

Pharmacy Insights

Workplace Relations – Hot Topics

Annualised Salary - as part of the review of all modern awards the Fair Work Commission has determined that the annualised salary clause contained in awards should be varied to provide that employers must keep records of all hours worked (start and finishing times) by employees covered by annual salary arrangements and must review the salary annually to ensure the employee is being paid at least as much as they would under the award (including penalty rates, overtime and allowances). These changes to the Pharmacy Industry Award are expected to come into operation 1 March 2020. Employers should review current annualised salary arrangements and prepare to change their time recording systems.

Accredited Pharmacist Allowance – as part of the Work Value Case the Fair Work Commission determined that an allowance should be paid to accredited pharmacists who undertake Home Medicine Reviews and Residential Medication Management Reviews. The allowance, \$106.40, is to be paid weekly. The allowance comes into effect and is payable on the first full pay period on and from 1 October 2019, together with other wage increases flowing from the Work Value Case decision. Employers should review the Pharmacy Industry Award and prepare to update their payroll systems with the new rates and allowance. Employment contracts for accredited pharmacists should be reviewed to make it clear when the HMRs and RMMRs may be required (which will trigger when the allowance is payable).

Personal Leave Accrual - the Full Federal Court, in the Mondelez Case, recently considered the meaning of 'a day' for the purposes of paid personal leave accrual under the National Employment Standards, set out in the Fair Work Act. The Court determined that a day is an actual day and leave does not accrue based on the number of hours worked. This disrupts the long standing practice that employees are entitled to accrue personal leave based on the average of the ordinary hours they work, up to a maximum of 76 hours per year. The effect of the decision is that all full-time and part-time employees will accrue 10 actual days per year. This means, for example that a part-time employee who works six hours on Thursday and 12 hours on a Friday will accrue 10 days personal leave each year (not pro-rated to four days) and could take all of the personal leave on Fridays and receive a full 12 hours pay each time. The decision may be appealed to the High Court. As it stands, employers should review their payroll systems and make adjustments to existing accrued leave that was based on hours and ensure that, moving forward, personal leave is accrued in actual days (and not hours, and not pro-rated for part-time employees). The existing records should also be kept, in the event that the Mondelez decision is overturned.

Fair Work information Statement - employers are required to give all new employees a Fair Work Information Statement. The Statement was recently amended to take into account the personal leave accrual decision referred to above. As the Statement is amended from time to time employers should download it from www.fairwork.gov.au each time that it is required, rather than rely on old printed copies.

For further information or advice on any workplace relations or safety matters contact Sharlene Wellard.



Sharlene Wellard

Principal

+61 2 9018 9939

swellard@meridianlawyers.com.au

Disclaimer: This information is current as of September 2019. This article does not constitute legal advice and does not give rise to any solicitor/client relationship between Meridian Lawyers and the reader. Professional legal advice should be sought before acting or relying upon the content of this article.