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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 ffpp 7 September 2000

## **RUBBER TRADES AWARD**

**ORDER BY CONSENT -**

**No. 3 of 2000**

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

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

**3. ARRANGEMENT**

<u>Subject Matter</u>	<u>Clause No.</u>	<u>Page No.</u>
Title	1	
Scope	2	
Arrangement	3	
Date of Operation	4	
Supersession and Savings	5	
Parties and Persons Bound	6	
Definitions	7	
Wage Rates	8	
Allowances	9	
Annual Leave	10	
Change Room and Ablution Facilities	11	
Compassionate Leave	12	
Contract of Employment	13	
Enterprise Flexibility	14	
Holidays with Pay	15	
Hot Work	16	
Hours	17	
Meal Allowance	18	
Mixed Functions	19	
Occupational Superannuation	20	
Overtime	21	
Parental Leave	22	
Part A - Maternity Leave		
Part B - Paternity Leave		
Part C - Adoption Leave		
Part D - Part-Time Work		
Payment of Wages	23	
Piece-Work	24	
Protective Clothing and/or Equipment	25	
Rest Period	26	
Right of Entry	27	
Settlement of Disputes	28	
Shift Workers	29	
Sick Leave	30	
Structural Efficiency	31"	

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**2. By deleting Clause 7 - Definitions, and inserting in lieu thereof the following:**

**"7. DEFINITIONS**

(a) Classification Standards

**Tyre Retail Employee Level 1 - (Proposed wage relativity to Tyre Retail Employee Level 5 after completion of minimum rates adjustment process = 78%)**

Point of Entry

- New employee

Description

- An employee at this level would work under direct supervision and perform routine tasks.
- May work individually or as part of a team.

Tasks

Indicative tasks at this level may include:

- general cleaning and labouring
- housekeeping
- assisting other employees

**Tyre Retail Employee Level 2 - (Proposed wage relativity to Tyre Retail Employee Level 5 after completion of minimum rates adjustment process = 82%)**

Point of Entry

- Level 1
- Relevant experience and/or training

Description

- An employee at this level works above and beyond an employee at Level 1 under direct supervision.
- Understands and undertakes basic quality procedures.
- May work individually or in a team environment.

Tasks

Indicative tasks at this level may include:

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- perform duties using basic written spoken and/or diagrammatic instructions
- able to measure accurately
- able to fit pneumatic and solid tyres
- operate hand operated transport and lifting devices
- performs deliveries and sales work

**Tyre Retail Worker Level 3 - (Proposed wage relativity to Tyre Retail Employee Level 5 after completion of the minimum rates adjustment process = 87.4%)**

Point of Entry

- Level 2
- Relevant experience and/or training

Description

- An employee at this level works above and beyond an employee at Level 2 under routine supervision.
- Exercises discretion to their level of skill and training.

Tasks

Indicative tasks at this level may include:

- receiving, despatching, distributing, sorting, checking, and packing of goods and mail
- basic keyboard skills, able to type at 25 words per minute with 98% accuracy
- operate mixing and milling machines
- setting and drawing kilns
- sorting and file documents/records accurately
- preparation and receipt of documentation
- routine deliveries
- assist in tyre retreading
- operate business equipment such as a visual display unit for retrieval of information, photocopier and facsimile machine
- basic counter sales, including the sale of automotive parts that are incidental to the principle business of the establishment, such as wheels, batteries and exhaust systems
- soliciting orders for rubber tyres outside the employers place of business
- wheel alignment (non-trade).

**Tyre Retail Employee Level 4 - (Proposed wage relativity to Tyre Retail Employee Level 5 after completion of minimum rates adjustment process = 92.4%)**

Point of Entry

- Level 3
- Relevant experience and/or training

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#### Description

- An employee at this level works above and beyond an employee at Level 3 and requires minimal supervision.
- Able to work from complex instructions and exercises discretion in the performance of their tasks.
- May assist in the provision of on-the-job training.
- Assists in the co-ordination of work within the enterprise.
- Is responsible for the quality of their own work.

#### Tasks

Indicative tasks at this level may include:

- using precision measuring instruments
- licensed operation of material handling equipment
- basic (non-trade) maintenance
- calendar operation
- utilise basic word processing skills to produce documents such as letters and memorandums
- prepare and record petty cash and bank transactions
- customer service
- processing of sales orders
- periodic stock checks and stock reconciliation
- tyre retreading

#### **Tyre Retail Worker Level 5 - (Proposed relativity at the completion of the minimum rates adjustment process = 100%)**

#### Point of Entry

- Trade Certificate
- Certificate of Commercial Studies (TAFE) or equivalent and who are required to use skills and perform tasks within the range of Level 5.

#### Description

- An employee at this level exercises the skills obtained through the satisfactory completion of a trade certificate or tradesperson's rights certificate.

#### Tasks

Indicative tasks at this level may include:

- wheel alignment (tradesperson)
- limited range of automotive mechanical tasks
- operate equipment incidental to their work
- maintain payroll file following standard procedures and using existing models/fields of information or a central computer resource

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- sort, process and record transactions, payroll, petty cash
- use software packages to create correspondence and business documents beyond that of basic word processing

**Tyre Retail Worker Level 6 - (Proposed wage relativity to Tyre Retail Employee Level 5 after completion of minimum rates adjustment process = 105%)**

Point of Entry

- Tyre Retail Worker 5
- Relevant experience and training

Description

- Exercises discretion within the scope of this level
- Works individually or in a team environment
- Understands and implements quality control techniques
- Provides trade guidance and assistance

Tasks

Indicative tasks at this level may include:

- understands and applies automotive parts interpretation
- inspects products for conformity with operational standards
- checking of vehicles to ensure tasks are completed to customers and manufacturers specifications

(b) General

**'Afternoon shift'** means any shift finishing after 6.00pm and at or before midnight.

**'Casual employees'** means employees who are employed on a casual basis and includes persons who are employed for periods not exceeding five days at any one time.

**'Night shift'** means any shift finishing subsequent to midnight, and at or before 8.00am.

**'Part-time employee'** shall mean an employee who is engaged on a weekly basis for not less than 20 hours or more than 38 hours per week but shall not include a casual employee.

**'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, therefore making a total of 11 paid public holidays per year.

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**'Tradesman'** shall mean an employee who has successfully completed an apprenticeship in fitting/turning or mechanical fitter as proclaimed in the *Industrial and Commercial Training Act 1985*, or gained Tradesman's Rights under the *Tradesmen's Rights Regulations Act 1964*."

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

**"8. WAGE RATES**

1. WAGE RATES

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, subclause (a) - Classification Standards.

Classification	Base Rate Relativity %	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
Tyre Retail Employee Level 1	78	325.40	75.00	400.40
Tyre Retail Employee Level 2	82	342.10	75.00	417.10
Tyre Retail Employee Level 3	87.4	364.60	75.00	439.60
Tyre Retail Employee Level 4	92.4	385.50	75.00	460.50
Tyre Retail Employee Level 5	100	417.20	75.00	492.20
Tyre Retail Employee Level 6	105	438.10	75.00	513.10

2. JUNIOR EMPLOYEES

The minimum weekly wage rate to be paid by employers to junior employees shall be the undermentioned percentages of the total weekly wage rate for Tyre Retail Employee Level 2. The adjustment to be calculated to the nearest 10 cents.

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	%
Under 16 years of age	58
16 to 17 years of age	65
17 to 18 years of age	75
18 to 19 years of age	85
19 to 20 years of age	100

### 3. CLASSIFICATION STRUCTURE - TRANSLATION SCHEDULE

- (a) For the purpose of identifying an employees new classification in accordance with the creation of a new broadly based and generic classification structure the following schedule shall apply:

<u>Pre-existing Classification</u>	<u>New Classification</u>
Tyre Serviceman - Grade 1	Tyre Retail Employee Level 2
Tyre Serviceman - Grade 2	Tyre Retail employee Level 2
Factory Hand	Tyre Retail Employee Level 2
Indoor Salesman	Tyre Retail Employee Level 3
Delivery Salesman	Tyre Retail Employee Level 2
Commercial Traveller	Tyre Retail Employee Level 3
Wheel Aligner (non tradesman)	Tyre Retail Employee Level 3
Wheel Aligner (tradesman)	Tyre Retail Employee Level 5
Clerk 1st year adult experience )	
Clerk 2nd year adult experience )	Translation shall be based on skills as
Clerk 3rd year adult experience )	opposed to years of service
A clerk who is in charge of and responsible for the work of two employees	Tyre Retail Employee Level 5
A clerk who is in charge of and responsible for the work of three or four employees	Tyre Retail Employee Level 5
A clerk who is in charge of and responsible for the work of five or more employees	Tyre Retail Employee Level 6

**PROVIDED** that employees who, prior to the first full pay period commencing on or after 12 April, 1994, are in receipt of wage rates in excess of those herein prescribed shall not have their wage rates reduced as a result of the making of this new award and the translation process.

- (b) The parties to the award shall co-operate in the translation from the old structure to the new structure. In the event of any disagreement the matter shall be referred to the Tasmanian Industrial Commission for determination.

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#### 4. 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 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:

**'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.

**'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.

**'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.

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

(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:

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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.

(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.

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(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 \$51 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."

**4. By deleting Clause 32 - Trainee Clerk.**

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**Operative Date**

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

Tim Abey  
**COMMISSIONER**

27 September 2000