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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

TEXTILE AWARD

ORDER BY CONSENT

No. 2 of 2000

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THE **TEXTILE AWARD** IS VARIED IN THE FOLLOWING MANNER:

By deleting Clause 8 - WAGE RATES, and inserting in lieu thereof the following:

"8. WAGE RATES

DIVISION A - MANUFACTURING SECTION

1. WAGE RATES

(a) The weekly wage rates of employees engaged in the knitting, hosiery and allied manufacturing and fabricating industries shall be in accordance with those prescribed in the award known as the Textile Industry Award, made by the Australian Industrial Relations Commission.

(b) Any disputes arising in respect of the provisions of subclause (a) above to be referred to the Tasmanian Industrial Commission whose decision shall be final.

DIVISION B - CLERKS

1. WAGE RATES

Adult employees in a classification hereunder mentioned shall be paid the base rate and supplementary payments appearing opposite that classification:

	Base Rate Relativity %	Base Rate $	Safety Net Adjustment	Weekly Wage Rate $
Adult Entry (as defined)				
1st 6 months	80	333.80	75.00	408.80
2nd 6 months	85	354.60	75.00	429.60
Grade 1 (as defined)				
1A 1st 12 months	87	363.00	75.00	438.00
1B after 12 months	90	375.50	75.00	450.50
Grade 2 (as defined)				
2A 1st 12 months	92	383.80	75.00	458.80
2B after 12 months	95	396.30	75.00	471.30
Grade 3 (as defined)				
3A 1st 12 months	97	404.70	75.00	479.70
3B after 12 months	100	417.20	75.00	492.20
Grade 4 (as defined)	105	438.10	75.00	513.10
Grade 5 (as defined)	110	458.90	75.00	533.90
Grade 6 (as defined)	115	479.80	73.00	552.80

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2. JUNIORS

The minimum weekly wage rate that may be paid to juniors may be the undermentioned percentages of Grade 1, 1st 12 months service weekly wage rate adjusted to the nearest ten cents:

	%
Under 16 years of age	40
16 to 17 years of age	45
17 to 18 years of age	55
18 to 19 years of age	70
19 to 20 years of age	80
20 to 21 years of age	90

3. TRAINEE CLERK

The minimum weekly wage rate payable to a trainee clerk shall be determined by the following method of calculation:

> By taking the appropriate weekly wage rate for a junior clerk as prescribed in subclause 2 of this division then multiplying it by 39 and dividing it by 52.

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 ALWAYS that trainee clerk (as defined) weekly wage rate shall be calculated in multiples of ten cents with any result of five cents or more being taken to the next ten cents.

DIVISION C - AUXILIARY SERVICES

1. WAGE RATES

Adult employees in a classification hereunder mentioned shall be paid the base rate and supplementary payments appearing opposite that classification:

Classification	Base Rate Relativity %	Base Rate $	Safety Net Adjustment $	Weekly Wage Rate $
Gate-Keeper	84	350.40	75.00	425.40
Watchman	87.4	364.60	75.00	439.60
Canteen Worker (Entry Level)	78	325.40	75.00	400.40
Canteen Worker	82	342.10	75.00	417.10
Employee responsible for canteen worker and mobile cash sales	84	350.40	75.00	425.40
Employee in charge of canteen store	84	350.40	75.00	425.40

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Classification	Base Rate Relativity %	Base Rate $	Safety Net Adjustment $	Weekly Wage Rate $
Pastry Cook (Non-Qualified)	87.4	364.60	75.00	439.60
Pastry Cook (Tradesmen)	100	417.20	75.00	492.20
Cook other	82	342.10	75.00	417.10
Cook in charge	92.4	385.50	75.00	460.50
Cleaner (Entry Level)	78	325.40	75.00	400.40
Cleaner	84	350.40	75.00	425.40
Gardener	87.4	364.60	75.00	439.60
Greenkeeper (Qualified Tradesmen)	100	417.20	75.00	492.20
Greenkeeper (Non-Qualified)	87.4	364.60	75.00	439.60

2. JUNIORS

The minimum rates of pay that may be paid to junior employees shall be the undermentioned percentages of the appropriate adult total wage calculated to the nearest ten cents:

	%
16 years of age	50
16½ years of age	55
17 years of age	59
17½ years of age	64
18 years of age	69
18½ years of age	75
19 years of age	80
19½ years of age	85
20 years of age	100

Notwithstanding anything elsewhere contained in this clause a junior after three years experience, or upon attaining the age of 20 years, shall be paid the appropriate rate prescribed for an adult employee in the classification in which he or she is employed.

DIVISION D - SUPPORTED WAGE SYSTEM

(a) Eligibility criteria

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

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PROVIDED FURTHER that this division 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.

(b) For the purposes of this division:

(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 division 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 $51 per week.)

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(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 division, 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 division 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 division 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.

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(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 division 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 subclauses (d) and (e).

(iii) 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.

(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."

OPERATIVE DATE

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

RJ Watling
DEPUTY PRESIDENT

2 August 2000