

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999 - ss. 140G and 140GC - Variation of modern award
ss. 140G(3)(a) and 140GC(2)(a) - Commission acting on its own initiative

AMBULANCE SERVICE EMPLOYEES AWARD - STATE 2016

Matter No. MA/2016/31

DEPUTY PRESIDENT O'CONNOR
DEPUTY PRESIDENT SWAN
INDUSTRIAL COMMISSIONER THOMPSON

5 December 2016

DETERMINATION

This matter coming on for hearing before the Commission at Brisbane on 5 December 2016 this Commission orders that the said Award be varied as follows as from 5 December 2016:

1. By inserting in clause 3 a new definition for "Commissioner" as follows:

Commissioner means the person appointed to that role in accordance with Section 4 of the *Ambulance Service Act 1991*

2. By deleting clause 4.1(a) and inserting the following in lieu thereof:

(a) employees of QAS whose salaries or rates of pay are fixed by this Award and who are appointed pursuant to section 13(1) of the *Ambulance Service Act 1991*; and

3. By deleting clauses 6.2(h) and inserting the following in lieu thereof:

(h) Where the agreement relates to either the working of ordinary hours on other than a Monday to Friday basis, the introduction of shift work or a change to the shift roster, the union is to be notified in writing at least one week in advance of agreement being sought.

4. By deleting clause 7.1(d)(iv) and inserting the following in lieu thereof:

(iv) if the matter is not resolved then it may be referred by either party to the Commission.

5. By deleting clause 8.1 and inserting the following in lieu thereof:

8.1 Full-time employment

A full-time employee is one who is engaged to work an average of 38 ordinary hours per week.

6. By deleting clause 8.5(p) and inserting the following in lieu thereof:

(p) Formal performance interview records should be retained for a period not exceeding two years. After two years, records are to be destroyed unless disciplinary action has been taken within that two year period and information contained in the record is relevant to that action.

7. By deleting clause 9.2 and inserting the following in lieu thereof:

9.2 Notice of termination by an employee

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Unless otherwise agreed between the employer and an employee the notice of termination required by an employee, other than a casual employee, will be two weeks or two weeks' salary forfeited in lieu. If an employee fails to give the required notice the employer will have the right to withhold monies due to the employee with a maximum amount equal to the ordinary time rate of salary for the period of notice not provided.

8. By deleting the Note immediately below the heading of Part 4 and inserting the following in lieu thereof:

(Note: The wage rates and salary levels prescribed in this Award do not apply to employees to whom the provisions of Schedule 2 (Supported Wage System) apply.)

9. By deleting clause 13.10 and inserting the following in lieu thereof:

13.10 Station Officer loading

A Station Officer who is employed to be the Officer-In-Charge of a station specified from time to time by the Commissioner and agreed in writing between the QAS and the union may elect to be paid a 20% loading, in addition to the appropriate wage prescribed in clause 12.2(b), in lieu of receiving on call and overtime payments for either the first four call-outs or eight hours overtime in a fortnight. Such loading shall be deemed to compensate the Station Officer for any absence of limitation upon ordinary working hours on five days of the week.

10. By deleting clause 15.1(b) and inserting the following in lieu thereof:

- (b) (i) All employees shall be entitled to rostered days off at the ratio of at least two rostered days off for every five days worked.
- (ii) For the purpose of clause 15.1(b)(i), a **day** shall mean the period from midnight to midnight. These rostered days off must be grouped to provide a minimum of two consecutive days in any fortnightly pay period. Alternatively, one day in one week and three days during the following week shall satisfy the requirements of clause 15.1(b)(i).

11. By deleting clause 18.1(b) and inserting the following in lieu thereof:

- (b) All time worked by an employee, other than a continuous shift worker, outside of their rostered hours of duty on a Monday to Friday, inclusive, shall be deemed to be overtime and shall be paid for at the rate of time and one-half for the first 3 hours and double time thereafter.

12. By deleting clause 18.3(f) and inserting the following in lieu thereof:

- (f) An employee shall only be placed on continuous stand-by during absences of the Station Officer on days off, sick leave, or any other leave, for a period not exceeding two weeks.

13. By deleting clause 18.3(l) and inserting the following in lieu thereof:

- (l) No employee shall be placed on emergency availability, on call and/or continuous stand-by for more than 10 days in any continuous two week period.

14. By deleting clause 19.1 and inserting the following in lieu thereof:

19.1 Amount of leave

- (a) All shift workers working a shift roster that spans seven days a week and who are required to work on public holidays, shall, after completing each year of employment, be entitled to six weeks and two days of annual leave on full pay. Of this leave, one week and two days shall be in lieu of extra payment for work done on public holidays as prescribed in clause 23.3.

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- (b) All other employees shall be entitled to five weeks of annual leave on full pay after completing each year of employment.
 - (c) Annual leave shall be exclusive of Labour Day if such public holiday occurs during a period of annual leave.
 - (d) The annual leave prescribed in clauses 19.1(a) and (b) may, at the option of the employee concerned and with the consent of the employer, be allowed to accumulate for two years but for no longer period and may be taken in no more than two periods.
15. By deleting clauses 19.2(b) and (c) and inserting the following in lieu thereof:
- (b) A shift worker proceeding on annual leave is entitled to receive the following payment:
 - (i) an amount equal to the salary level being paid to the employee immediately before the employee takes the leave for the period of such leave calculated according to the employee's roster or projected roster including shift, weekend or public holiday penalties; or
 - (ii) an amount equal to the salary level being paid to the employee immediately before the employee takes the leave for the period of such leave, plus a further amount equal to 17.5% of the salary payable for ordinary time in relation to the employee's substantive position for the period of such leave, excluding any shift, weekend or public holiday penalties,whichever is the higher.
 - (c) Clauses 19.2(a)(ii) and 19.2(b)(ii) shall not apply to any period or periods of annual leave exceeding:
 - (i) five weeks per annum in the case of shift workers; or
 - (ii) four weeks per annum in all other cases.
16. By deleting clauses 20(e), (f) and (g) and inserting the following in lieu thereof:
- (e) All full-time employees shall be entitled to 96 hours' sick leave per annum, accumulating at the rate of 12 hours for each completed five weeks of service.
 - (f) Subject to clause 20(h), the continuity of service for the purposes of calculating sick leave accumulation shall be deemed not to have been broken by any unpaid absence from employment of less than three months duration. Such unpaid absence shall not be taken into account in calculating the period of completed employment for which an employee's sick leave entitlement is to accumulate.
 - (g) An employee who becomes ill during a period of annual leave shall, upon the production of a certificate from a qualified medical practitioner covering the period of such illness, be entitled to sick leave in lieu of annual leave for any period of three consecutive days or more and the employee's annual leave entitlement shall be re-credited accordingly.
17. By deleting clause 21 and inserting the following in lieu thereof:
- 21. Parental leave**
- (a) Parental leave is provided for in Division 5 of the QES and covers:
 - (i) birth-related leave for an employee who is pregnant or whose spouse gives birth;

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- (ii) adoption leave; and
 - (iii) surrogacy leave.
- (b) Notwithstanding the provisions of Subdivision 2 of Division 5 of the QES, all full-time and part-time employees are entitled to parental leave upon commencement of employment.
- (c) (i) An employee who is pregnant, whether or not she has given her employer written notice of the date/s on which she proposes to start and/or end maternity leave, must:
- (A) commence maternity leave at least 6 weeks prior to the expected date of birth of her child; and
 - (B) remain on maternity leave until at least 6 weeks after the birth of the child.
- (ii) An employer may at the request of the employee and on receipt of a certificate from a medical practitioner certifying that in the opinion of the medical practitioner:
- (A) the employee is fit for duty until a specified date - reduce the period mentioned in clause 21(c)(i)(A); or
 - (B) the employee is fit to resume duty - reduce the period mentioned in clause 21(c)(i)(B).
- (iii) If the employer makes a decision under clause 21(c)(ii)(A) to reduce the period, the approval is of effect until:
- (A) the day specified in the medical certificate; or
 - (B) the day 14 days after the day the employer revokes the decision by giving written notice to the employee; or
 - (C) the employee commences maternity leave; or
 - (D) the day of the employee's confinement,
- whichever happens first.
- (d) An employee who is pregnant, during the term of her pregnancy until 6 weeks before the expected date of birth of her child or lesser period as approved by the employer, may request to work part-time or other flexible work arrangements.
- (e) An employee who has taken leave to attend compulsory interviews or examinations as part of an adoption process or who has taken leave to attend compulsory interviews or court hearings associated with a surrogacy arrangement may request that such leave be taken as paid annual leave.
- (f) In addition to the provisions of Subdivision 6 of Division 5 of the QES an employee who has returned to work on a part-time basis may seek to return to the position they held prior to commencing parental leave.
- (g) If the position mentioned in clause 21(f) no longer exists but there are other positions available that the employee is qualified for and is capable of performing, the employee is entitled to be employed in a position that is, as nearly as possible, comparable in status and remuneration to that of the employee's former position.
- (h) The employer must make a position to which the employee is entitled available to the employee.

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- (i) (i) An employee who is the parent of a child may apply, at any time, to their employer to work on a part-time basis in order to be the child's primary caregiver when not at work.
- (ii) The requirements concerning the manner in which the employee may make an application to work part-time under clause 21(i)(i) are the same as those contained in the QES with respect to applications to return to work on a part-time basis for an employee on parental leave (i.e. s 71GT).
- (iii) The period in relation to which an application under clause 21(i) may be made cannot extend beyond the day the child is required to be enrolled for compulsory schooling under the *Education (General Provisions) Act 2006*.
- (iv) The requirements concerning the manner by which the employer is to assess any application by an employee to work part-time are the same as those contained in the QES with respect to assessing applications to return to work on a part-time basis for an employee on parental leave (i.e. s 71GU).

Note: Where a directive about paid parental leave covers an employee, the provisions of the directive apply to the employee to the extent it provides a more generous entitlement.

18. By deleting clause 22(b) and inserting the following in lieu thereof:

- (b) In lieu of the provisions of section 71HB(2)(a) and (b) of the Act, all 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.

19. By deleting the heading of clause 23.1 as well as sub-clauses (a) and (b) and inserting the following in lieu thereof:

23.1 Payment for public holidays - day workers and shift workers not in receipt of an additional one week and two days of annual leave

- (a) A day worker or a shift worker (other than a casual) not in receipt of an additional one week and two days of annual leave and working Monday to Friday who would normally have worked on a day which is a public holiday and who is not required to work on that day shall be paid for the ordinary hours the employee would normally have worked if the day had not been a public holiday.
- (b) A shift worker (other than a casual) who is not in receipt of an additional one week and two days of annual leave and who does not ordinarily work Monday to Friday of each week is entitled to public holidays as follows:
 - (i) either payment for each public holiday or a substituted day's leave.
 - (ii) where a public holiday would have fallen on a Saturday or a Sunday (e.g. Australia Day) but is substituted for another day, an employee who would ordinarily have worked on such Saturday or Sunday but who is not rostered to work on such day is entitled to payment for the public holiday or a substituted day's leave.

20. By deleting clause 23.2 and inserting the following in lieu thereof:

23.2 Payment for work on a public holiday - day workers and shift workers not in receipt of an additional one week and two days of annual leave

- (a) All work performed by a day worker or a shift worker not in receipt of an additional one week and two days of annual leave on:

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- 1 January;
- 26 January;
- Good Friday;
- Easter Saturday (the day after Good Friday);
- Easter Monday;
- 25 April (Anzac Day);
- the Birthday of the Sovereign;
- Christmas Day;
- Boxing Day; or
- any day appointed under the *Holidays Act 1993*, to be kept in place of any such holiday,

shall be paid for at the rate of double time and one-half with a minimum payment as for 4 hours' work.

(b) **Show Day**

- (i) Subject to clause 23.2(b)(ii), all work performed by a day worker or a shift worker not in receipt of an additional one week and two days of annual leave on a day appointed under the *Holidays Act 1983* as a holiday in relation to an annual agricultural, horticultural or industrial show, as specified by the relevant Minister by notification published in the Queensland Government Gazette, is to be paid for at a rate of double time and one-half, with a minimum payment as for 4 hours' work.
- (ii) Nothing in clause 23.2(b)(i) is to be construed to confer on an employee an entitlement to be paid for work performed on a Show Day on more than one occasion in each calendar year.

21. By deleting clause 23.3 and inserting the following in lieu thereof:

23.3 Payment for work on a public holiday - shift workers in receipt of an additional one week and two days of annual leave

(a) All work performed by a shift worker in receipt of an additional one week and two days of annual leave on:

- 1 January;
- 26 January;
- Good Friday;
- Easter Saturday (the day after Good Friday);
- Easter Monday;
- 25 April (Anzac Day);
- the Birthday of the Sovereign;
- Christmas Day;
- Boxing Day; or
- any day appointed under the *Holidays Act 1993*, to be kept in place of any such holiday,

shall be paid for at the rate of time and one-half with a minimum payment as for 4 hours' work.

(b) **Show Day**

- (i) Subject to clause 23.3(b)(ii), all work performed by a shift worker in receipt of an additional one week and two days of annual leave on a day appointed under the *Holidays Act 1983* as a holiday in relation to an annual agricultural, horticultural or industrial show, as specified by the relevant Minister by notification published in the Queensland

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Government Gazette, is to be paid for at a rate of time and one-half, with a minimum payment as for 4 hours' work.

- (ii) Nothing in clause 23.3(b)(i) is to be construed to confer on an employee an entitlement to be paid for work performed on a Show Day on more than one occasion in each calendar year.

22. By deleting clauses 27.1(a) and (b) and inserting the following in lieu thereof:

- (a) Other than Managerial Scale employees, every male employee, upon appointment to QAS, shall be issued with the following:

- one cap
- two pairs of navy blue trousers
- six white shirts
- one black tie
- five pairs of black socks
- two pairs of black shoes or one pair of black shoes and one pair of black boots
- one raincoat
- one navy blue parka
- one navy blue cardigan or one navy blue sleeveless pullover.

- (b) (i) Other than Managerial Scale employees, every female employee, upon appointment to QAS, shall be issued with the following:

- up to two pairs of navy blue trousers and/or up to two pairs of navy blue culottes and/or up to two pairs of long navy blue shorts, provided that the officer receives a total of four of the above-mentioned items
- six white shirts (short and long sleeves)
- five pairs black socks
- two pairs of black shoes or one pair of black shoes and one pair of black boots
- one raincoat
- one navy blue parka
- one navy blue cardigan or one navy blue sleeveless pullover.

- (ii) All uniform items issued to female employees shall be of a style designed for females.

23. By deleting clauses 27.1(i), (j), (k) and (l) and inserting the following in lieu thereof:

- (i) In the second and subsequent years of employment, employees shall be issued with four white shirts.
- (j) Each employee shall be issued with a parka each year until the employee has two parkas. Each parka will be replaced as required on the return of a parka previously issued.
- (k) (i) Subject to clause 27.1(k)(ii), all other items of uniform will be replaced as required upon the employee returning a similar item (or, where applicable, a pair) previously issued:
 - (ii) Where an employee so requests, one pair of shoes or boots and two pairs of trousers and two pairs of shorts or one pair of trousers and one pair of shorts shall be issued every 12 months upon the return of a previous issue.
- (l) Female employees who are pregnant may request to be issued with two navy blue smocks, or two pairs of navy blue trousers, or one smock and one pair of trousers and four white shirts, with such articles to be suitable for use as maternity wear.

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24. By deleting clause 27.2(a) and inserting the following in lieu thereof:
- (a) Each QAS Station shall include staff amenities that meet the minimum requirements of the *Work Health and Safety Regulation 2011* as amended or replaced from time to time.
25. By deleting clauses 30(b) and (c) and inserting the following in lieu thereof:
- (b) Employees may be granted up to five working days (or the equivalent hours) paid time off (non-cumulative) per calendar year, approved by the employer, to attend industrial relations education sessions.
 - (c) Additional leave, over and above five working days non-cumulative (or the equivalent hours) in any one calendar year may be granted where approved structured employees' training courses involve more than five working days (or the equivalent). Such leave will be subject to consultation between the employer, the union and the employee.
26. By deleting clause (d) in Schedule 1 - Section 4 and inserting the following in lieu thereof:
- (d) Progression within a level and payment of salary increments will be dependent on satisfactory performance assessed through performance plans of 12 months duration and certified by the relevant manager.

Dated: 5 December 2016

By the Commission,
M. Shelley,
Deputy Industrial Registrar.

Operative Date: 5 December 2016
Determination - Correction of error

Released: 5 December 2016