

MEDICAL PRACTITIONERS AWARD 2010

PART 1 – APPLICATION AND OPERATION

1.1 Coverage

This occupational award covers employers of Medical Practitioners throughout Australia in 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.

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 A 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:

- Intern
- Resident Medical Practitioner
- Registrar and Senior Registrar
- Career Medical Practitioner and Senior Career Medical Practitioner
- Community Medical Practitioner

- Specialist and Senior Specialist
- Principal Specialist and Senior Principal Specialist
- Deputy Director of Medical Services
- Director of Medical Services

4.2 Minimum wages

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

4.3 Allowances

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

- Deduction for board and lodging
- Managerial allowance
- Meal allowances
- Telephone allowance
- 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.

PART 5 – HOURS OF WORK AND RELATED MATTERS

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 and may be worked either:

- over five days or over 19 days per four week period; or
- over 40 hours in any period of seven consecutive days or 80 hours in any period of 14 consecutive days; or
- 38 hours per week or 10 sessions per week over five days per week or as agreed, averaged over four days per week or a longer roster period.

For Senior Career Medical Practitioners, Career Medical Practitioners and Doctors in training (Intern, Resident Medical Practitioner, Registrar or Senior Registrar) additional provisions apply in relation to days off in a week and additional rostered days off.

5.2 Span of hours

The span of hours for a full-time day work Medical Practitioner (except for Senior Doctors) is 6:00 am and 6:00 pm Monday to Friday.

The span of hours for Senior Doctors is between 7:00am and 6:00pm Monday to Friday.

5.4 Saturday and Sunday work

Payment for all ordinary work performed between midnight Friday and midnight Sunday will be paid at the rate of time and a half.

5.5 Overtime

For all Medical Practitioners except Senior Doctors, hours worked in excess of 38 per week will be overtime.

- Overtime worked between Monday and Saturday will be paid at the rate of time and a half for the first two hours and double time thereafter.
- Overtime worked on a Sunday will be paid at the rate of double time.
- Overtime worked on a public holiday will be paid at the rate of double time and a half.

A Doctor in training may elect, with the consent of the employer, to take time off in lieu of payment for overtime.

On call

Medical Practitioners, except for Senior Doctors, required by the employer to be on call will be paid an allowance equal to 10% of their daily rate for each day on call.

Senior Doctors will be available for reasonable on call and recall duties and shall remain on duty when patient needs require and will be paid an allowance of 10% of their annual base salary.

Recall

When a Medical Practitioner is recalled to duty, they will be paid an amount equal to 1/38th of their weekly rate for travelling time. In addition, they will be paid for the time worked at the rate of time and a half on weekdays and double time on weekends and public holidays with a minimum payment of three hours.

Sleepover arrangement – Doctors in training

Where the employer requires a Doctor in training to sleepover, additional payments apply as set out in the award.

5.6 Shiftwork

A **shiftworker** is an employee who is regularly rostered to work their ordinary hours outside the ordinary hours of work of a day worker as defined in clause **Error! Reference source not found.** of the award.

Where a Doctor in training whose rostered hours of ordinary duty commence or end between the hours of 9.00 pm and 6.00 am will be paid an additional 2.5% of the weekly rate for each such occasion in addition to payment for the hours worked

For Career Medical Practitioners and Senior Medical Practitioners, for ordinary hours worked between the following times, payment will be made at ordinary time plus the appropriate penalty:

- between 6.00 pm and midnight Monday to Friday—12.5%;
- between midnight and 8.00 am, midnight Sunday to midnight Friday—25%;
- between midnight Friday and midnight Saturday—50%; or

- between midnight Saturday and midnight Sunday—75%.

For Senior Doctors, for ordinary hours worked between the following times, payment will be made at ordinary time plus the appropriate penalty:

- between 6.00 pm and midnight Monday to Friday—12.5%;
- between 7.00 am and midnight Saturday—50%;
- between 7.00am and midnight Sunday – 75%; or
- all hours worked on public holidays – 150%

For Community Medical Practitioners, for ordinary hours worked between the following times, payment will be made at ordinary time plus the appropriate penalty:

- for any shift starting between 5.00am and before 6.30am and or finishing between 6.00pm and before midnight—2.5%;
- for any shift or part of a shift which is rostered between midnight and 5.00 am —4%; or
- for shifts permanently worked (any period in excess of four consecutive weeks) between midnight and 5.00am – 5%.

Where duty performed attracts more than one penalty (penalty includes overtimes), only the highest penalty will apply.

5.7 Shift length – Doctors in training

No shift will be less than eight hours in length on a week day or less than four hours on a weekend or public holiday.

All time worked in excess of 10 hours in any one shift will be paid as overtime.

5.8 Rostering

Doctors in training will be given at least two weeks' notice of rosters to be worked in relation to ordinary hours and where practicable, additional rostered hours.

Senior Doctors must be consulted in the development of rosters which will identify the general nature of the work to be performed (clinical, administrative, research, teaching).

5.9 Higher duties

Where an employee temporarily occupies a position in a higher classification for a period of more than three days, they must be paid the minimum salary attaching to the position they are temporarily occupying, including any relevant managerial allowance.

PART 6 – LEAVE AND PUBLIC HOLIDAYS

6.1 Annual Leave

Annual leave is provided for in the NES.

A Medical Practitioner required to work shifts including weekends is entitled to an additional week's annual leave.

Where a public holiday falls during a period of annual leave, an additional day will be added to a Medical Practitioner's annual leave entitlement.

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 the weekly wage based on a maximum of 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%; or
- the weekend and shift penalties the employee would have received had they not been on annual leave during the period.

6.2 Public holidays

Public holidays are provided for in the NES.

A Medical Practitioner required to work on a public holiday will receive one of the following:

- payment at the rate of double time and a half;
- payment at the rate of time and a half and one day will be added to their annual leave entitlement; or
- payment at the rate of ordinary time and one and a half days will be added to their annual leave entitlement or taken at another time.

6.3 Personal/carer's leave and compassionate leave

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

6.4 Community service leave

Community service leave is provided for in the NES.

Please note that not all clauses contained in the award are contained in this summary. Please refer to the award for a full list of all terms and conditions.

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.