

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

and

United Workers' Union, Tasmania Branch (T14769 of 2020)

CORRECTIONAL OFFICERS AGREEMENT 2019 (No. 2)

PRESIDENT D J BARCLAY

HOBART, 12 JUNE 2020

Industrial agreement – application approved – agreement to effect salary increases - agreement operative from 1 December 2019 and will remain in force until 30 November 2023- new classification structure - forwarded to registrar for registration

DECISION

[1] On 10 June 2020, 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 Correctional Officers Agreement 2019(No. 2). The Application also sought the cancellation of Correctional Officers Agreement 2019, the Correctional Officers Agreement 2016 and the Correctional Officers Agreement 2013.

[2] In light of the coronavirus outbreak the matter was dealt with by written submissions. All parties bound by the Agreement filed written submissions.

[3] The Agreement provides for a salary increase for each of the years the Agreement is in force. The most significant aspect of the Agreement is the introduction of a new classification structure. In MASSA's submissions it was noted that:

"The new classification structure has been negotiated to address a number of issues in the Tasmanian Prison Service and are of benefit to both employees and to the management of the Prison Service.

The changes made have been made to address the previous single point supervisor and management levels that did not adequately recognise experience or encourage further development.

There have been changes to the management structure to a move away from shift work to day work for Superintendents to provide opportunity for collective management interaction which is difficult where managers rotate across different shifts. The new classification structure has addressed a number of issues that were identified through the introduction of levels within classifications and with

progressions linked to performance and training; through the introduction of an advance assessment point for Correctional Supervisor; the introduction of a management skills matrix for Superintendents; the continuation of training in the progression requirements and essential criteria and the introduction of descriptors and the alignment of salaries to similar descriptors and similar salary rates in the broader State Service."

[4] It was also submitted by MASSA that:

"As part of the offer the provisions negotiated as part of the PSUWA related to:

- Paying employer superannuation contributions on unpaid and half pay parental leave and workers compensation
- Recredit of parental leave within the 52 week period of parental leave and during a period of recreation leave due to compassionate or bereavement leave
- Changes to personal leave (for caring purposes) to allow for an employee to use up to 147 hours (or 20 days) per year for caring purposes
- Increase to the amount of parental leave that can be taken from 14 weeks to 16 weeks for employees on maternity leave (or 32 weeks at half pay)
- Increase to the amount of Adoption Leave from 14 weeks to 16 weeks adoption leave.
- Increase to the amount of Partner leave from 1 week to 3 weeks
- Lactation Breaks/Facilities
- Provision for cashing out of recreation Leave

are to apply to employees covered by the Correctional Officers Agreement and incorporated into the Tasmanian State Service Award (TSSA)."

[5] It was submitted that the Agreement was in the public interest and that cancellation of the old agreements would not disadvantage any employee to whom they applied. It was submitted that there was genuine consent to the terms of the Agreement. The CPSU and UWW agreed with the submissions.

[6] In light of the submissions of the parties and the content of the Agreement I cancel the Correctional Officers Agreement 2019, the Correctional Officers Agreement 2016 and the Correctional Officers Agreement 2013.

[7] 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 to it.

[8] Pursuant to s55(4) the Agreement is approved with an operative date 1 December 2019 and shall remain in force until 30 November 2023. 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.



Parties Representatives:

Mr T Witt for MASSA

Mr Milligan for UWU

Mr T Lynch for CPSU

Date and place of hearing:

Determined on the papers