

MA000027 PR703713

The attached document replaces the document previously issued with the above code on 9 January 2019.

By removing the duplicated reference to “or in an emergency” at item 4 and by substituting “item 2” with “item 2 and item 3” at clause B.

Modern Awards, Economics and Research Section
On behalf of the Associate to Vice President Catanzariti

Dated 11 January 2019



DETERMINATION

Fair Work Act 2009

s.156 - 4 yearly review of modern awards

4 yearly review of modern awards—Health Professionals and Support Services Award 2010 (AM2016/31)

HEALTH PROFESSIONALS AND SUPPORT SERVICES AWARD 2010 [MA000027]

Health and welfare services

VICE PRESIDENT CATANZARITI
DEPUTY PRESIDENT BOOTH
COMMISSIONER CRIBB

SYDNEY, 9 JANUARY 2019

4 yearly review of modern awards – Health Professionals and Support Services Award 2010 – substantive issues.

A. Further to the Full Bench decisions issued by the Fair Work Commission on 3 December 2018 [[\[2018\] FWCFB 7350](#)] and 9 January 2019 [[\[2019\] FWCFB 120](#)] the above award is varied as follows:

1. By deleting the definition of ‘Private medical, dental, pathology practice’ in clause 3 and inserting the following:

private medical, dental, pathology, physiotherapy, chiropractic and osteopathic practice means the practice of any practitioner, such as medical centre, general practice, specialist practice, family practice, medical clinic, dental practice, pathology practice, physiotherapy practice, chiropractic practice, osteopathic practice and women’s health centre, but does not include medical imaging practices, hospitals or hospices.

2. By deleting clause 24.2 and inserting the following:

24.2 Private medical, dental, pathology, physiotherapy, chiropractic and osteopathic practices

The ordinary hours of work for a day worker will be worked between 7.30 am and 9.00 pm Monday to Friday and between 8.00 am and 4.30 pm on Saturday.

3. By deleting clause 24.3(b) and inserting the following:

(b) Seven day practice

Where the work location of a practice services patients on a seven day a week basis, the ordinary hours of work for an employee at that location will be between 7.00 am and 9.00 pm Monday to Sunday.

4. By deleting clause 25(b) and inserting the following:

(b) Seven days' notice will be given of a change in a roster. However, a roster may be altered at any time to enable the functions of the hospital, facility or organisation to be carried on where another employee is absent from duty pursuant to clauses 33 – Personal/carers' leave, compassionate leave; 35 – Ceremonial leave and 36 – Leave to deal with Family and Domestic Violence, or in an emergency.

5. By deleting clause 26.1 and replacing it with the following:

26.1 For all ordinary hours worked between midnight Friday and midnight Sunday a full-time or part-time employee will be paid their ordinary hourly rate and an additional 50% loading.

6. By inserting a new clause 27.1(c) as follows:

(c) An employee who works not more than six hours may elect to forgo the meal break, with the consent of the employer.

7. By deleting clause 29 and inserting the following:

29. Shiftwork

29.1 Where the ordinary rostered hours of work of a shiftworker finish between 6.00 pm and 8.00 am or commence between 6.00 pm and 6.00 am, the employee will be paid an additional loading of 15% of their ordinary rate of pay.

29.2 A casual employee who works shift work as defined in clause 29.1 will be paid an additional loading of 40% of their ordinary rate of pay but will not be paid the casual loading of 25%.

29.3 The shift penalties prescribed in this clause will not apply to shift work performed by any employee on Saturday, Sunday or Public Holidays where the extra payment prescribed in clause 26 – Saturday and Sunday work and clause 32 – public holidays, apply.

8. By updating the table of contents and cross-references accordingly.

B. This determination comes into operation from 9 January 2019, except in relation to item 2 and item 3 where the date of operation will be from 9 July 2019. In accordance with s.165(3) of the *Fair Work Act 2009* this determination does not take effect until the start of the first full pay period that starts on or after the dates of operation.



VICE PRESIDENT

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