

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Department of Education Certified Agreement 2019* [2020] QIRC 087

PARTIES: **State of Queensland (Department of Education)**

and

Together Queensland, Industrial Union of Employees

CASE NO: CB/2020/18

PROCEEDING: Certification of an agreement

DELIVERED ON: 9 June 2020 (written reasons 16 May 2020)

HEARING DATE: 9 June 2020

HEARD AT: Brisbane

MEMBER: O'Connor VP

ORDER: **1. The *Department of Education Certified Agreement 2019* is certified.**

CATCHWORDS: INDUSTRIAL LAW – application for certification of an agreement – requirements for certification – agreement certified

LEGISLATION: *Industrial Relations Act* 2016, s 171, s 189, s 191, s 216, s 227, s 228

APPEARANCES: Mr D Miller for the Department of Education

Mr K McKay for Together Queensland, Industrial Union of Employees

Reasons for Decision

- [1] The State of Queensland (Department of Education) and Together Queensland, Industrial Union of Employees has made an application to certify the *Department of Education Certified Agreement 2019* pursuant to s 189 of the *Industrial Relations Act 2016*.
- [2] As required by s 189(3) of the Act, the application was made within 21 days of the date on which the agreement was made.
- [3] This Agreement will apply to:
- the State of Queensland;
 - Together Queensland, Industrial Union of Employees;
 - employees employed by the State of Queensland, employed in the Department of Education in the occupation of Community Education Counsellor to whom the Teaching in State Education Award - State 2016 applies;
 - employees employed by the State of Queensland, employed in the Department of Education to whom the following awards apply except the employees listed in clause 1.2.2:
 - Queensland Public Service Officers and Other Employees Award- State 2015; and
 - General Employees (Queensland Government Departments) and other Employees Award – State 2015.
- [4] Relevantly, clause 1.2.2 of the proposed agreement provides that *'This Agreement will not apply to employees employed in the occupations of Teachers, Nurses, Teacher Aides and Cleaners.*
- [5] Mr Alex Scott, the Secretary of the Together Union, deposes to the following to demonstrate the application's compliance with s 171 of the Act:
- on March 2020 the employer sent an email to all employees advising them of the proposed agreement;
 - from 13 March 2020 the employer made available to each employee;
 - the proposed agreement
 - a pre-recorded information session
 - frequently asked question
 - an electronic ballot commenced on 30 March 2020 and closed on 9 April 2020;

- a valid majority of employees approved the agreement, specifically 7219 out of a total of 14209 eligible employees voted in the electronic ballot and of those who voted in the ballot 96% indicated support for the agreement;
- the employer took reasonable steps to ensure that at least 14 days before the ballot all relevant employees were given ready access to the proposed agreement; and
- all relevant employees were given the opportunity to ask questions about the agreement at any time before the ballot.

[6] Accompanying the application for certification is an affidavit of Mr David Miller (Executive Director, Integrity and Employees Relations, Department of Education) whereby he provides information on the following topics:

- the number of female and male employees covered by the proposed agreement;
- the number of trainees covered by the proposed agreement;
- the wages of the employees, the wages determination mechanism and the per annum increase on the wage rates;
- the difference between the average weekly full-time equivalent earnings of male employees and female employees;
- factors identified as contributing to the gender pay gap;
- steps taken to provide for equal remuneration for work of equal or comparable value under the proposed agreement; and
- provisions to ensure equality of employment opportunity for male and female employees;

[7] In certifying the agreement, the Commission recognises that: each relevant requirement under subdivision 2 of Division 2 of Part 5 of the Act has been satisfied; and, that there was nothing in the agreement which would require the Commission to refuse to grant the application under subdivision 3 of Division 2 of Part 5 of the Act.

[8] The agreement operates from the day it was certified, namely 9 June 2020.¹ The nominal expiry date of the agreement is 31 August 2022 however, the agreement continues to operate until it is terminated under s 227 or s 228 of the Act.

[9] The application to certify the *Department of Education Certified Agreement 2019* is granted.

¹ s 216(1).

[10] I make the following order:

- 1. The *Department of Education Certified Agreement 2019* is certified.**