

## **TASMANIAN INDUSTRIAL COMMISSION**

### ***Industrial Relations Act 1984***

s55(2) application for approval of an industrial agreement

### **Minister administering the State Service Act 2000**

and

### **Australian Nursing and Midwifery Federation (Tasmanian Branch)**

and

### **Health Services Union, Tasmania Branch**

(T14676 of 2019)

## **NURSES AND MIDWIVES (TASMANIAN STATE SERVICE) 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 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 Nurses and Midwives (Tasmanian State Service) Agreement 2018 (the Agreement).

**[2]** At the hearing in Hobart on 20 August 2019, Ms Louise Mills and Ms Jane Fitton appeared on behalf of MASSA, Ms Caroline Saint appeared on behalf of the Australian Nursing and Midwifery Federation (Tasmanian Branch) (ANMF) and Mr Chris Kennedy appeared on behalf of the Health Services Union, Tasmania Branch (HSU).

**[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. However the Agreement has had a difficult birth.

**[4]** It is the product of protracted negotiations involving, in some instances, industrial disputation. 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 Agreement does not alter any other conditions of employment.

**[8]** I note that the parties do not retire from previous agreements which contain provisions relating to terms and conditions of employment. Accordingly no person is deprived of a benefit from an existing agreement.

**[9]** Given the circumstances in which the Agreement has been made, 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.

**[10]** 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  
Ms Saint for ANMF  
Mr Kennedy for HSU

**Date and place of hearing:**

2019  
20 August  
Hobart