

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984
s.23 application for award or variation of award

National Union of Storeworkers, Packers, Rubber & Allied Workers
(Tasmanian Branch)
(T.2419 of 1990)

and

Federated Clerks Union of Australia
(Tasmanian Branch)
(T.2515 of 1990)

and

Transport Workers' Union of Australia
(Tasmanian Branch)
(T.2604 of 1990)

WHOLESALE TRADES AWARD and Correction Order

PRESIDENT F. D. WESTWOOD

Hobart 23 April 1991

New classification structure - first minimum rates adjustment

REASONS FOR DECISION

As a result of my Interim Decision of 19 July 1990 dealing with these matters and after a number of report back hearings the parties presented to the Commission an agreed position providing for the phasing-in of new classification structures and the implementation of minimum rates adjustments in respect of

- (1) the stores and warehousing stream and
- (2) the manufacturing and packing stream.

The Commission was informed that the new streams and classifications had been subject to testing and trialling in the field over a period of months. The parties asked that the new classifications be approved and that a period of six months be allowed to enable the translation of new employees from their old classifications to the new.

The clerical, driving and commercial travellers sections, by agreement, were set aside for the time being (see transcript, page 139) to enable a more orderly and efficient review of the stores and warehousing and manufacturing and packing streams which account for the majority of the workforce.

The new stores and warehousing stream provides for four levels having fixed relativities with the trades classification rate of \$407.00 per week:

Warehouse and Store Worker 1	
on commencement	89.4%
after 3 months service	89.2%
after 12 months service	91.0%
Warehouse and Store Worker 2	92.4%
Warehouse and Store Worker 3	96.9%
Warehouse and Store Worker 4	100.9%.

The Manufacturing and Packing Stream provides five levels:

Level 1	78%
Level 2	82%
Level 3	87.4%
Level 4	92.4%
Level 5	96.9%

The proposal sets out fairly rigid descriptions of the levels of expertise at which an employee in any particular classification is expected to perform, including appropriate certification and/or training (when these are finally determined), the range of specific tasks which an employee may be required to perform, together with promotional criteria. The percentage relativities are those ratified in the interim decision. The new classifications take into account responsibility factors and therefore leading hand allowances have been absorbed.

It was proposed that the new classification structure should be set out in an appendix to the award and be read in conjunction with another appendix which would categorise the existing old classifications to the appropriate new streams, classifications and levels. These appendices are attached.

It was proposed that the trial period should commence on 18 April 1991 and conclude on 18 October 1991.

It was agreed that the Contract of Employment clause be amended to ensure that an employee may be directed to carry out duties within the limits of the employee's skill competence and training consistent with the classification structure of the award. Provisions relating to Minimum Wage are retained to assist in the calculation of the annual leave loading and will be the subject of further review.

It was submitted that the minimum rates adjustment exercise was undertaken in accordance with the requirements of the Wage Fixing Principles on the

basis of four equal instalments at six monthly intervals, the first to apply from 18 April 1991. The employer indicated the applicant union had conceded that if there were any isolated examples of concern about the level of increase involved it would consider granting a longer phasing-in period.

It was noted that the relativities of both the base rate and the supplementary payment rate had to be determined and this had resulted in some significant downward and upward adjustments to the base rates and the supplementary payment rates. Only the first instalment was to be inserted in the award at this stage with the subsequent instalments to be the subject of separate, future applications.

The employer submitted that consent to the proposal could confidently be given and that the proposal was in the public interest.

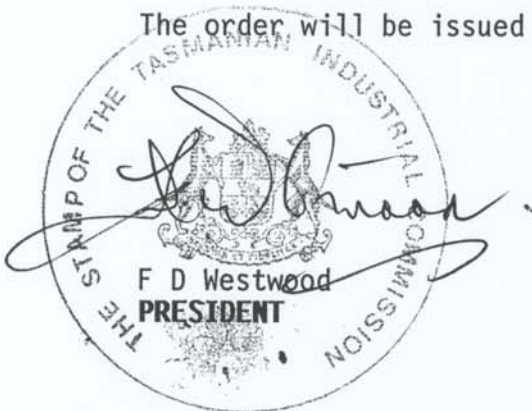
The National Union of Workers indicated full agreement with the submissions of the employer and suggested that if any problems developed during the transition period the parties would make use of the new disputes procedure provision enabling the Commission to resolve such matters.

The Federated Clerks Union indicated it had no objection to the proposed variation but placed on record the view that any clerical work performed under the proposed classification should be limited to the tasks set out in each level.

Having noted the degree of consent of the parties in this matter, which has been achieved after many months of negotiation, discussion and trialling; and being satisfied that the new arrangements are in accordance with the Wage Fixing Principles I am prepared to endorse the package. I am comforted by the understanding reached between the employer and the National Union of Workers which provide an extension of the phasing-in period if the circumstances of individual employers so require it.

Accordingly the award will be varied in the manner sought, however the operative date will be the date of this decision, 23 April 1991.

The order will be issued in due course.



Appearances:

Mr D Strickland for the National Union of Storeworkers, Packers, Rubber and Allied Workers, Tasmanian Branch

Mr D Fry and Mrs H Dowd for the Federated Clerks Union of Australia, Tasmanian Branch.

Mr B Hansch and Mr G Warn for the Transport Workers' Union of Australia, Tasmanian Branch.

Mr D Rowbottom for the United Sales Representatives' and Commercial Travellers' Guild of Australia, Tasmanian Branch and the Shop Distributive and Allied Employees' Association, Tasmanian Branch.

Mr P Griffin for the Shop Distributive and Allied Employees' Association, Tasmanian Branch and the United Sales Representatives and Commercial Travellers' Guild of Australia, Tasmanian Branch.

Mr M Sertori for the Tasmanian Confederation of Industries and the Tasmanian Sawmillers Industrial Association.

Date and Place of Hearing:

Hobart
1990
September 11
November 1
December 11

1991
February 19
March 13
April 4