

TASMANIAN INDUSTRIAL COMMISSION
Industrial Relations Act 1984

T No. 5539 of 1995

IN THE MATTER OF an application by the
AWU-FIME Amalgamated Union Tasmania
Branch to vary the Cement Makers Award

re remuneration and classifications
applicable to the control room operator

COMMISSIONER GOZZI

DEVONPORT, 30 June 1995
continued from 29/6/95

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER GOZZI: Thank you. These proceedings were adjourned yesterday following some off record discussions. Those discussions focused on exhibit TCCI.7, which contained a career structure for operators and process attendants through to grade 11, which would require the attainment of the advanced certificate in cement manufacturing.

There had been some further discussions on site this morning where the proposal was able to be discussed with control room operators and process attendants, culminating in a further revised position being proposed by the company to the employees concerned. I think we're now at the point where I should be informed as to the outcome of those discussions. Mr Targett?

MR TARGETT: Thank you, commissioner. I'd commence providing a report by handing in an exhibit, in the first instance.

COMMISSIONER GOZZI: Thank you. That's exhibit TCCI.9.

MR TARGETT: Commissioner, TCCI.9 is a document which, in essence, is an expansion on TCCI.8, in that it goes to a career path which not only caters for central control room operators, which commence at grade 7, but also provides career paths through training for process attendants commencing at grade 6, and relief process attendants commencing at grade 5.

As can be seen from the exhibit, it encapsulates grades 5 through to grade 11, with grade 5 being at 95 per cent, which is the current grade 5 in the award, going through grade 6 100 per cent, as is the current position, grade 7, 105 per cent, as is the current position, grade 8, 110 per cent is the current position. And then the new grade 9 at 115 per cent, grade 10 at 125 per cent and grade 11 at 130 per cent.

That structure is consistent with the metal industry standards and is consistent with the position that has been enunciated by the parties to this award, from the commencement of the award restructuring process.

The matrix contained on TCCI.9 demonstrates the outcomes for individual positions having undertaken training via the certificate in cement manufacturing and the advanced certificate in cement manufacturing, which enables them, having completed 50 per cent of the modules of each course, to move one grade, and having successfully completed the course, moving a further grade.

The discussions that have taken place between ourselves and the union this morning - and I'll leave it for the union to speak for itself. But the discussions have quite clearly demonstrated to me anyway that there is agreement on this matrix being inserted into the award as a consent position to enable that career structure to be reflected. Obviously to achieve that, commissioner, requires a fair bit of drafting in relation to the current award, by the insertion of additional grades and changes to existing grades.

COMMISSIONER GOZZI: And possibly definitions.

MR TARGETT: And certainly the definitions, commissioner, for sure. So what - the position I guess we're at from my perspective is, we have a consent position in relation to what the award should look like. It now requires drafting to be undertaken and Mr Cooper very kindly volunteered my services to undertake that drafting, in relation to clause 7 and clause 8. And I will undertake that drafting.

On that basis, commissioner, it is my view that in fact the proceedings should be adjourned - and I realise it's Mr Cooper's application, but I put my position up front. That the proceedings should, in fact, be adjourned to enable that drafting to take place

and once the draft orders are prepared, to be provided to the commission which may necessitate a brief hearing to ensure that the orders are appropriate.

Having said that, we do not intend, from the company's perspective - Goliath Portland Cement do not intend to delay providing any benefits to the employees awaiting the change to the award. In fact, the company have said they will implement this new structure from the next pay period - immediately upon the next pay period. So that the drafting doesn't have an adverse impact upon anyone currently working at Goliath.

The training programs that are contained within that matrix, as I said, are the certificate and the advanced certificate. The company is currently and will continue to take all steps necessary to ensure that the certificate - the training facilities and trainers are available on site at the earliest opportunity to enable people to commence undertaking that course. And as a matter of fact, we did have some discussions today which indicate that the company are, in fact, quite keen to try and get that under way as soon as possible. If it can be achieved in the latter half of this year, then that will be when we commence. To be on the safe side it could be February next year, but we will be attempting to see if we can get it up and running earlier.

On that basis, commissioner, and subject to comments to be made by Mr Cooper, I would not propose to proceed any further than that, obviously reserving my rights if something untoward comes from Mr Cooper to respond appropriately.

COMMISSIONER GOZZI: All right. Yes, thanks, Mr Targett. Mr Cooper?

MR COOPER: Mr Commissioner, in respect to what Mr Targett has said and in relation to TCCI.9, the latest exhibit, basically for the record, we did have a number of meetings on site this morning at 7 o'clock which involved the parties and the commission, both jointly and separately and individually. I think that's important that the record show that because, as a result of those meetings a number of questions in respect to this exhibit were raised and just how that exhibit would be implemented on site and how it would be integrated into the current Cement Makers Award.

So I think we all have a clear understanding on that. And on the basis of having that clarification in those meetings this morning, my union is in a position to say, on the basis of the people that were available and the people we consulted, that that position was acceptable to us.

Now as Mr Targett said, there is to be undertaken now some substantial drafting in terms of orders, and that impacts on all of the levels and, in fact, will require drafting of new levels in terms of definitions and then would require changes to clause 8, as we both understand. So we'd obviously have to look at that to make sure that that drafting both reflected TCCI.9 and the agreement that was reached between the parties this morning.

Now on the basis of that I think it would be prudent to adjourn proceedings here in respect to this matter and possibly have another hearing to ensure that if we have disagreement to ensure that those draft orders are consistent with the agreement and the principles of the commission in respect to the implementation.

And having said all that, basically what we did, we wanted to establish a rate, and that was the whole gist of the application. In the discussions the company has recognised that that was our intent and has satisfactorily answered that in respect to the four people that are currently classified at level 7. And they've done that by allowing them to be classified at level 9 when it's eventually implemented.

So having fixed that part of the application, it then would be useful to have a consent position to tidy it all up. Now as Mr Targett has said, there is still some loose ends that

do need to be sorted out in terms of facilities for the provision of training in respect to the certificate, which hasn't been available - I mean, it's available, but it hasn't been available here - when that will be done and the sooner that's done obviously the sooner people can start their progression through the career path, in terms of both the cement manufacturing ticket and the advanced one as well. And those things do have to be sorted out and I understand the company is undertaking some refurbishments at the moment to allow that to occur on site or as close to site as possible, which will expedite the training process.

So having said all that, basically, commissioner, I don't intend to put much more to the commission other than to say the process undertaken this morning, as a result of all the questions raised in proceedings yesterday and at the previous hearing, were quite extensive and they were quite involved. And I think most of the points that have been raised have been clarified. And we even did speak to one operator who was holidaying in Melbourne to glean his views in respect to this. Now he hasn't viewed the documents but it was explained to him by yourself and that was discussed as well.

So I think we've taken all the steps that we could take in the circumstances to make sure that the members that this application impacts on have been consulted with and to gain the views of those people at level 5 and 6 that will also be impacted on as a result of this application. So we've done what we can in the short time available from the adjournment yesterday to these proceedings being brought on this morning. And obviously when the draft orders are done we'll further consult with the membership on that.

So I think having said all that, commissioner, I think it would be in our best interests to adjourn proceedings to allow Mr Targett to draft the variations, and on viewing them obviously we can decide whether we require another hearing or whether they will, in fact, satisfy the commission to bring these matters to conclusion. If the commission pleases.

COMMISSIONER GOZZI: Thank you, Mr Cooper. So that we get it on the record and there be no misunderstanding later on, the existing level 7's will go to level 9 -

MR TARGETT: Commissioner, within the draft orders that will be put together will be provisions for the employer to deem people to have experience equivalent to training.

COMMISSIONER GOZZI: Right.

MR TARGETT: And in the case of the four existing central control room operators who are currently classified at grade 7, the company has indicated that under the deeming provisions that will be put into the award by this consent arrangement, those four people will be deemed to have experience, skills and competencies equivalent to grade 9 and will be placed at grade 9 under that deeming provision.

In addition to that, the employees have agreed that they shall take part in the - in undertaking the cement manufacturing certificate, once it's available. Whilst the company is not insisting that they necessarily pass, we just want them to undertake that, and that has been agreed.

So, yes, they will be deemed to be put in at level 9. In addition to that, the company have also undertaken that they will conduct an assessment of the grade 6 employees as to their skills, experience and competencies, and that will be done in conjunction with the recognition of prior learning processes available within the cement manufacturing certificate.

And if a person currently at grade 6, as an example, has experience and skills competencies deemed appropriate, then that person would also move perhaps to, say,

level 7, under that deeming provision. We have undertaken to conduct that assessment in the immediate future and I mean immediate future, so that those - some people within that grading may also benefit from this process as well. Even though the draft orders won't be finalised that will be undertaken immediately.

COMMISSIONER GOZZI: Fine. In the circumstances, I wouldn't mind, in respect of current employees, seeing a translation document in conjunction with the draft orders.

MR TARGETT: That's for the grade 7 people you're talking about, commissioner.

COMMISSIONER GOZZI: And the - whoever else might be deemed to have experience which might put them at a different level. What I'm trying to establish, as part of this process, is that in respect of existing employees that the issues are settled as to where they would be in the scale after you've undertaken the assessment.

MR TARGETT: I understand that, commissioner. What would be the normal course of events in - the assessment would be made and obviously for some it's already been made.

COMMISSIONER GOZZI: Yes.

MR TARGETT: But the assessment is made and then the employees would be provided with a - essentially a letter of appointment to their new level, based on the deeming provisions. So would it suffice to provide the commission with a copy of the new letter of appointment to those individuals reflecting the position to which they are deemed equivalent?

COMMISSIONER GOZZI: That's fine. I didn't want anything as elaborate as that. I just thought - you know - the name, the grade that they currently hold and where they may be deemed to be in the scale after you've made the assessment.

MR TARGETT: I am prepared to do that, commissioner.

COMMISSIONER GOZZI: Yes, and then that signs it off for those employees. And we all understand that subsequently any progression is predicated upon the attainment of the - advancement is predicated upon the attainment of the certificate of cement manufacturing and beyond.

MR TARGETT: Happy to do that, commissioner.

COMMISSIONER GOZZI: Yes. And the translation dates, I assume, will become the anniversary dates for those particular employees? Well I don't think it's probably necessary because there's no incremental range there, is there?

MR TARGETT: Well it's not necessary.

COMMISSIONER GOZZI: All right. So that's where they're going to be pegged. Now also, I think you need to make it clear between yourselves as to what happens to new employees coming in. And it's my understanding in respect of new employees that they will start in respect of the classifications which they are put. In other words, you recruit a grade 5, that's where they'll be.

MR TARGETT: That is correct, commissioner.

COMMISSIONER GOZZI: Or a grade 7, that's where a grade 7 will be.

MR TARGETT: That is correct. They will start at the first step within their relevant scale. And in the case of a central control operator that is grade 7, relief process

attendant grade 5, and they would then only move up to a greater grade based on training and qualifications.

COMMISSIONER GOZZI: Okay. Attained on site through the certificate in cement manufacturing.

MR TARGETT: That is correct, yes.

COMMISSIONER GOZZI: So in respect of new employees, that's clearly understood. Mr Cooper, is that the way you see it?

MR COOPER: Yes, we don't have any problem with that applying to new employees. Our difficulties were for the existing employees. I think they've been overcome and - you know - in respect to that document, TCCI.9, that process which will be quite self-explanatory for new people, it could mean that for, say, a grade 5 who's deemed to be 50 per cent competent in terms of the ticket. Without having actually attained the ticket they will be deemed through RPL assessment. When they relieve they actually move across to the other levels, you see.

COMMISSIONER GOZZI: Yes, right.

MR COOPER: And we understand that clearly. And that was one of the key issues.

COMMISSIONER GOZZI: Okay.

MR COOPER: So we understand that.

COMMISSIONER GOZZI: Well look, to cover that, seeing as you're doing the drafting, Mr Targett, you might want to put in an appropriate proviso in respect of new employees employed subsequent the operation of this structure.

MR TARGETT: Commissioner, the structure that -

COMMISSIONER GOZZI: I mean, what I'm saying is, I want the understanding to be there.

MR TARGETT: Yes. TCCI.9 will apply to new employees. And what goes in the award will apply to new employees. Existing employees, that will apply to, but their starting point will be pegged - may be pegged differently, and that is the issue that we discussed in relation to translation.

COMMISSIONER GOZZI: Well yes, I suppose, what I was thinking of is we're not going to get into an argument further down the track about recognition of prior learning for new employees.

MR TARGETT: The recognition of prior learning process -

COMMISSIONER GOZZI: Or are we?

MR TARGETT: - may apply to a new employee, but that assessment would be done in accordance with the cement manufacturing - the certificate of cement manufacturing.

COMMISSIONER GOZZI: Okay.

MR TARGETT: And if they did get some recognition through the proper processes of the certificate of cement manufacturing, that will be recognised by the company.

COMMISSIONER GOZZI: Right. I think that's appropriate. Anything else, Mr Cooper?

MR COOPER: Yes, that's our understanding of that, commissioner. Because all - in terms of the manufacturing certificate, not all the modules relate to central control room work. There's other modules that - you know - like health and safety or - and you may very well be assessed as competent on that, coming to the plant without any knowledge of a central control room.

COMMISSIONER GOZZI: Yes.

MR COOPER: So there will be built into the ticket, the manufacturing ticket an assessment guideline that will be objective, which will allow for assessment.

COMMISSIONER GOZZI: Right.

MR COOPER: And under the way training is going now there is always a component of assessment that's allowed for.

COMMISSIONER GOZZI: Very good. Well I think that covers it pretty well, doesn't it? All right, we'll just go off the record for a tick.

OFF THE RECORD

COMMISSIONER GOZZI: All right, well look, I think that's a very good outcome in respect of what we're about in these proceedings. And -

MR TARGETT: Excuse me, commissioner, just for a moment. Certainly - I've just been reminded by Mr Covington that he did wish to make a couple of comments in relation to the processes that have been undertaken, if that was okay, for the record.

COMMISSIONER GOZZI: Yes, certainly. Yes, Mr Covington?

MR COVINGTON: Mr Commissioner, I'd like to commend Mr Parry for the work that he has done on behalf of the employees at Goliath, for the time he has put in, a lot of it in his own time. And he's conducted himself in an exemplary manner. In saying that, he's been here a little bit more often than Gary Hampton, who also presented himself very well on the union's behalf. But I'd especially like to commend Ian Parry for the work he's done.

COMMISSIONER GOZZI: Yes, thank you, Mr Covington. Yes, and I must say I'd like to acknowledge that as well. And particularly thank the parties for the way that this matter has been able to be resolved. I think it has achieved an admirable outcome and I'd like to congratulate the company and the union and the employees concerned for achieving that structure.

In respect of operative date, subject to the orders being satisfactory, I endorse the operative date from the first full pay period on or after today. And that could be in the draft orders.

MR TARGETT: Yes.

COMMISSIONER GOZZI: And in the event there is a need to have some further discussion about the draft orders or any tidying up matters, we've set aside 9 o'clock on the 26th July in Hobart. Thank you, gentlemen. Very good.

HEARING ADJOURNED