

BEFORE THE FAIR WORK COMMISSION

**HEALTH PROFESSIONALS AND SUPPORT SERVICES AWARD 2010
(MA000027)**

Response to revised Exposure Draft dated 31 October 2016

**NURSES AWARD 2010
(MA000034)**

Response to revised Exposure Draft dated 2 November 2016

**SUBMISSION BY
AGED CARE EMPLOYERS**

8 December 2016

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Health Professionals and Support Services Award 2010 (MA000027)

Aged Care Employers provide the following comment to the revised Exposure Draft for the Health Professionals and Support Services Award 2010.

In our Submissions of 28 January 2015 Aged Care Employers proposed the following at paragraph 9 - Clause 19 - Overtime rates and casual employees.

Aged Care Employers submit that casual employees should be the same as full time employees in respect of ordinary hours being “an average of 38 hours per week, in a fortnight or four week period” (see clause 8.1(a)).

Clause 6.4(b) should be amended as follows: “A casual employee can be engaged to work up to an average of 38 hours per week, in a fortnight or four week period and including ~~38 ordinary hours per week.~~”

Aged Care Employers proposal has not been included in the revised Exposure Draft.

Aged Care Employers agree with correction highlighted by the Private Hospital Industry Employer Associations with regards to the footnote at page 45.

No other issues of concern have been identified in our review of the Exposure Draft.

Nurses Award 2010 (MA000034)

Aged Care Employers provide two comments in response to the revised Exposure Draft for the Nurses Award 2010.

In our Submissions of 28 January 2015 Aged Care Employers provided the following feedback at paragraph 5 to the question regarding the annual leave loading entitlement for shift workers.

In relation to employees who are not shiftworkers, annual leave loading of 17.5% is based upon 4 weeks or 152 hours (pro-rata for part-time employees) (clause 17.5(b)(i)).

It is noted that such employees are entitled to 5 weeks annual leave as a safety net (see clause 17.2(a)). In relation to employees who are shiftworkers (as defined by clause 17.2(b)), the position is not clear. Aged Care Employers submit that it is not the intention of the clause to provide any additional annual leave loading to shiftworkers (ie beyond that payable to non-shiftworkers). The issue raised by this question is significant and may require consideration of the history of the making of the modern award by the former Australian Industrial Relations Commission, as well as a review of majorative provisions concerning annual leave loading in former NAPSAs and Federal Awards. It is therefore appropriate that this issue be dealt with as part of any wider consultations concerning the Award in the 4 yearly review.

We confirm this remains our position and note the Exposure Draft has not been amended to clarify this entitlement.

Aged Care Employers note the Response filed by the Australian Nursing and Midwifery Federation (ANMF) on 30 November 2016 and in particular to proposed further discussions between the parties with regards to the ANMF revised wording at clause A.1 of Schedule A – Classification Definitions.

Aged Care Employers have opposed the proposed wording by the ANMF. We confirm the **Enrolled Nurse Standards for Practice** at section 3.8 clearly outline that an enrolled nurse can support and supervise an assistant in nursing.

“Provides support and supervision to assistants in nursing (however titled) and to others providing care, such as EN students, to ensure care is provided as outlined within the plan of care and according to institutional policies, protocols and guidelines.”

Aged Care Employers submit the clause should not be amended as proposed by ANMF and should be retained as currently worded.

No other issues of concern have been identified in our review of the Exposure Draft.

Aged Care Employers

8 December 2016