

# HEALTHSHARE NSW PATIENT TRANSPORT OFFICERS' (STATE) AWARD 2022

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by NSW Ministry of Health.

(Case No. 213276 of 2023)

Before Chief Commissioner Constant

17 August 2023

## AWARD

### PART A

#### Arrangement

Clause No.	Subject Matter
1.	Definitions
2.	Salaries
3.	Conditions of Employment
4.	Classifications
5.	Meals
6.	Anti-Discrimination
7.	No Extra Claims
8.	Area, Incidence and Duration

### PART B

Table 1 - Rates of Pay

Table 2 - Other Rates and Allowances

#### 1. Definitions

"Employer" means the Secretary of the Ministry of Health exercising employer functions on behalf of the Government of NSW (and includes a delegate of the Secretary).

"Patient Transport Officer" means an employee of HealthShare NSW who is appointed to an approved Patient Transport Officer position.

"Trainee Patient Transport Officer" means an employee of HealthShare NSW who is undertaking the necessary and relevant training and work experience as determined by the employer to become a Patient Transport Officer.

"Union" means the Health Services Union New South Wales.

#### 2. Salaries

Full time Patient Transport Officers, as defined under this award, shall be paid the salaries as set out in Table 1 - of Part B - Monetary Rates of this Award.

#### 3. Conditions of Employment

- (i) The following awards as varied or replaced from time to time shall apply except in so far as any term of any of those awards are inconsistent with this award:

Health Employees Conditions of Employment (State) Award 2022, as varied or replaced from time to time; except for:

Clause 3 (xii) and (xiii) - the meal break and tea break provisions do not apply; and

Clause 14(i) and (vi) - do not apply, and Health Industry Status of Employment (State) Award 2021, as varied or replaced from time to time.

In the event of any inconsistency between the above awards, the provisions in this award shall apply.

#### **4. Classifications**

- (i) A Trainee Patient Transport Officer is an employee who is undertaking the necessary and relevant training and work experience as determined by HealthShare NSW to become a Patient Transport Officer and who is appointed to an approved Trainee Patient Transport Officer position.

This category of employee will be involved in routine and non-emergency patient transport utilising basic life support skills. Among other things, this category of employee will receive training and certification in work health and safety, first aid, driver training, patient handling, oxygen administration, equal employment opportunity, anti-discrimination and anti-harassment.

- (ii) A Patient Transport Officer is an employee who has successfully completed the necessary and relevant training and work experience as determined by the employer to become a Patient Transport Officer and who is appointed to an approved Patient Transport Officer position. Provided that such an employee shall be required to undertake and successfully complete further instruction/in-service courses necessary for Patient Transport Officers as determined by the employer.

This category of employee will be involved in routine and non-emergency patient transport utilising basic life support skills. This category of employee will not be utilised to crew ambulances engaged in emergency/casualty response.

Provided that such an officer shall be required to undertake and successfully complete further instruction/in service courses and certification examinations as required by HealthShare NSW.

#### **5. Meals**

- (i) Employees working shifts of less than 12 hours duration shall have one paid 30 minute crib break to be taken between the fourth and seventh hour unless otherwise agreed between the parties.
- (ii) Employees working 12 hour shifts will be entitled to two paid 30 minute crib breaks to be taken between the fourth and seventh hour and the eighth and eleventh hour unless otherwise agreed between the parties.
- (iii) Employees who, due to operational requirements, are unable to take their paid crib break within the prescribed times, or whose crib break is not completed, shall receive an additional payment of one hour at ordinary time.
- (iv) An employee who is directed to take their crib break away from her or his starting location for that shift, will be paid a crib away allowance as follows:
  - (a) Where an employee is entitled to one crib break per shift the payment for any crib directed to be taken away from the employee's starting location for that shift will be paid at the rate prescribed in Item 1 of Table 2 - Other Rates and Allowances of Part B of this Award for each occasion that the employee is so directed.
  - (b) Where an employee is entitled to two crib breaks per shift the payment for any crib directed to be taken away from the employee's starting location for that shift will be the paid at the rate prescribed in Item 2 of Table 2 - Other Rates and Allowances of Part B of this Award for each occasion that the employee is so directed.

## 6. Anti-Discrimination

- (i) It is the intention of the parties bound by this Award to seek to achieve the object of section 3(f) of the *Industrial Relations Act 1996* to prevent and eliminate discrimination in the workplace. This includes discrimination on the grounds of race, sex, marital status, disability, homosexuality, transgender identity and age.
- (ii) It follows that in fulfilling their obligations under the dispute resolution procedure prescribed by this Award the parties have obligations to take all reasonable steps to ensure that the operation of the provisions of this award are not directly or indirectly discriminatory effects. It will be consistent with the fulfilment of these obligations for the parties to make an application to vary any provisions of the award which, by its terms or operation, has a direct or indirect discriminatory effect.
- (iii) Under the *Anti-Discrimination Act 1977*, it is unlawful to victimise an employee because the employee has made or may make or has been involved in a complaint of unlawful discrimination or harassment.
- (iv) Nothing in this clause is to be taken to affect:
  - (a) Any conduct or act which is specifically exempt from anti-discrimination legislation.
  - (b) Offering or providing junior rates to a person under 21 years of age.
  - (c) Any act or practice of a body established to propagate religion which is exempted under Section 56(d) of the *Anti-Discrimination Act 1977*.
  - (d) A party to this award from pursuing matters of unlawful discrimination in a State or federal jurisdiction.
- (v) This clause does not create legal rights or obligations in addition to those imposed upon the parties by the legislation referred to in this clause.

### Notes:

- (i) Employers and employees may also be subject to Commonwealth anti- discrimination legislation.
- (ii) Section 56(d) of the *Anti-Discrimination Act 1977* provides:

‘Nothing in this Act affects any other act or practice of a body established to propagate religion that conforms to the doctrines of that religion or is necessary to avoid injury to the religious susceptibilities of the adherents of that religion’.

## 7. No Extra Claims

Other than as provided for in the *Industrial Relations Act 1996* and the Industrial Relations (Public Sector Conditions of Employment) Regulation 2014 (or its successor however described), there shall be no further claims/demands or proceedings instituted before the Industrial Relations Commission of New South Wales for extra or reduced wages, salaries, rates of pay, allowances or conditions of employment with respect to the employees covered by the Award that take effect prior to 30 June 2024 by a party to this Award.

## 8. Area, Incidence and Duration

- (i) This Award takes effect from 1 July 2023 and shall remain in force for a period of one year. The salaries and allowances in the last column of Table 1 - Salaries and Table 2 - Other Rates and Allowances of Part B, Monetary Rates, will apply from the first full pay period on or after (ffppoa) 1 July 2023.
- (ii) This Award rescinds and replaces the HealthShare NSW Patient Transport Officers (State) Award 2022 published 4 November 2022 (393 I.G.144) and all variations thereof.

- (iii) This Award shall apply to persons employed in classifications contained herein in the NSW Health See employed within HealthShare NSW under section 115(1) of the *Health Services Act 1997*, or any successors, assignees or transmittes.

## PART B

**Table 1- Salaries**

In the period 1 July 2023 to the commencement of the first full pay period on or after 1 July 2023, the applicable rates of pay are those that applied immediately prior to the first full pay period on or after 1 July 2023

Classification	Rate effective first full pay period on or after 1/07/2023 \$
Trainee Patient Transport Officer	1,162.13
Patient Transport Officer	1,210.94

**Table 2 - Other Rates and Allowances**

Item	Clause	Allowance Description	Rate effective first full pay period on or after 1/07/2023 \$
1	5(iv)(a)	Crib Away Allowance (Single Crib)	25.22
2	5(iv)(b)	Crib Away Allowance (Two Cribs)	12.62

N. CONSTANT, *Chief Commissioner*

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