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TASMANIAN INDUSTRIAL COMMISSION

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

Tasmanian Trades and Labor Council
(T10886 of 2003)
Private and Public Sector Awards

Tasmanian Trades and Labor Council
(T10927 of 2003)
Private and Public Sector Awards

FULL BENCH:
PRESIDENT P L LEARY
DEPUTY PRESIDENT R J WATLING
COMMISSIONER T J ABEY

Supported Wage increased to $60 per week – Operative date ffpp 1 August 2003 – Model Reasonable Hours Clause approved – Awards will be varied on application.

ORDER BY CONSENT

NORTH WEST WATER AUTHORITY ENTERPRISE AWARD

No.1 of 2003

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THE **NORTH WEST WATER AUTHORITY ENTERPRISE AWARD** IS VARIED IN THE FOLLOWING MANNER:

1. By deleting Clause 8 – SALARIES and inserting in lieu thereof the following:

"8. SALARIES

(a) General

(i) An employee holding a position classified on the determination of the employer within a salary scale prescribed in this clause, shall, subject to satisfying the prescribed requirements be paid at a salary rate determined for the relevant classifications as hereinafter set forth.

PROVIDED that it is a condition of the 4% second tier adjustment applied to the salaries in this award that the package of restructuring and efficiency offsets referred to in Registered Agreement T.1316 of 1988 be implemented and/or observed in relation to all employees for whom salary rates appear in this award.

(ii) Where there is an inconsistency between the 'second tier' agreement T.1316 of 1988 and provisions contained in this award the provisions of the 'second tier' agreement shall prevail.

(b) Operational Employees

		Salary per Annum $
Level 1		19, 596
	After 3 months	20, 077
	After 15 months	20, 927
Level 2		21, 841
Level 3		22, 480
Level 4		23, 681
Level 5		24, 883
Level 6		26, 085
Level 7		28, 488
Level 8		30, 951
Level 9		33, 428
Level 10		37, 142

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(c) Administrative And Clerical Employees

An employee appointed to a position classified under this award shall be paid at the salary rate applicable to a level in accordance with the classification standards set out in this clause.

		Salary per Annum $
Level 1	First year of service	17,673
	Second year	18,875
	Third year	20,077
	Fourth year	21,279

PROVIDED that an employee who has completed twelve months service on the maximum salary rate prescribed for level 1 shall progress to level 2, subject to the employer being satisfied that the employee's overall performance has justified the progression.

		Salary per Annum $
Level 2	First year of service	22,480
	Second year	23,681
	Third year of service and thereafter	24,883
Level 3	First year of service	26,085
	Second year	26,686
	Third year	27,286
	Fourth year	27,887
	Fifth year and thereafter	28,488
Level 4	First year of service	29,713
	Second year	30,331
	Third year	30,951
	Fourth year	31,570
	Fifth year and thereafter	32,179
Level 5	First year or service	33,428
	Second year	34,047
	Third year and thereafter	34,665
Level 6	First year of service	35,904
	Second year	36,523
	Third year and thereafter	37,142
Level 7	First year of service	38,380
	Second year	39,617
	Third year and thereafter	40,857
Level 8	First year of service	43,332
	Second year	44,570
	Third year and thereafter	45,808

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	Level 9	First year of service	48,280
		Second year and thereafter	49,521
	Level 10		51,998
	Level 11		54,475
	Level 12		58,189

(d) Technical Employees

	Level 1	1st year of service	21,879
		2nd year of service	22,480
		3rd year of service	23,081
		4th year of service	23,681
		5th year of service and thereafter	24,883
	Level 2	1st year of service	26,085
		2nd year of service	27,286
		3rd year of service	28,488
		4th year of service	29,713
		5th year of service and thereafter	30,951
	Level 3	1st year of service	32,179
		2nd year of service	33,428
		3rd year of service and thereafter	34,666
	Level 4	1st year of service	35,904
		2nd year of service	37,142
		3rd year of service and thereafter	38,380
	Level 5		42,095
	Level 6		44,570

(e) Professional Employees

	Level 1	First year of service	27,286
		Second year	29,095
		Third year	30,950
		Fourth year	32,809
		Fifth year	34,665
		Sixth year	36,522
		Seventh year	38,380
		Eighth year and thereafter	40,236
	Level 2	First year of service	42,095
		Second year	43,951
		Third year and thereafter	45,808

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Level 3	First year of service	48,284
	Second year	50,761
	Third year and thereafter	51,998
Level 4	First year of service	54,474
	Second year	56,331
	Third year and thereafter	58,189
Level 5		63,141

(f) Apprentices

	Percentage of Level 5 Operational Employee
lst year of apprenticeship	44.5%
2nd year of apprenticeship	57.5%
3rd year of apprenticeship	75.0%
4th year of apprenticeship	88.0%

(g) 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.

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(ii) For the purposes of this subclause:

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

'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.

'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.

'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 $60 per week.

(iv) Assessment of capacity

For the purposes 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:

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(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 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.

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(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) of this subclause.

(3) The minimum amount payable to the employee during the trial period shall be no less than $60 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) of this subclause."

This variation shall come into operation from the first full pay period to commence on or after 1 August 2003.

RJ Watling
DEPUTY PRESIDENT

6 August 2003