

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T No. 3770 of 1992

IN THE MATTER OF an application by
the Federated Clerks Union of
Australia, Tasmanian Branch to
vary the Public Vehicles Award

re classification structure and
first MRA

COMMISSIONER IMLACH

HOBART, 13 May 1992

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER IMLACH: I'll take appearances.

MRS H.J. DOWD: If the commission pleases, I appear on behalf of the Federated Clerks Union of Australia, Tasmanian Branch, DOWD H.J.

COMMISSIONER IMLACH: Thanks, Mrs Dowd.

MR S. CLUES: If it pleases the commission, I appear on behalf of the Tasmanian Confederation of Industries, CLUES S.

COMMISSIONER IMLACH: Thanks, Mr Clues. Mrs Dowd?

MRS DOWD: Mr Commissioner, the application before you today is seeking to vary the Public Vehicles Award by inserting a new classification structure for clerks and for the first minimum rates adjustment to be awarded for clerks. This award has been subject to much discussion and negotiation between the TCI and the Federated Clerks Union, and we have finally reached a consent position to present to you today.

It was stated during the proceedings for the 2.5% increase in this award, under T.3351 of 1991, that a new classification structure for clerical employees was to be negotiated and that the MRA process would start when that structure was in place. We are now at that stage to proceed.

The new classification structure is the same as that in place in the Clerical and Administrative Employees (Private Sector) Award. There are a few amendments to the conditions of employment clauses, namely the introduction of casual and part-time employees. This is really just legalising what is happening in the industry at the moment. Also the introduction of an annualised salary agreements clause and the introduction of a new subclause in the hours clause.

We have agreed to the minimum rates adjustment to be phased in over a period of four intervals, nine months apart and another one three months later. In other words, there will be five MRAs, four of them nine months apart and the fifth will be three months after the last one, each subject to a separate application after this particular application today.

Mr Commissioner, this complete new classification structure will be based solely on skills, competency and responsibility and comprehensive definitions will accompany each grade. The creation of this new structure, together with significant changes to the award conditions of employment, will complete the structural efficiency process arising out of the October 1991 National Wage Case decision. I'd now hand over to Mr Clues who has the draft order to present, and will actually outline the variations sought. Thank you.

COMMISSIONER IMLACH: Thanks, Mrs Dowd. Mr Clues?

MR CLUES: Mr Commissioner, the application before you today by the FCU seeks to implement the first minimum rate adjustment and, more importantly, the new classification structure for Division C. The TCI has prepared the draft order and, therefore, it would be best if I took you through that particular document.

I would say at this point in time that the parties were, up until yesterday, still negotiating and, therefore, this draft order has been developed in somewhat of a panic manner and, therefore, there may be some errors and omissions, some of which I will be able to draw your attention to and others may be brought to your attention after the parties have had the opportunity to peruse the document. So at this point in time I will tender the document for the commission.

COMMISSIONER IMLACH: Call that TCI.1.

MR CLUES: On the first page, Mr Commissioner, you have a new wage schedule that is proposed for Division C of this particular award. It incorporates the first minimum rate adjustment, the first minimum rate adjustment appears in the supplementary payments column and, I believe, that the correct title would be 'Supplementary Payments', however, our word processor didn't allow for the full word to be included on this particular document.

The first minimum rate adjustment is one of five minimum rate adjustments, four are, as has been indicated, to be in nine monthly instalments subject to application, the fifth to proceed after the fourth with a three month duration between the two. All minimum rate adjustments are fully absorbable against over award payments in accordance with the principles. You will note from the wage schedule that the additional payments section that has traditionally been in the clerical type awards has been removed, the reason being that the additional payments recognised a skill which is now absorbed within the existing classification structure, and the minimum rate adjustments are designed to recompense people for those skills.

We also have presented on the second page a number of new definitions. I would see that the definitions should have a new title within clause 7 - Definitions for Division C Clerks. Beneath that there should be two subheadings, one called 'General Definitions' in which new proposed definitions for casual and part-time employees could be inserted, and a second subsection which would be the classification definitions. Within those classification definitions one omission that has been brought to my attention is that of the definition of 'adult entry point'. If Mrs Dowd has a copy of that at this point in time I may read it on to transcript.

I would see this appearing prior to grade 1 clerical assistant, as that would be the sequential position for it. And 'adult entry' definition reads:

Adult entry shall mean the entry point for adult employees 21 years and over with less than 12 months clerical experience either as a junior or adult and on the completion of 12 months clerical experience whether with one employer or more such adult employee shall be advanced to a graded position dependent on the skills held and position requirement.

At this point in time I'll tender an exhibit that has just been given to me by Mrs Dowd, which actually has those words embraced within it. And if that could be inserted into the new definition - classification definitions for clerks.

COMMISSIONER IMLACH: TCI.2.

MR CLUES: It will save coming back to the commission at a later date. The clerical structure itself is a six grade structure and the clerks have reserved their rights to come back on the seventh grade, those definitions are pending. The TCI will state its position at that point in time.

Moving on from the actual structure itself, there have been a number of award variations, one of which was the inclusion of casual and part-time rates. As has been indicated by Mrs Dowd, there are, in fact, persons acting in breach of the award at this point in time who do, in fact, employ casuals and part-timers and this merely rectifies those award breaches and provides endorsement within the award.

We would see that becoming clause 40 - Contract of Employment, and it requires a number of amendments, the first being to subclause (a) by inserting the words after 'week', 'except in the case of casuals'. That refers to the period of engagement. And, secondly, to insert a new subclause (b) and renumbering the existing subclauses to include what the contract of employment for a casual and part-time employee will contain. It refers to casuals, for example, that they will receive one thirty-eighth of the ordinary hourly rate plus a 20% loading in lieu of annual leave, sick leave and public holidays. We believe this provision is fairly standard and one with which the commission would be fully aware.

In addition to that, Mr Commissioner, we've also sought to introduce a new provision known as annualised salary agreements. This provides for persons employed in grades 4, 5, 6 and 7 to be provided with a written agreement between the employer and the employee. It would be a package that would be designed to embrace such things as overtime and other allowances that may be accrued during the normal course of the

award, and they would be substituted by what would be known as an annual salary. This is not a unique provision and it has already been inserted in the C & A Award, and similar provisions have been instituted into the hospitality awards.

To assist in implementing this new classification structure into the award, we would seek to have an appendix to the award. This concept again has been developed in the C and A Award. What it does is it gives a brief introduction as to what the structure - how the structure has been developed. It then goes on to outline in the second - the full structure in terms of what the ultimate relativities will be and the associated rates of pay. It makes reference to the fact that the definitions can be found in clause 7 of the award, and then it provides a grading and translation schedule to determine where existing and new employees fit.

For the benefit of the commission and just to place on record, the parties have reached agreement that the existing employees, that is employees employed prior to the date of your decision, and the operative date for this award, shall automatically be graded into levels - the latter part of each level which is either 1(b), 2(b), 3(b) based on their relative skills, whilst new employees after the implementation of this award shall be graded according to their skill and experience as determined by the definitions of this award.

The final section of that particular appendix pertains to minimum rate adjustments. It identifies a schedule of when it is expected that the minimum rate adjustments will apply, but again that is subject to application and those dates may be altered. It also states that minimum rate adjustments are fully absorbable. The last part of that appendix pertains to adult entry and provides that an adult entry person with less than 12 months clerical experience with any employer may be classified at adult entry point for the balance of that 12 months, thereafter the employee must be classified in accordance with the definitions.

Mr Commissioner, the parties have done considerable work on this award. We've amended the wage schedule to reflect the first minimum rate adjustment. We've implemented a new classification structure. We've also implemented casual and part-time provisions, annualised salaries and amended the hours of work provision to include work up to 10 ordinary hours in any given day without attracting overtime, provided that you don't exceed 38 in that particular week.

Subject to any questions that the commission may have, I just indicate that the parties are in consent in this particular matter and we would seek an operative date of today, for the first pay period on or after today.

COMMISSIONER IMLACH: Yes, Mr Clues, just one point strikes me. Sixteen hundred and sixty hours, how many hours a week is that?

MR CLUES: This is the formula. Whereabouts are you -

COMMISSIONER IMLACH: The last page of the exhibit. Twelve months experience is 1,660 hours actual service.

MR CLUES: Well I imagine that - I haven't actually got my calculator here but I imagine that it equates to 12 months worth of 38 hour weeks.

COMMISSIONER IMLACH: Right. And it's quite a large document, Mr Clues, which we haven't seen before so I'll accept that on the basis of errors and omissions excepted.

MR CLUES: Thank you very much.

COMMISSIONER IMLACH: Thanks, Mr Clues. Mrs Dowd?

MRS DOWD: Yes, Mr Commissioner, the Federated Clerks Union, as stated earlier, came with a consent position. Subject to any corrections or omissions we believe that this document is a consent document. There was only one thing that I have actually noticed in relation to clause 40 - Contract of Employment, the only reference to part-time employees is for those in receipt of the 20% loading. We've actually omitted one part that was agreed, and that was in relation to part-time employees working 20 hours or more as well as those working 20 hours or less. I believe that was just an omission in relation to typing. That will actually be corrected and forwarded to the commission, along with any other corrections or omissions that are picked up in perusal of the document.

The Federated Clerks Union actually reserves their right in the future to argue for the junior rates or junior percentages to be increased and to be comparable with what is in the Clerical and Administrative Employees (Private Sector) Award. We have not had any real discussions with the TCI on this issue prior to today, so the percentages have not been increased at this stage. But, as stated, the Federated Clerks Union reserves their right to actually argue that in the future. If the commission pleases.

COMMISSIONER IMLACH: Yes, and you agree with the operative date, Mrs Dowd?

MRS DOWD: Yes, we do, Mr Commissioner.

COMMISSIONER IMLACH: Yes. That amendment that you were just talking about, the part-timers and so on, if you get that in as soon as possible and get Mr Clues' signature on it as well as your own so we know for sure that's agreed.

MRS DOWD: Yes, Mr Commissioner, no problem.

COMMISSIONER IMLACH: Right. Thanks, Mrs Dowd. It seems to me that all this is in order and, as I said before, subject to inspection by a higher authority or whatever, it will be granted operative from the date agreed. This matter is closed.

HEARING CONCLUDED