

This document is translated from the original order, issued on 2 August 2002, and is not in itself a legal document. No responsibility is taken for any discrepancy that may have arisen between this document and the order that is printed and published by, and available for purchase from, the Printing Authority of Tasmania.

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

s23 application for an award or variation of an 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 fpp 1 August 2002 - State Minimum Wage determined at \$431.40-s.35(1)(b)

CONCRETE PRODUCTS AWARD

ORDER BY CONSENT

No. 1 of 2002

THE **CONCRETE PRODUCTS 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 - EMPLOYEES ENGAGED IN THE PRODUCTION
OF CONCRETE PRODUCTS**

1. WAGES

The minimum weekly wage rate per week that may be paid by employers to adult employees of the undermentioned classifications shall be as follows:

	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
Group A	319.90	106.00	425.90

- (i) Head moulder on centrifugal pipe machine
- (ii) Operator concrete mixing machine with a rated capacity in excess of 0.4 cubic metre
- (iii) Automatic tile/ridge machine operator
- (iv) Maker by hand of tiles, ridges, apexes and starters
- (v) Pipe machine operator
- (vi) Employee making pipe specials, ie concreting junctions, splays or other articles including the use of cortex and who may be required to work from plans and/or specifications
- (vii) Moulder special, employed working from plans and specifications
- (viii) Prestressed concrete-steel stressing operator
- (ix) Automatic block/brick machine operator
- (x) Off-bearer operator
- (xi) Operator bending and/or fixing bars, rods or reinforcement working from plans
- (xii) Exposed aggregate maker-finisher (includes control of washing off of wet concrete surfaces)
- (xiii) Coating machine operator

	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
Group A. 1	314.60	106.00	420.60
(i) Operator concrete mixing machine with a rated capacity of less than 0.4 cubic metres but more than 0.12 cubic metres			
(ii) Colour mixer/applicator operator			
(iii) Reinforcement welding machine operator			
(iv) Moulder of other cement or concrete articles			
(v) Repairer, and/or jointer			
(vi) Renderer facing concrete articles with float and trowel			
(vii) Mould assembler and/or stripper			
(viii) Concrete vibrator operator			
(ix) Splitter or cuber operator			
(x) Hydraulic flag press operator			
(xi) Operator bending, cutting and/or fixing bars, rods, or reinforcement - other			
(xii) Exposed aggregate maker - other - including setting up of moulds and making of reconstructed aggregate			
(xiii) Machine operator not elsewhere included			
Group A. 2	310.10	106.00	416.10
(i) Operator of concrete mixing machine with rated capacity less than 0.12 cubic metres or mixing by hand			
(ii) Pipe tester			
(iii) Stacker by hand of articles including bricks, blocks, tiles and pipes			
(iv) All other employees not elsewhere classified			
Group B			
(i) Motor Mechanic	355.60	106.00	461.60
(ii) Plant Maintenance	355.60	106.00	461.60
Group C			
(i) Mobile cranes - lifting capacity			
Up to 5 tonnes	327.30	106.00	433.30
Over 5 tonnes and up to 10 tonnes	329.50	106.00	435.50
Over 10 tonnes and up to 20 tonnes	334.20	106.00	440.20
Over 20 tonnes and up to 40 tonnes	338.00	106.00	444.00
Over 40 tonnes and up to 80 tonnes	341.00	106.00	447.00
Over 80 tonnes	344.00	106.00	450.00

		Base Rate	Safety Net Adjustment	Weekly Wage Rate
		%	\$	\$
(ii)	Fork Lift Operators -			
	Lifting capacity up to 5000kg	324.50	106.00	430.50
	Lifting capacity over 5000kg	328.70	106.00	434.70
NOTE: Where two or more fork lifts or cranes are engaged on any one lift the drivers thereof shall be paid an additional amount at the rate of \$3.70 per week for the time so occupied.				
(iii)	Front end and/or overhead loaders -			
	Up to and including 0.75 cubic metres capacity	330.00	106.00	436.00
	Over 0.75 cubic metres capacity and up to and including 2.25 cubic metres capacity	334.90	106.00	440.90
	Over 2.25 cubic metres and up to and including 4.5 cubic metres capacity	338.00	106.00	444.00
	Over 4.5 cubic metres capacity	342.40	106.00	448.40
(iv)	Tractor (pneumatic tyred) using power operated attachments			
	Up to 35 kW brake power	322.20	106.00	428.20
	Over 35 kW brake power and up to 70 kW brake power	328.70	106.00	434.70
	Over 70 kW brake power and up to 110 kW brake power	333.10	106.00	439.10
	Over 110 kW brake power	336.10	106.00	442.10
(v)	Tractor (pneumatic tyred) without power operated attachments			
	35 kW brake power or under towing trailer	322.20	106.00	428.20
(vi)	Stiff legged derrick crane	321.20	106.00	427.20
(vii)	Overhead traverser	323.60	106.00	429.60
(viii)	Operator of dumper and any other power propelled vehicles	316.30	106.00	422.30
(ix)	Truck drivers 3-6 tonnes operating within the industry	325.00	106.00	431.00
(x)	Crane chaser	313.40	106.00	419.40
(xi)	Boiler attendant	314.90	106.00	420.90

This document is translated from the original order, issued on 2 August 2002, and is not in itself a legal document. No responsibility is taken for any discrepancy that may have arisen between this document and the order that is printed and published by, and available for purchase from, the Printing Authority of Tasmania.

	Base Rate %	Safety Net Adjustment \$	Weekly Wage Rate \$
(xii) Central batching plant operator, operating machine in excess of 0.4 cubic metres and supplying 3 or more production centres within a factory	323.60	106.00	429.60
(xiii) Storeman	312.90	106.00	418.90

2. LEADING HANDS

A 'Leading Hand' is one who is directed to control, supervise and take responsibility for the work performed by two or more employees. He shall be paid the rate prescribed for the highest class of work so supervised with the following additions provided that where his own classified rate is higher than the rate for the highest class of work so supervised he shall be paid that rate with the following additions:-

In charge of two employees	\$11.70 per week
In charge of three to six employees	\$15.90 per week
In charge of more than six employees	\$18.70 per week

The above additional rates shall be applicable for all purposes covered by this award.

3. DISABILITY ALLOWANCE

In addition to the wage rates prescribed all employees classified in this division shall be paid a disability allowance of \$11.50 per week in recognition of and compensation for the disabilities generally associated with the industry for which this award is established.

This allowance shall be paid for all purposes of this award.

4. EMPLOYEES NOT CLASSIFIED

Wage rates of employees not specifically provided for in this award shall be as prescribed in the appropriate award covering their craft or calling.

DIVISION B - CARTERS AND DRIVERS

1. WAGES

The minimum weekly wage rate that shall be paid by employers to adult employees of the undermentioned classifications shall be as follows:

	Base Rate	Safety Net Adjustment	Weekly Wage Rate
	\$	\$	\$
Employee driving motor vehicle having maker's capacity of -			
1.2 tonnes or less	322.00	106.00	428.00
Over 1.2 tonnes but not over 3 tonnes	325.70	106.00	431.70
Over 3 tonnes but under 6 tonnes	330.20	106.00	436.20
6 tonnes and over but under 7 tonnes	330.90	106.00	436.90
7 tonnes and over but under 8 tonnes	331.90	106.00	437.90
8 tonnes and over but under 9 tonnes	332.60	106.00	438.60
9 tonnes and over but under 10 tonnes	333.10	106.00	439.10
10 tonnes and over but under 11 tonnes	334.20	106.00	440.20
11 tonnes and over but under 12 tonnes	335.10	106.00	441.10
12 tonnes and over but under 13 tonnes	335.70	106.00	441.70
13 tonnes and over but under 14 tonnes	336.80	106.00	442.80
14 tonnes and over but under 15 tonnes	337.60	106.00	443.60
15 tonnes and over but under 16 tonnes	338.30	106.00	444.30
16 tonnes and over but under 17 tonnes	339.10	106.00	445.10
17 tonnes and over but under 18 tonnes	339.50	106.00	445.50
18 tonnes and over but under 19 tonnes	340.90	106.00	446.90
19 tonnes and over but under 20 tonnes	341.50	106.00	447.50

Motor (not being a tractor) drawing trailer for loaded single-axle trailer, \$1.70 per day extra, or for an empty single-axle trailer, 95 cents per day extra.

For any other loaded trailer, \$2.15 per day extra, or any other empty trailer, \$1.30 per day extra.

PROVIDED that not more than one trailer shall be drawn at any one time.

Additional amounts for an employee collecting money

	\$
For any amount handled up to \$20	0.60
Over \$20 but not exceeding \$200	1.30
Over \$200 but not exceeding \$600	2.70
Over \$600 but not exceeding \$1000	4.05
Over \$1000	5.15

DIVISION C - CLERKS

1. WAGES

The minimum weekly wage rate that may be paid by employers to adult employees of the undermentioned classifications shall be as follows:

	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
(i) 1st year's adult experience	279.70	106.00	385.70
2nd year's adult experience	300.00	106.00	406.00
3rd year's adult experience & thereafter	326.60	106.00	432.60
	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
(ii) An accountant or chief clerk wholly responsible for the office work and who prepares the balance sheet and profit and loss account	435.80	108.00	543.80
(iii) A clerk who is in charge of and responsible for the work of -			
(1) Five or more employees	385.90	106.00	491.90
(2) Three or four employees	370.20	106.00	476.20
(3) Two employees	360.10	106.00	466.10

'Employees' in this subdivision shall mean any male or female clerk, typist or stenographer and shall include the clerk-in-charge.

2. ADDITIONAL PAYMENTS

In addition to the weekly rates prescribed herein the following additional amounts per week shall be paid to stenographers, audio-typists, teletypists, accounting machine, computer, data processing, tabulating machine, card punch and verifier operators.

	Amount \$
Under 16 years of age	1.10
16 to 17 years of age	1.30
17 to 18 years of age	1.40
18 to 19 years of age	2.10
19 to 20 years of age	2.50
20 to 21 years of age	2.60
21 years of age and over	3.20

DIVISION D - JUNIOR WORKERS

- (a) The minimum rates of wages that may be paid to junior workers not elsewhere provided for in this award shall be the undermentioned percentage of the appropriate adult weekly wage rate prescribed in Division A - Employees engaged in the Production of Concrete Products, Part 1 - Wages, calculated to the nearest 10 cents.

	%
Under 17 years of age	70
17 to 18 years of age	80
18 years of age and over	Adult Rate

Junior workers shall only be employed at work suitable for juniors according to their age and not work suitable only for and usually performed by adults.

- (b) Junior Carters and Drivers

The minimum weekly wage rate to be paid to a junior shall be the following stated percentages of the total wage payable to an adult for the class of work performed:

	%
Under 19 years of age	70
19 and under 20 years of age	80
Over 20 years of age	Adult Rate

(c) Junior Clerks

The minimum weekly wage rate that may be paid to junior clerks shall be the undermentioned percentages of the second year adult experience weekly wage rate adjusted to the nearest 10 cents.

	Percentage of second year adult experience %
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

PROVIDED further when determining the amount payable to an employee attaining the age of 21 years, who has been employed as a junior clerk in the trades or groups of trades in respect of which the awards of the Tasmanian Industrial Commission relating to private industry employees are established, experience obtained after reaching the age of 18 years shall be counted as adult experience.

DIVISION E - 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, 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 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:

'Supported Wage System' means the Commonwealth Government System to promote employment for people who cannot work at full award wages because of a disability.

'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.

'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.

'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 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 (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 \$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) Lodgement 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.
 - (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 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.
- (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 subclause (c) hereof.”

2. By deleting Clause 9 - ALLOWANCES, and inserting in lieu thereof the following:

“9. ALLOWANCES

The following allowances are in addition to the rates provided in Clause 8 - Wage Rates.

- (a) Lumpers of cement or concrete articles (in and out of tanks) 31 cents per hour in respect of such time actually spent in tanks containing water with a minimum payment as for four hours.
- (b) For work done away from the employer's place of business:
 - (1) the fares necessarily expended in going from and to the employee's residence to and from his work;
 - (2) for work done at a distance from the employer's place of business if the employee is unable to return to his home the same night and the employer does not provide board and lodging \$16.30 per day for the first seven days and thereafter \$113.90 per week.
- (c) Bituminous Sprayer:

An employee spraying or using bituminous and other similar preparations on exterior surface shall be paid 31 cents per hour or part of an hour whilst so engaged.
- (d) An employee engaged on the preparation and/or the application of epoxy based materials shall be paid an allowance of 42 cents per hour, or part of an hour whilst so engaged.

- (e) Sand Blasting - An employee required to use a sand blasting machine shall be paid an allowance of 43 cents per hour or part thereof."

3. By deleting Clause 17 - FIRST AID OUTFIT, and inserting in lieu thereof the following:

"17. FIRST AID OUTFIT

In each workshop, and at other places where employees are regularly employed, the employer shall observe relevant legislation and regulations regarding first aid facilities. Any employee appointed by the employer to perform first aid duty, in addition to his ordinary duties, shall be paid \$1.55 per day in addition to his ordinary rate."

4. By deleting Clause 25 - MEAL INTERVALS AND ALLOWANCES, and inserting in lieu thereof the following:

"25. MEAL INTERVALS AND ALLOWANCES

- (a) Employees other than shift workers shall be entitled to a meal break of not less than 30 minutes and not more than one hour to be taken not later than five hours after the commencement of work for the day.
PROVIDED that where ordinary hours of work on any specified day do not exceed six hours, those hours may be worked without a meal break by agreement of the majority of employees and the employer concerned.
- (b) An employee required to work beyond his usual meal time shall be paid at the rate of time and one half until he is allowed his meal break.
- (c) An employee required to work overtime for more than two hours without being notified on the previous day or earlier that he will be required to work shall either be supplied with a meal by the employer or paid \$11.90 for the first meal and after each further four hours worked an employee shall be paid \$11.90 for a meal. If an employee pursuant to notice has provided a meal or meals and is not required to work overtime or is required to work less than the amount advised, he shall be paid as above prescribed for meals which he has provided but which are surplus.
- (d) An employee who is required to work for more than two hours beyond his normal ceasing time in any day shall be allowed a break of 20 minutes at going rates before overtime work is commenced. After each further four hours worked an employee shall be entitled to a crib time of 20 minutes without deduction of pay, if the employee continues working after such crib time.

The employer and employee may agree to any variation of these provisions to suit the circumstances of the work in hand.

This document is translated from the original order, issued on 2 August 2002, and is not in itself a legal document. No responsibility is taken for any discrepancy that may have arisen between this document and the order that is printed and published by, and available for purchase from, the Printing Authority of Tasmania.

PROVIDED that the employer shall not be required to make any payment in respect of any time allowed in excess of 20 minutes.”

Operative Date

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

P C Shelley
COMMISSIONER

1 August 2002