

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *Re: variation of the Nurses and Midwives (Queensland Health) Award – State 2015*
[2020] QIRC 146

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

v

The Australian Workers' Union of Employees, Queensland
(First Respondent)

&

Queensland Nurses and Midwives' Union of Employees
(Second Respondent)

CASE NO: MA/2020/11

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 *Nurses and Midwives (Queensland Health) Award – State 2015* ("the Award").
- [2] The Australian Workers' Union of Employees, Queensland, raised no objection to the proposed variation. By correspondence to the Industrial Registry dated 31 August 2020, Ms Vonnie Semple, Industrial Office, Queensland Nurses Midwives' Union of Employees, indicated her union's consent to the proposed variation.
- [3] The proposed variation is purposed to remove hours-based barriers to increment progression in relation to part-time employees to whom the Award applies.
- [4] Clauses 12.4 and 12.6 of the Award apply a requirement for part-time employees in all classifications to work 1200 hours prior to moving to the next increment within a classification level.
- [5] The Award covers approximately 26,979 part-time employees (as at June 2019) who are subject to the provision applying an hours-based barrier to increment progression.
- [6] 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.
- [7] I grant the application and make the necessary orders to vary the Award.

Orders

Pursuant to s 147 of the Act, the *Nurses and Midwives (Queensland Health) Award – State 2015* is varied as follows:

1. **By deleting clause 12.6(c) and inserting the following in lieu thereof:**
 - (c) **In respect to casual experience, 1200 hours' experience or 12 months in time, whichever is the later, in such casual capacity will be deemed to be equivalent of one full year full-time experience for the purposes of clause 12.5(a).**
2. **By deleting clause 12.4(a) and inserting the following in lieu thereof:**

- (a) For a Grade or Band for which there is more than one paypoint, progression is to occur having regard to the acquisition and utilisation of skills and knowledge through experience in the employee's practice setting/s over the following periods:**

 - (i) full-time and part-time employees -12 months' service (annual increment);**
 - (ii) casual employees - 1200 hours and 12 months' continuous service with the same employer.**
- 3. By deleting clause 12.4(b) and inserting the following in lieu thereof:**

 - (b) Movement from one Grade or Band to the next is by appointment only. Upon appointment from one Grade or Band to another, or if the employee has advanced to the next paypoint by some other method, progression to the next paypoint within the Grade or Band must only occur as follows:**

 - (i) full-time and part-time employees - after a further 12 month period from the date of new appointment;**
 - (ii) casual employees - after a further 1200 hours and 12 months of continuous service.**
- 4. The variation of the Award will operate on and from 2 September 2020.**