

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T No. 4927 of 1994

IN THE MATTER OF an application by
the Tasmanian Chamber of Commerce
and Industry Limited to vary the
Cement Makers Award

re Definitions, wage rates

COMMISSIONER IMLACH

RAILTON 19 May 1994
continued from 2/5/94

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER IMLACH: Any change in appearances?

MR BECKER: If the commission pleases **G. BANNON** replacing **BRETT SMITH**.

COMMISSIONER IMLACH: Thanks, Mr Becker.

MR G. COOPER: If the commission pleases, I appear today with **MR PHIL MASON** and **MR KEVIN JAGO**.

COMMISSIONER IMLACH: Right. Now who's to report? Mr Targett?

MR TARGETT: I'll make a start at it. Essentially since the last hearing discussions have taken place. I don't intend to attempt to try and give you an indication of what the unions have or haven't done in the intervening period. But as I understand the position at this point in time, and it's then up to the unions to confirm or deny this, we do have an agreement as to what is to go into the Cement Makers Award by way of variations reflecting the structural efficiency and award restructuring process.

I'm unable to provide you with draft orders today because the final agreement, as I understand it to be an agreement, was reached just now and we would undertake to provide draft orders to the commission over the next few days, and also to all of the parties, and proceed down there.

If the outcome of today is as I hope it to be, I don't believe there's a necessity to reconvene these proceedings. It would be purely a matter of us providing draft orders and settling it in that method.

The position as I understand it, if I start, firstly, with the trades areas that agreement has been reached between us as to what is to go into the award, including the translation of employees from existing classifications to new classifications. There were four specific issues raised very late on by the union which went to a range of areas. We have agreed to those four items that were raised by the unions in relation to the trades areas, and they will be reflected in the documentation that's provided.

Part of that was to ensure that the classification definitions and training modules will be finalised to the satisfaction of the union and the members as well as to the employers in this particular case; that there will be an adjustment to the apprentice rates which I've provided in previous documentation to ensure that they reflect the current position; that the skills acquired in addition to trades skills are only to be used on an incidental and peripheral basis to the trades work; and that the metal tradespersons will be translated to grade 6 where we were looking originally at grade 5 and grade 6; and

that there was a specific issue over a third class machinist position transferring to level 3 where we've agreed to put it to level 4 because the work that's being undertaken by the level 3 more accurately is reflected in the level 4 position. And we have accepted all those positions as far as the union's proposal is concerned and will draft up orders to reflect that in the definitions and wage rates et cetera.

In relation to the clerical union, we believe we have agreement with that particular union to insert into the award the wages - or the classification standards which are a direct reflection of the classification standards contained in the Clerical and Administrative Officers (Private Sector) Award, and we have undertaken to provide draft orders to the commission reflecting that. The question of translation in those particular areas, as I understand it, has been settled between the company and the union in relation to the employees.

In relation to the production area, we have agreed to incorporate an additional level over and above that which was contained in our latest proposal, which is essentially a level at 95 per cent, whereas my proposal contained 92.4 per cent and 100 per cent relativities reflecting the metal standards. It was proposed to us by the union that we incorporate an additional level at 95 per cent for specific purposes which are primarily the driller, the loader driver, the truck driver and the relief process attendant. We have agreed to that request by the union to insert that additional level even though it's not in strict accordance with the metal structure. But with the specific circumstances that exist in relation to this particular award we've conceded that point.

We've also looked at the very significant issue in relation to the operation of the quarry here at Goliath. The company have been insisting all the way through the process that the quarry should be operational on a continuous shift basis. And as I understand the position, and it's up to the unions to accept or deny this, the unions have agreed to the concept of a continuous shift operation to operate straightaway. There are a couple of issues that they wish to discuss with the company over that which I understand primarily relates to the amount of time to walk down to the quarry and walk back, I think. But certainly they are accepting the continual shift operation at the quarry.

And issue also arose in relation to the multiskilling of the employees in the quarry where the company certainly were of a view that a multiskilled position in the quarry would be far more - would create a far more productive work force there and the unions, whilst accepting the concept of multiskilling in the quarry, have agreed that a consultative process will take place between the employees and the company as to what best multiskilled arrangement should exist in the quarry, and that

once that consultative process is concluded and the position arrived at by agreement between the company and the employees, that multiskilled position would be at the 100 per cent level in the new structure.

If agreement cannot be reached through the consultative process between the employees and the company then both sides reserve their right to request the commission to arbitrate on that particular issue to ensure that some sort of settlement can be reached.

There is one other matter that is still - one other minor matter in the overall scheme of things, although not minor to the people concerned, I'm sure, that is yet to be finalised. The AWU have provided us this morning with a letter revolving around a storeperson's position and they have some concerns about the translation of that particular position. We have agreed to talk to the unions about that position to try and settle that out and we are happy to look at the work that's actually performed in that position and base the translation on the work that is actually performed. Obviously we accept that if we can't reach an accommodation by agreement between the parties on that particular issue, the union have the right to call the commission in to have that particular issue arbitrated as well.

Overall they are the main points, as I recall them, that are to be pursued. I have undertaken to provide the draft orders to the parties and to the commission to reflect all of the matters that have been agreed and I would, depending on how long today takes, be hoping to get those draft orders finalised this afternoon and sent out in tonight's mail, providing I get back to Launceston in time to do it. So certainly I would hope to expedite that particular issue as a matter of urgency.

The final matter, as an advice to the commission, is the company have agreed based on an agreement being reached between the parties to put all of this in place and to vary the award via an industrial agreement registered under section 55 to provide further wage increases to the employees to the amount of an immediate payment of 2 per cent with an additional payment of 2-1/2 per cent to be put in place 6 months later on the understanding that all of the issues have been put in place based on the award variations and the work that should be undertaken.

That agreement will be drawn up immediately and put in place, but we have undertaken to provide the wage increases to the employees as of the first full pay period on or after today's date because we accept today as being the date that agreement has been reached, even though the agreement may not be finally registered by that date we have given an undertaking to pay as of that date.

The last point I'd mention to - well there's a couple of points I'd mention in this report, is that we've also agreed to put into the award as wage rates a rate which is in excess of that which is normally accepted as the metal standards by providing an additional column in the award called 'Excess Payments'. That excess payments column is to reflect the reality of what exists in this particular plant as far as wages are concerned and incorporates a substantial amount of the over award payments which employees have been receiving in the past. And we've agreed to do that so that it ensures a protection for the employees and for the union against future absorption of those over award payments via some sort of wage increase conditions that may or may not be applied by the commission in the future through any wage cases that arise. The amount of those excess payments we've provided to the union through our documentation and they've been agreed to.

And I'd also advise that I still am of the view that it would be best - and we don't have agreement on this at this stage - it would be best to convert this award to an enterprise award because in the reality of this award is it only applies to one enterprise and the likelihood of anyone trying to set up in competition to that enterprise in this state is minimal. And considering the circumstances that exist with this particular site an enterprise award, in my submission, would be the best way to go.

I understand from the comments made by the unions that the unions are prepared to continue to look at that particular proposal without saying whether they will or won't agree at some stage in the future. I would like to keep that on the agenda and if the unions at some stage in the future do agree would be to lodge an application to convert this award into an enterprise award. There's also been a suggestion about converting it into a paid rates award. We aren't in - the employers are in principle opposed to that particular process. Whilst acknowledging a range of specific difficulties that do exist within the Tasmanian Industrial Commission and other commissions in converting awards to paid rates awards and the necessity for special case and full bench hearings, it's yet to be determined whether that approach will or won't be adopted.

Whilst making that comment one of the reasons that a paid rates award has some attraction to all parties is the extent to which the wage rates have to be broken up in awards by the instructions of the commission, which makes awards very difficult for people in the field to use and very confusing for those in the field that aren't used to the industrial relations process to have to deal with. So certainly there is some attraction for that reason.

At this stage I don't think there's anything that I have to report and reserve any other comments to a response after having heard what the unions have to say.

COMMISSIONER IMLACH: Yes, thanks, Mr Targett. That one point you raised near the end there of putting in an excess payments column. How does that fit in with the system do you think?

MR TARGETT: Certainly the principles do provide for excess payment columns to be put into awards under the principles of the commission and have done for, I think, the last two or three sets of principles, from memory. And I'm happy to - I don't think I've brought them with me, to be quite frank - I was caught by surprise to be able to get this far today. I'm happy to provide the commission, when I provide the draft orders, with a specific reference to the principles in relation to the excess payments provisions.

COMMISSIONER IMLACH: Good, thanks, Mr Targett. Right now, Mr Cooper, thank you.

MR COOPER: Mr Commissioner, just in respect to that last point you've raised, if I could deal with that too. We actually requested that that excess payment column go in pursuant to the principles, and we have registered agreements in the state commission with an excess payment column that is consistent with the principles. And I can provide the commission with reference to that agreement if the commission so desires it.

In terms of what Mr Targett has said, I would have to advise the commission that in terms of his report back the majority of that report back is quite accurate. But I would like to start from the back because we have an issue that our membership have asked us to pursue and because there was some confusion in respect to meeting on Tuesday morning the issue was only raised with us at a meeting held at 8 o'clock this morning. And that issue is that our membership do accept the proposal that is contained in the 'without prejudice' document that we have dated the 31st March from the company, and as Mr Targett touched on, there are further wage increases available to the employees at Goliath as a result of picking up that package.

The membership have endorsed that package. There are some matters that do need to be further considered and Mr Targett has touched on them. And there is one other matter that we need to raise with him that I have raised unofficially in terms of individual translation but I haven't pursued with the company.

But the issue that I wish to raise to the commission is that our members have said, well if they go to a new structure

which does provide the company with significant flexibility in terms of multiskilled career paths that the 2 per cent and the 2-1/2 per cent wage increase that has been offered by the company should be made available in one hit from an operative date being today's date.

Now I have raised that with the company just prior to the hearing but because of the length of time between our meeting and the commencement of these proceedings, we haven't had an opportunity to discuss it fully. But I do put that on the table because I do think we need to get over that issue in the first instance.

And if I could just for the record advise the commission that this document does reflect a lot of work in terms of the company initially drafting it up, but it also has involved a significant amount of work on the side of the unions and as a result the membership getting involved with that document, understanding exactly what it means and understanding the implications of the introduction of that document. There will result, as a result of this document, a significant change on plant that will make this place more efficient. We totally support that but the membership are saying for that change they should be rewarded initially and not be awarded in the first instance and then subject to scrutiny or test down the track to be awarded further. They have totally committed themselves to the process and they would like that commitment rewarded by the payment in the first instance of the 4-1/2 per cent up front.

So I raise that as an issue because it is a problem that presents itself not only to us to resolve but also for other unions and I think before I put any further submissions I'd just seek guidance from the commission as how best to deal with that. If the commission pleases.

COMMISSIONER IMLACH: Well have you discussed this fully with the company, Mr Cooper?

MR COOPER: Well, Mr Commissioner, as I reported we had a meeting at 8 o'clock that finished around 9.00 or a bit later and we had to follow up a couple of issues as a result of that meeting, so it wasn't until about half an hour before these proceedings commenced that we actually advised the company of that position that's been adopted by the membership. So the time available to us to discuss it fully has been somewhat limited and I apologise for that, but it's just a fact of life that we weren't able to meet until this morning.

COMMISSIONER IMLACH: Alright, well we'll just here what the others say before we get back to that.

MR COOPER: Well, commissioner, yes, in respect to that then, I've only put a very preliminary submission. There are a

number of other issues that I do wish to put for the record to clarify what Mr Target has said, but I don't think it's appropriate to deal with those at this point in time until I know where I'm going in respect to the 4.1/2% if the commission pleases.

COMMISSIONER IMLACH: Mm. We'd better come back to you, Mr Targett.

MR TARGETT: Can I seek some clarification, Mr Commissioner?

COMMISSIONER IMLACH: Yes, yes.

MR TARGETT: I get the general impression from comments made by Mr Cooper in that submission that if the company don't agree to the 4.1/2% they don't agree to the deal. I think we need to be very clear on this, because if that is the position it - well, jeopardises the whole process quite frankly, and it jeopardises the wage increases for everyone on the plant. So I need to have some very clear comments from Mr Cooper, I'd suggest as to whether I am interpreting his comments correctly. Is there a deal or not, or is the deal contingent on 4.1/2% being paid now because if it is, I'd suggest there's going to be an awful lot of wasted time today.

COMMISSIONER IMLACH: Yes - thanks, Mr Target. I think that's fair comment. It seems to me that the matter hasn't been fully discussed and it ought to be. In other words, I don't think it's appropriate right now for me to indicate one way or the other. You know it seems to be, even though the company was aware of it, not altogether news that it's been settled one way or the other. So I think the parties ought to discuss it and that includes all parties. I mean as far as I know, unless the unions can tell me now without too much bother, that they agree one hundred percent with that, or that you want to have talks about it - the unions themselves or what?

MR LYNCH: I think a conference ought to be advisable.

COMMISSIONER IMLACH: Yes, well I think we'll adjourn while you do that - the unions - then speak to the company and then come back to me. Now is that reasonable? I think it is.

MR TARGETT: I'm happy with that.

COMMISSIONER IMLACH: Alright, we'll adjourn but I don't want it till 3 o'clock this afternoon. We want - what do you suggest?

MR An hour - at the most.

COMMISSIONER IMLACH: At the most - that's right. Half an hour I'd say.

MR : Yes.

COMMISSIONER IMLACH: A quarter to 12.00 and if there's any problem or you think you're get it all settled within 10 minutes of that let me know, but we'll say a quarter to 12.00.

The matter is adjourned.

INTO CONFERENCE

COMMISSIONER IMLACH: Mr Hill.

MR HILL: If the commission pleases, I suppose the best way I can respond is to place on record the content of a letter which I sent on behalf of our union to Mr Targett on the 16th May and I quote from that letter. It says:

Re: Cement Makers Award.

A meeting of AFMEU members held Tuesday 10th May '94 accepted Goliath's offer dated 31st March '94 to vary the award conditional upon:

- 1) All metal tradespersons being translated to Grade 6 and all non tradespersons translated to Grade 4.
- 2) That those skills acquired in addition to the trade skills only be used on an incidental and peripheral basis.

The third point was:

That apprentice rates be adjusted to reflect the current relativities.

And the fourth point was:

That the classification definitions and training modules to be finalised to the satisfaction of the union and the members.

And that's the end of the quotation from the letter.

Mr Targett verbally confirmed the company's agreement to those conditions outlined in that - in that letter and has today reaffirmed the company's position on record. I have nothing further to add, Mr Commissioner, other than to say we support the proposals to prepare a draft of the - of the - of an order and I would ask that you ratify the - the proposal, sir. Thank you.

COMMISSIONER IMLACH: Thanks, Mr Hill. Mr Becker.

MR BECKER: Thanks, Mr Commissioner. The EPU had a meeting of all of our members on Tuesday lunch time to finally - to vote on the issue of - that was before them. As Mr Hill has pointed out with his group, the same issues were raised, however these people are committed in principle to making the thing work, and indeed I suppose the overriding factor that - that allows them to - to give it a tick is, that the company are saying very clearly that no person will be financially disadvantaged in the transfer, so I just leave it at that.

COMMISSIONER IMLACH: Thanks, Mr Becker. Who is next? Mr Costello?

MR COSTELLO: Thank you, Mr Commissioner. Mr Commissioner, suffice to say that we do support the variation of the award that's submitted by Mr Targett and as Mr Targett referred, our structure is reflected from the Clerical Admin Award in the translation.

We have had discussion with management in the matter of translation and we're hoping it won't be brought back before the commission in where that we go through the normal process that our members - the clerical members - have the right to request a review of their grading if they're not satisfied and we'll go through the normal process, and if a need we'd return back to the commission for a decision on that, but hopeful that that will be resolved.

I'd just like to place on the transcript at this time too, Mr Commissioner, that we do make a commitment to pursue along with the others, as indicated by Mr Cooper and Mr Targett, the matter of the enterprise award for this organisation and this company.

COMMISSIONER IMLACH: Yes.

MR COSTELLO: Thank you, Mr Commissioner.

COMMISSIONER IMLACH: Thanks, Mr Costello. Just one point which applies to everyone and we'll make it clear from my side, that this business of translation - disagreements as to where one individual may or may not go on the structure, I take it that all parties are agreed that the structure is settled and that won't be changed, but individuals places on it will be changed if necessary by arbitration. Well that's a secondary item that's down the track is it not? It's not really part of -

MR COSTELLO: No worry.

COMMISSIONER IMLACH: - what we're confirming today. I do take the point that you're making that you've got individuals who are not happy with their position on the structure, but what you're saying to me is, that the structure is confirmed one hundred percent. It's - there may be arguments as to individuals placed on the structure but that structure is confirmed.

MR LYNCH: If I may, Mr Commissioner, you're quite right, and I'm not saying that we have individuals that are not happy, I'm just clearly indicating that there is a process by agreement with - between the parties that if there is someone unhappy then we have a process of dealing with it outside of the commission and -

COMMISSIONER IMLACH: Yes.

MR LYNCH: - a course to come back if need.

COMMISSIONER IMLACH: That's how I understood it -

MR LYNCH: Thank you, Mr Commissioner.

COMMISSIONER IMLACH: - but I just thought I'd confirm it from my side.

MR HILL: Well that's not entirely the position from our point of view. We - we've reached an agreement with the company that we will finalise a structure based on the metal industry and in terms of the principle of that, we've got to discuss further what that actually means in more detail. There is looming a potential problem in terms of the higher levels of the metal industry and their application and applicability to this industry, but at this point in time we've merely got an agreement in principle albeit substantial agreement up to a certain level in the metal structure. I don't anticipate we'll have any problems at all. The major obstacles are appearing at the higher level of training such as associate diploma and engineering levels.

COMMISSIONER IMLACH: Yes, thanks, Mr Hill. I thought your submission was exemplary and it was to the point and really satisfactory, as I saw it. This little variation there, I think Mr Targett might have something to say about it, but we'll hear about that and see where we go. I mean there's one reason why I raised it to start with at the very point that we're discussing, because it seemed to clear to me but obviously it's not a hundred percent clear. Anyway, we know where we are. Who's next?

MR LYNCH: If I may, Mr Commissioner, I don't wish to add significantly to the transcript. Most of the points that we would deal with have been traversed. We've had meetings with our members this week and they're in agreement with the

proposed changes, and in particular wish to accelerate the formation of the site working party, consultative committee, call it what you will at the quarry level and a process into - into multiskill positions and achieve the hundred percent rate previously mentioned by Mr Targett.

There are some issues that I wish to have Mr Targett respond to perhaps. One is the issue of the letter that's going to, in effect, set up individual classifications for those people already performing the work - the shape and nature of that. There was a - a view, I believe, that the second 2.5% could be accessed earlier if indeed there was agreement that the matters which led to the 2.5 were accessed earlier on the - on the work site by virtue of agreement between the company and the workers.

And that may be earlier than 6 months respond to that. The other position we had was in respect to a set of, well if you like, an objectionable phrase, that was in one of the early explanatory documents which went to the point that if an employee is physically incapable of performing this work, i.e. multiskilled quarry work, he shall be moved or offered retrenchment. Subject to discussions, we believe that's odious verbiage and we don't need it any more. There is enough scope in the current industrial format, if you like, to deal with those sorts of issues, and I don't think that's an issue either. But, nevertheless, I think we should probably record it on transcript.

That said, I have got nothing further to say, and I thank you for your time.

COMMISSIONER IMLACH: Thanks, Mr Lynch.

MR BEST: Yes, Mr Commissioner, the matter which my colleague Mr Lynch has raised, it certainly would be good to have that clarified with regards to the letter on current wages.

I'm just trying to go through the list here of areas that probably just need to be mentioned on the record, and that is our understandings of the quarry crew in terms of multiskilling is that there will be a view to work with the unions - that is the company work with the unions - to an approach of best practice.

That the crew will be allowed in a consultative process to work out which, or what are, perhaps the best arrangements in terms of operational issues, and there is a process where those things will be resolved.

There is also another area which may evolve from this agreement in terms of changes and what impacts or what effect this agreement may have on the quarry and a possible new quarry.

Those issues we may look at, but I should mention there has been discussions in terms of remuneration and wages, or earnings, and we have had some discussions that there may be some consideration to treat the quarry as a discreet route in some of those terms somewhere down the track if a potential loss of earnings may arise, and also with any potential loss of employment, obviously we are too far out at this given period of time but there may be some working through the training matters that may assist people.

The only other area that we need clarification on - that I personally seek clarification on - is the matter of progression and I think we have reached agreement on it, the multiskilling proposal, but there still would need to be a slight amendment in the document, the agreement, in terms of progression where it specifically talks about people being chosen by merit.

That certainly is an option for the company, but we would see the metal industry structure as determining progression on the basis of somebody regularly performing - regularly performing a classification on a particular grade - so that they would find themselves on a higher grade by virtue of regularly performing that. That is, you know, if those circumstances arise.

So the document may need to be amended in regard to that.

Those are the only points that I seek to put forward.

COMMISSIONER IMLACH: Thanks, Mr Best. Now, before you start, Mr Targett, I think there might be a bit there for you to comment on.

However, I want to add one point myself, and that is the draft order, the agreed draft order, you all would appreciate that I don't know what on earth it is or what's in it.

So that I am saying that if there is something in it that I'm not happy with, we'll have to get back together again, because - as I just repeat - I don't know what's in it in detail and it has to be reviewed, and maybe it will be necessary for another hearing to settle that.

So I just make that point.

You can't expect me to take it out of the air today and say, 'Yes, everything is alright'. I'm sure you understand that.

Now, Mr Targett.

MR TARGETT: Thank you, commissioner. Perhaps I'll start with your comments first.

I don't have a problem if you wish to reconvene the matter over the draft orders that are provided. I accept that that is certainly a function of the commission to ensure that whatever is put forward is in accordance with all of the requirements the commission has upon it, and if you see the necessity to do so, then that's certainly in accordance with the functions that you have imposed upon you by the Act.

COMMISSIONER IMLACH: Yes. I am sorry to interrupt, Mr Targett, and perhaps I should have mentioned this before you started.

I would presume that when I receive that draft order it has already been agreed.

MR TARGETT: I would certainly hope so.

COMMISSIONER IMLACH: Yes. I don't want to be receiving a draft order and then a number of phone calls saying, I disagree with that, or, I disagree with something else.

MR TARGETT: No, I hope to have the draft orders completed tonight and sent out to the unions so that they can then ring me and tell me that they are all 100% happy, and I can then post it to you.

COMMISSIONER IMLACH: And, preferably, that if there are any disagreements they are settled and amendments done before it comes to me.

MR TARGETT: Absolutely; and if we can't settle any problems, then we will be asking for it to be reconvened.

COMMISSIONER IMLACH: Right. Sorry to interrupt.

MR TARGETT: No, that's fine.

In relation to the submissions from the AWU, certainly just to clarify the question of the 4.1/2%, we are providing the 2% to the employees as of the first full pay period on or after today's date, based on the fact that agreement has been reached to implement this whole structure, and we are providing a further 2.1/2% at the conclusion of the 6-month period.

We have agreed that it is open to the unions to come back to the company prior to the 6-month period and if they can demonstrate that the process has been implemented successfully we are prepared to look at providing the 2.1/2% at an earlier date than the 6 months.

In relation to the quarry operations which have been mentioned by a couple of people we wish to restate that a consultative

process will take place between the company and the employees to look at the multiskilling of the quarry employees to find what is the best way of putting that into place; and we certainly confirm that the company are keen to implement that process at the earliest opportunity and to achieve an outcome at the earliest opportunity; and I restate, obviously if an outcome cannot be reached by agreement we would be seeking that the matter be put back to the commission.

In relation to the continuous operation of the quarry I wish to clarify some words I used in my submission, which I am pretty sure the unions have actually put correctly, but in case I didn't I want to restate it.

The company are wanting the quarry to be a continuous operation. I believe I may have used the words 'continuous shift operation'. That isn't what is intended. It is not intended to be a continuous shift. But we want the quarry to operate continuously within each shift as far as machinery, etc., is concerned.

And, as I understand it, we have a very clear agreement that that is to be put into place, which may mean, for example, a change in lunch hours or someone working on another piece of equipment, or whatever. But that continuous operation of a quarry is the fundamental issue for the company.

We acknowledge the comments made by Mr Cooper in relation to the central control room operation, and that there may be the necessity for him to have that arbitrated.

We accept his right to do so, and certainly we have had extensive discussions over the question of the central control room and we have stated to the union that our objective is to have one central control room operator in the quarry.

MR COVINGTON: Not in the quarry.

MR TARGETT: Sorry, in the central control room. It's our intention to have one central control room operator and, hopefully that can be achieved, but it is a matter of seeing how that pans out as the matters are progressed over a period of time.

In relation to the comments made by Mr Hill, I certainly have no problems with his first submission. Just a comment on his second submission.

We accept that we are to put draft to Mr Hill to look at as far as the standards are concerned for the definitions.

We also accept that there have been some discussions about the higher levels of classifications.

We have stated in the past that we are prepared to put in some higher levels out of the Metal Standards, if that is necessary. The company don't believe it's necessary, but we certainly are prepared to pursue that line if the union believes it needs to be pursued, either at this stage or, if subsequent to putting this in place the unions can demonstrate that there needs to be additional levels on top of what is put in place, we are happy to revisit that as well.

So, even though we put in place something at this point in time, we accept that it doesn't restrict the right of the union to look at increasing the top end - not by changing what is in place, but by adding more because it is demonstrated that is required at a later stage.

So we are certainly happy to look at that as well.

COMMISSIONER IMLACH: I just interrupt.

MR TARGETT: Yes.

COMMISSIONER IMLACH: The draft order will no doubt help to bring that to a settlement, a conclusion?

MR TARGETT: I would suggest very much so, yes.

COMMISSIONER IMLACH: Right.

MR TARGETT: In relation to the comments by Mr Becker, the one I would address concerning his comments about there being no financial disadvantage to the employees, and I would put on record to this commission that the company's very clear position is that no employee should suffer a financial disadvantage - that is, a reduction in income by way of wages - as a result of this structure being put into place.

Certainly, well in relation to Mr Costello's comments, the translation process that he alluded to certainly is one which we believe should be followed, and that is that if any individual - that shows that any individual does have a difficulty - we will pursue that on an individual basis, and obviously they then have the right to pursue any problems that arise if agreement can't be reached on an individual basis.

In relation to Mr Lynch's comments the company have undertaken to provide a letter to all employees as a result of this agreement stipulating the level that they are to be at and what their rate is, and as a result of disagreements some people will have a retained over-award payment - be it small or large - and we will be providing in that letter what amount is retained in that over-award component.

Also in response to Mr Lynch, I have already commented on his request for our position on the 2.1/2% being accessed earlier

on the result of implementation, and also he raised the issue of some words that were in an explanatory document I provided in relation to people being physically incapable of doing a particular job.

It has been put to us quite forcefully that that shouldn't be put in any document in the manner that was done. I have agreed that that shouldn't be there; that in fact that process is part of the normal contract of employment arrangements, and if that situation arose, be it in this specific circumstance or anywhere on the plant, it would be a matter that would be addressed through the proper processes at the time.

And, so we certainly don't intend to pursue those words in any documentation.

I think, in relation to the comments by Mr Best, certainly I confirm that the issue of the possibility of some discreet action in relation to the quarry at some stage later for a variety of reasons has been raised with us, even to the extent where it may be we revisit a salary proposal, or whatever, at some later stage.

But that would be something that could arise into the future.

I acknowledge Mr Best's commitment to the consultative process to achieve the multiskilling in the quarry, and I'm very pleased with that, as I am with all of the unions adopting that process, and their commitment to multiskilling down there.

And also their commitment to ensuring its continuous operation within a shift.

I also acknowledge his comments in relation to a potential slight change in relation to merit or regular performance of duties as far as moving from one level to another.

I made it very clear in a meeting which took place, and I remain committed to that, that if an employee is regularly performing duties at a level higher than which he is classified he is, in my view, as a matter of right, entitled to be classified at the higher level, and I certainly don't resile from that position.

I think they are the only matters that need addressing, Mr Commissioner. On that basis, I would suggest that these proceedings be adjourned to enable the commission to receive draft orders after they have been circulated to the unions.

If, obviously it can be reconvened by the commission or at the request of other parties if we can't settle those draft orders, and on that basis I would take the opportunity of

thanking the commission for being prepared to come to the site and have these proceedings because certainly there was a lot of interest shown by the employees in wishing to be part of the proceedings and see what goes on, and hear what goes on.

So, we certainly appreciate the commission being prepared to head down this way, and accept the hospitality of the company, and we will provide the draft orders at the earliest opportunity.

COMMISSIONER IMLACH: Thanks, Mr Targett.

Well we will adjourn as suggested, and as I understand everyone agrees for the draft order to be prepared and distributed and agreed and forwarded to the commission.

I am anxious that that take place within a short time. What would you suggest, Mr Targett?

MR TARGETT: Mr Commissioner, I would believe that I can now get those draft orders out. Considering the time we are adjourning, I should be able to get those out in tonight's mail, or at the latest, tomorrow's mail. I've seen how quickly the unions can get back to me, I would suggest if they have a week to get back to me with any problems that they have, I should then be able to forward them to the union - sorry, to the commission.

COMMISSIONER IMLACH: So, all being well, I would hope to issue a document within a fortnight; otherwise we ought to be able to reconvene here within the same fortnight. How's that?

MR TARGETT: Yes.

COMMISSIONER IMLACH: I won't fix a date now, if it's necessary, but that's the sort of time we are talking about.

MR TARGETT: Yes.

COMMISSIONER IMLACH: No objections? Alright, well it may be that we adjourn permanently, but it also may be we adjourn to resume in about a fortnight.

Well I congratulate the parties on reaching this stage after torturous proceedings, shall we say, over quite some time, but it is always preferable to reach a settlement, even in this way, than to have to have me arbitrating on matters; because when there is arbitration, usually someone loses. We don't want that, if we can help it. It is sometimes necessary, but it is good if we don't have to.

Alright, this matter is adjourned.

HEARING ADJOURNED

19.05.94

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