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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
(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 81999 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

AUTOMOTIVE INDUSTRIES AWARD

ORDER -

No. 1 of 1999

P005

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THE **AUTOMOTIVE INDUSTRIES AWARD** IS VARIED IN THE FOLLOWING MANNER:

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

"8. WAGE RATES

(a) Adults

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 Group Level	Base Rate Relativity %	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
Level 1 - Automotive Industry RS&R Grade 1	78	325.40	60.00	385.40
Level 2 - Automotive Industry RS&R Grade 2	82	342.10	60.00	402.10
Level 3 - Automotive Industry RS&R Grade 3 - Clerical Assistant / Adult Entry Point	87.4	364.60	60.00	424.60
Level 4 - Automotive Industry RS&R Grade 4 - Clerical Assistant Grade 1	92.4	385.50	60.00	445.50
Level 5 - Automotive Industry RS&R Grade 5 - Clerical Officer Grade 2	96.2	401.30	60.00	461.30
Level 6 - Automotive Industry RS&R Tradesperson or Equivalent Grade 1 - Clerical Officer Grade 3	100	417.20	60.00	477.20
Level 7 - Automotive Industry RS&R Tradesperson or Equivalent Grade 2 - Clerical Officer Grade 4	108	450.60	60.00	510.60
Level 8 - Automotive Industry RS&R Tradesperson or Equivalent Grade 3 - Clerical Officer Grade 5	115	479.80	58.00	537.80

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(b) Tool Allowance

All employees that are engaged in classifications that are proclaimed as trades under the *Vocational Education and Training Act 1994*, shall either be supplied with all tools by the employer or be paid a tool allowance of not less than \$9.00 per week.

PROVIDED that such allowance shall not be the subject of adjustment when computing payments for shift penalty rates for weekend or holiday work for overtime or for any other purpose.

(c) Leading Hands

In charge of 2 employees - \$13.80 per week extra;

In charge of not less than 3 employees and not more than 10 employees - \$18.90 per week extra;

In charge of not less than 10 employees and not more than 20 employees - \$28.20 per week extra;

In charge of more than 20 employees - \$36.20 per week extra.

(d) Junior Employees other than Apprentices

(i) The minimum weekly rate of wage for a junior employed in the tasks set out below, shall be the undermentioned percentages of the Total Weekly Wage, Automotive Industry - Repair, Services and Retail Employee, Level 3:

Age	%
16 years of age and under	45
17 years of age	55
18 years of age	70
19 years of age	80
20 years of age	90

- Clerical Employee
- Counter Salesperson
- Driver of a mobile crane
- Driver of a motor vehicle and/or towing vehicle

(ii) The minimum weekly wage for a junior employed in all other tasks shall be the undermentioned percentages of the Total Weekly Wage, Automotive Industry - Repair, Services and Retail Employee, Level 1:

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Age	%
16 years of age and under	45
17 years of age	50
18 years of age	62.5
19 years of age	75
20 years of age	87.5

(e) Minimum Wage

- (i) Notwithstanding the provisions of Clause 8 (a) hereof, no adult employee shall be paid less than the rate of \$317.40 per week.
- (ii) **PROVIDED** that payments for overtime, special rates, holiday and weekend penalties and shift allowances prescribed in this award shall not be taken into account in the calculation of such minimum weekly wage rates of pay.

Where a minimum weekly wage rate as aforesaid is applicable to an employee for work in ordinary hours the same rate shall be applicable to the calculation of overtime and all other penalty rates, payments during sick leave and annual leave, and for all other purposes of this award.

(f) Apprenticeship

Junior Employees shall not be employed in the following occupations otherwise than under a contract of apprenticeship as hereinafter provided:

- Automotive Electrician
- Automotive Machining
- Body Making
- Motor Cycle & Small Engine Mechanics
- Motor Mechanics
- Panel Beating
- Springsmithing
- Trimming
- Vehicle Painting
- Diesel Mechanics

Probationary Period

Junior Employees may be taken on probation for three months and, if apprenticed, such three months shall count as part of their period of apprenticeship. An employer shall, within 14 days of employing a probationer, notify the Tasmanian State Training Authority of the employment of such probationer in any of the trades mentioned.

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Wages

The minimum weekly wage rate to be paid by employers to apprentices and other junior workers not elsewhere provided shall be the undermentioned percentages of Automotive Industry RS&R Tradesperson Level I:

	%
First year	42
Second year	55
Third year	75
Fourth year	88

The said minimum rates shall be calculated to the nearest 10 cents, any fraction of 10 cents not exceeding 5 cents to be disregarded.

Payment by Results

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

The employer shall be responsible for reimbursement of fees and levies paid by an apprentice as an integral part of the training of that apprentice provided:

- (i) the apprentice produces receipts as proof of payment of such fees or levies;
- (ii) the apprentice produces a report from TAFE which demonstrates a good attendance record, good conduct and a satisfactory performance result.

Such reimbursement shall occur at the successful conclusion of each year of apprenticeship.

(g) Adult Apprentice

(i) Definition

For the purposes of this award an adult apprentice means a person 21 years of age or over at the time of entering into an indenture to one of the trades specified in Clause 8 - Wage Rates of this award.

(ii) Wage Rate

- (1) Where a person was employed by an employer in the automotive industry immediately prior to becoming an adult apprentice with that employer, such person shall not suffer a reduction in the rate of pay by virtue of becoming indentured. For the purpose only of fixing a rate of pay the adult apprentice shall continue to receive the rate of pay that is from time to time applicable to the classification or class of work specified in Clause 8 - Wage Rates of the award and in which the adult

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apprentice was engaged immediately prior to entering into the contract of indenture.

- (2) Subject to paragraph (i) hereof the rate of an adult apprentice shall be the minimum wage prescribed in Clause 8 - Wage Rates or the rate prescribed by the appropriate subclause for the relevant year of apprenticeship whichever is the greater.

(iii) Preference

- (1) Preference of employment as an adult apprentice should be given to an applicant who is currently employed by the employer so as to provide for genuine career path development.
- (2) Adult apprentices shall not be employed at the expense of other apprentices.

(iv) Review

Parties to the award agree that a jointly conducted comprehensive review of the effectiveness of adult apprenticeships shall be undertaken to determine whether or not adult apprenticeships should continue in their existing form. One issue to be considered is the age at which persons will be regarded as adult apprentices.

(h) 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 (iv))	% 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.)

(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

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employee will be assessed in accordance with the Supported Wage System and documented in an assessment instrument by either:

- (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.

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(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 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 \$45 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."

2. By deleting the amount of \$5.20 appearing in subclause (c) of Clause 14 - First Aid, and inserting in lieu thereof the amount of \$5.30.

OPERATIVE DATE

This variation shall come into operation from the first full pay period commencing on or after 1 August 1999.

F D Westwood
PRESIDENT

22 July 1999