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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

s.23 application for award or variation of 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)

ELECTRICAL/ELECTRONIC TRADES (PUBLIC SECTOR) AWARD

ORDER BY CONSENT -

No. 1 of 2002

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THE **ELECTRICAL/ELECTRONIC TRADES (PUBLIC SECTOR) AWARD** IS VARIED IN THE FOLLOWING MANNER:

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

“8. WAGE RATES

1. WAGES

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

Classification	Amount Per Week \$
1. Electrical Fitter (as defined)	393.40
2. Electrical Fitter's and Mechanic's Assistant	305.90
3. Electrical Labourer (Traffic Controls	359.10
4. Electrical Mechanic (as defined)	393.40
PROVIDED that an employee who is a holder of an 'A' Grade Licence shall be paid an additional allowance of \$10.70 per week.	
5. Electrician, special class (as defined)	462.70
6. Refrigeration Mechanic or Serviceman (as defined)	393.40
7. TV/Radio Electronic Equipment Serviceman	
Grade I	393.40
Grade II	462.70
8. Leading Hand	
(a) In charge of not less than 3 and not more than 10 employees including apprentices \$14.50 per week extra.	
(b) In charge of more than 10 and not more than 20 employees including apprentices, \$21.40 per week extra.	
(c) In charge of more than 20 employees including apprentices \$32.80 per week extra.	

9. Foreman Electrician, i.e. an employee appointed as such by the employer to direct and supervise the work of other employees, and who is responsible for the requisition of materials, keeping times, setting out work, and estimating - shall be paid an allowance of \$6.00 per day.
10. The Licence Nominee Allowance of \$31.10 per week shall be paid in addition to the appropriate wage rate and allowance prescribed elsewhere in this clause to the 'A' Grade Electrician who acts as the Licence Nominee, i.e. the person nominated on the HEC Electrical Contracting Licence.

2. APPRENTICES

- (a) The 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 and the Regulations made thereunder:

- (i) Electrical Fitter;
- (ii) Electrical Mechanic;
- (iii) Refrigeration Mechanic or Serviceman;
- (iv) Television/Radio Electronic Equipment Serviceman.

- (b) Probationary Period

Minors may be taken on probation for three months and if apprenticed, such three months shall count as part of their period of apprenticeship. The employer shall, within 14 days of employing a probationer, notify the Training Authority of Tasmania of the employment of such probationer to any of the trades mentioned.

- (c) Wages

The minimum ordinary rates of payment to be paid by the employer to apprentices, probationary apprentices, adult apprentices and other junior workers not elsewhere provided for shall be:

- (i) Apprentices and Probationary Apprentices

The undermentioned percentages of the tradesmen's rate of wages, i.e. the wage rate for classification 1, subclause 1 hereof:

	Percentage of Tradesmen's Rate
	%
1st year	42
2nd year	55
3rd year	75
4th year	88

The said minimum rate shall be calculated to the nearest 10 cents.

(ii) All apprentices who have not completed their apprenticeship by their 22nd birthday shall be paid the base tradesman's rate of wage (i.e. the wage rate prescribed for classification 1, subclause 1 hereof, for all the period of their apprenticeship over the age of 22.

(iii) Other Junior Labour

An employee who is under the age of 21 on completion of his or her apprenticeship or any junior, other than a probationer or an apprentice, who uses tools in performing work usually carried out by a tradesman shall be paid not less than the appropriate wage prescribed for a tradesman.

(d) Overtime and Shift Work

No apprentices under the age of 18 years shall be required to work overtime or shift work unless they so desire.

Except in an emergency, no apprentices shall work or be required to work overtime or shift work at times which would prevent their attendance at technical school as required by any statute, or other regulation.

(e) An apprentice shall not work under any system of payment by results.

(f) A camping allowance of \$4.62 per day for every day, including Sunday, shall be paid to employees engaged on country jobs at places where ordinary board and residence is not obtainable and camping in huts, caravans, etc., of accepted standard is necessary.

PROVIDED that where cooked meals are procurable by the employees at a mess established by the employer, the amount of such country allowance shall be \$2.40 per day of every day including Sunday.

(g) Travelling and fares allowance \$4.51 per day. This applies to employees who are required to start and finish on site.

(h) Subject only to the requirements of the Tasmanian Training Authority, nothing in this clause shall be construed in such a manner as to prevent the employer from entering into a contract of apprenticeship with an adult.

3. JUNIOR EMPLOYEES

The class of work that may be performed by junior employees shall be sweeping and cleaning, running errands, or packing or unpacking goods and the proportion of junior employees shall not exceed one junior to every three journeymen employees.

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The minimum rates of wages that may be paid to junior employees shall be the undermentioned percentages of the adult wage rate, prescribed for classification 2, subclause 1, hereof calculated to the nearest 10 cents.

	Percentage of Tradesmen's Rate %
1st year	42
2nd year	55
3rd year	75
4th year	88

No junior employees shall be employed on a construction site.

4. DISABILITY ALLOWANCE

In addition to the rates prescribed in subclause 1, for employees (including apprentices) covered by classification numbers 1, 2, 3, 4, 5 and 6 therein, shall be paid an allowance at the rate of \$14.20 per week.

The payment of the allowance prescribed shall be in recognition of and compensation for disabilities generally existing where employees are engaged on construction work (as defined) on site or where work is performed on the installation, serving, repairing and/or maintenance of lifts and/or escalators in situ.

5. 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 s.10 or under s.12A of the above Act, or if a part only has received recognition, that part.

(b) For the purposes of this subclause:

- (i) **“Supported Wage System”** means the Commonwealth Government System to promote employment for people who cannot work at full award wages because of a disability.
- (ii) **“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.
- (iii) **“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.
- (iv) **“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.

(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 \$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 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 4 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 \$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.

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- (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.”

Operative Date

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

R J Watling
DEPUTY PRESIDENT

22 July 2002