



TASMANIAN INDUSTRIAL COMMISSION

CITATION: Variation of the Tasmanian State Service Award [2023] TASIC 20

PARTIES:

Minister administering the State Service Act 2000

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

Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union

Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia

Health Services Union, Tasmania Branch

Transport Workers' Union of Australia (Victorian/Tasmanian Branch)

Australian Education Union, Tasmanian Branch

Construction, Forestry, Mining and Energy Union, Tasmanian Branch

United Workers Union, Tasmanian Branch

Tasmanian Trades and Labor Council

SUBJECT: *Industrial Relations Act 1984*, s 23(1) application for variation of Award

FILE NO: T15026 of 2023

HEARING DATE(S): 15 May 2023

HEARING LOCATION: Tasmanian Industrial Commission, Hobart

DATE REASONS ISSUED: 8 June 2023

MEMBER: Deputy President N M Ellis

CATCHWORDS: Award variations –market allowance-higher duties allowance-more responsibility allowance- travel allowances- foul and nauseous allowance-ordinary hours of work - compressed hours arrangement-overtime for day work - time off in lieu for overtime - workplace delegates - Appendix 16 Department of Education - consent application - consent order issued-operative date for the variations FFPPOA 15 May 2023.

REPRESENTATION:

E Reale for Minister administering the *State Service Act 2000*

N Jones for Community and Public Sector Union State Public Services Federation Tasmania Inc

S Smith for the Australian Education Union, Tasmanian Branch

J Katarzynski for the Australian Workers' Union

J Eddington for Health Services Union

VARIATION OF THE TASMANIAN STATE SERVICE AWARD [2023] TASIC 20

REASONS FOR DECISION

8 JUNE 2023

[1] On 8 May 2023, the Minister administering the *State Service Act 2000* (MASSA) lodged with the Registrar, pursuant to section 23 of the *Industrial Relations Act 1984* (the Act), an application to vary the Tasmanian State Service Award.

[2] The application relates to variations as set out in the applicant's submissions:

- Increase to three hours minimum work or pay on for casual employees, with restrictions to two hours for certain defined roles;
- Market allowance increased to 20%;
- Higher Duties Allowance and More Responsibility Duties Allowance to include fixed term and casual employees;
- Travel allowances for private vehicle use for required and occasional users to include rates of payment for electric and hybrid cars;
- Foul and Nauseous Allowances included for employees in Department of Natural Resources and Environment and Department of Justice;
- Minimum hours of work for Day Work for part time employees as three hours of work or pay each occasion of work;
- New entitlement to work compressed hours arrangement to enable shifts up to ten hours across less days, by agreement;
- Overtime for Day Work in excess of ordinary hours, payment of overtime for Day Workers, minimum break of at least eight consecutive hours off duty; reimbursement for child care costs, overtime not continuous with ordinary hours of work;
- Time off in Lieu of payment for overtime or payment at the end of 28 days if not taken;
- Workplace Delegates conditions to include five days of paid training in a calendar year, with provision to carry over unused leave up to two years; and
- Appendix 16 replacement provisions for employees working in Department for Education, Children and Young People, including school support staff and Teacher Assistants. These include:
 - Extension to communicable diseases leave to all employees engaged in work in a school/college context;
 - Aligns the Award with the existing DECYP policy;
 - Flexibility to take banked hours;
 - An increase to maximum weeks of work for school support staff;
 - New provision to enable untaken TOIL to be paid out;
 - Extension to all employees to the toileting allowance to \$30 week;
 - New provision for paid 15 minute recess break for Teacher Assistants;
 - New allowance for \$40 per week for employees supervising meal management plans;
 - New allowance for Teacher Assistants who deliver specialist programs and who have had relevant training for \$40 per week;
 - Health care procedures (as listed) allowance variation to \$40 per week; and

- a new entitlement for School Support Staff employees to receive an allowance of 1.35% of their base salary for the duration of their engagement with either a school support or tier four site.

[3] The variations and new provisions listed above are part of a suite of variations negotiated with the public sector unions and are the second tranche of Award variations reflecting that consent agreement. It was submitted that an application for further variations will follow.

[4] Written submissions were received from CPSU, AEU, and HSU. All parties submitted that the variations did not disadvantage employees covered, are in the public interest and with the consent of the parties.

[5] I am satisfied that the application is consistent with the public interest requirements of the Act and does not disadvantage the Award-covered employees and is with the consent of the parties.

[6] The application for variation is granted with an operative date from the first full pay period on or after 15 May 2023, unless otherwise specified.

[7] An order reflecting this decision is to follow.

