

Public Sector Industrial Relations

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Title Shift Allowances

Date 28 July 2000

Circular No. 6/00

Statement of Policy issued by the Queensland Industrial Relations Commission (QIRC) in relation to shift allowances.

The QIRC decision which was released on 8 May 2000 in the form of a Statement of Policy, contains a number of conditions that must be satisfied for the policy to be implemented in particular awards.

This circular outlines the main features of the decision which was published in the Queensland Government Industrial Gazette on 19 May 2000 (Vol. 164 No.3 p54-62).

AWU Application

The Australian Worker's Union applied to the QIRC for a General Ruling to amend a number of Queensland awards by replacing the flat \$9.70 afternoon and night shift allowance with percentage loadings of 15 per cent for afternoon shifts and 20 per cent for night shifts. The application was supported by the Queensland Council of Unions.

Some public sector awards such as the *Public Service Award - State* were excluded from this application on the basis that they already contained percentage shift allowances.

State of Queensland Position

The State of Queensland opposed the application primarily on the basis of previous decisions of the QIRC, departmental views and the cost implications for the Queensland Government as a major employer. It was argued that the status quo should remain.

Decision of the QIRC

Whilst rejecting the union's application for a General Ruling on the matter, a full bench of the QIRC acknowledged that many of the awards in question "... *have quite different and distinct provisions dealing with shift work*" **and were** "... *of the view that it would be essential for the Commission to give consideration to the existing award provisions and the industry before flowing on any change to a percentage allowance.*"

Instead, the QIRC issued a Statement of Policy "... *establishing standards which may be transposed into awards on application. In any such application the parties have the right to be heard as to whether there is good reason to modify the provisions to meet the exigencies of the award in question.*"

Quantum and Dates of Operation

The policy provides for the following phasing in of shift allowances of 12.5 per cent for afternoon shifts and 15 per cent for night shifts to be considered for insertion into awards on a case by case basis:-

11% (**12.5%**) or \$9.70 per shift (whichever is greater) from 1 November 2000;

12% (**14%**) or \$9.70 per shift (whichever is greater) from 1 May 2001;

12.5% (**15%**) or \$9.70 per shift (whichever is greater) from 1 November 2001.

(Night shift allowances are '**bolded**')



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Savings Provision

Awards (including certified agreements that specifically exempt test cases in the QIRC from the no further claims provision) varied in the manner specified in the decision must have a savings provision inserted so that no person who is an employee at the time a variation to the award is made is disadvantaged as a result of the change from the flat rate increase to a percentage increase.

Certified Agreements

The QIRC has also stated that the policy is not to apply to parties to certified agreements. However, the operation of the policy should not extend beyond the nominal expiry date of the certified agreement unless the QIRC considers that there is good reason to order it.

Please ensure that when distributing this information to employees in your agency that a contact officer from your agency is nominated for further enquiries.



JIM McGOWAN
General Manager

The Division of Public Sector Industrial Relations provides policy advice and consultancy and training services to Queensland Government departments and agencies. It is part of the Department of Employment, Training and Industrial Relations.

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