

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *Re: variation of the Teaching in State Education Award – State 2016*
[2020] QIRC 148

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

v

Together Queensland, Industrial Union of Employees
(First Respondent)

&

Queensland Teachers Union of Employees
(Second Respondent)

CASE NO: MA/2020/13

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 *Teaching in State Education Award – State 2016* ("the Award"). Together Queensland, Industrial Union of Employees consented to the proposed variation, whereas the Queensland Teachers 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] The Award is said to apply an hours-based barrier to increment progression:

<i>Clause Reference</i>	<i>Applies to</i>	<i>Hours to work prior to increment progression</i>
12.5	Community Education Counsellor	Progress by annual increments based upon full-time service requirements
12.9.5	Teacher, head of program, school leader, community teacher and assistant teacher	The equivalent of one-year full-time service
12.11	Community Education Counsellor	1200 hours

- [4] The Award covers approximately 10,367 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 *Teaching in State Education Award – State 2016* is varied as follows:

- 1. By deleting clause 12.5 and inserting the following in lieu thereof:**
 - (a) Community education counsellors not holding a diploma, advanced diploma or equivalent qualification, including those persons currently enrolled and pursuing such a qualification, shall be appointed to Level 1 Step 1 of the CEC stream. These employees will progress by annual increments, except in the case of a casual counsellor where a period of at**

least 12 months at a particular classification and paypoint, and 1,200 ordinary hours worked in such classification is required.

- (b) **Community education counsellors holding a diploma, advanced diploma or equivalent qualification upon appointment or upon later completion of such a qualification shall be appointed to Level 2 Step 1 of the CEC stream. These employees will progress by annual increments, except in the case of a casual counsellor where a period of at least 12 months at a particular classification and paypoint, and 1,200 ordinary hours worked in such classification is required.**
 - (c) **Community education counsellors holding a degree or equivalent qualification shall be appointed to Level 3 Step 1 of the CEC stream. These employees will progress by annual increments, except in the case of a casual counsellor where a period of at least 12 months at a particular classification and paypoint, and 1,200 ordinary hours worked in such classification is required.**
 - (d) **Community education counsellors appointed to selected positions operating at a regional or statewide level shall be appointed to Level 4 Step 1 of the CEC stream. These employees will progress by annual increments, except in the case of a casual counsellor where a period of at least 12 months at a particular classification and paypoint, and 1,200 ordinary hours worked in such classification is required. Appointment to Level 4 shall be by way of successful application to specific vacant positions.**
2. **By deleting clause 12.9.5 and inserting the following in lieu thereof:**
- Classification increments of salary will become due when the part-time teacher, head of program, school leader has completed one year service.**
3. **By deleting clause 12.11(c) and inserting the following in lieu thereof:**
- (c) **Except in the case of a promotion, an increase is not to be made to the salary of a casual counsellor with 12 months' continuous service with DoE until the counsellor:**
 - (i) **has received a salary at a particular classification and paypoint for a period of at least 12 months; and**
 - (ii) **has worked 1,200 ordinary hours in such classification; or**
 - (iii) **has met the qualification criteria above in clause 12.5.**
4. **The variation of the Award will operate on and from 2 September 2020.**