

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *Re: variation of the Queensland Police Service Employees Award – State 2016 [2020] QIRC 151*

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

v

Queensland Police Union of Employees
(First Respondent)

&

The Queensland Police Commissioned Officers' Union of Employees
(Second Respondent)

CASE NO: MA/2020/16

PROCEEDING: Application

DELIVERED ON: 2 September 2020

HEARING DATE: On the Papers

MEMBER: Knight IC

HEARD AT: Brisbane

ORDERS: **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* (Qld) ("the Act") to vary the *Queensland Police Service Employees Award – State 2016* ("the Award"). The union parties have raised no objection 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 12.10 of the Award applies a requirement for a part-time employee in the operational stream at level four, five, six or seven to work 1200 hours prior to moving to the next increment within a classification level.
- [4] The Award covers approximately five 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 *Queensland Police Service Employees Award – State 2016* is varied as follows:

- 1. By deleting clause 8.3(f) and inserting the following in lieu thereof:**
 - "(f) Casual staff members are eligible for payment of salary increments in accordance with the provisions of clause 12.10(a)(ii)."**
- 2. By deleting clause 12.10(a) and inserting the following in lieu thereof:**
 - "(a) Except in the case of a staff member who is paid the prescribed base 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 staff member until:**
 - (i) In the case of a full-time or a part-time/flexible hours staff member: the staff member has received a salary at a particular classification and paypoint for a period of 12 months.**

- (ii) In the case of a casual staff member with 12 months' continuous service with QPS:**
 - (A) the staff member has received a salary at a particular classification and paypoint for a period of at least 12 months; and**
 - (B) the staff member has worked 1,200 ordinary hours in such classification.**

For the purpose of clause 12.10(a)(ii), continuous service for a casual staff member 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."

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