

From: Persephone Forster [<mailto:pforster@hwle.com.au>]

Sent: Wednesday, 19 July 2017 1:21 PM

To: Chambers - Cirkovic C

Cc: 'Jessica McDonald'; 'Rachel Liebhaber'; 'Emily Slaytor'; Justin Le Blond; 'Jodi Steele'; 'Ron McCallum'; 'Stephen Bull'

Subject: AM2014/250 Aboriginal and Community Controlled Health Services Award 2010 (Award)
[HWLE-Matter.C088885.313668]

Dear Associate

In advance of the report back before Commissioner Cirkovic at 3.00 pm today, please find **enclosed** a document summarising the parties' respective positions concerning each the substantive issues in AM2014/250 *Aboriginal and Community Controlled Health Services Award 2010*.

Sincerely

Persephone Forster

Associate



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AM2014/250 *Aboriginal and Community Controlled Health Services Award 2010 (Award)* Substantive issues - Parties' Position Summary Document - 19 July 2017

Key: **"Support"** and/or **"Do not oppose"** means do not oppose and/or agree with the Proposed Change

"Do not support" means oppose and/or do not agree with the Proposed Change

"Under instruction" means scope for movement in party's position (being either "Support"/"Do not support") subject to (i) further information, (ii) further internal discussions (iii) further consultation with members

Note all references to NATSIHWA's proposals are references to its proposals as contained in the *Further Amended Draft Determination* dated 1 June 2017 (**DD**).

	FWC Substantiv e Issues table ref	Proposed Change	NATSIHWA	UV	HSU	ABI	AFEI
1.	S3	NATSIHWA's proposed change to the coverage of the Award to cover all Aboriginal and/or Torres Strait Islander Health Workers and practitioners. See page 2 of DD.	Support	Support	Support	Support	(A) We propose clause 4.2(b) also include an exclusion with respect to employees covered by the Health Professionals Award 2010. If (A) is not acceptable, this change is opposed
2.	S2B, S2C, S2E, S2F, S18A, S19 S20	NATSIHWA's proposed new definitions See pages 1 to 2 of DD.	Support	Support	Support	Support	Do not oppose
3.	S2,S5A,	NATSIHWA's proposed new 6 "Grade" classification structure See pages 10 to 22 of DD.	Propose to remove 'actively' from B.1.1 and change to 'is encouraged to'	Support	Support	Support	Oppose introduction of Grade 6.

	FWC Substantiv e Issues table ref	Proposed Change	NATSIHWA	UV	HSU	ABI	AFEI
4.	S6	NATSIHWA's proposed movement of persons engaged as " <i>Advanced Health Worker - Practice</i> " and " <i>Health Practitioners</i> " to new Grade 5 (the equivalent of old Award Grade 4 when previously these roles were classified at old Award Grade 3) See pages 14 to 17 of DD	Support	Support	Support	Support	Oppose
5.	S6	NATSIHWA's proposed new wages for Grade 6, Levels 1 to 6 See page 5 of DD.	Support	Support	Support	Support	Oppose inclusion of Grade 6 and wages
6.	S24, S11A	NATSIHWA's proposed new progression, recognition of prior service clause and evidence of qualifications clause See pages 3 to 4 of DD.	Support	Support	Support	Support	Do not oppose
7.	S7	NATSIHWA's proposed occasional interpreting allowance. See page 7 of DD.	Support	Support	Support	Do not support	Oppose
8.	S7, S10	NATSIHWA's proposed damaged clothing allowance. See page 7 of DD. HSU proposal for entitlement for replacement of damaged clothing.	Support	Support	Support	Support	Do not oppose
9.	S7	NATSIHWA's proposed blood check allowance. See page 7 of DD.	Support	Support	Support	Support	Do not oppose

	FWC Substantiv e Issues table ref	Proposed Change	NATSIHWA	UV	HSU	ABI	AFEI
10.	S7	NATSIHWA's proposed telephone allowance. See pages 7 and 8 of DD.	Support	Support	Support	Support	Do not oppose
11.	S7	NATSIHWA's proposed nauseous work allowance. See page 9 of DD.	Support	Support	Support	Support	Do not oppose
12.	S7	NATSIHWA's proposed heat allowance. See page 9 of DD.	Support	Support	Support	Support (only if mirror HPSSA %, otherwise do not support)	Oppose
13.	S8	NATSIHWA's proposed isolation allowance. See page 9 of DD.	Support	Support	Support	Do not support	Oppose
14.	S7	NATSIHWA's proposed medication administration allowance. This proposal is that this is a weekly allowance calculated at 3.4% of the standard rate. See page 9 of DD.	Support	Support	Support	Do not support	Oppose
15.	S17A	NATSIHWA's proposed amendment to Ceremonial Leave to permit the entitlement take this leave for bereavement related purposes. See page 9 of DD.	Support	Support	Support	Do not Support	Do not oppose
HSU Proposals							
16.	S4	HSU's proposal is for there to be a minimum four hour shift length for all rostered shifts, including sleepover and broken shifts	Support	Support	Support	Under instruction	Oppose

	FWC Substantiv e Issues table ref	Proposed Change	NATSIHWA	UV	HSU	ABI	AFEI
17.	S5	<p>HSU's proposal is to clarify that casual loading is to be paid in addition to weekend and public holiday rates.</p> <p>Delete ED clause 24.2(b)</p> <p>Insert ED clause 11.4: <i>'The casual loading is paid in addition to any overtime payment, loadings or penalty rate applicable to the employee's hours of work.'</i></p>	Support	Support			
18.	S9	<p>HSU's proposal is in relation to '<i>sole practitioner</i>' allowance. This is in the form of a 'Higher Duties' clause.</p> <p><i>ED Clause 16.6 Higher Duties</i></p> <p>(a) An employee engaged for one day or more during any pay period on duties carrying a higher rate than their ordinary classification, will be paid for the period for which they assumed such duties at not less than the minimum rate prescribed for the higher classification.</p> <p>(b) An employee required to work as a sole practitioner remote from the health service in any one day or shift will be paid at not less than the minimum rate prescribed for Aboriginal Health Worker Grade 3 for:</p> <p>(i) (the time so worked for two hours or less; or</p> <p>(ii) a full day or shift where the time so worked exceeds two hours.</p>	Support	Support			

19.	S11	<p>HSU's proposals are in relation to on call and recall to work allowances.</p> <p>Delete clause ED 19.6(c).</p> <p>Amend clause 19.6(b) as follows (additions in red):</p> <p>'19.6(b) An employee who is on call and is recalled for duty for any period during an off duty period, will be paid from the time of receiving recall until the time of finishing recall duty, with a minimum of one hour's payment for such recall at the following overtime rates:'</p>	Support	Support			Oppose
20.	S14	<p>The HSU seeks to increase roster notice requirements from 7 days to 14 days. Amend ED clause 14.1 accordingly.</p>	Support	Support			
21.	S16	<p>HSU's proposal is to insert tea-break provisions in the Award. New ED Clause</p> <p>Insert clause 15.2:</p> <p>Tea breaks</p> <p>(a) Every employee will be entitled to a paid 10 minute tea break in each four hours worked at a time to be agreed between the employee and employer.</p> <p>(b) Subject to agreement between the employer and employee, such breaks may alternatively be taken as one 20 minute tea break.</p> <p>(c) Tea breaks will count as time worked.</p>	Support	Support			Oppose