

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

s55(2) application for approval of an industrial agreement

Minister administering the *State Service Act 2000*

and

Community and Public Sector Union (State Public Services Federation Tasmania) Inc.

(T14783 of 2020)

DEPARTMENT OF POLICE, FIRE & EMERGENCY MANAGEMENT (CPSU) INCIDENT MANAGEMENT OPERATIONS INDUSTRIAL AGREEMENT 2019

DEPUTY PRESIDENT N M ELLIS

HOBART, 30 JUNE 2020

Industrial agreement – application approved – agreement to effect payment of a higher duties allowance and a paid 30 minute meal break - no change to other terms and conditions – agreement operative from 1 October 2018 until 30 June 2020 - forwarded to registrar for registration

DECISION

[1] On 23 June 2020, the Minister administering the *State Service Act 2000* (MASSA) and the Community and Public Sector Union (State Public Services Federation Tasmania) Inc. (CPSU) lodged with the Registrar, pursuant to section 55(2) of the *Industrial Relations Act 1984* (the Act), the Department of Police, Fire & Emergency Management (CPSU) Incident Management Operations Industrial Agreement 2019 (the Agreement).

[2] At the hearing in Hobart on 29 June 2020, Ms Sharyn Haas and Mr Ben Phillips appeared on behalf of MASSA and Ms Thirza White and Ms Natalie Jones appeared on behalf of the CPSU.

[3] The Agreement applies to Department of Police, Fire and Emergency Management (DPFEM) employees who are covered by the Tasmanian State Service Award when assigned and performing a designated role in the Incident Management Operations for the Tasmanian Fire Service (TFS).

[4] The purpose of the Agreement is to compensate DPFEM Tasmania State Service Award employees who performed a designated role in Incident Management Operations during the 2018/19 and 2019/20 fire seasons.

[5] The Agreement provides for the payment of a Higher Duties Allowance (HDA) for employees undertaking Incident Management Operations roles in Table 1, however it is noted that the parties do not intend to be bound by these classifications in the future.

[6] Pursuant to clause 9 of the Agreement, the HDA is payable if the employee performed a designated role in Incident Management Operations during the 2018/19 and 2019/20 fire seasons that was at a higher classification band than the employee's substantive classification band for a period of four hours or more. This provision reduces the minimum period of engagement from five days to four hours to receive the allowance.

[7] In addition, clause 10 of the Agreement includes provision for a paid meal break of 30 minutes for period worked of at least 6 hours.

[8] The parties are committed to continuing discussions to negotiate a longer term Agreement that provides a more comprehensive set of conditions for DPFEM employees engaged in roles within Incident Management Operations in addition to their ordinary duties.

[9] 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.

[10] Pursuant to s55(4) the Agreement is approved with an operative date of 1 October 2018 and will remain in force until 30 June 2020. 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.



Appearances:

Ms Sharyn Haas and Mr Ben Phillips for the Minister administering the *State Service Act 2000*

Ms Thirza White and Ms Natalie Jones for the Community and Public Sector Union (State Public Services Federation Tasmania) Inc.

Date and place of hearing:

29 June 2020
Hobart