

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

s55(2) application for approval of an industrial agreement

Minister administering the State Service Act 2000

and

Australian Education Union, Tasmanian Branch

and

Community & Public Sector Union (State Public Services Federation Tasmania) Inc

and

Health Services Union, Tasmania Branch

(T14754 of 2020)

ALLIED HEALTH PROFESSIONALS PUBLIC SECTOR UNIONS WAGES AGREEMENT 2019

PRESIDENT D J BARCLAY

HOBART, 3 APRIL 2020

**Industrial agreement – application approved – agreement to effect salary increases
– increase to allowances - agreement operative from 1 July 2019 until 30 June 2022
- forwarded to registrar for registration**

DECISION

[1] On 25 March 2020 the Minister administering the *State Service Act 2000* (the Act) lodged with the Registrar, pursuant to s55 of the *Industrial Relations Act 1984* an application to approve the Allied Health Professionals Public Sector Unions Wages Agreement 2019 (the Agreement) and to cancel previous agreements of 2012, 2014, 2016 and 2018.

[2] In light of the Covid-19 issues the Application was dealt with by way of written submissions. The Minister lodged detailed submissions, and I set them out below:

"INTRODUCTION

This Agreement has been filed with the consent of all parties, to provide for salary increases and improvements in conditions and entitlements for employees employed as Allied Health Professionals (in a role outlined at Schedule 1 and 2 of the Agreement before the Commission, in either the Department of Health, Department of Communities Tasmania, Department of Education or Department of Police, Fire and Emergency Management).

This Agreement has been finalised following an extensive negotiation period. In August 2019, Government appointed a Lead Negotiator to lead and manage a centralised framework where good faith negotiations occurred with unions across 20 Agreements. The Lead Negotiator was supported by the State Service Management Office.

The registration of this Agreement is provided to the Commission, being the Minister Administering the State Service Act 2000; the Health Services Union, Tasmania Branch; the Community and Public Sector Union (State Public Services Federation Tasmania) Inc; and the Australian Education Union, Tasmanian Branch.

Below are submissions outlining the changes that have been agreed to as part of this process and note that a number of clauses have been carried forward from previous agreements with no change.

Clause 4 – Date and Period of Operation

Clause 4.1 cancels and replaces four Allied Health Professionals agreements which are currently registered.

All relevant clauses have been brought forward into the new Agreement.

No employee will be worse off as a result of cancelling these agreements.

This Agreement operates for a period of three years.

Clause 7 Salary Increases

Clause 7 of the Agreement sets out salary increases for Allied Health Professionals. Schedules 5, 6 and 7 set out relevant annual rates of pay for employees covered by this Agreement.

The salary increases are scheduled to occur as follows:

- 2.3% on the first full pay period commencing on or after (ffppcooa) 1 December 2019;
- 2.3% ffppcooa 1 December 2020; and
- 2.35% ffppcooa 1 December 2021.

Salary rates are set out in Schedules 5, 6 and 7.

Clauses 8 and 9 – Competency Progression and Accelerated Competency Progression.

Competency progression will be available for an AHP after reaching the classification AHP Level 1-6. Accelerated competency progression will now be available for an AHP after reaching Level 1-5.

The parties agreed that the current arrangements for competency progression and accelerated competency progression would remain in place for 24 months after the Agreement is registered, in order to not disadvantage current AHPs who had reached or were about to reach the original points of AHP Level 1-4 (for accelerated competency progression), and AHP Level 1-5 (for competency progression).

Clause 12 – Night Shift Allowance

The night shift allowance has increased from 22.5 per cent to 24 per cent.

Clause 13 – On Call Allowance

The rates of on call have increased from \$4.11 per hour (minimum \$32.88 per day), to \$4.50 per hour (minimum \$36 per day).

Clause 14 – Availability Allowance

The rate for Availability allowance has increased from \$2.38 per hour to \$3.52 per hour.

Clause 17 – Professional Development

There has been an increase in the Professional Development Allowance from \$624 per annum, to \$724 per annum. Further, Allied Health Professionals will be able to accumulate their professional development allowance over five years, to a maximum accrual of \$3,620. This will enable Allied Health Professionals to be able to use the funds to access courses and other professional development opportunities that would otherwise have not been covered by the annual limit. It also provides flexibility to Allied Health Professionals around when funds are accessed.

The accumulation will occur on a 'rolling' basis, which will result in an employee, once they have reached the 5 year initial cap, being able to carry forward a maximum 5 year accrual depending on the amount of the fund that is accessed.

Clause 18 – Novated Lease

There have been some minor formatting changes to this clause, in line with the same clause in other Agreements registered with the Commission.

Increment Changes in Schedules 5, 6 and 7

It is noted that the offer also included the removal of classification increment point AHP1-1, and the insertion of a new increment point of AHP1-6.

This change will mean new graduate AHPs will be able to be employed at a higher base salary, with the salary scale now starting at AHP 1-2. In addition, a new increment point has been added at AHP 1-6 which provides for a great salary increase across the AHP Level 1 increment points.

The application of clause 21 has been amended to clarify that the minimum salary on appointment will be:

- 3 year degree – Level 1 Year 2
- 4 year degree – Level 1 Year 3.

Any employee who was employed at AHP Level 1-1 effective on ffppcoa 1 December 2019 will be moved to AHP Level 1-2.

Advancement to the new increment of AHP Level 1-6 will occur after 12 months of service at AHP Level 1-5.

Extension of the Personal Upgrade Scheme (PUGS)

Employees at AHP Level 3 are entitled to apply for a PUGS upgrade. These employees are required to demonstrate exceptional skills through an application process, which rewards those employees who are leading their profession through special and exceptional work in their field.

Clause 22 of the Agreement extends the PUGS to all employees employed under the Agreement, excluding Forensic Scientists. This is a change from previous Agreements, when the PUGS only applied to employees employed by the Department of Health.

All Agencies will follow the same process as set out under Schedule 8, with each Agency setting up a panel involving their relevant delegates.

Schedule 8 of the Agreement has been updated from the previous 2016 clause in order to provide clarity around the purpose and structure of the Scheme.

Schedule 8 sets out the assessment process to be undertaken under the PUGS process.

Further the salary schedules have been varied to clarify the PUGS salary that a successful PUGS applicant is entitled to, being either AHP 3 PUG 1 (for applicants without a post graduate qualification), or AHP 3 PUG 2 and PUG 3 (for applicants with a post graduate qualification). Previously there was some confusion as to how salary increments worked for employees with a PUGS. By setting out the salaries as a separate entitlement, this should clarify the specific entitlements and benefit from receiving a PUGS.

Level 5 Senior Professional Specialist

A new Schedule 9 has been inserted which provides clarity around the process available for an AHP Level 5 1-2 to progress to Level 5 3-4. This process was previously applied however was confusing and difficult for employees to access. The intention of the new schedule is to provide sufficient detail and clarity around the application process in order to assist employees and managers in making and assessing applications as they arise.

Additional Benefits for AHP Employees

It is noted that, in addition to the benefits provided to AHPs in this Agreement, AHPs will also benefit from the whole of service changes that were previously registered with the Commission on 27 February 2020.

Namely, these are:

- Increases to parental leave (maternity leave 14 to 16 weeks, partner leave 5 days to 3 weeks, commensurate changes to adoption leave provisions as well for primary carer and partner)
- Superannuation paid on the unpaid portion of parental leave, top up on half pay parental leave and workers compensation
- Changes to compassionate and bereavement leave
- Ability to use up to 20 personal leave days for carers leave purposes
- Public Holiday Leave cash out for employees employed under the Health and Human Services (Tasmanian State Service) Award.
- For AHPs within the Department of Education, access to Communicable Diseases Leave through changes made to Appendix 16 of the Tasmanian State Service Award.

CONCLUSION

In summary, it is submitted that the changes are made with the consent of all parties, are in the public interest and do not disadvantage any employee covered by the agreement."

[4] The Commission received submissions from the HSU, the AEU and the CPSU to the effect that there was strong support for the Agreement and that the Application was by consent.

[5] I note the Ministers submission that all relevant clauses of the old agreements have been brought forward to the Agreement. I note the submission that no employee is worse off by virtue of the cancellation of the old agreements. I note that the other parties agreed. Accordingly the Allied Health Professional Public Sector Unions Wages Agreements of 2012, 2014, 2016 and 2018 are cancelled.

[6] I am satisfied that the Agreement is consistent with the public interest requirements of the Act, does not disadvantage the employees concerned, and the term of the Agreement does not exceed 5 years. I am satisfied that there is genuine consent to the Agreement by the parties to it.

[7] Pursuant to s55(4) the Agreement is approved with an operative date 1 July 2019 and shall remain in force until 30 June 2022. The file will now be referred to the Registrar for registration of the Agreement in accordance with the requirements of s56(1) of the Act.



David Barclay
President