

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

s55(2) application for approval of an industrial agreement

Minister administering the State Service Act 2000

and

United Workers' Union, Tasmanian Branch

(T14986 of 2022)

EDUCATION FACILITY ATTENDANT SALARIES AND CONDITIONS OF EMPLOYMENT INDUSTRIAL AGREEMENT 2022

PRESIDENT D J BARCLAY

HOBART, 14 DECEMBER 2022

Industrial agreement – application approved – agreement to effect salary increases - changes to classification - agreement operative from 20 September 2022 and will remain in force until 19 September 2025- forwarded to registrar for registration

DECISION

[1] On 2 December 2022, the Minister administering the *State Service Act 2000* (MASSA) lodged with the Registrar, pursuant to Section 55(2) of the *Industrial Relations Act 1984* (the Act), the Education Facility Attendant Salaries and Conditions of Employment Industrial Agreement 2022 (the Agreement) for approval. The Application also sought the cancellation of the Education Facility Attendant Salaries and Conditions of Employment Industrial Agreement 2019 (No.2).

[2] At the hearing in Hobart on 13 December 2022, Stuart Locke and Mark Watson appeared on behalf of MASSA and James Katarzynski appeared on behalf of the United Workers Union, Tasmania Branch (UWU).

[3] The Application for cancellation and approval was dealt with by way of written submissions. Submissions were received from, MASSA and United Workers Union, the parties' representing the employer and employees to whom the Agreement applies respectively.

[4] The Agreement contains provisions in respect to salary increases and changes to classification and salary structure. Of significance is that there are salary increases of between 12.19% and 13.1% over 3 years together with increases to base salary of \$1500 and one off Lower Income Payments.

[5] The Agreement also provides for a new classification structure commencing at level 1.2. After 3 months employees advance to level 2 (in place of the old qualification period of 6 months). Thereafter the classification structure moves through to level 4.

[6] The Agreement contained an internal inconsistency in clause 9 (Trade Work Allowance) which, in the preamble provided that the allowance "may" be paid whereas the operative provision provided that the payment "will" be paid. The parties agreed the proper construction was that the payment is mandatory for all those employees who qualify by meeting the requirements specified in the clause.

[7] Further a new rest break trial is provided for by granting an additional 15 minutes in the afternoon for employees engaged for an 8 hours day. It is agreed that the additional break will not lead to any claims for further resources from the union as a result of the extra break. The trial will last for the 2023 year.

[8] The Applicant made particular reference to the manner in which the union had approached the bargaining process noting the respectful way in which the union had taken part in the negotiations. The Applicant also noted the significant and important role the Education Facilities Attendants play in the work place. The Respondent also recognised the respectful way in which the Applicant approached the bargaining.

[9] In respect to the cancellation of the old agreement the parties submitted that no employee would be worse off if the old agreement was cancelled. Accordingly I cancel the Education Facility Attendant Salaries and Conditions of Employment Industrial Agreement 2019 (No.2).

[10] In respect to the Agreement the parties submitted that it was consistent with the public interest requirements of the act, no employee covered by the Agreement was disadvantaged and that there was genuine consent to the Agreement.

[11] 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.

[12] Pursuant to s55(4) the Agreement is approved with an operative from 20 September 2022 and will remain in force until 19 September 2025. 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.



Parties Representatives:

J Katarzynski UWU
S Locke MASSA
M Watson for DoE

Date and place of hearing:

13 December 2022
HOBART