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**TASMANIAN INDUSTRIAL COMMISSION**

**Industrial Relations Act 1984**

s23 application for award or variation of award

**Tasmanian Trades and Labor Council**

(T10886 of 2003)

Private and Public Sector Awards

**Tasmanian Trades and Labor Council**

(T10927 of 2003)

Private and Public Sector Awards

**FULL BENCH:**

PRESIDENT P L LEARY

DEPUTY PRESIDENT R J WATLING

COMMISSIONER T J ABEY

**Supported Wage increased to \$60 per week – Operative date ffpp 1 August 2003 – Model Reasonable Hours Clause approved – Awards will be varied on application.**

**COMMUNITY AND HEALTH SERVICES (PUBLIC SECTOR) AWARD**

**ORDER BY CONSENT**

**No. 2 of 2003**

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THE **COMMUNITY AND HEALTH SERVICES (PUBLIC SECTOR) AWARD** IS VARIED IN THE FOLLOWING MANNER:

By deleting Clause 8 SALARIES and inserting in lieu thereof the following:

**8. SALARIES**

An employee appointed or promoted to a position within a classification level prescribed by this award shall, subject to satisfying the prescribed requirements, be paid the salary rate determined for the relevant classification.

Furthermore the fortnightly equivalents of each relevant award rate prescribed by this award shall be calculated by dividing the annual figure payable by 26.

(a) Operational Employees

An employee appointed or promoted to a position within a level prescribed by this award shall be paid at the salary rate determined for that level by reference to the relevant classification standards as set out in Clause 7 - Definitions, subclause (b) - Classification Standards:

	Salary per Annum \$
<b>Level 1</b>	
First 3 months	18875
After 3 months and for the next 12 months	19596
<b>Level 2</b>	
1st year of service	20033
2nd year of service	20487
3rd year of service	20927
<b>Level 3</b>	
1st year of service	21157
2nd year of service	21438
3rd year of service	21841
<b>Level 4</b>	
1st year of service	22256
2nd year of service	22562
3rd year of service	22774
<b>Level 5</b>	
1st year of service	22969
2nd year of service	23170
3rd year of service	23652
<b>Level 6</b>	
1st year of service	24883
2nd year of service	25312

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<b>Level 7</b>	26085
<b>Level 8</b>	28488
<b>Level 9</b>	30951
<b>Level 10</b>	33428

(b) Administrative and Clerical Employees

An employee appointed or promoted to a position within a level prescribed by this award shall be paid at the salary rate determined for that level by reference to the relevant classification standards as set out in Clause 7 - Definitions, subclause (b) - Classification Standards.

	Salary per Annum \$
<b>Level 1</b>	
1st year of service	17673
2nd year of service	18875
3rd year of service	20077
4th year of service	21279
<b>Level 2</b>	
1st year of service	22480
2nd year of service	23681
3rd year of service and thereafter	24883
<b>Level 3</b>	
1st year of service	26085
2nd year of service	26686
3rd year of service	27286
4th year of service	27887
5th year of service and thereafter	28488
<b>Level 4</b>	
1st year of service	29712
2nd year of service	30331
3rd year of service	30951
4th year of service	31570
5th year of service and thereafter	32179
<b>Level 5</b>	
1st year of service	33428
2nd year of service	34047
3rd year of service and thereafter	34665
<b>Level 6</b>	
1st year of service	35903
2nd year of service	36523
3rd year of service and thereafter	37142

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<b>Level 7</b>	
1st year of service	38381
2nd year of service	39617
3rd year of service and thereafter	40857
<b>Level 8</b>	
1st year of service	43332
2nd year of service	44570
3rd year of service and thereafter	45809
<b>Level 9</b>	
1st year of service	48279
2nd year of service and thereafter	49521
<b>Level 10</b>	51998
<b>Level 11</b>	54475
<b>Level 12</b>	58189

(c) Technical Employees

An employee appointed or promoted to a position within a level prescribed by this award shall be paid at the salary rate determined for that level by reference to the relevant classification standards as set out in Clause 7 - Definitions, subclause (b) - Classification Standards.

	Salary per Annum \$
<b>Level 1</b>	
1st year of service	21879
2nd year of service	22480
3rd year of service	23081
4th year of service	23681
5th year of service and thereafter	24883
<b>Level 2</b>	
1st year of service	26085
2nd year of service	27286
3rd year of service	28488
4th year of service	29712
5th year of service and thereafter	30951
<b>Level 3</b>	
1st year of service	32179
2nd year of service	33428
3rd year of service and thereafter	34666
<b>Level 4</b>	
1st year of service	35903
2nd year of service	37142
3rd year of service and thereafter	38380

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**Level 5** 42095

**Level 6** 44570

(d) Professional Employees

An employee appointed or promoted to a position within a level prescribed by this award shall be paid at the salary rate determined for that level by reference to the relevant classification standards as set out in Clause 7 - Definitions, subclause (b) - Classification Standards.

	Salary per Annum \$
<b>Level 1</b>	
1st year of service	27286
2nd year of service	29095
3rd year of service	30950
4th year of service	32808
5th year of service	34665
6th year of service	36522
7th year of service	38380
8th year of service and thereafter	40236
<b>Level 2</b>	
1st year of service	42095
2nd year of service	43951
3rd year of service and thereafter	45809
<b>Level 3</b>	
1st year of service	48283
2nd year of service	50761
3rd year of service and thereafter	51998
<b>Level 4</b>	
1st year of service	54474
2nd year of service	56331
3rd year of service and thereafter	58189
<b>Level 5</b>	63141

(e) Apprentices

The salary rates of apprentices shall be:

1st year apprentice	45% of Level 6, 1st year rate Operational Employee
2nd year apprentice	57.5% of Level 6, 1st year rate Operational Employee
3rd year apprentice	75% of Level 6, 1st year rate Operational Employee
4th year apprentice	88% of Level 6, 1st year rate Operational Employee

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(f) 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 Section 10 or under Section 12A of the above Act, or if a part only has received recognition, that part.

(ii) For the purposes of this subclause:

**'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 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 (iv))	% 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 \$60 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 four 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 \$60 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**

This variation shall come into operation from the beginning of the first full pay period to commence on or after 1 August 2003.

Tim Abey  
**COMMISSIONER**

20 August 2003