

## NURSES AWARD 2010

### PART 1 – APPLICATION AND OPERATION

#### 1.1 Coverage

This award covers employers throughout Australia in the health industry and their employees in the classifications contained within the award and employers who employ a nurse/midwife, principally engaged in nursing/midwifery duties comprehended by the classifications contained within the award.

#### 1.2 Access to the award and the National Employment Standards

The employer must ensure that copies of this [award](#) and the National Employment Standards (NES) are available to all employees to whom they apply.

#### 1.3 The National Employment Standards (NES) and this award

The [NES](#) and this award contain the minimum conditions of employment for employees covered by this award.

#### 1.4 Award Flexibility

Parties may agree to vary certain terms of the employment, as set out in clause 7.1 of the [award](#), to meet their genuine individual needs.

Any variation must comply with certain administrative requirements which are set out in clause 7 of the [award](#).

### PART 2 – CONSULTATION AND DISPUTE RESOLUTION

#### 2.1 Consultation

##### **Major workplace change**

Where an employer has made a *definite* decision to introduce major changes likely to have *significant effects* on employees, an employer must notify the affected employees and their representatives. Notifying affected employees and their representatives involves a number of procedural requirements which are set out in clause 8.1 of the [award](#).

*Significant effects* include, but are not limited to:

- termination of employment
- major changes in the composition, operation or size of the employer's workforce or in the skills required
- the elimination or diminution of job opportunities, promotion opportunities or job tenure
- the alteration of hours of work
- the need for retraining or transfer of employees to other work or locations; and
- the restructuring of jobs.

### **Changes to rosters or hours of work**

Where an employer proposes to change an employee's regular roster or ordinary hours of work, the employer must follow the particular procedures prescribed by clause 8.2 the award.

### **2.2 Dispute Resolution**

Where there is a dispute about a matter under the award or in relation to the NES, the parties must follow the procedures prescribed by clause 9 of the award.

## **PART 3 – TYPES OF EMPLOYMENT AND TERMINATION OF EMPLOYMENT**

### **3.1 Types of employment**

Employees will be employed on either a full-time, part-time or casual basis. At the time of engagement, the employer will inform each employee the basis of their employment.

Please refer to clause 10 of the award for definitions of full-time, part-time and casual employment.

### **3.2 Termination of employment**

Notice of termination is provided for in the NES.

### **3.3 Redundancy**

Redundancy pay is provided for in the NES.

Redundancy pay is not payable where an employee has less than 12 months service or the employer is a small business employer (less than 15 employees).

### **Transfer to lower paid duties**

Where an employee is transferred to lower paid duties by reason of redundancy, the employer must give the same period of notice the employee would have been entitled to if the employment had been terminated and may instead of notice make a payment in lieu of notice for the number of weeks still owing.

### **Employee leaving during the notice period**

An employee may terminate their employment during the period of notice and is entitled to receive the benefits and payments they would have received had they remained in employment until the expiry of the notice, but is not entitled to payment instead of notice.

## **PART 4 – MINIMUM WAGES AND RELATED MATTERS**

### **4.1 Classifications**

Classification definitions are set out in Schedule B of the award.

Employers must advise employees of their classifications in writing upon commencement of employment and of any subsequent changes to their classification.

Classifications include:

- Nursing Assistant
- Enrolled Nurse
- Registered Nurse
- Nurse Practitioner
- Occupational Health Nurse

#### **4.2 Minimum wages**

Refer to clause 14 of the award for current wage rates.

#### **4.3 Allowances**

The following allowances are payable under clause 16 of the award:

- Clothing and equipment
- Meal allowances
- On call allowances
- Travelling, transport and fares

#### **4.4 Accident pay**

An employee is entitled to accident pay in accordance with the terms of:

- an award made under the *Workplace Relations Act 1996* (Cth) that would have applied to the employee immediately prior to 27 March 2006,
- a notional agreement preserving a State award that would have applied to the employee immediately prior to 1 January 2010 or
- a Division 2B State award that would have applied to the employee immediately prior to 1 January 2011.

This clause ceases to operate on 31 December 2014.

<b>PART 5 – HOURS OF WORK AND RELATED MATTERS</b>
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#### **5.1 Ordinary hours of work and rostering**

The ordinary hours of work for a full-time employee will be an average of 38 hours per week, 76 hours per fortnight or 152 hours over 28 days. An accrued day off (ADO) system may be implemented.

Not more than 10 ordinary hours of work (exclusive of meal breaks) are to be worked in any one day.

#### **5.2 Span of hours**

The ordinary hours of work for a *day worker* will be between 6.00 am and 6.00 pm Monday to Friday.

A *shiftworker* is an employee who is regularly rostered to work their ordinary hours of work outside the ordinary hours of work of a day worker.

#### **5.3 Rosters**

Employees work in accordance with a weekly or fortnightly roster fixed by the employer.

The roster will set out employees' daily ordinary working hours and starting and finishing times and will be displayed at least seven days before the commencement of the roster period.

The employer must provide seven days' notice of a change of roster to employees except when another employee is absent from work due to illness or in an emergency.

#### **5.4 Saturday and Sunday work**

Where an employee is rostered to work ordinary hours between midnight Friday and midnight Saturday, the employee is paid a loading of 50% of their ordinary rate of pay for the hours worked during this period.

Where an employee is rostered to work ordinary hours between midnight Saturday and midnight Sunday, the employee is paid a loading of 75% of their ordinary rate of pay for the hours worked during this period.

#### **5.5 Breaks**

##### **Meal breaks**

An employee who works in excess of five hours will be entitled to an unpaid meal break of not less than 30 minutes and not more than 60 minutes.

Where an employee is required to work or remain available during a meal break, the employee will be paid overtime until the meal break is taken.

##### **Tea Breaks**

Every employee will be entitled to a paid 10 minute tea break in each four hours worked. Such breaks may be taken as one 20 minutes tea break.

#### **5.5 Overtime**

Overtime rates will be paid for all hours worked in excess of the ordinary hours on any day or shift:

- Monday to Saturday – time and a half for the first two hours and double time thereafter
- Sunday – double time
- Public holidays – double time and a half

Overtime is in substitution for shift and weekend penalties.

All time worked by part-time employees in excess of the rostered daily ordinary full-time hours is overtime.

##### **Time off instead of overtime**

An employee may elect, with the consent of the employer, to take time off instead of payment for overtime at a time agreed with the employer.

### **Rest period after overtime**

Employees are to have at least 10 consecutive hours of rest between completion of overtime and recommencement of ordinary duties. If this is not possible, then the employee (other than a casual employee) will be paid at the rate of double time until they are released from such duty.

### **Recall to work when on call**

An employee who is required to be on call and who is recalled to work will be paid for a minimum of three hours at the appropriate overtime rates.

### **Recall to work when not on call**

An employee who is not required to be on call and who is recalled to work after leaving the employer's premises will be paid for a minimum of three hours work at the appropriate overtime rate.

## **5.6 Shiftwork**

A shiftworker will be paid the following loadings per shift based on their ordinary rate of pay:

- Where an employee works a rostered *afternoon shift* between Monday and Friday – an additional 12.5%
- Where an employee works a rostered *night shift* between Monday and Friday – an additional 15%

An *afternoon shift* is any shift that commences later than 12pm and finishes after 6pm on the same day.

A *night shift* is any shift that commences on or after 6pm and finishes before 7:30am the following day.

The above shift penalties do not apply to shiftwork performed on Saturday, Sunday or a public holiday (where weekend and public holiday loadings are paid).

## **5.7 Higher duties**

An employee who is required to relieve another employee in a higher classification will be paid at the higher classification provided the relieving is for three days or more.

<b>PART 6 – LEAVE AND PUBLIC HOLIDAYS</b>
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## **6.1 Annual Leave**

Annual leave is provided for in the NES.

In addition to the annual leave entitlement in the NES, employees are entitled to an additional week of annual leave (five weeks annual leave).

In addition to the five weeks annual leave, *shiftworkers* are entitled to an additional week's annual leave (six weeks annual leave).

## **Annual leave loading**

In addition to their ordinary pay, an employee other than a shiftworker will be paid annual leave loading of 17.5% of their ordinary rate of pay on a maximum of 152 hours/four weeks annual leave per annum.

*Shiftworkers*, in addition to their ordinary pay will be paid the higher of:

- annual leave loading of 17.5% of their ordinary rate of pay; or
- the weekend and shift penalties the employee would have received had they not been on annual leave during the period.

Where an employer temporarily closes a medical practice, an employee may be directed to take paid annual leave during part or all of this period. Where an employee does not have sufficient accrued leave, they may be required to take annual leave in advance.

## **6.2 Public holidays**

Public holidays are provided for in the NES.

Any employee required to work on a public holiday will be paid at the rate of double time for all time worked.

## **6.3 Ceremonial leave**

An employee who is legitimately required by indigenous tradition to be absent from work for Aboriginal or Torres Strait Islander ceremonial purposes will be entitled to up to 10 working days unpaid leave in any one year, with the approval of the employer.

## **6.2 Personal/carer's leave and compassionate leave**

Personal leave and carer's leave are provided for in the NES.

## **6.3 Community service leave**

Community service leave is provided for in the NES

***Please note that the following clauses are also contained in the award but are not in this summary:***

*Commencement and Transitional (clause 2); Definitions and Interpretation (clause 3); Progression through pay points (clause 15); District Allowances (clause 17); Payment of wages (clause 18); Superannuation (clause 20); Rest breaks between rostered work (clause 23); Accumulation and taking of accrued days off (clause 24); Transitional Provisions (Schedule A); Classification Definitions (Schedule B); 2013 Part-day public holidays (Schedule C).*

### **Disclaimer**

This document contains key employment conditions for those who are employed in accordance with the award.

It is to be used as a guide only. It is not intended to be exhaustive and does not contain all of the conditions, entitlements or obligations that relate to an employee's employment under this award.