

**REGISTER OF
ENTERPRISE AGREEMENTS**

ENTERPRISE AGREEMENT NO: EA00/302

TITLE: API Kingsgrove Site Redundancy Enterprise Agreement 2000

I.R.C. NO: 2000/4667

DATE APPROVED/COMMENCEMENT: 6 October 2000

TERM: 12 months

**NEW AGREEMENT OR
VARIATION:** New

GAZETTAL REFERENCE: 17/11/00

DATE TERMINATED:

NUMBER OF PAGES: 8 --

COVERAGE/DESCRIPTION OF

EMPLOYEES: Applies to all employees of the company (excluding manufacturing, sales and marketing employees) employed at 19A Garema Circuit, Kingsgrove

PARTIES: Australian Pharmaceutical Industries Limited -&- National Union of Workers, New South Wales Branch



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API KINGSGROVE SITE REDUNDANCY ENTERPRISE AGREEMENT 2000

1 Title

This enterprise agreement shall be known as the API Kingsgrove Site Redundancy Enterprise Agreement 2000 (the "Agreement").

2 Arrangement

The Agreement shall be arranged as follows:

Clause No.	Name
1	Title
2	Arrangement
3	Duration and Application of Agreement
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3 Duration and Application of Agreement

This Agreement shall apply to all employees of Australian Pharmaceutical Industries Limited ("API") (excluding manufacturing, sales and marketing employees) employed at 19A Garema Circuit, Kingsgrove and who perform work in the classifications contained in the following awards:

- ◆ Clerical & Administrative Employees (State) Award;
- ◆ Warehouse Employees Drug (State) Award;
- ◆ Storeman and Packers Wholesale Drug Stores (State) Award; and
- ◆ Security Industry (State) Award.

This Agreement shall not apply to casual employees and employees dismissed for misconduct or poor performance.

This Agreement shall commence on the date it is made by the New South Wales Industrial Relations Commission and it shall remain in force for a period of twelve months.

THIS AND THE FOLLOWING 5 PAGES IS THE ANNEXURE MARKED "A" REFERRED TO IN THE AFFIDAVIT OF **Mary Collins** *MJ Collins* SWORN AT *Northmead* THIS *13th* DAY *September* 2000 OF BEFORE ME *Shirley J.P.*

MJ Collins
Shirley J.P.

4 Parties Bound

The parties to this Agreement are API and the National Union of Workers', New South Wales Branch.

5 Definitions

"Redundant" means the situation where an employee has become surplus to API's labour requirements as a result of the operational requirements of API. It does not include the situation where an employee has been offered continuing employment at API's Kingsgrove site, or where an employee has been offered and accepted continuing employment with API at another location.

"Week's Pay" means the normal weekly ordinary time rate of pay, including non-variable allowances.

6 Certificate of Service

All employees will be issued with a certificate of service at the time of the termination of their employment. The certificate of service will indicate: (a) the period of the employee's continuous employment with API and W H Soul Pattinson & Co Ltd; (b) the positions held by the employee during their employment; and (c) the duties associated with each position held. In addition, the Certificate of Service will be supported, where required, by a verbal reference.

7 Selection for Redundancy

Employees who are potentially redundant will be notified of their status and given the opportunity to be considered for employment at API's Northmead site or other API sites. Those employees who seek employment at Northmead or other API sites will be assessed to determine whether they have the necessary competencies to take on a role at that other site. If an employee is offered and accepts a position at another site their employment will continue with API.

In completing the shutdown of the Kingsgrove site, API will select those employees who are to be made redundant first, by complying with the following procedure:

- (a) Determine the skills that are required to complete the relevant tasks;
- (b) Seek volunteers for early redundancy. API may refuse volunteers that have the skills it needs to keep at that time;
- (c) If there are more volunteers than required at the time, those to go first will be selected by a fair random procedure (eg. selecting names from a hat.);

M J Collins
Sheaf J.P



- (d) If there are too few volunteers than required at a particular time, those to go first will be selected by a fair random procedure (eg. selecting names from a hat).

8 Leaving Before Shutdown

- (a) Apart from employees who are made redundant early, in accordance with the provisions of clause 7, other employees may apply for early redundancy. API will give consideration to allowing such employees early redundancy if they are able to prove to the satisfaction of API that they have good reason to need to leave early (eg obtained other employment) and their skills are not required by API in order to complete the shutdown. Their skills will be deemed to be required if either casual labour or overtime is needed to replace them.
- (b) Employees who leave before their nominated date and whom API does not give approval to leave early, will not receive the benefits under this Agreement. Such employees will receive only those redundancy benefits provided in the Storemen and Packers Wholesale Drug Stores (State) Consolidated Award.

9 Notice

Employees that are notified as being potentially redundant and who: (a) don't apply for a position at Northmead or other API site; (b) do not accept an offer of employment at Northmead or other API site; or (c) are not offered employment at Northmead or other API site; will be made redundant at a time that is notified to the employee.

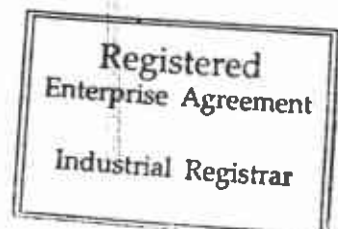
API will endeavour to provide redundant employees with as much notice as practicable of their employment's termination. However, redundant employees will be given at least 4 weeks notice, or a payment of 4 weeks at ordinary time, or a combination of actual notice and payment in lieu of the balance of actual notice. Employees over 45 years of age will receive an extra week's notice, or payment in lieu.

Approximately 2 weeks prior to an employee's actual termination date API will provide the employee with an estimate of their termination payment.

10 Interview Leave

API will grant paid leave, up to 30.4 hours during the notice period, for the purpose of seeking other employment. An employee may be required to provide proof of attendance to receive payment for the time absent. An employee granted leave to attend an interview should only be absent from work for the reasonable period of time it takes to attend the interview and return to Kingsgrove.

M J Collins
J. P.



11 Annual Leave

Accrued annual leave, including 17.5% leave loading, will be paid to redundant employees, calculated up until the date of termination.

12 Long Service Leave

Pro rata long service leave will be paid out to all employees with at least 5 years continuous service with Soul Pattinson, including more recent service with API.

13 Superannuation

Superannuation benefits will be paid in accordance with the current provisions of the fund trust deed.

14 Severance Payments

- (a) Employees who are redundant will receive a severance payment, as follows:

Years of Service	Severance Payment
Less than 1 year	Pro rata
More than 1 year	4 weeks
More than 2 years	8 weeks
More than 3 years	12 weeks
More than 4 years	16 weeks
More than 5 years	20 weeks
More than 6 years	24 weeks
More than 7 years	28 weeks
More than 8 years	32 weeks
More than 9 years	36 weeks
More than 10 years	40 weeks
More than 11 years	44 weeks
More than 12 years	48 weeks
13 years and more	52 weeks

- (b) Employees with less than 5 years service will receive an additional payment on a pro rata basis for any part year of service.
- (c) Employees with 14 or more years completed service will receive an additional 1 week's severance payment for each complete year of service over 13 years, to a maximum of 15 more weeks pay.
- (d) Employees who are over 45 years of age will receive a one off payment equivalent to 2 weeks pay.

MJ Collins
Sheep J.P.



15 No Precedent

This Agreement will not be used as a precedent.

16 Disputes Procedure

It is agreed that the resolution of disputes and grievances need to be handled in an open and constructive manner which avoids adverse impact on the customers, the business and the employees. Within this framework, every attempt will be made to resolve the matter adopting the following procedural steps:

- (a) Discussions will firstly be undertaken between the Employee or Employees concerned and their immediate supervisor.
- (b) If the matter remains unresolved, discussions will then be undertaken between a delegate of the National Union of Workers (the NUW) and a nominated Company representative.
- (c) If the matter remains unresolved, discussions will then be undertaken between the State Branch of the NUW and the Company.
- (d) Should all the foregoing procedures fail to resolve the dispute (or a situation likely to lead to a dispute), it may be referred by either party to the Industrial Relations Commission of NSW who will assist to resolve the matter by way of conciliation.
- (e) Should conciliation fail to resolve the dispute (or a situation likely to lead to a dispute), the matter will be determined by the Industrial Relations Commission of NSW.
- (f) Subject to any appeal made in accordance with the *Industrial Relations Act 1996* the determination by the Commission will be final and will be accepted by all parties.
- (g) Without prejudice to either party, work will continue in accordance with the Agreement while the matters in dispute are being dealt with in accordance with these procedures.



MJ Collins
Robert J.P.

Signed on Behalf of Australian
Pharmaceutical Industries,
By its duly authorised officer
Mary Collins
In the presence of

)
)
)
) M J Collins JP.

Abdy J.P.

Signed on behalf of the National
Union of Workers, by its State
Secretary, Frank Belan
In the presence of

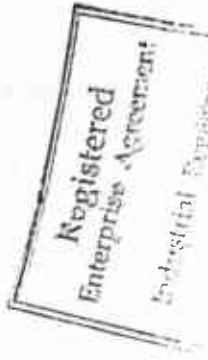
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) F. Belan

JENNIFER LORD, J.P.

Registered
Enterprise Agreement
Industrial Registrar

Comparison of Conditions in the Agreement with those in applicable Awards

Condition	API Kingsgrove Site Redundancy Enterprise Agreement 2000	Clerical and Administrative Employees (State) Consolidated Award	Warehouse Employees Drug (State) Award	Storeman and Packers Wholesale Drug Stores (State) Consolidated Award	Security Industry (State) Consolidated Award
Notice	<p>Cl. 9</p> <p>At least 4 weeks notice or payment in lieu.</p> <p>Employees over 45 years of age will receive an additional 1 week's notice.</p>	<p>Cl.39(iv)(a)</p> <p>Less than 1 year's continuous service - 1 week</p> <p>1 year's continuous service and less than 3 years - 2 weeks</p> <p>3 years' continuous service and less than 5 years - 3 weeks</p> <p>5 years' continuous service and over - 4 weeks</p> <p>Employees over 45 years of age will receive an additional 1 week's notice.</p>	<p>Cl.8(d)(a)</p> <p>Less than 1 year's continuous service - 1 week</p> <p>1 year's continuous service and less than 3 years - 2 weeks</p> <p>3 years' continuous service and less than 5 years - 3 weeks</p> <p>5 years' continuous service and over - 4 weeks</p> <p>Employees over 45 years of age will receive an additional 1 week's notice.</p>	<p>Cl.39(iv)(a)</p> <p>Less than 1 year's continuous service - 1 week</p> <p>1 year's continuous service and less than 3 years - 2 weeks</p> <p>3 years' continuous service and less than 5 years - 3 weeks</p> <p>5 years' continuous service and over - 4 weeks</p> <p>Employees over 45 years of age will receive an additional 1 week's notice..</p>	<p>Cl.8.21.2</p> <p>Less than 1 year's continuous service - 1 week</p> <p>1 year's continuous service and less than 3 years - 2 weeks</p> <p>3 years' continuous service and less than 5 years - 3 weeks</p> <p>5 years' continuous service and over - 4 weeks</p> <p>Employees over 45 years of age will receive an additional 1 week's notice.</p>
Interview Leave	<p>Cl. 10</p> <p>Up to 30.4 hours</p>	<p>Cl. 39(iv)(c)</p> <p>Up to one day for each week of notice to a maximum of 5 weeks.</p>	<p>Cl. 8(d)(iii)(f)</p> <p>Up to one day for each week of notice to a maximum of 5 weeks.</p>	<p>Cl. 39(iv)(c)</p> <p>Up to one day for each week of notice to a maximum of 5 weeks.</p>	<p>Cl. 35.6</p> <p>Up to one day for each week of notice to a maximum of 5 weeks.</p>



THIS AND THE FOLLOWING 1 PAGE IS THE ANNEXURE MARKED "B" REFERRED TO IN THE AFFIDAVIT OF **Mary Collins** SWORN AT *Northmead* THIS *13th* DAY OF *September* BEFORE ME *Shirley J.P.*

Condition	API Kingsgrove Site Redundancy Enterprise Agreement 2000	Clerical and Administrative Employees (State) Consolidated Award	Warehouse Employees Drug (State) Award	Storemen and Packers Wholesale Drug Stores (State) Consolidated Award	Security Industry (State) Consolidated Award
Severance Pay	<p>Cl. 14</p> <p>4 weeks for each completed year of service up to 52 weeks. Employees with 14 years or more completed service will receive an additional 1 week's severance pay for each year of service over 13 years to a maximum of 15 more weeks pay.</p> <p>Employees over 45 years receive an additional 2 weeks pay.</p>	<p>Clause 39 (v)</p> <p>Years of Service</p> <p>Less than 1 Year</p> <p>1 year and less than 2 years</p> <p>2 years and less than 3 years</p> <p>3 years and less than 4 years</p> <p>4 years and less than 5 years</p> <p>5 years and less than 6 years</p> <p>6 years and over</p> <p>Years of Service</p> <p>Less than 1 year</p> <p>1 year and less than 2 years</p> <p>2 years and less than 3 years</p> <p>3 years and less than 4 years</p> <p>4 years and less than 5 years</p> <p>5 years and less than 6 years</p> <p>6 years and over</p>	<p>Clause 8(c)(i)</p> <p>Under 45 Years of Age Entitlement</p> <p>Nil</p> <p>4 weeks</p> <p>7 weeks</p> <p>10 weeks</p> <p>12 weeks</p> <p>14 weeks</p> <p>16 weeks</p> <p>45 years of age and over entitlement</p> <p>Nil</p> <p>5 weeks</p> <p>8.75 weeks</p> <p>12.5 weeks</p> <p>15 weeks</p> <p>17.5 weeks</p> <p>20 weeks</p>	<p>Clause 39(v)</p>	<p>Cl. 35.3</p> <p>Period of Continuous Service</p> <p>1 year or less</p> <p>Over 2 years and up to 3 years</p> <p>Over 3 years and up to 4 years</p> <p>Over 4 years</p> <p>Severance Pay</p> <p>Nil</p> <p>4 weeks</p> <p>7 weeks</p> <p>8 weeks</p>

MJ Collins
Secretary I.R.

