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TASMANIAN INDUSTRIAL COMMISSION

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

Tasmanian Trades and Labor Council
(T6941 of 1997)
All public and private sector awards

Automotive, Food, Metals, Engineering, Printing & Kindred Industries Union
(T6928 of 1997)
Automotive Industries Award

(T6929 of 1997)
Draughting & Technical Officers (Private Industry) Award

(T6930 of 1997)
Fish, Aquaculture and Marine Products Award

(T6931 of 1997)
Metal & Engineering Industry Award

(T6932 of 1997)
Optical Industries Award

(T6933 of 1997)
Shipbuilders Award

(T6934 of 1997)
Surveyors (Private Industry) Award

The Australian Workers' Union, Tasmania Branch
(T6947 of 1997)
Automotive Industries Award
Bootmakers Award
Building Trades Award
Building and Construction Industry Award
Butter and Cheesemakers Award
Carriers Award
Clay and Mud Products Award
Concrete Products Award
Dairy Processing Award
Farming and Fruitgrowing Award
Fish, Aquaculture and Marine Products Award
Horticulturists Award
Marine Boards Award
Meat Processing Industry Award
Metal and Engineering Industry Award

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Monumental Masons Award
Optical Industries Award
Pasminco Rosebery (Mining) Award
Plant Nurseries Award
Produce Award
Public Vehicles Award
Quarrymens Award
Roadmakers Award
Rubber Trades Award
Shearing Industry Award
Shellfish Industry Award
Timber Merchants Award
Wireworking Award
National Training Wage (Tasmanian Private Sector) Award

Transport Workers' Union of Australia, Tasmanian Branch
(T6956 of 1997)
Transport Workers General Award

National Union of Workers, Tasmanian Branch
(T6971 of 1997)
Automotive Industries Award
Fuel Merchants Award
Produce Award
Retail Trades Award
Rubber Trades Award
Softgoods Award
Wholesale Trades Award
Fibreglass and Plastics Award
Timber Merchants Award
Wholesale Pharmaceutical Award

Australasian Meat Industry Employees Union, Tasmanian Branch
(T6979 of 1997)
Meat Processing Industry Award
Meat Retailing Award

Textile, Clothing and Footwear Union of Australia, Tasmanian Branch
(T6987 of 1997)
Bootmakers Award
Clothing Industry Award
Textile Award

Australian Municipal, Administrative, Clerical and Services Union
(T6991 of 1997)
Aerated Waters Award
Barristers and Solicitors Award
Broadcasting and Television Award

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Clerical and Administrative Employees (Private Sector) Award
Community Services Award
Entertainment Award
Estate Agents Award
Furnishing Trades Award
Independent Schools (Non-Teaching Staff) Award
Insurance Award
Photographic Industry Award
Printers Award
Public Accountants Award
Restaurant Keepers Award
Shipping Award
Totalizator Agency Award

Health Services Union of Australia, Tasmania No. 1 Branch
(T6993 of 1997)
Dentists Award
Disability Service Providers Award
Medical Practitioners (Private Sector) Award
Medical Diagnostic Services Award
Nursing Homes Award
Hospitals Award

WHOLESALE TRADES AWARD

FULL BENCH:
PRESIDENT F D WESTWOOD
DEPUTY PRESIDENT B R JOHNSON
COMMISSIONER R J WATLING

Wage Rates - State Wage Case July 1997 - application to flow on Australian Industrial Relations Commission Safety Net Review decision April 1997 (Print P1997) agreed tripartite position - Wage Fixing Principles varied - $10.00 per week arbitrated safety net adjustment approved- all private sector awards to be varied on application no earlier than ffpp on or after 14 July 1997 - State Minimum Wage to be subject to separate application

ORDER -

No. 4 of 1997

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AMEND THE **WHOLESALE TRADES AWARD** IN THE FOLLOWING MANNER:

Delete Clause 8 - Wage Rates and insert in lieu thereof the following:

"8. WAGE RATES

(a) Warehouse and Storeworker Employees

(i) Adults

Adult employees shall be paid the weekly wage rate set out below for the pay level assigned to their classification.

	Wage rate Relativity %	Base Rate $	Safety Net Adjustment $	Weekly Wage Rate $
Warehouse & Storeworker Grade 1 (as defined)				
On commencement	87.4	364.60	34.00	398.60
After 2 months service	89.2	372.10	34.00	406.10
After 12 months service	91	379.70	34.00	413.70
Warehouse & Storeworker Grade 2 (as defined)	92.4	385.50	34.00	419.50
Warehouse & Storeworker Grade 3 (as defined)	96.9	404.30	34.00	438.30
Warehouse & Storeworker Grade 4 (as defined)	100.9	421.00	34.00	455.00
Warehouse & Storeworker Grade 5 (as defined)	105	438.10	34.00	472.10

(ii) Junior Employees

The minimum weekly wage rate to be paid to a junior Warehouse and Storeworker employee shall be the undermentioned percentages of the total weekly wage rate for an Adult, Warehouse and Storeworker, Grade 1, on commencement, subclause (a)(i) of this clause.

	Percentage %	Weekly Wage Rate $
Under 16 years of age	55	219.20
16 years of age	65	259.10
17 years of age	78.5	312.90
18 years of age	93	370.70
19 years of age	100	398.60

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(b) Manufacturing and Packing Employees

(i) Adults

Adult employees shall be paid the weekly wage rate set out below for the pay level assigned to their classification.

	Wage rate Relativity %	Base Rate $	Safety Net Adjustment $	Weekly Wage Rate $
Manufacturing & Packing Employee Grade 1 (as defined)	78	325.40	34.00	359.40
Manufacturing & Packing Employee Grade 2 (as defined)	82	342.10	34.00	376.10
Manufacturing & Packing Employee Grade 3 (as defined)	87.4	364.60	34.00	398.60
Manufacturing & Packing Employee Grade 4 (as defined)	92.4	385.50	34.00	419.50
Manufacturing & Packing Employee Grade 5 (as defined)	96.9	404.30	34.00	438.30

(ii) Junior Employees

The minimum weekly wage rate to be paid to a junior Manufacturing and Packing employee shall be the undermentioned percentages of the total weekly wage rate for an Adult, Manufacturing and Packing Employee, Grade 2 (as defined) of subclause (b)(i) of this clause.

	Percentage %	Weekly Wage Rate $
Under 16 years of age	55	206.90
16 years of age	65	244.50
17 years of age	78.5	295.20
18 years of age	93	349.80
19 years of age	100	376.10
20 years of age	100	376.10

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(c) Clerical and Administrative Employees

(i) Adults

Adult employees shall be paid the weekly wage rate set out below for the pay level assigned to their classification.

	Wage rate Relativity %	Base Rate $	Safety Net Adjustment $	Weekly Wage Rate $
Adult entry (as defined)				
1st 6 months service	80	333.80	34.00	367.80
2nd 6 months service	85	354.60	34.00	388.60
Clerical & Administrative Employee Grade 1 (as defined)				
1A - 1st 12 months service	87	363.00	34.00	397.00
1B - After 12 months service	90	375.50	34.00	409.50
Clerical & Administrative Employee Grade 2 (as defined)				
2A - 1st 12 months service	92	383.80	34.00	417.80
2B - After 12 months service	95	396.30	34.00	430.30
Clerical & Administrative Employee Grade 3 (as defined)				
3A - 1st 12 months service	97	404.70	34.00	438.70
3B - After 12 months service	100	417.20	34.00	451.20
Clerical & Administrative Employee Grade 4 (as defined)	105	438.10	34.00	472.10
Clerical & Administrative Employee Grade 5 (as defined)	110	458.90	34.00	492.90
Clerical & Administrative Employee Grade 6 (as defined)	115	479.80	34.00	513.80
Clerical & Administrative Employee Grade 7 (as defined)	120	500.60	34.00	534.60

(ii) Junior Employees

(1) The minimum weekly wage rate to be paid to a junior Clerical and Administrative employee performing duties consistent with the definition of an Adult, Clerical and Administrative Employee, Grade 1 (as defined), shall be the undermentioned percentages of the total weekly wage rate for an Adult, Clerical and Administrative Employee, Grade 1, 1A of subclause (c)(i) of this clause.

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	Percentage %	Weekly Wage Rate $397.00
Under 17 years of age	50	198.50
17 to 18 years of age	55	218.40
18 to 19 years of age	65	258.10
19 to 20 years of age	80	317.60
20 to 21 years of age	85	337.50

(2) The minimum weekly wage rates to be paid to all other junior Clerical and Administrative employees shall be the undermentioned percentages of the total weekly wage rate for an Adult, Clerical and Administrative Employee, Grade 2, 2A of subclause (c)(i) of this clause.

	Percentage %	Weekly Wage Rate $417.80
Under 17 years of age	50	208.90
17 to 18 years of age	55	229.80
18 to 19 years of age	65	271.60
19 to 20 years of age	80	334.20
20 to 21 years of age	85	355.10

(d) Transport Employees

(i) Adults

Adult employees shall be paid not less than the weekly wage rate set out below for the pay level assigned to their classification.

Transport Employee	Wage rate Relativity %	Base Rate $	Safety Net Adjustment $	Weekly Wage Rate $
Grade 1 (as defined)	93.2	388.80	34.00	422.80
Transport Employee Grade 2 (as defined)	97.4	406.30	34.00	440.30
Transport Employee Grade 3 (as defined)	99.5	415.10	34.00	449.10

(ii) Junior Employees

The minimum weekly wage rate to be paid to junior Transport employees is as follows:

Under 19 years of age	-	70% of the appropriate adult weekly wage rate
19 years of age	-	80% of the appropriate adult weekly wage rate
20 years of age	-	100% of the appropriate adult weekly wage rate

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PROVIDED that the total wage shall be calculated to the nearest ten cents.

(e) Commercial Travellers

All employees shall be paid not less than the weekly wage rate set out below for the pay level assigned to their classification.

	Wage rate Relativity %	Base Rate $	Safety Net Adjustment $	Weekly Wage Rate $
Commercial Traveller Grade 1 (as defined)	87	363.00	34.00	397.00
Commercial Traveller Grade 2 (as defined)	95	396.30	34.00	430.30
Commercial Traveller Grade 3 (as defined)	100	417.20	34.00	451.20

(f) Trainees

(i) Australian Traineeship System (ATS)

The total weekly wage rate payable to trainees (as defined) shall be determined by multiplying the appropriate junior employee rate as specified in Clause 8 - Wage Rates, of this award by 39 (which represents the actual time spent on the job) and dividing that sum by 52.

PROVIDED that the wage rates determined by this calculation shall in no case be less than the minimum rate prescribed by the Australian Traineeship System Guidelines. This figure is adjusted in accordance with National Wage Decisions.

(ii) Career Start Traineeship System (CST)

The weekly wage rate payable to a Career Start Trainee (as defined) shall be calculated by taking the appropriate classification rate prescribed in Clause 8 - Wage Rates of this award that would otherwise have been applicable to the employee had that employee not been a Career Start Trainee (as defined) and multiplying that weekly wage rate by the number of weeks spent on-the-job as specified in the registered training agreement (as defined) and dividing that amount by the number of weeks duration of the contract for training as specified in the registered training agreement (as defined).

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(g) Supported Wage System

(i) Eligibility criteria

Subject to this subclause an employer may engage employees at a supported wage rate (as set out in paragraph (iii) of this subclause) 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.

PROVIDED that this subclause 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 subclause does not apply to employers in respect of their facility, programme, 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 s.10 or under s.12A of the above Act, or if a part only has received recognition, that part.

(ii) For the purposes of this subclause:

(1) **"Supported Wage System"** means the Commonwealth Government System to promote employment for people who cannot work at full award wages because of a disability.

(2) **"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.

(3) **"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.

(4) **"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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(iii) Supported wage rates

Employees to whom this subclause 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 (paragraph (d))	% 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 $45 per week.)

(iv) 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:

(1) the employer and a union party to the award, in consultation with the employee or, if desired by any of these;

(2) the employer and an accredited Assessor from a panel agreed by the parties to the award and the employee.

(v) Lodgment of assessment instrument

(1) All assessment instruments under the conditions of this subclause, 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.

(2) 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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(vi) 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.

(vii) 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 subclause 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.

(viii) Workplace adjustment

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

(ix) 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 subclause for a trial period not exceeding 12 weeks, except that in some cases additional work adjustment time (not exceeding 4 weeks) may be needed.

(2) 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 paragraphs (iv) and (v).

(3) The minimum amount payable to the employee during the trial period shall be no less than $45 per week or such greater amount as is agreed from time to time between the parties.

(4) Work trials should include induction or training as appropriate to the job being trialed.

(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 shall be entered into based on the outcome of assessment under paragraph (iii) hereof."

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OPERATIVE DATE

These variations shall come into operation from the first full pay period to commence on or after 14 July 1997.

R J Watling
COMMISSIONER

16 July 1997