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**TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984  
s23 application for award or variation of award

**Tasmanian Chamber of Commerce and Industry Limited**  
(T8963 of 2000)

Australian Cement Holdings Enterprise Award  
Broadcasting and Television Award  
Butter and Cheesemakers Award  
Civil Construction and Maintenance Award  
Clerical and Administrative Employees (Private Sector) Award  
Dairy Processing Award  
Estate Agents Award  
Farming and Fruit Growing Award  
Fibreglass and Plastics Award  
Fish Aquaculture and Marine Products Award  
Fuel Merchants Award  
Furnishing Trades Award  
Horticulturists Award  
Hotels, Resorts, Hospitality and Motels Award  
Independent Schools (Non-Teaching Staff) Award  
Insurance Award  
Licensed Clubs Award  
Marine Boards Award  
Meat Processing Industry Award  
Medical Diagnostic Services (Private Sector) Award  
Medical Practitioners (Private Sector) Award  
Miscellaneous Workers Award  
Nursing Homes Award  
Optical Industries Award  
Photographic Industry Award  
Plant Nurseries Award  
Printers Award  
Produce Award  
Public Accountants Award  
Public Vehicles Award  
Restaurant Keepers Award  
Retail Trades Award  
Rubber Trades Award  
Shellfish Industry Award  
Textile Award  
Timber Merchants Award  
Totalizator Agency Award  
Wholesale Pharmaceutical Award  
Wholesale Trades Award

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FULL BENCH:  
DEPUTY PRESIDENT R J WATLING  
COMMISSIONER T J ABEY  
COMMISSIONER A W PEARCE

Award variation - nominated private sector awards - application amended - deletion of obsolete training provisions - application granted - operative ffp 7 September 2000

## **RETAIL TRADES AWARD**

**ORDER BY CONSENT**

**No. 3 of 2000**

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THE **RETAIL TRADES AWARD** IS VARIED IN THE FOLLOWING MANNER:

**1. By deleting Clause 3 - ARRANGEMENT, and inserting in lieu thereof the following:**

**"3. ARRANGEMENT**

<u>Subject Matter</u>	<u>Clause No.</u>	<u>Page No.</u>
Title	1	
Scope	2	
Arrangement	3	
Date of Operation	4	
Supersession & Savings	5	
Parties & Persons Bound	6	
Definitions	7	
Wage Rates	8	
Annualized Salary Agreements	9	
Annual Leave	10	
Carer's Leave	11	
Casual Employees	12	
Clothing	13	
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Contract of Employment	15	
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Estimating Service	17	
Holidays with Pay	18	
Holiday Work	19	
Hours of Work	20	
Loaded Hourly Rate	21	
Mixed Functions	22	
Overtime	23	
Parental Leave	24	
Part-time Employees	25	
Payment of Wages	26	
Ratio of Juniors to Adult Employees	27	
Rest Periods	28	
Right of Entry of Union Officials	29	
Rosters	30	
Savings	31	
Sick Leave	32	
Special Provisions - Nightfill	33	
Steward	34	
Structural Efficiency	35	
Sunday Work	36	
Superannuation	37	
Tea Money	38	
Transport workers - Conditions of Employment	39	
Schedule 1"		

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**2. By deleting Clause 7 - DEFINITIONS, and inserting in lieu thereof the following:**

**7. DEFINITIONS**

**"Casual employee"** means any person specifically engaged to work on an irregular basis, as and when required by mutual consent between employer and employee, but does not include any person employed on a **part-time** or full-time basis.

**"Industrial Commission"** means Tasmanian Industrial Commission.

**"Launceston"** for the purpose of this award shall mean the area within 11 kilometres from the Chief Post Office at Launceston.

**"Nightfill"** means the replenishing of fixtures and/or shelves in a shop in the ordinary hours expressed in Clause 20 - Hours of Work subclauses 1. (a), (b), (c), (d), (e), (f) and (g).

**"Part-time employee"** is one engaged to regularly work for less hours per day or week than those prescribed for full-time employees.

**RETAIL EMPLOYEE GRADE 1**

**Relativity 85%**

- This is the adult entry point for employees engaged in a sales, stores or clerical function with less than 6 months relevant experience in the retail industry, either as a junior or an adult.
- Such employees shall be advanced to a higher graded position after 6 months service. This shall mean 830 hours actual service.
- This grade also applies to an employee engaged predominantly on cleaning duties. Provided there shall be no automatic advancement to a higher graded position after 6 months service.

**RETAIL EMPLOYEE GRADE 2**

**Relativity 92.1%**

General Description:

This is the main operating classification within the industry. Employees at this level would work under supervision, have sound interpersonal skills and exercise limited discretion.

Tasks:

Indicative of the tasks which might be required at this level are the following:

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- Sales and customer assistance, cash register operation, wrapping and packaging
- Stock display
- Reordering of stock not requiring the exercise of discretion as to price, quality or type
- Driving of light vehicles incidental to sales or store duties
- Licensed operation of appropriate materials handling equipment
- General stores duties including operation of VDU
- Basic clerical functions including operation of telephone/intercom systems, facsimile machines, mail functions, preparation and allotting of documents, processing of credit charges, filing of documents and records using an established paper based filing system
- Basic keyboard and VDU functions which are incidental to an employee's primary task.

Employment Categories:

The following employment categories would normally be found at this level.

- Sales Assistant
- Clerical Assistant
- Storeperson

### **RETAIL EMPLOYEE GRADE 3**

**Relativity 96%**

General Description:

Employees at this level are required to operate at a higher level than that expected of a Retail Employee Grade 2. In the main, employees will have designated supervisory, security or operational responsibilities and will be required to exercise discretion. Employees are responsible and accountable for their own work.

Tasks:

Indicative of the tasks which might be required at this level are the following:

- Supervisory assistance to a designated section manager or team leader
- Opening and closing of premises and associated security

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- Security of cash
- Fitting of surgical corsets
- Advanced Floristry tasks
- General clerical functions including intermediate keyboard skills and word processing

Employment Categories:

The following employment categories would normally be found at this level.

Designated second-in-charge of a section (i.e. senior sales assistant)

- Designated second-in-charge to a service supervisor
- Person employed alone, with responsibilities for the security and general running of a shop
- Storeperson with supervisory role
- Floristry tradesperson
- General clerical officer, typist
- Corsetiere

#### **RETAIL EMPLOYEE GRADE 4**

**Relativity 100%**

General Description:

Employees at this level exercise skill and responsibilities equivalent to that of tradesperson. In most cases employees at this level will be in supervisory positions and be required to exercise both discretion and initiative. Employees are required to implement policy matters within their functional areas.

Tasks:

Indicative of the tasks which might be required at this level are the following:

- Management of a defined section/department
- Supervision of up to 2 sales staff (including self)
- Stock control
- Buying/ordering requiring the exercise of discretion as to price quantity, quality etc.

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- Supermarket front end supervisor of up to 15 employees (at any one time)
- Supervision of night fill operation
- Machine, keyboard and computer skills at an advanced level
- Initiation of straight forward correspondence
- Guidance of and allocation of work to lower level clerical staff

Employment Categories:

The following employment categories would normally be found at this level.

- Section/Department manager with 2 employees (including self)
- Service Supervisor of up to 15 employees
- Night fill supervisor
- Tradesperson (other than floristry)
- Senior clerical officer

#### **RETAIL EMPLOYEE GRADE 5**

**Relativity 105%**

General Description:

Employees at this level are required to exercise supervisory, administrative and policy responsibilities at a higher level than Grade 4.

Tasks:

Indicative of the tasks which might be required at this level are the following:

- Management of a defined section/department with 3 or 4 employees (including self)
- Supermarket front end supervision of in excess of 15 employees (at any one time)
- Supervision of up to 4 clerical staff (including self)
- Payroll Management

Employment Categories:

The following employment categories would normally be found at this level.

- Section/Department manager with up to 4 employees (including self)

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- Service Supervisor (more than 15 employees)
- Clerical officer in charge of up to 4 clerical staff (including self)

## **RETAIL EMPLOYEE GRADE 6**

**Relativity 110%**

General Description:

Employees at this level will exercise an advanced level of supervisory and administrative responsibilities requiring a significant degree of discretion and initiative. They will be able to respond to and act upon complex and sensitive issues in the areas of customer services, planning, staff control, merchandising etc.

Tasks:

Indicative of the tasks which might be required at this level are the following:

- Management of a defined section/department with 5 or more employees (including self)
- Supervision of 5 or more clerical staff (including self)
- Credit control

Employment Categories:

The following employment categories would normally be found at this level:

- Section/department manager with 5 or more employees (including self)
- Administration officer in charge of 5 or more employees (including self)

## **RETAIL EMPLOYEE GRADE 7**

This applies to senior level administrative officers. The definitions and wage rates applicable to Administrative Officer Grades 6 and 7 of the Clerical and Administrative Employees (Private Sector) Award shall be applied.

**"Show Day"** means not more than one local show day observed on an employee's ordinary working day, other than a Saturday or a Sunday, in the city, town or district in which the employee is employed; or such other day which, in the absence of such a local show day, is agreed on by the employee and the employer, therefore making a total of 11 paid public holidays per year.

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**"Window Dresser" and/or "Show Card-Writer"** means an employee the greater part of whose time is engaged in the supervision of and/or preparation of displays and/or dressing of windows."

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

**"8. WAGE RATES**

(a) Adults

Adult employees of a grade hereunder mentioned shall be paid the amount assigned opposite that grade.

Retail Employee	Relativity %	Base Rate \$	Safety Net Adjustment \$	Weekly Wage Rate \$
Grade 1	85	354.60	75.00	429.60
Grade 2	92.1	384.10	75.00	459.10
Grade 3	96	400.50	75.00	475.50
Grade 4	100	417.20	75.00	492.20
Grade 5	105	438.10	75.00	513.10
Grade 6	110	458.90	75.00	533.90
Grade 7	- See rates applicable as per Clerical and Administrative Employees. (Private Sector) Award			

(b) Juniors

The minimum rates that may be paid to junior employees shall be the undermentioned percentages of the rate prescribed for a Retail Employee Grade 2.

	%
Under 17 years of age	50
17 to 18 years of age	54.5
18 to 19 years of age	67.5
19 to 20 years of age	79.5
20 to 21 years of age	83

(c) Transport Workers

Wage rates for employees engaged in transport classifications shall be as prescribed in Clause 8 - Wage Rates - of the Transport Workers General Award.

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(d) Nightfill Employees

All employees employed to work "Nightfill" (as defined) shall receive a "Nightfill loading". This loading shall be 25% and applied to all hours worked.

(e) Floristry Apprentice

The minimum ordinary rate of payment for floristry apprentices shall be the undermentioned percentage of the rate for a Retail Employee Grade 3B.

	%
First Year	42
Second Year	55
Third Year	75
Fourth Year	88

(f) Additional Rates

Window-dressers or show card writers (as defined) shall receive 5% in addition to the total rate of pay applicable to their age or grade.

(g) Tool Allowance

All employees engaged in classifications that are proclaimed as trades under the *Industrial and Commercial Training Act 1985* shall either be supplied with all tools by the employer or paid a tool allowance of not less than \$8.50 per week.

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

(h) Translation

Employees who are employed as at 1 July, 1992 shall translate to the new structure in accordance with the procedures set out in schedule 1 to this award.

(i) Advice of Grading and Settlement of Disputes

(i) All current and future employees shall be notified in writing by the employer of their grading within one month of this award coming into operation or the date of engagement as the case may be.

(ii) In the event of a dispute regarding grading, the matter shall be discussed by the employer involved or his representative and the relevant union in an attempt to resolve the matter, and if then still in dispute, shall be referred to the President of the Tasmanian Industrial Commission for determination.

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(iii) In respect of clerical and administrative employees Grade 4 and above, guidance may, where appropriate, be sought from the definitions at the equivalent relativity contained in the Clerical and Administrative Employees (Private Sector) Award.

(j) 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.

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(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 (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.

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- (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.

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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."

**4. By deleting Clause 39 - Traineeships (ATS) - Sales Assistants and Clerks.**

**5. By deleting Clause 40 - Traineeships (CST) - Sales Assistants or Clerks.**

**6. By renumbering Clause 41 - TRANSPORT WORKERS - CONDITIONS OF EMPLOYMENT, to Clause 39 - TRANSPORT WORKERS - CONDITIONS OF EMPLOYMENT.**

#### **OPERATIVE DATE**

This variation shall come into operation from the first full pay period to commence on or after 7 September 2000.

RJ Watling  
**DEPUTY PRESIDENT**

18 September 2000