**TASMANIAN INDUSTRIAL COMMISSION**

**Industrial Relations Act 1984**

s23(1) application for award or variation of award

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

(T14464 of 2016)

**TASMANIAN STATE SERVICE AWARD**

PRESIDENT D J BARCLAY HOBART, 23 December 2016

**Award variation - family violence leave - compassionate and bereavement leave- parental leave - consent application - consent order issued - operative date 22 December 2016**

**DECISION**

**[1]** On 20 December 2016, The Minister administering the *State Service Act 2000* (MASSA) lodged with the Registrar, pursuant to Section 23(1) of the *Industrial Relations Act* 1984 (the Act), an application to vary the *Tasmanian State Service Award* (the Award).

**[2]** At the hearing in Hobart on 22 December 2016, Ms J Fitton appeared on behalf of the MASSA, Mr T Lynch appeared on behalf of The Community and Public Sector Union (State Public Services Federation Tasmania) Inc (CPSU) and Mr R Moore appeared on behalf of the Health Services Union, Tasmania Branch (HSU).

**[3]** Ms Fitton sought the following variations to the Award:

a. Replacing Part VIII - Leave and Holidays with Pay - Clause 4 - Bereavement Leave with a new clause entitled Compassionate and . Bereavement Leave;

b. Part VIII - Leave and Holidays with Pay - to insert a new clause 10 - Family Violence Leave clause;

c. Replace Part VIII- Leave and Holidays with Pay Insert new clause 2- Parental Leave- amends to reflect new entitlements for Maternity, Partner and Adoption Leave;

d. Replace Part VIII- Leave and Holidays with Part- Insert new clause 3- Personal Leave- removes references to family violence leave;

e. Insert new sub clause (n) to Overtime for Day Work clause in Part VI­ Hours *of* Work and Overtime, Clause 3;

f. Insert new clause into Part IV- Expense and Other Allowances - Clause 11

- Foul and Nauseous Allowance;

g. Part II, Clause 6(h)(ii) - replace the existing reference to 'B4-R2-I' with the new reference of 'B4-R2-2' (appears 2 x times);

h. Part II, Clause 6(h)(iii) - replace the existing reference to 'B4-R2-I' with the new reference of 'B4-R2-2' (appears 1 x time);

i. Part II, Clause 6(i)(ii)- replace the existing reference to 'B4-R2-I' with the new reference of 'B4-R2-2' (appears 2 x times)

**[4]** Ms Fitton noted that the changes arose out of the negotiations relating to the

*Public Sector Unions Wage Agreement* 2016.

**[5]** Essentially the clauses introduce Compassionate Leave as part of Bereavement Leave entitlements expanding the access of persons to leave where a significant other has a life threatening illness or injury and for whom the employee is providing care; a separate provision for Family Violence Leave; an increase in parental leave entitlements together with ancillary amendments to effect those variations.

**[6]** In addition, an Overtime for Day Work clause has been inserted in addition to a

Foul and Nauseous Allowance together with some variations to classification numbers.

**[7]** Mr Lynch and Mr Moore commended the variations to me. In my view the variations are appropriate, especially in relation to the Family Violence clause and the inclusion of Compassionate Leave

**[8]** All parties submitted the variations sought do not offend the public interest, do not disadvantage those employees covered by the Award and recommended the variations to the Commission.

**[9]** Iam satisfied that the variations are in the public interest and that no employees are disadvantaged.

**[10]** The application is granted and pursuant to ss24 and 36 of the Act the Award is varied in accordance with the application. The variations to the award are operative from 22

December 2016.

**[11]** An order reflecting this decision is to follow.



**Appe ranees:-- ·**

*Jane Fitton* for the MASSA *Tom Lynch* for CPSU *Robbie Moore* for HSU

**Date and place of hearing:**

2016

22 December

Hobart