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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
(T9062 of 2000)

Private sector awards

FULL BENCH:

DEPUTY PRESIDENT R J WATLING
COMMISSIONER P L LEARY
COMMISSIONER P A IMLACH

Wage Rates - State Wage Case July 2000 - application to vary private sector awards in a manner consistent with the Australian Industrial Relations Commission decision in Print number S5000 - 2000 Safety Net Review - Wages - Agreed Settlement - \$15.00 Arbitrated Safety Net Adjustment and 3.14% increase to work related allowances - Approved

PASMINCO ROSEBERY (MINING) AWARD

ORDER BY CONSENT -

No. 2 of 2000

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THE **PASMINCO ROSEBERY (MINING) AWARD** IS VARIED IN THE FOLLOWING MANNER:

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

"8. WAGE RATES

(a) The weekly wage rates set out hereunder shall be the rates payable to employees classified herein:

	Base Rate	Supplementary Payment	Safety Net Adjustment	Weekly Wage Rate
	\$	\$	\$	\$
Mill Operator	405.10	58.70	41.00	504.80
Surface Operator	405.10	58.70	41.00	504.80
Miner (Underground Operator)	686.60	53.50	35.00	775.10
Mechanical Tradesperson	478.10	62.90	39.00	580.00
Electrical Tradesperson	478.10	62.90	39.00	580.00

(b) Apprentices

- (i) The hours and conditions of employment of apprentices shall be the same as provided for adult employees pursuant to this award.
- (ii) The minimum rates of wages per week shall be the undermentioned amounts:

	Percentage of base weekly wage for 'Mechanical Tradesperson'
First year	38%
Second year	55%
Third year	72%
Fourth year	87%

(c) 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.

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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 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.

(ii) 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.

(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

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70%	70
80%	80
90%	90

PROVIDED that the minimum amount payable shall be not less than \$51 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.

(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.

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(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).
- (3) 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.
- (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."

2. By deleting Clause 9 - Allowances, and inserting in lieu thereof the following:

"9. ALLOWANCES

(a) Shift Allowance

Employees engaged on afternoon or night shifts shall be paid the following additional rates:

- (i) On continuous work shifts - 15 percent extra.
- (ii) On other than continuous work shifts - 15 percent extra.
- (iii) An employee who:

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- (1) during the period of engagement on shift, works night shift only; or
- (2) remains on night shift for a longer period than four consecutive weeks; or
- (3) works on a night shift which does not rotate or alternate with another shift or with day work so as to give him at least one third of his/her working time off night shift in each shift cycle;

shall during such engagement, period or cycle, be paid 30 percent more than his/her ordinary rate for all time worked during ordinary working hours on such night shift.

(b) 'A' Grade Allowance

Employees classified as an Electrical Tradesperson who are holders of an 'A' Grade Licence shall be paid an additional allowance of \$12.10 per week.

(c) Underground Allowance

In addition to the amounts prescribed in Clause 8 - Wage Rates, employees under classifications 1, 2, 4 and 5 who are required to work underground shall be paid \$31.70 per week extra for the time so engaged for all purposes of the award.

(d) First Aid Allowance

An allowance of 18 cents per hour shall be paid to holders of a current St John Ambulance Certificate. This allowance shall be paid pro rata to hours worked.

(e) Tool Allowance

Electrical Tradesman and Apprentice

If the employer does not supply tools to an electrical tradesperson/apprentice then an allowance of \$12.10 per week shall apply."

Operative Date

These variations shall come into operation from the first full pay period to commence on or after 1 August 2000.

R J Watling
DEPUTY PRESIDENT

8 August 2000