

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *Re: variation of the TAFE Queensland Award
– State 2016 [2020] QIRC 152*

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

v

**Together Queensland, Industrial Union of
Employees**
(First Respondent)

&

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

&

**Queensland Nurses and Midwives' Union of
Employees**
(Third Respondent)

&

Queensland Teachers Union of Employees
(Fourth Respondent)

&

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

&

**AMWU Automotive, Metals, Engineering,
Printing and Kindred Industries Industrial
Union of Employees, Queensland**

&

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

CASE NO: MA/2020/17

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 *TAFE Queensland Award – State 2016* ("the Award").
- [2] The following union parties have consented to the proposed variation:
- The Electrical Trades Union of Employees, Queensland;
 - Together Queensland, Industrial Union of Employees; and
 - United Voice, Industrial Union of Employees, Queensland.
- [3] The remaining union parties have raised no objections.
- [4] The proposed variation is purposed to remove hours-based barriers to increment progression in relation to part-time employees to whom the Award applies.

- [5] Clause 12.12 of the Award applies a requirement for part-time employees in the administrative, operational, technical, professional and cleaner streams to work 1200 hours prior to moving to the next increment within a classification level.
- [6] The Award covers approximately 333 part-time employees (as at June 2019) who are subject to the provision applying an hours-based barrier to increment progression.
- [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 *TAFE Queensland Award – State 2016* is varied as follows:

- 1. By deleting clause 8.2(g) and inserting the following in lieu thereof:**
 - (g) Part-time Educators are eligible for progression from one step to the next highest step in accordance with the provisions of clause 12.11.**
- 2. By deleting clause 8.2(h) and inserting the following in lieu thereof:**
 - (h) Part-time TAFE Services employees are eligible for payment of salary increments in accordance with the provisions of clause 12.12(a)(i).**
- 3. By deleting clause 8.3(g) and inserting the following in lieu thereof:**
 - (g) Casual TAFE Services employees are eligible for payment of salary increments in accordance with the provisions of clause 12.12(a)(ii).**
- 4. By deleting clause 12.12(a) and inserting the following in lieu thereof:**
 - (a) Except in the case of a TAFE Services employee 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 the employee until:**
 - (i) In the case of a full-time or a part-time TAFE Services employee, the employee has received a salary at a particular classification level and paypoint for a period of 12 months.**
 - (ii) In the case of a casual TAFE Services employee with 12 months' continuous service with TAFE Queensland:**

- (A) the employee has received a salary at a particular classification level and paypoint for a period of at least 12 months; and**
- (B) the employee has worked 1,200 ordinary hours in such classification level.**

For the purpose of clause 12.12(a)(ii), continuous service for a casual TAFE Services 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.

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