

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

s23 application for award or variation of award

Minister administering the State Service Act 2000

(T13783 of 2011)

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(T13784 of 2011)

MISCELLANEOUS WORKERS (PUBLIC SECTOR) AWARD

Award variation – supported wage increased to \$75.50 - work-related allowances increased by 1.81% and 2.92% - consent order issued - operative date ffpp 1 August 2011

ORDER BY CONSENT -

No. 1 of 2011

THE **MISCELLANEOUS WORKERS (PUBLIC SECTOR) AWARD** IS VARIED IN THE FOLLOWING MANNER:

1. By deleting from Clause 8(a) – WAGE RATES - Leading Hands (i), (ii) and (iii) and inserting in lieu thereof the following:

"Leading Hands

In addition to the rates of pay prescribed above leading hands shall be paid the following additional amounts:

- (i) where the leading hand is in charge of not more than five employees \$18.40 extra per week;
- (ii) where the leading hand is in charge of six to ten employees \$24.10 extra per week;
- (iii) where the leading hand is in charge of more than ten employees \$32.20 extra per week."

2. By deleting from Clause 8(b)(i) – WAGE RATES - Service Incremental Payments Scheme, and inserting in lieu thereof the following:

"(b) Service Incremental Payments Scheme

- (i) Subject to the conditions set out elsewhere in this subclause, employees shall be entitled to the following payments upon satisfactory completion of continuous service (as defined) in conformity with the periods set out hereunder:

	Per Week
	\$
0 to 6 months service	Nil
6 months to 18 months service	83.30
18 months to 30 months service	90.80
30 months service and thereafter	97.40"

3. By deleting from Clause 8(c) – WAGE RATES - Supported Wage, and inserting in lieu thereof the following:

"(f) Supported Wage System for Persons with Disabilities

This subclause defines the conditions which will apply to employees who because of the effects of a disability are eligible for a supported wage under the terms of this award.

In this subclause:

'approved 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 tool 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 Commonwealth pension scheme to provide income security for persons with a disability as provided under the *Social Security Act 1991 (Cth)*, as amended from time to time, or any successor to that scheme

'relevant minimum wage' means the minimum wage and includes any incremental adjustment prescribed in this award for the class of work for which an employee is engaged

'supported wage system' (SWS) means the Commonwealth Government system to promote employment for people who cannot work at full award wages because of a disability, as documented in the Supported Wage System Handbook. The Handbook is available from the following website: www.jobaccess.gov.au

'SWS wage assessment agreement' means the document in the form required by the Department of Education, Employment and Workplace Relations that records the employee's productive capacity and agreed wage rate

(i) Eligibility Criteria

- (1) Employees covered by this schedule will be those who are unable to perform the range of duties to the competence level required within the class of work for which the employee is engaged under this award, because of the effects of a disability on their productive capacity and who meet the impairment criteria for receipt of a disability support pension.
- (2) This schedule 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 employment.

(ii) Supported Wage Rates

Employees to whom this schedule applies will be paid the applicable percentage of the relevant minimum wage according to the following schedule:

Assessed Capacity (subclause (c))	Relevant Minimum Wage
%	%
10	10
20	20
30	30
40	40
50	50
60	60
70	70
80	80
90	90

PROVIDED that the minimum amount payable must be not less than \$75.50 per week.

Where an employee's assessed capacity is 10%, they must receive a high degree of assistance and support.

(iii) Assessment of Capacity

- (1) For the purpose of establishing the percentage of the relevant minimum wage, the productive capacity of the employee will be assessed in accordance with the Supported Wage System by an approved assessor, having consulted the employer and employee and, if the employee so desires, a union which the employee is eligible to join.
- (2) All assessments made under this schedule must be documented in an SWS wage assessment agreement, and retained by the employer as a time and wages record in accordance with the Act.

(iv) Lodgement of SWS Wage Assessment Agreement

- (1) All SWS wage assessment agreements under the conditions of this clause, including the appropriate percentage of the relevant minimum wage to be paid to the employee, must be lodged by the employer with Tasmanian Industrial Commission.
- (2) All SWS wage assessment agreements must be agreed and signed by the employee and employer parties to the assessment. Where a union which has an interest in the award is not a party to the assessment, the assessment will be referred by the Tasmanian Industrial Commission to the union by certified mail and the agreement will take effect unless an objection is notified to Tasmanian Industrial Commission within 10 working days.

(v) Review of Assessment

The assessment of the applicable percentage should be subject to annual or more frequent review on the basis of a reasonable request for such a review. The process of review must be in accordance with the procedures for assessing capacity under the supported wage system.

(vi) Other Terms and Conditions of Employment

Where an assessment has been made, the applicable percentage will apply to the relevant minimum wage only. Employees covered by the provisions of this clause will be entitled to the same terms and conditions of employment as other workers covered by this award on a pro rata basis.

(vii) Workplace Adjustment

An employer wishing to employ a person under the provisions of this schedule must 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.

(viii) 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 schedule for a trial period not exceeding 12 weeks, except that in some cases additional work adjustment time (not exceeding four weeks) may be needed.
- (2) During that trial period the assessment of capacity will be undertaken and the percentage of the relevant minimum wage for a continuing employment relationship will be determined.
- (3) The minimum amount payable to the employee during the trial period must be no less than \$75.50 per week.
- (4) Work trials should include induction or training as appropriate to the job being trialled.
- (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 will be entered into based on the outcome of assessment under paragraph (iii)."

4. By deleting from Clause 9 – ALLOWANCES and inserting in lieu thereof the following:

"Employees engaged in steam cleaning buildings (as defined) or in steam cleaning carpets (as defined) shall be paid an allowance of \$0.47 cents for each hour or part of an hour engaged."

5. By deleting from Clause 14 – FIRST AID and inserting in lieu thereof the following:

"Where an employee is a qualified first aid attendant and is authorised to carry out the duties of a qualified first aid attendant, the employee shall be paid an additional amount, payable at the rate of \$9.60 per week."

6. By deleting from Clause 15(a), 15(c)(i) and 15(h)(i) and (ii) – GENERAL CONDITIONS and inserting in lieu thereof the following:

"(a) If an employee is required to clean windows and it is necessary to go wholly outside the window or climb around an outside column to do such cleaning, and if such cleaning or climbing is at a height of more than six (6) metres from the ground or verandah, the employee shall be paid \$0.26 cents extra for each window so cleaned - maximum \$7.60 per day."

"(c) (i) Where an employee is called upon to wash articles the following amounts shall be paid extra:

washing towels	\$0.52 cents each
washing dusters	\$0.27 cents each"

"(h) (i) Employees engaged for 33 1/3 per cent or more of their time on incinerators or furnaces shall be paid an additional \$2.40 per day extra.

(ii) Employees engaged for 33 1/3 per cent or more of their time cleaning toilets shall be paid an additional \$1.20 per day extra."

OPERATIVE DATE:

These variations shall come into operation from the first full pay period to commence on or after 1 August 2011.

Tim Abey
DEPUTY PRESIDENT

4 October 2011