

## FAIR WORK COMMISSION

MATTER NO: AM2016/28

Four Yearly Review of Modern Awards: *Pharmacy Industry Award 2020*

### ISSUES AGREED AND ISSUES IN DISPUTE

1. This document has been jointly filed by the Association of Professional Engineers Scientists and Managers Australia (**APESMA**) and the Pharmacy Guild of Australia (**PGA**) pursuant to directions issued on 27 September 2022.

#### A. ISSUES THAT ARE AGREED

2. The PGA and APESMA agree on the award history as described in paragraphs [170]-[176] of [2018] FWCFB 7621, the *Pharmacy Award Decision*.
3. The PGA and APESMA agree that the Fair Work Commission (**FWC**) has jurisdiction to review the Award as part of the four yearly review pursuant to cl 26 of Schedule 1 of the *Fair Work Act 2009 (FW Act)* and also agree that the FWC can review the Award under s 157(2) FW Act.
4. The PGA and APESMA agree that Home Medicines Reviews and Residential Medication Management Reviews were found to justify a work value increase in the *Pharmacy Award Decision*, and further agree that HMRs and RMMRs are not generally applicable to intern pharmacists.
5. The PGA and APESMA agree that the following tasks were found to justify a work value increase in the *Pharmacy Award Decision*, and are also performed by pharmacy interns under supervision:
  - 5.1 the administration of vaccines (in most Australian states and Territories);
  - 5.2 the dispensing of down-scheduled medications;
  - 5.3 the supply of emergency contraception;
  - 5.4 administrative tasks associated with patient programs initiated under community pharmacy agreements.

## **B. ISSUES THAT ARE NOT AGREED**

6. APESMA will submit that these tasks would allow the FWC to vary the award on the basis that they represent a work value reason as defined in the FW Act, and that an increase in the intern pharmacist rate is necessary to achieve the modern awards objectives, the minimum wages objectives, and other applicable objectives as defined in the FW Act. The PGA accepts the existence of these tasks to the extent provided in the Statement of Agreed Facts.
7. APESMA and the PGA have not established an agreed position as to whether the award rates for graduate pharmacists have been the subject of work value assessment, or if so, when this occurred.
8. APESMA will submit, and the PGA disputes, that the award rate for pharmacy graduates is not commensurate with other four-year degree qualified professions.
9. APESMA will submit that there are further considerations that would justify a work value increase for Intern Pharmacists within the meaning of the FW Act, including:
  - 9.1 CPD and registration requirements;
  - 9.2 National Health and Medications Policy;
  - 9.3 Education requirements and pharmacy degree curricula;
  - 9.4 Professional Practice Standards and Guidelines, and National Competency Standards;
  - 9.5 Continued dispensing arrangements;
  - 9.6 Therapeutic substitution;
  - 9.7 Dispensing limits;
  - 9.8 Electronic scripts;
  - 9.9 Workload and intensity.
10. The PGA accepts the existence of these further considerations only to the extent provided in the Statement of Agreed Facts and does not accept that any of these considerations justify a work value increase.

**2 November 2021**