



# Summary of the proposed Queensland Health Nurses and Midwives Award – State 2009

## Who will the award cover?

All nurses and midwives employed by Queensland Health. This does not include registered nurses covered by the Public Service Award – State 2003 working in Corporate Office as public service officer.

Agency nurses are not covered by this award.

## How is the award structured?

Section A of the award outlines common conditions. These common conditions apply to all nurses and midwives employed by Queensland Health.

The remainder of the award is set out as follows:

- Section B – Public Hospitals
- Section C – Psychiatric Hospitals and Eventides (AINs and ENs)
- Section D – Public Service – Eventides (RNs), Community Health, Offender Health
- Section E – Senior Nursing Staff (Psychiatric Hospitals)
- Section F – Certain Employees – Biala Alcohol and Drug Dependence Services

All nurses and midwives ('employees') employed by Queensland Health receive conditions and entitlements in accordance with Section A.

Specific conditions and entitlements of employment based on place of work and/or position are set out in sections B to F of the award.

## What was the purpose of the new award?

The State Award Project commenced as an outcome of the Nurses (Queensland Health) Certified Agreement (EB6) 2006 ('nurses EB6 agreement'). As a result of the federal government's amendment of the *Workplace Relations Act 1996* by the *Work Choices Act 2005*, the wages and conditions of employment of employees employed by Queensland Health could no longer be regulated in the federal industrial relations jurisdiction. Consequently, it was necessary to make new awards under the *Industrial Relations Act 1999* to replace the current nursing and midwifery awards.

As a result of this, it was agreed that one award would be drafted, which would not change conditions or entitlements of employment.

## Does the award alter any existing conditions or entitlements for nurses and midwives under the current nursing and midwifery awards?

No. The proposed award does not create a loss or diminution of any existing conditions or entitlements for employees. The new award will merely consolidate the provisions of the existing awards:

- *Nurses (Queensland Health) – Section 170MX Award 2003;*
- *Nurses (Queensland Public Hospitals) Award 2004; and*
- *Nurses (Queensland Public Health Sector) Award 2004.*

This is made clear in clause 3.2 of the nurses and midwives EB7 agreement, in which it is stated that the new award will not reduce the entitlements of nurses and midwives.

**Does the new award alter any existing conditions or entitlements for nurses and midwives under the current nursing and midwifery enterprise bargaining agreement?**

No. The proposed award will not lead to a loss or diminution of any existing entitlements or conditions under the Nurses and Midwives (Queensland Health) Certified Agreement (EB7) 2009 ('nurses and midwives EB7 agreement'). In some instances the nurses and midwives EB7 agreement contains conditions and entitlements of employment which are more favourable than those set out in the proposed award. To the extent of any inconsistency, the more favourable entitlements, as set out in the nurses and midwives EB7 agreement are to be applied.

Changes made through the nurses and midwives EB7 agreement have been incorporated into the proposed award. These changes include:

- The term 'unlimited hours' has been removed from the proposed award (clause 6.2 - Directors of nursing and assistant directors of nursing – hours), in accordance with clause 16.1 of the nurses and midwives EB7 agreement.
- The award provision requiring the production of a medical certificate for sick leave absences of more than two days has been increased to sick leave absences of more than three days in the proposed award (clause 7.2.5 - Sick leave), in accordance with clause 17 of the nurses and midwives EB7 agreement.
- The changes to the nursing salary spine, in accordance with Schedule 5 of the nurses EB6 agreement have been incorporated into the proposed award.

## SECTION A

<p><b>Application of Section A</b></p> <p>Section A of the proposed award sets out common conditions. That is, conditions that apply to all employees covered by the Award including:</p> <ul style="list-style-type: none"> <li>• assistants in nursing, Nurse Grade 1</li> <li>• undergraduate students in nursing and midwifery, Nurse Grade 2</li> <li>• enrolled nurses, Nurse Grade 3</li> <li>• enrolled nurses (advanced practice), Nurse Grade 4</li> </ul> <p>and</p> <ul style="list-style-type: none"> <li>• registered nurses and midwives, Nurse Grade 5 to 12 inclusive</li> </ul>	<p><b>Salaries</b></p> <p>Wage rates for employees are prescribed in Schedule 2 of the proposed award. Current salary rates as prescribed in Schedule 1 of the nurses and midwives EB7 agreement continue to apply.</p>
<p><b>Targeted Training Allowance</b></p> <p>This allowance is payable to assistants in nursing, Nurse Grade 1 who have Certificate III qualifications and who have been remunerated at pay point 6 for more than 12 months. See clause 5.7.2 of the proposed award. Current allowance rates prescribed in clause 11.2 of the nurses and midwives EB7 agreement.</p>	<p><b>Uniforms</b></p> <p>Uniforms of a type or design considered most suitable and that meet workplace health and safety standards will be supplied free of charge, or in lieu thereof, an employee will receive an allowance equal to the cost of supply.</p> <p>See clause 5.5 of the proposed award.</p>
<p><b>Continuing education credentials – accelerated advancement and qualifications allowance</b></p> <p>An employee who holds a continuing education credential or advanced credential and is engaged in a position to which the credential is accepted by the employer to be directly relevant to the skills and competencies required, will be entitled to accelerated advancement and after 12 month’s service at the advanced pay point, will be entitled to an allowance.</p> <p>See clause 5.7.5 of the proposed award.</p>	<p><b>Relieving in-charge and special duty allowance</b></p> <p>If a Clinical Nurse, Nurse Grade 6 or above is normally rostered, but is not rostered to work or is unavailable, a Registered Nurse, Nurse Grade 5 is to be designated by the employer to act as the nurse to relieve as the in-charge nurse in place of the unavailable nurse. Current rates prescribed in clause 11.2 of the nurses and midwives EB7 agreement.</p> <p>If a Clinical Nurse, Nurse Grade 6 or above is ‘in-charge’ of more than one unit/area the allowance will not be paid to a Registered Nurse, Nurse Grade 5. However, the appropriate professional standards will apply to ensure that the nurse can exercise their ‘in-charge’ responsibilities appropriately across the clinical units for which they are responsible.</p> <p>See clause 5.7.6 of the proposed award.</p>

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<p><b>Salary packaging</b></p> <p>Salary sacrificing arrangements will be made available to eligible employees covered by this Award in accordance with Public Sector Industrial and Employee Relations (PSIER) Circular C4-08 and any other relevant PSIER Circulars issued from time to time.</p> <p>Employees may sacrifice up to 100% of their salary for superannuation purposes.</p> <p>See clause 5.10 of the proposed award.</p>	<p><b>Recognition of previous nursing experience</b></p> <p>For the purpose of determining the rate of wages payable, an employee will be given credit for previous nursing experience.</p> <p>See clause 5.11 of the proposed award.</p>
<p><b>Hours of work</b></p> <p>The ordinary hours of work will be an average of 38 hours per week, but no greater 80 in a fortnight.</p> <p>ADOs may be accumulated, and taken off at a mutually acceptable time, up to a maximum of 5 days, except in exceptional circumstances, when the maximum will increase to 12 days. Hours are worked according to a roster.</p> <p>See clause 6.1 of the proposed award.</p>	<p><b>Identified Director of Nursing positions</b></p> <p>Directors of nursing, Nurse Grade 10, Band 1 classification rates incorporate a percentage loading of 15%.</p> <p>The classification rate is all inclusive and no separate payments will be made for on-call, shift work, weekends, public holidays and overtime.</p> <p>See clause 6.3 of the proposed award.</p>
<p><b>Rosters</b></p> <p>Employees will not be rostered to perform ordinary duty for more than 10 consecutive days or shifts unless mutually agreed.</p> <p>An employee will be entitled to four rostered days off in a fortnight.</p> <p>See clause 6.6 of the proposed award.</p>	<p><b>On call and recall</b></p> <p>The current rates for on-call allowance are prescribed in clause 11.2 of the nurses and midwives EB7 agreement.</p>
<p><b>Overtime</b></p> <p>All overtime must be authorised in advance.</p> <p><u>Assistants in nursing, Nurse Grade 1</u></p> <ul style="list-style-type: none"> <li>▪ All overtime is paid at double time</li> <li>▪ Minimum payment for 2 hours overtime on Saturday and Sunday, when working a shift not in conjunction with a normal rostered shift</li> <li>▪ Recall – double time, with a minimum payment for 2 hours</li> <li>▪ Overtime on first rostered day off – time and a half for the first 3 hours and double</li> </ul>	<p><b>Shift work and weekend work</b></p> <p><u>All employees other than assistants in nursing, Nurse Grade 1</u></p> <ul style="list-style-type: none"> <li>▪ Afternoon shift - allowance of 12.5% for each shift, except for work performed on Saturday, Sunday or a public holiday</li> <li>▪ Night shift – allowance of 20% each shift, except for work performed on Saturday, Sunday or a public holiday</li> <li>▪ Midnight Friday to midnight Saturday – time and a half</li> <li>▪ Midnight Saturday and Midnight Sunday – time and three quarters</li> </ul>

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time thereafter

- Overtime on second rostered day off – double time, with a minimum payment of 3 hours

Student in nursing and midwifery, Nurse Grade 2 to nurse practitioners, Nurse Grade 8 inclusive

- Overtime in conjunction with rostered shift (Monday to Saturday) – time and a half for the first 3 hours and double time thereafter
- Sunday – double time
- Public holiday – double time and a half

Directors of nursing, Nurse Grade 10 and above, assistant directors of nursing, Nurse Grade 9 and midwives participating in a caseload model who receive an annualised salary do not receive an additional payment for overtime.

See clause 6.7 of the proposed award.

Assistants in nursing, Nurse Grade 1

- Afternoon shift – 15% allowance for each shift, except for work performed on Saturday, Sunday or a public holiday
- Night shift – allowance of 17.5% each shift, except for work performed on Saturday, Sunday or a public holiday
- Midnight Friday to midnight Saturday – time and a half
- Midnight Saturday and Midnight Sunday – double time

Midwives participating in a caseload model of care and directors of nursing, Nurse Grade 10, Band 1 do not receive afternoon, night or weekend penalty rates.

See clause 6.10 of the proposed award.

### Rest pauses

All employees are entitled to a rest pause of 10 minutes duration in the employer's time in the first and second half of the working day.

See clause 6.9 of the proposed award.

### Family leave

The entitlements for family leave are prescribed under the Queensland Health Parental Leave C26 policy.

See clause 7.6 of the proposed award.

### Annual leave loading

All employees excluding continuous shift workers or those employees employed in a calling in which continuous shift work is worked - 17.5% annual leave loading

Continuous shift workers and those employees employed in those employees in Psychiatric hospitals and Eventides where continuous shift work is worked - 27.5% annual leave loading

See clause 7.1 of the proposed award. See also clause 1.7.8 of the proposed award, which defines 'continuous shift work'.

Midwives participating in a caseload model of care in receipt of an annualised salary do not receive annual leave loading.

See S3.3.4 of the proposed award.

### Sick leave

All employees excluding casuals - 10 days sick leave on full pay per year

An application for sick leave of more than three days is to be supported by a medical certificate or any other evidence of the illness that is acceptable to the chief executive.

See clause 7.2 of the proposed award.

Note: This provision was changed for employees under the Nurses (Queensland Public Hospitals) Award 2004 (those nurses and midwives who work in public hospitals). Historically, employees engaged under the public hospitals award were required to produce a medical certificate after being absent for more than 2 days. Now, all employees will be required to produce a medical certificate for absences of more than 3 days.

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### **Bereavement leave**

All employees - at least 2 days unpaid bereavement leave on the death of a member of the person's immediate family or household in Australia.

The employee may also be entitled to additional unpaid leave.

See clause 7.4 of the proposed award.

### **Long service leave**

Employees who complete 10 years' continuous service are entitled to long service leave at the rate of 1.3 weeks on full pay for each year of continuous service and a proportionate amount for an incomplete year of service.

See clause 7.5 of the proposed award.

Summary

## SECTION B

### Application of Section B

Section B applies to

- all nurses and midwives at all classification levels who work in public hospitals

and

- nurses working in mental health units and nursing homes attached to public hospitals.

The conditions and entitlements as set out in Section A of the proposed award also apply to the above named employees.

### Meal breaks

Meal breaks are to be a minimum of 30 minutes duration.

See clause 12.3 of the proposed award.

### Annual leave

- All employees (excluding casual employees and continuous shift workers) – 5 weeks annual leave
- 38 hours of annual leave is in lieu of extra payment for work performed the following public holidays:- Good Friday, 25 April (Anzac Day), Christmas Day, New Year's Day, 26 January, Easter Monday, the Birthday of the Sovereign and Boxing Day.

Continuous shift workers – 6 weeks annual leave per year

See clause 12.6 of the proposed award.

### Public holidays

- Work performed on Good Friday, 25 April (Anzac Day), Christmas Day, New Year's Day, 26 January, Easter Monday, the Birthday of the Sovereign and Boxing Day – time and a half
- Labour Day – double time and a half, with a minimum payment of four hours
- Show Holiday - has been decreased from double time and a half, to time and a half as a result of a special loading for Christmas Day being implemented. See clause 18.2 of the nurses and midwives EB7 agreement.
- Easter Saturday - double time and a half
- Casual employees required to work on public holidays - double time and a half

See clause 12.7 of the proposed award.

## SECTION C

### **Section C – Psychiatric Hospitals etc**

This section applies to employees employed in the following facilities:

- nurses and midwives, Nurse Grade 1 to 4 inclusive employed at or in connection with the Eventide Homes at Sandgate, Rockhampton and Charters Towers and
- nurses or midwives, Nurse Grade 1 to 8 employed at or in connection with The Park (Wacol) and Baillie Henderson (Toowoomba) psychiatric/mental health facilities.

The conditions and entitlements as set out in Section A of the proposed award also apply to the above named employees.

### **Meal breaks**

The ordinary hours of employees under this section are inclusive of a 30 minute meal break.

See clause 13.4 of the proposed award.

### **Annual Leave**

- Employees working where continuous shift work is performed - 5 weeks

See clause 13.13 of the proposed award.

## SECTION D

### Section D – Public Service

This section applies to employees employed in the following facilities:

- nurses and midwives in setting such as community health
- registered nurses, Nurse Grade 5 and above at eventide homes at Sandgate, Rockhampton and Charters Towers and
- nurses and midwives employed in correctional facilities. [Note: Schedule 4 of the nurses EB6 agreement applies to this group of employees.]

The conditions and entitlements as set out in Section A of the proposed award also apply to the above named employees.

### Meal breaks

The ordinary hours of employees under this section are exclusive of a 30 minute meal break.

See clause 14.7 of the proposed award.

### Annual Leave

- Employees working in the Southern and Eastern Region - 4 weeks annual leave
- Employees working in the Northern and Western Region - 5 weeks annual leave

See clause 14.9 of the proposed award.

## SECTION E

### **Section E – Senior Nursing Staff (Psychiatric Hospitals)**

This section applies to the following employees:

- Registered Nurse, Nurse Grade 9 and above

employed at or in connection with The Park (Wacol) and Baillie Henderson (Toowoomba) psychiatric/mental health facilities.

The conditions and entitlements as set out in Section A of the proposed award also apply to the above named employees.

### **Meal Breaks**

The ordinary hours of employees under this section are inclusive of a 30 minute meal break.

See clause 15.3 of the proposed award.

### **Annual leave**

- Employees employed where continuous shift work is worked – 5 weeks

See clause 15.8 of the proposed award.

## SECTION F

<p><b>Application of Section F</b></p> <p>This section applies to:</p> <ul style="list-style-type: none"><li>– registered nurses, Nurse Grade 5 and above</li></ul> <p>employed in the Biala City Community Health Centre.</p> <p>The conditions and entitlements as set out in Section A of the proposed award also apply to the above named employees.</p>	<p><b>Meal breaks</b></p> <p>The ordinary hours of employees under this section are inclusive of a 30 minute meal break.</p> <p>See clause 16.3 of the proposed award.</p>
<p><b>Annual leave</b></p> <ul style="list-style-type: none"><li>– All employees (excluding continuous shift workers) - 4 weeks annual leave</li><li>– Continuous shift workers - 5 weeks annual leave</li><li>– Those employees who are required to perform work on public holidays - 5 weeks annual leave in lieu of extra payment for work performed on the public holidays, including, Good Friday, the 25th day of April (Anzac Day), Christmas Day, New Year's Day, the 26th of January, Easter Monday, the birthday of the Sovereign and Boxing Day</li></ul> <p>See clause 16.6 of the proposed award.</p>	

## SCHEDULES

### **Schedule 1 – Classification and Definitions**

Nursing and Midwifery Generic Level Statements - Generic Level Statements for all Nurse Grades are prescribed in Schedule 1 of the Award. These statements reflect the degree of complexity and responsibility of duties, skills and knowledge proceeding from the lowest to the highest Nurse Grades. Their purpose is to provide an indication as to the Nurse Grade appropriate to any packaging of duties.

This schedule is to be read in conjunction with HR Policy B7 – Nursing and Midwifery Classification Structure.

### **Schedule 2 – Wages**

The salaries payable to nurses and midwives are prescribed in this schedule. However, for current wage rates for nursing and midwifery employees, please refer to schedule 1 of the Nurses and Midwives agreement, or [http://www.health.qld.gov.au/hrpolicies/wage\\_rates/nursing.asp](http://www.health.qld.gov.au/hrpolicies/wage_rates/nursing.asp)

### **Schedule 3 – Midwifery Models of Care Definitions**

This schedule outlines certain conditions and entitlements applicable to those midwives working in a caseload model of care.

This schedule is to be read in conjunction with schedule 9 of the nurses and midwives EB7 agreement.

### **Schedule 4 – Conditions, employment and industrial relations policies (IRM's)**

Outlines a number of protected HR Policies and IRMs. Any benefit provided for in a protected IRM/HR Policy at the commencement of the proposed award will not be reduced during the life of the award.