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TASMANIAN INDUSTRIAL COMMISSION

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

Tasmanian Trades and Labor Council
(T11566 of 2004)
Private and Public Sector Awards

FULL BENCH:

PRESIDENT P L LEARY
COMMISSIONER T J ABEY
COMMISSIONER J P McALPINE

Supported Wage increased to \$61 per week – Operative date ffpp 1 August 2004

ORDER BY CONSENT

PRINTING AUTHORITY OF TASMANIA AWARD

No. 1 of 2004

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THE **PRINTING AUTHORITY OF TASMANIA AWARD** IS VARIED IN THE FOLLOWING MANNER:

By deleting from PART 2 – PAYMENT OF SALARIES, ALLOWANCES AND RELATED MATTERS, Clause 16 – SUPPORTED WAGE SYSTEM and inserting in lieu thereof the following:

“16. SUPPORTED WAGE SYSTEM

(a) Eligibility Criteria

(i) Subject to this clause the Authority may engage employees at a supported wage rate (as set out in subclause (c) of this clause)) 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.

(ii) This clause does not apply to:

(1) Any existing employee who has a claim against the Authority which is subject to the provisions of workers' compensation legislation; or

(2) Any provision of this award relating to the rehabilitation of employees who are injured in the course of their current employment.

(b) For the purposes of this clause:

'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 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 System

Employees to whom this clause applies are to 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 is not less than \$61 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 is to be assessed in accordance with the Supported Wage System and documented in an assessment instrument by either:

- (i) the Authority and a union party to the award , in consultation with the employee or, if desired by any of these;
- (ii) the Authority and an Accredited Assessor from a panel agreed by the parties to the award and the employee.

(e) Lodgement of Assessment Instrument

- (i) All assessment instruments under the conditions of this clause, including the appropriate percentage of the award wage to be paid to the employee, are to be lodged by the Authority with the Registrar of the Tasmanian Industrial Commission.
- (ii) All assessment instruments are to 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 is to be referred by the Registrar of the Tasmanian Industrial Commission to the union by certified mail and is to 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 is to be subject to annual review or earlier on the basis of a reasonable request for such a review. The process of review is to 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 is to apply to the wage rate only. Employees covered by the supported wage provisions of this clause are to be entitled to the same conditions of employment as all other workers covered by this award who are paid on a pro rata basis.

(h) Workplace Adjustment

If the Authority wishes to employ a person under this clause it is to 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, the Authority may employ a person under the provisions of this clause 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 is to be undertaken and the proposed wage rate for a continuing employment relationship is to be determined in accordance with subclauses (d) and (e).
- (iii) The minimum amount payable to the employee during the trial period is to be no less than \$61 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.
- (v) Where the Authority and the employee wish to establish a continuing employment relationship following the completion of the trial period, a further contract of employment is to be entered into based on the outcome of assessment under subclause (c) hereof.

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OPERATIVE DATE

This variation shall come into operation from the first full pay period to commence on or after 1 August 2004.

Tim Abey
COMMISSIONER

26 August 2004