for the classification in which the outworker is employed. An outworker shall not be entitled to penalty payment for work performed on a Saturday, Sunday or award holiday unless there is prior agreement with the employer for the performance of work on any such day(s) in accordance with subparagraph (12) of paragraph (xiii) of this subclause;
- (viii) apply all provisions of clause 20, Payment by Results, to outworkers working under any system of payment by results unless expressly excluded from such operation either in this clause or in the said clause 20;
- (ix) provide sufficient work (that is, 30 hours worth of work each week for full-time outworkers and at least 20 hours worth of work each week for part-time outworkers) in the ordinary working week where the outworker is ready, willing and able to perform such work.

Provided that an outworker under any system of payment by results who is ready, willing and able to work:

- (1) on a full-time basis (i.e., 38 hours or more) in the ordinary working week, but receives in any such week less than 38 hours worth of work from the employer, shall be paid in accordance with the following formula:
 - (A) if the employee receives no work at all, the weekly award rate for the classification in which the outworker is employed;
 - (B) if the employee receives less than 38 hours worth of work, the weekly award rate for the classification in which the outworker is employed;
- (2) on a part-time basis (i.e., at least 20 hours) in the ordinary working week (for one or more employers) but receives in any such week fewer hours worth of work than the number of hours for which the outworker was employed from any one such employer, shall be paid (by each employer) for the number of hours for which the outworker was employed. Such payment to be so much of the weekly award rate as is proportionate to the number of hours the worker was employed to work in any ordinary working week;
- (3) may be stood down by an employer without pay for up to ten days but for no more than two days in any four consecutive working weeks where no work can be offered as a result of circumstances beyond the employer's control, proof of which shall lie with the employer. In such circumstances the employer shall keep a record of the name and address of the outworker stood down, the commencing date and duration of the stand down and the reason for the stand down. A copy of this record shall be given to the person doing the work and the State Union within two working days of the stand down and the employer's copy shall be available for inspection by a person duly authorised in accordance with clause 29, Authorised Person May Enter Factory, as if it was a record described in clause 30, Time Book, Sheet or Records.

A review of the operation of this provision shall be conducted by the Conciliation Committee or the Industrial Relations Commission either on its own motion or at the request of a party to this award after 31 December 1988;

- (x) not require any full-time outworker to complete more than 38 hours worth of work, or any part-time outworker to complete more hours

worth of work than the number of hours for which the outworker was employed in any ordinary working week;

- (xi) subject to paragraph (xiii) of this subclause, not require any outworker to perform work on a Saturday or a Sunday or on any public holidays;
- (xii) pay the outworker for each public holiday prescribed by this award an amount equal to 1/5 of the applicable weekly award rate for full-time outworkers and on a proportionate basis for part-time outworkers;
- (xiii) at the time of delivery of any work to an outworker provide full details of the following matters and shall keep true and correct records thereof in writing;
 - (1) the name of the employer bound by this award and the registration number of the employer;
 - (2) the address of the employer bound by this award;
 - (3) the name of the person to whom the work is given;
 - (4) the address where the work is to be done;
 - (5) the date of delivery of the work;
 - (6) the description of the garments or articles upon which work is to be done (e.g., skirts, dresses, jeans);
 - (7) a description of the nature of the work to be performed (e.g., overlocking);
 - (8) the number of garments or articles of each description being given out to the person;
 - (9) full details of the appropriate time standard in accordance with paragraph (v) of this subclause which when considered with the minute rate set out in paragraph (vi) of this subclause will enable the price to be paid for each garment or article to be calculated;
 - (10) the number of working hours that will therefore be necessary to be worked to complete the said garments or articles, and accordingly;
 - (11) the number of days that will therefore be needed to perform the work with such calculation being undertaken (consistent with paragraph (x) of this subclause) on the basis of 7.6

hours worth of work being performed each day; and

- (12) the appropriate time and date for the work to be picked up from the outworker. The pickup time and date shall be set on the basis that no work will need to be performed on any Saturday, Sunday or award holiday which may occur between delivery and pickup unless there is prior agreement between the employer and the outworker that work will be performed on any or all of such days. If there is such agreement, the written record referred to in this subclause must specify the actual date of any Saturday, Sunday or award holiday on which it has been agreed that work will be performed and the number of hours to be worked on any such day. In the absence of any specification as to the number of hours to be worked on a Saturday, Sunday or award holiday on which work has been authorised pursuant to this paragraph, the outworker shall be deemed to have worked and shall be entitled to payment in respect of any such day at the rate specified in paragraph (vii) hereof.
- (13) The total amount to be paid to the outworkers shall be calculated in accordance with subparagraphs (8), (9) and (10) of this paragraph.

Provided that a copy of this record shall be given to the person doing the work and the employer's copy shall be available for inspection at the employer's premises by a person duly authorised in accordance with clause 29k, Authorised Person May Enter Factory, as if it was a record described in clause 30, Time Book, Sheet or Records.

Provided always that if the time period between delivery and pickup (arrived at via calculations under a Saturday and/or a Sunday and/or a public holiday(s) then the first agreed pickup date shall be reset (i.e., put back) to ensure, consistent with paragraph (x) of this clause and give the number of days needed to do the work arrived at in subparagraphs (11) and (12) of this paragraph, that the employee will not be required to work on any of the days set out in this proviso that fall within the period set under subparagraph (11) of this paragraph to complete the work delivered (the reset pickup date to be hereinafter referred to as "the second agreed pickup date).

Provided further that if an outworker who has work delivered to be performed in a time period that includes either a weekend day(s) or a public holiday(s) expressly agrees or simply elects to complete that work by the first agreed pickup date rather than by the second agreed pickup date

then the worker will, for the purpose of payment, be deemed to have completed 7.6 hours (but no more) worth of the work on each of the weekend and/or public holiday days occurring in the period between delivery and pickup;

- (xiv) pay annual leave to outworkers in accordance with the provisions of clause 18, Annual Leave.
- (xv) pay all wages due not later than two working days following the end of the working week, at a time and by a method mutually agreed between the outworker and employer.

On or before the pay day, the employer shall provide to the outworker in writing, details of the wage payment to which the outworker is entitled, the amount of each deduction made therefrom and the net amount being paid to the outworker.

- (xvi) except as otherwise provided in this clause, apply to outworkers the terms and conditions of employment provided by the award, excluding the following clauses:

- 11. Hours of Employment
- 12. Midday Meal Interval
- 13. Overtime
- 14. Meal Money
- 15. Rest Period
- 17. Terms of Engagement (c)(vi)
- 19. Sick Leave
- 21. Casual Workers
- 29. Authorised Person May Enter Factory
- 30. Time Book, Sheet or Records
- 32. Amenities
- 33. First-aid Ambulance Chest
- 34. Award Posted
- 36. Shop Stewards and Representatives
- 38. Notice Boards
- 41. Tools of Trade
- 42. Disability Allowance
- 46. Blood Donors
- 47. Attendance at Hospital

- (xvii) provide outworkers with all necessary materials, trimmings and sewing threads.

(c) Where a person has performed work for an employer as an outworker, such person may make a claim for payment for such work by serving upon the employer a statutory declaration specifying the identity of the person, the work performed and the payment claimed therefor. Such statutory declaration, if served within six months of completion of that work, shall be accepted as proof

of liability on the part of the employer to pay the sum claimed, unless that employer against whom the claim is made is able to prove:

- (i) that the work for which the claim is made was not, in fact, done; and/or
 - (ii) the payment claimed as due was not the correct payment for the work that was actually done.
- (d) In any proceedings commenced concerning work performed pursuant to this clause, it lies upon any person alleging that the person performing such work was not an employee to prove that this was the case.
- (e) An employer bound by this clause shall not in any way, whether directly or indirection, be a party to or concerned in conduct that:
- (i) hinders, prevents or discourages the observance of this clause; or
 - (ii) causes or encourages or is likely to cause or encourage, a breach of, or non-observance of this clause.
- (f) Any dispute arising out of or concerning this award relating to the employment of an outworker may be notified pursuant to the *Industrial Relations Act 1991*.

27A. Registration of Employers

- (a) Except as prescribed in subclause (a) of clause 26, Contract work, an employer bound by this award having or proposing to have work performed away from his or her own factory or workshop pursuant to clauses 26, Contract Work, and 27, Outworkers, shall make application for registration to the Conciliation Committee.
- (b) The Conciliation Committee may register the employer on conditions as determined by it for a twelve-month period. The Conciliation Committee may revoke the registration if any or all of such conditions have not been complied with.
- (c) Upon registration the employer will be given a registration number.
- (d) The Industrial Registrar shall maintain a record of employers registered pursuant to this clause.
- (e) Upon registration and at yearly intervals thereafter, such employer shall cause a notice to be placed in the public notices column of a metropolitan daily newspaper circulating throughout the State in which the work is to be performed, notifying such registration. Such notice shall:
- (i) specify the identity of the employer and the registration number;

and

- (ii) specify where all documents in the employer's possession or custody containing the terms of any agreement or contract to perform work made in accordance with the provisions of this award may be inspected by a person entitled under the award to do so.

(f) An employer, by application to the Conciliation Committee or (subject to any order by the Committee or the Industrial Relations Commission) by agreement in writing with the State Secretary of the Union, may be exempted from the requirement to comply with the provisions of subclause (e) of this clause. Where any such agreement is made a copy shall be lodged with the Industrial Registrar.

Skill Level	Relativity to Skill Level 4	Award Rate
Trainee	78	\$359.40
1	82	*\$376.10
2	87.4	\$398.60
3	92.4	\$419.50
4	100	\$451.20
5#	-	**\$492.90

* Calculation for minute pay rate for PBR purposes

** Not yet determined as to relativity

Not a skill level

Note: Wage rates do not include second living wage increase.

APPENDIX NO. 12.

MOTOR MECHANICS CAREER PATHS

Mechanic's career paths in selected formal overaward agreements

	RS&R Award¹	K-MART	Sydney Buses	Mercedes Benz	Mack Trucks²
Base Trade (Level 1)	Holds a trade certificate or equivalent. Assist in the provisions of the on-the-job training in conjunction with supervisors/trainers; works under limited supervision whether individually or in a team environment; plans the work of others and solves the work planning problems; is responsible for the quality of his/her own work; exercises discretion within the scope of task performed at this level; possesses good	Holds a trade certificate or equivalent and undertakes company induction programme.	Holds a trade certificate or equivalent. Applies quality assurance practices; exercises basic keyboard skills as required; exercises discretion within the scope of their trade; performs work under general supervision either individually or in a team environment; utilise lifting equipment incidental to their work	Holds a trade certificate or equivalent.	Entry point for employees with relevant trade qualifications without appropriate heavy duty vehicle experience. Satisfactory performance at this level for three months.

¹ This classification structure is used by International Trucks (Retail Operations) Source: 10238 Print No: M7743

² Source: M1155 Print No: N1388

	<p>communication skills; has keyboard skills relevant to the tasks performed at this level; understands and applies quality control techniques; able to inspect products and/or materials for conformity with established standards</p>				
Level 2	<p>RS&R Award Has completed 5 modules towards a post trade certificate. Exercises the appropriate skills attained through the satisfactory completion of training prescribed by the above modules. Is able to -provide trade guidance and assistance in a team environment. Is responsible for the quality of own work. Works under limited supervision, individually or in a</p>	<p>K-MART Holds the Road Transit Authorities Inspection Certificate and is committed to additional training (either external or internal)</p>	<p>Sydney Buses Has completed skill modules relevant to position. Responsible for minor testing and Q.A. of worn work; assists in the provision of on-the-job training in conjunction with trainers and others; performs and assists in basic production and materials scheduling and the documentation of records associated; exercises discretion within the scope of this grade; works</p>	<p>Mercedes Benz Demonstrated experience of a minimum 1-2 years post apprenticeship certification of previous experience from another vehicle company. Completion of the following modules: occupational health and safety; workshop organisation; structured product training.</p>	<p>Mack Trucks Trade certificate and relevant heavy duty vehicle experience. Satisfactory performance at this level for three months.</p>

	<p>team environment. Performs fault finding specialist and problem solving skills above that of a tradesperson level 1.</p>		<p>under general supervision whether individually or in a team environment; provides trade guidance and assistance as part of work team undertakes fault finding testing and inspection within their trade team.</p>		
<p>Level 3</p>	<p>RS&R Award Holds an appropriate post trade certificate or equivalent. Plans the work of others and solves work planning problems. Assists with on-the-job training in conjunction with supervisors. Understands and is responsible for quality of own work. Works on machines or equipment which utilises complex mechanical/hydraulic/electrical/electronic circuitry and controls</p>	<p>K-MART Minimum of 12 months service at this level and has satisfactorily completed training course in basic tune-up, air conditioning, brakes and front end repairs.</p>	<p>Sydney Buses Has completed skill modules relevant to position, assists in the provision of training in conjunction with trainers and others; performs and assists in production and materials scheduling and the documentation of records associated; responsible for testing, diagnoses and fault finding of own work; understands and implements quality control techniques;</p>	<p>Mercedes Benz Post trade qualification from TAFE desirable. Demonstrated experience at Level 2 of 1-2 years. Competent at working without supervision, assuming responsibility for a work area and report writing. Completion of the following modules: Diesel Fuel Systems 1; Steering and steering systems; Engine overhaul and</p>	<p>Mack Trucks Recognised post trade qualifications gained through TAFE. Demonstrable understanding of all mechanical operations and service efficiency within the workshop including occupational health and safety and customer service requirements. Operational competency as assessed and recommend by the relevant Training</p>

	or combination thereof. works under limited supervision.		provides trade guidance and assistance as part of work team; works under general supervision whether individually or in a team environment; utilises high provision trade skills using various materials and or specialist techniques, where applicable to the industry.	diagnosis 1; Brake systems 2; Automatic transmission repair and diagnosis; electrical systems and diagnoses 1; Automotive air conditioning 1.	Committee.
	RS&R Award	K-MART	Sydney Buses	Mercedes Benz	Mack Trucks
Level 4		A minimum of 12 months service at this level and has satisfactorily completed training courses in basic E.F.I. on the Bosch Testing Unit. <u>Level 5</u> A minimum of 12 months at this level has satisfactorily completed the	Has completed skill modules relevant to and required by position. Assists in the provision of training in conjunction with trainers and others; performs and assists in production and materials scheduling and the documentation of records associated; prepares reports of a high standard; provides trade guidance and assistance as part of work team; responsible for quality assurance functions; typically performs operations on machinery or equipment which utilises complex electrical/electronic circuitry or		

		<p>Advanced E.F.I. Training Course.</p>	<p>hydraulic/pneumatic controls and exercises technical skills with associated programming; works under limited supervision whether individually or in a team environment; works on complex or intricate interconnected electrical circuits; works on instruments which make up a complex control system which utilises some combinations of electrical, electronic, mechanical or fluid power principles; applies advanced computer numerical control techniques works on complex communication equipment.</p>		
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APPENDIX NO. 13.

POSITION DESCRIPTIONS

POSITION TITLE: SENIOR LIBRARIAN
- (Technology Access and Support)

STATE LIBRARY OF NEW SOUTH WALES
DIVISION/CENTRAL OFFICE: MITCHELL LIBRARY READING ROOM
BRANCH/UNIT: AUSTRALIAN RESEARCH COLLECTIONS
LOCATION: MACQUARIE STREET, SYDNEY

1. PURPOSE OF POSITION

Ensure the provision of quality client services within the Mitchell Reading Room by managing the operations of the Mitchell Reading Room as Officer in Charge, providing research and information services to a range of clients and developing and implementing user technologies in line with organisational goals.

2. REPORTING RELATIONSHIPS

This position is one of six Senior Librarian positions in the Branch, each with a different specialty.

(i) Position Title of Supervisor

Senior Reader Services Librarian

(ii) Position Titles which also report to Supervisor

Senior Librarian: User Education
Senior Librarian: Reader Services Librarian
Senior Librarian: Dixon Library
Senior Librarian: Training (Staff)
Senior Librarian: Special Projects

(iii) Titles of Positions which report to this position

Reporting to the above positions are 10 Librarians, 1 Senior Library Technician, 6 Library Technicians and 10 Assistant Library Technicians. Supervision of these staff is undertaken in a non structured fashion, when a Senior Librarian is OIC at the Information Desk they are then supervisor of all at service points.

The Senior Librarian (Technology Access & Support) has an assistant Librarian.

3. POSITION BACKGROUND

The Mitchell Library contains items that record New South Wales and Australian history, and form one of the most comprehensive collections of Australiana literature in the world. The Australian Research Collections include printed books, manuscripts, pictures, maps and ephemera. It is the responsibility of the Library to manage, store and retrieve this collection for the public/clients.

4. NATURE AND SCOPE OF WORK PERFORMED

The Senior Librarian has three main functions: (1) manage the operations of the Mitchell Reading Room as Officer in Charge; (2) manage a team of staff; and (3) develop and implement user technology.

In the first main function, the Senior Librarian manages the operations of the Mitchell Reading Room as Officer in Charge. This involves ensuring the provision of quality research and information services to both on-site and off-site clients by monitoring workloads, setting and adjusting priorities as required. The position manages difficult client and/or emergency situations as the Officer in Charge and provides research and information services on complex client enquiries including meeting the needs of professional researchers and historians. The position reviews the quality of service, assesses client needs and expectations and recommends changes to policies and procedures to ensure client service needs are met. This position also develops rosters of staff allocation for all Reading Room staff (35 in total) ensuring adequate resources both during the week, after hours and on weekends.

In the second main function, the Senior Librarian manages as team of five staff members including Librarians and Library Technicians. The position provides leadership and direction to team members, setting priorities and facilitating communications across the group. The position manages staff training and development within the group, assesses and provides feedback on staff performance and counsels staff as required. The position also evaluates and reviews team functioning and implements changes in team processes where required.

In the third main function, the Senior Librarian co-ordinates a variety of activities

and responsibilities with user technology in the Mitchell Reading Room. This involves the monitoring and maintenance of electronic equipment within the Mitchell Reading Room and reviewing policies and procedures surrounding client use of electronic search methods including CD-ROMS, the Internet and other on-line systems. The position provides staff and client training in the use of electronic systems and maintains an awareness of industry trends to input into policy and procedure development.

5. CHALLENGES/PROBLEM SOLVING

The major challenge for the Senior Librarian is in managing the operations of the Mitchell Reading Room as Officer in Charge. The position ensures the quality of service provision to both on and off-site clients, managing resources and changing priorities as required in an environment of a high volume of diverse client enquiries with limited resources. The position reviews and evaluates systems and recommends changes where improvements to efficiency and effectiveness can be made.

A further challenge for the Senior Librarian is in introducing new user technology into the Reading Room and assessing the impact of electronic systems on work processes and practices. The position evaluates user requirements against available technologies and inputs into the design of user interfaces. The position implements new systems into the Reading Room and provides training to staff to ensure a transfer of skills and optimum services to users of the Library.

6. DECISION MAKING

The primary focus of decision making for the Senior Librarian is in the assessment of user needs and expectations and applying this knowledge to the available user technologies and to general Library policies and procedures. The position holder inputs into the design of user interfaces and implements new technologies into the Reading Room, assessing the impact and recommending changes to policies and procedures as required.

The position holder sets priorities within the Reading Room as Officer In Charge as well as setting priorities for own team members. The position allocates staff resources across all shifts of the Reading Room including staff which do not come under this position's direct control. The position inputs into policy and procedure development and discusses longer term planning and priority issues with their Supervisor.

7. COMMUNICATION

The Senior Librarian provides direction and leadership to all staff within the Reading Room when Officer in Charge and to own team members. The position provides advice and recommendations to client's of the Reading Room to meet their research and information needs. This involves assessing a diverse range of client needs including the needs of professional researchers.