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Your Ref: AM2014/204

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WITHOUT PREJUDICE

Dear Associate

FOUR YEARLY REVIEW OF THE HEALTH PROFESSIONALS AND SUPPORT SERVICES AWARD 2010 (AM2014/204) - FURTHER REPORT TO THE FULL BENCH AND HSU PROPOSAL

We refer to the Further Report to the Full Bench dated 26 April 2016 (the **Further Report**).

The Further Report encloses a copy of correspondence from the HSU dated 25 April 2016 which sets out, on a without prejudice basis, an 'alternate' proposal to amend the Health Award (the **HSU Proposal**).

The Further Report requests parties to advise the Commission of their response to the HSU Proposal and to advise what matters, if any, in this group of issues that they continue to press as a result.

We confirm that we act on behalf of the NSW Business Chamber Limited (**NSWBC**) and Australian Business Industrial (**ABI**) in the abovementioned proceedings. Our clients represent a diverse group of member businesses in relation to the Health Award and so this response is made in that context.

Put simply, our clients do not support the HSU Proposal.

We set out our clients' responses in more detail below:

1. Meal Breaks and Overtime

Our clients support the meal break and overtime clauses set out in the HSU Proposal (refer to clauses 9 and 19 of the HSU Proposal). This position is consistent with the position taken by our clients in recent conferences.

2. Hours of Work - Span of Hours

Our clients remain opposed to the changes to the span of hours in the HSU proposal.

The operational needs of the many businesses in the health industry are diverse, which is why the current Health Award contains different spans of hours for the various sectors.

The proposed span represents a reduction in the current span of hours for certain sectors of the industry. The proposed single span would significantly disadvantage NSWBC and ABI's

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members, particularly those that run private medical, dental, pathology and physiotherapy practices.

The HSU Proposal also appears to remove the ability to roster day worker employees to work ordinary hours on Saturdays and on Sundays (for 7 day medical imaging practices).

3. Weekend Penalties

Our clients remain opposed to the change to weekend penalty rates in the HSU proposal (refer to clause 18.1).

Our clients consider that the proposal to remove the words 'day worker' from the weekend penalties clause goes beyond merely providing clarity, and instead provides a new entitlement to employees that have not previously had this entitlement.

It is a significant change, and if parties are wishing to vary the Health Award in this respect, the matter will need to be dealt with as a substantive application.

4. MIERG Proposal

Our clients remain opposed to the proposed deletion of clause 18.3. That proposed variation would result in increasing the weekend penalties payable to employees.

Notwithstanding our clients' opposition to the HSU Proposal, our clients remain willing to continue discussions with a view to narrowing the issues in dispute and consequently narrowing the scope of any arbitration. However, given the considerable conferencing process that has occurred to date, it may ultimately be the case that these issues will be required to proceed to arbitration.

Our clients continue to rely on their submissions of 2 February, 5 March and 21 August 2015 with the exception of our submissions in relation to whether the list of occupations contained in the exposure draft of the Health Award is indicative or exhaustive.

If you have any questions, please contact Zoe McQuillan on (02) 9458 7537.

Yours sincerely



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