

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *Re: variation of the Building, Engineering and Maintenance Services Employees (Queensland Government) Award – State 2016 [2020] QIRC 140*

PARTIES: **State of Queensland (Office of Industrial Relations)**
(Applicant)

v

Together Queensland, Industrial Union of Employees
(First Respondent)

&

The Australian Workers' Union of Employees, Queensland
(Second Respondent)

&

Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland
(Third Respondent)

&

Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland
(Four Respondent)

&

The Electrical Trades Union of Employees Queensland
(Fifth Respondent)

&

**Plumbers & Gasfitters Employees' Union
Queensland, Union of Employees**
(Sixth Respondent)

CASE NO: MA/2020/5

PROCEEDING: Application

DELIVERED ON: 2 September 2020

HEARING DATE: On the Papers

MEMBER: Knight IC

HEARD AT: Brisbane

ORDER: **1. Application granted. Full Orders as per final page of decision.**

CATCHWORDS: INDUSTRIAL LAW – VARIATION OF A MODERN AWARD – application to vary a modern award.

LEGISLATION: *Industrial Relations Act 2016 (Qld) s 147*

Reasons for Decision

- [1] The State of Queensland (Office of Industrial Relations) has filed an application pursuant to s 147 of the *Industrial Relations Act 2016* ("the Act") to vary the *Building, Engineering and Maintenance Services Employees (Queensland Government) Award – State 2016* ("the Award"). The application is made with the consent of The Electrical Trades Union of Employees, Queensland and Together Queensland, Industrial Union of Employees. The remaining union parties have raised no objections to the proposed variation.
- [2] The proposed variation is purposed to remove hours-based barriers to increment progression in relation to part-time employees to whom the Award applies.
- [3] Clause 12.9 of the Award applies a requirement for a part-time employee in the Forepersons stream at levels four, five, six and seven to work 1200 hours prior to moving to the next increment within a classification level.
- [4] The Award covers approximately two part-time employees (as at June 2019) who are subject to the provision applying an hours-based barrier to increment progression.

- [5] In her affidavit of 12 August 2020, Ms Tara Armstrong, Director of Industrial Relations (Public Sector), deposes that female employees are disproportionately engaged on a part-time basis across the public service generally. This, she says, is a factor contributing to the gender pay gap – something the proposed variation is intended and projected to ameliorate.
- [6] I grant the application and make the necessary orders to vary the Award.

Orders

Pursuant to s 147 of the Act, the *Building, Engineering and Maintenance Services Employees (Queensland Government) Award – State 2016* is varied as follows:

- 1. By deleting clause 12.9(a) and inserting the following in lieu thereof:**
 - (a) Except in the case of a promotion from one classification level to another, an increase is not to be made to the salary of any employee until:**
 - (i) In the case of a full-time or a part-time employee: the employee has received a salary at a particular classification and paypoint for a period of 12 months.**
 - (ii) In the case of a casual employee with 12 months' continuous service with the same employer:**
 - (A) the employee has received a salary at a particular classification and paypoint for a period of at least 12 months; and**
 - (B) the employee has worked 1,200 ordinary hours in such classification.**

For the purpose of clause 12.9(a)(ii), continuous service for a casual employee is considered to be broken if more than three months, excluding any public holidays, has elapsed between the end of one employment contract and the start of the next employment contract.
- 2. The variation of the Award will operate on and from 2 September 2020.**