

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 Voice, Tasmanian Branch

(T14677 of 2019)

CORRECTIONAL OFFICERS AGREEMENT 2019

PRESIDENT D J BARCLAY

HOBART, 20 AUGUST 2019

Industrial agreement – application approved – agreement to effect salary increases - agreement operative from 1 January 2019 and will remain in force until one month after registration - 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 Correctional Officers Agreement 2019.

[2] At the hearing in Hobart on 20 August 2019, Ms Louise Mills and Ms Jane Fitton appeared on behalf of MASSA, Mr Tom Lynch appeared on behalf of the Community and Public Sector Union (State Public Services Federation Tasmania) Inc (CPSU), and Ms Katrina Bicket appeared on behalf of United Voice, Tasmanian Branch (UV).

[3] The Agreement deals with a number of matters including a pay rise to which I refer below. Mr Lynch told me that clause 9 (meal allowances) was inserted to formalise custom and practice which had grown up regarding the payment of a meal allowance for employees undertaking escort shifts at the Royal Hobart Hospital and the Launceston General Hospital. Clause 10 is inserted as a result of matters raised by the Australian Taxation Office regarding proper authorisation to make payments and deductions referred to in the clause. Without the specific provision there was some doubt as to the ability of employees to make the payments and deductions such as salary sacrifices for superannuation.

[4] In respect to clause 11 (no extra claims) I was told that the clause was not intended to prohibit negotiations and new claims after the nominal expiry date for the Agreement had expired. I construe the provision as meaning that “for the period of operation of this agreement” means for the period of the agreement up to the nominal expiry date.

[5] Mr Lynch also told me that as part of the negotiations the government had agreed to update the allowances in Part 4 the Tasmanian State Service Award. There would be nomenclature changes and other changes to that part. It had apparently been agreed the change will be effected by 31 December 2019.

[6] I was also advised the Custodial Officers Award will be updated to bring it into line as a contemporary safety net including updating classifications, pay rates and shift definitions and rates of pay.

[7] 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.

[8] 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.

[9] I note that the parties do not retire from previous agreements (2013 and 2016) which contain provisions relating to terms and conditions of employment. Accordingly no person is deprived of a benefit from an existing agreement.

[10] 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.

[11] Pursuant to s55(4) the Agreement is approved with an operative date 1 January 2019 and shall remain in force until one month after registration. 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 Lynch for CPSU
Ms Bicket for UV

Date and place of hearing:

2019
20 August
Hobart