

IN THE TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

- T No. 2399 of 1990 **IN THE MATTER OF** an application by the Tasmanian Public Service Association to vary nominated public sector awards
- T No. 2511 of 1990 **IN THE MATTER OF** an application by the Federated Engine Drivers' and Firemen's Association of Australasia, Tasmanian Branch to vary the Boiler Attendants Award
- T No. 2504 of 1990 **IN THE MATTER OF** an application by the Association of Professional Engineers, Australia, Tasmanian Branch to vary the North West Regional Water Authority Employees Award
- T No. 2506 of 1990 **IN THE MATTER OF** an application by the Association of Professional Engineers, Australia, Tasmanian Branch to vary the Professional Engineers Award
- T No. 2508 of 1990 **IN THE MATTER OF** an application by the Hospital Employees Federation of Australia, Tasmania Branch to vary nominated public sector awards
- T No. 2605 of 1990 **IN THE MATTER OF** an application by the Federated Miscellaneous Workers Union of Australia, Tasmanian Branch to vary the Miscellaneous Workers (Public Sector) Award
- re structural efficiency
principle

T Nos. 2467, 2469, 2470
2471, 2472, 2474, 2475,
2476, 2477, 2478, 2479,
2480 and 2481 of 1990

IN THE MATTER OF applications by
the Tasmanian Public Service
Association to vary nominated
Public Sector Awards

T No. 2653 of 1990

IN THE MATTER OF an application by
the Health Services Union of
Australia to vary the Hospital
Employees (Public Hospitals) Award

re Ward Clerks

T No. 2655 of 1990

IN THE MATTER OF an application by
the Health Services Union of
Australia to vary the Hospital
Employees (Public Hospitals) Award

re Maintenance Staff

T No. 2656 of 1990

IN THE MATTER OF an application by
the Health Services Union of
Australia to vary the Hospital
Employees (Public Hospitals) Award

re Trade Instructors

T No. 2654 of 1990

IN THE MATTER OF an application by
the Health Services Union of
Australia to vary the Hospital
Employees (Public Hospitals) Award

re Laundry Machine Operators

T No. 2657 of 1990

IN THE MATTER OF an application by
the Health Services Union of
Australia to vary the Hospital
Employees (Public Hospitals) Award

re Attendants

T No. 1844 of 1989

IN THE MATTER OF an application by
the Tasmanian Teachers Federation
to vary the Teaching Service
(Teaching Staff) Award

re recreation leave allowance

T No. 2264 of 1989

IN THE MATTER OF an application by
the Secondary Colleges Staff
Society to vary the Teaching
Service (Teaching Staff) Award

re recreation leave allowance

T No. 3200 of 1991

IN THE MATTER OF an application by
the Tasmanian Public Service
Association to vary the Inland
Fisheries Commission Staff Award

re Coxswain's Certificate
Allowance

FULL BENCH

PRESIDENT
COMMISSIONER GOZZI
COMMISSIONER WATLING

Hobart 30 March 1992
Continued from 24/2/92

TRANSCRIPT OF PROCEEDINGS

unedited

PRESIDENT: Are there any changes in appearances?

MR P. MAZENGARB: Mr President, members of the bench, not necessarily a change but an alteration. Unfortunately Mr Vines is indisposed this morning and I'm representing him on behalf of the association. I'm with Mr R. HUNT.

PRESIDENT: Thanks Mr Mazengarb.

MR G. COOPER: Mr President, if I could just amend appearances. I also appear today for The Australian Workers' Union, Tasmania Branch, but I'll also be appearing on behalf of The Federation of Industrial, Manufacturing and Engineering Employees, The Plumbers and Gasfitters Employees' Union, Tasmanian Branch, and The Electrical Trades Union of Australia, Tasmanian Branch.

PRESIDENT: Yes, thanks Mr Cooper.

MR M.J. DOWD: Mr President, change of appearance, DOWD, M.J., appearing on behalf of the Amalgamated Society of Carpenters and Joiners of Australia.

PRESIDENT: Yes, thank you Mr Dowd. No others? Who would like to lead off on this report back case - Mr Mazengarb?

MR MAZENGARB: Thank you Mr President, members of the bench. As I understand, this is a report back to advise of developments with regard to discussions with the TTLC and government in relation to T2399 and other matters. Mr President, members of the bench, I can advise that there have been a series of discussions with the government with regard to conditions of service issues and implementation.

As I understand from the last hearing, when it was before you a few weeks ago, the commission was requesting that we look at developing an implementation process. The position with regard to that Mr President, members of the bench, is that both the government and the TTLC have a position with regard to implementation. Those relevant positions are being discussed and are still in the process of discussions.

As I understand even this morning, a further meeting has been arranged for Friday of this week to further develop the position with regard to implementation. Certainly from the TTLC's position, we are hopeful of reaching an agreed position with the government on implementation. We would hope to achieve that position within a short period of time, say the next two to three weeks, and bearing in mind -

PRESIDENT: You realise we have a further report back here scheduled for April?

MR MAZENGARB: Yes, I do Mr President. We would hope to be

in a position to be able to come back to you at that time with an agreed position. If not with a fully agreed position if there were some areas of dispute or discontent amongst the parties that we could actually bring those matters to you with a view to resolution from our perspective by way of arbitration. So that's where we're at Mr President, members of the bench.

Again I repeat we hope to have further discussions or discussions have been planned for further on in the week and we would then be in a position to be able to put something to you, we hope. The position for the TTLC's perspective is that we put a document to the government within the last two weeks and we understand they are considering that and will respond to us, as I said, on Friday of this week. If the commission pleases.

COMMISSIONER GOZZI: Mr Mazengarb, I note from media comments that the cost of the salaries model award stream package is estimated to be some \$40 - \$60 million. It's of some concern that that cost appears to be based on a point to point translation and you know what I mean when I talk about point to point translation. Fundamental to this exercise is of course the need to comprehensively undertake a job redesign process. Can you inform the bench in respect of your discussions how the job redesign mechanisms are being handled?

MR MAZENGARB: From the PSA and TTLC's position Mr Commissioner, the association has put up a document with regard to that aspect of the decision because - you know the decision better than I do - but it's imperative in that decision and it is inherent in there that the job redesign process takes precedent then the drawing up, if I recall from the decision of the 29th of November, then the drawing up of position descriptions, then the translation.

Unfortunately I believe a number of parties - and I have to say some of my members - have actually looked at the decision and said 'This is what will happen on a point to point basis'. Certainly myself and other staff of the PSA have been at pains to point out to our members that it is not simply a point to point basis and you might creep up the scale by incremental progression. That it is required to go through the job redesign process, the drawing up of the position description process having done that job redesign and then the translation.

Certainly it's foremost in our mind, the job redesign process. We understand the importance of it and we understand how inherent it is in the decision that that job redesign process be conducted correctly. The \$40 - \$60 million that you mentioned previously is a figure that the association hasn't bandied about. It's a figure that's been bandied about by others.

I wouldn't like to put any estimate of any cost on the translation until that job redesign process and the translation process has been conducted. Certainly I think the statement emanating from the full bench of the 20th of March clarifies to a degree the translation process with regard to the operational stream and the obvious flow-overs of that into the other three streams that are being proposed by the decision.

COMMISSIONER GOZZI: Mr Mazengarb, another fundamental aspect in the decision was of course broad banding and the job redesign process, I think, encompasses that given the expanded nature of the classification standards. What's the view of the association at the end of the day, there may be fewer jobs as a consequence?

MR MAZENGARB: That's - that's an issue that the association is aware of. With regard to developing a formal position on it we haven't. We've indicated to the government that it is our perspective that we would be able to retain or maintain the number of positions that are currently there, but that as a result of broadbanding the proper redesign that we discussed earlier, that there be a greater productivity within the state sector utilising the same amount of employees. That's a government decision that has to be made, but certainly that's the position of the PSA as put to government with regard to a possible reduction in staffing numbers.

COMMISSIONER GOZZI: So from what you're saying, Mr Mazengarb, the bench can be assured that the job redesign aspects of the decision are being considered by the parties?

MR MAZENGARB: Well certainly from this side of the bench I can assure that is an issue that my organisation and the TTLG is fully mindful of and is taking that into consideration in the discussions with government.

PRESIDENT: Thank you, Mr Mazengarb.

MR MAZENGARB: Thank you, Mr President and members of the bench.

PRESIDENT: Mr O'Brien?

MR O'BRIEN: I have very little to add, Mr President and members of the commission. The only thing that I think I should advise the commission is that we have received your 20th March statement and we are giving consideration to the matters that are raised in the statement at this stage. We did meet as - collectively last week to give consideration to

the matters raised in the statement and organisations particularly representing people in the operational stream will be meeting later today to further development views so we're not in a position to make any further comment nor did I or I expect the commission or expect us to comment further at this stage.

PRESIDENT: No, I wouldn't - wouldn't have thought that was necessary, Mr O'Brien. Thank you very much. Mr Hanlon? Sorry, were you shaping to make submissions, Mr Warwick?

MR WARWICK: Sir, I'd simply support the submissions that have been put, that we do see that it's necessary at this time to have an opportunity to process the matter further. For our part we have put through the TTLC's specific view as to how health should be dealt with and we certainly need to hear a response from the government and hopefully we'll hear that response on Friday in respect to how we can deal with a range of matters which we see as being relevant to a set of negotiations or a set of negotiations relevant to ourselves and I don't think there's much more that's needed other than to say that we do support that position. Thank you.

COMMISSIONER GOZZI: Mr Warwick, the process that the HSUA is considering is that on all fours with the sorts of comments made by Mr Mazengarb in respect to the question I put to him - that fundamental to the model proposal is job redesign and the need to translate employees into the new model stream, in this case the professional stream, having regard to the classification standards and the scope of the job redesign aspects of it.

MR WARWICK: Are you asking me specifically about the professionals?

COMMISSIONER GOZZI: Well professional and other - operational.

MR WARWICK: Certainly. Well I guess the short answer to that is that the specifics of translation can't be looked at until we know what the government's response to our proposal is. I don't think it's any secret to say that we're looking at a more decentralised approach from our point of view to look at those people who don't have occupations anywhere else - whose occupations don't appear anywhere else in the public sector and we certainly don't want to bore our colleagues with talking about operator sterilisers and orthotists and a range of other people like that. And obviously -

PRESIDENT: But you had earlier, Mr Warwick.

MR WARWICK: Pardon?

PRESIDENT: I thought you had earlier.

MR WARWICK: Well hopefully that part of the case is over with.

PRESIDENT: Yes, I hope so too.

MR WARWICK: To deal with those specific issues of job redesign as you put them and our views are on all fours with the PSA's submission, we need firstly to have that response from the government to see if it's appropriate to deal with some - at least those unique classifications in our industry which we see should be dealt with in a more decentralised way.

COMMISSIONER GOZZI: Well can I ask you from an organisational point of view, does the HSUA accept that fundamental to the translation process is the need to implement job redesign mechanisms so that translation can take place having regard to the classification standards?

MR WARWICK: Yes.

COMMISSIONER GOZZI: That's accepted?

MR WARWICK: Yes.

COMMISSIONER GOZZI: Yes.

MR WARWICK: Thank you.

PRESIDENT: Thank you, Mr Warwick. I think this is the occasion, Mr Hanlon.

MR HANLON: Thank you, Mr President. The government certainly is applying the terms of your November decision. It has put in place, as the employer, a review of all job positions. Many of those positions were created using the classification standards which are now part of the public domain. Each position is being looked at, both within its professional, technical or operational group to determine that there is consistency across the service and the process is being pursued vigorously. It has a high priority.

The government is committed to progressing the range of matters which are contained in the November decision. It has put in place an appropriate structure both to carry out the task and to monitor the task internally, and that is being overseen by a ministerial committee and a high level officers' group to support that committee. The award restructuring process is being directed by that committee and it has that sort of priority. We will be determining a view from a service-wide perspective, having regard to the requirements of the decision to create the four occupational awards and a model conditions of service.

We will be responding to the TTLC's response to us which was in reply to a submission put to the TTLC in January, formally, and we will be seeking to process award restructuring on as many issues as possible with as much speed and priority as it's possible for the government to put. We will report progress to the commission on every occasion.

PRESIDENT: Thank you, Mr Hanlon. Mr Mazengarb and others have mentioned a meeting on Friday. You're in a position to respond to the unions' particular point of view, are you, on that date?

MR HANLON: Certainly, we have instructions for that meeting and a position to put to them.

PRESIDENT: Very good. Do you think that there is any further need for the commission to direct you into these conferences, or will they be able to be pursued without that direction?

MR HANLON: Well there is a scheduled report-back for 30 April and assuming that the bench will continue with that scheduling we intend to meet Friday and would continue to meet, where necessary, between now and the 30th. We have been meeting fortnightly under the conditions of service working group and would continue to process matters. If at 30 April there is some reason to raise with the bench as to whether or not there is adequate progress being made, then we would raise it then, Mr President.

PRESIDENT: So the implementation process appears to be working at this relatively early stage.

MR HANLON: Well there are a number of matters which are on the agenda to be talked about which don't form under the conditions of service; the conditions of service process is meeting and dealing with an agenda. There are other matters which the parties are conferring on and I really wouldn't want to be drawn into those. We have put a detailed proposal to the TTLC. We have put in place the structure, which I referred to earlier, inside the service. We would be seeking to make those processes compatible as possible to ensure that we meet the requirements of the November decision.

COMMISSIONER GOZZI: Mr Hanlon, could I just follow up with you as well the aspects of job redesign. Again I'd like to say that fundamental to implementing the November 1991 decision is attention to job redesign, having regard to the classification standards endorsed by the bench. Are you able to give the bench some indication how that process is being implemented?

MR HANLON: You mean internally from the government's -

COMMISSIONER GOZZI: Yes.

MR HANLON: Currently, there are four working parties drawn from agencies that are based on professional, technical, clerical and operational. And within those committees there are then key agencies that form dominant groups within each of those occupational groups. And we are developing a model structure for each of those job families and that process then will mean that each agency will review the positions it has that are common to those job families.

And that has two steps to it, one is the work being carried out currently in accordance with the position description and is the position description classified appropriately. Now that's the exercise that is going on and to take up the point - point-to-point transfers are not on the government's agenda and we are undertaking that review seriously and with as much haste as possible.

COMMISSIONER GOZZI: Mr Hanlon, I'm pleased that there seems to be accord that it's not a point-to-point translation exercise because that, of course, impacts very significantly on any cost projections. Have you been able to do any projections on cost having regard to a translation based on job redesign?

MR HANLON: Because the decision says that one doesn't have regard for existing salaries, then we are saying to agencies that the job design process must occur, when that is being carried out that is the point in time in which we will then know whether positions are correctly aligned and what the impact that would have. We are certainly making the message clear that point-to-point is not on and that the job assessment is the first criteria to be undertaken.

COMMISSIONER GOZZI: Yes, and have you done any cost projections?

MR HANLON: I have no instructions on that; I'm happy to take that on board. That will form part of the decision-making of the government in due course.

PRESIDENT: Yes, thanks, Mr Hanlon. Are there no other reports? Thank you very much for your contributions this morning. We'll adjourn now until 30 April.

HEARING ADJOURNED