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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984
s.23 application for 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)

PLUMBERS AWARD

ORDER BY CONSENT

No 1 of 2002

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

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

"**8. WAGE RATES**

DIVISION A
PLUMBERS EMPLOYED ONLY ON CONSTRUCTION WORK

1. WAGE RATES

The rates of pay payable to employees covered by this division shall be those prescribed herein, calculated as an hourly rate in accordance with subclause (a) - Hourly Rate Calculation - Follow the Job Loading, of this clause.

(a) Hourly Rate Calculation - Follow the Job Loading

The calculation of the hourly rate shall take into account a factor of eight days in respect of the incidence of loss of wages for periods of unemployment between jobs.

For this purpose the hourly rate, calculated to the nearest cent (less than half a cent to be disregarded), shall be calculated by multiplying the sum of the appropriate amounts prescribed in subclauses (b) - Weekly Wage Rate, (c) - Supplementary Payments, (h) - Industry Allowance, (i) - Tool Allowance, (e) - Registration Allowance, (g) - Plumbing Trade Allowance and (n) Safety Net Adjustment , by 52 over 50.4 rounded to the nearest cent, adding to that sub-total the amount prescribed in subclause (d) - Special Allowance of this clause, and dividing the total by 38, rounded to the nearest cent.

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(b) Weekly Wage Rate

The weekly wage rate for the purposes of the abovementioned calculations for the respective classifications shall be the following:

		Base Rate $	Supplementary Payment $	Safety Net Adjustment $	Weekly Wage Rate $
(i)	Sanitary Plumber				
	Mechanical Services Plumber and/or Gas Fitter	368.00	52.10	18.00	438.10
(ii)	Water and/or Roof Plumber	368.00	52.10	18.00	438.10
(iii)	Drainer	362.20	52.10	18.00	432.30
(iv)	Irrigation Plumber	365.60	52.10	18.00	435.70

(c) Supplementary Payments

Employees shall be paid a supplementary payment of $52.10 per week to be added to the appropriate base rate prescribed in subclause (b) - Weekly Wage Rate of this clause, to compensate for the non- incidence of over-award payments in the building industry.

(d) Special Allowance

Employees shall be paid an allowance of $7.70 per week to compensate for the following matters:

(i) excess travelling time incurred by employees in the construction industry;

(ii) the removal of loadings from the various building industry awards consequent upon the introduction of this award in the building industry.

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(e) Registration Allowance

Employees registered in accordance with the relevant legislation in the State shall be paid a registration allowance in accordance with the following table to compensate for the responsibilities imposed by holding and maintaining registration:

	$
Sanitary Plumber and/or Gasfitter	17.40
Plumber Welder	17.40
Sanitary Plumber	17.40
Mechanical Services Plumber	17.40
Gasfitter	17.40
Water and Roof Plumber	8.90
Water or Roof Plumber	8.90
Drainer	8.90

(f) Licence Nominee Allowance

An employee who for the purposes of registration acts as an employer's nominee shall be paid $76.70 per week extra.

An employee in receipt of this allowance shall not receive the leading hand allowance prescribed in subclause (k) of this clause.

(g) Plumbing Trade Allowance

Employees shall be paid an allowance at the rate of $13.00 per week to compensate for the following classes of work in lieu of the relevant amounts in special rates, whether or not such work is performed in any one week:

(i) work requiring a swing scaffold, swing seat or rope, or on a ladder exceeding eight metres in height;

(ii) clearing stoppages in soil or water pipes, or sewer drain pipes, also repairing and putting same in proper order;

(iii) work in any confined space;

(iv) work in wet places;

(v) dirty or offensive work.

(h) Industry Allowance

Employees shall be paid an industry allowance of $16.30 per week to compensate for the following disabilities associated with construction work:

(i) climatic conditions when working in the open air on all types of work;

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(ii) the physical disadvantage of having to climb stairs or ladders;

(iii) the disability of dust blowing in the wind, brick dust and drippings from newly poured concrete;

(iv) sloppy and muddy conditions associated with the initial stage of the erection of a building;

(v) the disability of working on all types of scaffolds or ladders other than a swing scaffold, suspended scaffold, or a bosun's chair;

(vi) the lack of the usual amenities associated with factory work (eg meal rooms, change room, lockers).

(i) Tool Allowance

Employees shall be paid for all purposes of this award an allowance of $18.70 per week to compensate for the purchase and maintenance in efficient working order of all tools specified in this clause.

(i) Tools to be provided by the employee:

The employee will be obliged to provide and maintain the undermentioned tools in efficient working order:

(1) One pair each of the following:

150mm, 225mm and 300mm footprints; 250mm stillsons, multigrips or gas pliers; 200mm combination pliers; 250mm vice grip pliers; 200mm pincers; 250mm and 300mm straight snips; 175mm and 250mm curved snips; 200mm dividers.

(2) One set each of the following:

flat spanners - 6mm to 16mm; ring spanners - 6mm to 16mm; seaming tools - 6mm, 8mm and 10mm; keyhold saw and blades; wood bits - 6mm, 8mm, 10mm, 11mm, 16mm, 22mm, 25mm and 28mm.

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(3) One each of the following:

250mm and 200mm screwdrivers; 285g tack hammer; 450g ball peine hammer; 680g claw hammer; 1.36kg gympie hammer; 250mm bevel square; 300mm set square; 450g and 565g soldering irons; 1 metre folding rule; line level 27.24kg string line; 450g plumb-bob and line; 300mm wood brace; handdrill to take up to 6mm drill; 13mm and 25mm wood chisels; 13mm x 19mm block and pin; 150mm and 300mm adjustable wrenches; 200mm and 300mm rasps and handles; hacksaw; 150mm ladle; 100mm taper turnpin; drawknife; shavehook; bent boxwood dresser; straight boxwood dresser; 600mm spirit level; boxwood bossing mallet; crocks expander for copper; bent bolt; pointing trowel; 3mm rivet set; basin spanner; centre punch; prick punch; nail bag; tool bag; padlock; plugging chisel; 6mm, 13mm and 19mm cold chisels; 10mm, 13mm and 25mm star drills and hollow punches.

PROVIDED that an employee shall only be required to have available at any time those tools specified above as are necessary for the proper performance of the work or the job being done by him.

(ii) Tools and equipment to be provided by the employer:

Caulking-irons; drilling frame and chain; tap key; chain wrenches; files; grips or tongs of over 300mm in length; plumbing irons; ratchets; stocks; dies; drills for stone other than star drills; taps and drills for brass or iron threads; vices; blow lamps; L.P.G. kits or similar heating equipment.

If an employee is requested to provide any or all of the tools or equipment listed above he shall be paid by the employer an additional 10 cents per hour.

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(j) Leading Hands and Foreman

A person specifically appointed to be a leading hand shall be paid at the rate of the undermentioned additional hourly amounts above the hourly rate of the highest classification supervised, or his own rate, whichever is the highest, in accordance with the number of persons in his charge.

		Weekly Base Rate $	Per Hour $
(i)	in charge of not more than 1 person	10.40	0.28
(ii)	in charge of 2 and not more than 5 persons	23.20	0.63
(iii)	in charge of 6 and not more than 10 persons	29.50	0.80
(iv)	in charge of more than10 persons	39.30	1.07

The hourly rate prescribed herein is calculated to the nearest cent (less than half a cent to be disregarded) by multiplying the weekly wage rate by 52 over 50.4 and dividing the total by 38 and the said amount shall apply for all purposes of this award.

Foreman

An employee appointed as such by the employer or his representative to direct and/or supervise the work of other employees and/or who is responsible for the requisition of materials, keeping times, setting out work and/or estimating, shall be paid $79.00 per week extra, provided that this payment shall not be taken into account for the purpose of calculating the hourly rate.

(k) Lead Burner

An employee engaged in lead burning or lead work in connection herewith shall be paid an additional $1.15 per hour.

(l) Ships Plumber

An employee engaged on plumbing work in connection with ships shall be paid an additional 81 cents per hour.

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(m) Certified Welding Allowance

An employee who is requested by the employer to hold the relevant qualifications required by State Legislation for pressure oxyacetylene or electric welding, either manual or machine welding, and is required by his employer to act on such qualifications shall be paid an additional 36 cents per hour for oxyacetylene welding and 36 cents per hour for electric welding for every hour of his employment whether or not he has in any hours performed work relevant to those qualifications held.

2. APPRENTICES

The employment of apprentices shall be in accordance with the requirements of the *Industrial and Commercial Training Act 1985* and Regulations made thereto.

(a) The ordinary rates of payment to be paid by employers to apprentices shall be calculated by applying the percentages shown hereunder to the aggregate of subclauses (b) - Weekly Wage Rate, classification (i) - Registered Sanitary Plumber, (d) - Special Allowance, and in addition thereto apprentices shall receive the amounts prescribed in subclauses (g) - Plumbing Trade Allowance, (h) - Industry Allowance, and (i) - Tool Allowance.

	Percentage %	Weekly Wage Rate $
First year	38	169.40
Second year	55	245.20
Third year	75	334.35
Fourth year	90	401.20

The foregoing rates shall be calculated to the nearest five cents, two cents and less to be disregarded.

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DIVISION B - WEEKLY HIRE EMPLOYEES

1. SHEETMETAL WORKER

(a) The weekly wage rates set out hereunder shall be the rates payable to adult employees classified herein:

		Base Rate $	Supplementary Payment $	Safety Net Adjustment $	Weekly Wage Rate $
(i)	Sheetmetal worker, first class, ie. tradesman working to scaled prints or drawings or applying general trades experience or knowledge to making of sheetmetal products	393.40	17.90	18.00	429.30
(ii)	Sheetmetal worker, second class, ie. adult employee working at bench in making or repairing or sheetmetal products not calling for use of prints or drawing or measurements	321.50	32.30	18.00	371.80
(iii)	Guillotine operator and/or guttering machinist	301.80	30.30	18.00	350.10
(iv)	Foreman	478.70	22.80	18.00	519.50

(v) Employee engaged in galvanising and/or retinning shall be paid $0.30 per hour extra whilst so employed.

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2. PLUMBER [OTHER THAN EMPLOYEES ENGAGED ON CONSTRUCTION WORK]

(a) The weekly wage rates set out hereunder shall be the rates payable to adult employees classified herein:

		Base Rate $	Supplement-ary Payment $	Safety Net Adjustment $	Weekly Wage Rate $
(i)	Plumber	396.10	15.90	18.00	430.00
(ii)	Plumber doing lead burning and/or preparing lead for burning with a flame	435.40	17.70	18.00	471.10
(iii)	Plumber doing plumbing work on ships, whilst so engaged	423.70	10.80	18.00	452.50
(iv)	Foreman	481.30	20.80	18.00	520.10

(v) A Plumbing Trades Allowance of $13.00 per week additional to the aforementioned wage shall be paid

3. LEADING HANDS

In addition to rates prescribed in subclauses 1 and 2 of this division a leading hand or if appointed as such shall be paid:

		Amount Per Week $
(a)	if in charge of not more than 1 person	10.40
(b)	if in charge of 2 and not more than 5 persons	22.50
(c)	if in charge of 6 and not more than 10 persons	29.00
(d)	if in charge of more than 10 persons	37.70

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4. REGISTRATION ALLOWANCE

Employees in categories hereunder registered by the appropriate State Authority as such shall be paid the following amounts as Registration Allowance per week.

		$
(a)	Plumber and Gasfitter	17.40
	Plumber Welder	17.40
	Sanitary Plumber	17.40
	Mechanical Services Plumber	17.40
	Gasfitter	17.40
	Drainer	8.90
	Water and Roof Plumber	8.90
	Water or Roof Plumber	8.90

(b) The allowance prescribed in (a) of this subclause shall not apply with cumulative effect.

(c) An employee who for the purposes of registration acts as an employer's nominee shall be paid at the rate prescribed for Foreman in Clause 8 - Wage Rates, Division A - Plumbers Employed Only on Construction Work, subclause 1 - Wage Rates, (j) - Leading Hands and Foreman.

5. APPRENTICES AND JUNIOR WORKERS

(a) Apprentices

(i) In accordance with provisions of regulations made under the *Industrial and Commercial Training Act 1985* the proportionate number of apprentices shall be one apprentice to each three journeymen or fraction thereof.

(ii) The term of apprenticeship shall be four years.

(iii) The minimum weekly rates of wages for apprentices employed in a workshop shall be the undermentioned percentages of the weekly wage rate of employees mentioned in this division, subclause 2(a), Classification (i).

	Percentage %	Weekly Wage Rate $
First year	38	163.40
Second year	55	236.50
Third year	75	322.50
Fourth year	90	387.00

The said minimum rates shall be calculated to the nearest 10 cents.

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(b) Junior Workers may be Employed on the Following Work:

(i) running messages, sweeping, guillotine operator and/or guttering machinist, power machinist, press operator, solderer and dipper, canister maker, canister closer, cap solderer, operator of power capping machine.

PROVIDED that proportion of such juniors that may be employed shall not be more than one junior to three adults.

(ii) Juniors shall be paid weekly as follows:

	Percentage of $284.40	Amount per week
Under 17 years	44	125.10
17 to 18 years	55	156.40
18 to 19 years	74	210.50
19 to 20 years	85	241.70
20 to 21 years	95	270.20

6. DISABILITY ALLOWANCE

(a) In addition to the rates prescribed in subclauses 1 and 2, of this division all employees classified in subclauses 1, 2, and 5(a)(iii) of this division shall, whilst engaged on the installation or removal of plumbing fixtures, fittings or pipes, or their maintenance or repair in position, be paid an allowance of $16.30 per week in recognition of and compensation for disabilities generally existing where employees are engaged on this type of work.

(b) In addition to the rates prescribed in subclauses 1 and 2, of this division all employees engaged in fabrication work in workshops shall be paid an allowance of $8.10 per week.

DIVISION C - 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.

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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:

'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.

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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))	Percentage 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 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 subclauses (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.

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(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."

OPERATIVE DATE

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

R J Watling
DEPUTY PRESIDENT

1 August 2002