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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

FARMING AND FRUIT GROWING AWARD

ORDER BY CONSENT -

No. 2 of 2000

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THE **FARMING AND FRUIT GROWING AWARD** IS VARIED IN THE FOLLOWING MANNER:

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

8. WAGE RATES

1. ADULT EMPLOYEES

(a) Adult employees in a classification level hereunder mentioned shall be paid the weekly wage rate appearing opposite that classification.

No.	Classification	Base Rate Relativity %	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
1.	Farm and/or Orchard Hand Level 1 (as defined)	78	325.50	75.00	400.50
2.	Farm and/or Orchard Hand Level 2 (as defined)	84	350.50	75.00	425.50
3.	Farm and/or Orchard Hand Level 3 (as defined)	90	375.50	75.00	450.50
4.	Mechanical Plant Operator Level 1 (as defined)	90	375.50	75.00	450.50
5.	Mechanical Plant Operator Level 2 (as defined)	95	396.30	75.00	471.30
6.	Farm and/or Orchard Hand Level 4 (as defined)	100	417.20	75.00	492.20

2. APPRENTICES

The minimum weekly wage rate that may be paid to apprentices shall be the undermentioned percentage of the weekly wage rate payable to Farm and/or Orchard Hand - Level 4 (as defined):

	%
1st year	42
2nd year	55
3rd year	75
4th year	88

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3. JUNIOR EMPLOYEES

The minimum weekly wage rate that may be paid to unapprenticed junior employees shall be the undermentioned percentage of the weekly wage rate for the classification Farm and/or Orchard Hand - Level 1 (as defined):

	Percentage of Adult Wage %
Under 16 years of age	55
16 to 17 years of age	65
17 to 18 years of age	75
18 to 19 years of age	85
19 to 20 years of age	95
20 years of age and over	100

4. LEADING HANDS

In addition to the wage rates prescribed in subclauses 1 and 2 of this clause, Leading Hands shall receive the following additional amounts per week:

A Leading Hand is a person:

- (a) in charge of 2 to 6 employees \$14.50 extra
- (b) in charge of 7 to 10 employees \$16.50 extra
- (c) in charge of 11 to 19 employees \$20.50 extra
- (d) in charge of 20 or more employees \$27.00 extra

5. PIECE WORK

- (a) Full-time employees (as defined) and/or 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 12 ½% more than the hourly equivalent for an employee classified as Farm and/or Orchard Hand Level 2 (as defined).

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

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6. 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 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 subclause:

- (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 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:

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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.)

(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.

(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.

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(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 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 paragraphs (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 paragraph (c) hereof."

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

9. ALLOWANCES

(a) Tool Allowance

All employees engaged in work that is normally undertaken as part of a trade under the Industrial and Commercial Training Act 1985 shall either be supplied with all tools by the employer or be paid a tool allowance of not less than \$8.80 per week.

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

(b) Meal Allowance

An employee who is required to work overtime for one and a half hours or more without being notified the previous day shall either be supplied with a meal by the employer or be paid a meal allowance of \$10.00.

(c) Motor Cycle Allowance

Where an employer requires an employee to use his/her own motor cycle during the course of employment than an allowance of \$1.90 per day shall be paid by the employer as well as fuel supplied.

(d) Travelling Time Allowance

An employee who on any day or from day to day is required to work away from the usual workplace shall, at the direction of the employer, present for work at such workplace at the usual starting time; but all time reasonably spent in reaching and returning from such workplace (in excess of the time normally spent travelling to and from the usual workplace) shall be paid travelling time payment at ordinary rates of pay.

(e) Kilometreage Allowance

Where an employee is required by the employer to use his/her own motor vehicle for the purpose of the employer's business, then the employee will be paid 31 cents per kilometre travelled, with a minimum of \$4.50 per day.

(f) First Aid Allowance

A full-time employee (as defined) holding first aid qualifications from the Red Cross Society, St John Ambulance or similar body and appointed by the employer to perform first aid duties shall receive in addition to his/her wages an allowance of \$1.55 per day.

(g) Special Rates

Employees who are engaged in spraying, sowing or spreading of fertilisers, handling of chemicals, or threshing or cleaning seeds indoors shall be provided, by the employer, with protective clothing (including where necessary, respirators and/or goggles), and be paid 40 cents per hour extra while so engaged with a minimum payment as for 4 hours on any one day."

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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

3 August 2000