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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984
s23 application for award or variation of award

Tasmanian Chamber of Commerce and Industry Limited
(T8963 of 2000)

Australian Cement Holdings Enterprise Award
Broadcasting and Television Award
Butter and Cheesemakers Award
Civil Construction and Maintenance Award
Clerical and Administrative Employees (Private Sector) Award
Dairy Processing Award
Estate Agents Award
Farming and Fruit Growing Award
Fibreglass and Plastics Award
Fish Aquaculture and Marine Products Award
Fuel Merchants Award
Furnishing Trades Award
Horticulturists Award
Hotels, Resorts, Hospitality and Motels Award
Independent Schools (Non-Teaching Staff) Award
Insurance Award
Licensed Clubs Award
Marine Boards Award
Meat Processing Industry Award
Medical Diagnostic Services (Private Sector) Award
Medical Practitioners (Private Sector) Award
Miscellaneous Workers Award
Nursing Homes Award
Optical Industries Award
Photographic Industry Award
Plant Nurseries Award
Printers Award
Produce Award
Public Accountants Award
Public Vehicles Award
Restaurant Keepers Award
Retail Trades Award
Rubber Trades Award
Shellfish Industry Award
Textile Award
Timber Merchants Award
Totalizator Agency Award
Wholesale Pharmaceutical Award
Wholesale Trades Award

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FULL BENCH:
DEPUTY PRESIDENT R J WATLING
COMMISSIONER T J ABEY
COMMISSIONER A W PEARCE

Award variation - nominated private sector awards - application amended - deletion of obsolete training provisions - application granted - operative ffpp 7 September 2000

PRINTERS AWARD

ORDER BY CONSENT -

No. 3 of 2000

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

1. By deleting Clause 3 - Arrangement and inserting in lieu thereof the following:

"3. ARRANGEMENT

<u>Subject Matter</u>	<u>Clause No.</u>	<u>Page No.</u>
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Scope	2	
Arrangement	3	
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Supersession and Savings	5	
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Definitions	7	
Wage Rates	8	
Division A - Employees Other Than Clerical Employees		
Division B - Clerical Employees		
Division C - Supported Wage System		

Conditions For Employees In Division A - Employees Other Than Clerical Employees

Conditions	9
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Conditions For Employees In Division B - Clerical Employees

Annual Leave	10	
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Carer's Leave	12	
Compassionate Leave	13	
Disputes and Grievance Procedure	14	
Enterprise Agreements	15	
Hours	16	
Meal Periods	17	
Overtime	18	
Parental Leave	19	
Part A - Maternity Leave		
Part B - Paternity Leave		
Part C - Adoption Leave		
Part D - Part-Time Work		
Part-Time and Casual Employees	20	
Payment of Wages	21	
Saturdays, Sundays and Holidays	22	
Sick Leave	23	
Structural Efficiency	24	
Superannuation	25	
Temporary Clerks	26	
Terms of Employment		27"

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2. By deleting from Clause 7 - Definitions, sub-clause (a) General and inserting in lieu thereof the following:

“(a) General

'Casual Employee' means any person specifically engaged to work on an irregular basis, as and when required by mutual consent between the employer and employee, but does not include any person employed on a part-time or full-time basis.

'Part-Time Employee' is one engaged to regularly work for less hours per day or week than those prescribed for full-time employees.

For the purposes of DIVISIONS A AND B:

'Show Day' means not more than one local show day observed on an employee's ordinary working day, other than a Saturday or a Sunday, in the city, town or district in which the employee is employed; or such other day which, in the absence of such a local show day, is agreed on by the employee and the employer, therefore making a total of 11 paid public holidays per year.”

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

“8. WAGE RATES

DIVISION A - EMPLOYEES OTHER THAN CLERICAL EMPLOYEES

1. RATES OF PAY

- (a) The rates of pay of employees engaged in the printing industry other than those mentioned in Division B - Clerks, shall be in accordance with those prescribed in the following awards made by the Australian Industrial Relations Commission.
 - (i) Graphic Arts Award, 1957, within a radius of 24.14 km of the GPO, Hobart;
 - (ii) Country Printing Award, 1959, all areas other than those within a 24.14 km radius of the GPO, Hobart.
- (b) Any disputes arising in respect of the provisions of subclause (a) of this clause, shall be referred to the Tasmanian Industrial Commission whose decision shall be final.

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DIVISION B - CLERICAL EMPLOYEES

1. ADULTS

The weekly wage rates set out hereunder shall be the rates payable to adult employees classified herein.

	Base Rate Relativity	Base Rate	Safety Net Adjustment	Weekly Wage Rate
	%	\$	\$	\$
Adult entry				
1st 6 months service	80	333.80	75.00	408.80
2nd 6 months service	85	354.60	75.00	429.60
Grade 1				
1A - 1st 12 months service	87	363.00	75.00	438.00
1B - After 12 months service	90	375.50	75.00	450.50
Grade 2				
2A - 1st 12 months service	92	383.80	75.00	458.80
2B - After 12 months service	95	396.30	75.00	471.30
Grade 3				
3A - 1st 12 months service	97	404.70	75.00	479.70
3B - After 12 months service	100	417.20	75.00	492.20
Grade 4	105	438.10	75.00	513.10
Grade 5	110	458.90	75.00	533.90
Grade 6	115	479.80	73.00	552.80

2. JUNIOR EMPLOYEES

The minimum weekly wage rate that shall be paid to junior clerical employees shall be the undermentioned percentages of the Grade 1, 1A weekly wage rate, as prescribed in subclause 1 - Adults, of this Division, adjusted to the nearest 10 cents.

	%
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

PROVIDED that when determining the rate payable to an employee attaining the age of 21 years, who has been employed as a junior clerk in the trades or groups of trades in respect of which awards of the Tasmanian Industrial Commission are

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established, experience obtained after reaching the age of 18 years shall be counted as adult experience.

DIVISION C - SUPPORTED WAGE SYSTEM

(a) Eligibility criteria

Subject to this subclause an employer may engage employees at a supported wage rate (as set out in paragraph (c) of this subclause) 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 subclause 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 subclause does not apply to employers in respect of their facility, program, 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 received recognition, that part.

(b) For the purposes of this subclause:

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

'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.

'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.

'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.

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(c) Supported wage rates

Employees to whom this subclause 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 (paragraph (d))	Percentage 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 \$51 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 subclause, 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.

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(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 subclause 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 subclause 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.

(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 subclause 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 paragraphs (d) and (e).
- (iii) The minimum amount payable to the employee during the trial period shall be no less than \$51 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 28 - Trainee Clerk"

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OPERATIVE DATE

These variations shall come into operation from the first full pay period to commence on or after 7 September 2000.

A W Pearce
COMMISSIONER

21 September 2000