

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 Firefighters Union of Australia, Tasmania Branch

(T14678 of 2019)

TASMANIAN FIRE FIGHTING INDUSTRY EMPLOYEES' INDUSTRIAL AGREEMENT 2018

PRESIDENT D J BARCLAY

HOBART, 20 AUGUST 2019

Industrial agreement – application approved – agreement to effect salary increases - no change to other terms and conditions – agreement operative from 1 July 2018 and will remain in force until 30 June 2019 - forwarded to registrar for registration

DECISION

[1] On 19 August 2019, 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 Tasmanian Fire Fighting Industry Employees' Industrial Agreement 2018.

[2] At the hearing in Hobart on 20 August 2019, Ms Louise Mills and Ms Jane Fitton appeared on behalf of MASSA, and Mr Leigh Hills appeared on behalf of the United Firefighters Union Australia, Tasmania Branch (UFUA).

[3] The Agreement is notable in that it relates to a period entirely in the past. Ordinarily I would take some persuading to approve an agreement which is essentially of no operative affect for the future.

[4] The Agreement is brought for approval effective from 1 July 2018 until 30 June 2019. The Agreement also provides for back pay from 1 December 2018. It is intended that negotiations for a new agreement commence almost immediately.

[5] The pay increase is of 2.1%. It is slightly higher than the Governments Wages Policy. The Unions had wanted more. However the Agreement reflects a compromise by both sides to effect a modest pay rise and back pay. The Agreement also provides for an additional 0.25% increase from the date of registration. Finally the Agreement provides for effectively a one off sign on bonus of either 0.15% for salary earners earning less than a full time equivalent salary of \$80,000 per annum or \$120 for those earning more.

[6] The sign on bonus for those who do not work full time is payable on a pro rata basis. A protocol has been developed which will see part time workers who regularly work a part time pattern under their instrument of employment will have their pro rata entitlement based on that normal pattern that they work. Part time and casual workers who work a variable work pattern will have their actual hours worked as a proportion of full time hours calculated back to the date to which the first increase of 2.1% comes into effect. That is the hours worked will be calculated in real terms of what they actually worked as a proportion of full time hours.

[7] The importance of the Agreement is that it applies only to those employees who are in bands 7 and 8, which bands appear in an industrial instrument for the first time. The Agreement includes the definition of Bush Suppression Operations and includes salary and classification structures for employees engaged in those operations. Employees otherwise employed and classified under the AWU (Tasmanian State Sector) Award and who are not in bands 7 or 8 obtained their pay rises by approval of the AWU Public Sector Union Wages Agreement 2018 approved last week.

[8] Having regard to the submissions of the parties and the terms of the Agreement I am satisfied that the agreement is consistent with the public interest requirements of the Act, does not disadvantage the employees concerned, and obviously 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.

[9] Pursuant to s55(4) the Agreement is approved with an operative date 1 July 2018 and shall remain in force until 30 June 2019. 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.



D J BARCLAY
PRESIDENT

Appearances:

Ms Mills and Ms Fitton for MASSA
Mr Hills for UFUA

Date and place of hearing:

2019
20 August
Hobart