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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984
s.23 application for an award or variation of an award

Tasmanian Trades and Labor Council
(T8413 of 1999)

Private Sector Awards

Tasmanian Chamber of Commerce and Industry Limited
(T8483 of 1999)

Private and Public Sector Awards

FULL BENCH:
DEPUTY PRESIDENT B R JOHNSON
COMMISSIONER R J WATLING
COMMISSIONER P A IMLACH

Wage Rates - State Wage Case July 1999 - applications to review the Wage Fixing Principles and to vary awards in a manner consistent with the Australian Industrial Relations Commission decision in Print number R1999 Safety Net Review - Wages - flow-on of federal safety net adjustment approved - operative date ffpp 1 August 1999 - partial revision of Wage Fixing Principles - full review of Wage Fixing Principles to begin no later than October 1999

FURNISHING TRADES AWARD

ORDER -

No. 1 of 1999

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THE **FURNISHING TRADES 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 A1 - PRODUCTION/FURNISHING INDUSTRY
TRADESPERSONS EMPLOYEES**

1. WAGE RATES

(a) An adult employee in the classifications listed (other than an apprentice junior employee or any employee in respect of whom an authority under Section 79 of the Act is in force) shall be paid the weekly wage rate as specified hereunder for the classification level concerned.

Classification	Base Rate Relativity %	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
Production Employee				
Level P1	78	325.40	60.00	385.40
Level P2	82	342.10	60.00	402.10
Level P3	87.4	364.60	60.00	424.60
Level P4	92.4	385.50	60.00	445.50
Furniture Tradesperson				
Level T1	100	417.20	60.00	477.20
Level T2	105	438.10	60.00	498.10
Level T3	115	479.80	58.00	537.80

(b) **PROVIDED** that an employee handling money shall be paid the following additional weekly amounts:

	Amount Per Week \$
For any amount handled up to \$20	0.60
Over \$20 but not exceeding \$200	1.20
Over \$200 but not exceeding \$600	2.70
Over \$600 but not exceeding \$1000	3.80
Over \$1000	4.80

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2. APPRENTICES

(a) Junior Apprentices

The minimum weekly wage rate for apprentices shall be the undermentioned percentages of the weekly wage rate for a Furniture Tradesperson Level T1 prescribed in paragraph 1(a) of this division adjusted to the nearest 10 cents:

	%
1st year	42
2nd year	55
3rd year	75
4th year	88

(b) Adult Apprentices

The weekly wage rate for adult apprentices shall be the undermentioned percentages of the weekly wage rate for a Furniture Tradesperson Level T1 prescribed in paragraph 1(a) of this division adjusted to the nearest 10 cents:

	%
1st year	83.5
2nd year	88
3rd year	93
4th year	98

3. UNAPPRENTICED JUNIORS

The minimum weekly wage rate for an unapprenticed junior shall be the undermentioned percentage of the total weekly wage rate for a Production Employee Level P3, as prescribed in paragraph 1(a) of this division adjusted to the nearest 10 cents:

Age	%
Under 17	45
17 and under 18 years	55
18 and under 19 years	65
19 and under 20 years	78.5
20 and under 21 years	93

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4. LEADING HANDS

In addition to the rates prescribed in paragraph 1(a) of this division leading hands shall be paid the following:

	Amount per Week \$
In charge of not less than 3 and not more than 10 employees	12.60
In charge of more than 10 and not more than 20 employees	22.80
In charge of more than 20 employees	32.60

5. CLASSIFICATION STRUCTURE - TRANSLATION SCHEDULE

For the purposes of identifying an employee's new classification in accordance with the creation of the broadbanded classification structure, the schedule at Appendix A to this award shall apply.

PROVIDED that any employee covered by this award who, prior to this award coming into force was in receipt of total ordinary weekly wage rates in excess of those herein prescribed shall not have their weekly wage rate reduced as a result of the making of this award and/or the translation process.

6. TRAINEE UPHOLSTERY/SEWING MACHINIST OR SOFT FURNISHINGS

(a) Australian Traineeship System (ATS)

The weekly wage payable to an Australian Traineeship System Trainee shall be determined by multiplying the unapprenticed junior rates, as prescribed in subclause 3 - Unapprenticed Juniors of this division, by 39 which represents the actual weeks spent on the job, and dividing that sum by 52, to provide a weekly wage. Further, the rate determined shall in no case be less than the minimum rate prescribed by the Australian Traineeship System guidelines.

In order to achieve stability of income and related living standards these rates will be paid as a weekly wage and will be unaffected by the 13 weeks off-the-job training to be carried out during the 12 month training period.

(b) Career Start Traineeship System (CST)

The weekly wage payable to a Career Start Trainee shall be calculated by taking the appropriate classification rate prescribed in Division A1 of Clause 8 - Wage Rates of this award, that would otherwise have been applicable to the employee had the employee not been a Career Start Trainee, and multiplying that weekly rate by the number of weeks spent on-the-job as specified in the Training Agreement and dividing that amount by the number of weeks duration of the contract of training as specified in the registered Training Agreement.

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The terms of this paragraph applying to Career Start Traineeships operate in conjunction with a Commonwealth Government Scheme, under which, if weekly wages calculated using the method outlined above, fall below \$125.00 for those under 18 years old, and \$150.00 for those 18 years and over, or any revised amount, the Commonwealth will provide a supplementary allowance to bring the total income of Trainees undertaking the Career Start Traineeships up to these levels.

In the event that the Commonwealth Government reduces these minimum income maintenance levels, the terms of the award will be revised.

DIVISION A2 - GLASS (OTHER THAN SAFETY GLASS)

1. WAGE RATES

(a) Weekly Wage Rate

An adult employee's ordinary weekly wage rate is inclusive of the award rate of pay and the arbitrated safety net adjustments detailed in paragraph (b) herein, together with the excess payments contained in subclause 2 - Excess Payments of this division.

(b) Adult Employees

Level	Base Rate Relativity %	Base Rate \$	Safety Net Adjustment	Weekly Wage Rate \$
G6	110	458.90	60.00	518.90
G5	105	438.10	60.00	498.10
G4	100	417.20	60.00	477.20
G3	95	396.30	60.00	456.30
G2	90	375.50	60.00	435.50
G1`	87	362.90	60.00	422.90

(c) **PROVIDED** that an employee handling money shall be paid the following additional weekly amounts:

	Amount Per Week \$
For any amount handled up to	
\$20	0.60
Over \$20 but not exceeding	
\$200	1.20
Over \$200 but not exceeding	
\$600	2.70
Over \$600 but not exceeding	
\$1000	3.80
Over \$1000	4.80

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2. EXCESS PAYMENTS

- (a) Employees shall receive excess payments in accordance with the table set out in paragraph (c) herein. These excess payments shall be added to the weekly wage rate provided for in paragraph 1(b) to provide the total weekly wage rate for all purposes of the award.
- (b) The excess payments in this subclause shall not be subject to adjustment.
- (c) Table of Excess Payments

Classification	Excess Payment Per Week \$
Level G4	11.70
Level G3	10.90
Level G2	9.80
Level G1	9.60

3. LEADING HANDS

In addition to the rates prescribed in subclauses 1 and 2 of this division, leading hands shall be paid per week extra the following:

	Amount per Week \$
In charge of not less than two and not more than 10 employees	10.60
In charge of more than 10 employees and not more than 20 employees	19.10
In charge of more than 20 employees	27.20

4. APPRENTICES AND JUNIOR WORKERS

- (a) The weekly wage rate for apprentices and junior workers shall be the undermentioned percentages of the appropriate ordinary weekly wage rates prescribed herein adjusted to the nearest 10 cents:

- (i) Apprentices

Year of Apprenticeship	Percentage of Ordinary Weekly Wage for Adults in Level G4 %
1st Year	40
2nd Year	50
3rd Year	71
4th Year	85.5

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(ii) Junior Workers

Age	Percentage of Ordinary Weekly Wage for Adults in Level G1 %
Under 17	31
17 and under 18 years of age	43
18 and under 19 years of age	61
19 and under 20 years of age	83
20 and under 21 years of age	100

(iii) Adult Apprentices

Year of Apprenticeship	Percentage of Ordinary Weekly Wage for Adults in Level G4 %
1st Year	83.5
2nd Year	88
3rd Year	93
4th Year	98

An adult apprentice shall be entitled to a tradesman's rate of pay within six months of successfully completing the formal training modules.

5. CLASSIFICATION STRUCTURE - TRANSLATION SCHEDULE

For the purposes of identifying an employee's new classification in accordance with the creation of the broadbanded classification structure, the schedule at Appendix A to this award shall apply.

PROVIDED that any employee covered by this award who, prior to this award coming into force was in receipt of total ordinary weekly wage rates in excess of those herein prescribed shall not have their weekly wage rate reduced as a result of the making of this award and/or the translation process.

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DIVISION B - CLERICAL EMPLOYEES

1. WAGE RATES

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

Classification	Base Rate Relativity %	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
Clerk Adult Entry Level	78	325.40	60.00	385.40
Clerical Assistant Grade 1	90	375.50	60.00	435.50
Clerical Officer Grade 2	95	396.30	60.00	456.30
Grade 3	100	417.20	60.00	477.20
Grade 4	105	438.10	60.00	498.10
Administrative Officer Grade 5	110	458.90	60.00	518.90
Grade 6	115	479.80	58.00	537.80
Grade 7	120	500.60	58.00	558.60

2. JUNIOR EMPLOYEES

(a) Junior Employee Clerks

The minimum weekly wage rate that may be paid to juniors performing duties consistent with the definition of Clerical Assistant shall be the undermentioned percentages of the Grade 1 weekly wage rate, adjusted to the nearest 10 cents.

Age	Percentage of Grade 1 %
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

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(b) Other Junior Clerical/Administrative Employees

The minimum weekly wages rates that shall be paid to all other juniors shall be the undermentioned percentages of the Clerical Officer Grade 2 weekly wage rate, adjusted to the nearest 10 cents.

Age	Percentage of Grade 2 %
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

3. TRAINEE CLERK_

The minimum weekly wage rate payable to a trainee clerk shall be determined by the following method of calculation:

By taking the appropriate wage rate for a junior employee as prescribed in subclause 2 - Junior Employees of this division then multiplying it by 39 and dividing it by 52 (39 being the actual number of weeks spent on the job).

PROVIDED that the wage determined by this calculation shall in no case be less than the minimum rate (as varied from time to time) prescribed by the Australian Traineeships System Guidelines.

PROVIDED FURTHER that the Trainee Clerk weekly wage rate shall be calculated in multiples of 10 cents with any result of five cents or more being taken to the next 10 cents.

4. CLASSIFICATION STRUCTURE - TRANSLATION SCHEDULE

For the purposes of identifying an employee's new classification in accordance with the creation of the broadbanded classification structure, the schedule at Appendix A to this award shall apply.

PROVIDED that any employee covered by this award who, prior to this award coming into force was in receipt of total ordinary weekly wage rates in excess of those herein prescribed shall not have their weekly wage rate reduced as a result of the making of this award and/or the translation process.

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DIVISION C - DRIVERS

1. WAGE RATES

(a) The weekly wage rates set out hereunder shall be the rates payable to adult employees classified herein:

Classification	Award Rate Relativity %	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
Driver Driving motor vehicles up to but not exceeding 4.5 tonnes GVM	87.4	364.60	60.00	424.60
Driving motor vehicles exceeding 4.5 tonnes GVM but not exceed-ing 15 tonnes GVM	92.4	385.50	60.00	445.50

(b) **PROVIDED** that an employee handling money shall be paid the following additional weekly amounts:

	Amount Per Week \$
For any amount handled up to \$20	0.60
Over \$20 but not exceeding \$200	1.20
Over \$200 but not exceeding \$600	2.70
Over \$600 but not exceeding \$1000	3.80
Over \$1000	4.80

2. JUNIOR EMPLOYEES

Junior employees required to drive vehicles as provided for in this award shall be paid the following percentage of the appropriate adult weekly wage rate adjusted to the nearest 10 cents.

Age	%
Under 19 years of age	70
19 and under 20 years of age	80
20 years and over	Adult rate

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3. CLASSIFICATION STRUCTURE - TRANSLATION SCHEDULE

For the purposes of identifying an employee's new classification in accordance with the creation of the broadbanded classification structure, the schedule at Appendix A to this award shall apply.

PROVIDED that any employee covered by this award who, prior to this award coming into force was in receipt of total ordinary weekly wage rates in excess of those herein prescribed shall not have their weekly wage rate reduced as a result of the making of this award and/or the translation process.

DIVISION D - SUPPORTED WAGE SYSTEM

(a) Eligibility Criteria

Subject to this division an employer may engage employees at a supported wage rate (as set out in subclause (c) of this division) 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 division 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 division 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 division:

'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

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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 division 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 \$45 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 division, 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.

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(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 division 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 division 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 division 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 \$45 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

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employment shall be entered into based on the outcome of assessment under subclause (c) hereof."

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2. By deleting Clause 17 - Disability Allowance, and inserting in lieu thereof the following:

"17. DISABILITY ALLOWANCE

(a) An employee, apprentice or a junior engaged on work on a construction site or a glazier, including an apprentice, other than on a factory glazing, that is:

- (i) glazing in the employer's factory, or
- (ii) while on temporary transfer to perform stock glazing in a factory fabricating or manufacturing window frames, partitions or doors,

shall be paid a disability allowance for all work performed on site at the rate of \$15.80 per week (or 41 cents per hour) to compensate for the following disabilities of the industry, namely:

- (1) Climatic conditions when working in the open on all types of work.
- (2) The physical disadvantage of having to climb stairs or ladders.
- (3) The disability of dust blowing in the wind, brick dust, and drippings from newly poured concrete.
- (4) Sloppy and muddy conditions associated with the initial stages of the erection of a building.
- (5) The disability of working on all types of scaffolding, or ladders other than a swing scaffold, suspended scaffold, or a bosun's chair.
- (6) The lack of the usual amenities associated with factory work e.g. meal rooms, change rooms, lockers.
- (7) Dirty conditions caused by sanding machines or other unpleasant materials.

This allowance shall be paid for the time such employees are travelling between the workshop and job or between jobs and then loading at the workshop preparatory to proceeding to a job, but such employees are not entitled to this allowance when brought back to or retained at the workshop for any reason other than loading as above stated.

(b) Such allowance shall be in lieu of any special rates or allowances prescribed by paragraphs (ii) or (v) of subclause (a) of Clause 39 - Special Rates, Allowances and Conditions.

(c) Other Glaziers

A glazier normally employed in a factory who is required to perform other glazing work covered by Clause 8 - Wage Rates, Division A, subclause 1, Adult Employees,

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subdivision II, Glass, shall be paid the disability allowance of 41 cents per hour whilst so employed.

- (d) The foregoing disability allowance where applicable shall be paid for all purposes of the award, subject to the following conditions:

Payment of wages in respect of public holidays not worked (where payment is otherwise due), sick leave, annual leave and attendance by apprentices at prescribed technical training shall include payment of the foregoing disability allowance, provided that the employee during such relevant period would have been engaged 'on-site'. In the case of an employee proceeding on annual leave or receiving payment in lieu of annual leave on termination and where it cannot be established to what extent he/she would have worked 'on-site' during the relevant period had he/she not been on leave or been terminated the payment of the disability allowance shall be calculated pro rata for the period of his/her continuous service during ordinary hours during the last 12 weeks period, in respect of which such payments have been made immediately prior to the time of going on leave or termination of employment as the case may be.

- (e) Work on a construction site for the purpose of this clause means work performed on a building construction site during the course of the erection of a building or during major building renovations involving new construction.

However, such work shall not include work associated with the installation of internal blinds, curtains and the like, when the walls are completed and the employees are working under cover and the lifts or passenger/material hoists are available to employees. Provided that the exclusion of odd wall panels, sections or windows for the purpose of entrance or exit of materials or the anchoring of cranes, external lifting devices or scaffolding shall not prevent the walls of a building being defined as completed."

3. By deleting Clause 18 - First Aid Certificate, and inserting in lieu thereof the following:

"18. FIRST AID CERTIFICATE

An employee who is the holder of a current St. John Ambulance or Red Cross First Aid Certificate, shall if required to act as a First Aid Attendant be paid \$6.40 per week extra."

4. By deleting Clause 39 - Special Rates, Allowances and Conditions, and inserting in lieu thereof the following:

"39. SPECIAL RATES, ALLOWANCES AND CONDITIONS

- (a) In addition to the wages and conditions prescribed elsewhere in this award the following special rates, allowances and conditions shall be paid or applied:

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(i) Confined Spaces

37 cents per hour to an employee working in a confined space, i.e. a compartment space or place the dimensions of which necessitate the employee working in a stooped or otherwise cramped position or without proper ventilation.

(ii) Dirty Work

29 cents per hour to an employee called upon to dismantle or clean used pipe organs or on work which a foreman and the employee agree is of an unusually dirty or offensive nature.

In the case of disagreement between the foreman and the employee the shop steward on his/her behalf shall be entitled, within 24 hours, to ask for a decision on the employee's claim by the employer's industrial officer if there be one, or otherwise by the employer or the executive officer responsible for the management or superintendence of the plant concerned. In such case a decision shall be given on the employee's claim within 48 hours of its being asked for (unless that time expires on a non-working day, in which case it shall be given during the next working day) or else the said allowance shall be paid.

Any dispute arising under this paragraph as to whether the work is of an unusually dirty or offensive nature shall be determined by the Secretary for Labour.

(iii) Height Money

To an employee working at a height of 15 metres or more directly above the nearest horizontal plane of reasonable dimensions:

- (1) Working at height of 15 metres or more but under 45 metres - 16 cents per hour.
- (2) Working at a height of 45 metres or more - 36 cents per hour.

(iv) Hot Places

To an employee working more than one hour in the shade:

- (1) in places where the temperature is raised by artificial means to between 46 degrees Celsius and 54 degrees Celsius - 28 cents per hour;
- (2) in places where the temperature exceeds 54 degrees Celsius - 37 cents per hour;
- (3) where work continues for more than two hours in temperatures exceeding 54 degrees Celsius, an employee shall also be entitled to 20 minutes' rest without deduction of pay after every two hours' work;

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(4) the temperature shall be decided by the foreman of the work after consultation with the employees who claim the extra rate.

(v) Wet Places

29 cents per hour to an employee working in any place where clothing or boots become saturated, whether by water, oil or otherwise.

PROVIDED that this extra rate shall not be payable to an employee who is provided by his/her employer with suitable and effective protective clothing and/or footwear.

PROVIDED FURTHER that an employee who becomes entitled to this extra rate shall be paid such extra rate for such part of the day or shift as he/she is required to work in wet clothing or boots.

(vi) Slag Wool etc.

37 cents per hour to an employee handling loose slag wool, loose insulwool or other loose material of a like nature used for providing insulation against heat, cold or noise.

(vii) Urinals and Lavatories

25 per centum in addition to his/her ordinary rate for the time an employee is engaged working on the replacement of the surface of urinals and lavatories where structural glass is used.

(viii) Collection of Moneys

\$3.20 per week to an employee who, in the course of his/her duties, is authorised to collect and does collect, moneys on behalf of his/her employer.

(ix) Milk for Sand Blasters

600ml of milk per day to an employee on sand blasting, and on request 300ml of milk per day to an employee on spray painting and/or polishing.

(b) Special Rates not Cumulative

Where more than one of the disabilities entitling an employee to extra rates exist on the same job, an employer shall be bound to pay only one rate, namely, the highest for the disabilities so prevailing.

(c) Rates not Subject to Penalty Additions

The special rates and allowances prescribed by this clause shall be paid irrespective of the times at which the work is performed and shall not be subject to any premium or penalty additions."

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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 1999.

B R Johnson
DEPUTY PRESIDENT

30 July 1999