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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984
s.23 application for award or variation of award

Australian Municipal, Administrative, Clerical and Services Union
(T6390 of 1996)

AERATED WATERS AWARD

Award variation - 3rd $8.00 Safety Net Adjustment - increase work related allowances - application granted - operative 2 Sept 96

ORDER BY CONSENT-

No. 2 of 1996

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AMEND THE **AERATED WATERS** AWARD IN THE FOLLOWING MANNER:

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

"**8. WAGE RATES**

1. ADULTS

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

Horizontal
Column (A) Establishments with flow rates of 7,000 litres per hour or more.

Horizontal
Column (B) Establishments with flow rates of less than 7,000 litres per hour.

C1 Beverage Industry Worker Grade 1

This is trainee entry point.

Employees at this level will perform routine duties essentially of a manual nature and to their level of training.

1. Perform general labouring and cleaning duties.
2. Exercise minimal judgement.
3. Work under direct supervision; and
4. May be undertaking structured training so as to enable them to work at C2 Level.

		Base Rate $	Safety Net Adjustment $	Weekly Wage Rate $
(A)	Establishment	340.70	24.00	364.70
(B)	Establishment	333.90	24.00	357.90

C2 Beverage Industry Employee Level 2

An employee at this level will have completed at least three months at level C1 and have satisfactorily completed structured training to enable the employee to perform work within the scope of this level.

Employees will work under direct supervision and will be able to demonstrate competency in allocated functions and/or work stations.

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Indicative of the tasks performed at this level are:

1. Manual palletizing/depalletizing.
2. Feeding on and packing from conveyors.
3. Bucket washing.
4. Drum filling assistant.
5. Truck loading.
6. Cleaning.

Employees may be undertaking structured training to enable them to progress to C3.

		Base Rate $	Safety Net Adjustment $	Weekly Wage Rate $
(A)	Establishment	359.00	24.00	383.00
(B)	Establishment	345.40	24.00	369.40

C3 Beverage Industry Employee Level 3

An employee who has satisfactorily completed structured training to enable the employee to perform work within the scope of this level.

An employee at this level performs work above and beyond the skills of an employee at C2 and to the level of their training.

Employees at this level are responsible for the quality of their own work subject to routine supervision.

Employees at this level work under routine supervision either individually or in a team environment.

Indicative of the tasks which an employee at this level may perform are the following:

1. Operation of automatic equipment including package size changeovers.
2. Makes running adjustments.
3. Cleans and lubricates equipment and monitors performance.
4. Checking duties.
5. Truck driving requiring a 'B' licence.
6. Fork lift operation requiring a licence.

Employees may be undertaking structured training to enable progression to C4.

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		Base Rate $	Safety Net Adjustment $	Weekly Wage Rate $
(A)	Establishment	370.90	24.00	394.90
(B)	Establishment	357.10	24.00	381.10

C4 Beverage Industry Employee Level 4

An employee who has satisfactorily completed training to enable the employee to perform work within the scope of this level.

An employee at this level carries out duties in accordance with C3 but in addition is required to exercise the following:

1. The ability to operate three or more automatic machines and to exercise judgement in carrying out basic maintenance.
2. Fork lift operation involving checking duties in preparation of loads.
3. Line quality control involving the completion of an appropriate training course.

Employees at this level may be undertaking structured training to enable progression to a higher level.

		Base Rate $	Safety Net Adjustment $	Weekly Wage Rate $
(A)	Establishment	384.40	24.00	408.40

C5 Beverage Industry Employee Level 5

An employee who has satisfactorily completed structured training to enable the employee to perform work within the scope of this level.

An employee at this level:

1. Works from complex instructions and procedures.
2. Is responsible for ensuring the quality of their own work output.
3. Assists in the training of other employees.
4. Works with minimum supervision and supervises others.
5. Is required to exercise judgement and take decisions within procedural limits.

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		Base Rate $	Safety Net Adjustment $	Weekly Wage Rate $
(A)	Establishment	394.80	24.00	418.80
(B)	Establishment	366.80	24.00	390.80

2. JUNIORS (BEVERAGE INDUSTRY)

The minimum weekly wage rate to be paid to a junior employee (ie employees under 18 years of age) shall be the undermentioned percentage of the weekly wage rate for a Beverage Industry Employee Level 3 at (A) establishments, and for a Beverage Industry Employee Level 2 at (B) establishments.

		%	Weekly Wage Rate $
(A)	Establishment		
	At 16 years and under	70	276.40
	At 17 years	85	335.70
(B)	Establishment		
	At 16 years and under	70	258.60
	At 17 years	85	314.00

3. CLERKS

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

		Base Rate $	Safety Net Adjustment $	Weekly Wage Rate $
(i)	1st year adult experience	309.80	24.00	333.80
	2nd year adult experience	331.40	24.00	355.40
	3rd year adult experience	359.80	24.00	383.80
	4th year adult experience	370.80	24.00	394.80
	5th year adult experience	378.80	24.00	402.80
(ii)	Accountant or chief clerk wholly responsible for office work and who prepares balance sheet and profit and loss account	478.60	24.00	502.60

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(iii) A clerk who is in charge of and responsible for the work of -

(a) 5 or more employees	425.50	24.00	449.50
(b) 3 or 4 employees	408.70	24.00	432.70
(c) 2 employees	400.70	24.00	424.70

'Employees' in (iii) above shall mean any male or female clerk, typist or stenographer and shall include the clerk-in-charge.

(b) Juniors

The minimum weekly wage rate to be paid to a junior employee shall be the undermentioned percentages of the weekly wage rate prescribed for the second year adult rate to the nearest 10 cents.

	Percentage of 2nd year adult rate %	Weekly Wage Rate $
Under 16 years of age	40	142.20
16 to 17 years of age	45	159.90
17 to 18 years of age	55	195.50
18 to 19 years of age	70	248.80
19 to 20 years of age	80	284.30
20 to 21 years of age	90	319.90

(c) Proviso

When determining the rate 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 are established, experience obtained after reaching the age of 18 years shall be counted as adult experience.

(d) Trainees

The minimum weekly wage rate payable to a trainee clerk (as defined) shall be determined by the following method of calculation:

By taking the appropriate weekly wage rate for a junior clerk as prescribed in subclause 3 - Clerks, (b) - Juniors, of this clause then multiplying it by 39 and dividing it by 52. (39 being the actual number of weeks spent on the job)

PROVIDED that the wage determined by this calculation shall in no case be less than the minimum rate (as varied from time to time) prescribed by the Australian Traineeships System Guidelines.

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PROVIDED ALWAYS that the trainee clerk (as defined) wage rate shall be calculated in multiples of 10 cents with any result of 5 cents or more being taken to the next 10 cents.

(e) Additional Payments

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

	Amount per Week $
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	1.60
19 to 20 years of age	2.20
20 to 21 years of age	2.30
21 years and over	3.00

(f) Estimating Service

In estimating the number of years of service of an employee the total clerical experience in the service of every employer in the trades or groups of trades in respect of which awards of the Tasmanian Industrial Commission are established shall be taken into account.

4. 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, 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

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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.

(b) For the purposes of this division:

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

(ii) **"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.

(iii) **"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.

(iv) **"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 (subclause (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 $45 per week.)

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(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 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.

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(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 4 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 $45 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:

"<u>9. ALLOWANCES</u>

(a) Caustic Soda

Employees handling caustic soda shall be paid **41 cents** per hour extra for time so engaged.

(b) First Aid Attendant

An employee appointed by the employer as a First Aid Attendant shall be paid the sum of **$1.55** per day or shift in addition to the wage rate for the classification so prescribed by this award.

An employer shall endeavour to have at least one employee who is trained to render first aid in attendance when work is prepared at an establishment.

(c) The extra daily or hourly rates prescribed in subclause (a) and (b) of this clause shall be paid irrespective of the time on which the work is performed and shall not be subject to any premium or penalty additions.

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(d) Casual Work

A casual employee shall mean and be deemed to be an employee engaged for a period of less than one full working week. Such casual employees' rate shall be the ordinary wages herein provided for similar weekly employees plus 20 percent additional. The minimum payment shall be equivalent of four hours worked.

The hours of labour and conditions as to time off shall be the same for 'casual' as for other employees. Where a casual employee is worked outside the ordinary hours of employment the appropriate overtime rates shall apply as prescribed by Clause 23 - Overtime, of this award based on the casual rate as herein prescribed."

OPERATIVE DATE

This variation shall come into operation from the first full pay period to commence on or after 2 September 1996.

P A Imlach
COMMISSIONER

9 September 1996