



IN THE FAIR WORK COMMISSION

Matter No: AM2014/204

Title: Health Professionals and Support Services
Award

SUBMISSIONS

5 November 2015

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Introduction

1. The HSU provides these brief submissions in relation to the outstanding matters identified during the conference of the parties in relation to the Health Professionals and Support Services Award [HPSS Award] before Commissioner Roe on 29 October 2015 and in response to the Commissioner’s report to the Full Bench¹ of the 30 October 2015.

Responses

List of Common Health Professionals

2. The HSU believes that because the question was raised by the drafters of the Exposure Draft of the HPSS Award a variation to the award is now required.
3. The HSU has already provided a draft variation in its submissions of the 15 July 2015 with the insert of the word ‘Indicative’ in both A2 and Schedule B as follows:

A.2 Health Professional employees – definitions

An indicative list of common health professionals which are covered by the definitions is contained in Schedule B – Indicative List of Common Practice Areas and Titles.

Schedule B – Indicative List of Common Health Professionals

¹ [Report to Full Bench](#)

4. The HSU continues to press the proposed change.

Variation to clause 6.1(b)

5. The HSU has reviewed the identified matter and believes it forms part of the substantive matters incorporated in the list of variations as part of the 'span of hours' claim. This is not a separate and distinct claim but will be pursued as part of the claim by the HSU in those interlinked matters.

Roster clause

6. The HSU proposed a variation to clause 8.3 Rostering.
7. Without any admission as to the merits of those variations and without prejudice to its capacity to re-agitate those claims at an appropriate point in the future, the HSU does not intend to pursue these variations at this time.

Meal Break

8. The HSU has discussed the proposed meal break variations with the Australian Industry Group [AiG] but has been unable to reach agreement at this time.
9. The HSU intend to pursue the claim for improved meal break provisions and proposes the following variation to the Exposure Draft of the HPSS Award.

9.1 Unpaid meal breaks

- (a) *An employee who works in excess of five hours will be entitled to an unpaid meal break of between 30 minutes and 60 minutes. Such meal breaks will be taken between the the fourth and the sixth hour after beginning work, unless otherwise agreed by the majority of employees affected. Provided that, by agreement of individual employees, employees who work shifts of six hours or less my forfeit the meal break.*
- (b) *~~The time of taking the meal break may be varied by agreement between the employer and employee.~~ Where an employee is required to be on duty during a meal break, the employee will be paid overtime for all time worked until the meal break is taken.*
- (c) *Where an employee is required by the employer to remain available during the meal break, but is free from duty, the employee will be paid at ordinary rates for a 30-minute meal break. If the employee is recalled to perform duty during this period, the employee will be paid overtime for all time worked until the balance of the meal break is taken.*

Interns

10. Following an inability to reach agreement through the exchange of draft proposals in relation to the HSU claim for a provision including interns in Schedule A of the HPSS Award, the HSU has decided it will pursue a variation to the award.

11. The HSU propose the following variation to Schedule A

A.2.1 Health Professional—level 1

- (a) Positions at level 1 are regarded as entry level health professionals and for initial years of experience.*
- (b) This level is the entry level for new graduates who meet the requirement to practise as a health professional (where appropriate in accordance with their professional association's rules and be eligible for membership of their professional association) or such qualification as deemed acceptable by the employer. It is also the level for the early stages of the career of a health professional.*
- (c) This level is the entry level for interns, trainees or equivalent undertaking a clinical placement following the completion of their qualification.*

Overtime

12. The parties have been asked to consider whether or not we can narrow the differences in relation to overtime. Parties will be meeting by teleconference next Monday and a further report will be provided to the Commission following those discussions.



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