

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *Re: variation of the Legal Aid Queensland Employees Award – State 2015*
[2020] QIRC 145

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

v

Together Queensland, Industrial Union of Employees
(First Respondent)

&

Queensland Services, Industrial Union of Employees
(Second Respondent)

CASE NO: MA/2020/10

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 *Legal Aid Queensland Employees Award – State 2015* ("the Award"). The application is made with the consent of Together Queensland, Industrial Union of Employees, whereas Queensland Services, Industrial Union of Employees raised no objections.
- [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 all classifications to work the equivalent of 12 months' full-time service prior to moving to the next increment within a classification level.
- [4] The Award covers approximately 162 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 *Legal Aid Queensland Employees Award – State 2015* is varied as follows:

- 1. By deleting clause 12.9(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 from one classification level to another, an increase is not to be made to the salary of:**
 - (i) In the case of a full-time or a part-time employee, until 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, until the employee has received a salary at a particular classification and paypoint for the equivalent of 12 months' full-time service.**
- 2. The variation of the Award will operate on and from 2 September 2020.**