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IN THE TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act, 1984

T. No. 131 of 1985

IN THE MATTER OF AN APPLICATION BY THE BUILDING WORKERS INDUSTRIAL UNION OF AUSTRALIA (TASMANIAN BRANCH) **TO VARY NOMINATED SECTIONS OF THE BUILDING TRADES AWARD BY 2.6%.**

ORDER BY CONSENT:

No. 3 of 1985

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AMEND PART II - CONDITIONS, BUILDING TRADES AWARD, SECTION III - BUILDERS LABOURERS, CLAUSE 2 - SPECIAL RATES, by deleting this clause and inserting in lieu thereof the following:

2. SPECIAL RATES

In addition to the rates herein prescribed the following extra rates shall be paid:

(a) Hot Work

An employee when 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, 29¢ per hour or part thereof. An employee when working in places where the temperature exceeds 54 degrees Celsius shall be paid 36¢ per hour extra.

Where the work continues for more than 2 hours in temperatures exceeding 54 degrees Celsius, an employee shall also be entitled to 20 minutes rest after every 2 hours work without deduction of pay, not including the special rate provided by this sub-clause. The temperature shall be decided by the representative of the employer after consultation with the employee who claims the extra rate.

(b) Cold Work

An employee when working for more than one hour in places where the temperature is reduced by artificial means below 0 degrees Celsius - 29¢ per hour or part thereof.

Where the work continues for more than 2 hours, an employee shall be entitled to a rest period of 20 minutes after every 2 hours without loss of pay, not including the special rate provided by this sub-clause.

(c) Towers Allowance

An employee working on a chimney stack, spire, tower, radio or television mast or tower, air shaft, cooling tower, water tower or silo, where the construction work exceeds 15 metres in height shall be paid for all work above 15 metres, 29¢ per hour, with 29¢ per hour additional for work above each further 15 metres.

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Provided that any special rate prescribed elsewhere in this clause other than in sub-clause (h) (Fumes) hereof shall not be cumulative upon the extra rates provided in this paragraph,

Provided that any similarly constructed building or a building not covered by Clause 3 (b) hereof which exceeds 15 metres in height may be covered by this sub-clause or by Clause 3 by agreement or, where no agreement is reached, by determination of the President of the Tasmanian Industrial Commission.

(d) Insulation Work

An employee handling charcoal, pumice, granulated cork, silicate of cotton, insulwool, slag wool or other recognised insulating material of a like nature, or working in the immediate vicinity so as to be affected by the use thereof - 36¢ per hour or part thereof.

(e) Confined Space

An employee required to work in a place the dimensions or nature of which necessitate working in a cramped position or without sufficient ventilation - 36¢ per hour or part thereof.

(f) Swing Scaffold

A payment of $2.09 for the first 4 hours or any portion thereof, and 43¢ for each hour thereafter or any day shall be made to any person employed:

(i) on any type of swing scaffold or any scaffold suspended by rope or cable, bosun's chair etc.

(ii) on a suspended scaffold requiring the use of steel or iron hooks or angle irons at a height of 6 metres or more above the nearest horizontal plane.

(g) Tunnel Work

An employee engaged in tunnel work and required to work underground (other than "pot and drive" work at a depth of 4 metres or less) or in shafts with a cross-sectional area of less than 14 square metres, which will be sunk to a depth greater than 6 metres, or in trenches more than 2 metres depth and less than 1 metre in width shall be paid at the rate of 86¢ per day or shift.

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(h) Fumes

An employee required to work in a place where fumes of sulphur or other acid or other offensive fumes are present shall be paid such rates as are agreed upon between the Union and the employer; provided that, in default of agreement, the matter may be referred to the President of the Tasmanian Industrial Commission for the fixation of a special rate.

Any special rate so fixed shall apply from the time the employer is advised of the claim as and when the fume condition occurs, irrespective of when the amount of the rate is determined.

(i) Dirty Work

An employee engaged on unusually dirty work shall be paid 29¢ per hour extra.

(j) Lifting Other than Standard Bricks

An employee required to lift blocks (other than cindcrete blocks for plugging purposes) shall be paid the following additional rates:

	Per Hour
Where the blocks weigh over 5.5kg and under 9 kg	29¢
Where the blocks weigh 9 kg or over and up to 18 kg	50¢
Where the blocks weight over 18 kg	73¢

An employee shall not be required to lift a building block in excess of 20 kg in weight unless such employee is provided with a mechanical aid or with an assisting employee, provided that an employee shall not be required to manually lift any building block in excess of 20 kg in weight to a height of more than 1.2m above the working platform.

This sub-clause shall not apply to employees being paid the extra rate for refractory work.

(k) Explosive Power Tools

An operator of explosive powered tools (as defined) who is required to use an explosive powered tool shall be paid 68¢ for each day on which he uses it.

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(l) Furnace Work

An employee engaged in the construction of or alteration or repairs to boilers, flues, furnaces, retorts, kilns, ovens, ladles and similar refractory work shall be paid 76¢ per hour. This additional rate shall be regarded as part of the wage rate for all purposes.

(m) Acid Work

An employee required to work on the construction or repairs to acid furnaces, acid stills, acid towers and all other acid resisting brickwork shall be paid 76¢ per hour. This additional rate shall be regarded as part of the wage rate for all purposes.

(n) Asbestos

Employees required to use materials containing asbestos or to work in close proximity to employees using such materials shall be provided with and shall use all necessary safeguards as required by the appropriate occupational health authority. Provided that where such safeguards include the mandatory wearing of protective equipment (i.e. combination overalls and breathing equipment or similar apparatus) such employees shall be paid 36¢ per hour extra whilst so engaged.

(o) Cleaning Down Brickwork

An employee required to clean down bricks using acids or other corrosive substances 26¢ per hour extra. While so employed employees will be supplied with gloves by the employer.

(p) Toxic Substances.

(i) Employees required to use toxic substances shall be informed by the employer of the health hazards involved and instructed in the correct and necessary safeguards which must be observed in the use of such materials.

(ii) Employees using such materials will be provided with and shall use all safeguards as required by the appropriate Government Authority or in the absence of such requirement such safeguards as are determined by a competent authority or person chosen by the Union and the Employer.

(iii) Employees using toxic substances or materials of a like nature shall be paid 36¢ per hour extra. Employees working in close proximity to employees so engaged shall be paid 29¢ per hour extra.

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(iv) For the purpose of this sub-clause toxic substances shall include epoxy based materials and all materials which include or require the addition of a catalyst hardener and reactive additives or two pack catalyst system shall be deemed to be materials of a like nature.

(q) Hot Bitumen

An employee handling hot bitumen or asphalt or dipping materials in creosote shall be paid 36¢ per hour extra.

(r) Wet Work

Employees working in any place where water is continually dripping on them so that clothing and boots become wet or where there is water under foot, shall be paid 29¢ per hour whilst so engaged.

AMEND PART II - CONDITIONS, BUILDING TRADES AWARD, SECTION III - BUILDERS LABOURERS, CLAUSE 3 - MULTI-STOREY ALLOWANCE, by deleting this clause and inserting in lieu thereof the following:

3. MULTI-STOREY ALLOWANCE

(a) Eligibility

A multi-storey allowance shall be paid to all employees on site engaged in the construction of a multi-storey building as defined herein, to compensate for the disabilities experienced in, and which are peculiar to the construction of a multi-storey building.

(b) Definition of Multi-Storey Building

For the purposes of this award, a multi-storey building is a building which will, when complete, consist of 5 or more storey levels.

For the purposes of this Clause, a storey level means structurally complete floor, walls, pillars or columns, and ceiling (not being false ceilings) of a building, and shall include basement levels and mezzanine or similar levels (but excluding "half floors" such as toilet blocks or store rooms located between floors).

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(c) Rates - For buildings to commence on or after 1 September 1979

Except as provided for in sub-clause (d) - (Service Cores) hereof, an allowance in accordance with the following table shall be paid to all employees on the building site. The second and subsequent allowance scales shall, where applicable commence to apply to all employees when one of the following components of the building - structural steel, reinforcing steel, boxing or walls, rises above the flor level first designated in each such allowance scale.

"Floor level" means that stage of construction which in the completed building would constitute the walking surface of the particular floor level referred to in the table of payments.

From commencement of building to 15th Floor level - 21¢ per hour extra;

From 16th Floor level to 30th Floor level - 28¢ per hour extra;

From 31st Floor level to 45th Floor level - 43¢ per hour extra;

From 46th Floor level to 60th Floor level - 55¢ per hour extra;

From 61st Floor level onwards - 69¢ per hour extra.

The allowance payable at the highest point of the building shall continue until completion of the building.

(d) Service Cores

(i) All employees employed on a Service Core at more than 15 metres above the highest point of the main structure shall be paid the Multi-Storey rate appropriate for the main structure plus the allowance prescribed in sub-clause (c) (Towers Allowance), Clause 2, hereof calculated from the highest point reached by the main structure to the highest point reached by the Service Core in any one day period (i.e., for this purpose the highest point of the main structure shall be regarded as though it were the ground in calculating the appropriate Towers Allowance)

Employees employed on a service Core no higher than 15 metres above the main structure shall be paid in accordance with the Multi-Storey Allowance prescribed herein.

(ii) Provided that any section of the Service Core exceeding 15 metres above the highest point of the main structure shall be disregarded for the purpose of calculating the Multi-Storey Allowance applicable to the main structure.

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Operative Date: The operative date of these amendments shall be as from the first full pay period to commence on or after 13 August, 1985.

R.J. WATLING
COMMISSIONER

30 August, 1985.