

Health professionals and support services awards

The Fair Work Commission (FWC) has made several recent variations to many awards, including the Health Professionals and Support Services Award 2020 (HPSS Award).

Changes to casual overtime

Historically under the HPSS Award, overtime for casual employees was calculated in substitution of the casual loading. However, a decision at the FWC in November 2020 clarified the application of overtime rates for casual employees across many awards.

From the first full pay period on or after 20 November 2020, overtime for casual employees is calculated according to the compounding method. That is, overtime is now calculated on the employee's hourly rate of pay, inclusive of casual loading. This has resulted in an overall increase in overtime rates for casual employees:

- *Overtime for the first two hours (time and a half) will increase from 150 per cent to 187.5 per cent of the base rate of pay including casual loading
- *Overtime after two hours (double time) will increase from 200 per cent to 250 per cent of the base rate of pay including casual loading
- *Overtime worked on a public Holiday (double time and a half) will increase from 250 per cent to 312.5 per cent of the base rate of pay including casual loading.

It is important to note that the HPSS Award prescribed a minimum rate of pay to be afforded to casual employees. Where a casual employee's contracted rate of pay already exceeds the HPSS overtime rate, no overtime penalty is payable unless specifically agreed.

Detailed pay guides are available through the HR Hub at ada.org.au/Membership-Services/HR-Hub.

Given the recent amendments to casual overtime, it is important that practices understand when and how overtime rates will be payable.

Overtime penalties will apply:

- *To employees covered by the HPSS Award
- *For any work performed in excess of 10 hours per shift
- *For any work performed in excess of 38 hours per week or 76 hours in a fortnight (depending on the roster structure adopted)
- *When, on the instruction of the employer, an employee does not receive a minimum break of 10 consecutive hours off duty between shifts when they work overtime. In this situation, a casual employee must be paid at a rate of 250 per cent of the minimum hourly rate applicable to their classification and pay point until they are released from duty.

This update to casual wages also serves as a reminder for practices to review their roster structures to minimise the circumstances and frequency in which overtime penalties might be payable, as well as to ensure that rates of pay comply with the HPSS Award.

Changes to the list of common health professionals

The FWC has finalised its review into the list of common health professionals covered by the HPSS. The following occupations will be included in Schedule B - List of Common Health Professionals: dental hygienist, dental prosthetist and oral health therapist.

This came into effect on 1 July 2021, and will apply to individual employees from the start of the employee's first full pay period on or after 1 July 2021.

While it is common for the above workers to be paid in excess of the HPSS Award, the effect of having these occupations now fall under the coverage of the HPSS Award means that practices must be aware of award entitlements and rostering practices that may give rise to the obligation to pay additional penalties or entitlements.

In addition, now that such occupations attract other award monetary entitlements such as weekend penalty rates and annual leave loading, practices must ensure that an employee's salary adequately compensates for all such entitlements.

Practices should review these remuneration arrangements at least annually to ensure compliance with the award minimum wage.

A bespoke contract of employment is highly recommended and the changes to the HPSS Award presents an excellent opportunity for employees in those professions listed above to have their employment reviewed to ensure that the rostering and salary structures are

compliant; and a suitable contract of employment is in place to ensure that the remuneration paid complies with the HPSS Award or clearly reflective as incorporating all such entitlements.

For further information or assistance, contact the ADA HR Advisory Service on 1300 232 462.