

This document is translated from the original order, issued on 26 August 2002, and is not in itself a legal document. No responsibility is taken for any discrepancy that may have arisen between this document and the order that is printed and published by, and available for purchase from, the Printing Authority of Tasmania.

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

s23 application for an award or variation of an award

Tasmanian Trades and Labor Council

[T10230 of 2002]

Private Sector Awards

[T10288 of 2002]

Private Sector Awards

[T10289 of 2002]

Private and Public Sector Awards

FULL BENCH:

PRESIDENT P L LEARY

DEPUTY PRESIDENT R J WATLING

COMMISSIONER T J ABEY

Wage Rates - State Wage Case July 2002 - applications to vary private sector awards in a manner consistent with the Australian Industrial Relations Commission decision in Print PR002002 - Safety Net Review 2002 - Award rates increased by - \$18 per week - Wage related allowances increased by 3.55% - Meal allowances increased to \$11.90 - Supported Wage increased to \$56 per week - Operation ffpp 1 August 2002 - State Minimum Wage determined at \$431.40 - s.35(1)(b)

ORDER BY CONSENT -

HOSPITALS AWARD

No. 1 of 2002

This document is translated from the original order, issued on 26 August 2002, and is not in itself a legal document. No responsibility is taken for any discrepancy that may have arisen between this document and the order that is printed and published by, and available for purchase from, the Printing Authority of Tasmania.

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

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

"8. WAGE RATES

A. ADMINISTRATIVE AND CLERICAL EMPLOYEES

An employee appointed or promoted to a position within a level prescribed by this award shall be paid at the salary rate determined for that level by reference to the relevant classification standards as set out in Clause 7 - Definitions.

FULL TIME EMPLOYEES

	Base Salary Per Annum \$	Safety Net Adjustment \$	Total Salary Per Annum \$
Level 1			
1st year of service	16493	5512	22005
2nd year of service	17671	5512	23183
3rd year of service	18849	5512	24361
4th year of service & thereafter	20027	5512	25539
Level 2			
1st year of service	21205	5512	26717
2nd year of service	22383	5616	27999
3rd year of service & thereafter	23561	5616	29177
Level 3			
1st year of service	24739	5512	30251
2nd year of service	25328	5512	30840
3rd year of service	25917	5512	31429
4th year of service	26506	5512	32018
5th year of service & thereafter	27095	5512	32607
Level 4			
1st year of service	28273	5512	33785
2nd year of service	28862	5512	34374
3rd year of service	29452	5512	34964
4th year of service	30040	5512	35552
5th year of service & thereafter	30620	5512	36132
Level 5			
1st year of service	31808	5512	37320
2nd year of service	32397	5512	37909
3rd year of service & thereafter	32986	5512	38498

This document is translated from the original order, issued on 26 August 2002, and is not in itself a legal document. No responsibility is taken for any discrepancy that may have arisen between this document and the order that is printed and published by, and available for purchase from, the Printing Authority of Tasmania.

Level 6			
1st year of service	34164	5512	39676
2nd year of service	34753	5408	40161
3rd year of service & thereafter	35342	5408	40750
Level 7			
1st year of service	36520	5408	41928
2nd year of service	37698	5408	43106
3rd year of service & thereafter	38876	5408	44284
Level 8			
1st year of service	41232	5408	46640
2nd year of service	42410	5408	47818
3rd year of service & thereafter	43588	5408	48996
Level 9			
1st year of service	45940	5408	51348
2nd year of service & thereafter	47122	5408	52530
Level 10	49478	5408	54886
Level 11	51835	5408	57243
Level 12	55369	5408	60777

B. PROFESSIONAL EMPLOYEES

An employee appointed or promoted to a position within a level prescribed by this award shall be paid at the salary rate determined for that level by reference to the relevant classification standards as set out in Clause 7 - Definitions.

	Base Salary Per Annum \$	Safety Net Adjustment \$	Total Salary Per Annum \$
Level 1			
1st year of service	25917	5512	31429
2nd year of service	27684	5512	33196
3rd year of service	29451	5512	34963
4th year of service	31218	5512	36730
5th year of service	32985	5512	38497
6th year of service	34752	5408	40160
7th year of service	36520	5408	41928
8th year of service & thereafter	38287	5408	43695
Level 2			
1st year of service	40054	5408	45462
2nd year of service	41821	5408	47229
3rd year of service & thereafter	43588	5408	48996

This document is translated from the original order, issued on 26 August 2002, and is not in itself a legal document. No responsibility is taken for any discrepancy that may have arisen between this document and the order that is printed and published by, and available for purchase from, the Printing Authority of Tasmania.

Level 3			
1st year of service	45944	5408	51352
2nd year of service	48300	5408	53708
3rd year of service & thereafter	49478	5408	54886
Level 4			
1st year of service	51834	5408	57242
2nd year of service	53601	5408	59009
3rd year of service & thereafter	55369	5408	60777
Level 5	60081	5408	65489

C. TECHNICAL EMPLOYEES

An employee appointed or promoted to a position within a level prescribed by this award shall be paid at the salary rate determined for that level by reference to the relevant classification standards as set out in Clause 7 - Definitions.

	Base Salary Per Annum \$	Safety Net Adjustment \$	Total Salary Per Annum \$
Level 1			
1st year of service	20616	5512	26128
2nd year of service	21205	5512	26717
3rd year of service	21794	5616	27410
4th year of service	22383	5616	27999
5th year of service & thereafter	23561	5616	29177
Level 2			
1st year of service	24739	5512	30251
2nd year of service	25917	5512	31429
3rd year of service	27095	5512	32607
4th year of service	28273	5512	33785
5th year of service & thereafter	29452	5512	34964
Level 3			
1st year of service	30620	5512	36132
2nd year of service	31808	5512	37320
3rd year of service	32986	5512	38498
Level 4			
1st year of service	34164	5512	39676
2nd year of service	35342	5408	40750
3rd year of service & thereafter	36520	5408	41928
Level 5	40054	5408	45462
Level 6	42410	5408	47818

This document is translated from the original order, issued on 26 August 2002, and is not in itself a legal document. No responsibility is taken for any discrepancy that may have arisen between this document and the order that is printed and published by, and available for purchase from, the Printing Authority of Tasmania.

D. OPERATIONAL EMPLOYEES

An employee appointed or promoted to a position within a level prescribed by this award shall be paid at the salary rate determined for that level by reference to the relevant classification standards as set out in Clause 7 - Definitions.

	Base Salary Per Annum \$	Safety Net Adjustment \$	Total Salary Per Annum \$
Level 1			
1st 3 months of service	17671	5512	23183
After first 3 months and for next 12 months	18378	5512	23890
Level 2	18407	5512	23919
1st year of service	18851	5512	24363
2nd year of service	19283	5512	24795
3rd year of service & thereafter			
Level 3			
1st year of service	19509	5512	25021
2nd year of service	19784	5512	25296
3rd year of service & thereafter	20179	5512	25691
Level 4			
1st year of service	20586	5512	26098
2nd year of service	20986	5512	26498
3rd year of service & thereafter	21294	5512	26806
Level 5			
1st year of service	21585	5616	27201
2nd year of service	21882	5616	27498
3rd year of service & thereafter	22354	5616	27970
Level 6			
1st year of service	23561	5616	29177
2nd year of service & thereafter	23981	5616	29597
Level 7			
1st year of service & thereafter	24739	5512	30251
Level 8			
1st year of service & thereafter	27095	5512	32607
Level 9			
1st year of service & thereafter	29452	5512	34964
Level 10			
1st year of service	31808	5512	37320

This document is translated from the original order, issued on 26 August 2002, and is not in itself a legal document. No responsibility is taken for any discrepancy that may have arisen between this document and the order that is printed and published by, and available for purchase from, the Printing Authority of Tasmania.

E. MEAL CHARGES

The maximum amount that shall be charged or deducted where an employee receives a meal from his/her employer shall be:

Lunch or Evening Meal	Rate per Meal
Two or three courses	\$2.90
Single hot or cold main course	\$2.30
Single [other] course i.e. soup or sweet	\$2.10
All breakfasts	\$2.10

PROVIDED that:

- (i) A minimum charge of \$2.10 applies for each meal taken.
- (ii) In each case where a one, two or three course meal is ordered and charged for as above, no extra charge is to be levied for either beverages, toast, bread, butter or condiments.

F. TOOL ALLOWANCE

In addition to the wage rates prescribed in this clause the undermentioned classifications shall be paid the following tool allowance per week:

	\$
Carpenter	7.60
Painter	6.20
Fitter	6.20
Electrical Mechanic	6.20

PROVIDED that:

- (i) the employer shall provide a person employed as either an electrical mechanic or maintenance fitter with all hand, power or special tools necessary for the proper performance of such employee's duties.
- (ii) where an employer does not supply either an electrical mechanic or maintenance fitter with hand tools or where an employee is required to provide his own tools for use in the service of his/her employer he shall be paid a tool allowance in accordance with the above rates.

G. REMOTE CALL ALLOWANCE

The amount to be paid under the conditions prescribed in Clause 41 - Remote Call is 98.34 cents per hour operative from the first full pay period to commence on or after 1 August 2001.

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

(b) For the purposes of this subclause:

'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.

'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.

'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.

'Supported Wage System' means the Commonwealth Government System to promote employment for people who cannot work at full award wages because of a disability.

(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:

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 \$56 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.

(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 four 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 \$56 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.

LEAVE RESERVED

Training Rates"

This document is translated from the original order, issued on 26 August 2002, and is not in itself a legal document. No responsibility is taken for any discrepancy that may have arisen between this document and the order that is printed and published by, and available for purchase from, the Printing Authority of Tasmania.

2. By deleting Clause 23 - Employee Handling Cash, and inserting in lieu thereof the following:

"23. EMPLOYEE HANDLING CASH

An employee other than a person classified as a senior clerk or executive staff who in the performance of his/her duties is required to handle cash shall receive a cash handling allowance based on the following criteria:

exceeding \$20 per week, but not exceeding \$100 per week	50 cents per week
exceeding \$100 per week, but not exceeding \$200 per week	\$1.00 per week
exceeding \$200 per week, but not exceeding \$600 per week	\$2.10 per week
exceeding \$600 per week, but not exceeding \$1000 per week	\$3.10 per week
exceeding \$1000 per week	\$4.00 per week

PROVIDED that this allowance shall not apply where an employee is not held personally responsible for making good any cash shortages."

Operative Date

These variations shall come into operation from the first full pay period to commence on or after 1 August 2002.

Tim Abey
COMMISSIONER

26 August 2002