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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

PHOTOGRAPHIC INDUSTRY AWARD

ORDER BY CONSENT

No. 2 of 2000

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THE **PHOTOGRAPHIC INDUSTRY AWARD** IS VARIED IN THE FOLLOWING MANNER:

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

"8. WAGE RATES

(a) Adult employees shall be paid in accordance with the following classification structure.

| | Base Rate | Safety Net Adjustment | Weekly Wage Rate |
|--------------------|-----------|-----------------------|------------------|
| | \$ | \$ | \$ |
| Group 1 | | | |
| Storeman (Grade 1) | 343.30 | 75.00 | 418.30 |
| Storeman (Grade 2) | 350.60 | 75.00 | 425.60 |

A storeman/woman working singly and/or a storeman/woman who has control of an isolated store where no direct supervision is exercised and is responsible for receipt, controls, issues and stock checking of goods and/or material notation and preparation of necessary documents.

Section Manager, i.e. an employee in charge of a section who is actually employed in that section and in direct contact with the customers, notwithstanding that he may be under the orders of a superior who does not devote the whole of his time to the management of this section:

| | | | |
|--|--------|-------|--------|
| (i) If in charge of a section where 5 or more employees (including the section manager) are employed | 358.10 | 75.00 | 433.10 |
| (ii) If in charge of a section where 3 or 4 employees (including the section manager) are employed | 352.30 | 75.00 | 427.30 |

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Group 2

Clerks/Sales Assistants

| | | | |
|--|--------|-------|--------|
| First year's adult experience | 310.00 | 75.00 | 385.00 |
| Second year's adult experience | 331.70 | 75.00 | 406.70 |
| Third year's adult experience and thereafter | 360.00 | 75.00 | 435.00 |

| | | | |
|--|--------|-------|--------|
| An accountant or chief clerk wholly responsible for the office work and who prepares the balance sheet and profit and loss account | 478.90 | 73.00 | 551.90 |
|--|--------|-------|--------|

A clerk who is in charge of and responsible for the work of:

| | | | |
|-------------------------|--------|-------|--------|
| (i) 5 or more employees | 425.50 | 75.00 | 500.50 |
| (ii) 3 or 4 employees | 409.10 | 75.00 | 484.10 |
| (iii) 2 employees | 400.90 | 75.00 | 475.90 |

| | | | |
|-------------------------------------|--------|-------|--------|
| Senior Sales Assistant (as defined) | 376.50 | 75.00 | 451.50 |
|-------------------------------------|--------|-------|--------|

Group 3

| | | | |
|--------------|--------|-------|--------|
| Photographer | 363.30 | 75.00 | 438.30 |
|--------------|--------|-------|--------|

| | | | |
|--|--------|-------|--------|
| Laboratory Technician (copying, enlarging, processing and retouching and the like) | 363.30 | 75.00 | 438.30 |
|--|--------|-------|--------|

| | | | |
|---|--------|-------|--------|
| General Assistant in a Photographic Shop/Laboratory | 355.60 | 75.00 | 430.60 |
|---|--------|-------|--------|

| | | | |
|---|--------|-------|--------|
| Printing/Photographic Printing Machine Operator | 360.00 | 75.00 | 435.00 |
|---|--------|-------|--------|

Group 4

| | | | |
|-------------------|--------|-------|--------|
| Country Traveller | 418.30 | 75.00 | 493.30 |
|-------------------|--------|-------|--------|

| | | | |
|-------------------------|--------|-------|--------|
| Town or Local Traveller | 383.90 | 75.00 | 458.90 |
|-------------------------|--------|-------|--------|

| | | | |
|------------------------|--------|-------|--------|
| Probationary Traveller | 350.00 | 75.00 | 425.00 |
|------------------------|--------|-------|--------|

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Group 5

Employee driving motor vehicle having maker's capacity of :

| | | | |
|---------------------------------------|--------|-------|--------|
| 1.2 tonnes or less | 355.20 | 75.00 | 430.20 |
| Over 1.2 tonnes but not over 3 tonnes | 359.10 | 75.00 | 434.10 |
| Over 3 tonnes but under 6 tonnes | 364.00 | 75.00 | 439.00 |

(b) Juniors

(i) Storeman Classifications

The minimum rates of wages for junior workers in these classifications shall be the undermentioned percentages of Storeman Grade 1:

| Age | % |
|-----------------------|------|
| Under 16 years of age | 55 |
| 16 to 17 years of age | 65 |
| 17 to 18 years of age | 78.5 |
| 18 to 19 years of age | 93 |
| 19 to 20 years of age | 100 |

(ii) All Others

The following percentages of the relevant classification rate shall be used to determine the minimum rate payable to junior employees in other than storeman classifications:

| Age | % |
|-----------------------|----|
| Under 16 years of age | 45 |
| 16 to 17 years of age | 54 |
| 17 to 18 years of age | 59 |
| 18 to 19 years of age | 73 |
| 19 to 20 years of age | 86 |
| 20 to 21 years of age | 90 |

PROVIDED that:

- (1) For clerks (as defined) and sales assistants (as defined) the relevant classification shall be the rate for the 2nd year of adult experience.
- (2) No junior employee engaged as a sales assistant (as defined) shall receive less than the rate for 16 to 17 years of age.

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(3) No junior employee engaged as a driver shall receive less than the percentage rate for 18 to 19 year olds of the relevant classification and the full adult rate shall apply to all drivers on reaching 20 years of age.

- (iii) The wages of junior workers shall be calculated to the nearest 10 cents.
- (iv) When determining the amount payable to an employee attaining the age of 21 years, who has been employed as a junior assistant in any of the trades covered by this award, experience obtained after reaching the age of 18 years shall be counted as adult experience.

(c) Additional Payments

(i) In addition to the weekly rates prescribed herein the following additional amounts per week shall be paid to employees engaged as stenographers, audio-typists, tele-typists, accounting machine, data processing, tabulating machine, card punch and verifier operators.

| Age | \$ |
|--------------------------|------|
| Under 16 years of age | 1.20 |
| 16 to 17 years of age | 1.40 |
| 17 to 18 years of age | 1.50 |
| 18 to 19 years of age | 1.80 |
| 19 to 20 years of age | 2.50 |
| 20 to 21 years of age | 2.60 |
| 21 years of age and over | 3.20 |

(ii) Employees engaged as a driver handling money, i.e. an employee who collects or pays out money and who is responsible for the safe custody of the amounts so collected or carried to be paid out shall be paid per week the following in addition to his weekly wage:

| | \$ |
|---|------|
| For any amount handled over \$20.00 | 0.80 |
| For any amount handled over \$20.00 but not exceeding \$200.00 | 1.90 |
| For any amount handled over \$200.00 but not exceeding \$600.00 | 3.90 |
| For any amount handled over \$600.00 but not exceeding \$1,000.00 | 4.30 |
| For any amount handled over \$1,000.00 | 6.10 |

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(d) 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.

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 s.10 or under s.12A of the above Act, or if a part only has received recognition, that part.

(ii) For the purposes of this subclause:

- (1) **"Supported Wage System"** means the Commonwealth Government System to promote employment for people who cannot work at full award wages because of a disability.
- (2) **"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.
- (3) **"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.
- (4) **"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.

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(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 (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.)

(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.

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(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.

(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 4 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.

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- (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."

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