

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *Re: variation of the Medical Officers (Queensland Health) Award – State 2015 [2020] QIRC 144*

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

v

Together Queensland, Industrial Union of Employees
(First Respondent)

&

Australian Salaried Medical Officers' Federation Queensland, Industrial Organisation of Employees
(Second Respondent)

CASE NO: MA/2020/9

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 *Medical Officers (Queensland Health) Award – State 2015* ("the Award"). The application is made with the consent of Together Queensland, Industrial Union of Employees, whereas The Australian Salaried Medical Officers' Federation Queensland, Industrial Organisation 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 12.5 of the Award applies a requirement for a part-time employee in the Resident Medical Officer stream to work 1200 hours prior to moving to the next increment within a classification level.
- [4] The Award covers approximately 403 part-time employees (as at August 2020) who are subject to the provision applying an hours-based barrier to increment progression.¹
- [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

1. Pursuant to s 147 of the Act, the *Medical Officers (Queensland Health) Award – State 2015* is varied as follows: By deleting clause 12.5(b) and inserting the following in lieu thereof:
 - (b) Movement between the classification levels for principal house officers, registrars and senior registrars is based on meeting the following requirements:
 - (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;

¹ I note cl 2.6.4 of the *Medical Officers' (Queensland Health) Certified Agreement (No. 5) 2018* provides that, for the purposes of progression through the salary range at cl 2.6 of that agreement, the part-time provisions at cl 12.5(b)(ii)(B) of the Award do not apply.

(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.

2. By deleting clause 12.5(c) and inserting the following in lieu thereof:

(c) For the purpose of clause 12.5(b)(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.

3. The variation of the Award will operate on and from 2 September 2020.