



Medical Imaging eRelations Group (MIeRG)

Productivity Commission Inquiry 2015

MIERG Submission Workplace Relations Framework

Health employment relations (**Her**) Medical Imaging Employment Relations Group (**MIERG**)

Do you have any views about minimum wages, **awards**, **penalty rates**, unfair dismissal, **bargaining**, the **compliance burdens** of the system and the **performance of the Fair Work Commission** and the Fair Work Ombudsman?

The current Health Professionals and Support Services Award 2010 MA000027 (**HPSS**) which came into effect on 1 January 2010 extinguished the Health Services Union of Australia (NSW/ACT Private Medical Imaging) Award 2004 (AW839843 PR957574) a **Consent Award** made by agreement between **Medical Imaging Employment Relations Group (MIERG)** and the **Health Services Union of Australia (HSU)** approved by the Australian Industrial Relations Commission (C2004/7069) on 26 April 2005 to replace an earlier consent federal NSW/ACT private medical imaging award negotiated by **MIERG** and **HSU**.

The Fair Work Commission (**FWC**) is now in the process of reviewing the current Health Professionals and Support Services Award in the Four yearly review process under *Fair Work Act (the Act)* s156 AM2014/204 for which the **FWC** published an Exposure Draft of the current **HPSS** modern award at 8 December 2014.

MIERG is seeking to have the terms of the **MIERG** and **HSU Consent Award** in effect at 31 December 2009 extinguished by the operation of the **HPSS** modern award which applied from 1 January 2010 reinstated by agreement with the **HSU** for approval by **FWC** in the four yearly review of the **HPSS** modern award in process at this time.

Have any of these parts of the system assisted you, or on the other hand, created **problems** for you, and if so **how**?

Problems have been created for private medical imaging practices (**PMIP**) by the arbitrary imposition of the restrictive **HPSS** modern award provisions that replaced the **MIERG** and **HSU Consent Award** terms by:

- discouraging negotiation to make and vary Consent Awards to meet timely patient, staff and employer needs from the on-going transitions in society and in relationships from technology advances and the changing economy relevant to providing private medical imaging patient services of the highest quality
- over-regulating employment relations inhibiting development of innovative and creative workplace practices for continuous development and improvement

Changes, as set out below, are needed to the Workplace Relations Framework to:

- Restore provisions to allow negotiated flexibilities of employment in the workplace and remove restrictions to the introduction of whatever flexibility arrangements are needed

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Jim Pryce

MIERG co-facilitators

Tim McCarthy

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especially to ensure women's full employment participation discouraged by the current **HPSS** modern award and the existing workplace relations framework

- Remove obstacles in the **HPSS** modern award restricting practices' ability to improve workplace productivity to contain costs and improve patient services

What **changes** would you like to see **to the workplace relations system**, and **why?** (We'd also like you to put yourself **in the shoes of someone else** in the system, say an employer or employee, and think about how that might **change your views** about the best design of the system.)

Changes are needed to encourage the making of enterprise and individual employment agreements at the workplace to reward effort, to encourage mindful workforce participation with high levels of employee job satisfaction to ensure efficient and effective patient care of the highest standard.

A workplace relations system in which:

- The emphasis is on negotiation to deliver, whatever is the subject of the negotiation, '*a fair go all round*', with access to **FWC** for conciliation between the parties alone, if the parties agree to refer their issue to **FWC**
- *Modern awards* are minimalist and non-prescriptive and allow optimal scope for enterprise and individual employment agreements

Unable to envisage how, if in **another adult's shoes**, a health professional or support services employee, that for their meaningful work contribution in which they have a direct say in why, what, how, when and for an agreed reward, the views in this submission on the workplace relations system might need to be changed.

How would you achieve the changes you might like to see?

FWC implement the changes sought in this submission to the extent possible under **the Act** in the s156 Four yearly review in process, pending the report on Workplace Relations Framework by the Productivity Commission leading to changes to **the Act**.

How quickly could these **changes** be made — in the next few years or much later?

Changes to the Workplace Relations Framework are necessary and needed urgently.

Can you see any downsides to your policy suggestions?

No. The changes sought in this submission are in line with identified needs of women's participation, changing society, high quality patient service, meeting technological change, a changing economy, productivity improvements, containing cost and building harmonious workplaces.

Jim Pryce and Tim McCarthy 13 March 2015

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