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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984
s23 application for award or variation of award

Tasmanian Trades and Labor Council
(T7702 of 1998)

Private and public sector awards

FULL BENCH:

PRESIDENT F D WESTWOOD
DEPUTY PRESIDENT B R JOHNSON
COMMISSIONER R J WATLING

Wage Rates - State Wage Case July 1998 - application to review the Wage Fixing Principles and to vary awards in a manner consistent with the Australian Industrial Relations Commission decision in Print number Q 1998 Safety Net Review - Wages - Agreed Settlement - Two-stage Arbitrated Safety Net Adjustment - ffpp on or after 14 July 1998 and ffpp on or after 14 October 1998 - Revised Wage Fixing Principles - Approved

**CLERICAL AND ADMINISTRATIVE EMPLOYEES
(PRIVATE SECTOR) AWARD**

ORDER BY CONSENT -

No. 1 of 1998

AMEND THE **CLERICAL AND ADMINISTRATIVE EMPLOYEES (PRIVATE SECTOR) AWARD** IN THE FOLLOWING MANNER:

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Delete Clause 8 - Wage Rates, and insert in lieu thereof the following:

"8. WAGE RATES

	Base Rate \$	Supplementary Payment \$	Weekly Wage Rate \$
(a) Adults			
Adult entry (as defined)			
1st 6 months service	333.80	44.00	377.80
2nd 6 months service	354.60	44.00	398.60
Grade 1 (as defined)			
1A - 1st 12 months service	363.00	44.00	407.00
1B - After 12 months service	375.50	44.00	419.50
Grade 2 (as defined)			
2A - 1st 12 months service	383.80	44.00	427.80
2B - After 12 months service	396.30	44.00	440.30
Grade 3 (as defined)			
3A - 1st 12 months service	404.70	44.00	448.70
3B - After 12 months service	417.20	44.00	461.20
Grade 4 (as defined)	438.10	44.00	482.10
Grade 5 (as defined)	457.90	44.00	501.90
Grade 6 (as defined)	479.80	44.00	523.80
Grade 7 (as defined)	500.60	44.00	544.60

(b) Juniors

- (i) The minimum weekly wage rates that may be paid to juniors performing duties consistent with the definition of a "Clerical Assistant" shall be the undermentioned percentages of the Grade 1, (1A) weekly wage rate, adjusted to the nearest 10 cents.

	Percentage %
Under 17 years of age	50
17 to 18 years of age	55
18 to 19 years of age	65
19 to 20 years of age	80
20 to 21 years of age	85

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- (ii) The minimum weekly wage rates that may be paid to all other juniors shall be the undermentioned percentages of the Grade 2, (2A) weekly wage rate adjusted to the nearest 10 cents.

	Percentage %
Under 17 years of age	50
17 to 18 years of age	55
18 to 19 years of age	65
19 to 20 years of age	80
20 to 21 years of age	85

(c) Trainees

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

By taking the appropriate wage rate for a junior as prescribed in subclause (b) herein, 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.

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

(d) Jobskills Trainee

The weekly wage rate payable to a Jobskills Trainee (as defined), which takes account of the range and extent of training provided, is as follows:

Total Amount Per Week = \$280.00

(e) Career Start Trainee (as defined)

The weekly wage rates payable to Career Start Trainees shall be determined by multiplying the appropriate hourly rate by the number of weekly ordinary hours less the average weekly time specified in the training agreement to be spent on off-the-job structured training.

The terms of this clause applying to Career Start Traineeships operate in conjunction with a Commonwealth Government Scheme, under which, if weekly wages calculated using the method outlined above fall below \$125 for those under 18 years old and \$150 for those 18 years and over the Commonwealth will provide a supplementary allowance to bring the total income of Trainees undertaking Career Start Traineeships up to those levels.

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In the event that the Commonwealth Government reduces these minimum income maintenance levels, the terms of the award may be reviewed.

(f) Advice of Grading and Settlement of Disputes

All current and future employees shall be notified in writing by the employer of their grading within one month of this award coming into operation, or the date of engagement, as the case may be.

In the event of a dispute regarding grading, the matter shall be discussed by the employer involved or his/her representative and the Australian Municipal, Administrative, Clerical and Services Union in an attempt to resolve the matter, and if then still in dispute, shall be referred to the President of the Tasmanian Industrial Commission for determination.

(g) 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.

(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

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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 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.

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(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.

(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 four 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).

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- (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."

OPERATIVE DATE

This Order shall come into operation from the first full pay period to commence on or after 14 July 1998.

F D Westwood
PRESIDENT

1 August 1998