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**TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984  
s.23 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

**HOSPITALS AWARD**

**ORDER BY CONSENT -**

**No. 1 of 1998**

AMEND THE **HOSPITALS AWARD** IN THE FOLLOWING MANNER:

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

**"8. WAGE RATES**

**A. ADMINISTRATIVE AND CLERICAL EMPLOYEES**

An employee appointed or promoted to a position within a level prescribed by this award shall be paid at the salary rate determined for that level by reference to the relevant classification standards as set out in Clause 7 - Definitions.

(a) Operative from the first full pay period to commence on or after 14 July 1998:

**FULL-TIME EMPLOYEES**

	Base Salary Per Annum \$	Safety Net Adjustment \$	Total Salary Per Annum \$
<b>Level 1</b>			
1st year of service	16493	2288	18781
2nd year of service	17671	2288	19959
3rd year of service	18849	2288	21137
4th year of service & thereafter	20027	2288	22315
<b>Level 2</b>			
1st year of service	21205	2288	23493
2nd year of service	22383	2288	24671
3rd year of service & thereafter	23561	2288	25849
<b>Level 3</b>			
1st year of service	24739	2288	27027
2nd year of service	25328	2288	27616
3rd year of service	25917	2288	28205
4th year of service	26506	2288	28794
5th year of service & thereafter	27095	2236	29331
<b>Level 4</b>			
1st year of service	28273	2236	30509
2nd year of service	28862	2236	31098
3rd year of service	29452	2236	31688
4th year of service	30040	2236	32276
5th year of service & thereafter	30620	2236	32856
<b>Level 5</b>			
1st year of service	31808	2236	34044
2nd year of service	32397	2236	34633
3rd year of service & thereafter	32986	2236	35222

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Level 6			
1st year of service	34164	2236	36400
2nd year of service	34753	2184	36937
3rd year of service & thereafter	35342	2184	37526
Level 7			
1st year of service	36520	2184	38704
2nd year of service	37698	2184	39882
3rd year of service & thereafter	38876	2184	41060
Level 8			
1st year of service	41232	2184	43416
2nd year of service	42410	2184	44594
3rd year of service & thereafter	43588	2184	45772
Level 9			
1st year of service	45940	2184	48124
2nd year of service & thereafter	47122	2184	49306
Level 10	49478	2184	51662
Level 11	51835	2184	54019
Level 12	55369	2184	57553

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(b) Operative from the first full pay period to commence on or after 14 October 1998:

**FULL-TIME EMPLOYEES**

	Base Salary Per Annum \$	Safety Net Adjustment \$	Total Salary Per Annum \$
<b>Level 1</b>			
1st year of service	16493	2496	18989
2nd year of service	17671	2496	20167
3rd year of service	18849	2496	21345
4th year of service & thereafter	20027	2496	22523
<b>Level 2</b>			
1st year of service	21205	2496	23701
2nd year of service	22383	2496	24879
3rd year of service & thereafter	23561	2496	26057
<b>Level 3</b>			
1st year of service	24739	2496	27235
2nd year of service	25328	2496	27824
3rd year of service	25917	2496	28413
4th year of service	26506	2496	29002
5th year of service & thereafter	27095	2392	29487
<b>Level 4</b>			
1st year of service	28273	2392	30665
2nd year of service	28862	2392	31254
3rd year of service	29452	2392	31844
4th year of service	30040	2392	32432
5th year of service & thereafter	30620	2392	33012
<b>Level 5</b>			
1st year of service	31808	2392	34200
2nd year of service	32397	2392	34789
3rd year of service & thereafter	32986	2392	35378
<b>Level 6</b>			
1st year of service	34164	2392	36556
2nd year of service	34753	2288	37041
3rd year of service & thereafter	35342	2288	37630
<b>Level 7</b>			
1st year of service	36520	2288	38808
2nd year of service	37698	2288	39986
3rd year of service & thereafter	38876	2288	41164
<b>Level 8</b>			
1st year of service	41232	2288	43520
2nd year of service	42410	2288	44698
3rd year of service & thereafter	43588	2288	45876

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Level 9			
1st year of service	45940	2288	48228
2nd year of service & thereafter	47122	2288	49410
Level 10	49478	2288	51766
Level 11	51835	2288	54123
Level 12	55369	2288	57657

## **B. PROFESSIONAL EMPLOYEES**

An employee appointed or promoted to a position within a level prescribed by this award shall be paid at the salary rate determined for that level by reference to the relevant classification standards as set out in Clause 7 - Definitions.

(a) Operative from the first full pay period to commence on or after 14 July 1998:

	Base Salary Per Annum \$	Safety Net Adjustment \$	Total Salary Per Annum \$
Level 1			
1st year of service	25917	2288	28205
2nd year of service	27684	2236	29920
3rd year of service	29451	2236	31687
4th year of service	31218	2236	33454
5th year of service	32985	2236	35221
6th year of service	34752	2184	36936
7th year of service	36520	2184	38704
8th year of service & thereafter	38287	2184	40471
Level 2			
1st year of service	40054	2184	42238
2nd year of service	41821	2184	44005
3rd year of service & thereafter	43588	2184	45772
Level 3			
1st year of service	45944	2184	48128
2nd year of service	48300	2184	50484
3rd year of service & thereafter	49478	2184	51662
Level 4			
1st year of service	51834	2184	54018
2nd year of service	53601	2184	55785
3rd year of service & thereafter	55369	2184	57553
Level 5	60081	2184	62265

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(b) Operative from the first full pay period to commence on or after 14 October 1998:

	Base Salary Per Annum \$	Safety Net Adjustment \$	Total Salary Per Annum \$
Level 1			
1st year of service	25917	2496	28413
2nd year of service	27684	2392	30076
3rd year of service	29451	2392	31843
4th year of service	31218	2392	33610
5th year of service	32985	2392	35377
6th year of service	34752	2288	37040
7th year of service	36520	2288	38808
8th year of service & thereafter	38287	2288	40575
Level 2			
1st year of service	40054	2288	42342
2nd year of service	41821	2288	44109
3rd year of service & thereafter	43588	2288	45876
Level 3			
1st year of service	45944	2288	48232
2nd year of service	48300	2288	50588
3rd year of service & thereafter	49478	2288	51766
Level 4			
1st year of service	51834	2288	54122
2nd year of service	53601	2288	55889
3rd year of service & thereafter	55369	2288	57657
Level 5	60081	2288	62369

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### **C. TECHNICAL EMPLOYEES**

An employee appointed or promoted to a position within a level prescribed by this award shall be paid at the salary rate determined for that level by reference to the relevant classification standards as set out in Clause 7 - Definitions.

(a) Operative from the first full pay period to commence on or after 14 July 1998:

	Base Salary Per Annum \$	Safety Net Adjustment \$	Total Salary Per Annum \$
<b>Level 1</b>			
1st year of service	20616	2288	22904
2nd year of service	21205	2288	23493
3rd year of service	21794	2288	24082
4th year of service	22383	2288	24671
5th year of service & thereafter	23561	2288	25849
<b>Level 2</b>			
1st year of service	24739	2288	27027
2nd year of service	25917	2288	28205
3rd year of service	27095	2236	29331
4th year of service	28273	2236	30509
5th year of service & thereafter	29452	2236	31688
<b>Level 3</b>			
1st year of service	30620	2236	32856
2nd year of service	31808	2236	34044
3rd year of service	32986	2236	35222
<b>Level 4</b>			
1st year of service	34164	2236	36400
2nd year of service	35342	2184	37526
3rd year of service & thereafter	36520	2184	38704
<b>Level 5</b>			
	40054	2184	42238
<b>Level 6</b>			
	42410	2184	44594

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(b) Operative from the first full pay period to commence on or after 14 October 1998:

	Base Salary Per Annum \$	Safety Net Adjustment \$	Total Salary Per Annum \$
Level 1			
1st year of service	20616	2496	23112
2nd year of service	21205	2496	23701
3rd year of service	21794	2496	24290
4th year of service	22383	2496	24879
5th year of service & thereafter	23561	2496	26057
Level 2			
1st year of service	24739	2496	27235
2nd year of service	25917	2496	28413
3rd year of service	27095	2392	29487
4th year of service	28273	2392	30665
5th year of service & thereafter	29452	2392	31844
Level 3			
1st year of service	30620	2392	33012
2nd year of service	31808	2392	34200
3rd year of service	32986	2392	35378
Level 4			
1st year of service	34164	2392	36556
2nd year of service	35342	2288	37630
3rd year of service & thereafter	36520	2288	38808
Level 5	40054	2288	42342
Level 6	42410	2288	44698

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#### **D. OPERATIONAL EMPLOYEES**

An employee appointed or promoted to a position within a level prescribed by this award shall be paid at the salary rate determined for that level by reference to the relevant classification standards as set out in Clause 7 - Definitions.

(a) Operative from the first full pay period to commence on or after 14 July 1998:

	Base Salary Per Annum \$	Safety Net Adjustment \$	Total Salary Per Annum \$
Level 1			
1st 3 months of service	17671	2288	19959
After first 3 months and for next 12 months	18378	2288	20666
Level 2			
1st year of service	18407	2288	20695
2nd year of service	18851	2288	21139
3rd year of service & thereafter	19283	2288	21571
Level 3			
1st year of service	19509	2288	21797
2nd year of service	19784	2288	22072
3rd year of service & thereafter	20179	2288	22467
Level 4			
1st year of service	20586	2288	22874
2nd year of service	20986	2288	23274
3rd year of service & thereafter	21294	2288	23582
Level 5			
1st year of service	21585	2288	23873
2nd year of service	21882	2288	24170
3rd year of service & thereafter	22354	2288	24642
Level 6			
1st year of service	23561	2288	25849
2nd year of service & thereafter	23981	2288	26269
Level 7			
1st year of service & thereafter	24739	2288	27027
Level 8			
1st year of service & thereafter	27095	2236	29331
Level 9			
1st year of service & thereafter	29452	2236	31688

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Level 10			
1st year of service	31808	2236	34044

(b) Operative from the first full pay period to commence on or after 14 October 1998:

	Base Salary Per Annum \$	Safety Net Adjustment \$	Total Salary Per Annum \$
Level 1			
1st 3 months of service	17671	2496	20167
After first 3 months and for next 12 months	18378	2496	20874
Level 2			
1st year of service	18407	2496	20903
2nd year of service	18851	2496	21347
3rd year of service & thereafter	19283	2496	21779
Level 3			
1st year of service	19509	2496	22005
2nd year of service	19784	2496	22280
3rd year of service & thereafter	20179	2496	22675
Level 4			
1st year of service	20586	2496	23082
2nd year of service	20986	2496	23482
3rd year of service & thereafter	21294	2496	23790
Level 5			
1st year of service	21585	2496	24081
2nd year of service	21882	2496	24378
3rd year of service & thereafter	22354	2496	24850
Level 6			
1st year of service	23561	2496	26057
2nd year of service & thereafter	23981	2496	26477
Level 7			
1st year of service & thereafter	24739	2496	27235
Level 8			
1st year of service & thereafter	27095	2392	29487
Level 9			
1st year of service & thereafter	29452	2392	31844
Level 10			
1st year of service	31808	2392	34200

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#### **E. MEAL CHARGES**

The maximum amount that shall be charged or deducted where an employee receives a meal from his/her employer shall be:

Lunch or Evening Meal	Rate per Meal
Two or three courses	\$2.90
Single hot or cold main course	\$2.30
Single (other) course i.e. soup or sweet	\$2.10
All breakfasts	\$2.10

**PROVIDED** that:

- (i) A minimum charge of \$2.10 applies for each meal taken.
- (ii) In each case where a one, two or three course meal is ordered and charged for as above, no extra charge is to be levied for either beverages, toast, bread, butter or condiments.

#### **F. TOOL ALLOWANCE**

In addition to the wage rates prescribed in this clause the undermentioned classifications shall be paid the following tool allowance per week:

	\$
Carpenter	7.60
Painter	6.20
Fitter	6.20
Electrical Mechanic	6.20

**PROVIDED** that:

- (i) the employer shall provide a person employed as either an electrical mechanic or maintenance fitter with all hand, power or special tools necessary for the proper performance of such employee's duties.
- (ii) where an employer does not supply either an electrical mechanic or maintenance fitter with hand tools or where an employee is required to provide his own tools for use in the service of his/her employer he shall be paid a tool allowance in accordance with the above rates.

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## **G. REMOTE CALL ALLOWANCE**

The amount to be paid under the conditions prescribed in Clause 40 - Remote Call is 87.10 cents per hour operative from the first full pay period to commence on or after 14 July 1998.

## **H. 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.

**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 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:

**'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.

**'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.

**'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.

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

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(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%

**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;
- (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.

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(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, 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 \$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 paragraph (c) hereof.

**LEAVE RESERVED**

Training Rates"

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**OPERATIVE DATE**

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

B R Johnson  
**DEPUTY PRESIDENT**

13 August 1998