

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

s23 application for award or variation of award

The Community and Public Sector Union (State Public Services Federation Tasmania) Inc.

Health Services Union, Tasmania Branch

Australian Education Union, Tasmanian Branch

United Voice, Tasmanian Branch

(T14258 of 2014)

TASMANIAN STATE SERVICE AWARD

and

The Community and Public Sector Union (State Public Services Federation Tasmania) Inc.

Health Services Union, Tasmania Branch

(T14259 of 2014)

HEALTH AND HUMAN SERVICES (TASMANIAN STATE SERVICE) AWARD

PRESIDENT T J ABEY
DEPUTY PRESIDENT N M WELLS
COMMISSIONER M A GAY

HOBART, 3 NOVEMBER 2014

RECOMMENDATION

[1] In this matter the applicant unions seek to defer a 2% wage increase due in December 2014 until 1 July 2015. In return for this the unions seek the inclusion of a Protection of Jobs clause, the effect of which is to limit the extent of job losses in the 2014/15 financial year to 361 FTE positions as originally set out in the State Budget.

[2] There can be no doubt that the State Government has a serious budget challenge which must be addressed. Equally, the unions have a legitimate concern and objective to protect as many positions as possible.

[3] Given that jurisdictional issues have been raised, it is clear that the impasse which has characterised the last few months can best be resolved through the consent of the parties. We note that the preamble to the Industrial Relations Act 1984 (the Act) encourages workplace bargaining as an objective of the Act.

[4] The public interest in this matter is paramount.

[5] Section 36 of the Act requires the Commission to be satisfied that any award made or agreement approved is consistent with the public interest. In so deciding, section 36(2) requires the Commission to:

"(a) consider the economic position of any industry likely to be affected by the proposed award or proposed agreement;

(b) consider the economy of Tasmania and the likely effect of the proposed award or proposed agreement on the economy of Tasmania with particular reference to the level of employment; and

(c) take into account any other matter considered by the Commission to be relevant to the public interest."

[6] We are hard pressed to identify any matter in the last decade which has so profoundly brought into issue these public interest considerations.

[7] This matter needs to be resolved quickly.

[8] Having heard the submissions and met with the parties privately, we make the following recommendations in the strongest possible terms.

- 1) That the wage increase due in December 2014, including the additional 0.5% increment at the top of each band, be deferred until December 2015.
- 2) That the wage increase due in December 2015, including the additional 1% incremental component, be deferred until December 2016.
- 3) That the Government undertakes to minimise to the extent possible future job losses. As an indication, we consider the 361 positions in the 2014/15 financial year and 699 over the forward estimates, as identified in the budget, should be the indicative target.
- 4) The parties are to confer as to what measures are to apply beyond 2015 which best meet the objectives of the respective parties. The Commission is available to assist in these ongoing discussions at the invitation of the parties.

[9] We urge the parties to seriously consider these recommendations and return some certainty to the budget integrity and preserve as many jobs as possible.



T J Abey
President

THE STAMP OF THE TASMANIAN INDUSTRIAL COMMISSION
TASMANIA