

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

*Industrial Relations Act 1999* – s. 287 – application for declaration of a general ruling

**The Australian Workers' Union of Employees, Queensland AND Queensland Chamber of Commerce and Industry Limited, Industrial Organisation of Employers and Others (No. 3) (No. B/2003/785)**

DEPUTY PRESIDENT BLOOMFIELD  
COMMISSIONER BROWN  
COMMISSIONER ASBURY

14 September 2005

Application for Declaration of a General Ruling – Make-up pay for employees on jury service – Decision *in principle* released 1 September 2005 – Parties directed to confer – Declaration of General Ruling effective 15 September 2005.

DECISION

On 1 September 2005 we issued a decision *in principle* in which we announced our intention to issue a General Ruling providing entitlements to make-up pay for permanent full-time and part-time employees summonsed to attend for jury service.

In announcing our intention to issue a General Ruling we directed the parties to confer about the terms of the General Ruling to be issued. In particular, we directed the parties to confer about:

- the definition of the relevant rate to be used for the purposes of calculating any make-up pay involved;
- the wording of a provision allowing for alternative methods of payment, rather than a single prescriptive formula; and
- a list of awards containing make-up pay for jury service provisions, which would be exempt from our General Ruling.

In accordance with our directions, the parties met under the chairmanship of Commissioner D.K. Brown on Friday 9 September, 2005. At that time the parties reached agreement on all elements of the proposed General Ruling, other than the definition of the term “ordinary pay”, which is to be used for the purposes of calculating the amount of make-up pay involved for any particular employee attending jury service.

We have considered the respective parties’ submissions about the non-agreed definition, as well as those elements about which they do agree, and have determined to issue a General Ruling in terms of the Declaration attached to this decision. The General Ruling shall have effect on and from 15 September 2005 and shall be inserted into all awards of this Commission other than those awards identified in Schedule 1 of the Declaration. Those awards shall be exempt from the operation of this General Ruling.

The Commission determines and orders accordingly.

A.L. BLOOMFIELD, Deputy President.

D.K. BROWN, Commissioner.

I.C. ASBURY, Commissioner.

*Hearing Details:*

2005 9 September

*Appearances:*

Ms S. Schinnerl, of The Australian Workers’ Union of Employees, Queensland.

Ms D. Ralston, of Queensland Council of Unions.

Mr M. Hopgood, of Department of Industrial Relations.

Mr S. Nance, of Queensland Chamber of Commerce and Industry Limited, Industrial Organisation of Employers.

Ms L. Vanderstoep, of Australian Industry Group, Industrial Organisation of Employers (Queensland).

Ms V. James-McPhee, of National Retail Association Limited, Union of Employers.

Mr B. Siebenhausen, for Queensland Real Estate Industrial Organisation of Employers and Queensland Motel Employers Association, Industrial Organization of Employers.

Mr M. Reeves, of Hardware Association of Queensland, Union of Employers.

Released: 14 September 2005