

# QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *Re: variation of the General Employees (Queensland Government Departments) and Other Employees Award – State 2015 [2020] QIRC 143*

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)

&

**United Voice, Industrial Union of Employees, Queensland**  
(Third Respondent)

&

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

&

**The Electrical Trades Union of Employees Queensland**  
(Fifth Respondent)

&

**Transport Workers' Union of Australia,  
Union of Employees (Queensland Branch)**  
(Sixth Respondent)

&

**Australian Institute of Marine and Power  
Engineers' Union of Employees,  
Queensland District**  
(Seventh Respondent)

&

**Australian Maritime Officers Union  
Queensland Union of Employees**  
(Eighth Respondent)

CASE NO: MA/2020/8

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 pages 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 *General Employees (Queensland Government Departments) and Other Employees Award – State 2015* ("the Award"). The application is made with the consent of:

- The Electrical Trades Union of Employees Queensland;
- Together Queensland, Industrial Union of Employees; and
- United Voice, Industrial Union of Employees, Queensland.

- [2] The remaining union parties have raised no objections to the proposed variation.
- [3] The proposed variation is purposed to remove hours-based barriers to increment progression in relation to part-time employees to whom the Award applies.
- [4] Clause 12.11 of the Award applies a requirement for a part-time employee in Administrative (levels three to eight), Operational (levels four to seven) and Aircrew streams to work 1200 hours prior to moving to the next increment within a classification level.
- [5] The Award covers approximately 882 part-time employees (as at June 2019) who are subject to the provision applying an hours-based barrier to increment progression.
- [6] In addition, the proposed variation seeks to address typographical errors identified at cl 8.2(e) in connection with the substantive proposed variation.
- [7] 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.
- [8] I grant the application and make the necessary orders to vary the Award.

## **Orders**

**Pursuant to s 147 of the Act, the *General Employees (Queensland Government Departments) and Other Employees Award – State 2015* is varied as follows:**

- 1. By deleting clause 8.2(e) and inserting the following in lieu thereof:**
  - (e) Part-time employees, other than those in the Hospitality stream, are eligible for payment of salary increments in accordance with the provisions of clause 12.11(a)(i).**
- 2. By deleting clause 8.3(i) and inserting the following in lieu thereof:**
  - (i) Casual employees are eligible for payment of salary increments in accordance with the provisions of clause 12.11(a)(ii).**
- 3. By deleting clause 12.11(a) and inserting the following in lieu thereof:**

- (a) **Except in the case of an employee who is paid the prescribed basic salary on attaining the age of 21 years or in the case of a promotion, or transfer and 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 12.11(a)(ii), continuous service for a casual employee is considered to be broken if more than 3 months, excluding any public holidays, has elapsed between the end of one employment contract and the start of the next employment contract.**

- 4. The variation of the Award will operate on and from 2 September 2020.**