



Australian
Nursing &
Midwifery
Federation

Fair Work Commission

4 Yearly Review of Modern Awards

Matter No.: AM2019/17

4 YEARLY REVIEW OF MODERN AWARDS – FINALISATION OF EXPOSURE DRAFTS AND
VARIATION DETERMINATIONS – TRANCHE 3 – NURSES AWARD 2010

SUBMISSION IN REPLY OF THE AUSTRALIAN NURSING AND MIDWIFERY FEDERATION
REGARDING THE NURSES AWARD DRAFT VARIATION DETERMINATION

26 NOVEMBER 2020



1. This submission in reply is lodged on behalf of the Australian Nursing and Midwifery Federation (ANMF) in response to the submission of Australian Business Industrial (ABI)¹ (ABI submission) which concerns the Decision² and the Draft award Variation Determination (DVD)³ of the Full Bench issued on 5 November 2020.

2. The ABI submission states:

1. Clause 11.4 provides for the payment of 'shift allowances' to casual employees. Clause 20.2 characterises these payments as 'shiftwork loadings'. Clause 19.1(c) refers to 'shift loadings' (in the context of calculating overtime penalty rates). Our clients propose the terminology be amended for consistency across the clauses, preferably utilising 'shiftwork loadings'.

3. The ANMF agrees that consistency of terminology across clauses is ideal. The use of the phrase "shiftwork loadings" is preferable because the name of the clause where the entitlement is derived from is '20.2 Shiftwork loading'. In addition, the phrase "shiftwork loadings" is used at clause 28.6(b) and in Schedule B at clauses B.3.1 and B.3.3 of the DVD.

4. Modification for the consistency of terminology should occur to the following clauses:

a. Clause 11.4 should replace "shift allowances" with "shiftwork loadings" so it reads as:

A casual employee will be paid shiftwork loadings calculated on the ordinary rate of pay excluding the casual loading with the casual loading component then added to the penalty rate of pay.

b. Clause 19.1(c) should replace "shift loadings" with "shiftwork loadings" so it reads as:

Overtime rates under clause 19 will be in substitution for and not cumulative upon the shiftwork loadings and weekend penalty rates prescribed in clause 20— Shiftwork and clause 21—Saturday and Sunday work.

c. Clause 22.5(b)(ii) should replace "weekend and shift penalties" with "weekend penalties and shiftwork loadings" so it reads as:

the weekend penalties and shiftwork loadings the employee would have received had they not been on leave during the relevant period.

¹ Australian Business Industrial, [Submission - exposure draft](#) (19 November 2020)

² [\[2020\] FWCFB 5883](#) (5 November 2020)

³ [Draft award variation determination - Nurses Award - 5 November 2020](#)