

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

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)

DAIRY PROCESSING 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 **DAIRY PROCESSING AWARD** IN THE FOLLOWING MANNER:

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

1. Delete from Clause 3 - ARRANGEMENT - the words "Traineeship - Dairy Processing", and rename Clause 30 by inserting in lieu thereof the word "Traineeships".

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

"7. DEFINITIONS

In this award except where otherwise clearly intended:

'Adult' means any employee other than an apprentice eighteen years of age or over.

'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 (as defined) and structured off-the-job training (as defined) in accordance with a training agreement (as defined).

'Career Start Traineeship' means a system of training with an employer covered by Clause 2 - Scope of this award, comprising structured on-the-job training (as defined) 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 (as defined).

'Casual employee' means an employee engaged and paid by the hour.

'Cyclic Roster' means where the employer requires an employee to work a roster that requires the employee to regularly work, as part of the roster, on a Saturday, Sunday and or a holiday as prescribed in Clause 23□- Productivity and Efficiency, of this award.

'Dairy Worker Level 1' (% Wage Relativity to Dairy Worker Level 6 - 80%) - an employee entering the work-force and/or performing base level labouring duties and who will be provided with induction training and other training in the broad operations of the company.

Duties:

An employee at this level will perform basic labouring and cleaning duties.

Indicative of the tasks identified above would be:

- performs general housekeeping functions;
- performs general labouring and cleaning duties;
- carried or moves products or materials;
- required to move raw material/packaging material;
- exercises minimal judgement;
- displays satisfactory attendance and punctuality;
- works under direct supervision;
- conforms to the company's standards for personal hygiene and general cleanliness;
- conforms to the company's personnel practices;

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

is expected to identify problems and bring to notice of the supervisor;
is expected to practise recommended safe working practices;
is willing to be trained in order to progress to Level 2.

Responsibility:

An employee at this level will work under direct supervision and will exercise minimal discretion in carrying out the duties required.

Qualification:

The entry level requirement for employees recruited and/or operating at this level will be established by the employer. As a guide an employee will be required as a minimum to have successfully completed Grade 10, Level II English and Mathematics in order to satisfy the literacy and numeracy requirements of this position.

Training:

Employees at this level will undertake induction training and be provided with a structured program to develop the range of skills required at this level.

The training program will also allow for the development over time of the skills to allow progression to Production Level 2.

'Dairy Worker Level 2' (% Wage Relativity to Dairy Worker Level 6 - 82%) - an employee undertaking a broad range of production functions at a level higher than that prescribed for Level 1.

Duties:

An employee undertaking routine production functions which require work methods that are well established and operate to clear procedures and methods.

Indicative of the tasks identified above would be:

is required to perform all work associated with repack;
understands and undertakes basic quality control assurance procedures including the ability to recognise basic quality deviations, and reports faults to supervisor;
is required to exchange information with other employees;
uses selected hand tools;
maintains simple records;
is required to use hand trolley and pallet trucks;
may be required to collect and prepare samples, equipment and reagents for testing;
performs general labouring and cleaning duties;
works under routine supervision either individually or in a team environment;
is required to perform their work in order to minimise the possibility of accidents to themselves and others;

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

is required to be familiar with the layout of the plant and the product flow through the immediate area;
is required to perform work related to the crate ramp.

Responsibilities:

An employee at this level will competently undertake any or all of the above duties under routine supervision either individually or within a team.

Qualifications:

An employee working at this level will have the required skills and competence given appropriate training, to perform the duties required to a standard determined by the employer.

Training:

An employee shall undertake a structured program of training to develop the skills required to perform competently any of the duties required at this level.

The training program may also allow for the development over time of the skills to allow an employee to work competently at Level 3.

Progression:

Progression to Level 3 will be on the basis of an employee at Level 2 obtaining the requisite skills and competency standards and on being selected on merit for a position when a position at Level 3 becomes available.

'Dairy Worker Level 3' (% Wage Relativity to Dairy Worker Level 6 - 85%) - an employee undertaking a broad range of production functions at a level of complexity greater than that required at Level 2.

Duties:

An employee undertaking production functions which require the exercise of a moderate degree of skill and who largely works to established procedures and methods but who can operate flexibly between skill areas as required by the employer.

Indicative of the tasks identified above would be:

- operates flexibly between work stations;
- operates machinery and equipment requiring the exercise of skills and knowledge beyond that of an employee at Level 2;
- possesses basic keyboard skills;
- is required to measure quantities such as mass, volume, temperature, weight;
- is expected to clean and sanitise the equipment in related areas;
- is expected to work under minimal supervision or unsupervised;
- is required to record appropriate information about their work on a prepared form;

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

is required to be aware of the impact of the position on productivity of the section.
In some positions, the employee may make a major contribution to the overall productivity of the section;
is required to operate forklift trucks;
is required to perform work related to the despatch ramp;
is required to assist in laboratory duties;
is required to have knowledge and exercise skills and accept the responsibilities associated with stock control;
demonstrate knowledge of product range and use by dates in relation to stock rotation;
be familiar with all transport movements;
is expected to identify problems and bring to notice of the supervisor;
performs repetition work on automatic, slow speed, semi-automatic, or single purpose machines or equipment and be responsible for cleaning same.

Responsibilities:

An employee at this level will competently undertake any or all of the above duties under routine supervision either individually or within a team. A Level 3 employee shall be responsible under routine supervision for ensuring the quality and accuracy of their own work.

Qualifications:

An employee working at this level will have the necessary skill and competence given appropriate training to perform the duties required at this level at a standard determined by the employer. DLI forklift licence.

Training:

An employee at this level shall undertake a structured program of training to develop the skills required to perform competently any of the duties required at this level.

The training program may also allow for the development, over time, of the skills to allow an employee to work competently at Level 4.

Progression:

Progression to Level 4 will be on the basis of an employee at Level 3 attaining the requisite skill and competency standards and on being selected on merit for a position when a position at Level 4 becomes available.

'Dairy Worker Level 4' (% Wage Relativity to Dairy Worker Level 6 - 89%) - an employee undertaking a broad range of production functions at an advanced level and may undertake supervision of other production employees under the overall control of a supervisor.

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

Duties:

An employee undertaking production functions which require the utilisation of advanced non-trade skills with only limited instruction.

Indicative of the tasks identified above would be:

- carried out routine lubrication of production machinery and equipment as per manufacturer's operating manuals;
- assists in the provision of on-the-job training to employees at Level 1 to 3 inclusive;
- is required to identify problems and within predetermined guidelines, take corrective action without reference to supervisor;
- is required to clean the equipment manually and using the CIP process and be responsible for its cleanliness;
- is familiar with the procedures necessary to ensure that production targets for the work area are met;
- operates and controls more than one piece of equipment. In addition, the employee may be required to dismantle/reassemble the equipment;
- is required to exercise discretion within their level of skill and training;
- is required to aseptically obtain production samples;
- is required to perform specified QC tests on production samples, to assist in the control of the process;
- is required to carry out a limited range of lab test procedures;
- is required to operate advanced carton machines.

Responsibilities:

An employee at this level will competently undertake any or all of the above duties under minimal supervision either individually or within a team and may supervise and be responsible for the work of others and may be responsible for the assessment and/or delivering of training within their area of expertise.

Qualifications:

An employee at this level will have the required technical and/or supervisory skills and competence required to perform all or any of the duties at this level. He/she will have undertaken relevant equipment suppliers' training courses.

Training:

An employee at this level shall undertake a structured program of training to develop the skills required to perform competently any of the duties required at this level.

The training program may also allow for the development, over time, of the skills to allow the employee to work competently at Level 5.

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

Progression:

Progression at Level 5 will be on the basis of an employee at Level 4 attaining the requisite skill and competency standards and on being selected on merit for a position when a position at Level 5 becomes available.

'Dairy Worker Level 5' (% Wage Relativity to Dairy Worker Level 6 - 94%) - an employee undertaking a broad range of production functions at a level above that required at Level 4 and may undertake supervision of other production employees with or without the overall direction of a supervisor.

Duties:

An employee undertaking the total range of production functions by the utilisation of advanced non-trade skills with little or no supervision.

Indicative of the tasks identified above would be:

- is responsible for the chemical and bacteriological quality of product;
- is required to be fully conversant with the procedures of the U/F Plant with special emphasis on the cleaning process;
- operates flexibly between work stations within the relevant plant;
- may carry out routine lubrication and basic maintenance of production equipment;
- assist in the provision of on-the-job training to employees at Level 1 to 4 inclusive;
- is expected to work without direct supervision;
- must display the ability to produce reliable and accurate laboratory test results (chemical);
- also to demonstrate skills required for interpreting the results of micro-biological testing;
- is required to possess keyboard skills at a high level;
- is required to operate milk testing equipment;
- is required to keep production records and pasteurising records;
- is required to operate milk pasteurising equipment;
- will be fully conversant with and be able to operate equipment from all areas of the plant without supervision and be multi-skilled;
- will exercise leadership in the plant;
- will carry out on-the-job training to employees below this level;
- will assist in decision making;
- will carry out basic maintenance of production/laboratory equipment;
- is required to handle culture for yoghurt manufacture, and demonstrate skills required to enable yoghurt manufacture.

Responsibilities:

An employee at this level will competently undertake all or any of the above duties with little or no supervision either individually or within a team and will supervise and be accountable for the work of other production employees and for the assessment and/or delivery of training of other employees.

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

Qualifications:

An employee at this level will have the required technical and/or supervisory skills and competence to perform the duties of this level and will have good interpersonal and communication skills. Industry certificates where applicable must be obtained.

Training:

An employee at this level shall undertake such structured training as deemed appropriate by the employer to perform competently all of the duties required at this level.

The training program may also allow for the development, over time, of the skills required to allow the employee to progress to Level 6.

It is envisaged that at this level QC and supervisory courses will be attempted.

Progression:

Progression at Level 6 will be on the basis of an employee at Level 5 attaining the requisite skill and competency standards and on being selected on merit for a position when a position at Level 6 becomes available.

'Dairy Worker Level 6' (% Wage Relativity - 100%) - an employee undertakes a broad range of production functions at a level above that required for Level 5 and may undertake supervision and training of other production employees with or without the overall direction of a supervisor.

Duties:

An employee undertaking the total range of production functions by the utilisation of advanced non-trade skills without supervision.

Indicative of the tasks identified above would be:

- is required to carry out a wide range of test procedures within the field of laboratory testing (chemicals, micro-biological or milk analysis);
- typical jobs at this level include laboratory technician and other appropriate certified classifications;
- is capable of interpreting chemical and micro-biological test results and advising relevant supervisor of any irregularities;
- take the appropriate action to rectify identified problems without further reference to supervisors.

Responsibilities:

An employee at this level will competently undertake any or all of the above duties without supervision either individually or within a team and may supervise and be responsible for the work of others and may be responsible for the assessment and/or delivering of training within their area of expertise.

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

Qualifications:

An employee at this level will have gained a Diploma in Dairy Technology or equivalent.

Shall be able to demonstrate excellent interpersonal and communication skills gained from successfully completing an "in house" management course.

Training:

An employee at this level shall undertake a structured program of training to develop the skills required to perform competently any of the duties required at this level.

The training program may also allow for the development over time, of the skills to allow an employee to work competently at Level 7.

Progression:

Progression to Level 7 will be on the basis of an employee at Level 6 attaining the requisite skills and competency standards and on being selected on merit for a position when a position at Level 7 becomes available.

'Dairy Worker Level 7' (% Wage Relativity to Dairy Worker Level 6 - 105%) an employee who has demonstrated skill and total knowledge of the range of production functions carried out on site. He/she will be capable of carrying out the duties, as directed, of the overall Plant Supervisor.

Qualifications:

Diploma in Dairy Technology or equivalent will be the required technical level and demonstrated excellent interpersonal and communication skills.

'Trades Level 1' (% Wage Relativity to Dairy Worker Level 6 - 100%) - an employee who has completed a Trade Certificate or who holds a Tradespersons Rights Certificate in a relevant discipline and who exercises the skills and knowledge of those qualifications.

Duties:

An employee undertaking trade and non-trade functions which require the exercise of trade skill and knowledge and/or advanced production skills.

Indicative of the tasks identified above would be:

- perform the full range of trade level duties;
- performs non-trades work incidental to their work;
- perform work which is incidental or peripheral to the primary trade/task as required to complete the total task;
- setup, adjust and operate all production machinery;

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

approve first-off samples;
inspect and approve products/materials for conformity to operational standards;
development and provision of on-the-job training within the employees area of expertise;
understands, applies and provides instruction in TQC concepts;
understands, applies and can instruct others in the Quality Assurance System;
detects, analyses and remedies quality deficiencies;
maintains appropriate production/engineering records;
prepares and instructs on production techniques and procedures.

Responsibility:

An employee at this level will possess a Trade Certificate or a Tradespersons Right Certificate in an appropriate discipline and the appropriate supervisory, interpersonal and communication skills necessary to perform the range of duties required at this level.

Training:

An employee at this level shall undertake such structured training as deemed appropriate by the employer so as to perform competently all of the duties required at this level.

The training program may also allow for the development, over time, of the skills required to allow for progression to a management position.

'Part-time employee' means a person employed on a permanent basis of not less than 15 hours per week shall be deemed to be employed on a part-time basis.

Such persons are eligible for wages and leave accruals on a pro rata basis in accordance with the relevant provisions of this award for weekly employees.

'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 (as defined).

'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 (as defined).

'Temporary employee' means an employee engaged for a predetermined length of time - not exceeding 12 months and who is subject to all conditions of this award.

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

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

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

'Training Agreement' means an agreement for training 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.

'Show day' means not more than one local show day observed on an employee's ordinary working day, other than a Saturday or a Sunday, in the city, town or district in which the 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, therefore making a total of 11 paid public holidays per year.

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

3. Delete Clause 30 - TRAINEESHIP (as defined) - DAIRY PROCESSING - and insert in lieu thereof the following:

"30. 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 (as defined) 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.

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

- (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).

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.
- (xiv) The weekly wages payable to trainees (as defined) shall be as specified in Clause 8 - Wage Rates, subclause 4, Trainees, of this award.

The wage rates determined by this calculation shall in no case be less than the minimum rate prescribed by the Australian Traineeship System Guidelines. This figure is adjusted in accordance with National Wage Decisions.

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

(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.
- (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)."

This document is translated from the original order and is not in itself a legal document. No responsibility is taken for any discrepancy that may arise between this document and the order that was printed and published by the Printing Authority of Tasmania.

OPERATIVE DATE

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

F. D. Westwood
PRESIDENT

17 June 1994