

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984
s.23 application for award or variation of award

Federated Engine Drivers' & Firemen's Association of Australasia
Tasmanian Branch
(T.3292 of 1991)

Metals and Engineering Workers Union
(T.3330 of 1991 and T.3719 of 1992)

Federated Clerks Union of Australia
Tasmanian Branch
(T.3354 of 1991)

Building Workers' Industrial Union of Australia
(Tasmanian Branch)
(T.3601 of 1991)

SHIPBUILDERS AWARD

DEPUTY PRESIDENT A R ROBINSON

HOBART 12 March 1992

Increase wage rates and allowances by 2.5%, first Minimum Rates Adjustment

REASONS FOR DECISION

All of these applications were joined for hearing together at the commencement of proceedings.

After a measure of debate the matters before the Commission reduced themselves to the following:

1. 2.5% increase in wage rates and work related allowances in both Division A and Division B of the award.
2. The first minimum rates adjustment for classifications contained in Division A.
3. 2.5% increase in the minimum wage.

These matters are ones of consent and each of the parties addressed in some detail how the increases applied for could meet each and every individual requirement of the relevant Wage Fixation Principles. And in particular much emphasis was given to all of the elements of the Structural Efficiency Principle, items (a) to (g) inclusive.

Attention was drawn to clauses already contained in the award which give effect to structural efficiency requirements in the award as a whole such as:

- (a) Clause 12(a) - "Structural Efficiency Exercise". This clause goes to elements such as:
 - (i) requiring an employee to work as directed and carry out tasks within the limits of that employee's skill, competency and training etc;
 - (ii) a commitment to training and skill development;
 - (iii) a review of any restrictive provisions;
 - (iv) increase efficiency, productivity and international competitiveness of industry;
 - (v) providing career opportunities for employees in the industry;
 - (vi) removing barriers to utilisation of skills acquired.
- (b) Clause 18 - Hours
Maximum flexibility of working arrangements with a number of options, especially through consultation.
- (c) Clause 31 - Settlement of Disputes.
- (d) Clause 39(a) - Broken (annual) Leave.
- (e) Clause 51 - Sick Leave - special provisions concerning new employees.
- (f) Clause 47 - Overtime - provisions for time off in lieu under certain circumstances.
- (g) Clause 40 - Enterprise Agreements.

A further agenda item concerned a proviso for inclusion in Clause 12 - "Commitments". This proviso to read as follows:

"12(a)(i) This provision does not deny such employees any award entitlement which might be applicable for performing work of a higher classification; nor should the provision enable the employer to pay any employee at a rate lower than the employee's substantive classification for performing work of a lower classification."

This proviso is consistent with the Commission's State Wage Case decision and was consented to on that basis.

Finally the parties consented to a new "Structural Efficiency" clause (exhibit D1) being inserted in Division B, similar to that contained in Division A.

The parties placed on record the fact that they are each committed to progressing further discussions in relation to reviewing the appropriateness of certain classifications in Division A; definitions; and relativities between trades and non trades classifications within the ship building industry.

Matters consented to, i.e. 2.5% increase in wage rates and work related allowances; 2.5% increases in the minimum wage; the first minimum rates adjustment; and conditions matters already referred to, are accepted by the Commission on the basis of:

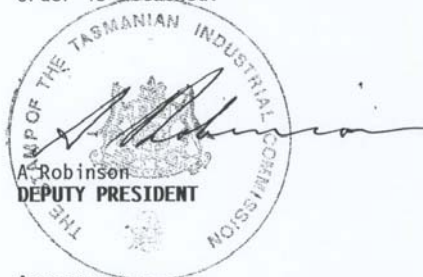
1. being consistent with public interest criteria, and
2. compliance with the Wage Fixing Principles.

The award will therefore be varied accordingly.

Operative Date

The foregoing variations shall have effect from the first pay period to commence on or after 9 March 1992.

Order is attached.



Appearances:

Mr M Clifford for the Building Workers' Industrial Union of Australia, (Tasmanian Branch) and the Federated Engine Drivers' and Firemen's Association of Australasia, Tasmanian Branch.

Mr D Harding for the Metals and Engineering Workers Union.

Mrs H Dowd for the Federated Clerks Union of Australia, Tasmanian Branch.

Mr T Edwards for the Tasmanian Confederation of Industries.

Date and Place of Hearing:

1992
Hobart
March 9