



## IN THE FAIR WORK COMMISSION

Matter Nos: AM2014/204, AM2014/206, AM2014/207 and  
AM2014/209

Title: Health Professionals & Support Services Award  
Medical Practitioners Award  
Nurses Award  
Pharmacy Industry Award

## SUBGROUP 2B AWARDS OUTLINE OF SUBMISSIONS

25/11/2014

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## Introduction

1. This submission by HSU National [HSU] is made pursuant to the Fair Work Commission's Statement of 30 October 2014<sup>1</sup> concerning the Group 2 Awards. HSU has an interest in the Health Professionals and Support Services Award<sup>2</sup>, the Medical Practitioners Award<sup>3</sup>, the Nurses Award<sup>4</sup> and the Pharmacy Award<sup>5</sup>, all listed in Subgroup B of Group 2.
2. HSU supports and adopts the submissions made by the ACTU in the common matters AM2014/47 Annual Leave, AM2014/196 Part Time entitlements, AM2014/197 Casual entitlements, AM2014/300 Award Flexibility and AM2014/301 Public Holidays.
3. Further HSU has advised of its intention to make its own applications in AM2014/196 Part Time entitlements, AM2014/197 Casual entitlements, and AM2014/301 Public Holidays, which relate to these awards in Subgroup B of the Group 2 Awards as well as awards in Groups 1 and 4.
4. At this stage HSU understands the foreshadowed applications in AM2014/196 and AM2014/197 will be dealt with as part of the general proceedings and by the appointed Full Bench, and that the Commission will provide further advice concerning our foreshadowed applications in AM2014/301 when it makes a further statement.

## Industry Common Matters

5. HSU is considering applications to provide for a more consistent use of language and terms across the health awards. Our intention is to provide workers and employers, who may work in and operate across a number of different health awards, with clearer and consistent award terms. There are a number of incidences where the language used to describe classes of workers varies from clause to clause. By way of example, some health awards use the term "day worker", others use the term "employee" while the Health Professionals and Support Services Award uses both terms, in different sub paragraphs of the same clause to describe the same class of workers.

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<sup>1</sup> [2014] FWC 7743

<sup>2</sup> MA000027

<sup>3</sup> MA000031

<sup>4</sup> MA000034

<sup>5</sup> MA000012

## Award Specific matters

### Health Professionals and Support Services Award

#### Ceremonial leave

6. HSU proposes varying the Ceremonial leave clause to include a reference to Torres Strait Islander tradition.

#### Ordinary hours

7. HSU will propose varying the current ordinary hours of work clause to clarify that time worked in excess of 10 ordinary hours for all employees in any one day will be paid in accordance with the overtime provisions of the award.

#### Span of hours

8. HSU is considering an application for a simplified variation to the span of hour's arrangements in private practice type facilities. This is likely to look like:
  - a. Monday to Friday, 7 am to 7 pm; and
  - b. Saturday, 8 am -2 pm
9. The application would consider the flow on implication to other clauses such as; the definitions, the ordinary hours clause, annual leave and the rostering clause. It may need to consider the current definition of private practices.

#### Annual Leave

10. HSU favours expressing the safety net entitlement to an additional week of annual leave for shift workers in a similar way to that expressed in the Exemplar Award. That is, spelling out the entitlement to annual leave, including a reference to the appropriate sections of the National Employment Standards, and then spelling out the entitlement to an additional week of annual leave for shift workers.
11. Further HSU will propose a clause that which follows the Exemplar Award and includes pro rata accrual of the entitlement to an additional week of annual leave for workers who work part of a year on a shift work roster.

#### Rostering

12. HSU intends making an application to vary the rostering clause to include a reference back to the ordinary hours of work clause.

13. The application will seek to add clarity by ensuring the current award term “the ordinary hours of work for each employee will be displayed ...” is referenced directly to the ordinary hours of work clause.

### **Definition of shift worker**

14. The HSU will propose a change to the definition of shift worker as it currently appears in clause 3 of the Award. We will seek to have the term “a day worker” replaced with the term “employee” so that a single term is used throughout the Award. Earlier variations, made in isolation, have led to unintended confusion. We intend to remedy this.

### **Overtime**

15. HSU will propose a variation to the Overtime provisions for all employees seeking:
  - a. the removal of the substitution arrangements for shift allowances, and
  - b. the payment of overtime for time worked beyond the rostered hours

### **Classification definitions – Support Services employees**

16. The HSU proposes varying the classification definitions for the support services employees stream to use the language that describes the job outcome and reflects the language used in the Australian Qualification Framework.

### **Classification definition – Health Professional stream**

17. The HSU proposes varying the classification definitions for health professional employees at level 1 to clarify the pay point at which health professionals undertaking an intern position commence.

### **List of common health professionals schedule**

18. The HSU proposes varying the schedule of common health professionals to group the indicative list of common health professional titles by practice areas.

### **Training plan**

19. The HSU proposes including a provision for an employee to request a training plan so skills are maintained and registration requirements for continuing education can be planned.

## Medical Practitioners Award

### Ceremonial Leave

20. HSU proposes inserting a Ceremonial leave clause similar to those included in the Health Professionals and Support Services and the Nurses Awards.

## Nurses Award

### Substitution

21. HSU has foreshadowed variations relating to the Nurses award in AM2014/196 and AM2014/197.
22. HSU will propose a variation to the Nurses award to remove the provisions that preclude shift allowances being paid when a shiftworker undertakes overtime.

### Overtime

23. HSU is considering a variation to the definition of overtime to clarify that overtime applies to all employees working in excess of their hours as rostered.

### Shift Allowances

24. HSU intends to make application to remove the restriction on the payment of shift allowances on weekends or public holidays.

### Ceremonial leave

25. HSU proposes varying the Ceremonial leave clause to include a reference to Torres Strait Islander tradition.

## Pharmacy Industry Award

### Classification Definitions

26. HSU proposes amending the definitions of Pharmacist and Pharmacy Intern to replace the references to “the relevant state or territory law” with a reference to the national regulatory body, the Australian Health Practitioner Regulation Agency (AHPRA).