

# NEW NURSES AWARD 2010

## your questions answered

BY ANF FEDERAL INDUSTRIAL TEAM



A new national Nurses Award started on 1 January 2010. It will apply to nurses working under the national industrial relations system who are not already covered by an enterprise agreement. This means, for example, that it will cover nurses in aged care facilities who do not already have an agreement.

**T**he Award will set minimum wage rates, types of employment, hours of work, overtime and penalty rates, allowances, leave procedures, consultation and dispute resolution and other conditions of employment.

### What has happened to our nursing awards?

As part of the federal government's process to simplify and reduce the number of awards applying in workplaces, around 150 nursing awards across Australia have been rolled into a single national nursing award. This award will be known as the Nurses Award 2010.

### How will I know if the new award applies to me?

The Nurses Award 2010 applies to registered nurses (Division 1, Victoria), enrolled nurses (Division 2, Victoria) and nursing assistants.

A nursing assistant is someone who reports to a registered or enrolled nurse and is employed solely to assist a nurse in the provision of nursing care.

**If you are not employed in the public sector and do not have a collective or enterprise agreement at your workplace, then the Nurses Award will most likely apply to you.**

The Nurses Award will cover most private sector nurses working in aged care facilities, private hospitals, and private sector specialist services such as medical practices.

If you are not employed in the public sector and do not have a collective or enterprise agreement at your workplace, then the Nurses Award will most likely apply to you.

The Nurses Award 2010 does not cover nurses

employed in schools or private pharmacies which are not part of a wider health facility, such as a hospital.

If you require more assistance to find out whether you are covered by the new award please contact your ANF delegate or ANF Branch.

### A clearer definition of nursing work

The Nurses Award 2010 has a broader interpretation of nursing work. Under the award, nursing care means:

- giving assistance to a person who, because of disability, is unable to maintain their bodily needs without frequent assistance;
- carrying out tasks that are directly related to the maintenance of a person's bodily needs where that person is, because of disability, unable to carry out those tasks for themselves; and/or
- assisting a registered nurse to carry out the work described.

### What is in the Nurses Award 2010?

The Nurses Award 2010 has a new classification structure and weekly wage rates (see p26).

The Nurses Award also contains the following key provisions, (terms and conditions) or (clauses) or (entitlements) set out in the order they appear in the award:

#### Award flexibility

Every award including the Nurses Award must contain a clause that allows certain terms of the award to be varied by written agreement to suit the individual needs of the employer and individual employee.

#### Consultation and dispute resolution clauses

The award, like other provisions of the Fair Work Act, requires consultation to be carried out by employers on workplace changes and sets out a procedure for resolving workplace disputes.

#### Provisions for full-time, part-time and casual employment

Full-time employment is based on a 38-hour week. Part-time employment is less than an average of 38 ordinary hours per week, with reasonably predictable hours of work. Before commencing part-time employment, the employer and employee must agree in writing on the guaranteed minimum number of hours to be worked and the rostering arrangements. Casual employees will receive a casual loading of 25%.

#### Wages

The award provides for minimum wage rates for each classification of employee (registered nurses, enrolled nurses and assistants in nursing). These wage rates will be subject to variation through the national wage cases conducted by Fair Work Australia.

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#### Allowances

Some allowances will be adjusted in line with the consumer price index on an annual basis. The value of the uniform allowance will be \$324.48 per annum for a full-time employee, with an additional laundry allowance. Other allowances, for example, are provided for meals, on call and travel.

#### Hours of work

The maximum shift length, or hours of work per day, will be 10 hours exclusive of meal breaks. The rest breaks between shifts will be at least eight hours.

#### Overtime

Overtime will be paid from Monday to Saturday at time and a half for the first two hours and double time thereafter; on Sunday at double time; and on public holidays at double time and a half. All time worked by part-time employees in excess of the rostered daily ordinary full-time hours will be overtime. When time off in lieu is accrued, it should be taken at overtime rates.

#### Annual leave

Annual leave will be five weeks and six weeks for shift workers. A shift worker is defined as an employee who:

- is regularly rostered over seven days a week; and
- regularly works on weekends.

#### Public holidays

All work done by an employee during their ordinary shifts on a public holiday including a substituted day will be paid at double time of the ordinary rate of pay.

#### Ceremonial leave

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

### National employment standards

In addition to the award clauses, each award must now operate with the national employment standards. There are 10 national employment standards, including:

- Maximum ordinary hours of work
- Request for flexible work arrangements
- Parental leave and related entitlements
- Annual leave
- Personal, carers' leave and compassionate leave
- Community service leave
- Long service leave
- Public holidays
- Notice of termination and redundancy pay
- Fair work information statement.

A copy of the Nurses Award 2010 and the national employment standards is available on the ANF website at [http://www.anf.org.au/html/news\\_industrial.html](http://www.anf.org.au/html/news_industrial.html)

### How will the award be introduced?

The new award will be phased in between 1 January 2010 and 1 July 2014. The phased introduction of the new award

allows for wages, loadings and penalty rates which are higher or lower than pre-existing conditions to be progressively introduced in five annual instalments.

The increases and reductions in wages, loadings and penalty rates under the phasing schedule will commence from the first full pay period on or after 1 July 2010.

## What pay rates apply up to 1 July 2010?

Before 1 July 2010, your previous pay and penalty arrangements continue.

## What pay rates apply after 1 July 2010?

Wage and condition improvements are to be phased over five annual instalments beginning from the first pay period on or after 1 July 2010.

Employers also need to apply the minimum wage decisions that Fair Work Australia will make each year before 1 July 2010.

If the Nurses Award contains higher wages than your current award, your employer may choose to immediately start paying the award rates.

## Is the Nurses Award 2010 different from my current award?

Yes, in all cases the new award will be different. In some cases, the conditions of employment have improved slightly and in other cases, the current award conditions have been removed or have been reduced.

## Can my employer cut my wages or working conditions?

The law provides that those employed as at 31 December 2009 who remain in their current position should not have any reduction in their take home pay arising from the making of the new modern award or the operation of the transitional arrangements from existing awards to the new award. In the event that a nurse receives a reduction in their take home pay, the *Fair Work Act* provides that the tribunal may order that the underpayments are repaid to the employees.

## What happens if I change jobs?

In the event that you change your job and commence working for an employer at a workplace which is covered by the award (because there is not an agreement in place), your wages and conditions of employment will be determined by the terms of the transitional arrangements at the time that you are employed. From that time your wages cannot be reduced and will be protected against any further reductions in the award.

## Am I required to do anything?

It is very important that you pay particular attention to your pay slips and bring any changes in your pay that you

are unclear about, to the attention of your ANF delegate or organiser.

## How do I get off the award and on to an agreement?

Securing an enterprise agreement with ANF involvement and support will deliver nurses with better protections and deliver pay rises and improved conditions of employment. This is not guaranteed under an award.

The new workplace laws and the Nurses Award provide minimum protection only – they do not guarantee pay increases or other improvements to conditions. Collective bargaining for a new agreement is the only way you will be guaranteed any pay rises and improvements to your conditions of employment.



**It is very important that you pay particular attention to your pay slips and bring any changes in your pay that you are unclear about, to the attention of your ANF delegate or organiser.**

## Enterprise agreements increase pay and conditions at your workplace

Enterprise agreements provide the best level of protection and are the main avenues for improving wages and conditions in your workplace.

Enterprise agreements allow members to have their views represented at the negotiating table. If nurses do not push for an enterprise agreement at their workplace, they will not receive regular pay increases.

## Your right to be heard and represented

From 1 January 2010, all employees have new rights to be consulted and represented at work, and new protections against unfair treatment.

It is now illegal to disadvantage anyone for being active in their union. If the majority of your colleagues want an enterprise agreement but your employer refuses to bargain, the Union can apply to the independent tribunal, Fair Work Australia, to make it happen.

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## What happens if your employer refuses to bargain?

Your employer can no longer refuse to bargain if the majority of nurses want to negotiate an enterprise agreement. So long as the ANF can prove that a majority of nurses want to negotiate an enterprise agreement, your employer has to bargain.

### The Nurses Award 2010 has a new classification structure and weekly wage rates.

CLASSIFICATION	MINIMUM WEEKLY WAGE (\$)
<b>Nursing assistant</b>	
Year 1	596.10
Year 2	606.40
Year 3 +	616.90
Experienced (Cert III)	637.60
<b>Enrolled nurses</b>	
Student (less than 21 years)	550.00
Student (21 years and over)	580.00
Pay point 1	650.00
Pay point 2	659.00
Pay point 3	668.00
Pay point 4	678.00
Pay point 5	685.00
<b>Registered nurse</b>	
Minimum entry rate for a four year degree is \$729.00 per week and Masters degree is \$755.00 per week. Progression from these entry rates will be to level 1, registered nurse pay point 4 and 5 respectively.	
<b>Level 1</b>	
Pay point 1	697.00
Pay point 2	712.00
Pay point 3	730.00
Pay point 4	750.00
Pay point 5	774.00
Pay point 6	797.00
Pay point 7	821.00
Pay point 8 +	843.00
<b>Level 2</b>	
Pay point 1	866.00
Pay point 2	880.00
Pay point 3	896.00
Pay point 4 +	911.00
<b>Level 3</b>	
Pay point 1	941.00
Pay point 2	959.00

CLASSIFICATION	MINIMUM WEEKLY WAGE (\$)
Pay point 3	976.00
Pay point 4 +	994.00
<b>Level 4</b>	
Grade 1	1,078.00
Grade 2	1,157.00
Grade 3	1,226.00
<b>Level 5</b>	
Grade 1	1,088.00
Grade 2	1,147.00
Grade 3	1,226.00
Grade 4	1,304.00
Grade 5	1,441.00
Grade 6	1,579.00
<b>Nurse practitioner</b>	
1st Year	1,087.00
2nd Year	1,120.00
<b>Occupational health nurse</b>	
<b>Level 1</b>	
Pay point 1	750.00
Pay point 2	774.00
Pay point 3	797.00
Pay point 4	821.00
Pay point 5	843.00
<b>Level 2</b>	
Pay point 1	866.00
Pay point 2	880.00
Pay point 3	896.00
Pay point 4	911.00
Senior OH clinical nurse	911.00
<b>Level 3</b>	
Pay point 1	941.00
Pay point 2	959.00
Pay point 3	976.00
Pay point 4 +	994.00