



SUPPLEMENTARY SUBMISSION ON BEHALF OF THE AUSTRALIAN FEDERATION
OF
EMPLOYERS AND INDUSTRIES (AFEI)

AM2008/13

AWARD MODERNISATION

AFEI

Australian Federation of
Employers & Industries

**AM 2008/13 – Nurses Not Elsewhere Included Award-
Supplementary Submission**

1. This supplementary submission provides further detail in answer to a question by Commissioner Cribb to Mr Warren (representing AFEI):
2. “COMMISSIONER CRIBB: What I’m wondering is whether – because what I think I’m understanding is that you’re proposing that for safety net purposes all of these nurses be encompassed in the one document. To be argumentative, one could say that they could have homes elsewhere, they could have homes, for example, under education in the independent schools, in education, the day centre, childcare could be in Children’s Services. I’m just being notional. What’s the fundamental reason for why they should be collected into the one safety net as opposed to being in other industry safety nets?” (at PN450)
3. In answer to Commissioner Cribb’s question there is no fundamental reason why nurses should be placed under a particular industry award but there are some practical reasons why it would not be done in every industry in which a nurse is engaged.
4. In our submission, the approach should be similar to that taken with the clerical industry. That is, where appropriate and practical to do so, clerical employees can be covered by an industry award. In other circumstances, clerical employees would be covered by an occupational award.

5. For nurses where it is appropriate and practical to do so, as in hospitals and aged care, they should be covered by industry awards.
6. As to whether it is appropriate and practical for nurses to be covered by an industry award should be informed by the range of settings in which nurses work and the significance of their role in terms of the extent to which provision is made for them in modern industry awards.
7. The diversity of settings in which nurses work is apparent from the list of awards for various sectors in the document tendered by the ANF during proceedings on 4 December, 2008 entitled "Nursing Awards by Sector". Also, the following table highlights the ranges of settings in which nurses work:

Table 16: Employed nurses: per cent distribution of weekly hours worked^(a) in main and second nursing jobs, work setting, 2005

Work setting	Hours worked in main nursing job (per cent)					Hours worked in second nursing job (per cent)				Number of nurses with a second nursing job	Total number of nurses ^(b)
	<20 hours	20-34 hours	35-49 hours	50+ hours	Total	<20 hours	20-34 hours	35+ hours	Total		
Hospital	14.1	39.0	43.1	3.8	100.0	85.7	12.3	2.0	100.0	9,979	144,064
Psychiatric hospital/ mental health facility	7.4	25.0	61.2	6.4	100.0	82.2	14.9	2.8	100.0	731	10,570
Day procedure centre	25.2	42.0	30.7	2.1	100.0	91.5	7.0	1.5	100.0	661	3,538
Residential aged care centre	16.6	44.8	33.4	5.2	100.0	81.1	16.0	2.9	100.0	4,057	32,459
Hospice	16.2	44.6	34.1	5.1	100.0	85.9	13.1	1.0	100.0	142	1,283
Community health centre	14.5	34.4	48.2	3.0	100.0	87.4	10.5	2.1	100.0	1,347	13,581
Doctors' rooms/ medical practice	29.6	45.3	23.8	1.3	100.0	92.6	6.6	0.8	100.0	2,016	8,461
Outpatient clinic	17.0	35.6	43.4	3.0	100.0	90.8	9.2	0.0	100.0	267	2,151
School	16.5	28.6	44.5	10.5	100.0	82.5	15.1	2.4	100.0	198	1,554
Tertiary institution	14.7	23.7	46.4	15.2	100.0	78.5	15.6	5.9	100.0	941	2,386
Other ^(c)	15.5	33.5	44.4	6.6	100.0	81.8	14.4	3.8	100.0	3,262	18,680
Not stated	14.3	36.9	44.4	4.3	100.0	86.6	8.1	5.3	100.0	5,185	5,633
Total	15.0	38.5	42.1	4.3	100.0	85.2	11.9	3.0	100.0	28,767	244,360

(a) Percentages exclude nurses who did not report the hours they worked, whereas nurse numbers include them.

(b) Based on work setting of main job.

(c) In 2005, the questions used to collect 'work setting' in the survey changed in all jurisdictions except for South Australia. Not all categories in the South Australian data could be aligned with other jurisdictions' data and those which did not match directly are included in the 'other' category for all jurisdictions. These categories are: outpatient clinic, ambulatory care, Rural hospital and health services/multipurpose service, Developmental disability service, Defence/Government, commercial, industry/business.

Source: AIHW Nursing and Midwifery Labour Force Census, 2005.

8. Probably the largest setting in which nurses are engaged in the private sector outside of hospitals and aged care is in doctors rooms/medical practice (8461) and day procedure centres (3538). There would be no particular difficulty in creating an award for nurses in these industries if the AIRC was so inclined. The Award that AFEI has proposed would be particularly suitable for such settings as it deals with the need for extended ordinary hours of work rather than work involving continuous shift operation. It would also be possible to embrace the other main occupational

grouping in such settings, clerical workers, to make a true industry award.

9. There are, however, a range of settings in which nurses work for which it is not practical or appropriate to cater for in industry awards. For example, a small number of nurses may be employed in very large hotels from time to time to assist guests but this would not necessarily justify including nursing provisions in the Hotels Award. Occupational health nurses are employed in almost all industries. However, such nurses are employed in very small numbers relative to other employees in those industries or enterprises that it is probably not appropriate to include them in practically every industry award.
10. AFEI's proposed Nurses (Not Elsewhere Included) Award is preferable to including nursing provisions in practically every modern industry award when very few nurses are likely to be engaged in those industries.
11. AFEI's proposal also has the advantage that it is cast in genuine safety net terms which can accommodate the range of settings in which nurses are engaged.
12. If AFEI's proposal was not successful nurses not included in industry awards could fall within the coverage of the general Miscellaneous award that the Minister has requested that the AIRC make. It would seem, however, from the terms of paragraph 4A of the Minister's Request, that such an award would seem likely to be particularly minimalist in the conditions it prescribes.