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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 fppp 7 September 2000

WHOLESALE TRADES AWARD

ORDER BY CONSENT

No. 3 of 2000

THE **WHOLESALE TRADES AWARD** IS VARIED IN THE FOLLOWING MANNER:

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- 1. By deleting Clause 3 - ARRANGEMENT, and inserting in lieu thereof the following:**

3. ARRANGEMENT

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- Warehouse and Storeworker Employees		
- Manufacturing and Packing Employees		
- Clerical and Administrative Employees		
- Transport Employees		
- Commercial Traveller Employees		
(b) general definitions		
Wage Rates	8	
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Saturday, Sunday and Holiday Work	27	
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2. By deleting from Clause 7 - DEFINITIONS, subclause (b) - General Definitions and inserting in lieu thereof the following:

“(b) General Definitions

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

'Industrial Commission' means Tasmanian Industrial Commission.

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

'Shift Work' is worked performed in accordance with a roster which includes the shifts that are defined in Clause 30 - Shift Work, subclause (a) - Definitions.

'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.”

3. By deleting Clause 8 - WAGE RATES, and inserting in lieu thereof the following:

“8. WAGE RATES

(a) Warehouse and Storeworker Employees

(i) Adult employees shall be paid in accordance with the following classification structure which shall be read in conjunction with the classification definitions contained in Clause 7 - Definitions.

	Wage rate Relativity %	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
Warehouse & Storeworker Grade 1 (as defined)				
On commencement	87.4	364.60	75.00	439.60
After 2 months service	89.2	372.10	75.00	447.10
After 12 months service	91	379.70	75.00	454.70
Warehouse & Storeworker Grade 2 (as defined)				
	92.4	385.50	75.00	460.50

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Warehouse & Storeworker Grade 3 (as defined)	96.9	404.30	75.00	479.30
Warehouse & Storeworker Grade 4 (as defined)	100.9	421.00	75.00	496.00
Warehouse & Storeworker Grade 5 (as defined)	105	438.10	75.00	513.10

(b) Manufacturing and Packing Employees

- (i) Adult employees shall be paid in accordance with the following classification structure which shall be read in conjunction with the classification definitions contained in Clause 7 - Definitions.

Manufacturing & Packing Employee Grade 1 (as defined)	78	325.40	75.00	400.40
Manufacturing & Packing Employee Grade 2 (as defined)	82	342.10	75.00	417.10
Manufacturing & Packing Employee Grade 3 (as defined)	87.4	364.60	75.00	439.60
Manufacturing & Packing Employee Grade 4 (as defined)	92.4	385.50	75.00	460.50
Manufacturing & Packing Employee Grade 5 (as defined)	96.9	404.30	75.00	479.30

(c) Clerical and Administrative Employees

- (i) Adult employees shall be paid in accordance with the following classification structure which shall be read in conjunction with the classification definitions contained in Clause 7 - Definitions.

Adult entry (as defined)				
1st 6 months service	80	333.80	75.00	408.80
2nd 6 months service	85	354.60	75.00	429.60
Clerical & Administrative Employee Grade 1 (as defined)				
1A - 1st 12 months service	87	363.00	75.00	438.00
1B - After 12 months service	90	375.50	75.00	450.50
Clerical & Administrative Employee Grade 2 (as defined)				
2A - 1st 12 months service	92	383.80	75.00	458.80
2B - After 12 months service	95	396.30	75.00	471.30

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Clerical & Administrative Employee				
Grade 3 (as defined)				
3A - 1st 12 months service	97	404.70	75.00	479.70
3B - After 12 months service	100	417.20	75.00	492.20
Clerical & Administrative Employee				
Grade 4 (as defined)				
	105	438.10	75.00	513.10
Clerical & Administrative Employee				
Grade 5 (as defined)				
	110	458.90	75.00	533.90
Clerical & Administrative Employee				
Grade 6 (as defined)				
	115	479.80	73.00	552.80
Clerical & Administrative Employee				
Grade 7 (as defined)				
	120	500.60	73.00	573.60

(d) Transport Employees

- (i) Adult employees shall be paid in accordance with the following classification structure which shall be read in conjunction with the classification definitions contained in Clause 7 - Definitions.

Transport Employee				
Grade 1 (as defined)				
	93.2	388.80	75.00	463.80
Transport Employee				
Grade 2 (as defined)				
	97.4	406.30	75.00	481.30
Transport Employee				
Grade 3 (as defined)				
	99.5	415.10	75.00	490.10

(e) Commercial Travellers

- (i) Adult employees shall be paid in accordance with the following classification structure which shall be read in conjunction with the classification definitions contained in Clause 7 - Definitions.

Commercial Traveller				
Grade 1 (as defined)				
	87	363.00	75.00	438.00
Commercial Traveller				
Grade 2 (as defined)				
	95	396.30	75.00	471.30
Commercial Traveller				
Grade 3 (as defined)				
	100	417.20	75.00	492.20

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(f) (i) Junior Employees - Warehouse and Storeworker Employees

The minimum weekly wage rate to be paid to a junior Warehouse and Storeworker employee shall be the undermentioned percentages of the total weekly wage rate for an Adult, Warehouse and Storeworker, Grade 1, on commencement, subclause (a)(i) of this clause.

	%
Under 16 years of age	55
16 years of age	65
17 years of age	78.5
18 years of age	93
19 years of age	100

(ii) Junior Employees - Manufacturing and Packing Employees

The minimum weekly wage rate to be paid to a junior Manufacturing and Packing employee shall be the undermentioned percentages of the total weekly wage rate for an Adult, Manufacturing and Packing Employee, Grade 2 (as defined) of subclause (b)(i) of this clause.

	%
Under 16 years of age	55
16 years of age	65
17 years of age	78.5
18 years of age	93
19 years of age	100
20 years of age	100

(iii) Junior Employees - Clerical and Administrative Employees

(1) The minimum weekly wage rate to be paid to a junior Clerical and Administrative employee performing duties consistent with the definition of an Adult, Clerical and Administrative Employee, Grade 1 (as defined), shall be the undermentioned percentages of the total weekly wage rate for an Adult, Clerical and Administrative Employee, Grade 1, 1A of subclause (c)(i) of this clause.

	%
Under 17 years of age	50
17 to 18 years of age	55
18 to 19 years of age	65
19 to 20 years of age	80
20 to 21 years of age	85

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(2) The minimum weekly wage rates to be paid to all other junior Clerical and Administrative employees shall be the undermentioned percentages of the total weekly wage rate for an Adult, Clerical and Administrative Employee, Grade 2, 2A of subclause (c)(i) of this clause.

	%
Under 17 years of age	50
17 to 18 years of age	55
18 to 19 years of age	65
19 to 20 years of age	80
20 to 21 years of age	85

(iv) Junior Employees - Transport Employees

The minimum weekly wage rate to be paid to junior Transport employees is as follows:

Under 19 years of age	-	70% of the appropriate adult weekly wage rate
19 years of age	-	80% of the appropriate adult weekly wage rate
20 years of age	-	100% of the appropriate adult weekly wage rate

PROVIDED that the total wage shall be calculated to the nearest ten cents.

(g) Supported Wage System

(i) Eligibility criteria

Subject to this subclause an employer may engage employees at a supported wage rate (as set out in paragraph (iii) 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.

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(ii) For the purposes of this subclause:

- (1) **“Supported Wage System”** means the Commonwealth Government System to promote employment for people who cannot work at full award wages because of a disability.
- (2) **“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.
- (3) **“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.
- (4) **“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.

(iii) 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.)

(iv) 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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- (1) the employer and a union party to the award, in consultation with the employee or, if desired by any of these;
 - (2) the employer and an accredited Assessor from a panel agreed by the parties to the award and the employee.
- (v) Lodgment of assessment instrument
- (1) 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.
 - (2) 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.
- (vi) 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.
- (vii) 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.
- (viii) 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.
- (ix) Trial Period
- (1) 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

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cases additional work adjustment time (not exceeding 4 weeks) may be needed.

- (2) 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 (iv) and (v).
- (3) 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.
- (4) Work trials should include induction or training as appropriate to the job being trialed.
- (5) 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 (iii) hereof."

4. By deleting Clause 12 - COMMERCIAL TRAVELLERS, and inserting in lieu thereof the following:

"12. COMMERCIAL TRAVELLERS

- (a) All provisions of this award shall apply to commercial travellers, with the exception of the following clauses:
 - (i) Clause 30 - Shift Work
 - (ii) Clause 32 - Start and Finishing Time
- (b) Expenses and Accommodation
 - (I) All expenses actually and properly incurred by commercial travellers in the discharge of their duties shall be paid by the employer. First class hotel accommodation (as approved by the United Commercial Travellers' Association of Australia) and meals shall be allowed for or provided by the employer.
 - (ii) For the purposes of this subclause, expenses incurred in reasonable towing charges or actually incurred in garaging a motor vehicle whilst on the employers' business shall be deemed to be reasonable expenses.
 - (iii) Car parking fees actually incurred shall be deemed reasonable expenses where the employer requires a commercial traveller to bring a car into an area where street parking is prohibited or restricted.

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(c) Locomotion

All means of locomotion required by a commercial traveller shall be provided and maintained by the employer, but where a commercial traveller, by arrangement with the employer, provides a car he/she shall be paid in addition to the weekly wage rate prescribed in Clause 8 - Wage Rates, subclause (e) - Commercial Travellers, an amount of 11.9 cents per locomotion for each kilometre travelled by car in connection with employment, including that travelled to and from the employee's place of residence for the purposes thereof.

PROVIDED that a commercial traveller who is required by the employer to use a car on any day shall be paid not less than \$5.90 in respect of each such day or at the rate of 11.9 cents per kilometre, whichever shall be the greater amount.

Notwithstanding anything contained elsewhere in this subclause, the employer and employee may make any other arrangement as to car allowance not less favourable to the employee.

(d) Special Allowances

(i) An employee required by the employer to remain away from the employees home address over a weekend, although not required to work, shall be paid a special allowance of \$3.35 per day plus first-class hotel accommodation and meals.

(ii) An employee required by the employer to work at trade fairs, exhibitions, or agricultural shows after 6 pm. Monday to Friday, or on a Saturday, Sunday, or a holiday with pay as prescribed in Clause 16 - Holidays with Pay, shall be paid, in addition to the employees' normal hourly rate of pay an amount of \$1.64 per hour for every hour worked with a minimum of 3 hours pay."

5. By deleting Clause 35 - TRAINEESHIPS.

OPERATIVE DATE

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

RJ Watling
DEPUTY PRESIDENT

18 September 2000