

OPERATIONAL INSTRUCTION

Enquiries to: Tammy Tansley
(09) 222 2129

Supersedes: OP 0565/95 (28/03/95)

Number: OP 0599/95

Date: 11 July 1995

File No: 95-00314

Subject: APPEAL OF INTERIM FEDERAL AWARD FOR ALHMWU -
CORRECTION OF PREVIOUS OPERATIONAL INSTRUCTION

On 28 March 1995, an Operational Instruction (OP 0565/95) was issued regarding the issuing of a stay of Senior Deputy President Riordan's decision that the current state awards for ALHMWU workers would be subject to an Interim Federal Award. The last operational instruction was partially incorrect.

It is imperative that all Health Care Units are aware of the terms of the stay and that they abide by the stay. It is on that basis that the terms of the stay are being re-issued.

The stay is subject to the following provisions :

"The applicants undertake to maintain employees' conditions of employment in respect of all employees who are covered by the log of claims in this matter, until the hearing and determination of the appeals, that is :

- (a) All existing employees' terms and conditions of employment will be covered by the relevant Western Australian Industrial Relations Commission Public Sector Health Awards and will not be offered workplace agreements;
- (b) Any prospective employees will not be offered employment whereby the terms and conditions of that employment is to be governed by a workplace agreement."

This means until such time as the appeal **is heard and determined**, no employee (whether a current employee, an employee on a fixed term contract or a new employee) governed by the ALHMWU awards (with the exception of Enrolled Nurses, who are not covered) should be offered workplace agreements. PLEASE NOTE THAT PERSONS EMPLOYED AS NURSING ASSISTANTS SHOULD NOT BE OFFERED OR EMPLOYED UNDER WORKPLACE AGREEMENTS. IT WAS PREVIOUSLY INDICATED IN ERROR THAT NURSING ASSISTANTS WERE EXCLUDED FROM THE UNDERTAKINGS GIVEN.

It is essential that all Health Care Units abide by the above, as not to do so would breach the undertaking given to the Australian Industrial Relations Commission.

If there are any further questions, please do not hesitate to contact the Industrial Relations Section on (09) 222 2129.