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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
(T9062 of 2000)

Private sector awards

FULL BENCH:

DEPUTY PRESIDENT R J WATLING
COMMISSIONER P L LEARY
COMMISSIONER P A IMLACH

Wage Rates - State Wage Case July 2000 - application to vary private sector awards in a manner consistent with the Australian Industrial Relations Commission decision in Print number S5000 - 2000 Safety Net Review - Wages - Agreed Settlement - \$15.00 Arbitrated Safety Net Adjustment and 3.14% increase to work related allowances - Approved

HOSPITALS AWARD

ORDER BY CONSENT -

No. 2 of 2000

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

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

"8. WAGE RATES

A. ADMINISTRATIVE AND CLERICAL EMPLOYEES

An employee appointed or promoted to a position within a level prescribed by this award shall be paid at the salary rate determined for that level by reference to the relevant classification standards as set out in Clause 7 - Definitions.

FULL-TIME EMPLOYEES

	Base Salary Per Annum \$	Safety Net Adjustment \$	Total Salary Per Annum \$
Level 1			
1st year of service	16493	3900	20393
2nd year of service	17671	3900	21571
3rd year of service	18849	3900	22749
4th year of service & thereafter	20027	3900	23927
Level 2			
1st year of service	21205	3900	25105
2nd year of service	22383	3900	26283
3rd year of service & thereafter	23561	3900	27461
Level 3			
1st year of service	24739	3796	28535
2nd year of service	25328	3796	29124
3rd year of service	25917	3796	29713
4th year of service	26506	3796	30302
5th year of service & thereafter	27095	3692	30787
Level 4			
1st year of service	28273	3692	31965
2nd year of service	28862	3692	32554
3rd year of service	29452	3692	33144
4th year of service	30040	3692	33732
5th year of service & thereafter	30620	3692	34312
Level 5			
1st year of service	31808	3692	35500
2nd year of service	32397	3692	36089
3rd year of service & thereafter	32986	3692	36678

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Level 6			
1st year of service	34164	3692	37856
2nd year of service	34753	3588	38341
3rd year of service & thereafter	35342	3588	38930
Level 7			
1st year of service	36520	3588	40108
2nd year of service	37698	3588	41286
3rd year of service & thereafter	38876	3588	42464
Level 8			
1st year of service	41232	3588	44820
2nd year of service	42410	3588	45998
3rd year of service & thereafter	43588	3588	47176
Level 9			
1st year of service	45940	3588	49528
2nd year of service & thereafter	47122	3588	50710
Level 10	49478	3588	53066
Level 11	51835	3588	55423
Level 12	55369	3588	58957

B. PROFESSIONAL EMPLOYEES

An employee appointed or promoted to a position within a level prescribed by this award shall be paid at the salary rate determined for that level by reference to the relevant classification standards as set out in Clause 7 - Definitions.

	Base Salary Per Annum \$	Safety Net Adjustment \$	Total Salary Per Annum \$
Level 1			
1st year of service	25917	3796	29713
2nd year of service	27684	3692	31376
3rd year of service	29451	3692	33143
4th year of service	31218	3692	34910
5th year of service	32985	3692	36677
6th year of service	34752	3588	38340
7th year of service	36520	3588	40108
8th year of service & thereafter	38287	3588	41875
Level 2			
1st year of service	40054	3588	43642
2nd year of service	41821	3588	45409
3rd year of service & thereafter	43588	3588	47176

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Level 3			
1st year of service	45944	3588	49532
2nd year of service	48300	3588	51888
3rd year of service & thereafter	49478	3588	53066
Level 4			
1st year of service	51834	3588	55422
2nd year of service	53601	3588	57189
3rd year of service & thereafter	55369	3588	58957
Level 5	60081	3588	63669

C. TECHNICAL EMPLOYEES

An employee appointed or promoted to a position within a level prescribed by this award shall be paid at the salary rate determined for that level by reference to the relevant classification standards as set out in Clause 7 - Definitions.

	Base Salary Per Annum \$	Safety Net Adjustment \$	Total Salary Per Annum \$
Level 1			
1st year of service	20616	3900	24516
2nd year of service	21205	3900	25105
3rd year of service	21794	3900	25694
4th year of service	22383	3900	26283
5th year of service & thereafter	23561	3900	27461
Level 2			
1st year of service	24739	3796	28535
2nd year of service	25917	3796	29713
3rd year of service	27095	3692	30787
4th year of service	28273	3692	31965
5th year of service & thereafter	29452	3692	33144
Level 3			
1st year of service	30620	3692	34312
2nd year of service	31808	3692	35500
3rd year of service	32986	3692	36678
Level 4			
1st year of service	34164	3692	37856
2nd year of service	35342	3588	38930
3rd year of service & thereafter	36520	3588	40108

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Level 5	40054	3588	43642
Level 6	42410	3588	45998

D. OPERATIONAL EMPLOYEES

An employee appointed or promoted to a position within a level prescribed by this award shall be paid at the salary rate determined for that level by reference to the relevant classification standards as set out in Clause 7 - Definitions.

	Base Salary Per Annum \$	Safety Net Adjustment \$	Total Salary Per Annum \$
Level 1			
1st 3 months of service	17671	3900	21571
After first 3 months and for next 12 months	18378	3900	22278
Level 2			
1st year of service	18407	3900	22307
2nd year of service	18851	3900	22751
3rd year of service & thereafter	19283	3900	23183
Level 3			
1st year of service	19509	3900	23409
2nd year of service	19784	3900	23684
3rd year of service & thereafter	20179	3900	24079
Level 4			
1st year of service	20586	3900	24486
2nd year of service	20986	3900	24886
3rd year of service & thereafter	21294	3900	25194
Level 5			
1st year of service	21585	3900	25485
2nd year of service	21882	3900	25782
3rd year of service & thereafter	22354	3900	26254
Level 6			
1st year of service	23561	3900	27461
2nd year of service & thereafter	23981	3900	27881
Level 7			
1st year of service & thereafter	24739	3796	28535
Level 8			
1st year of service & thereafter	27095	3692	30787

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Level 9			
1st year of service & thereafter	29452	3692	33144
Level 10			
1st year of service	31808	3692	35500

E. MEAL CHARGES

The maximum amount that shall be charged or deducted where an employee receives a meal from his/her employer shall be:

Lunch or Evening Meal	Rate per Meal
Two or three courses	\$2.90
Single hot or cold main course	\$2.30
Single (other) course i.e. soup or sweet	\$2.10
All breakfasts	\$2.10

PROVIDED that:

- (i) A minimum charge of \$2.10 applies for each meal taken.
- (ii) In each case where a one, two or three course meal is ordered and charged for as above, no extra charge is to be levied for either beverages, toast, bread, butter or condiments.

F. TOOL ALLOWANCE

In addition to the wage rates prescribed in this clause the undermentioned classifications shall be paid the following tool allowance per week:

	\$
Carpenter	7.60
Painter	6.20
Fitter	6.20
Electrical Mechanic	6.20

PROVIDED that:

- (i) the employer shall provide a person employed as either an electrical mechanic or maintenance fitter with all hand, power or special tools necessary for the proper performance of such employee's duties.
- (ii) where an employer does not supply either an electrical mechanic or maintenance fitter with hand tools or where an employee is required to provide his own tools for

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use in the service of his/her employer he shall be paid a tool allowance in accordance with the above rates.

G. REMOTE CALL ALLOWANCE

The amount to be paid under the conditions prescribed in Clause 41 - Remote Call is 92.16 cents per hour operative from the first full pay period to commence on or after 1 August 2000.

H. 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, 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 received recognition, that part.

(b) For the purposes of this subclause:

'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.

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'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 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))	% 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

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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 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 paragraph (c) hereof.

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LEAVE RESERVED

Training Rates"

2. By deleting Clause 23 - Employee Handling Cash, and inserting in lieu thereof the following:

"23. EMPLOYEE HANDLING CASH

An employee other than a person classified as a senior clerk or executive staff who in the performance of his/her duties is required to handle cash shall receive a cash handling allowance based on the following criteria:

exceeding \$20 per week, but not exceeding \$100 per week - 50 cents per week;

exceeding \$100 per week, but not exceeding \$200 per week - \$1.00 per week;

exceeding \$200 per week, but not exceeding \$600 per week - \$1.90 per week;

exceeding \$600 per week, but not exceeding \$1000 per week - \$2.90 per week;

exceeding \$1000 per week - \$3.80 per week.

PROVIDED that this allowance shall not apply where an employee is not held personally responsible for making good any cash shortages."

Operative Date

These variations shall come into operation from the first full pay period to commence on or after 1 August 2000.

R J Watling
DEPUTY PRESIDENT

2 August 2000