**TASMANIAN INDUSTRIAL COMMISSION**

**Industrial Relations Act 1984**

s23(1) application for award or variation of award

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

(T14466 of 2016)

**FACILITIES ATTENDANTS (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 *Facilities Attendants (Tasmanian State Service) Award.*

**[2]** At the hearing in Hobart on 22 December 2016, Ms A Farmer appeared on behalf of the MASSA and Ms Armstrong appeared on behalf of United Voice, Tasmanian Branch (UV).

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

a. Part VII - Leave and Holidays with pay - Delete existing clause 4 - bereavement leave- replace with a new Clause 4 entitled Compassionate and Bereavement Leave;

b. Part VII - Leave and Holidays with pay - insert new clause 8 after Defence Force Leave clause - Family Violence Leave clause to become clause 8 - incorporates new Family Violence Leave provisions;

c. Part VII - Leave and Holidays with pay- Clause 2 - delete existing clause - Insert new clause - Parental Leave - amends to reflect new entitlements for Maternity, Partner and Adoption leave;

d. Part VII - Leave and Holidays with pay - Delete existing clause 3 personal leave - insert new clause - Personal Leave - removes references to Family Violence Leave;

e. Part II salaries and Related Matters - insert new clause - new clause 8 - higher duties allowance- allows HDAs to be paid- exact wording of the TSSA provision.

[**4]** Ms Farmer 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 new Higher Duties Allowance clause included.

**[7]** Ms Armstrong 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]** Both 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 s24 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:**

*Ms A Farmer* for MASSA

*Ms Armstrong* for UV

**Date and place of hearing:**

2016

22 December

Hobart