

BEFORE THE FAIR WORK COMMISSION

**NURSES AWARD 2010
(MA000034)**

4 yearly review of modern awards – Nurses Award 2014

AM2014/207

**SUBMISSION IN-REPLY BY
AGED CARE EMPLOYERS**

21 August 2015

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Overview

1. Aged Care Employers¹ (**ACE**) make this submission in-reply in accordance with the Fair Work Commission's (**Commission**) Amended Directions issued 6 May 2015² in respect of the 4 yearly review of the *Nurses Award 2010* (**the Award**).

Technical/drafting issues in Exposure Draft

2. ACE rely upon their submissions dated 28 January 2015³ and 15 July 2015⁴.
3. ACE consider that the issue of payment of annual leave loading to shiftworkers is most appropriately dealt with by a separate Full Bench.

Substantive claims – Australian Nursing & Midwifery Federation

4. In respect of the Australian Nursing & Midwifery Federation (**ANF**) substantive claims,⁵ ACE oppose the ANF's claims:
 - (i) for the insertion of an "in-charge allowance" at clause 16.6 of the Exposure Draft;
 - (ii) for the insertion of a "leading hand allowance" at clause 16.7 of the Exposure Draft;
 - (iii) for the insertion of new clauses in relation to "recall to work" and "on-call" at clauses 21.4, 16.4(c), 28.5 and 28.6 of the Exposure Draft;
 - (iv) for the insertion of a new clause 23 of the Exposure Draft in relation to rest breaks between rostered work;
 - (v) for the insertion of a new clause 27.1 of the Exposure Draft in relation to meal breaks; and
 - (vi) to the definition of "Nursing assistant" at clause B.1 of Schedule B of the Exposure Draft.

¹ Aged Care Employers: Aged and Community Services NSW & ACT, Leading Age Services Australia NSW-ACT, Aged and Community Services Australia, Leading Age Services Australia, Leading Age Services Australia VIC, Aged and Community Services Western Australia, Aged and Community Services SA & NT, Leading Age Services Australia – QLD, Leading Age Services Australia – SA, Leading Age Services Australia – TAS, Leading Age Services Australia – WA, Aged & Community Services Tasmania, Aged and Community Services Australia (Victoria), Aged and Community Services Australia (QLD)

² <https://www.fwc.gov.au/documents/decisionssigned/html/2015FWC3148.htm>

³ <http://www.fwc.gov.au/documents/sites/awardsmodernfouryr/AM2014207-sub-ACE-280114.pdf>

⁴ <http://www.fwc.gov.au/documents/sites/awardsmodernfouryr/AM2014207-sub-ACS-150715.pdf>

⁵ As set out in the ANF's submission dated 15 July 2015.

Substantive claims – Health Services Union

5. In respect of the Health Services Union (**HSU**) substantive claims,⁶ ACE oppose the HSU's claims:
 - (i) to vary clause 14.2 of the Exposure draft in respect of the payment of shiftwork penalties on "any day"; and
 - (ii) to vary clause 15.1 of the Exposure Draft in relation to overtime.

Substantive claims – other parties

6. In respect of the substantive claims of parties other than the ANF and the HSU, ACE make no submissions.

Referral of ANF's and HSU's substantive claims

7. Each of the substantive claims of the ANF and the HSU are beyond mere technical/drafting changes. On this basis, all of the substantive claims of the HSU and AWU ought be referred to a separately constituted Full Bench/s.

Aged Care Employers

21 August 2015

⁶ As set out in the HSU's submission dated 15 July 2015.