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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

HOTELS, RESORTS, HOSPITALITY AND MOTELS AWARD

ORDER BY CONSENT -

No. 2 of 2000

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THE **HOTELS, RESORTS, HOSPITALITY AND MOTELS 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 - HOTELS, TAVERNS OR WINE SALOONS

1. MINIMUM WAGE

- (a) Notwithstanding the provisions of subclause 2 - Wage Rates - Adults, of this clause an adult employee, whose weekly wage rate payable pursuant to the said subclause 2 of work is less than the undermentioned amount shall be paid in addition an allowance of such amount as will bring his or her rate of pay for such hours to the amount of \$278.80 per week.
- (c) Where an allowance as prescribed by paragraph (a) of this subclause is payable to an employee, payments during paid leave and for holidays prescribed by Clause 21 - Holidays of this award shall be calculated at the rate of the said appropriate amount per week.
- (d) Calculations for overtime, penalty rates, shift work and other payments under the award shall be made at the rate prescribed by subclause 2 - Wage Rates - Adults of this clause for the classification in which the employee is employed.

NOTE: The purpose of fixing the minimum weekly wage at the amount set out above is to ensure to each adult worker a minimum wage for a week's work performed in ordinary hours. The fixation of the minimum weekly wage at the amount mentioned does not give any reason for any change in award rates of pay which are below or above the appropriate minimum weekly wage.

2. WAGE RATES - ADULTS

	Base Rate	Base Rate Relativity	Safety Net Adjustment	Weekly Wage Rate
SECTION I - FOOD & BEVERAGE	\$	%	\$	\$
Grade 1	342.10	82	75.00	417.10
Grade 2	367.20	88	75.00	442.20
Grade 3	385.50	92.4	75.00	460.50
Grade 4	417.20	100	75.00	492.20
Grade 5 Food & Beverage Supervisor	458.90	110	75.00	533.90

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	Base Rate	Base Rate Relativity	Safety Net Adjustment	Weekly Wage Rate
SECTION II - KITCHEN	\$	%	\$	\$
Kitchen Attendant Grade 1	342.10	82	75.00	417.10
Kitchen Attendant Grade 2	367.20	88	75.00	442.20
Cook Grade 1	367.20	88	75.00	442.20
Kitchen Attendant Grade 3	385.50	92.4	75.00	460.50
Cook Grade 2	385.50	92.4	75.00	460.50
Cook Grade 3	417.20	100	75.00	492.20
Cook Grade 4	458.90	110	75.00	533.90
Cook Grade 5	479.80	115	73.00	552.80
SECTION III - GUEST SERVICE				
Grade 1	342.10	82	75.00	417.10
Grade 2	367.20	88	75.00	442.20
Grade 3	385.50	92.4	75.00	460.50
Grade 4	417.20	100	75.00	492.20
Supervisor	458.90	110	75.00	533.90
SECTION IV - ADMINISTRATION GENERAL				
Storeperson Grade 1	367.20	88	75.00	442.20
Storeperson Grade 2	385.50	92.4	75.00	460.50
Storeperson Grade 3	417.20	100	75.00	492.20
Handyperson	385.50	92.4	75.00	460.50
Doorperson/Security Officer Grade 1	367.20	88	75.00	442.20
Timekeeper/Security Officer Grade 2	385.50	92.4	75.00	460.50
SECTION V - LEISURE				
Greenkeeper Grade 1	367.20	88	75.00	442.20
Greenkeeper Grade 2	385.50	92.4	75.00	460.50
Greenkeeper (Tradesperson) Grade 3	417.20	100	75.00	492.20
Head Greenkeeper (Tradesperson)	458.90	110	75.00	533.90
Leisure Attendant Grade 1	367.20	88	75.00	442.20
Leisure Attendant Grade 2	385.50	92.4	75.00	460.50
Leisure Attendant Grade 3	417.20	100	75.00	492.20
SECTION VI - MISCELLANEOUS				
Persons not otherwise provided for	342.10	82	75.00	417.10
Introductory Level	325.40	78	75.00	400.40
Forklift Driver	385.50	92.4	75.00	460.50

Notwithstanding the recognition of five career path streams, such streaming does not prevent employees undertaking duties across different streams.

PROVIDED that where work is undertaken at a higher grade and/or at a higher rate then Clause 20 - Higher and Lower Grade Work, applies.

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SECTION VII - FRONT OFFICE AND CLERICAL

An adult employee of a front office or clerical classification specified in the table hereunder shall be paid not less than the weekly wage rate assigned to that classification for the area in which such employee is working.

	Base Rate	Base Rate Relativity	Safety Net Adjustment	Weekly Wage Rate
	\$	%	\$	\$
Front Office Grade 1	367.20	88	75.00	442.20
Front Office Grade 2	385.50	92.4	75.00	460.50
Front Office Grade 3	417.20	100	75.00	492.20
Front Office Supervisor	458.90	110	75.00	533.90
Clerical Grade 1	367.20	88	75.00	442.20
Clerical Grade 2	385.50	92.4	75.00	460.50
Clerical Grade 3	417.20	100	75.00	492.20
Clerical Supervisor	458.90	110	75.00	533.90

3. JUNIORS

- (a) Junior Employees (other than Junior Office Employee)

The minimum weekly wage rate for junior employees shall be the undermentioned percentages of the weekly wage rate prescribed for the appropriate adult classification for the work performed for the area in which such junior is working.

Age	%
17 years of age and under	70
18 years of age	80
19 years of age	90
20 years of age	100

- (b) Junior Office Employee

The minimum weekly wage rate for junior office employees shall be the undermentioned percentages of rates prescribed for the Front Office Employee Grade 1.

Age	%
At 15 years of age and under	50
At 16 years of age	60
At 17 years of age	70
At 18 years of age	80
At 19 years of age	90
At 20 years of age	100

- (c) The weekly wage rate prescribed in paragraphs (a) and (b) of this subclause shall be calculated as follows:

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The weekly wage rate shall be calculated to the nearest 10 cents, any broken part of 10 cents in the result being less than five cents shall be disregarded - five cents and over shall go to the next 10 cents.

- (d) Junior male or female employees, on reaching the age of 18 years, may be employed in the bar or other places where liquor is sold.

PROVIDED that where such junior is employed in the front of the house, the appropriate adult weekly wage rate for work being performed shall be paid.

- (e) Junior employees being paid junior rates may be employed in the proportion not exceeding one junior to every three or fraction of three adults employed.

Notwithstanding anything elsewhere contained in this award where such junior employees are employed in excess of one to every three or fraction of three adults each such additional junior shall be paid the adult award rate for the work being performed. In deciding which junior or juniors shall be paid the adult rate, the length of service in the establishment shall apply.

- (f) An employer may at any time demand the production of a birth certificate or other satisfactory proof for the purpose of ascertaining the correct age of a junior employee. If a birth certificate is required, the cost of it shall be borne by the employer.
- (g) No employee under the age of 18 years shall be required to work more than 10 hours in a shift.

4. APPRENTICES

- (a) Where an employee is apprenticed in the cooking trade in accordance with the provision of any State law and/or regulation made by the Tasmanian State Training Authority such employee shall be paid the percentage of the weekly wage rate prescribed for a Cook (Tradesperson) Grade 3 in subclause 2 - Wage Rates - Adults, hereof as follows:

	Percentage of Cook Grade 3
	%
First year	50
Second year	65
Third year	80
Fourth year	90

- (b) Where an employee is apprenticed in waiting in accordance with the provision of any State law and/or regulation made by the Tasmanian State Training Authority such employee shall be paid the percentage of the weekly wage rate prescribed for a Food and Beverage Attendant Grade 4 in subclause 2 - Wage Rates - Adults, of this clause as follows:

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	Percentage of F&B Grade 4
	%
First six months	62
Second six months	76
Third six months	76
Fourth six months	90
Fifth six months	90

- (c) Any person completing a full apprenticeship as a qualified tradesperson or as defined in Clause 7 - Definitions, shall be paid not less than the weekly wage rate prescribed for a Cook (Tradesperson) Grade 3 of subclause 2 - Wage Rates - Adults, of this clause. The provisions of subclause 3 - Juniors, of this clause shall not apply to an employee provided for in this subclause.

The weekly wage rates in (b) hereof shall be calculated to the nearest 10 cents, any broken part of 10 cents in the result being less than 5 cents shall be disregarded - 5 cents and over shall go to the next 10 cents.

5. TRAINEES (ATS)

The weekly wage rate payable to Trainees (ATS) shall be calculated by taking the appropriate junior percentages in subclause 3 - Juniors, hereof, applying it to the weekly wage rate prescribed for the classification Food and Beverage Attendant Grade 2 in subclause 2 - Wage Rates - Adults, hereof and multiplying the result by 39 and then dividing by 52.

PROVIDED that the weekly wage rate shall in no case be less than the weekly wage rate prescribed by the ATS guidelines, and the rate calculated shall be subject to any relevant adjustment as may be prescribed by the Tasmanian Industrial Commission.

6. 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

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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.

'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))	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:

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- (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.
- (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.

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- (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.

DIVISION B - MOTELS

1. MINIMUM WAGE

- (a) Notwithstanding the provisions of subclause 2 - Wage Rates - Adults, hereof, an adult employee, whose weekly wage rate payable pursuant to the said subclause for ordinary hours of work together with overaward payments is less than \$272.80 appropriate to his or her location, shall be paid in addition an allowance of such amount as will bring his or her rate of pay for such to the said appropriate amount for that week.
- (b) Where such an employee has been absent from duty in a week in circumstances entitling the employer to deduct payment for the time of non-attendance he or she shall be paid for the ordinary hours worked during such week at the rate of the said appropriate amount per week.
- (c) Where an allowance as prescribed by subclause 1(a) hereof is payable to an employee, payments during paid leave and for holidays prescribed by this award shall be calculated at the rate of the said appropriate amount per week.
- (d) Calculations for overtime, penalty rates, shift work and other payment under the award shall be made at the rate prescribed by subclause 2 - Wage Rates - Adults, hereof for the classification in which the employee is employed.

NOTE: The purpose of fixing the minimum weekly wage as set out above is to ensure to each adult worker a minimum weekly wage for a week's work performed in ordinary hours. The fixation of the minimum weekly wage at the amount mentioned does not give any reason for any change in award rates of pay which are below or above the appropriate minimum weekly wage.

2. WAGE RATES - ADULTS

- (a) An adult employee of a classification specified in the table hereunder (other than an apprentice or an employee in respect of whom a certificate under Section 79 of the

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Industrial Relations Act 1984 is in force) shall be paid not less than the weekly wage rate assigned to that classification for the area in which such employee is working.

Any employee who is, at the date of this award, in receipt of a weekly wage rate in excess of that herein prescribed shall not have his or her weekly wage rate reduced as a result of this award.

	Base Rate	Base Rate Relativity	Safety Net Adjustment	Weekly Wage Rate
	\$	%	\$	\$
FOOD-BEVERAGE-HOUSEKEEPING				
Introductory Level	325.40	78	75.00	400.40
Hospitality Services Grade 1	342.10	82	75.00	417.10
Hospitality Services Grade 2	367.20	88	75.00	442.20
Hospitality Services Grade 3	385.50	92.4	75.00	460.50
Hospitality Services Grade 4	417.20	100	75.00	492.20
Hospitality Services Grade 5	458.90	110	75.00	533.90
Hospitality Services Grade 6	479.80	115	73.00	552.80
ADMINISTRATION/FRONT OFFICE				
Hospitality Administration and Front Office Grade 1	367.20	88	75.00	442.20
Hospitality Administration and Front Office Grade 2	385.50	92.4	75.00	460.50
Hospitality Administration and Front Office Grade 3	417.20	100	75.00	492.20
Hospitality Administration and Front Office Supervisor	458.90	110	75.00	533.90
LEISURE ACTIVITIES				
Leisure Attendant Grade 1	367.20	88	75.00	442.20
Leisure Attendant Grade 2	385.50	92.4	75.00	460.50
Leisure Attendant Grade 3	417.20	100	75.00	492.20
MISCELLANEOUS				
Handyperson	385.50	92.4	75.00	460.50
Persons not otherwise provided for	342.10	82	75.00	417.10

3. APPRENTICES - COOKING TRADE

Notwithstanding where an employee is apprenticed in accordance with the provisions of any State law and/or regulations made by the Tasmanian State Training Authority, such employees shall be paid the percentage of the weekly wage rate prescribed for a qualified cook (Hospitality Services Grade 4) in Division B, subclause 2 - Wage Rates - Adults, of this clause as follows:

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Percentage of Hospitality Services Grade 4	
	%
First year	55
Second year	65
Third year	80
Fourth year	95

The total weekly wage rate shall be calculated to the nearest 10 cents, any broken part of 10 cents in the result being less than five cents shall be disregarded - five cents and over shall go to the higher 10 cents.

4. JUNIOR EMPLOYEES

(a) Junior - per week of 40 hours (other than Office Juniors)

The minimum weekly wage rate for junior employees shall be the undermentioned percentages of the weekly wage rate prescribed for the adult classification appropriate to the work performed for the area in which the work is performed.

Age	%
17 years of age and under	60
18 years of age	70
19 years of age	85
20 years of age	100

(b) Junior Office Employees

The minimum weekly wage rate for junior office employees shall be the undermentioned percentages based on the adult weekly wage rate for the Hospitality Administration and Front Office Grade 1 classification:

Age	%
At 15 years of age and under	37
At 16 years of age	44
At 17 years of age	58
At 18 years of age	72
At 19 years of age	82.5
At 20 years of age	94

(c) The percentages prescribed in subclauses (a) and (b) of this clause shall be calculated as follows:

The total weekly wage rate shall be calculated to the nearest 10 cents, any broken part of 10 cents in the result being less than five cents shall be disregarded - five cents and over shall go to the higher 10 cents.

(d) Junior employees on reaching the age of 18 years, may be employed in the sale of liquor.

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PROVIDED that the maximum number shall be one to every three adults or fraction of three adults similarly employed receiving a minimum weekly wage rate prescribed in this Division.

PROVIDED FURTHER that where such junior is employed, the adult weekly wage rate for the work being performed shall be paid.

- (e) Junior employees may be employed elsewhere in the proportion not exceeding one junior to every three or fraction of three adults employed therein and paid the junior weekly wage rates prescribed in this Division. Notwithstanding anything elsewhere contained in this award where junior employees are employed in excess of one to every three or fraction of three adults, each such additional junior shall be paid the adult weekly wage rate for the work being performed. In deciding which junior or juniors shall be paid the adult rate, the length of service in the establishment shall apply.
- (f) An employer may at any time demand the production of a birth certificate or other satisfactory proof for the purpose of ascertaining the correct age of a junior employee. If a birth certificate is required, the cost of it shall be borne by the employer.

5. TRAINEE (ATS)

The weekly wage rate payable to Trainees (ATS) shall be calculated by taking the appropriate junior percentages in subclause 4(a) - Junior - per week of 40 hours hereof, applying it to the weekly wage rate prescribed for the classification Hospitality Services Grade 2 in subclause 2 - Wage Rates - Adults, hereof and multiplying the result by 39 and then dividing by 52.

PROVIDED that the wage rate shall in no case be less than the weekly wage rate prescribed by the ATS guidelines, and the rate calculated shall be subject to any relevant adjustment as may be prescribed by the Tasmanian Industrial Commission.

6. SUPPORTED WAGE SYSTEM

As provided for in Division A - Hotels, Taverns or Wine Saloons, subclause 6 of this Clause."

2. By deleting Clause 18 - First Aid Outfit/Allowance, and inserting in lieu thereof the following:

"18. FIRST AID OUTFIT/ALLOWANCE

The provisions of the *Industrial Safety, Health and Welfare Act 1977* shall apply.

An employee who has undertaken a first aid course and who is the holder of a current recognised first aid qualification such as a certificate from the St John's Ambulance or

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similar body shall be paid a weekly allowance of \$5.50 per week if he or she is appointed by the employer to perform first aid duty."

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

7 August 2000