

**TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984

s23 application for an award or variation of an award

**Tasmanian Trades and Labor Council**

(T6941 of 1997)

All public and private sector awards

**Automotive, Food, Metals, Engineering,  
Printing & Kindred Industries Union**

(T6928 of 1997)

Automotive Industries Award

(T6929 of 1997)

Draughting & Technical Officers (Private Industry) Award

(T6930 of 1997)

Fish, Aquaculture and Marine Products Award

(T6931 of 1997)

Metal & Engineering Industry Award

(T6932 of 1997)

Optical Industries Award

(T6933 of 1997)

Shipbuilders Award

(T6934 of 1997)

Surveyors (Private Industry) Award

**The Australian Workers' Union, Tasmania Branch**

(T6947 of 1997)

Automotive Industries Award

Bootmakers Award

Building Trades Award

Building and Construction Industry Award

Butter and Cheesemakers Award

Carriers Award

Clay and Mud Products Award

Concrete Products Award

Dairy Processing Award

Farming and Fruitgrowing Award

Fish, Aquaculture and Marine Products Award

Horticulturists Award

Marine Boards Award

Meat Processing Industry Award  
Metal and Engineering Industry Award  
Monumental Masons Award  
Optical Industries Award  
Pasminco Rosebery (Mining) Award  
Plant Nurseries Award  
Produce Award  
Public Vehicles Award  
Quarrymens Award  
Roadmakers Award  
Rubber Trades Award  
Shearing Industry Award  
Shellfish Industry Award  
Timber Merchants Award  
Wireworking Award  
National Training Wage (Tasmanian Private Sector) Award

**Transport Workers' Union of Australia, Tasmanian Branch**  
(T6956 of 1997)  
Transport Workers General Award

**National Union of Workers, Tasmanian Branch**  
(T6971 of 1997)  
Automotive Industries Award  
Fuel Merchants Award  
Produce Award  
Retail Trades Award  
Rubber Trades Award  
Softgoods Award  
Wholesale Trades Award  
Fibreglass and Plastics Award  
Timber Merchants Award  
Wholesale Pharmaceutical Award

**Australasian Meat Industry Employees Union,  
Tasmanian Branch**  
(T6979 of 1997)  
Meat Processing Industry Award  
Meat Retailing Award

**Textile, Clothing and Footwear Union of Australia,  
Tasmanian Branch**  
(T6987 of 1997)  
Bootmakers Award  
Clothing Industry Award  
Textile Award

**Australian Municipal, Administrative, Clerical and Services Union**

(T6991 of 1997)

Aerated Waters Award  
Barristers and Solicitors Award  
Broadcasting and Television Award  
Clerical and Administrative Employees (Private Sector) Award  
Community Services Award  
Entertainment Award  
Estate Agents Award  
Furnishing Trades Award  
Independent Schools (Non-Teaching Staff) Award  
Insurance Award  
Photographic Industry Award  
Printers Award  
Public Accountants Award  
Restaurant Keepers Award  
Shipping Award  
Totalizator Agency Award

**Health Services Union of Australia, Tasmania No. 1 Branch**

(T6993 of 1997)

Dentists Award  
Disability Service Providers Award  
Medical Practitioners (Private Sector) Award  
Medical Diagnostic Services Award  
Nursing Homes Award  
Hospitals Award

**HAIRDRESSERS AWARD**

FULL BENCH:

PRESIDENT F D WESTWOOD

DEPUTY PRESIDENT B R JOHNSON

COMMISSIONER R J WATLING

Wage Rates - State Wage Case July 1997 - application to flow on Australian Industrial Relations Commission Safety Net Review decision April 1997 (Print P1997) agreed tripartite position - Wage Fixing Principles varied - \$10.00 per week arbitrated safety net adjustment approved- all private sector awards to be varied on application no earlier than ffpp on or after 14 July 1997 - State Minimum Wage to be subject to separate application

**ORDER -**

**No. 1 of 1997**

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

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

**"8. WAGE RATES**

**1. ADULTS**

(a) Adult employees of a classification hereunder mentioned shall be paid the weekly wage rate assigned opposite that classification

(i) Operative from the first full pay period to commence on or after 2 October 1998:

	Base Rate \$	Supplementary Payment \$	Weekly Wage Rate \$
1 The Holder of a Hairdressers Certificate (as defined)	352.60	34.00	386.60
2 The Holder of Principals Certificate (as defined)	369.40	34.00	403.40
3 The Holder of a Masters Certificate (as defined)	387.90	34.00	421.90
4 Beauty Therapist	387.90	34.00	421.90
5 Beautician	350.10	34.00	384.10
6 All Others	339.10	34.00	373.10

(b) 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.

(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 (iv))	% 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.)

(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.

(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.
- (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.

## **2. APPRENTICES**

The employment of apprentices shall be in accordance with the requirements of the Vocational Education and Training Act 1995, and regulations made thereto.

- (a) The minimum ordinary weekly wage rates to be paid by employers to apprentices shall be the undermentioned percentages of the current minimum weekly wage rate for the holder of a Principal's Certificate.

**PROVIDED** that the rates of payment outlined herein, incorporate the Proficiency Allowance prescribed by the Tasmanian State Training Authority.

	Percentage of weekly wage rate for Classification 2 of Section 1, subclause (a) hereof (\$403.40) %	Weekly Wage Rate \$
1st year		
- first six months	40	161.40
- second six months	42	169.40
2nd year	55	221.90
3rd year	75	302.60
4th year	90	363.10

The said minimum rates shall be calculated to the nearest 10 cents.

- (b) An employee who is under the age of 21 on the completion of his/her apprenticeship, or any junior, other than a probationer or an apprentice, who uses the tools in performing work usually carried out by a fully qualified hairdresser shall be paid not less than the appropriate weekly wage rate prescribed for a fully qualified hairdresser.
- (c) Tool allowances in accordance with the scale prescribed in Clause 14 - Equipment Allowance shall be paid to apprentices, in addition to the rates prescribed herein.
- (d) The period of apprenticeship shall be 4 years.
- (e) The proportionate number of apprentices that may be employed, the conditions of apprenticeship, shall be as prescribed by the Tasmanian State Training Authority.
- (f) Apprentices shall be indentured in accordance with the requirements of the Tasmanian State Training Authority. Indentures may be obtained on application to the Tasmanian State Training Authority.
- (g) Supported Wage System

As provided for in Section 1 - Adults, subclause (b) of this Clause.

### **3. JUNIOR WORKERS**

- (a) Junior Workers

In a salon where there are not less than 4 employees engaged on hairdressing duties, one junior worker may be employed, but such junior employee shall be employed solely on the duties of tea and tidy work and messenger. The weekly wage rates for such junior worker shall be as follows:-

	Percentage of \$345.50 %	Weekly Wage Rate \$
16 years of age and under to 17 years of age	54	186.60
17 to 18 years of age	60	207.30
18 to 19 years of age	73	252.20
19 to 20 years of age	86	297.10
20 to 21 years of age	90	311.00

- (b) Junior workers employed under Classifications, 4, 5 and 6, Section 1, subclause (a), hereof (Beauty Therapist, Beautician, All Others):-

	Percentage of weekly wage rate for Classification 6, Section 1, subclause (a) hereof (\$373.10) %	Weekly Wage Rate \$
17 years of age and under to 18 years	60	223.90
18 to 19 years of age	73	272.40
19 to 20 years of age	86	320.90
20 to 21 years	90	335.80

- (c) Supported Wage System

As provided for in Section 1 - Adults, subclause (b) of this Clause."

**2. By deleting Clause 11 – Certificate Allowances and inserting in lieu thereof the following:**

**"11. CERTIFICATE ALLOWANCE**

An employee who has successfully completed a course in -

- (a) Salon Administration
- (b) Biology of Hair and Skin
- (c) Beauty Culture

being courses conducted by the Education Department, shall be paid, in addition to the weekly rate, an amount of \$3.50 per week for each of the successfully completed courses."

**OPERATIVE DATE**

These variations shall come into operation from the first full pay period to commence on or after 14 July 1997.

P A Imlach  
**COMMISSIONER**

16 July 1997