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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

s.23 application for award or variation of award

The AWU-FIME Amalgamated Union

Tasmanian Branch

(T.5039 of 1994)

FISH, AQUACULTURE AND MARINE PRODUCTS AWARD

COMMISSIONER R J WATLING

Award variation - insertion of provisions for Career Start Traineeships - consent matter - application granted - awards varied - operative ffpp 12 May 1994

ORDER NO. 3 of 1994

AMEND THE **FISH, AQUACULTURE AND MARINE PRODUCTS AWARD** IN THE FOLLOWING MANNER:

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1. Delete from Clause 3 - ARRANGEMENT - the words "Trainee - Seafood Handler", and insert in lieu thereof the word "Traineeships".

2. Delete Clause 7 - DEFINITIONS - and insert in lieu thereof the following:

"7. DEFINITIONS

'Can Closure Operator' means an employee capable of operating a can closure machine.

'Can Seam Controller' means an employee capable of setting up and monitoring can closure operations including can seam evaluations.

'Career Start Trainee' means an employee who is employed under the terms of the Career Start Traineeship System and any agreement attached thereto and who undertakes structured on-the-job training and structured off-the-job training in accordance with a Training Agreement.

'Career Start Traineeship' means a system of training with an employer covered by Clause 2 - Scope of this award comprising structured off-the-job training in a Technical and Further Education College, or other training provider(s) approved by the Training Authority of Tasmania in accordance with a Training Agreement.

'Casual Employee' means any person who is engaged on an irregular basis to perform a range of tasks within their classification and skill level, the basis of such engagement being termination of employment at one hours notice by either the employer or employee.

Such irregular basis of employment will generally be discontinuous, but may include extended periods where the work is of a continuous nature.

'Loaded Rate' means one thirty-eighth of the weekly rate for the work performed plus 20% (i.e. loading in lieu of annual leave, sick leave and public holidays) plus an additional amount for shift penalties (i.e. either 15%, 30%, 50% or 100% as prescribed in Clause 32 - Shift Work) of one thirty-eighth of the weekly rate for the work performed.

Example: The hourly rate for a casual Process Attendant Level 1, (weekly rate \$313.90), for working an afternoon shift (15% loading) shall be calculated as follows:

1/38th of weekly rate	=	\$8.26
plus 20% of \$8.26	=	1.65
Sub Total		\$9.91
plus 15% of 1/38th of weekly rate (\$8.26)		1.24
Total		\$11.15 per hour

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'Machine Operator' means an employee capable of operating single function fish processing equipment.

'Operator of Steam Raising Equipment' means an employee capable of supplying and controlling steam required for retort process and who is appropriately qualified.

'Process Attendant - Level 1'

(% Wage relativity to Process Attendant Level 4 (as defined) = 76%)

Means an employee capable of being engaged in limited production processes including sorting, grading, trimming, washing and packaging of fish and or shellfish and who is under direct supervision. A Process Attendant - Level 1 (as defined) shall proceed to Process Attendant - Level 2 (as defined) at the completion of 380 hours service with one or more employer(s) within the industry as prescribed in Clause 2 - SCOPE of this award.

'Process Attendant - Level 2'

(% Wage relativity to Process Attendant Level 4 (as defined) = 80%)

Means an employee capable of being engaged in functions as defined at Level 1 and in addition is capable of performing the following process functions:

- filleting
- weighing
- brushing of fish and or shellfish
- capable of precise grading and inspections
- draining and tailing
- chilling of fish and shellfish
- sealing, strapping and stamping of cartons
- bulk packing and machine operator (as defined)
- can closure operator

'Process Attendant - Level 3'

(% Wage relativity to Process Attendant Level 4 (as defined) = 93%)

Means an employee capable of performing functions as defined at Level 2 and in addition includes the following:

- operator of refrigeration equipment
- fork life operator (up to and including 4500kilos)
- operator of steam raising equipment (as defined)
- single line supervisor (as defined)
- retort operator (as defined)
- can seam controller (as defined).

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'Process Attendant - Level 4'
(% Wage relativity = 100%)

Means an employee capable of performing functions as defined at Level 3 or who is capable of performing functions of routine maintenance operator (as defined) section supervisor (as defined), and includes persons who hold qualifications at a tradesperson level and who is employed in this trade.

'Retort Operator' means an employee capable of setting up and operating a retort to a scheduled process.

'Routine Maintenance Operator' means an employee capable of performing routine maintenance of plant and equipment and who in addition is capable of performing some minor fabrication work.

'Sea Based Finfish Farm Attendant - Level 1'
(% Wage Relativity to Process Attendant Level 4 (as defined) = 90%)

Means a person other than a hatchery employee, who has been employed for less than four months in the industry covered by the Scope of this award to:

- operate boats (including loading and unloading boats)
- moor pens
- wash and change nets
- move materials and equipment
- harvest fish (including bleeding)
- husband fish (including observing, separating, mortality retrieval, feeding)
- record fish farm data
- carry out general housekeeping and maintenance
- carry out basic net repairs
- may be required to perform diving duties

'Sea Based Finfish Farm Attendant - Level 2'
(% Wage Relativity to Process Attendant Level 4 (as defined) = 101%)

Means a person other than a hatchery employee with more than four months service in the industry covered by the Scope with one or more employer who is employed on a finfish farm to:

- operate boats (including loading and unloading boats)
- moor pens
- wash and change nets
- move materials and equipment
- harvest fish (including bleeding)
- husband fish (including observing, separating, mortality retrieval, feeding)
- record fish farm data
- carry out general housekeeping and maintenance
- carry out basic net repairs
- may be required to perform diving duties

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'Section Supervisor' means an employee capable of supervising a multiple of processing lines and who is directly answerable to the production supervisor.

'Show Day' means not more than one local show day observed on an employees ordinary working day, other than a Saturday or a Sunday, in the city, town or district in which employee is employed; or such other day which in the absence of such a local show day is agreed on by the employee and the employer.

'Single Line Supervisor' means an employee capable of supervising a single processing section or table and who is directly answerable to the section supervisor.

'Structured On-the-Job Training' means formal instruction and supervised practice directly related to that instruction and approved by the Training Authority of Tasmania as part of a Training Agreement.

'Structured Off-the-Job Training' means formal instruction which is provided by a Technical Education College or other training provider(s) and approved by the Training Authority of Tasmania as part of a Training Agreement.

'Trainee' means a person meeting the eligibility criteria laid down for the purpose of the Australian Traineeship System (ATS) and who is bound by a Training Agreement.

'Traineeship' means a system of training under the Australian Traineeship System (ATS) or Career Start Traineeship System (CST) comprising structured on-the-job training with an employer and structured off-the-job training in a Technical and Further Education College or other training provider(s) approved by the Training Authority of Tasmania.

'Training Agreement' means an agreement under the provisions of the Industrial and Commercial Training Act 1985. For the purposes of this definition a training agreement shall be a contract for training and not a contract of employment.

'Union' means a registered organisation of employees listed in Clause 6 - Parties and Persons Bound of this award."

3. Delete from paragraph (c) of subclause 1, Division A of Clause 8 - WAGE RATES, the words "Trainee - Seafood Handler (as defined)" wherever appearing, and insert in lieu thereof the words "Trainee - ATS".

4. Delete paragraph (d) Translation Schedule from subclause 1 in Division B of Clause 8 - WAGE RATES, and insert that paragraph after paragraph (c) in subclause 1, Division A of Clause 8 - WAGE RATES.

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5. Delete Clause 36 - TRAINEE - SEAFOOD HANDLER, and insert in lieu thereof the following:

"36. TRAINEESHIPS

(a) Australian Traineeship System (ATS)

- (i) A trainee (as defined) shall attend an approved on and off-the-job training course or programme prescribed in the relevant training agreement (as defined) or as notified to the trainee by the Training Authority of Tasmania.
- (ii) Trainees may be engaged by employers registered with the Training Authority of Tasmania. The employer shall ensure that the trainee (as defined) is permitted to attend the prescribed off-the-job training course and is provided with on-the-job training approved by the Training Authority of Tasmania.
- (iii) The employer shall provide a level of supervision in accordance with the approved training plan during the traineeship period.
- (iv) The employer agrees that the implementation of the training plan will be monitored by officers of the Training Authority of Tasmania and that training records or work books may be utilised as part of this monitoring process.
- (v) All other terms and conditions of this award shall apply unless specifically varied by this clause.
- (vi) The trainee (as defined) shall be engaged for a period of twelve months as a full-time employee.

PROVIDED that the trainee (as defined) shall be subject to a satisfactory probation period of up to one month.

- (vii) The trainee (as defined) is permitted to be absent from work without loss of continuity of employment to attend the off-the-job training in accordance with the Training Agreement (as defined).
- (viii) It is acknowledged that service as a trainee (as defined) is to be counted as service for all purposes of determining long service leave entitlements provided it is continuous with further service. However, it is agreed that service as a trainee (as defined) shall also be counted if the trainee is appointed to a position by the employer within three months of the termination of the traineeship.
- (ix) Under normal circumstances overtime and shift work shall not be undertaken by trainees (as defined).

If during the traineeship period it is necessary because of the nature of the work and training experience then such shift/overtime work may be worked by the trainees (as defined).

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Where overtime or shift work is undertaken by the trainee (as defined) the appropriate award conditions shall apply based on the rate for the trainee classification.

- (x) As the Australian Traineeship System is a system of vocational training providing work based training, focusing on developing practical competence, trainees (as defined) shall be exempt from action with respect to industrial disputes.
 - (xi) Wherever possible traineeship positions shall be additional to existing staff numbers. Existing full-time employees shall not be displaced from employment by the trainee (as defined).
 - (xii) The union (as defined) shall be afforded reasonable access to the trainees (as defined) for the purpose of explaining the role and function of the union (as defined).
 - (xiii) This clause represents a compromise on the part of all parties and will not be used as a precedent in proceedings before industrial tribunals.
- (b) Career Start Traineeship System (CST)
- (i) A Career Start Trainee (as defined) shall be engaged as a full-time employee, for a Career Start Traineeship (as defined) of a minimum period of one year.
PROVIDED that the Career Start Trainee (as defined) shall be subject to a satisfactory probation period of up to one month.
 - (ii) A Career Start Trainee (as defined) shall spend the amount of time in structured on-the-job training (as defined) and structured off-the-job training (as defined) as specified in the registered training agreement (as defined).
 - (iii) The Career Start Trainee (as defined) is permitted to be absent from work without loss of continuity of employment to attend the structured off-the-job training (as defined) in accordance with the Training Agreement (as defined).
 - (iv) Where the employment of a Career Start Trainee (as defined) is continued by an employer after the completion of the traineeship period, such traineeship period shall be counted as service for the purposes of the award and entitlements.
 - (v) The registered training agreement (as defined) may restrict the circumstances under which the Career Start Trainee (as defined) may work overtime in order to ensure the training programme is successfully completed. When overtime is worked the relevant penalties and allowances of the award based on the trainee wage will apply. No Career Start Trainee (as defined) shall work without adequate supervision.

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- (vi) Unless otherwise specifically stated all other terms and conditions of this award shall apply to a Career Start Trainee (as defined).
- (vii) The union (as defined) shall be afforded reasonable access to Career Start Trainee(s) (as defined) for the purpose of explaining the role and functions of the union (as defined).
- (viii) The weekly wages 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 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)."

6. Insert in Clause 39 - GENERAL CONDITIONS, the words "36 - Traineeships" before the words "37 - Travelling Time and Allowances".

DATE OF OPERATION

The foregoing variations shall have effect from the first full pay period to commence on or after 12 May 1994.

F. D. Westwood
PRESIDENT

24 June 1994