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TASMANIAN INDUSTRIAL COMMISSION

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

The Australian Workers' Union, Tasmania Branch
(T7839 of 1998)

ELECTROLYTIC ZINC AWARD

Award variation - T7702 of 1998 - Full Bench - wage rates - State Wage Case July 1998 - two stage Arbitrated Safety Net Adjustment - ffpp on or after 3.8.98 and ffpp on or after 17.10.98 - approved - order to follow

ORDER BY CONSENT-

No. 1 of 1998

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The **ELECTROLYTIC ZINC AWARD** is amended in the following manner:

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

"8. WAGE RATES

The amounts set out hereunder shall be the minimum rates payable to adult employees therein named:

DIVISION 1 - TRADES/TECHNICAL PERSONS

- (a) Operative from the first full pay period to commence on or after 3 August 1998:

	Base Rate	Supplementary Payment	Safety Net Adjustment	Weekly Wage Rates
	\$	\$	\$	\$
Grade 1	409.90	37.80	10.00	457.70
Grade 2	431.60	37.80	10.00	479.40
Grade 3	446.30	37.80	10.00	494.10
Grade 4	462.30	37.80	10.00	510.50
Grade 5	484.40	37.80	10.00	532.20
Grade 6	506.00	37.80	10.00	553.80
Grade 7	522.10	37.80	9.00	568.90
Grade 8	542.10	37.80	9.00	588.90
Grade 9	562.10	37.80	9.00	608.90
Grade 10	582.00	37.80	9.00	628.80

- (b) Operative from the first full pay period to commence on or after 17 October 1998:

	Base Rate	Supplementary Payment	Safety Net Adjustment	Weekly Wage Rates
	\$	\$	\$	\$
Grade 1	409.90	37.80	14.00	461.70
Grade 2	431.60	37.80	14.00	483.40
Grade 3	446.30	37.80	14.00	498.10
Grade 4	462.30	37.80	14.00	514.50
Grade 5	484.40	37.80	14.00	536.20
Grade 6	506.00	37.80	14.00	557.80
Grade 7	522.10	37.80	12.00	571.90
Grade 8	542.10	37.80	12.00	591.90
Grade 9	562.10	37.80	12.00	611.90
Grade 10	582.00	37.80	12.00	631.80

- (c) Employees classified in Division 1 - Trades/Technical Persons:

Who are holders of an 'A' Grade licence shall be paid an additional allowance of \$12.30 per week.

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DIVISION 2 - PRODUCTION SERVICE PERSONS

(a) Operative from the first full pay period to commence on or after 3 August 1998:

	Base Rate	Supplementary Payment	Safety Net Adjustment	Weekly Wage Rates
	\$	\$	\$	\$
Grade 0	345.70	30.30	10.00	386.00
Grade 1	354.80	30.30	10.00	395.10
Grade 2	363.90	30.30	10.00	404.20
Grade 3	373.70	30.30	10.00	414.00
Grade 4	392.60	30.30	10.00	432.90
Grade 5	404.20	30.30	10.00	444.50
Grade 6	415.80	30.30	10.00	456.10
Grade 7	427.40	30.30	10.00	467.70

(b) Operative from the first full pay period to commence on or after 17 October 1998:

	Base Rate	Supplementary Payment	Safety Net Adjustment	Weekly Wage Rates
	\$	\$	\$	\$
Grade 0	345.70	30.30	14.00	390.00
Grade 1	354.80	30.30	14.00	399.10
Grade 2	363.90	30.30	14.00	408.20
Grade 3	373.70	30.30	14.00	418.00
Grade 4	392.60	30.30	14.00	436.90
Grade 5	404.20	30.30	14.00	448.50
Grade 6	415.80	30.30	14.00	460.10
Grade 7	427.40	30.30	14.00	471.70

DIVISION 3 - APPRENTICES

The minimum wage rates for apprentices shall be:

Four year term -

	% of Grade 1 Tradesman's Wage
First year	38
Second year	55
Third year	75
Fourth year	95

Apprentices will also receive a supplementary payment of \$31.20 per week.

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DIVISION 4 - WATERSIDE WORKERS

(That is to say, employees engaged in the handling of cargoes on the wharf of the employer, and/or on shipboard, in the course of transit from or to the hoppers or stacks of the employer for the immediate purpose of loading or unloading overseas ships).

- (a) (i) The minimum rate of wage which shall be paid to employees under this section of the award between the hours of 7.45 am and 3.45 pm on Monday to Friday inclusive shall be:
- (1) \$15.0929 per hour operative from the first full pay period to commence on or after 3 August 1998;
 - (2) \$15.1718 per hour operative from the first full pay period to commence on or after 17 October 1998.
- (ii) In addition to the wage rate prescribed in subsection (a)(i) hereof, the following additional amounts shall be paid to employees engaged on waterside work in the undermentioned classifications:

	\$ Per Hour
Gantry crane drivers	1.5736
Leading Hands	1.7834
Fork lift truck drivers	0.5246

Such additional amounts shall be subject to the penalty additions prescribed in this section of the award.

- (b) Working outside ordinary hours - Monday to Friday:
- (i) Between 3.45 pm and 11.45 pm, Monday to Friday inclusive - one and one-half times the ordinary rate.
 - (ii) Between 11.45 pm and 7.45 am, Monday to Friday inclusive - and between 11.45 pm Sunday and 7.45 am Monday - double the ordinary rate.
- (c) Saturday work - Between 11.45 pm Friday and 11.45 pm Saturday - double the ordinary rate.
- (d) Sunday work - Between 11.45 pm Saturday and 11.45 pm Sunday - two and one-half times the ordinary rate.
- (e) Holiday work - All work done on New Year's Day, Australia Day, Hobart Regatta Day, Eight Hours' Day, Good Friday, Easter Monday, Anzac Day, Queen's Birthday, Show Day (as defined), Christmas Day and Boxing Day:

Between 7.45 am and 11.45 pm - two and one half times the ordinary rate.

Between 11.45 pm and 7.45 am - treble the ordinary rate.

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- (f) (i) Employees working under this section of the award shall be paid for the mid-shift crib times at the rates prescribed for the shifts concerned. Such crib times shall be taken at the following times:

Day Shift	11.45 am to 12.15 pm
Afternoon Shift	7.45 pm to 8.15 pm
Night Shift	3.45 am to 4.15 am

- (ii) Employees under this section of the award who are required to work during the crib times prescribed by paragraph (i) hereof shall be paid the following rates for such crib times and thereafter until a crib time is allowed or the employee ceases work:

Monday to Friday -	
Day Shift	double the ordinary rate
Afternoon Shift	double the ordinary rate
Night Shift	treble the ordinary rate

Saturdays -	
All Shifts	treble the ordinary rate

Sundays and holidays prescribed in subclause (e) hereof -	
All Shifts	three and a half times the ordinary rate

- (g) Before starting waterside work immediately after working a full day or shift of eight hours, employees shall be allowed a paid crib time of thirty minutes, unless the period of waterside work is to be one and a half hours or less.

If, with the approval of the employees concerned, such waterside work is continued for more than one and a half hours without a meal break, payment at the appropriate waterside workers' rates is to be made in lieu of crib.

An employee shall not work for more than five hours without a break for a meal.

- (h) The foregoing special provisions as to overtime and Sundays and holidays for waterside workers as herein defined are in lieu of the provisions relating to payment for overtime and for work performed on Sundays and holidays prescribed under the general conditions of this award.

DIVISION 5 - SERVICE AND EXPERIENCE PAYMENT

In addition to the wage rates and allowances prescribed in Division 1 all employees mentioned herein shall, subject to continuous service be paid the following amounts:

- (a) On completion of 26 weeks service - \$3.30 per week extra.
(b) On completion of 1 year's service - \$4.20 per week extra.
(c) On completion of 2 years' service - \$9.60 per week extra.

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- (d) On completion of 5 years' service - \$12.30 per week extra.
- (e) On completion of 10 years' service - \$18.60 per week extra.
- (f) On completion of 15 years' service and thereafter - \$24.70 per week extra.

Payment of the amounts prescribed shall be on the basis of a 38-hour week and when a greater or lesser number of hours than 38 are worked, payment shall be made pro rata to the hours worked.

Payments of the amounts prescribed shall continue to be made during periods of annual leave or other absences approved by the employer during which ordinary wages are paid.

Continuous service for the purpose of this clause means continuous service with the recognised employer in the industry for which this award is established.

DIVISION 6 - SHIFT ALLOWANCE

- (a) Regular shift workers included in Divisions 1, 2 and 5 hereof shall be paid a shift allowance of \$1.69 per week of 38 hours. This allowance shall be taken into consideration in the computation of overtime and other penalty rates and shall be included in payments for leave entitlements.
- (b) Regular shift workers, whilst performing any afternoon or night shift or part thereof, shall receive an additional allowance at the rate of 15 percent of:
 - (i) \$360.90 per week operative from the first full pay period to commence on or after 3 August 1998
 - (ii) \$364.90 per week operative from the first full pay period to commence on or after 17 October 1998

of 38 hours, less the sum of \$1.65 per week prescribed in subclause (a) of this clause. This additional allowance shall not be taken into consideration in the computation of overtime and other penalty rates but shall be included in payments for leave entitlements.

DIVISION 7 - 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 be paid a tool allowance of not less than \$5.10 per week. The exceptions being carpenters and carpentry apprentices (after the first year of employment as such) where such amount shall be not less than \$12.30 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.

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DIVISION 8 - DIRECT DEPOSIT ALLOWANCE

All employees whose wages are paid by direct deposit shall be paid a flat weekly allowance of 31 cents, such allowance to be compensation for Government charges imposed by financial institutions on account transactions.

DIVISION 9 - SUPPORTED WAGE SYSTEM

(a) Eligibility criteria

Subject to this division an employer may engage employees at a supported wage rate (as set out in subclause (c) of this division) 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 division 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 division does not apply to employers in respect of their facility, program, 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 division:

'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.

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(c) Supported wage rates

Employees to whom this division 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 (subclause (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 \$45 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 division, 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.

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(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 division 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 division 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 division 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 \$45 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 subclause (c) hereof."

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2. By deleting Clause 27 - Special Rates, and inserting in lieu thereof the following:

"27. SPECIAL RATES

(a) High Work

(i) Employees engaged in the erection, repair and/or maintenance of plant buildings and structures at a height of 15 metres or more directly above the nearest horizontal plane shall be paid at the rate of \$1.64 per day in addition to their ordinary rates, provided always that this provision shall not apply to riggers, linesmen or to employees working on a swing scaffold and/or bosun's chair.

(ii) Employees working on a swing scaffold and/or bosun's chair, irrespective of height, shall be paid at the rate of \$1.64 per day or shift in addition to their ordinary rates; provided always that this provision shall not apply to riggers.

(b) Hot Places

In addition to the wages prescribed in this award, the following special rates and allowances shall be paid for work in hot places. Working for more than one hour in the shade in places where the temperature is raised by artificial means to between 46 and 54 degrees Celsius, 26 cents per hour extra. In places where the temperature exceeds 54 degrees Celsius, 35 cents per hour extra. Where the work continues for more than two hours in temperatures exceeding 54 degrees Celsius, employees shall also be entitled to 20 minutes rest after every two hours' work without deduction of pay. The temperatures shall be decided by the foreman of the work after consultation with the employees who claim the extra rate.

(c) Bricklayers - Special Rate

An employee engaged on alterations or repairs to boilers, flues, ovens, furnaces or retorts or on all new firework, construction of stills, towers and acid resisting brickwork and all work pertaining thereto shall be paid 54 cents per hour extra. This additional rate shall be regarded as part of the wage rate for all purposes.

(d) Leadburners - Special Rate

Classified leadburners when engaged on homogenous leadwork or work on Regulus metal castings shall be paid an additional 37 cents per hour.

(e) Asbestos Eradication

Employees engaged in the process of asbestos eradication shall be paid an amount of \$1.19 per hour extra."

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OPERATIVE DATE

This order shall come into operation from the first full pay period to commence on or after 3 August 1998.

P A Imlach
COMMISSIONER

4 August 1998