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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)

OPTICAL INDUSTRIES AWARD

ORDER BY CONSENT

No. 1 of 2002

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

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

“8. WAGE RATES

1. OPTICAL EMPLOYEES

(a) Adults

Adult employees of a classification hereunder mentioned shall be paid the weekly wage rate assigned opposite that classification.

Classification:	Base Rate Relativity %	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
1. Optical Worker Grade 1	72	300.40	106.00	406.40
2. Optical Worker Grade 2	78	325.40	106.00	431.40
3. Optical Worker Grade 3	92	383.80	106.00	489.80
4. Optical Tradesperson Grade 1	100	417.20	108.00	525.20
5. Optical Tradesperson Grade 2	105	438.10	108.00	546.10
6. Optical Tradesperson Grade 3	110	458.90	108.00	566.90

(b) Apprentices

Apprentices shall be paid the undermentioned percentages of the weekly wage rate prescribed for an ‘Optical Tradesperson Grade 1’.

	%
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 five cents to be disregarded.

2. CLERICAL EMPLOYEES

(a) Adults

Except as prescribed in subclause 3 - Minimum Wage hereof, adult employees of a classification hereunder mentioned shall be paid the weekly wage rate assigned opposite that classification.

	Base Rate Relativity	Base Rate	Safety Net Adjustment	Weekly Wage Rate
	%	\$	\$	\$
1. Clerical Officer Entry Level				
1st 6 months	80	333.80	106.00	439.80
2nd 6 months	85	354.60	106.00	460.60
2. Clerical Officer Grade 1				
1-12 months	87	363.00	106.00	469.00
Thereafter	90	375.50	106.00	481.50
3. Clerical Officer Grade 2				
1-12 months	92	383.80	106.00	489.80
Thereafter	95	396.30	106.00	502.30
4. Clerical Officer Grade 3				
1-12 months	97	404.70	106.00	510.70
Thereafter	100	417.20	108.00	525.20
5. Clerical Officer Grade 4	105	438.10	108.00	546.10
6. Administrative Officer Grade 5	110	458.90	108.00	566.90
7. Administrative Officer Grade 6	115	479.80	106.00	585.80

(b) Ratio of Juniors to Adult Employees

The maximum number of junior employees to be employed shall not exceed the ratio of two junior employees to every one adult. These ratio provisions shall not apply to trainee clerks.

3. MINIMUM WAGE

Notwithstanding the provisions of subclauses 1 and 2 hereof, no adult employee shall be paid less than the rate of \$363.40 per week.

PROVIDED that payments for overtime, holiday and weekend penalties, prescribed in this award shall not be taken into account in the calculation of such minimum weekly rate of wage.

Where a minimum rate of pay 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.

4. JUNIOR EMPLOYEES

(a) Junior optical employees

The minimum weekly wage rate payable to junior employees shall be the undermentioned percentage of the total weekly wage rate prescribed for an 'Optical Worker Grade 2'.

	%
17 years of age and under	55
18 years of age	65
19 years of age	78
20 years of age	93

(b) Junior clerical employees

The minimum weekly wage rate that shall be paid to junior clerical employees shall be the undermentioned percentages of the weekly wage rate for Clerical Officer, Grade 1, 1st 12 months service, adjusted to the nearest 10 cents.

	%
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 that 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 awards of the Tasmanian Industrial Commission relating to private industry employees are established, experience obtained after reaching the age of 19 years shall be counted as adult experience.

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, 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 subclause:

'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 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)]	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) 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 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 paragraph (c) hereof."

2. By deleting Clause 16 - FIRST AID ALLOWANCE, and inserting in lieu thereof the following:

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“16. FIRST AID ALLOWANCE

An employee who is the holder of a current St. John First Aid Certificate shall if required to act as a first aid attendant, be paid \$5.80 per week extra.”

3. By deleting Clause 37 - TEA MONEY and inserting in lieu thereof the following:

“37. TEA MONEY

- (a) An employee required to work overtime for more than one and a half hours shall either be supplied with an adequate meal by the employer or be paid \$11.90 meal money.
- (b) The payment prescribed in subclause (a) shall be made on the day on which overtime is worked or, on the next pay day.”

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

5 August 2002