

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999 - s. 125 - application for amendment

Department of Communities AND Together Queensland, Industrial Union of Employees and Another
(A/2011/31)

YOUTH WORKERS' AWARD - DEPARTMENT OF COMMUNITIES 2003

COMMISSIONER FISHER

22 November 2011

AMENDMENT

This matter coming on for hearing before the Commission at Brisbane on 22 November 2011 this Commission orders that the said Award be amended as follows as from 22 November 2011:

1. By deleting PART 5 from clause 1.2 and inserting the following in lieu thereof:

PART 5 - WAGES AND WAGE RELATED MATTERS

Salaries	5.1
Payment of salaries	5.2
Movement within classification levels	5.3
Movement between classification levels	5.4
Performance of higher duties	5.5
Escort duty	5.6
Uniforms	5.7
Locality allowance	5.8
In charge of shift allowance	5.9
Superannuation	5.10

2. By deleting clause 1.3.1 and inserting the following in lieu thereof:

- 1.3.1 This Award applies to employees of the Chief Executive, Department of Communities, whose rates of pay are fixed by this Award and who are for the purposes of this Award:

engaged in employment at a youth detention centre; and
appointed pursuant to section 119 of the *Public Service Act 2008* or
appointed pursuant to section 148 of the *Public Service Act 2008*.

3. By deleting the words "Public Service Act 1996" from clause 1.3.2 and inserting the words "Public Service Act 2008" in lieu thereof.

4. By deleting the underlining from the word "Communities" in clause 1.5.

5. By renumbering clauses 1.6.5 to 1.6.7, as clauses 1.6.8 to 1.6.10 respectively and inserting new clauses 1.6.5, 1.6.6 and 1.6.7 as follows:

1.6.5 "Continuous Shift Work" means work done by employees where the hours of work are regularly rotated in accordance with a shift roster covering a 24 hour per day operation over a 7 day week.

1.6.6 "Court Supervisor" means an employee who leads and co-ordinates the delivery of services to the Children's Court and who has been appointed as such.

1.6.7 "Gym Instructor" means an employee who develops, manages and delivers recreational activities to young people in detention and who has been appointed as such.

6. By renumbering existing clauses 1.6.8 to 1.6.10 as clauses 1.6.11 to 1.6.13 respectively.

7. By inserting new clauses 1.6.14 and 1.6.15 as follows:

1.6.14 "Shift Work" means work done by separate relays of employees working recognised hours, preceding, during or following the ordinary working hours on a regular rotating basis provided on a shift roster.

1.6.15 "Structured Day Co-ordinator" means an employee who develops, co-ordinates, monitors and supervises the activities of Section Supervisors and Youth Workers in the delivery of services to young people in youth detention during the structured day and who has been appointed as such.

8. By renumbering existing clause 1.6.11 as clause 1.6.16.

9. By inserting a new clause 1.6.17 as follows:

1.6.17 "Visits Co-ordinator" means an employee who is responsible for leading, co-ordinating, arranging and supervising visits to young people in detention and who has been appointed as such.

10. By renumbering existing clause 1.6.12 as clause 1.6.18.

11. By deleting the words "Public Service Commissioner" from clause 3.2.10 and inserting the words "Public Service Commission Chief Executive" in lieu thereof.

12. By deleting clause 4.1 and inserting the following in lieu thereof:

4.1 Probationary employment

The conditions of appointment on probationary service of every employee are those prescribed in sections 126 of the *Public Service Act 2008* and section 19 of the *Public Service Regulation 2008* existing at the date of this Award and any amendments thereto apply to employees covered by this Award.

13. By deleting the words "clause 1.6.8" from clause 4.2 and inserting the words "clause 1.6.10" in lieu thereof.

14. By deleting clause 4.2.5 and renumbering clauses 4.2.6 to 4.2.8 as clauses 4.2.5 to 4.2.7 respectively.

15. By deleting clause 4.4.1(a) and inserting the following in lieu thereof:

- (a) discrimination on the basis of sex, relationship status, pregnancy, parental status, breastfeeding, age, race, impairment, religious belief or religious activity, political belief or activity, trade union activity, lawful sexual activity, gender identity, sexuality, family responsibilities and association with, or relation to, a person identified on the basis of any of the above attributes.

16. By inserting the following at the beginning of clause 4.7.

The provisions of clause 4.7 will not apply to the extent that the provisions of the redundancy arrangements are contained in a Directive issued by the Minister for Industrial Relations pursuant to section 54 of the *Public Service Act 2008*, where the Directive provides for entitlements that are superior to clause 4.7.

17. By deleting clause 4.7.12 and inserting the following in lieu thereof:

4.7.12 Employers exempted

Subject to an order of the Commission, in a particular redundancy case, clause 4.7 shall not apply to an employer that employs employees working a total of fewer than 550 hours on average per week, excluding overtime, Monday to Sunday. The 550 hours shall be averaged over the previous 12 months.

18. By deleting clause 4.7.15.

19. By deleting clause 5.1.1 and inserting the following in lieu thereof:

5.1.1 The salaries of employees covered by this Award are prescribed in Schedule 1:

Youth Worker	Level 3	Operational Stream
Section Supervisor	Level 5	Operational Stream
Structured Day Co-ordinator	Level 5	Operational Stream
Court Supervisor	Level 5	Operational Stream
Gym Instructor	Level 5	Operational Stream
Visits Co-ordinator	Level 5	Operational Stream
Shift Supervisor	Level 6	Operational Stream

20. By deleting the words "Public Service Commissioner" from clause 5.3.1(c) and inserting the words "Public Service Commission Chief Executive" in lieu thereof.
21. By renumbering clauses 5.4 to 5.7 as clauses 5.5 to 5.8 respectively.
22. By inserting a new clause 5.4 as follows:

5.4 Movement between classification levels

- 5.4.1 Movement between classification levels will be based on appointment on merit to advertised vacancies. Provided further that:
- (a) Movement of Employees from level 3 to level 4 under this Award shall be subject to:
- (i) The employee concerned having served at least 12 months full-time equivalent on the maximum salary prescribed for a level 3 employee; and
 - (ii) A recommendation from an assessment panel established in accordance with the Recruitment and Selection Directive issued by the Public Service Commission Chief Executive, that the applicant is worthy of promotion. The merit of the applicant is to be evaluated in relation to the prescribed criteria as outlined in the relevant Departmental policies and procedures through:
 - An assessment of a written application from the applicant; and
 - A clarification meeting (if necessary); and
 - Third Party (Referee) reports.
- (b) Subject to clause 5.5 an Officer promoted to a position at a higher classification level within the same stream shall be appointed to Paypoint one of that higher classification level.

23. By deleting renumbered clause 5.5 and inserting the following in lieu thereof:

5.5 Performance of higher duties

- 5.5.1 The conditions and entitlements for extra remuneration for higher duties are prescribed in the Higher Duties Directive, as issued and amended by the Minister responsible for industrial relations in accordance with section 54 of the *Public Service Act 2008*.
- 5.5.2 Subject to the abovementioned Higher Duties Directive, an employee who temporarily fills a position at a higher Classification Level within the same stream as determined by this Award is to be paid at the first Paypoint of the Classification Level of the position being temporarily filled.
- 5.5.3 Where the salary of the employee's substantive position exceeds the lowest Paypoint of the position which the employee is filling temporarily at the higher Classification Level the employee's salary is determined as the Paypoint that is closest to but higher than the Paypoint of the employees' existing position:

Provided that the extra remuneration provided by the abovementioned Higher Duties Directive is paid to employees who fill the office temporarily for at least 3 consecutive shifts, except in the case of Youth Workers who fulfil the duties of a Section Supervisor, and Section Supervisors who fulfil the duties of a Shift Supervisor, in which case the higher duties payment will apply after completion of one full shift.

24. In renumbered clause 5.6.1, by deleting the word "detainees" and inserting the words "young people" in lieu thereof.
25. In renumbered clause 5.7.1, by deleting the underlining beneath the word "Communities".
26. In renumbered clause 5.7.2 by deleting the amount "\$3.30" and inserting the amount "\$5.93" in lieu thereof.
27. By deleting renumbered clause 5.8 and inserting the following in lieu thereof:

5.8 Locality allowance

The conditions and entitlements of locality allowances paid to employees who are appointed to work at named centres are prescribed in the Locality Allowances Directive as issued and amended by the Minister responsible for industrial relations in accordance with section 54 of the *Public Service Act 2008*.

28. By inserting a new clause 5.9 as follows:

5.9 In charge of shift allowance

Shift Supervisors rostered to Operations, where the majority of the rostered shift is outside normal business hours (8.30 a.m. to 5.00 p.m.) shall be paid an allowance of \$10.00 per shift.

29. By inserting a new clause 5.10 as follows:

5.10 Superannuation

Subject to federal legislation, the employer must comply with superannuation arrangements prescribed in the *Superannuation (State Public Sector) Act 1990* (and associated Deed, Notice and Regulation).

Where federal legislation provides for choice of fund rights to an employee subject to this Award, and that employee fails to elect which superannuation fund to which employer contributions are directed, the employer will direct contributions to such fund as prescribed by the abovementioned Queensland legislation.

30. By deleting clause 6.1.12 and inserting the following in lieu thereof:

6.1.12 All employees appointed as youth worker, section supervisor or shift supervisor may be required to perform continuous rotating shift duties to suit the convenience of the management of each residential facility.

31. By deleting the word "his" from clause 6.6.2 and inserting the word "their" in lieu thereof.

32. By renumbering clauses 6.6.4 to 6.6.6 as clauses 6.6.5 to 6.6.7 respectively and inserting a new clause 6.6.4 as follows:

6.6.4 The provisions of clause 6.6.3 shall apply when an employee has actually worked in excess of 2 hours inclusive of travelling time on one or more recalls.

33. By deleting renumbered clauses 6.6.6 and 6.6.7 and inserting the following in lieu thereof:

6.6.6 When applying clause 6.6.5, genuine consultation is to occur between the relevant supervisor and employee free from duress.

6.6.7 The provisions of clause 6.6.5 do not apply to any work performed on a Saturday, Sunday or a public holiday.

34. By deleting clause 7.1.5 and inserting the following in lieu thereof:

7.1.5 The entitlements for sick leave are prescribed in the Sick Leave Directive, as issued and amended by the Minister responsible for industrial relations in accordance with section 54 of the *Public Service Act 2008*.

35. By deleting clauses 7.2.2 and 7.2.3 and inserting the following in lieu thereof:

7.2.2 The conditions and entitlements for bereavement leave are prescribed in the Bereavement Leave Directive, as issued and amended by the Minister responsible for industrial relations in accordance with section 54 of the *Public Service Act 2008*.

36. By deleting clause 7.3.1 and inserting the following in lieu thereof:

7.3.1 Subject to the conditions set out in clause 7.3, the entitlements and conditions for annual leave are prescribed in the Recreation Leave Directive, as issued and amended by the Minister responsible for industrial relations in accordance with section 54 of the *Public Service Act 2008*.

37. By deleting clauses 7.4.3 and 7.4.4 and inserting the following in lieu thereof:

7.4.3 The conditions and entitlements for long service leave are prescribed in the Long Service Leave Directive, as issued and amended by the Minister responsible for industrial relations in accordance with section 54 of the *Public Service Act 2008*.

7.4.4 Employees who have completed at least 7 years' continuous service are entitled to a proportionate payment for long service leave on termination of employment in circumstances as prescribed in the abovementioned Long Service Leave Directive.

38. By deleting clause 7.5.2 and inserting the following in lieu thereof:

7.5.2 The entitlements to unpaid family leave include:

- (a) maternity leave;
- (b) spousal leave;
- (c) adoption leave;
- (d) surrogacy leave;
- (e) part-time work;
- (f) carer's leave;
- (g) bereavement leave; and
- (h) cultural leave.

39. By inserting a new clause 7.5.3 as follows:

7.5.3 The entitlements and conditions for paid family leave are prescribed in the Paid Parental Leave Directive, as issued and amended by the Minister responsible for industrial relations in accordance with section 54 of the *Public Service Act 2008*.

40. By deleting clause 8.1.2 and inserting the following in lieu thereof:

8.1.2 The conditions and entitlements for transfer and appointment expenses are prescribed in the Transfer and Appointment Expenses Directive, as issued and amended by the Minister responsible for industrial relations in accordance with section 54 of the *Public Service Act 2008*.

41. By deleting clause 8.2.2 and inserting the following in lieu thereof:

8.2.2 The conditions and entitlements for travelling and relieving expenses are prescribed in the International Travelling, Relieving and Living expenses Directive and the Domestic Travelling and Relieving Expenses Directive as issued and amended by the Minister responsible for industrial relations in accordance with section 54 of the *Public Service Act 2008*.

42. By deleting clause 11.1.3(b) and inserting the following in lieu thereof:

- (b) An authorised industrial officer is entitled to inspect such time and wages records of any former or current employee except if the employee:
 - (i) is ineligible to become a member of the Union; or
 - (ii) has made a written request to the employer that they do not want their record inspected.

43. By deleting the words "Department of Industrial Relations" from clause 11.2.4 and inserting the words "Department of Justice and Attorney-General" in lieu thereof.

44. By deleting clause 11.2.5 and inserting the following in lieu thereof.

11.2.5 Consistent with the Attendance - Recording and Reporting Requirements (Including Public Holidays) Directive, as issued and amended by the Minister responsible for industrial relations in accordance with section 54 of the *Public Service Act 2008*, the Chief Executive may specifically exempt those employees who have been, or who are, a class of office from a system for recording starting and finishing times, meal breaks and absences from duty.

45. By deleting Schedule 1 and inserting the following in lieu thereof.

SCHEDULE 1

Salaries

Operational Stream Level	Paypoint	Total wage rate per fortnight \$
OO3	1	1,645.60
OO3	2	1,677.10
OO3	3	1,711.30
OO3	4	1,746.90
OO4	1	1,818.20
OO4	2	1,875.20
OO4	3	1,932.30
OO4	4	1,988.90
OO5	1	2,039.50
OO5	2	2,104.80
OO5	3	2,170.70
OO5	4	2,236.20
OO6	1	2,331.30
OO6	2	2,391.80
OO6	3	2,451.60

The above rates of pay incorporate adjustments based upon the State Government Departments Certified Agreement 2006 (CA/2006/308) as at 31 July 2009.

The rates of pay in this Award are intended to include the arbitrated wage adjustment payable under the 1 September 2011 Declaration of General Ruling and earlier Safety Net Adjustments and arbitrated wage adjustments. This arbitrated wage adjustment may be offset against any equivalent amount in rates of pay received by employees whose wages and conditions of employment are regulated by this Award which are above the wage rates prescribed in the Award. Such payments include wages payable pursuant to certified agreements, currently operating enterprise flexibility agreements, award amendments to give effect to enterprise agreements and over-award arrangements. Absorption which is contrary to the terms of an agreement is not required.

Increases made under previous State Wage Cases or under the current Statement of Policy, excepting those resulting from enterprise agreements, are not to be used to offset arbitrated wage adjustments.

Dated 22 November 2011.

By the Commission,
[L.S.] G.D. SAVILL,
Industrial Registrar.

Operative Date: 22 November 2011
Amendment - Wages, Classifications, Allowances
Released: 8 December 2011