

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

s55(2) application for approval of an industrial agreement

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

and

Minister administering the State Service Act 2000

(T14719 of 2019)

COMMUNITY CORRECTIONS MONITORING AND COMPLIANCE UNIT SHIFT ARRANGEMENTS AGREEMENT 2019

DEPUTY PRESIDENT N M ELLIS

HOBART, 18 DECEMBER 2019

Industrial agreement – application approved – operative from the date of registration and shall remain in force until 30 June 2020

DECISION

[1] On 9 December 2018, the Community and Public Sector Union (State Public Services Federation) Inc (CPSU) and 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 Community Corrections Monitoring and Compliance Unit Shift Arrangements Agreement 2019 (the Agreement).

[2] At the hearing in Hobart on 17 December 2019 Mr Tom Lynch and Mr Jason Williams appeared for CPSU. Mr Tom Kleyn appeared with Mr Ben Phillips for the MASSA.

[3] Mr Kleyn submitted

“Monitoring and Compliance Unit was established to undertake monitoring for both home detention orders and family violence perpetrators and victims. The unit commenced electronic monitoring on 10 March 2019 and monitoring of family violence and perpetrators on 1 April 2019. Employees at the time were engaged under the provisions of the State Service Award working 36 hours and 45 minutes per week and in the absence of the appropriate shift work provision we tried to work within the State Service Award as much as we could.”

[4] Mr Kleyn further submitted

“the roster that is currently in place has significant limitations for both employees and management and is not sustainable. It is agreed by all parties it is not a sustainable roster. This agreement will provide for appropriate shift arrangements for employees. It is our view that the agreement will meet the needs of the organisation, the department and employees. It will provide a much safer and sustainable working arrangement.”

[5] Mr Kleyn submitted it does not offend the public interest test under the Act, and does not disadvantage relevant employees.

[6] Consent to the variation was provided in oral submissions by Mr Tom Lynch on behalf of the CPSU.

[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.

[8] Pursuant to s 55(4) the Agreement is approved with an operative date from the first full pay period on or after the date of registration and shall remain in force until 30 June 2020.

[9] The file will now be referred to the Registrar for registration in accordance with the requirements of s56(1) of the Act.



N M Ellis
DEPUTY PRESIDENT

Appearances:

Mr Tom Lynch and Mr Jason Williams for CPSU

Mr Tom Kleyn and Mr Ben Phillips for MASSA

Date and place of hearing:

2019

17 December

HOBART