



Awards Review 2014 (AM2014/207)

Outline of variations sought regarding *Nurses Award*

25 November 2014

Short outline of variations sought regarding Nurses Award (MA000034)

1. The Australian Nursing and Midwifery Federation (ANMF) refers to the Statement of the Fair Work Commission (Justice Ross) dated 30 October 2014, which invites parties to submit a written outline of variations they wish to pursue in relation to awards in Group 2.
2. The ANMF will seek variations to the *Nurses Award* (MA000034) in relation to the issues outlined below.
3. We also reserve the right to respond to, and raise additional matters arising from, proposals made by other parties.

Clauses 14.2(a) and B.3 (Schedule B) – Student enrolled nurse

4. The ANMF seeks the deletion of the classification of student enrolled nurse as it is not required and provides for lower wage rates than the Nursing Assistant classification.

Clause 16 – Allowances – In-charge allowance (new clause)

5. The ANMF proposes the introduction of a clause providing for an in-charge allowance. A similar proposal was raised during the 2012 review of modern awards.

Clauses 28.5-28.6 and 16.4 – Recall to work and on-call

6. Clauses 28.5 and 28.6 provide for a minimum payment of three hours work at the overtime rate where an employee is recalled to work. The ANMF proposes to vary these clauses to confirm that they apply to situations where nurses are recalled to perform work remotely, for example via telephone. We may also consider related amendments to ensure suitable award conditions for nurses on call.

Clause 21 – Ordinary hours of work

7. Clause 10.4(c) of the award provides for a minimum two hour payment for casuals. The ANMF seeks the introduction of a clause providing for a minimum shift length for all employees covered by the award.
8. This proposal is separate from but overlaps a proposal for minimum engagement made on behalf of unions by the ACTU in the part-time and casuals common matter.

Clause 23 – Rest breaks between rostered work

9. The ANMF proposes to increase the rest break between ordinary shifts from the existing eight hours and outline the consequences of a breach of this entitlement.

Clause 27.1(a) – Meal breaks

10. Existing clause 27.1(a) provides that an employee who works in excess of five hours is entitled to an unpaid meal break of 30 to 60 minutes. The clause does not specify when during the shift the meal break must be taken. The ANMF proposes to clarify the issue of when and how meal breaks must be taken. The issue of the timing of meal breaks was raised during the 2012 review of modern awards.

Clause 29 – Shift penalties

11. Clause 29 provides for afternoon and night shift penalties. The ANMF proposes to clarify when shift penalties are payable. The existing clause is arguably ambiguous and may need clarification.

Clause 32.3 – Public holidays

12. The ANMF seeks to extend clause 32.3, which provides that full-time employees will receive a day's ordinary pay for public holidays that occur on their rostered day off, to at least some part-time employees. We have raised this proposal as part of the public holidays and award flexibility common matters and expect that the proposal will be dealt with as part of those matters.

Schedule B – Classification Definitions

13. The ANMF proposes to vary several of the classification definitions outlined in Schedule B of the Award to ensure that the definitions and terminology in the Schedule reflect current nomenclature regarding the regulation of the nursing profession.

Other matters

Classifications, wage rates and definitions

14. Additionally the ANMF is seeking to vary the classification structure in relation to enrolled nurses and specific levels in the registered nurse structure.

15. In respect of enrolled nurses the proposal is to replace the existing classification structure with a new structure, definitions and wage rates. For Registered Nurse Level 1 the ANMF is seeking changes to existing wage levels and classification structures.
16. We note that as a consequence of these changes there may also need to be changes to the classification descriptors, wage rates and scope of the existing structure applying to Nursing Assistants.
17. Given the nature of this claim, the ANMF proposes that this matter be dealt with separately to the proposals outlined above.