**TASMANIAN INDUSTRIAL COMMISSION**

**Industrial Relations Act 1984**

s23(1) application for award or variation of award

**The Minister administering the State Service Act 2000**

(T14465 of 2016)

**HEALTH AND HUMAN SERVICES (TASMANIAN STATE SERVICE) AWARD**

PRESIDENT D J BARCLAY HOBART, 23 December 2016

**Award variation - family violence leave - compassionate and bereavement leave - parental leave- consent application - consent order issued - operative date 22 December 2016**

**DECISION**

**[1]** On 20 December 2016, The Minister administering the *State Service Act 2000* (MASSA) lodged with the Registrar, pursuant to Section 23(1) of the *Industrial Relations Act* 1984 (the Act), an application to vary the *Health and Human Services (Tasmanian State Service) Award.*

**[2]** At the hearing in Hobart on 22 December 2016, Ms J Fitton appeared on behalf of the MASSA with Mr F Ogle and Ms A Farmer, Mr T Lynch appeared on behalf of The Community and Public Sector Union (State Public Services Federation Tasmania) Inc (CPSU) and Mr R Moore appeared on behalf of the Health Services Union, Tasmania Branch (HSU).

**[3]** Ms Fitton sought the following variations to the Award:

a. Replace Part IX Leave and Holidays with Pay- Clause 4 - Bereavement Leave -with a new Clause 4 entitled Compassionate and Bereavement Leave;

b. Insert new clause - Part IX- Leave and Holidays with Pay- after Defence

Force Leave clause 10- Family Violence leave clause to become clause 11;

c. Replace Part IX - Leave and Holidays with Pay- Clause 2 - Insert new clause - Parental Leave - amends to reflect new entitlements for Maternity, Partner and Adoption leave;

d. Replace Part IX- Leave and Holidays with Pay Insert new clause 3 - Personal

Leave- remove references to Family Violence Leave;

e. Replace Part II- Salaries and Related Matters- Clause 2- Payment of

Salary with new clause entitled Payment of Salary;

f. Part II, Clause 6(h)(ii)- replace the existing reference to 'B4-R2-I' with the new reference of 'B4-R2-2' (appears 2 x times);

g. Part II, Clause 6(h)(iii) - replace the existing reference to 'B4-R2-I' with the new reference of 'B4-R2-2' (appears 1 x time);

h. Part II, Clause 6(i)(ii)- replace the existing reference to 'B4-R2-I' with the new reference of 'B4-R2-2' (appears 2 x times).

[**4]** Ms Fitton noted that the changes arose out of the negotiations relating to the 2016 wage agreements.

**[5]** Essentially the clauses introduce Compassionate Leave as part of Bereavement Leave entitlements expanding the access of persons to leave where a significant other has a life threatening illness or injury and for whom the employee is providing care; a separate provision for Family Violence Leave; an increase in Parental Leave entitlements together with ancillary amendments to effect those variations.

**[6]** In addition a Payment of Salary clause was varied together with some variations to classification numbers.

[7] Mr Lynch and Mr Moore commended the variations to me. In my view the variations are appropriate, especially in relation to the Family Violence clause and the inclusion of Compassionate Leave

**[8]** All parties submitted the variations sought do not offend the public interest, do not disadvantage those employees covered by the Award and recommended the variations to the Commission.

**[9]** Iam satisfied that the variations are in the public interest and that no employees are disadvantaged.

**[10]** The application is granted and pursuant to ss24 and 36 of the Act the Award is varied in accordance with the application. The variations to the award are operative from

22 December 2016.

**[11]** An order reflecting this decision is to follow.

**Appearances:**

*Jane Fitton* for the MASSA

*Robbie Moore* for HSU

*Tom Lynch* for CPSU

**Date and place of hearing:**

2016

22 December

Hobart