IN THE FAIR WORK COMMISSION
4 yearly review of modern awards – Fire Fighting Industry Award 2010
s.156 Fair Work Act
AM2014/202

WITNESS STATEMENT OF ALEX TASOMINOS

I, ALEX TASOMINOS, of 637 Flinders Street, Docklands VIC 3008 in the State of Victoria say as follows:

1. I am employed by Victoria Police as Acting Director, Workplace Relations.
2. I am authorised by Victoria Police to make this statement on its behalf.
3. I make this statement from my own knowledge except where otherwise indicated. Where I make statements based on information provided by others, I believe such information to be true.

My background

4. I have been employed by Victoria Police since 1987, and have held various management and leadership roles throughout that time in the workplace relations and human resources department.

5. Since November 2015 I have been Acting Director, Workplace Relations. In this role I report to Group Director Human Resource Department and my key duties include:
   a. To facilitate the achievement of cooperative workplace relations, high performing and innovative workplaces; and
   b. the resolution of industrial aspects of major change initiatives within Victoria Police to enhance its capacity in the provision of quality and innovative policing services.

6. Prior to that, I was:
a. Portfolio Manager, Employee Relations (September 2008 - November 2015);
b. Branch Manager, Employee Relations (June 2006 - September 2008);
c. Project Manager, VPS Career Structure (August 2004 – June 2006);
d. Senior Employee Relations Adviser (March 1992 – August 2004);

I hold the following qualifications: Diploma in Business Administration, Certificate III and IV in Business Excellence, and I have completed various Mediation and Conflict Resolution Courses.

Background

Victoria Police provides policing services to the Victorian community, 24 hours a day, seven days a week.

Since 2014, the Victoria Police Act 2013 (Vic) became the principal Act for the administration and governance of Victoria Police, replacing the Police Regulation Act 1958 (Vic).

Our organisation provides policing services to 54 Police Service Areas across Victoria. These areas cover 21 divisions within four regions - North West Metro, Southern Metro, Eastern and Western.

Our services include:

a. Responding to calls for assistance in matters of personal and public safety, emergencies and serious incidents;

b. Detecting and investigating offences, and bringing to justice those responsible for committing them;

c. Supporting the judicial process to achieve efficient and effective court case management, providing safe custody for alleged offenders, supporting victims and ensuring fair and equitable treatment of victims and offenders;
d. Preventing crime through a range of proactive community safety programs; and 

e. Promoting safe road-user behaviour.

12 Police officers and protective services officers (PSOs) are supported in their operational roles by public service professionals who work as administrators, managers and specialists in a range of functions such as legal services, accounting, psychology and forensic sciences.

**Part-time employment in Victoria Police**

13 In Victoria Police part-time employment was first introduced in 1992. We ran a pilot programme to see whether part-time could work.

14 Attached to my statement and marked AT-1 is a copy of the front pages of the relevant Award at the time (the *Victoria Police Force Award 1992*) and a copy of the part-time employment clause which was included in the 1992 Award.

15 The terms and conditions in the 1992 Award were previously determined by the a Police Appeals Board, and were called the Determinations 179 which consisted of a Judge, a management representative and a union employee representative.

16 At that time my role was Senior Employee Relations Adviser, and I was involved in the industrial aspects of workplace relations.

17 The pilot programme provided a capped number of opportunities for all police officers below the rank of Commander to work on a part-time basis. I believe that those spots were taken up very quickly.

18 From 1992 onwards we had a number of collective employment agreements (for example in 1995, 1996 and 1998) which would sit on top of the 1992 Award, as well as workplace policies. These also provided for part-time employment.

19 In 2007 Victoria Police finally had one governing document, the *Victoria Police Workplace Agreement 2007*.

20 Currently, the governing document is the *Victoria Police Force Enterprise Agreement 2011* which provides for part-time employment and variable shift rostering.

21 The trials worked well, and we have had part-time employment in place now since 1992.
22 I recall that when we first put part-time employment in place, one of the challenges was debunking the myth that length of service always equates to competency. For example, in 1998 to become a Senior Constable you needed 4 years’ service, completion of the required components of the Victoria Police training, exams and satisfactory performance.

23 When part-time was introduced there was a question as to whether a part-time employee on 0.5 FTE, would need to have worked eight years to be become eligible.

24 The issue was resolved with conciliation through the then Industrial Relations Commission and discussions with The Police Association, which the parties agreed that whether a person worked 0.2, 0.5 or 0.8 FTE was irrespective – the key factor should be knowledge of the job and your competency.

Diversity in the workforce

25 We currently employ around 17,980 employees. The vast majority of these (around 14,824) are Police Officers and PSOs, who make up the bulk of our operational employees.

26 In addition to Police Officers and PSOs we also have Recruits, and a very small number (three) Reservists.

27 The male/female and full-time/part-time head-count breakdown for Police Officers and PSOs as a ‘snap-shot’ as at 1 January 2016 is as follows:

<table>
<thead>
<tr>
<th>Diversity</th>
<th>Numeric data</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment type</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Full time</td>
<td>13,914</td>
<td>93.46%</td>
</tr>
<tr>
<td>Part time</td>
<td>910</td>
<td>6.54%</td>
</tr>
<tr>
<td><strong>Total: 14,824</strong></td>
<td></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Gender</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>11,070</td>
<td>66.09%</td>
</tr>
<tr>
<td>Female</td>
<td>3,754</td>
<td>33.91%</td>
</tr>
<tr>
<td><strong>Total: 14,824</strong></td>
<td></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

28 Out of 89 current Recruits, 45 are male and 44 are female.

29 Out of our three Reservists, one is male and two are female.
Diversity since part-time implemented

The below table shows diversity since part time arrangements were implemented at Victoria Police and demonstrates a steady uptake in part time employment arrangements amongst operational employees.

<table>
<thead>
<tr>
<th>Diversity</th>
<th>Numeric data</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment type</td>
<td><strong>2000</strong></td>
<td><strong>2000</strong></td>
</tr>
<tr>
<td>Full time:</td>
<td>9,351</td>
<td>Full time: 97.47%</td>
</tr>
<tr>
<td>Part time:</td>
<td>243</td>
<td>Part time: 2.53%</td>
</tr>
<tr>
<td>Total:</td>
<td>9,594</td>
<td>Total: 100%</td>
</tr>
<tr>
<td><strong>2005</strong></td>
<td>Full time: 10,438</td>
<td>Full time: 95.76%</td>
</tr>
<tr>
<td>Part time:</td>
<td>462</td>
<td>Part time: 4.24%</td>
</tr>
<tr>
<td>Total:</td>
<td>10,900</td>
<td>Total: 100%</td>
</tr>
<tr>
<td><strong>2010</strong></td>
<td>Full time: 10,942</td>
<td>Full time: 93.37%</td>
</tr>
<tr>
<td>Part time:</td>
<td>777</td>
<td>Part time: 6.63%</td>
</tr>
<tr>
<td>Total:</td>
<td>11,719</td>
<td>Total: 100%</td>
</tr>
<tr>
<td><strong>2015</strong></td>
<td>Full time: 13,722</td>
<td>Full time: 93.81%</td>
</tr>
<tr>
<td>Part time:</td>
<td>905</td>
<td>Part time: 6.19%</td>
</tr>
<tr>
<td>Total:</td>
<td>14,627</td>
<td>Total: 100%</td>
</tr>
<tr>
<td>Diversity</td>
<td>Numeric data</td>
<td>Percentage</td>
</tr>
<tr>
<td>-----------</td>
<td>--------------</td>
<td>------------</td>
</tr>
<tr>
<td><strong>Gender</strong></td>
<td><strong>2000</strong></td>
<td><strong>2000</strong></td>
</tr>
<tr>
<td>Male: 8,185</td>
<td>Male: 85.31%</td>
<td></td>
</tr>
<tr>
<td>Female: 1,409</td>
<td>Female: 14.69%</td>
<td></td>
</tr>
<tr>
<td><strong>Total: 9,594</strong></td>
<td><strong>Total: 100%</strong></td>
<td></td>
</tr>
<tr>
<td><strong>2005</strong></td>
<td><strong>2005</strong></td>
<td></td>
</tr>
<tr>
<td>Male: 8,813</td>
<td>Male: 80.85%</td>
<td></td>
</tr>
<tr>
<td>Female: 2,087</td>
<td>Female: 19.15%</td>
<td></td>
</tr>
<tr>
<td><strong>Total: 10,900</strong></td>
<td><strong>Total: 100%</strong></td>
<td></td>
</tr>
<tr>
<td><strong>2010</strong></td>
<td><strong>2010</strong></td>
<td></td>
</tr>
<tr>
<td>Male: 8,917</td>
<td>Male: 76.09%</td>
<td></td>
</tr>
<tr>
<td>Female: 2,802</td>
<td>Female: 23.91%</td>
<td></td>
</tr>
<tr>
<td><strong>Total: 11,719</strong></td>
<td><strong>Total: 100%</strong></td>
<td></td>
</tr>
<tr>
<td><strong>2015</strong></td>
<td><strong>2015</strong></td>
<td></td>
</tr>
<tr>
<td>Male: 10,980</td>
<td>Male: 75.07%</td>
<td></td>
</tr>
<tr>
<td>Female: 3,647</td>
<td>Female: 24.93%</td>
<td></td>
</tr>
<tr>
<td><strong>Total: 14,627</strong></td>
<td><strong>Total: 100%</strong></td>
<td></td>
</tr>
</tbody>
</table>
The below graph shows the total number of part time staff employed at Victoria Police as at 30 June 2003 each year between 1996 and 2003 (i.e. it is distinct from the above table which only shows data pertaining to operational employees). The graph shows a steady increase in the uptake of part time employment amongst the workforce.
FAIR WORK COMMISSION
Matter No. AM2014/202

Fire Fighting Industry Award 2010 – Part-Time Work

ATTACHMENT AT-1

This is the attachment marked AT-1 referred to in the witness statement of Alex Tasominos dated 26 February 2016.
Industrial Relations Act 1979

VICTORIA POLICE FORCE AWARD

(No. 1 of 1992)

Award made by the Victoria Police Force Conciliation and Arbitration Board

Friday, 17 July 1992

Case No. 92/3118

First Award of the Board

JURISDICTION of the Victoria Police Force Conciliation and Arbitration Board applies to the whole of the State of Victoria for the trade of appointment under Sections 8, 8A, 103 and 118B of the Police Regulation Act 1958.

DATE OF OPERATION This Award shall operate from the beginning of the first pay period to commence on or after 17 July 1992.

PART 1 - POLICE

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<th>Title</th>
<th>Paragraph</th>
</tr>
</thead>
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<td>DIVISION II</td>
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<td>6</td>
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<td>DIVISION III</td>
<td>ALLOWANCES, PENALTY PAYMENTS AND OTHER SPECIAL RATES</td>
<td></td>
</tr>
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<td>Sub-Division I</td>
<td>Uniform Footwear &amp; Maintenance Allowance</td>
<td>7 - 8</td>
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<tr>
<td>Sub-Division II</td>
<td>Civilian Clothing Allowance</td>
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</tr>
<tr>
<td>Sub-Division III</td>
<td>Higher Duties Rates</td>
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<td>Sub-Division IV</td>
<td>Performance of Shift Work and Duty performed on Saturday, Sunday or a Public Holiday - Penalty Rates</td>
<td>17 - 28</td>
</tr>
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<td>Sub-Division V</td>
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<td>Sub-Division VIII</td>
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<td>60 - 73</td>
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2  Reimbursement for Personal Expenses of Members Travelling Abroad
3  Information Technology Division
4  Dispute Settlement Procedures
5  New Technology
6  Tertiary Qualification Allowances.
7  Transitional Provisions
11

DIVISION VII

PART-TIME EMPLOYMENT

148. This Division is applicable to part-time members in the Victoria Police Force, for a twelve month trial period to commence at the convenience of the Force.

149. In this Award "part-time employee" means a member of the Police Force who is engaged in police duties for more than 16 hours per week and less than 38 hours per week. The term "trial period" means a twelve month period. "Time fraction" refers to the proportion of time actually worked in a part-time capacity to full time employment (i.e. 38 hours per week) (eg. person working 20 hours per week 20 + 38 hours = 0.52 of full time employment.)

150. A full-time employee may convert to part-time employment with the approval of the Chief Commissioner of Police.

A member of the Police Force participating in the part-time employment project will be required to be seconded to the Equal Opportunity Unit, Personnel Department, for the period of the trial.

Unless otherwise authorised by the Chief Commissioner of Police at the conclusion of the trial period all members participating in the part-time employment will be eligible to be transferred to a full time position and maybe subject to nomination according to the requirements of the Force.

151. Persons eligible to apply for part-time employment are;

- members appointed by the Chief Commissioner pursuant to the Police Regulation Act with more than four years service in the Victoria Police Force; and
- members below the rank of Senior Sergeant.

RATE OF PAY

152. The rate of pay for a part-time employee will be the rate of pay for a full time member occupying the same rank and length of service multiplied by the time fraction.

SHIFT WORK

153. Every member in addition to their base salary will be paid penalty rates for duty performed in the following categories.

(a) Afternoon Shift - Consisting of any shift commencing at or after 1.00pm. and before 4.00pm.

(b) Twilight Shift - Consisting of any shift commencing between 4.00pm and 7.00pm. inclusive.

(c) Night Shift - Consisting of any shift commencing after 7.00pm. and before 2.00am.

Afternoon Shift

A member not above the rank of Sergeant who performed duty on an afternoon shift in addition to their base salary, allowances and any other penalty payments (commuted or otherwise), receive for each period of duty, a payment equivalent to 11.43% of the daily base salary of a Senior Constable, (Level 2) at Increment 1 of Band 1, such rate of salary being calculated for this purpose on an 7.6 hour per day basis multiplied by the time factor.
Twilight Shift

A member not above the rank of Sergeant who performed duty on a twilight shift in addition to their base salary, allowances and any penalty payments (commuted or otherwise), receive for each period of duty a payment equivalent to 13.5% of the daily base salary of a Senior Constable, Level 2 at Increment 1 of Band 1, such rate of salary being calculated for this purpose on an 7.6 hour per day basis multiplied by the time factor.

Night Shift

A member not above the rank of Sergeant who performed duty on a night shift in addition to their base salary, allowances and any other penalty payments (commuted or otherwise), receive for each period of duty a payment equivalent to 15% of the daily base salary of a Senior Constable, (Level 2) at Increment 1 of Band 1, such rate of salary being calculated for this purpose on an 7.6 hour per day basis multiplied by the time factor.

PERFORMANCE OF DUTY ON SATURDAY, SUNDAY OR PUBLIC HOLIDAY

154. Commuted Penalty Rates

A member in addition to his base salary, allowances and other penalty payments (commuted or otherwise) be paid a further thirteen per centum of his base salary by way of annual commuted penalty rates for the performance of duties on weekends, Public Holidays and Shift Work.

OVERTIME

155. Work performed in excess of the fixed number of working hours of a part-time employee shall be at the ordinary hourly rate.

Provided that a part-time employee shall be entitled to overtime for work performed outside the ordinary hours as prescribed.

SICK LEAVE

156. On completion of 2 years of service and each years service thereafter a full-time member is entitled to 15 days (112.5) hours sick leave on full pay. The entitlement for a part time member is to be calculated by multiplying the time factor by 112.5 hours.

Conditions for sick leave as prescribed in this Award are applicable to part time employees on a pro rata basis.

RECREATION LEAVE

157. The Chief Commissioner will in each year and at such times as maybe convenient grant to every member 35 days leave of absence for recreation (of which 10 days shall be deemed to be rest days) paid at the appropriate fraction of the rate of pay.

Additional leave days paid at the appropriate fractional rate are added for any Public Holiday worked.

A member of or below the rank of Sergeant shall receive an additional amount of 17.5% of the member’s weekly base salary for the first 4 weeks of recreation leave on a pro rata basis. For part-time members the following calculation is applicable;

\[(\text{fractional rate of pay}) \times 4 \text{ weeks} \times 17.5 = \text{entitlement}\]

MATERNITY LEAVE

158. A female part-time member who produces to the Chief Commissioner a certificate of a registered medical practitioner stating that she is pregnant and specifying the day on which it is expected that she will give birth is entitled to leave at a rate of pay equal to a full time member of similar rank and years of pay multiplied by the time fraction for a continuous period of 12 calendar weeks commencing -
a) 6 calendar weeks prior to the expected date of birth; or

b) at such time within 6 calendar weeks prior to the expected date of birth as the member elects where she is able to produce a certificate of a registered medical practitioner certifying fitness for duty; or

c) where the birth occurs earlier than 6 calendar weeks prior to the expected date of birth, on the day she ceases duty on account of the birth.

Where the pregnancy of a female member terminates earlier than 20 weeks prior to the expected date of delivery her entitlement to leave under this paragraph in relation to that pregnancy shall cease upon the date of that termination.

A female member who produces to the Chief Commissioner satisfactory evidence of being an approved applicant for the adoption of a child and of the date of placement of a child for adoption is entitled to leave at a rate of pay equal to a full time member of similar rank and years of pay multiplied by the time fraction for a continuous period of 6 weeks commencing from the date of placement of the child with her.

The conditions prescribed in this Award apply.

**Paternity Leave**

159. A male member who furnishes a statutory declaration that he is the father of, or has accepted responsibility for the care of, a child, will be granted leave of absence on full pay for a period not exceeding 1 week multiplied by the time factor, or for periods that in the aggregate do not exceed 5 working days multiplied by the time factor for the purpose of caring for such child and/or mother of child.

Provided that such leave shall commence not more than:

- a) 1 week prior to the expected date of birth of the child; or
- b) 6 weeks after the birth of the child.

Provided further that if the pregnancy terminates other than by way of the birth of a child such leave shall be granted in the period up to 6 weeks after the termination.

Leave shall not be granted under this clause in respect of pregnancy which terminates earlier than 20 weeks prior to the expected date of delivery.

**Uniform Maintenance Allowance**

160. Each member is required by the Chief Commissioner to have a uniform and will be paid for the following maintenance allowance by way of reimbursement $255 per year multiplied by time factor.

**Accrued Time Off**

161. Members participating in the part-time employment pilot project are not eligible for Accrued Time Off days as the time fraction was based on 38 hour week.