

Summary of substantive issue/claim	Current award clause (or exposure draft)	Submissions/evidence filed	Who supports/opposes the claim
Health Services Union claims			
<p>Span of hours Proposal to vary the span of hours clause to provide for a single span of hours applicable to all day workers covered by the Award</p>	<p>Current award:</p> <p>24. Span of hours</p> <p>24.1 Unless otherwise stated, the ordinary hours of work for a day worker will be worked between 6.00 am and 6.00 pm Monday to Friday.</p> <p>24.2 Private medical, dental and pathology practices The ordinary hours of work for a day worker will be worked between 7.30 am and 9.00 pm Monday to Friday and between 8.00 am and 4.30 pm on Saturday.</p> <p>24.3 Private medical imaging practices</p> <p>(a) Five and a half day practice</p> <p>The ordinary hours of work for an employee will be worked between 7.00 am and 9.00 pm Monday to Friday and between 8.00 am and 1.00 pm on Saturday.</p> <p>(b) Seven day practice Where the work location of a practice services patients on a seven day a week basis, the ordinary hours of work for an employee at that</p>	<p>Submission – 17 March 2017</p>	<p>Private Hospital Industry Employer Associations agree (submission relates to private hospitals only see reply submission 19 May 2017)</p> <p>Opposed by the Chiropractors’ Association (sub in reply 22 May 2017 and second witness statement of Matthew Fisher)</p> <p>ABI opposed (see reply sub of 22 May 2017)</p> <p>Opposed by the Australian Dental Association (see reply sub 9 June 2017) incl. Hewson , McKenny &Irving witness statements.</p> <p>Opposed by Dandenong Superclinic and Box Hill</p>

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	<p>location will be between 7.00 am and 9.00 pm Monday to Sunday. Work performed on a Saturday will be paid at the rate of time and a quarter of the employee’s ordinary rate of pay instead of the loading prescribed in clause 26— Saturday and Sunday work. Work performed on a Sunday will be paid at the rate of time and a half of the employee’s ordinary rate of pay instead of the loading prescribed in clause 26.</p> <p>24.4 Physiotherapy practices In physiotherapy practices, the ordinary hours of work for a day worker will be worked between 6.00 am and 6.00 pm Monday to Friday and 6.00 am to 12.00 noon on Saturday.</p>		Superclinic (see submission 4 August 2017)
<p>List of Common Health Professionals HSU are seeking a variation to Schedule A and B of the award – list of common health professionals – proposal for this to be called an ‘indicative list’ They propose the award be amended as follows: Delete: <i>A.2 Health Professional employees – definitions</i> <i>A list of common health professionals which are covered by the definitions is contained in Schedule B - List of Common Health Professionals.</i></p>		Submission – 17 March 2017	<p>Dental Hygienists Association of Australia opposed (see reply submission – 22 May 17)</p> <p>Ai Group opposed (see reply sub 22 May 2017) and 8 June 2017</p> <p>Aged Care Employers opposed (see reply sub 9 June 2017)</p> <p>Opposed by the Australian</p>

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<p>And insert: <i>A.2 Health Professional employees – definitions</i> <i>An indicative list of common health professionals which are covered by the definitions is contained in Schedule B Indicative List of Common Practice Areas and Titles.</i></p>			<p>Dental Association (see reply sub 9 June 2017) incl. Irving & McKenny witness statements</p>
<p>Weekend penalties Proposal to:</p> <ul style="list-style-type: none"> Amend clause 18.1 (of the exposure draft) to clarify that shift workers also receive penalty rates for weekend work, not only ‘day workers’. Remove clause 18.2 (of the exposure draft) which provides a lesser entitlement to weekend penalties for employees in private medical imaging seven day practices. Amend clause 18.4 Shiftwork penalties, to include an afternoon shift penalty rate of 12.5%, in line with the Nurses Award, and renumber as 18.3. Renumber clause 18.3 Public Holidays, as 18.2 <p>Draft clauses provide in Submission – 17 March 2017</p>	<p>Exposure draft: 18. Penalty rates and shiftwork 18.1 Weekend penalties—day worker (a) For all ordinary hours worked between midnight Friday and midnight Sunday, a day worker will be paid 150% of the minimum hourly rate applicable to their classification and pay point. (b) A casual employee who works on a Saturday or Sunday will be paid 175% of the minimum hourly rate applicable to their classification and pay point for all time worked, but will not be paid the casual loading of 25%. 18.2 Weekend work in private medical imaging seven day practice (a) Work performed on a Saturday in accordance with clause 8.2(d)(i) will be paid at the rate of 125% of the minimum hourly rate applicable to their classification and pay point instead of the loading prescribed in clause 18.1. (b) Work performed on a Sunday in accordance with clause 8.2(d)(i) will be paid at the rate of 150% of the minimum hourly rate applicable to their classification and pay point instead of the</p>	<p>Submission – 17 March 2017</p>	<p>Private Hospital Industry Employer Associations agree (submission relates to private hospitals only) See reply submission 19 May 2017 subject to some amendments</p> <p>Opposed by the Australian Dental Association (see reply sub 9 June 2017)</p>

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	<p>loading prescribed in clause 18.1.</p> <p>18.3 Public holidays Payment for public holidays is in accordance with clause 23.1.</p> <p>18.4 Shiftwork penalties Where the ordinary rostered hours of work of a shiftworker finish between 6.00 pm and 8.00 am or commence between 6.00 pm and 6.00 am, the employee will be paid 115% of their minimum hourly rate of pay applicable to their classification and pay point.</p>		
<p>Substitution of Public Holidays by agreement Proposal to vary clause 23.3(b) (substitution of public holidays by agreement) as HSU submit it is inconsistent with the NES</p>	<p>Exposure draft:</p> <p>23.3 Substitution of public holidays by agreement</p> <p>(a) An employer and the employees may agree to substitute another day for a public holiday.</p> <p>(b) Where there is no agreement, the employer may substitute another day but not so as to give an employee less time off work than the employee would have had if the employee had received the public holiday.</p>	<p>Submission – 17 March 2017</p>	<p>Private Hospital Industry Employer Associations agree (submission relates to private hospitals only) See reply submission-May 2017</p>

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Medical Imaging Employment Relations Group claim			
<p>New schedule for medical imaging</p> <p>Proposal from Medical Imaging Employment Relations Group (MIERG) for a new schedule to be inserted into the award – Schedule M— Medical Imaging. The new schedule will set out separate pay and conditions for medical imaging.</p>	N/A	<p>Initial submission – 12 May 2017 – draft determination</p> <p>Amended submission 22 May 2017 and 23 May 2017</p> <p>Further amended submission - 9 June 2017</p>	Opposed by HSU (see reply sub 22May2017)
APESMA claim			
<p>Translators and Interpreters</p> <p>Proposal to extend current award coverage to cover Translators and Interpreters as follows:</p> <ul style="list-style-type: none"> remove the references to ‘interpreter (unqualified)’ and ‘interpreter (qualified)’ as indicative roles in Schedule B.1; include ‘interpreter’ in the List of Common Health Professionals in Schedule C; include ‘translator’ in the List of Common Health Professionals in Schedule C; and include a definition of ‘NAATI’ into the definitions clause. 	N/A	<p>Submission–17 March 2017</p> <p>3 witness statements filed (subject to confidentiality order – PR591190)</p> <p>Further witness statement filed 31 October 2017</p>	<p>Private Hospital Industry Employer Associations opposed</p> <p>See reply submission 19 - May 2017</p> <p>ABI & NSWBC opposed (see reply sub of 22 May 2017)</p> <p>Ai Group opposed (see reply sub 22 May 2017 and 8 June 2017)</p> <p>Aged Care Employers opposed (see reply sub 9 June 2017)</p>

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Australian Dental and Oral Health Therapists Association claim			
<p>Schedule B–List of Common Health Professions</p> <p>Proposal to insert occupation of ‘Oral Health Therapist’ into Schedule B - list of Common Health Professions.</p>	N/A	Submission – 28 Feb 17	<p>Dental Hygienists Association of Australia opposed to insertion</p> <p>(see submission–17 March 2017 and amended witness statement of Dr Melanie Hayes and Ms Carol Tran filed 13 June 2017)</p>
Australian Industry Group claim			
<p>Meal breaks</p> <p>Proposal to include a facilitative provision in clause 27.1 to enable the 5 hour maximum period before an unpaid meal break is taken to be extended to 6 hours by agreement between the employer and an individual employee or by agreement with the majority of employees.</p> <p>Proposed new clause 27.1(c):</p> <p><i>(c) An employee who works not more than six hours may elect to forgo the meal break, with the consent of the employer.</i></p>	<p>Current award:</p> <p>27.1 Meal breaks</p> <p>(a) 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.</p> <p>(b)The time of taking the meal break may be varied by agreement between the employer and employee.</p>	Submission–14 March 2017	<p>Private Hospital Industry Employer Associations supports</p> <p>See reply submission 19 May 2017</p>

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Aged and Community Services NSW & ACT			
<p>Rosters</p> <p>Proposal to vary clause 8.3 of the exposure draft concerning the change of rosters.</p> <p>Proposal seeks to vary rosters so they may be changed by mutual consent without the need to provide seven days' notice.</p> <p>Given effect by inserting "<i>Unless the employee otherwise agrees</i>" at the beginning of clause 8.3(c)</p>	<p>Exposure draft:</p> <p>8.3 Rostering</p> <p>(a) The ordinary hours of work for each employee will be displayed on a fortnightly roster in a place conveniently accessible to employees. The roster will be posted at least two weeks before the commencement of the roster period.</p> <p>(b) Seven days' notice will be given of a change in a roster. However, a roster may be altered at any time to enable the functions of the hospital, facility or organisation to be carried on where another employee is absent from duty on account of illness or in an emergency.</p> <p>(c) Unless the employer otherwise agrees, an employee desiring a roster change will give seven days' notice except where the employee is ill or in an emergency.</p>	<p>Submission–17 March 2017</p> <p>Witness statements of: John Favaloro Karen Foster Kalena Jefferson Mark Douglas (filed 4 August 2016)</p> <p>As set out in Submission–15 July 2015</p>	<p>Private Hospital Industry Employer Associations agree (submission relates to private hospitals only)</p> <p>See reply submission 19 May 2017</p>
Chiropractors' Association of Australia (National) Ltd			
<p>Span of hours</p> <p>Seek insertion of a new clause 24.5 which provides for a span of hours for chiropractic practices as follows:</p> <p style="padding-left: 40px;">Mon-Fri: 7am to 8pm Saturday 7am to 2pm</p> <p>See Draft determination attached to 17 March</p>	<p>Current award:</p> <p>24. Span of hours</p> <p>24.1 Unless otherwise stated, the ordinary hours of work for a day worker will be worked between 6.00 am and 6.00 pm Monday to Friday.</p>	<p>Submission–17 March 2017</p> <p>Includes the: Witness statement of Matthew Fisher with annexure 1 - Survey of Members and second witness statement of Matthew Fisher of 22 May 2017</p>	<p>Opposed by HSU (see reply sub 22May2017)</p>

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2017 submission			
Osteopathy Australia			
<p>Span of hours Need to provide for ordinary hours of work on a Saturday: proposes to amend clause 24.2 of the current award to reflect ‘Private medical, dental, osteopathic, and pathology practices’ OR insert a new clause 24.5 into the award as follows: “24.5 Osteopathy practices The ordinary hours of work for a day worker will be worked between 7.30 am and 9.00 pm Monday to Friday and between 8.00 am and 4.30 pm on Saturday.”</p>	<p>Current award: 24. Span of hours 24.1 Unless otherwise stated, the ordinary hours of work for a day worker will be worked between 6.00 am and 6.00 pm Monday to Friday. 24.2 Private medical, dental and pathology practices The ordinary hours of work for a day worker will be worked between 7.30 am and 9.00 pm Monday to Friday and between 8.00 am and 4.30 pm on Saturday.</p>	<p>Submission in reply – 22 May 2017</p>	
Dental Hygienists Association of Australia			
<p>Coverage The exhaustive status of Schedule B is not ambiguous. To ensure submissions to claim that it is ambiguous are quashed permanently, DHAA proposes the following addition to clause 4.1(b): 4.1 (b): “Clause 15 has application only to the occupations specified in Schedule B – List of Common Health Professionals”</p>	<p>Current award: 4.1(b) employers engaging a health professional employee falling within the classification listed in clause 15.</p>	<p>see reply submission – 22 May 17</p>	<p>Referenced by HSU (see reply sub 22May2017) – relevant to their claim</p>