

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T No. 3816 of 1992
T No. 3819 of 1992

IN THE MATTER OF applications by
the Shop Distributive and Allied
Employees' Association - Tasmanian
Branch and the Federated Clerks
Union of Australia, Tasmanian
Branch to vary the Retail Trades
Award

re third and fourth minimum rates
adjustment and new classification
structure

PRESIDENT

HOBART, 12 June 1992

TRANSCRIPT OF PROCEEDINGS

Unedited

PRESIDENT: Appearances please?

MR P. GRIFFIN: Mr President, I appear on behalf of the Shop Distributive and Allied Employees' Association, Tasmanian Branch, GRIFFIN P.

PRESIDENT: Thank you, Mr Griffin.

MR D.J. FRY: If the commission pleases, I appear on behalf of the Federated Clerks Union of Australia, Tasmanian Branch, FRY D.J. In subsequent hearings before you, I will be authorising **MRS HELEN DOWD** to act in my stead as well, sir, for the record.

PRESIDENT: Yes, thank you.

MR T.J. ABEY: If the commission pleases, I appear for the TCI, ABEY, T.J.

PRESIDENT: Thanks, Mr Abey.

MR K.J. RICE: I appear for the Retail Traders Association of Tasmania, sir, and the TFGA Industrial Association, RICE, K.J.

PRESIDENT: Thank you, Mr Rice.

MR RICE: If the commission pleases.

MR D.A.C. McDOUGALL: If the commission pleases, I appear on behalf of the Tasmanian Chamber of Retailers, McDOUGALL, D.A.C.

PRESIDENT: Thank you, Mr McDougall. Can we go off the record for a moment please?

OFF THE RECORD

PRESIDENT: Well, we'll remove T.No. 3569 of 1991 which has been already dealt with. I understand that does not form part of this process and in relation to the other two applications, can I have submissions on how those matters should be dealt with? Mr Griffin?

MR GRIFFIN: Good, thank you, Mr President. On those two applications, 3816 and 3819, today those applications are for - to vary the Retail Trades Award in implementing the third and fourth minimum rate adjustments and insertion of new classification structure into the award by July 1st.

I might just go back to - or cast our minds back to December 1990, Mr President, where the parties agreed to restructure the award and some of these changes which included insertion

of a new rostering system into the award, enterprise bargaining, penalty rates - which were replaced by a loaded rate - and the extension of ordinary hours. And this brought on a minimum rate adjustment of \$25.00 to be completed by July 1 of this year, and that was of course in - in agreement with the principles that they be implemented in four equal instalments over - at 6 months apart.

That first minimum rate adjustment came in in January 1991 of \$6.00 for all classifications. The second implementation date of July 1, 1991, only applied to shop assistants - third year shop assistants, and that again was \$6.00. This year of January '92, it was agreed that all classifications would receive a minimum rate adjustment of \$6.00 and that's where we are at with not only the final instalment of the shop assistants increment of \$6.00, or \$5.90 in this case, but also we have a third implementation cost to be inserted - or to be implemented also. We have had a number of discussions not so much on that process but on the classification structure to be inserted into the award.

PRESIDENT: What's the date of the third minimum rates adjustment that's been proposed?

MR GRIFFIN: Well the third one was the - January of this year.

PRESIDENT: And this is the fourth one you're - you're seeking now?

MR GRIFFIN: This is the fourth one for our shop assistants, yes.

PRESIDENT: Yes.

MR GRIFFIN: Yes, on third year experience.

PRESIDENT: Yes, okay, and that will be what date?

MR GRIFFIN: July 1, 1992.

PRESIDENT: July 1, yes, that's it. Thank you.

MR GRIFFIN: At the onset of these proceedings it was always envisaged that there would be a new classification structure to be brought in at the completion of the minimum rate adjustments. I can report, Mr President, that the parties have had numerous meetings as to coming to an agreed position and at this point of time I can say that we are almost there in principle. There are a couple of sticking points which need some further discussion, but I think I can speak for the FCU which is the only union here today, that -

PRESIDENT: I don't know whether you can speak for them, Mr Griffin -

MR GRIFFIN: Well -

PRESIDENT: - but you can certainly say what you think they think.

MR GRIFFIN: - let me just say that the unions are confident that we can come to an agreed arrangement by that date and I would propose that we set a date at the conclusion of this hearing, or near it, for that report back and we may have - well I envisage a draft to be put before you -

PRESIDENT: You're envisaging prior to 1st July?

MR GRIFFIN: Yes.

PRESIDENT: That sounds quite encouraging.

MR GRIFFIN: Well, that's of course - our colleagues here may - but I believe that's the understanding - from my understanding at present.

PRESIDENT: Yes, yes.

MR GRIFFIN: I would like to say that on these sticking points there - I consider that they can be - we can come to an arrangement with them, however, at the onset of the proceedings it was tabled prior to the end of 1990 that there would be a two-level shop assistant rates.

This is one of the sticking points which we seem to be not being able to resolve at this particular time. However, at the end of the day, if this was the item that was holding up an agreed position in respect of completion of MRAs and the insertion of a classification structure, we would seek leave to pursue the insertion of that second level shop assistant at a later date.

With that - that's how I consider all that needs to be reported at this time other than the fact that I am confident that we may have - that we will have a draft recommendation for the commission on or prior to 1st July.

PRESIDENT: Yes, thank you. And does this - this application for the fourth minimum rate adjustment bring everybody to the conclusion of the minimum rates process?

MR GRIFFIN: With the shop assistants rate, it does. It brings it to that nationally agreed position of \$375.00 which is now \$384.10. However, there are - there is a third minimum rate adjustment which hasn't been applied as yet to those classifications outside that third year shop assistant. Now

these - this is part of the further discussions which we'll be having -

PRESIDENT: I see.

MR GRIFFIN: - with the other associations as to how we come about being - or finalising all those as far as the third application is concerned.

PRESIDENT: Yes.

MR GRIFFIN: But whether we do that on a phasing-in process or whatever, but I just don't see that we're too far apart

PRESIDENT: Well - but do you envisage that being sorted out in the discussions -

MR GRIFFIN: I do, yes.

PRESIDENT: - that you'll be having prior to 1st July?

MR GRIFFIN: I do.

PRESIDENT: Yes, all right, yes. Thanks, Mr Griffin.

MR GRIFFIN: Thanks, Mr President.

PRESIDENT: And you've got no objection to these two applications being joined?

MR GRIFFIN: Not at all.

PRESIDENT: No. Thank you. Mr Fry?

MR FRY: Mr President, the clerks union agrees with the proposition as put by Mr Griffin. We have, through lengthy negotiations reached a consensus point of view. There have been some compromises to enable unified structure to be put into place in this award. The retail industry stands alone. We have - that's the Federated Clerks Union - has sought to preserve the integrity of the structure that was inserted in our major award - the Clerical and Administrative (Private Sector) Award and that will be the end product of it though there will be some adjustments to suit the circumstances of this industry.

It has to be viewed as a package and because of that there will be some slight variations, but from the clerks union's point of view we believe - from our discussions, the last of which were held this morning commencing at 9 o'clock - we are in a position to say to you we do have agreement and the next time we come before you we will have some draft orders which I believe would represent that position.

PRESIDENT: Good.

MR FRY: If the commission pleases.

PRESIDENT: Yes, thanks, Mr Fry. Mr Abey?

MR ABEY: Thanks, Mr President. I can confirm that we have, as late as an hour or so ago, reached a position where we have agreement 'in principle'. Mr Griffin has referred to some sticking points - I wouldn't put it quite as high as that, and I'm pretty confident that - that we'll be able to come to you in a fortnight or so, subject to your availability, with a consent document which will complete the MRA process and also incorporate a new classification structure. It's our objective that those two events occur on 1 July.

The new structure will be an integrated structure bracing shop assistants, clerical and store functions into the one single stream. That hasn't been an easy exercise but I think we're just about there. So it only remains to say that we would seek to adjourn this matter to a date towards the end of this month, subject to your convenience.

PRESIDENT: Very good. Thank you, Mr Abey.

MR ABEY: I would say, Mr Griffin has indicated - he's made some comments about the second level of general shop assistants at the appropriate time which will presumably be at the next hearing. I'll also be making some points about that particular aspect. But, until you have the documents before you I think it would be -

PRESIDENT: I wasn't - I wasn't intending to pursue those side issues at this stage -

MR ABEY: Thank you.

PRESIDENT: - in the - on the basis that in fact they might blow up later on and they might have to do something about them.

MR ABEY: There'll be just certain aspects of that that I'll need to get on the record next time we're here.

PRESIDENT: Yes, thank you. Mr Rice?

MR RICE: Mr President, the RTA and the TFGA have been involved with these discussions from the past - or right through the process and I'm pleased to report that we are in agreement with proposals put to you today and I support the submissions made by Mr Abey and we will be looking for an adjournment to later this month at your convenience, sir. If it please the commission.

PRESIDENT: Very good. Yes, thanks, Mr Rice. Mr McDougall?

MR McDOUGALL: Just purely to go on record to endorse precisely what Mr Rice and Mr Abey have said. From the Tasmanian Chamber Retailers point of view, we concur.

PRESIDENT: Yes, thank you very much. Well I'm very, very happy to have received such a wonderful report of unanimity. It certainly is a bit of a change to many of the other matters we have been dealing with later - lately. We'll go off the record for a second.

OFF THE RECORD

PRESIDENT: Well having examined our diaries we will adjourn this matter until 11.00 a.m. on 25th June. Thank you very much.

HEARING ADJOURNED