



Tuesday 3 May 2016

Commissioner Roe
Fair Work Commission
11 Exhibition Street
Melbourne VIC 3000

By email: Chambers.roe.c@fwc.gov.au

Dear Commissioner,

Re: AM2014/204 Health Professionals and Support Services Award 2010

This correspondence is in response to the Further Report to the Full Bench issued by Commissioner Roe on 26 April 2016 concerning the four-yearly review of the Health Professionals and Support Services Award 2010 (the Award).

The Further Report to the Full Bench identifies that the Health Services Union (HSU) has proposed a package of amendments to the Award in its correspondence dated 25 April 2016.

The AFEI opposes the HSU's proposed package.

The HSU proposal involves substantive changes to the Award. The HSU's proposal includes additional shift penalties, and additional weekend penalties. Further, the HSU's proposal involves a significant winding back of the span of ordinary hours for day workers currently in private medical, dental, pathology and physiotherapy practices. Not only does this involve a reduction in ordinary hours Monday to Friday, but also the removal of ordinary hours on a Saturday for day workers.

The Fair Work Commission has made it clear in its Preliminary Jurisdictional Issues Decision that the proponent of award variations will bear the onus of demonstrating facts supporting the proposed variation. Accordingly, should the HSU seek to wind back the span of ordinary hours for day workers, and introduce shift and weekend penalties, it must run an evidentiary case.

Whilst the AFEI does not propose any changes to the current Award's span of hours, AFEI would not oppose an expansion to the definition of private medical, dental and pathology practice as outlined in previous negotiations – and which did not appear to have any

dissent. That was expressed as a definition of 'private clinics' to replace the term 'private medical' as follows:

"Private clinics means the practice of any medical practitioner, such as medical centre, general practice, specialist practice, family practice, medical clinic, dental practice, specialist dental practice, pathology practice, allied health practice such as chiropractic, physiotherapy, osteopathy or podiatry practice, traditional and complementary medicine practice, and women's health centre or a multi-disciplinary practice, but does not include inpatient care, hospitals or hospices."

As this did not appear to involve dissent, it would appear to be a more appropriate alternative to addressing any disparity in applications to vary the span of hours.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Paula Thomson', is centered on a light gray rectangular background.

Paula Thomson
Senior Workplace Relations Consultant | AFEI