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TASMANIAN INDUSTRIAL COMMISSION

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

Automotive, Food, Metals, Engineering, Printing & Kindred Industries Union
(T6263 of 1996)

METAL AND ENGINEERING INDUSTRY AWARD

FULL BENCH:
PRESIDENT F D WESTWOOD
DEPUTY PRESIDENT B R JOHNSON
COMMISSIONER R J WATLING

Review of Wage Fixing Principles arising from the decision of the Australian Industrial Relations Commission in the Third Safety Net Adjustment and Section 150A Review on 9 October 1995 (Print M5600) - increase work related allowances - operative 24 July 96

ORDER BY CONSENT -

Order - No. 3 of 1996

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AMEND THE **METAL AND ENGINEERING INDUSTRY AWARD** IN THE FOLLOWING MANNER:

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

"8. WAGE RATES

1. WAGES

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

Wage Group Level	Base Rate Relativity %	Base Rate \$	Supplementary Payment \$	Safety Net Adjustment \$	Weekly Wage Rate \$
<u>LEVEL 1</u>					
Engineering/Production Employee - Level I (as defined)					
Clerk Adult Entry Point (as defined)	78	284.90	40.50	24.00	349.40
<u>LEVEL 2</u>					
Engineering/Production Employee - Level I I (as defined)	82	299.50	42.60	24.00	366.10
<u>LEVEL 3</u>					
Engineering/Production Employee - Level II I (as defined)	87.4	319.20	45.40	24.00	388.60
<u>LEVEL 4</u>					
Clerical Assistant - Grade 1 (as defined)	90	328.70	46.80	24.00	399.50
<u>LEVEL 5</u>					
Engineering/Production Employee - Level IV (as defined)	92.4	337.40	48.10	24.00	409.50
<u>LEVEL 6</u>					
Clerical Officer - Grade 2 (as defined)	95	346.90	49.40	24.00	420.30

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LEVEL 7

Engineering
 Tradesperson
 - Level I (as defined)

Engineering/Production
 Employee - Level V
 (as defined)

Clerical Officer - Grade 3 (as defined)	100	365.20	52.00	24.00	441.20
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LEVEL 8

Engineering Technician -
 Level I (as defined)

Engineering
 Tradesperson - Level II
 (as defined)

Clerical Officer - Grade 4 (as defined)	105	383.50	54.60	24.00	462.10
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LEVEL 9

Engineering Technician -
 Level II (as defined)

Engineering
 Tradesperson -
 Special Class Level I
 (as defined)

Administrative Officer - Grade 5 (as defined)	110	401.70	57.20	24.00	482.90
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LEVEL 10

Engineering Technician -
 Level III (as defined)

Engineering
 Tradesperson -
 Special Class Level II
 (as defined)

Administrative Officer - Grade 6 (as defined)	115	420.00	59.80	24.00	503.80
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LEVEL 11

Administrative Officer
- Grade 7 (as defined) 120 438.20 62.40 24.00 524.60

LEVEL 12

Engineering Technician
- Level IV (as defined)

Advanced Tradesperson
Level 1 (as defined)

Professional Scientist
- Level IA (as defined) 125 456.50 65.00 24.00 545.50

LEVEL 13

Engineering Technician -
Level V (as defined)

Advanced Engineering
Tradesperson - Level II
(as defined)

Professional Engineer
- Level I (as defined)

Professional Scientist
- Level 1 B (as defined) 130 474.80 67.60 24.00 566.40

LEVEL 14

Engineering Associate
- Level 1 (as defined) 135 493.00 70.20 24.00 587.20

LEVEL 15

Engineering Associate
- Level 11 (as defined) 145 529.50 75.40 24.00 628.90

LEVEL 16

Leading Technical
Officer (as defined)

Principal Engineer
(as defined)

Trainer/Supervisor/
Co-ordinator
(as defined) 150 547.80 78.00 24.00 649.80

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LEVEL 17

Principal Technical Officer (as defined)

Professional Engineer - Level II (as defined)

Professional Scientist - Level 11 (as defined)	160	584.30	83.20	24.00	691.50
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LEVEL 18

Professional Engineer - Level III (as defined)

Professional Scientist - Level III (as defined)	180	657.40	93.60	24.00	775.00
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LEVEL 19

Professional Engineer - Level IV (as defined)

Professional Scientist - Level IV (as defined)	210	766.90	109.20	24.00	900.10
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2. PIECE-WORK

(a) Full-time employees (as defined), part-time employees (as defined) and casual employees (as defined) may be required by the employer to work on piece-work rates.

PROVIDED that where an employer so requires an employee to work on piece-work rates then that employee shall earn at least 20 percent above his/her prescribed hourly or weekly rates.

(b) Where the employer and employee agree to work on piece-work rates then the rate may be fixed by agreement.

3. ENGINEERING/PRODUCTION JUNIORS - UNAPPRENTICED

The minimum weekly wage rate to be paid to unapprenticed juniors in occupations for which apprenticeship is not provided by this award shall be the undermentioned percentages of the sum of the Base Rate column and the Safety Net Adjustment column for Level 2, Engineering/Production Employee - Level II (as defined) adjusted to the nearest 10 cents.

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Years of Age	%	Weekly Wage Rate \$
17 years of age and under	57.8	187.00
18 years of age	68.3	221.00
19 years of age	82.5	266.90
20 years of age	97.7	316.10

4. CLERICAL JUNIORS

The minimum weekly wage rate to be paid to junior clerical employees shall be the undermentioned percentages of the sum of the Base Rate column and the Safety Net Adjustment column of Level 7, Clerical Officer, Grade 3 (as defined) adjusted to the nearest 10 cents.

Years of Age	%	Weekly Wage Rate \$
Under 16 years of age	39.44	153.50
16 to 17 years of age	48.31	188.00
17 to 18 years of age	53.22	207.10
18 to 19 years of age	64.07	249.40
19 to 20 years of age	76.88	299.20
20 to 21 years of age	88.72	345.30

5. APPRENTICES

The terms and conditions of apprenticeship shall be in accordance with those prescribed in the Industrial and Commercial Training Act 1985 and Regulations made thereto as administered by the Tasmanian Training Authority.

- (a) The minimum weekly wage rates for all apprentices subject to this award shall be the undermentioned percentages of the sum of the Base Rate column and the Safety Net Adjustment column for Level 7, Engineering Tradesperson - Level I (as defined) adjusted to the nearest 10 cents.

Years of Age	%	\$
First year apprentice	42	163.50
Second year apprentice	55	214.10
Third year apprentice	75	291.90
Fourth year apprentice	88	342.50

PROVIDED that an employee who is under 21 years of age on the expiration of his apprenticeship and thereafter works as a minor in the occupation to which he has been apprenticed shall be paid at not less than the adult rate prescribed for that classification.

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(b) All entitlements prescribed in this award as conditions of employment applying to other classes of employees shall likewise apply to apprentices.

6. TRAINEE - ENGINEERING ASSOCIATE

(a) Operation

The provision of this subclause shall apply to Trainee - Engineering Associate engaged under this award.

(b) Definition

A Trainee Engineering Associate shall mean an employee of less than 21 years of age who is undergoing, and proves to the satisfaction of the trainee's employer when requested, that the trainee is continuing an Associate Diploma course appropriate to the trainee's work and undertaken in a recognised educational institution or any course at least equivalent thereto.

(c) Rates of Pay

The minimum weekly wage rate for all trainees subject to this award shall be the undermentioned percentages of the sum of the Base Rate column and the Safety Net Adjustment column of Level 8 - Engineering Technician Level 1 (as defined) adjusted to the nearest 10 cents.

Years of Age	%	Weekly Wage Rate \$
17 years of age and under	52	211.90
18 years of age	62	252.70
19 years of age	75	305.60
20 years of age	88	358.60

(d) Proportion

The proportion of trainees who may be employed by any employer shall not exceed one trainee to every two adults in that area in which the trainee is employed under this division.

(e) Payment of Fees

A Trainee Engineering Associate who attends in any one year not less than 80 percent of the maximum possible attendances of the approved course at the training institution at which the trainee is pursuing their course of study, and passes the annual examinations in that year, or, if there is no examination, receives a satisfactory report, shall be reimbursed by the employer for all fees paid by the trainee for that course during that year. In the case of a trainee who complies with the foregoing requirement for attendances and who passes or

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receives a satisfactory report in a proportion of the subjects taken in any year, the employer shall reimburse a like proportion of fees.

The employer shall not, however, be required to reimburse fees or a proportion thereof for more than one year in excess of the period prescribed by the training institution for the approved course. Provided that, where a trainee is in the employ of more than one employer in any school year, then the last such employer shall be liable only for the payment of the fee pro-rata to the period of employment with the employer.

(f) Daytime Schooling

Trainees shall be allowed reasonable time off (not exceeding an average of eight hours per week during a school term) for the purpose of attending classes in connection with the appropriate certificate course on the same basis as apprentices in the establishment are allowed off for daytime schooling.

7. ALLOWANCES

(a) Disability Allowance

In addition to the weekly wage rates prescribed in Clause 8 - Wage Rates, all production and engineering employees shall be paid \$2.42 extra for each day or part of a day on which they are required to work away from the employer's premises.

PROVIDED that an employee working a 19 day work cycle shall be paid a disability allowance at the rate of \$2.56 per day or part day.

(b) Tool Allowance

Production and Engineering employees shall either be supplied with all tools by the employer or be paid a tool allowance of not less than \$9.00 per week.

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

(c) Leading Hands

Production and Engineering employees appointed the employer as Leading Hands shall receive the following allowances per week in addition to their classification rate:

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	Amount per week
Leading Hand in charge of -	
2 employees, excluding apprentices or juniors, or if appointed as such, per week extra	14.50
3-10 employees, excluding apprentices or juniors, or if appointed as such, per week extra	19.30
11-20 employees, excluding apprentices or juniors, or if appointed as such, per week extra	28.80
More than 20 employees, excluding apprentices or juniors, or if appointed as such, per week extra	36.60
 (d) Ship Repairing	
Employees engaged on ship repairs shall be paid the following additional amount per week:	
Tradesman per week extra	\$8.50
All other labourers per week extra	\$6.90

8. SUPPORTED WAGE SYSTEM

(a) Eligibility criteria

Subject to this section an employer may engage employees at a supported wage rate (as set out in subclause (c) of this section) 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 section 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 section 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.

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(b) For the purposes of this section:

- (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 section 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.)

(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;

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- (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 section, 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 section 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 section 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 section 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 subclause (d) and (e).

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- (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 29 - Special Rates, and inserting in lieu thereof the following:

"29. SPECIAL RATES

In addition to the wages prescribed in Clause 8 - Wage Rates, the following special rates and allowances shall be paid to all employees, including apprentices and unapprenticed juniors.

- (a) Boiling Down Works

Working in boiling down works - 23 cents per hour extra.

- (b) Cold Places

Working for more than one hour in places where the temperature is reduced by artificial means below zero degrees Celsius, 33 cents per hour extra. Where the work continues for more than 2 hours, employees shall be entitled to a rest period of 20 minutes every 2 hours without loss of pay.

- (c) Confined Spaces

Working in confined spaces (as defined), 43 cents per hour extra.

- (d) Dirty Work

Work which a supervisor and worker shall agree is of an unusually dirty or offensive nature, 33 cents per hour extra.

Ship repair work which a supervisor and worker shall agree is of an unusually dirty or offensive nature , 43 cents per hour extra.

Any dispute arising under this subclause as to whether the work is of an unusually dirty or offensive nature shall be referred to the Tasmanian Industrial Commission for determination.

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(e) Height Money

Boilermakers and welders and their assistants and drillers engaged in the erection, repair and/or maintenance of steel frame buildings, bridges, gasometers and similar structures at a height of 15 metres or more directly above the nearest horizontal plane shall be paid at the rate of 23 cents per hour extra.

(f) Hot Places

Working for more than one hour in the shade in places where the temperature is raised by artificial means to between 46 degrees and 54 degrees Celsius, 33 cents per hour extra; in places where the temperature exceeds 54 degrees Celsius, 43 cents per hour extra. When work continues for more than 2 hours in temperatures exceeding 54 degrees Celsius, employees shall also be entitled to 20 minutes' rest after every 2 hours' work without deduction of pay. The temperature shall be decided by the supervisor of the work after consulting with the employees who claim the extra rate.

(g) Lead Works

Working in lead works, 23 cents per hour extra.

(h) Lignum Vitae

Patternmaker in lignum vitae outside the workshop and fitting to stern bushes, 43 cents per hour extra.

(i) Meat Digesters and Oil Tanks

Working on repairs in oil tanks or meat digesters, 33 cents per hour extra.

PROVIDED that if any employee is so engaged for more than half of one day or shift payment shall be made at the prescribed allowance for the whole day or shift.

(j) Sanitary Works

Working in sanitary works, 23 cents per hour extra.

(k) Slag Wool

Employees handling loose slag wool, loose insulwool or other loose material of a like nature used for providing insulation against heat, cold or noise, shall, when so employed on ship construction or ship repairing or on the construction, repair or demolition of furnaces, walls, floors and/or ceilings, be paid 43 cents per hour extra.

(l) Slaughtering Yards

Working in slaughtering yards, 23 cents per hour extra.

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(m) Smoke Boxes, etc.

Working on repairs to smoke boxes or fire boxes of locomotives or on repairs to the smoke box uptake funnel, flue, furnace or combustion chamber of marine-type boilers, or on repairs to smoke boxes, fire boxes, furnace or flue of other types of boilers, 23 cents per hour extra.

PROVIDED that an employee engaged on repairs to oilfired boilers, including the casings, uptakes, and funnels or flues and smoke stacks, shall, while working inside such boiler, be paid 88 cents per hour extra.

(n) Wet Places

An employee working in any place where their clothing or boots become saturated, whether by water, oil or otherwise shall be paid 33 cents per hour extra.

PROVIDED that this extra rate shall not be payable to an employee who is provided by the employer with suitable and effective protective clothing and/or footwear.

PROVIDED ALWAYS that any employee who becomes entitled to this extra rate shall be paid such extra rate for such part of the day or shift as the employee is required to work in wet clothing or boots.

(o) Explosive Powered Tools

Employees required to use explosive powered tools shall be paid 10 cents per hour extra, with a minimum payment of 87 cents per day.

(p) Foundry Allowances

(i) employees engaged on foundry work as herein defined shall be paid a disability allowance of 24 cents for each hour worked to compensate for all disabilities associated with foundry work;

(ii) **PROVIDED** that where an apprentice is, for a period of half a day or longer, away from the foundry for the purpose of receiving tuition the amount of 'foundry allowance' paid shall be decreased proportionately;

(iii) the allowance herein prescribed shall be in lieu of any payment otherwise prescribed in this clause.

(iv) for the purpose of this subclause foundry work shall mean:

(1) any operation in the production of castings by casting metal in moulds made of sand, loam, metal, moulding composition or other material or mixture of materials, or by shell moulding centrifugal casting or continuous casting; and

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(2) where carried on as an incidental process in connection with and in the course of production to which subparagraph (1) of this definition applies, the preparation of moulds and cores (but not in making of patterns or dies in a separate room), knock out processes and dressing operations.

(q) Special Rates not Cumulative

Where more than one of the disabilities entitling a worker to extra rates exist on the same job the employer shall be bound to pay only one rate, namely the highest for the disabilities so prevailing.

(r) Rates not Subject to Penalty Additions

The special rates herein prescribed shall be paid irrespective of the times at which the work is performed, and shall not be subject to any premium or penalty additions."

OPERATIVE DATE

These variations shall come into operation from the first full pay period to commence on or after 24 July 1996.

P A Imlach
COMMISSIONER

6 August 1996