



Office of
Industrial Relations

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12 FEB 2019

Department of Education

Mr Alex Scott
Branch Secretary
Together Queensland
PO Box 3272
SOUTH BRISBANE QLD 4101

By email: Alex.Scott@together.org.au

Dear Mr Scott

Further to recent bargaining meetings and conciliation conferences for a replacement State Government Entities Certified Agreement (Core Agreement), I provide confirmation of the Office of Industrial Relations' position and instructions about the below matters.

Wages offer

I understand that at a recent conciliation conference officers undertook to confirm whether Government's wages offer remains the same or has changed.

I can confirm that Government's wages offer remains the same as that provided for in the offer document sent to Together Queensland on 24 September 2018 and as discussed during negotiations.

That is, Government's wages offer is a 2.5% per annum increase, applied to the 1 September 2017 rates set out in the appendix to the Core Agreement, effective from the first day of the month in which in-principle agreement is reached following the passing of the agreement's nominal expiry date.

Response to further negotiation meeting

As you are aware, the negotiating parties participated in a number of further discussions following Government's offer for a replacement Core Agreement on 24 September 2018 and Together Queensland's rejection of that offer on 28 September 2018. Government has participated in the negotiation and conciliation processes in good faith with the objective of reaching agreement as soon as possible.

In consideration of Government's objective of reaching agreement as soon as possible the Office of Industrial Relations (OIR) is providing a further response to the components of Government's offer that have been discussed as part of bargaining processes to date.

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For ease of reference, we have attached a response document that is similar in format to the offer document provided in 2018. This response document includes revisions to components of the offer document. The revisions are highlighted in mark-up. These revisions have been made to acknowledge the central matters discussed with Together Queensland officers and delegates to the extent that OIR is able to revise its position and previous responses whilst also acting within its instructions. The response document also confirms the current position of the Department of Agriculture and Fisheries and the Office of Liquor and Gaming with respect to the proposals put forward by Government.

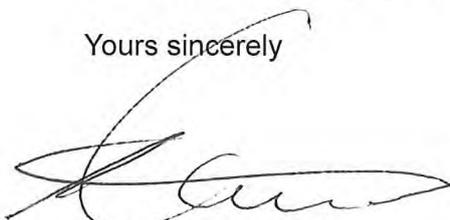
In accordance with Together Queensland's requests agency discussions have been conducted outside of the central bargaining forum and agency responses have been provided as part of that process. Further, we understand that direct discussions between Together Queensland and some agencies are ongoing at this time. As such agency specific responses were provided separately and direct to Together Queensland either by communications from those agencies or in meetings with agency representatives.

OIR's instructions remain unchanged with respect to matters and claims not addressed in the original offer document or the document attached to this letter. That is, those matters have not been accepted by Government because they are being addressed by other processes, have financial or budgetary implications beyond Government's wages policy or are inconsistent with Government's policy objectives.

Government remains committed to reaching agreement at the earliest possible opportunity. We would be happy to meet with you to further discuss Government's response to the above matters.

If your officers require further information or assistance, please contact Ms Lauren Gribbin A/Director, OIR, on (07) 3406 9827.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ray Clarke', with a large, sweeping flourish above the name.

Ray Clarke
A/Executive Director
Industrial Relations
Office of Industrial Relations

State Government Entities Certified Agreement

Further response to claims – February 2019

Government's central offer

Government's central offer remains consistent with that provided on 24 September 2018:

- A three year agreement.
- A per annum base wage increase in accordance with the Public Sector Wages Policy 2015 (Government Wages Policy) of 2.5 per cent. The increase is to be applied to current agreement rates as reflected in the State Government Entities Certified Agreement 2015.
- Roll-over of existing terms and conditions, noting in particular the retention of clauses 2.10 (6) and (7) as reflected in the State Government Entities Certified Agreement 2015 and the specific appendices outlined in the offers below.
- Administrative tidy ups including:
 - Party name changes e.g. union party name changes, Machinery of Government updates and removal of entities negotiating separately;
 - Legislative updates e.g. legislation name changes;
 - Bailiffs – clarification to confirm that enforcement duties undertaken by bailiffs under the *Uniform Civil Procedures (Fees) Regulation 2009* are not duties covered in their roles under the State Government Entities Certified Agreement and the Queensland Public Service Officers and Other Employees Award – State 2015;
 - Deletion of clauses no longer operational e.g. 'Section 831 payment' clause.

Government's response to union specific claims

- In relation to the unions' claims about the following subject areas, Government offers:
 - Commitments
 - In-principle commitment to the continuation of agreed undertakings in the State Government Entities Certified Agreement 2015 with updates to reflect administrative changes.

- Improving gender equity
 - In-principle commitment to the inclusion of a clause acknowledging the benefits of flexibility in the workplace and Government's commitment to support flexibility in accordance with its legislative obligations and its commitment to supporting gender equity. *The clause will include a commitment to drive cultural change with particular emphasis on the promotion of and availability of flexibility measures for all employees irrespective of gender.*
 - Acknowledgement that cultural change is necessary to ensure that flexible work arrangements are not perceived to be gender related and that unintended consequences in relation to career progression, earning capacity and superannuation accumulation do not result. To this end, Government is committed to supporting women in the workplace and recognise the significance of gender pay equity in doing so.
 - In-principle support for the establishment of agency level equal employment opportunity committees, where requested by the union/s, with the objective of those committees reporting into the Central Consultative Forum advising of relevant issues identified by the Committee at the agency level and reporting on actions taken in response to identified issues.
- Temporary employment (consolidation from offer 24 September 2018)
 - Amendment to existing clause 7.2 of the Agreement as per italic text: *The parties are committed to maximising permanent employment where possible. Casual or temporary forms of employment should only be utilised where permanent employment is not viable or appropriate. Entities are encouraged to proactively utilise workforce planning and management strategies to assist in determining the appropriate workforce mix for current and future needs. In particular, the future of work should be at the forefront of Entity considerations in workforce planning and recruitment. Entities should review current and future capability requirements and funding availability and projections ahead of advertising roles with a view to maximising permanent employment.*

- A commitment to investigate means to collect additional data about temporary engagements with a view to increasing Entity report to consultative committees on a quarterly basis about the number of temporary engagements and the categories of reasons for those engagements such as, ‘backfilling’, ‘project role’, ‘other’. Initial indications are that this would be a possibility in at least the Aurion system.
- Government understands that pursuant to section 149(3) of the Public Service Act 2008, an industrial instrument may fix the criteria which a chief executive must consider when deciding whether a person’s employment in the department is to:
 - continue as a temporary employee according to the terms of the existing employment; or
 - be as a general employee on tenure or a public service officer.
- Government agrees in-principle to include in the proposed State Government Entities Certified Agreement 2018, a provision or provisions which fix the criteria to be considered in making the decision described above.
- Government’s in-principle agreement to such a provision is on the basis that the criteria fixed apply to the decision making process. Fixing criteria for the decision making process does not extend to the alteration of the rights and entitlements that currently apply in existing legislative, industrial and administrative instruments, including the *Public Service Act 2008* and Public Service Commission Directive in force immediately prior to certification (currently, 08/17 ‘Temporary employment’).
- Employment security
 - Retention of clauses 7.1 and 7.2 and Appendix 24 to the State Government Entities Certified Agreement 2015.
 - A commitment that on a half yearly basis a communication will be sent to agencies emphasising the commitment to permanent employment and maximising employment security consistent with the provisions of the agreement.

- Employment security-contracting out
 - Retention of Appendix 25 to the State Government Entities Certified Agreement 2015.
 - Following the commitment to permanent employment at clause 7.2:
 - an acknowledgement that labour hire should only be used where permanent employment is not viable or appropriate; and
 - a commitment that agencies will use their best endeavours to ensure that should labour hire workers be engaged, such engagement occurs in a manner which has the smallest possible impact upon the employment security of the employment of existing employees.
- Career paths, classifications – general
 - In-principle commitment to greater scrutiny of career path progression and willingness to consider further data reporting depending on availability of data and potential burden of reporting for agencies.
 - An acknowledgement that absences from the workforce due to family responsibilities and utilisation of flexibility measures should not be considered barriers to progression.
- Restoring merit based career paths
 - In addition to the commitment to permanent employment, an acknowledgement of the commitment to merit based career paths and the importance of applying the merit principle to appointments consistent with the *Public Service Act 2008*.
 - In-principle commitment by the Public Service Commission (PSC) to explore how the current Working for Queensland survey is addressing recruitment and selection matters and whether additional questions are required.
 - In-principle commitment by PSC to promote the appropriate use of Expressions of Interest (EOIs) to promote internal transfers between regional locations.
 - In-principle commitment from the PSC to further promote their range of online resources available to public sector agencies to:
 - prevent discrimination during recruitment and selection processes;

- raise awareness of the impact of unconscious bias during such processes; and
 - liaise with diversity focused organisations and networks.
- Maintenance and improvement of allowances
 - In-principle commitment to a clause acknowledging the importance of the role of fire wardens and workplace health and safety officers and the value of working time spent undertaking these duties.
- Professional development and training
 - In-principle commitment to a clause acknowledging the role of relevant professional development and training, together with its greater accessibility for all employees through technology.
- Union and delegate rights
 - In-principle commitment to include the Union Encouragement Policy as an appendix to the agreement.
 - In-principle commitment to expanding the fields of data for union encouragement reporting obligations within the agreement to include: Department, Award, Employee Name, Title, Classification, Job Type, Location, Floor (where available) and Email.
 - In-principle commitment to a clause encouraging agencies and unions to agree to local arrangements about union and delegate rights.
- Consultation
 - In-principle commitment to a clause encouraging agencies to agree to local arrangements about workplace consultation and appropriate attendees at consultative committees.
 - In-principle commitment that a consultation process should include the provision of data, where relevant, consisting of: employee name, job title, work location, anticipated effect, rationale for change and potential timeframes.
- Cultural respect
 - In-principle commitment that agencies report to their Agency Consultative Committee about cultural awareness activities.
- Reasonable workloads
 - In-principle commitment from the PSC to update the Workload Management Tool for outcomes of this agreement.

- In-principle commitment to report on employment separations on a quarterly basis.
- Work-life balance
 - In-principle commitment to acknowledgement of work life balance measures including transitions to retirement, career breaks, flexible working arrangements/work from home arrangements and smart work centres.
 - In-principle commitment to a clause acknowledging the importance of assisting employees to balance work and life and that balance is important to individuals and families irrespective of gender.
 - In-principle commitment to further raise awareness of rights to request flexible work arrangements as provided under the *Industrial Relations Act 2016*. The clause will include a commitment to drive cultural change with particular emphasis on the promotion of and availability of flexibility measures for all employees irrespective of gender.
 - In-principle commitment from PSC to promote programs and initiatives that already exist to support employees including the *Flexible by Design* and *Be healthy, be safe, be well* sector-wide frameworks.
- Hours of work
 - In-principle commitment to a clause acknowledging the ability for agencies to agree to hours of work arrangements at the local level in accordance with award provisions.

○ Introduction of technology/future of work

- In-principle commitment to a clause acknowledging the potential for ‘intensification of work’ as a result of the inclusion or advancement of technology. This clause will include a commitment to develop a circular outlining the expectations around the use of personal and/or departmental technology.
- In-principle commitment to a clause directly addressing consultation through departmental consultative committees on proposed technological change or advancements which may affect or impact on employee’s employment.

- Regional, rural and remote
 - Retention of Appendix 24 to the State Government Entities Certified Agreement 2015 which includes reference to Cabinet approval for major organisational change affecting regional and rural centres.
 - In-principle commitment to an acknowledgement of Government's commitment to regional, rural and remote jobs.
 - In-principle commitment to the inclusion of an acknowledgement about the importance of relevant professional development and training for employees in regional, rural and remote areas, together with its greater accessibility for those employees through technology.
 - In-principle commitment to a clause encouraging agencies to come to local arrangements about appropriate travel policies for regional, rural and remote based employees.
- Support for workers with mental illness
 - In-principle commitment to a clause acknowledging Government's commitment to employees' mental health.
- Fair treatment at work
 - In-principle commitment by PSC to continue to work with unions to improve performance management.
- Bullying and harassment
 - Retention of Part 18 of the State Government Entities Certified Agreement 2015.
 - In-principle commitment to further raise awareness of the protections as provided under the *Industrial Relations Act 2016*.
- No diminution or disadvantage
 - In-principle commitment that there will be no diminution of existing State Government Entities Certified Agreement 2015 conditions for employees under the replacement agreement.
- Award issues
 - Acknowledgement that agencies are to provide access to and consult about hours of work arrangements consistent with award obligations.

Government's agency specific offer

- Two agency specific responses:

Office of Liquor and Gaming Regulation

- Noting that it is the intention of the parties to hold further discussions, the Office of Liquor and Gaming Regulation's (OLGR) current proposal is to update and renew conditions and entitlements to reflect OLGR employee entitlements in a single schedule to the 2018 Core Agreement including the below terms and with a willingness to consider preservation of block pay arrangements consistent with the below offer beyond the life of the agreement (and it be given effect via a separate instrument):

General

- providing for employees to be engaged as shift workers or day workers (working regular or irregular non-standard days), with compensation provided for based on the appointment type, irrespective of location of duties or legislation administered;
- providing for transitional arrangements for workers employed under the nominally expired Queensland Office of Gaming Regulation Casino-Based Inspectors' Determination 2002 (Determination) (which is to be replaced by the Appendix);
- providing for a mobile and flexible workforce that has the ability to perform functions across all the sectors regulated by the OLGR;

Transitional Arrangements

- providing for preservation of existing block pay percentage payments for persons employed under the nominally expired Determination:
- term of agreement preservation for staff permanently appointed to shift work positions;
- for other staff, preservation equivalent to one week for every week working on block pay arrangements in the previous 2 years, up to a maximum of 1 year.
- providing for preservation of 12 hour shifts for persons employed under the nominally expired Determination:
- two year preservation for staff permanently appointed to shift work positions in southern casinos;

- for other staff appointed in Southern casinos, preservation for the period during which block pay arrangements are preserved.
- limitations around integration of functions for legacy workers, including around night time liquor inspection activities for staff originally appointed as casino workers and casino specialist functions for staff originally appointed as liquor investigators;
- providing for continuation of current leave loading arrangements for staff while subject to block pay preservation;
- providing for preservation of pay for existing regional managers appointed as shift workers, for the term of the agreement. Preservation rate to be determined based on what was received in 17/18 financial year.

Shift Workers

- providing for introduction of consolidated shift allowance (CSA) for shift workers not subject to block pay preservation;
- CSA to be calculated based on a six work cycle projected roster to provide for workers to receive consistent payments over the period;
- workers to be compensated where changes to 28 day work cycle rosters over the six work cycle period result in them being entitled to a greater level of remuneration for that period;
- providing for the temporary reintroduction of continuous shift working arrangements at newly opened casinos for a period no longer than 18 months; This represents an averaged payment in lieu of shift and weekend penalty allowances;

Day Workers

- providing for day workers within the Compliance Division of OLGR who are appointed as investigators and/or inspectors, or who are training to be an investigator or inspector, to perform regular or irregular non-standard days;
- providing that compliance officers, senior compliance officers, principal compliance officers and regional managers can be required to work up to four non-standard days every four week work cycle and other staff up to one non-standard day every work cycle. More non-standard days may be worked by any officer with agreement;

- providing that day workers working non-standard days are entitled to have four days off each fortnight and that, except by agreement, the days off will be taken in two lots of consecutive days. For the purpose of this provision a day will mean a period of 24 hours;
- providing for a maximum proportion of non-standard days (NSD) per work cycle that may be rostered on weekends, except by agreement:
 - maximum one weekend day (WD) where one or two NSD worked;
 - maximum two WD where three or four NSD worked.

Department of Agriculture and Fisheries

- Queensland Boating and Fisheries Patrol Employees
 - The creation of an aggregated weekend penalty allowance for all Boating and Fisheries Patrol technical officers as follows:
 - Creation of an allowance of 9.7% of base salary based on the requirement that officers work 192 penalty hours over the course of a year payable:
 - fortnightly;
 - on base salary only; and
 - during all leave taken up to a period of 12 weeks duration,
 - Where officers work more than the required penalty hours they will be paid penalty rates in accordance with the Award;
 - Removal, from 30 June 2019, of the requirement that the first four Sundays worked by officers to be compensated by TOIL;
 - Effective date of the aggregated weekend penalty allowance of 1 July 2019;
 - Excluding TO6 officers from the aggregated allowance arrangements.
 - Expanding eligibility for designated first aid officers (and therefore entitlement to allowance) to all officers upon obtaining the Coxwains Grade One qualification.
 - A commitment to operational measures to ensure consistency in application of pay points.

- Fire Ants Employees

- Development of a dedicated appendix reflecting the provisions of the DPI&F Fire Ant Control Centre Certified Agreement 2006 to ensure administrative ease in identifying relevant conditions and entitlements;
- Improvement of a number of internal practices to assist in the promotion of development and training opportunities.