

12 April 2017

The Associate  
Commissioner Cirkovic  
Fair Work Commission

By email: [chambers.cirkovic@fwc.gov.au](mailto:chambers.cirkovic@fwc.gov.au)

Dear Associate,

***AM2014/250 - Aboriginal Community Controlled Health Services Award 2010***

Following the conferences on 28 March 2017 in relation to the Aboriginal Community Controlled Health Services Award 2010 ('the Award'), the HSU writes to update and clarify its position on a number of matters as requested.

*Technical and Drafting matters*

In relation to the item 13 – Ordinary hours of work, HSU propose the following changes to the clause (addition in red):

*13.2 No more than 10 ordinary hours of work (exclusive of meal breaks) **can** ~~may~~ be worked in any one day.*

*Substantive matters*

In relation to item S9A – Meal Breaks, the HSU does not press its claim.

In relation to item S11 - On call and recall allowances, the HSU does wish to pursue its claim in relation to two matters. Firstly, we submit that there should be a variation to clause 19.6(c) of the Exposure Draft, concerning recall to work, to provide for a ten hour break after being recalled to work, instead of a six hour break. It is our view that ten hours is sufficient to allow for eight hours sleep and travel to and from work. Furthermore, this is in accordance with clause 19.4(a) which provides for a ten hour rest period after overtime. Our proposed clause would read as follows:

*19.6 (c) If the employee is recalled and does not have an uninterrupted break of **ten** ~~six~~ hours between midnight and the time of commencement of the next period of ordinary duty, the employee will be entitled to **ten** ~~six~~ hours off duty from the time of finishing the last recall to the time of commencing the next period of duty without loss of pay.*

Secondly, we submit that the Award should provide for an allowance for telephone or remote attendance, for situations where employees may be required to respond remotely to situations arising

**HSU National**



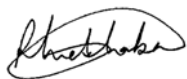
at work, but not physically attend the work premises. The Award at present does not deal with how an employee is to be paid in such situations. We believe that such a clause is fair and reasonable in addressing telephone and remote attendance, which has become increasingly prevalent amongst health workers in the industry. A similar clause is being discussed in the *Social, Community, Home Care and Disability Award* award modernisation negotiations, and has been mooted in the *Aged Care Award* award modernisation proceedings.

We provide proposed wording for such a clause below:

***Clause X - Telephone or Remote Response***

- (a) *In this award, unless the contrary intention appears, remote response duties include:*
- (i) *responding to phone calls, messages or emails;*
  - (ii) *providing advice ('phone fixes');*
  - (iii) *arranging call out/rosters of other employees; and*
  - (iv) *remotely monitoring and/or addressing issues by remote telephone and/or computer access.*
- (b) *If an employee is required to perform remote response duties between 6.00am and 10.00pm in any day, the employee will be paid at the prescribed overtime rate for the time worked, rounded up to the nearest 15 minutes.*
- (c) *If an employee is required to perform remote response duties between 10.00pm and 6.00am in any day the employee will be paid at the prescribed overtime rate for the time worked, with a minimum payment as for one hour. Where such work exceeds one hour, payment will be made at the prescribed overtime rate for the duration of the work.*
- (d) *An employee remotely responding will be required to maintain and provide to the employer a time sheet of the length of time taken in dealing with each matter remotely for each day commencing from the first remote response.*

Yours Sincerely,



Rachel Liebhaver  
National Industrial Officer  
Health Services Union

