



June 2024

WIN FOR STIRLING EMPLOYEES MAGISTRATES DECISION

In 2019 the outside workforce agreement clause 11.1 made provision for a pay increase for employees which was the greater of

1. 2%
2. Perth CPI (Consumer Price Index)
3. WA Mercer Market Movement
4. Percentage Increase determined by the Fair Work Commission annual national minimum wage

At the time the city made the decision to pay a pay increase which was less than the highest increase which was the Fair Commission Decision.

The LGRCEU attempted to negotiate with the city prior to the agreement ceasing up to the current agreement being negotiated.

The city told the LGRCEU they had no intention of agreeing with the way in which the employees and the LGRCEU interpreted the clause the city should have paid the Fair Work Commission increase %.

The LGRCEU last year filed in the Magistrates Court for underpayment of wages. On Friday 14th June 2024 the Magistrates Court issued a decision as follows –

“... I have concluded the claimant has established on the balance of probabilities that the respondent has breached clause 11.1 of the Agreement. I therefore find the claim has been proved.”

This means **the Magistrates Court agreed with the LGRCEUs position (the only union to make a claim)** the nonpayment of the Fair Work Commission annual national minimum wage increase was an underpayment of your wages.

Where to from here – both parties now have 28 days to put in submissions for penalties to be applied. The city can also appeal the decision.

We believe this has a little longer to play out with the Magistrates Courts decision supporting the LGRCEUs position the employees at the city of Stirling **in 2019 were underpaid their wages!**

We understand the CEO communicated to employees on Friday the decision – we thank the CEO for free advertising supporting our union in his memo to the city employees.

Regards
Andrea Ballantyne
Acting Secretary



The LGRCEU acknowledges the Whadjak people of the Nyoongar Nation, as the Traditional Custodians the lands on which our head office is situated today, and pay our respect to Elders past, present and future.

I N U N I T Y