

Public Sector Industrial Relations

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PAYMENT OF AWARD RATES OF PAY WHERE THEY EXCEED RATES OF PAY UNDER CERTIFIED AGREEMENTS

This circular highlights an anomaly where award rates for some low paid public sector employees may exceed their pay rates under enterprise bargaining. Agencies are advised to ensure that their employees are not disadvantaged by receiving a Certified Agreement rate that is less than the award rate.

In recent years, award rates of pay have provided a floor or safety net above which enterprise bargaining rates apply. However, a survey by this Department shows that in some cases award rates could now exceed the rates under Certified Agreements.

At present, this would apply to only a very limited number of employees at the lowest paypoints in the classification and remuneration system. It will not affect most agencies. However, the anomaly could extend to more low-level paypoints later this year. This will depend on the size of any award-based increase from the next Stage Wage Case, and its timing in relation to the next increases under enterprise bargaining.

It is not the intention of the government that employees, especially those in low paid classifications, would be disadvantaged by receiving a rate of pay under an agreement that is less than the rate of pay under the relevant award. In fact, many agreements already have a clause to that effect. For example the current Certified Agreement for core government departments states:

"During the term of the agreement, no employee shall be disadvantaged through receiving the enterprise agreement wage increases instead of the State Wage Case decision increases."

To address this issue, agencies should check the current award rate against the current enterprise bargaining rate for their employees at the lower classification levels. To assist in this process a copy of the current rates of pay under the Public Service Award is attached. Pay rates for other awards can be found on the DETIR web site at:

<http://www.detir.qld.gov.au/ir/psinfo/allowances/wa.htm>

If the award rate for any paypoint in a classification level is higher than the applicable rate under the Certified Agreement, agencies should ensure that any employees at that paypoint are paid the award rate.

These adjustments should operate from the date the award rate exceeded the rate under the Certified Agreement. The adjustment should be made regardless of whether the Certified Agreement contains a provision to this effect.

GEOFF KENNEY
Acting 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.

Enquiries about this circular should be directed to **Tim Shipstone** from Public Sector Industrial Relations on telephone **(07) 3225 2448**

Any specific enquiries about the interpretation or application of the directives should be directed to your IR Contact/Liaison Officer in Public Sector Industrial Relations. General enquiries about public sector industrial relations matters should be directed to telephone 07 3225 2342.

Written enquiries should be addressed to:

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