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**TASMANIAN INDUSTRIAL COMMISSION**

**Industrial Relations Act 1984**

s23 application for an award or variation of an award

**Tasmanian Trades and Labor Council**

[T10230 of 2002]

Private Sector Awards

[T10288 of 2002]

Private Sector Awards

[T10289 of 2002]

Private and Public Sector Awards

**FULL BENCH:**

PRESIDENT P L LEARY

DEPUTY PRESIDENT R J WATLING

COMMISSIONER T J ABEY

Wage Rates - State Wage Case July 2002 - applications to vary private sector awards in a manner consistent with the Australian Industrial Relations Commission decision in Print PR002002 - Safety Net Review 2002 - Award rates increased by - \$18 per week - Wage related allowances increased by 3.55% - Meal allowances increased to \$11.90 - Supported Wage increased to \$56 per week - Operation ffpp 1 August 2002 - State Minimum Wage determined at \$431.40 - s.35(1)(b)

**ORDER BY CONSENT-**

**BOOTMAKERS AWARD**

**No. 1 of 2002**

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THE **BOOTMAKERS AWARD** IS VARIED IN THE FOLLOWING MANNER:

1. By deleting Clause 8 - Wage Rates, and inserting in lieu thereof the following:

**"8. WAGE RATES**

**DIVISION A - EMPLOYEES REPAIRING**

The weekly wage rates set out hereunder shall be the minimum weekly wage rate payable to classifications of employees named herein:

	Relativity %	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
Trainee/Entry Level Employee	78	325.40	106.00	431.40
Employees engaged in the repairing of boots, shoes or slippers or other such footwear		374.70	106.00	480.70

**DIVISION B - EMPLOYEES ENGAGED IN THE MANUFACTURE OF BOOTS, SHOES OR SLIPPERS OR OTHER SUCH FOOTWEAR**

The weekly wage rates set out hereunder shall be the minimum weekly wage rate payable to classifications of employees named herein:

Wage Band Number	Relativity %	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
Trainee/Entry Level	78	325.40	106.00	431.40
1	82	342.10	106.00	448.10
2	84	350.40	106.00	456.40
3	87.4	364.60	106.00	470.60
4	92.4	385.50	106.00	491.50
5	100	417.20	108.00	525.20
6	110	458.90	108.00	566.90

**DIVISION C - PIECEWORK RATES REPAIRING**

The following weekly wage rates and conditions shall apply to employees engaged on piecework, all materials and tools to be found by the employer:

**Schedule**

An establishment using ready-cut material and employing finisher (without hand sewing), the following percentage of the current total retail values of all work done shall be paid:

- (a) on general work 30%
- (b) on all sewing or cement work 27½%
- (c) for employees who do their own finishing they shall be paid in addition to the following percentages - by machine 10%

**DIVISION D - CLERKS**

1. Adult

Adult employees shall be paid in accordance with the following structure which shall be read in conjunction with the classification definitions contained in Clause 7 - Definitions:

	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
Adult Entry			
1st 6 months	333.80	106.00	439.80
2nd 6 months	354.60	106.00	460.60
Grade 1			
1A 1st 12 months	363.00	106.00	469.00
1B after 12 months	375.50	106.00	481.50
Grade 2			
2A 1st 12 months	383.80	106.00	489.80
2B after 12 months	396.40	106.00	502.40
Grade 3			
3A 1st 12 months	404.70	106.00	510.70
3B after 12 months	417.20	108.00	525.20
Grade 4	438.10	108.00	546.10
Grade 5	458.90	108.00	566.90
Grade 6	479.80	106.00	585.80

## 2. Juniors

The minimum weekly wage rate that may be paid to juniors may be the undermentioned percentages of Grade 1, 1st 12 months service rate adjusted to the nearest 10 cents:

	Percentage %
Adult Entry	
Under 16 years of age	40
16 to 17 years of age	45
17 to 18 years of age	55
18 to 19 years of age	70
19 to 20 years of age	80
20 to 21 years of age	90

### **DIVISION E - SALES ASSISTANTS**

	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
(i) 1st year's adult experience	310.30	106.00	416.30
(ii) 2nd year's adult experience	332.10	106.00	438.10
(iii) 3rd year's adult experience	360.40	106.00	466.40
(iv) Senior Salesman or Saleswoman	376.90	106.00	482.90
(v) Manager or Manageress and/or Buyer/Orderer			
1. Of a section where 5 or more employees (including the Section Manager or Manageress and/or buyer/orderer) are employed	425.90	108.00	533.90
2. Of a section where 3 or 4 employees (including the Section Manager or Manageress and/or buyer/orderer) are employed	409.50	106.00	515.50
3. Of a section where 2 employees (including the Section Manager or Manageress and/or buyer/orderer) are employed	401.30	106.00	507.30
(vi) Manager or Manageress of Shop or Branch	451.40	108.00	559.40

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(vii) Junior Sales Assistants - Males and Females

Percentage of Second  
Year Adult Weekly Wage Rate

Under 17 years of age	54
17 to 18 years of age	59
18 to 19 years of age	73
19 to 20 years of age	86
20 to 21 years of age	90

(viii) Proviso -

When determining the rate payable to an employee attaining the age of 21 years who has been employed as a junior assistant in any of the trades covered by this award, experience obtained after reaching the age of 18 years shall be counted as adult experience.

**DIVISION F - APPRENTICES**

An employer shall not employ minors in the following trades or occupations otherwise than in accordance with the requirements of the *Industrial and Commercial Training Act 1985*. Apprentices engaged in the trade of manufacturing or repairing boots, shoes, slippers or any other such footwear shall receive:

<b>Four Years' Term</b>	Percentage of Weekly Wage Rate for Wage Band No. 4
First year's experience -	
First 6 months	47
Second 6 months	55
Second year's experience -	
First 6 months	60
Second 6 months	65
Third year's experience -	
First 6 months	75
Second 6 months	80
Fourth year's experience -	
First 6 months	90
Second 6 months	95

Thereafter the adult minimum weekly wage.

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**Three Years' Term**

First year's experience -	
First 6 months	60
Second 6 months	65
Second year's experience -	
First 6 months	75
Second 6 months	80
Third year's experience -	
First 6 months	90
Second 6 months	95

Thereafter the adult minimum weekly wage.

**DIVISION G - JUNIOR WORKERS**

The minimum weekly wage rate to be paid to juniors shall be the money equivalent of the undermentioned percentages of the adult weekly wage rate for Band No. 1 of this award, to the nearest five cents; any fraction of five cents in the result not exceeding two cents, to be disregarded:

	Percentage of Wage Band No. 1
Under 16 years of age	44
At 16 years of age	55
At 17 years of age	66
At 18 years of age	77
At 19 years of age	86
At 20 years of age	94

Any unapprenticed junior who has had four years' experience in the industry who is less than 21 years of age shall be paid the adult rate for the class of work upon which he is employed.

Notwithstanding anything aforesaid in this clause - any worker under the age of 21 years, not being an apprentice, or probationer for apprenticeship who performs any operation outside those defined in this clause shall be deemed not to be a junior worker and shall be paid the appropriate weekly wage rate for an adult.

**DIVISION H - LEADING HANDS**

in addition to the appropriate weekly wage rate prescribed in this award for the highest classified employee directly under his or her control and for whom he or she is responsible, an adult employee employed as a leading hand shall be paid:

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Number of Employees	Weekly Wage Rate \$
3 to 10	17.10
11 to 20	26.50
21 or more	32.90

Such rates to be payable for all purposes of the award."

**2. By deleting Clause 23 - Meal Money, and inserting in lieu thereof the following:**

**"23. MEAL MONEY**

- (a) An employee who has worked six hours or more during ordinary time and who is required to work overtime for more than one and a half hours shall be either supplied with an adequate meal by the employer or be paid \$11.90 meal money.
- (b) Any dispute as to what constitutes an adequate meal shall be referred to and decided by the Tasmanian Industrial Commission.
- (c) The payment prescribed in subclause (a) shall be made on the day on which the overtime is worked."

**3. By deleting Clause 45 - Supported Wage System, and inserting in lieu thereof the following:**

**"45. SUPPORTED WAGE SYSTEM**

- (a) Eligibility Criteria

Subject to this clause an employer may engage employees at a supported wage rate (as set out in subclause (c) of this clause) who meet the impairment criteria for receipt of a Disability Support Pension and who, because of their disability, are unable to perform the range of duties to the competence level normally required for the class of work for which they are engaged.

**PROVIDED** that this clause does not apply to any existing employee who has a claim against the employer which is subject to the provisions of workers' compensation legislation or any provision of this award relating to the rehabilitation of employees who are injured in the course of their current employment.

**PROVIDED FURTHER** that this clause does not apply to employers in respect of their facility, programme, undertaking, service or the like which receives funding under the *Disability Services Act 1986* and fulfils the dual role of

service provider and sheltered employer to people with disabilities who are in receipt of or are eligible for a disability support pension, except with respect to an organisation which has received recognition under Section 10 or under Section 12A of the above Act, or if a part only has been received recognition, that part.

(b) For the purposes of this clause:

**'Accredited Assessor'** means a person accredited by the management unit established by the Commonwealth under the Supported Wage System to perform assessments of an individual's productive capacity within the Supported Wage System.

**'Assessment Instrument'** means the form provided for under the Supported Wage System that records the assessment of the productive capacity of the person to be employed under the Supported Wage System.

**'Disability Support Pension'** means the pension available under the Commonwealth pension scheme to provide income security for persons with a disability as provided under the *Social Security Act 1991*, as amended from time to time, or any successor to that scheme.

**'Supported Wage System'** means the Commonwealth Government System to promote employment for people who cannot work at full award wages because of a disability.

(c) Supported Wage Rates

Employees to whom this clause applies shall be paid the applicable percentage of the minimum rate of pay prescribed by this award for the class of work which the person is performing according to the following schedule:

Assessed Capacity (subclause (d))	% of Prescribed Award Rate
10%	10%
20%	20%
30%	30%
40%	40%
50%	50%
60%	60%
70%	70%
80%	80%
90%	90%

**PROVIDED** that the minimum amount payable shall be not less than \$56 per week.

(d) Assessment of Capacity

For the purpose of establishing the percentage of the award rate to be paid to a supported wage employee under this award, the productive capacity of the employee will be assessed in accordance with the Supported Wage System and documented in an assessment instrument by either:

- (i) the employer and a union party to the award, in consultation with the employee or, if desired by any of these;
- (ii) the employer and an accredited Assessor from a panel agreed by the parties to the award and the employee.

(e) Lodgment of Assessment Instrument

- (i) All assessment instruments under the conditions of this clause, including the appropriate percentage of the award wage to be paid to the employee, shall be lodged by the employer with the Registrar of the Tasmanian Industrial Commission.
- (ii) All assessment instruments shall be agreed and signed by the parties to the assessment, provided that where a union which is party to the award, is not a party to the assessment, it shall be referred by the Registrar of the Tasmanian Industrial Commission to the union by certified mail and shall take effect unless an objection is notified to the Registrar of the Tasmanian Industrial Commission within 10 working days.

(f) Review of Assessment

The assessment of the applicable percentage shall be subject to annual review or earlier on the basis of a reasonable request for such a review. The process of review shall be in accordance with the procedures for assessing capacity under the Supported Wage System.

(g) Other Terms and Conditions of Employment

Where an assessment has been made, the applicable percentage shall apply to the wage rate only. Employees covered by the supported wage provisions of this clause shall be entitled to the same terms and conditions of employment as all other workers covered by this award who are paid on a pro rata basis.

(h) Workplace Adjustment

An employer wishing to employ a person under the provisions of this clause shall take reasonable steps to make changes in the workplace to enhance the employee's capacity to do the job. Changes may involve re-design of job duties, working time arrangements and work organisation in consultation with other workers in the area.

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(i) Trial Period

- (i) in order for an adequate assessment of the employee's capacity to be made, an employer may employ a person under the provisions of this clause for a trial period not exceeding 12 weeks, except that in some cases additional work adjustment time (not exceeding four weeks) may be needed.
- (ii) During that trial period the assessment of capacity shall be undertaken and the proposed wage rate for a continuing employment relationship shall be determined in accordance with subclauses (d) and (e).
- (iii) The minimum amount payable to the employee during the trial period shall be no less than \$56 per week or such greater amount as is agreed from time to time between the parties.
- (iv) Work trials should include induction or training as appropriate to the job being trialed.
- (v) Where the employer and employee wish to establish a continuing employment relationship following the completion of the trial period, a further contract of employment shall be entered into based on the outcome of assessment under subclause (c) hereof."

**4. By deleting Clause 46 - Tea Money, and inserting in lieu thereof the following:**

**"46. TEA MONEY**

- (a) An employee required to work overtime for more than one and a half hours shall either be supplied with an adequate meal by the employer or be paid \$11.90 meal money.
- (b) Any dispute as to what constitutes an adequate meal shall be referred to and decided by the Tasmanian Industrial Commission.
- (c) The payment prescribed in subclause (a) above shall be made on the day on which the overtime is worked."

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### **Operative Date**

These variations shall come into operation from the first full pay period to commence on or after 1 August 2002.

Tim Abey  
**COMMISSIONER**

5 August 2002