

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T Nos 5044 and 5110 of 1994

IN THE MATTER OF applications by
the Health Services Union of
Australia, Tasmania No. 1 Branch
and the Tasmanian Chamber of
Commerce and Industry Limited to
vary the Welfare and Voluntary
Agencies Award

re Clause 7 - Definitions and
restructure of the award

DEPUTY PRESIDENT ROBINSON

HOBART, 1 August 1994
continued from 22/7/94

TRANSCRIPT OF PROCEEDINGS

Unedited

DEPUTY PRESIDENT ROBINSON: Part heard.

MS HARVEY: Part heard, yes.

DEPUTY PRESIDENT ROBINSON: Ms Harvey?

MS HARVEY: Yes, Mr Deputy President. This morning I intend to call a witness in relation to - you'll recall you asked me questions about trades people and the sort of skills that they use across - from open employment and for employment in the supported area, so I have got a witness that I wish to call this morning, a Mr Ronald Singleton. Mr Singleton has 20 years' experience in supported employment in this industry.

Now I just wanted to make it very clear that the purpose of calling Mr Singleton is to establish, first of all, just what the position that he did in that that gave him the experience to be able to comment about the issue of trades skills, so we're really focusing on this issue of trade, so the purpose is, as I say, to - first of all to demonstrate the position that he held gives him the credibility to comment on what trades people do in this industry.

Secondly, his experience of 20 years of working with clients and the sort skills that that requires as opposed to the private sector where he's also worked, and thirdly, to just comment about the work environment and stress levels, and the reason I make these introductory comments, we are actually having an inspection of Devonfield so the purposes of this morning is not to comment on what currently happens at Devonfield in the way it's structured because that will be done within the context of an inspection. It really is to focus on this issue of trade related skill and whilst Mr Singleton was employed as a foreman for Devonfield for part of his time - for 17 years with Devonfield - that's not why I'm calling him in relation to. I'm calling him specifically in relation to the trade skills.

So having made those comments, I'd wish to now call Mr Singleton.

DEPUTY PRESIDENT ROBINSON: You do realise that if there is anything that you want to put on the record as part of your formal submissions and evidence then you're entitled to draw that out through a witness rather than rely solely upon -

MS HARVEY: The inspection process -

DEPUTY PRESIDENT ROBINSON: - the inspection process.

MS HARVEY: Yes. Yes. And I am aware of that and I've already indicated to Mr Fitzgerald that following the inspections I'll seeking to enter into evidence some of the documents that we will have used in inspections.

DEPUTY PRESIDENT ROBINSON: Yes.

MS HARVEY: I understand that the comments made during inspections aren't sworn.

RONALD LAURIE SINGLETON, sworn:

MS HARVEY: Mr Singleton, could you please state your full name and address for the record please?... My name is Ronald Laurie Singleton and I live at 81 Trevor Street, Ulverstone.

Great. Thanks. At this stage, Mr Deputy President, I'd like to hand up Mr Singleton's witness statement.

DEPUTY PRESIDENT ROBINSON: Thank you. Is that Witness Statement 7?

MS HARVEY: That is correct.

DEPUTY PRESIDENT ROBINSON: WS.7?

MS HARVEY: Yes. And I will just point out - I'm happy for the TCCI advocate to have a look at Mr Singleton's statement. I have given him his own copy with his name on it. It's just got one asterisk marked on it where I'm going to ask him a question, but I'm happy -

MR WATSON: Can I have a copy?

MS HARVEY: Do you want a - can I just grab that for a second?

MR WATSON: No, a copy for us.

MS HARVEY: Oh, sorry. I apologise.

MR FITZGERALD: That's all right.

MS HARVEY: Yes. So that's - sorry, did you mark it WS.7?

DEPUTY PRESIDENT ROBINSON: I did, yes.

MS HARVEY: Thank you. Okay, Mr Singleton, if I could just take you to this document. What is this document that you have been handed?... This is the witness statement which I have prepared.

Great. Thanks. If I could just take you to the first page of the witness statement and perhaps you could just start reading it to the commission?... My name is Ronald Laurie Singleton. My address is 81 Trevor Street, Ulverstone. I have recently

taken voluntary early retirement from my employment at Devonfield. I have a trade certificate in cabinet making. I got my qualification in open employment. I have worked for 15 years in open employment with my trade. I was employed for yearly 20 years at Devonfield. I started work as a tradesman. After five years I was made the foreman. I had control of the workshop except the sewing room. I had this position for 12 years and paid as a Supervisor Level 1. In the last three years I have been manager of the Pallet Section. At the end of my statement there is a diagram which shows how the set up is run and the major workshop activities.

Mr Singleton, if I could just take you to that page - the last page of your statement. I understand there's a bit of an error on this. You might wish to correct it?... There has been one area deleted and I have marked that in which is the purchasing officer.

Right. And the purchasing officer - ?... He is answerable to the manager, operations.

So he's on that same level as the manager and the foreman?... Manager and the foreman of the workshop, yes.

Right. Could we perhaps just amend the statement to that extent, Mr Deputy President?

DEPUTY PRESIDENT ROBINSON: Yes. I'm sorry, would you mind showing what I should delete?

MS HARVEY: It's not a deletion, it's an addition. Under - on the back page you've got 'Manager Operations' and then there's 'Manager (Pallet Industries)' and then there's manger - 'Foreman (Workshop)'.

DEPUTY PRESIDENT ROBINSON: Yes. Oh, I see.

MS HARVEY: There should be another position at that level which is 'Purchasing Officer'.

DEPUTY PRESIDENT ROBINSON: Yes.

MS HARVEY: Right. Now, Mr Singleton, if you could just perhaps explain which position you held and the relationship to all of these different sections here?... While I was at the workshop I was the workshop foreman and I held that position there for 12 years.

Right. And more recently?... I was the manager at Pallet Industries the last 3 years.

Okay. And these different sections that you've listed on your statement, you've got lines going up to you, were - you were responsible for these different areas, is that

correct?... That's correct.

Righto. If I could take you back to your statement. You were up to the second - point 2 there?... My responsibilities as foreman. The production manager gave me the jobs that needed to be done. It was my job to then assess the jobs, get materials needed, then hand them over to the specified areas. I had to explain to the supervisors what the job entailed and what was expected of them. Make sure they had the materials etc. I scheduled and priorities all work across all the areas in the workshop. I then had to follow-up and make sure we were getting all the work done on time and up to the standard expected in the workshop. For example, if a job wasn't ready I'd go and find out why. This often meant discussing the progress of clients with the supervisor. I also did assessment of clients and received the assessments done by other supervisors. I was broadly overseeing the training of the clients as I was responsible for the supervisors. I was also responsible for quality control and overheads and safety in the workshop.

3. Working with clients. The supervisor is responsible for the training of the clients as well as getting production in their area done. Training was a part of the supervisors job. To train a disabled person, there was a lot more that went into it than to train an able bodied person. You have to spend hours showing them a particular job. Then have to stand there and watch what he does. Can he do it? Has he taken it in? What is his train of thought? You can't walk away for an hour. You have to come back all the time and check what he is doing and what he understood. We've had clients who are reasonably bright to talk to but to get them to do a practical job, they can be hopeless. For example, you could show a client how to do a particular job with a piece of wood. But you turn the wood around and he is completely lost. Another example is that the client might go to the toilet and come back and forgotten what he was doing. You have to always keep in your mind how each client thinks and what they are able to do. For example, one client might be able to read a tape and another might be good at tailing out but hopeless at something at else. The supervisors periodically do an assessment. There is a task sheet which we have for each client and we assess what the client can do. We go back through that and add to the sheet additional tasks the client can do or new skills that they can pick up on. You have to change the way you train each client because they have different ways of thinking. I have trained apprentices both in open employment and at Devonfield. It is much easier to train an apprentice than a disabled worker. You can show an apprentice something once and then away they go. You have to spend more time with clients. You need to try to read what the person is thinking. For example, if he has lost concentration and he just can't take in any more or if he gets a bit agitated because he can't do it. With an able bodied

person you don't have that problem. You need to have a lot of patience. You have to be able to stand there for hours on end, day in day out showing the clients what to do.

4. Work environment. The clients have different needs and behaviour problems that you always have to be aware of. For example, one guy wears a stack hat because you don't know when he is going to take a turn. Another example is when you have to discipline someone you are always aware that he might hit you.

Can I just stop you there. Could you just expand on that why you're - expand on that - that last sort of statement you made. Have you had an experience like that?... Yes. Like, - now you might just go up and ask the client why he done that; it's not the proper behaviour manner and then you might get this abusive language and then you have to sort of come between - of how to handle that particular guy or he may get aggressive and then you're always aware that he may attack you which has happened. Yes.

Okay. Great. Thanks. You would just keep going there?... You had to approach every one differently because of different ways they react. It's a daily tension. Obviously there is tension and fighting in open employment. But it is nowhere near the same. In my whole working career I don't know anyone who fought on the job in open employment. There are a lot of dynamics in supported employment that you don't have in open employment. For example, if the work slows down and clients don't have anything to do they lose concentration. It then is hard to gear up again when the work comes in. You don't have these extra things in open employment. There has been a big change over the last 10 years. Before the emphasis was just on having something for the clients to do. Now there is real pressure on us to get the product out now and that means we have to put the pressure on clients. We have to keep the production going to keep the workshop viable. I've noticed that we have had more accidents over the last 10 years which I think is a result of this pressure. For example, blokes cutting their fingers on saws, putting nails through a finger. It's been pretty constant at about once a month. You need to always be aware of overheads and safety issues. The supervisors always have to keep a close eye on overheads and safety as it is a big issue.

Okay. Thank you, Mr Singleton. That concludes the evidence-in-chief, Mr Deputy President, and it's now - if Mr Fitzgerald has some questions.

DEPUTY PRESIDENT ROBINSON: Yes. Could I just, first of all, ask Mr Singleton; the use of OH&S in your last - in the last sentence and it occurred earlier, you refer to it as 'overheads'. It's not confused with 'Occupational, Health and Safety', is it?... Yes, it relates all to the same

environment in the workshop.

No, I mean the shorthand of Occupational, Health and Safety is OH&S and you've said it's overheads and - ?... Yes, I'm referring to the Occupational, Health and Safety of the workshop, yes.

Yes, I thought you might have?... Yes. Sorry, about that.

No need to be sorry.

MS HARVEY: It's nerve racking.

DEPUTY PRESIDENT ROBINSON: You say, on the first page under your personal details of your witness statement, that - in about - just - the fourth paragraph down: I have a trade certificate in cabinet making. I got my qualification in open employment. Was that an apprenticeship type situation?... It was an apprenticeship, yes.

Right. And in those days it might have been even a 3 year - ?... No, it was a 5 year apprenticeship.

Five year, yes, gosh they used to be longer in those days - ?... That's right.

- didn't they? Came down to four and I'm not quite sure what it is now?... Yes. No, this was a 5 year apprenticeship.

Yes. Fine. Thank you. Have you ever had any training in - well first of all - sorry, let me refer to them. Right at the bottom of that same first page of your statement you say: I also did assessment of clients and received the assessments done by other supervisors. Have you ever had any - go to any courses or undergone any formal training in how to assess clients?... I have done courses through the time I've been at Devonfield. I wouldn't say they - in relation to assess clients, but they were - led up to the handling of clients -

Yes?... - the training of clients and I guess it's just something I've experienced over the 20 years or so I've been there.

Yes, no doubt. When a new client was introduced to you, would you have any assessments from somebody else who would perhaps provide you with a background report that they'd already been medically assessed, for instance; would you be told that, you know, that they've got limited use of a hand or their eyesight's not too good or their hearing might be deficient; anything like that - any other reports that came to you or did you get a client quite fresh and not have any idea as to what they might be capable of?... I would say that we were not given much information on the client.

Right?... It's something that we sort of had to pick up as we went along, but I would say that they were never put into an area which they wouldn't be capable of doing.

No?... But background on the client, no we're not given - no.

No. It'd be a difficult task then when you've got a new person?... It would be a difficult task and it was, yes.

Yes. Thank you. They are the only few questions I can think of the moment, Mr Singleton. Mr Fitzgerald might want to ask you some questions, no doubt.

MR FITZGERALD: Well I wonder if we could, in line with practice of other witnesses, if we could request a, say, 20-minute adjournment on the understanding that the same practice will be extended to Ms Harvey when we present our evidence.

MS HARVEY: Except I'll get an hour because he won't give me witness statements.

DEPUTY PRESIDENT ROBINSON: Very well. Well, we'll -

MR FITZGERALD: surprise.

MR: Good try.

DEPUTY PRESIDENT ROBINSON: - adjourn for about 20 minutes and come back. Thank you.

SHORT ADJOURNMENT

DEPUTY PRESIDENT ROBINSON: We haven't been on the record for a little while. I thought we had some sort of automatic system going.

MS HARVEY: how long a little while?

DEPUTY PRESIDENT ROBINSON: Well I guess since the resumption after the adjournment.

To that extent I can do no more than draw attention to the fact and if the parties want to repeat an exercise then I give them the opportunity.

MR: from our notes.

MS HARVEY: Ron, what that means is that - ?... Yes, I understand.

Yes.

DEPUTY PRESIDENT ROBINSON: What it means is that the witness-in-chief would be on record, but not the cross-examination.

MS HARVEY: Can I take just a brief adjournment to discuss the matter with Mr Fitzgerald?

DEPUTY PRESIDENT ROBINSON: Very well.

SHORT ADJOURNMENT

MS HARVEY: Yes?... Can I be excused?

Yes, you can. Yes, I -

DEPUTY PRESIDENT ROBINSON: Let the record show that we've been off record a period of time during the cross-examination and re-examination I think it was.

MS HARVEY: Yes. I think it's just worth clarifying for the sake of the record of what exactly happened and what the agreement was. We understood - understand that once the cross-examination has actually ceased, it became apparent that the - that had not been recorded on transcript. We had a brief adjournment between the employers and the union representatives to discuss how to deal with that matter. It was agreed that we would not proceed to do cross-examination again and that the subsequent re-examination by myself would also be off the record and that we would rely on notes and memory in relation to both the cross-examination and re-examination -

DEPUTY PRESIDENT ROBINSON: Yes.

MS HARVEY: - and my understanding is the above was an agreed matter and perhaps if Mr Fitzgerald could clarify it.

MR FITZGERALD: I was about to actually get to my feet and confirm that that was our understanding in respect to the proceedings which have just occurred.

DEPUTY PRESIDENT ROBINSON: Yes, and I just want to clarify what I said, that whilst no transcript was being kept that in all other respects, the proceedings were to be treated as normal. Yes, Ms Harvey?

MS HARVEY: Yes, Mr Deputy President. I just wish to make some concluding comments in relation to section 5.2 which all of these witnesses have occurred in relation to - other than Ms Judith Knowles-Locke - and was specifically a witness about the industry background and industry policy, if you like, but I think it's important at this stage, is to make some

concluding comments in relation to section 5.2 of my submissions, and you will recall from HSUA.1, section 5.2 dealt with the issue of the relativities in the classification structure and in particular the appropriateness of the relativities which the HSUA is proposing through its application for the classification structure.

So if I could just summarise the evidence in exhibits that we've presented in this area and what we were seeking to demonstrate to the commission. In terms of the skills analysis and we called Ms Jones as a witness, what we were seeking to do was establish that there had been a proper process between both the union and the employers in relation to a thorough and objective process of analysing the skills in the industry and up until very recently that had been an agreed process.

Now Ms Jones took us through the methodology that she used which we believe demonstrates that it was a very credible process which had joint involvement throughout and she also took us through the limitations of the process that she had used and in particular she gave evidence in support of the HSUA's application a sense that she believed that the approach that was used by the HSUA's application overcame some of the deficiencies in her own approach that she was instructed to do and moreover, you will recall that she gave evidence that - sworn evidence that in her assessment, the HSUA's approach in fact was more conservative in some respects because it restricted access whereas her proposal had been purely that when people had gained qualifications that they would then be moved, whereas the HSUA's application very explicitly sets out the tasks that are required.

We also presented evidence to you in section 5.2, Mr Deputy President. We did a comparison of the HSUA's application with the skills analysis and with the Metal Industry Award for the appropriateness of relativities and we gave evidence to the commission in relation to the HSUA's application that it broadly - that it was - it was a broadbanding of the SNC skills analysis and lined up with the Metal Industry Award which we submit is the most appropriate award in terms of drawing - is the appropriate award, I should say, in terms of drawing these sort of comparisons. The Metal Industry Award being the spine award for restructuring exercises throughout many jurisdictions.

It was also an award that the employers agreed throughout most of the discussions on this was the appropriate award. Now I can't force them to agree at this point in time, however I think it lends weight to our submission that it is the appropriate award, that there has been no disagreement on that matter for a substantial period of time.

We also presented to the commission a comparison with

comparable awards in other jurisdictions in an attempt to show that the relativities that we were seeking were indeed - were consistent with the requirements of the commission to set relativities in relation to the level of skill, responsibility and work environment.

So, in terms of the witnesses, we've called witnesses in relation to this area. We called Mr Craig Rolley from Independent Living Services; Mr Tony Medcraft from Supported Employment; Ms Joanne Dickenson from Supported Employment, and finally, Mr Ron Singleton, in relation to Supported Employment and through all of those witnesses, what we were seeking to show amongst other things was that the scope and the range of the award that the HSUA proposes, that the skill breadth, if you like, is all - is in the industry, that we indeed have membership in the industry that covers the broad range that we're seeking in the classification structure.

Also we sought to give direct and sworn evidence in relation to the level of skill required to the responsibility that employees in this industry carry and also to the work environment, and in particular, that the work environment in all of these three types of services are very stressful and that that should be borne in account in terms of establishing the appropriate relativities as is required by the structural efficiency principle.

We also presented to you, Mr Deputy President, an exhibit, 5.2A, which was a very direct way of showing what the industry requirements were for training and in particular we - that exhibit contained a number of advertisements over the last 12 months that showed that the industry itself - the employers are requesting and seeing as desirable formal qualifications for staff in this industry.

So, that - I've really - without limiting what actually was put in evidence, I really - by way of summary, I'm just seeking to demonstrate the sort of evidence that we have put to you in relation to 5.2. Obviously, at the end of the day, once we've had Mr Fitzgerald's submissions on his application, the HSUA will need to put to you a full summary of the evidence on these different points. But at this stage, that's all I wish to say in relation to 5.2.

DEPUTY PRESIDENT ROBINSON: Right.

MS HARVEY: I'd suggest, if it's acceptable, that we go off record and just talk about the inspections process for this afternoon.

DEPUTY PRESIDENT ROBINSON: Yes. All right.

MS HARVEY: If the commission pleases.

DEPUTY PRESIDENT ROBINSON: Okay. We'll go off record.

OFF THE RECORD

NO FURTHER PROCEEDINGS RECORDED

HEARING ADJOURNED