

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

s55(2) application for approval of an industrial agreement

Minister administering the State Service Act 2000

and

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

and

Australian Nursing and Midwifery Federation (Tasmanian Branch)

and

Health Services Union, Tasmania Branch

(T14812 of 2020)

International Arrival and Hotel Quarantine Agreement 2020

PRESIDENT D J BARCLAY

HOBART, 22 December 2020

Industrial agreement – application approved - operative from 2 December 2020 and will remain in force until 28 February 2021 - forwarded to Registrar for registration

DECISION

[1] On 14 December 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), an Application to approve the International Arrival and Hotel Quarantine Agreement 2020 (the Agreement).

[2] By agreement of the parties the matter was dealt with by way of written submissions.

[3] The Agreement provides for a monetary allowance for employees engaged in the International Hotel' Quarantine program. The employees covered by the Agreement, being those employees covered by the Tasmanian State Service Award, Health and Human Services (Tasmanian State Service) Award, and the Nurses and Midwives (Tasmanian State Service) Award and relevant Agreements who are undertaking duties on or after 2 December 2020:

- i. at an International Hotel Quarantine site (as defined) where the employee is required to be physically present on the site for a total period of more than 30 minutes in a 24hour period; or
- ii. that result in the employee having contact with an international traveller to Tasmania, or with any possessions that an international traveller brought into Tasmania, between the arrival of the international traveller into Tasmania and the arrival of the international traveller at the part of the International Hotel Quarantine (IHQ) site where they will isolate or quarantine.

[4] Employees covered by this Agreement will continue to be paid in accordance with their respective awards and agreements, while undertaking duties at a quarantine site or in relation to the arrival of international travelers. An employee who is undertaking duties at a quarantine site will not be disadvantaged as a result of undertaking those duties. If the hours worked at the IHQ site are less than their usual hours, the employee will be paid for their usual hours. An employee covered by this Agreement will also continue to be paid for their usual hours if they are self-isolating while awaiting a COVID - 19 test result. If an employee tests positive for COVID - 19 they will continue to be paid their usual hours until they are no longer required to be in isolation.

[5] Employees engaged in work at a quarantine site will also be paid an allowance of \$150.00 per day. The reference to per day includes any work over a 24hr period including reference to a shift or day work. The allowance continues to be paid on weekends, Holidays with Pay or periods of personal leave during the period of engagement. The IHQ allowance will continue to be paid for a period of 14 calendar days after the employees engagement at the IHQ site is concluded, in recognition that the employee is still subject to social restrictions during this time. The Agreement also provides for cases where an employee has a break in their engagement and also for cases where an employee tests positive for COVID - 19.

[6] This clause establishes the International Hotel Quarantine Allowance (IHQA) for employees who have contact with an international traveler or their possessions from the arrival of the international traveler in Tasmania, until the arrival of the international traveler at the part of the IHQ site where they will be quarantining or isolating. The IHQA allowance is \$150 and is paid to employees for each day they have contact as outlined above only. The IHQA allowance is limited to the day of contact with an international traveler or their possessions only, as these employees will not be subject to the same social restrictions as employees engaged at an IHQ site. An employee covered by this clause will continue to be paid the IHQA allowance if they test positive for COVID- 19, for each day until they are no longer required to be in isolation.

[7] The Health Services Union, the Australian Nursing and Midwifery Federation and the Community & Public Sector Union all filed written submissions supporting the approval of the Agreement.

[8] The parties submitted that the Agreement was in the public interest and that there was genuine consent to it and that no persons affected by the Agreement are disadvantaged.

[9] 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.

[10] Pursuant to s55(4) the agreement is approved with an operative from 2 December 2020 and will remain in force until 28 February 2021. 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.



DJ Barclay
President

Date and place of hearing:

Determined on the papers