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TASMANIAN INDUSTRIAL COMMISSION

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

Tasmanian Trades and Labor Council
(T8413 of 1999)

Private Sector Awards

Tasmanian Chamber of Commerce and Industry Limited
(T8483 of 1999)

Private and Public Sector Awards

FULL BENCH:
DEPUTY PRESIDENT B R JOHNSON
COMMISSIONER R J WATLING
COMMISSIONER P A IMLACH

Wage Rates - State Wage Case July 1999 - applications to review the Wage Fixing Principles and to vary awards in a manner consistent with the Australian Industrial Relations Commission decision in Print number R1999 Safety Net Review - Wages - flow-on of federal safety net adjustment approved - operative date ffpp 1 August 1999 - partial revision of Wage Fixing Principles - full review of Wage Fixing Principles to begin no later than October 1999

MEAT PROCESSING INDUSTRY AWARD

ORDER -

No. 1 of 1999

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THE **MEAT PROCESSING INDUSTRY 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. ADULTS

- (a) An adult employee of a classification specified herein employed in any of the industries or divisions hereof to which this award applies shall, except as otherwise specified, be paid the weekly wage rate herein assigned to that classification.

			*Base Rate Relativity	Base Rate	Safety Net Adjustment	Total Weekly Wage Rate
			%	\$	\$	\$
Meat Industry	Employee	Entry Level	80	333.80	60.00	393.80
Meat Industry	Employee	Level 1	85	354.60	60.00	414.60
Meat Industry	Employee	Level 2	88	367.10	60.00	427.10
Meat Industry	Employee	Level 3	90	375.50	60.00	435.50
Meat Industry	Employee	Level 4	95	396.30	60.00	456.30
Meat Industry	Employee	Level 5	100	417.20	60.00	477.20
Meat Industry	Employee	Level 6	105	438.10	60.00	498.10
Meat Industry	Employee	Level 7	110	458.90	60.00	518.90

- (b) Piecework - Slaughterer

- (i) An employee engaged on piecework to perform slaughtering duties shall receive a loading of 10% on the relevant classification rate (ie. Meat Industry Employee Level 5) while on annual leave, sick leave, holidays with pay, rostered days off or compassionate leave.

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2. JUNIOR WORKERS

The minimum weekly wage rates that may be paid to junior workers shall be the undermentioned percentages of Level 2 adjusted to the nearest ten (10) cents:

	%
Under 17	50
17 to 18 year old	60
18 to 19 year old	70
19 to 20 year old	80
20 to 21 year old	90

3. APPRENTICES

The minimum weekly wage rate for apprentices engaged as an apprentice slaughterer, apprentice butcher or apprentice smallgoods person shall be the undermentioned percentages of the tradespersons wage contained in Level 5:

	%
First year	50
Second year	65
Third year	72
Fourth year	95

PROVIDED that employees employed as apprentices and who do not receive accredited off-the job technical training shall be paid the relevant tradespersons weekly wage rate as set out in Wage Rates - Level 5.

4. PIECEWORK RATES

By mutual agreement between the employer and the employee piecework may be worked and if so, piecework rates may be paid as follows:

(a) Cattle -	\$
1. Works registered for export	
(i) When dressed on a cradle	6.1514
(ii) Using mechanical hide puller	5.5361
2. Works not registered for export	7.9088
3. Killafaddy	6.1509
4. Cobbs Hill	6.1509

Bulls and/or bull stags 181.5 kg and over shall be paid for at double the appropriate cattle rate.

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(b) Sheep and/or Lambs - \$

1. Solo	1.6262
2. Cobbs Hill	1.3417
3. Chain (in works registered for Export)	1.3417

(c) Calves (dressed carcass weights) -

1. 22.75 kg and under	1.5475
22.76 kg to 36.25 kg	2.6389
36.26 kg to 54.5 kg	4.0895
54.51 kg to 113.5 kg	5.5191
113.51 kg and over to be classed as cattle	
2. Calf-chain where mechanical hide puller is operated	1.2772

(d) Pigs (dressed carcass weight) -

	Manual \$	Machine \$
1. 27.25 kg and under	3.6611	2.4874
27.26 kg to 54.5 kg	4.8997	3.7187
54.51 kg to 90.75 kg	6.1621	4.9543
90.76 kg and over	9.8999	7.3429
2. Boars, 55.0 kg and over (except intensive lot fed boars)		7.3429

(e) Rams and Ram Stags -

1. Solo	3.2524
2. Cobbs Hill	2.6834
3. Chain (in works registered for export)	2.6834

(f) Ram lambs (up to first showing of two teeth) -

1. Solo	2.4393
2. Cobbs Hill	2.0126
3. Chain (in works registered for export)	2.0126

(i) **Boners** may be employed at the following piecework rates:

- (A) Mutton - \$1.1320 for each carcass;
rams shall be paid at double rates whenever done;
- Birdcage sheep - 4 carcasses shall count as 5 sheep;
sheep, or portion of sheep over 29 kg to be paid for at rate
and a half.

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(B) Beef -

Standard cut for canning or U.S.A. Market boneless beef, including the removal of fillet in 1 piece - \$1.4828 per quarter;

Boned out as specified cuts or precision boning - \$1.5874 per quarter.

Penalty for heavyweight cows and steers - carcass in excess of 272 kg shall be at one and a half times the rate prescribed; bulls shall be paid for at double rates whenever done.

'Precision boning' means the removal of meat in the form of specified trade cuts, or portions of fabricated meats by methods such as seaming which requires an increase in the work to be performed by the boner in order to complete the task.

Boners shall be required to remove the paddy-whack.

Where boners are required to derive boneless meat for canning or U.S.A. Market, boneless beef from pieces of bone-in meat listed above, they shall be paid a loading of 15% on the amount prescribed per quarter.

(C) Calves -

	\$
up to 27.25 kg	1.1553
27.26 kg to 54.5 kg	1.7286
54.51 kg to 90.75 kg	3.4307
over 90.75 kg to be paid at beef prices.	

bird-caged calves - 4 carcasses shall count as 5;
bird-caged calves boned in the side method with intercostal muscle attached - 4 shall count as 6.

(D) Pork -

\$3.2264 per 45.5 kg bone-in weight;
\$2.5902 per 45.5 kg when de-fatted and de-rinded.

An employee who is required to bone hot meat, ie. meat which has not previously been chilled and is boned within 8 hours of slaughtering, shall be paid an additional 10% on the appropriate rates prescribed.

An employee who is required to bone boars shall be paid at double the ordinary rate.

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(ii) **Slicer - Trimmers** may be employed at the following piecework rates:

(A) Mutton -

prepared for local market - \$0.5367 per carcass;
prepared for U.S.A. or export market - \$0.6554 per carcass.

(B) Beef -

prepared for local market - \$0.9181 per quarter;
prepared for U.S.A. or export market - \$1.1982 per quarter.

(C) Veal -

\$

prepared for local market:
up to 27.25 kg per carcass- 0.2746
27.26 kg to 54.5 kg per carcass- 0.3736
54.51 kg to 90.75 kg to carcass- 0.7899

prepared for U.S.A. or export market
up to 27.25 kg per carcass- 0.5367
27.26 kg to 54.5 kg per carcass 0.8462
54.51 kg to 90.75 kg per carcass 1.4729
penalties, bulls and rams - 1 shall equal 1 1/2

(D) Additions to Piecework Rates

(1) Mutton (Export)

Squaring and deseaming backstraps - an additional 5% per carcass.

(2) Beef (Export)

(i) Denuded topside - an additional 6.25% per hind quarter.

(ii) Seaming shin muscle from silverside - an additional 2.5% per hind quarter.

(E) Silverside Flats and Eyes - an additional 2.5% per hind quarter.

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.

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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 ALWAYS 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:

'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))	% of prescribed award rate
10%	10%
20%	20%
30%	30%
40%	40%
50%	50%
60%	60%
70%	70%
80%	80%
90%	90%

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PROVIDED that the minimum amount payable shall be not less than \$50 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,

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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 \$50.00 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 9 - ALLOWANCES, and inserting in lieu thereof the following:

"9. ALLOWANCES

Drivers

A smallgoods seller who operates a refrigerated vehicle shall be paid per week an extra \$3.60.

Motor, drawing trailer \$1.65 per day extra.

Further additional amount for employee carting specially offensive material - \$2.60 per week extra.

Further additional amount for driver who loads and/or unloads carcasses - \$2.10 per week extra.

Driver's Licence

If an employee employed in any of the classifications in respect of which this award is made uses the employee's driver's licence exclusively in the business of driving any class or type of motor vehicle in respect of which such employee is required to hold a licence,

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the employee's licence fee shall be paid by the employer at the time of the employee taking annual leave.

First Aid

The employer shall provide and maintain a sufficient first aid box for injured employees. Such first aid box shall be to the satisfaction of the Tasmanian Industrial Commission.

An employee who holds current first aid qualifications from St. John Ambulance or similar body, and who is appointed by the employer to perform first aid duty shall be paid \$1.25 per day extra.

Freezers

An employee required to work in temperatures:

- (a) from -2 to -16 degrees C., shall be paid per hour extra 14 cents
- (b) from -16 to -18 degrees C., shall be paid per hour extra 35 cents
- (c) from -18 to -21 degrees C., shall be paid per hour extra 46 cents
- (d) in excess of -21 degrees C., shall be paid per hour extra 63 cents

PROVIDED that employees engaged in the sawing and packing of frozen meat cuts shall be paid per hour, whilst so engaged 37 cents.

Incidental Expenses

Where an employee is involved in meeting the cost of fares, accommodation or other expenses incurred as a result of attending for work to which the employee is directed by the employer, the employee shall be reimbursed for all expenses reasonably incurred.

When required to use the employee's own vehicle, the employee shall be paid an allowance of 38 cents per kilometre.

Leading Hands

Leading hands not otherwise provided for:

In charge of 3 to 10 employees	-	\$17.10 per week extra.
In charge of 10 to 20 employees	-	\$25.10 per week extra.
In charge of 20 or more employees	-	\$32.50 per week extra.

Maintenance

Employees classified in item 3 hereof who are holders of an 'A' Grade licence shall be paid an additional allowance of \$11.20 per week.

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A licence nominee shall be paid an allowance of \$31.50 per week in addition to the weekly wage.

Meals

An employee (other than an employee employed in an abattoir) who is required overtime for more than one and one half hours without being notified the previous day shall either be supplied with a meal by the employer or be paid a meal allowance of \$9.80.

Other Allowances

In addition to the rates prescribed above, to compensate for the disabilities of the industry not otherwise provided for in this award, employees shall be paid an allowance of :

- (i) \$12.50 per week when engaged upon construction work, and
- (ii) \$6.30 per week when engaged upon maintenance work.

An employee engaged on work of cleaning or scraping any boiler, flue or economiser shall whilst so employed be paid an additional amount per hour to the employee's ordinary or overtime pay of \$1.02.

Penalty Rates For Slaughtering

- (a) Treble rates shall be payable for diseased sheep, lambs, cattle and pigs which are condemned by the Meat Inspector for tuberculosis or for diseases contagious to human beings.

Any dispute arising out of this subclause shall be referred to the Stock Inspector for adjudication and his decision shall be final and binding on the employer and the employees.

- (b) Cattle that have to be carted in or dragged to the killing floor shall be paid for at time and a half or rate and a half.
- (c) If, in the opinion of the Superintendent or the Superintendent's nominee, sheep are unreasonably dirty or objectionable, payment shall be made at double rates.
- (d) Double woolled sheep (ie.) sheep which have in excess of 18 months wool) payment shall be made at double rate.
- (e) For solo slaughtering sheep weighing from 29.00kg to 40.75kg dressed weight shall be paid for at rate and a half.
- (f) Sheep weighing over 40.75kg shall be paid for at double rates.
- (g) Rams weighing 40.75kg and over dressed weight shall be paid for at treble rates.

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- (h) Any employee other than a slaughterer who is required to cut and handle any stock condemned by a veterinary officer or meat inspector for tuberculosis or for diseases contagious to human beings shall be paid the following penalty rates:

55 cents per head for pigs, sheep and calves and \$1.11 per head for cattle.

Saving Serum and Skinning Slink

An employee required to perform the task or tasks of saving foetal calf serum or skinning slinks shall in addition to the employee's normal rate of pay prescribed by this award be paid as a penalty payment for each hour or part thereof the employee is engaged on either or both of such tasks an amount of 97 cents.

Tools of Trade

All employees (other than pieceworkers) engaged in classifications that are proclaimed as trades under the *Vocational Education and Training Act, 1994* shall either be supplied with all tools by the employer or be paid a tool allowance of not less than \$9.00 per week.

Pieceworkers shall supply their own tools of trades.

An Employer shall provide each apprentice with such tools as are customarily used in the trade, such tools to remain the property of the employer.

Employees (including juniors) other than those mentioned above shall be supplied with all tools and equipment or be paid an allowance of \$1.00 per week.

PROVIDED that such allowances shall not be subject to adjustment when computing payments for shifts penalty rates, for weekend or holiday work, for overtime or for any other purpose.

Travelling

When an employee uses the employee's own motor vehicle at the request of the employer the employer shall be paid an allowance of 38 cents per kilometre travelled in the course of the employee's duties.

FOLLOW-ON LABOUR SLAUGHTERER SECTION

The rates to be paid to follow-on labour for overs shall be 10 cents for sheep and lambs and 47 cents for cattle or calf equivalents:

Weight for calf equivalents

22.75 kg and under	11 cents
22.76 kg to 36.25 kg	11 cents
36.26 kg to 54.5 kg	16 cents
54.6 kg to 113.5 kg	27 cents

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Payment for overs shall be made to follow-on labour for cattle, sheep and lambs processed by slaughterer in excess of the prescribed weekly tallies.

That an additional payment of 16 cents per head be paid to follow-on labour employed in the Pig Slaughtering Section for all pigs processed in excess of 200 per week per slaughterer. In the calculation of the number processed on any week each pig shall be counted as one unit irrespective of weight and type."

3. By deleting from Clause 20 - LEAVE, the subclause ANNUAL LEAVE, and inserting in lieu thereof the following:

"20. LEAVE

ANNUAL LEAVE

(a) Period of Leave

(i) Dayworkers:

For employees other than casual, or part-time employees, a period of 28 consecutive days' leave shall be allowed annually to an employee after 12 months' continuous service (less the period of annual leave).

(ii) Shiftworkers:

In addition to the leave prescribed in paragraph (i) above, 7 day shiftworkers, who are rostered to work regularly on Sundays and holidays, shall be allowed 7 consecutive days' leave including non-working days.

Where an employee with 12 month's continuous service is engaged for part of the 12 monthly period as a 7 day shiftworker, the employee shall be entitled to have the period of annual leave prescribed in paragraph (i) increased by one half a day for each month the employee is continuously engaged.

(b) Annual Leave Exclusive of Holidays with Pay.

(i) Subject to this subclause, the annual leave prescribed by this clause shall be exclusive of any of the holidays prescribed in Clause 18 - Holidays with Pay, and if any such holidays fall within an employee's period of annual leave and is observed on a day which, in the case of that employee, would have been an ordinary working day, there shall be added to that period 1 day for each such holiday falling as aforesaid.

(ii) Where a holiday falls as aforesaid and the employee fails without reasonable cause, proof whereof shall be upon the employee, to attend for work at the employee's ordinary starting time on the working day immediately following that last day of the period of the employee's annual leave the employee shall not be entitled to be paid for any such holiday.

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(c) Calculation of Continuous Service

For the purposes of this clause, service shall be deemed to be continuous notwithstanding:

- (i) Any interruption or termination of the employment by the employer if such interruption or termination has been made merely with the intention of avoiding obligations hereunder in respect of leave of absence.
- (ii) Any absence from work on account of personal sickness or accident and in calculating the period of 12 months' continuous service any such absence as aforesaid shall not, except to the extent of 91 days in any 12 monthly period be taken into account in calculating the period of 12 months continuous service.
- (iii) Any absence with reasonable cause, proof whereof shall be upon the employee, or leave lawfully granted by the employer, but such absence shall not be taken into account in calculating the period of 12 months' continuous service.

(d) Proportionate Leave on Termination of Service

If after 38 hours continuous service excluding overtime in any qualifying 12 monthly period an employee lawfully leaves that employment or the employee's employment is terminated by the employer, through no fault of the employee, the employee shall be paid pro rata for the leave for which the employee was qualified on the following basis:

One twelfth of a week's wages in respect of each completed 38 hours of continuous service.

(e) Payment in Lieu Prohibited

The annual leave provided by this clause shall be allowed and shall be taken except as provided in subclause (d) hereof, payment shall not be made or accepted in lieu of annual leave.

(f) Payment for Period of Leave

- (i) All employees, before going on annual leave, other than casual employees or Part-time employees who attract a 20% loading in lieu of annual leave, sick leave and holidays with pay shall be paid the amount of wages they would have received in respect of the ordinary time they would have worked had they not been on leave during the relevant period.
- (ii) In addition thereto, all full-time employees, shall be paid an annual leave loading which shall be \$293.40.

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(iii) Employees who are not in receipt of a 20 percent loading in lieu of annual leave, sick leave and holidays with pay shall have an entitlement based on the average weekly hours worked in the previous 3 months divided by 38 multiplied by \$293.40.

(g) Calculation of Service

Where an employer is a successor or assignee or transmittee of a business if an employee was in the employment of the employer's predecessors at the time when the employer became such successor or assignee or transmittee the employee in respect of the period during which the employee was in the service of the predecessor, shall for the purpose of this clause, be deemed to be in the service of the employer.

(h) Leave Allowed Before Due Date

An employer may allow annual leave to an employee before the right thereto has accrued due, but where it is taken in such a case a further period of annual leave shall not commence to accrue until after expiration of the 12 months in respect of which annual leave has been taken before it accrued.

Where leave has been granted to an employee pursuant to this subclause before the right thereto has accrued due and the employee subsequently leaves or is discharged from the service of the employer before completing the 12 months' continuous service in respect of which the leave was granted, the employer may for each completed month of the qualifying period of twelve months not served by the employee, deduct from whatever remuneration is payable upon the termination of the employment one-twelfth of the amount of the wage paid on account of the annual leave which amount shall not include any sums paid for any of the holidays prescribed by Clause 18 - Holidays with Pay.

(i) Time of Taking Leave

Annual leave shall be given at a time fixed by the employer within a period not exceeding 3 months from the date when the right to annual leave accrued.

Annual leave shall be taken in one consecutive period except at the instigation of the employee and with the agreement of the employer leave may be taken in any combination of periods.

(j) Notwithstanding provisions elsewhere in the award, the employer and the majority of employees at an enterprise may agree to establish a system of single day annual leave absences provided that:

(i) An employee may elect, with the consent of the employer, to take annual leave in single day periods or part of a single day not exceeding a total of five days in any calendar year at a time or times agreed between them.

(ii) Access to annual leave, as prescribed in paragraph (i) above, shall be exclusive of any shutdown period provided for elsewhere under this award.

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- (iii) An employee and employer may agree to defer payment of the annual leave loading in respect of single day absences, until at least five consecutive annual leave days are taken.
- (iv) An employee or the employees may choose to request a union party to this award, to represent their interests in negotiations referred to in paragraph (i) of this subclause.
- (v) Once a decision has been taken to introduce an enterprise system of single day annual leave, in accordance with this clause, its terms must be set out in the time and wages records kept pursuant to Regulation 25 of the Industrial Relations Regulations 1993.
- (vi) An employer shall record these short term annual leave arrangements in the time and wages book as prescribed in this award."

OPERATIVE DATE

This variation shall come into operation from the first full pay period commencing on or after 1 August 1999.

R J Watling
COMMISSIONER

28 July 1999