



IN THE FAIR WORK COMMISSION

Matter no: AM2014/250 and others

Four Yearly Review of Modern Awards – Award Stage – Group 4 awards – Substantive issues

SUBMISSIONS OF THE HEALTH SERVICES UNION

Introduction

1. The Health Services Union (HSU) makes these submissions in response to the two Statements issued on 1 October 2018,¹ asking parties to confirm substantive claims being pressed in the Group 4 Awards.
2. Of the Group 4 awards listed in Attachment A to Statement [2018] FWC 6107, the HSU has an interest in the following:
 - Aboriginal Community Controlled Health Services Award ('ACCHS Award')
 - Aged Care Award
 - Social, Community, Home Care and Disability Services Industry Award ('SCHCDS Award')
 - Supported Employment Services Award.

Social, Community, Home Care and Disability Services Industry Award

3. We list the substantive claims we wish to pursue below. However, we wish to draw attention to some inaccuracies in the list of claims attributed to United Voice (UV) and the HSU in Attachment A to Statement [2018] FWC 6107.
4. Firstly, the first dot point in the list of UV and HSU claims misconstrues the submission made by the HSU on 19 April 2018. The HSU's argument in those submissions was in fact the opposite of what is stated in Attachment A. We submitted that the terms '*appropriate rate*' or '*ordinary rate of pay*' should be in most cases retained, rather than replaced with '*minimum hourly rate*'.
5. Secondly, we are concerned that there is no mention of the *Joint Report of the Interested Parties to the SCHCDS Award* dated 8 May 2017 ('the Joint Report'), which was made by all parties involved in the frequent conciliation conferences held over 2016-2017 in relation to this award, namely:
 - Aged and Community Services
 - Australian Business Industrial and the NSW Business Chamber Ltd

¹ [2018] FWC 6107 and [2018] FWC 6108

- Australian Federation of Employers and Industries
 - Australian Services Union
 - Business SA
 - Health Services Union
 - Leading Age Services Australia
 - Jobs Australia
 - United Voice
6. The Joint Report included a draft consent determination as well as a summary of claims withdrawn by each of the parties.
 7. We note that if the Commission does not endorse the consent position reached in the Joint Report, then the HSU may pursue the matters which were withdrawn in the context of the consent position.
 8. Finally, in addition to the above, the substantive claims the HSU intends to pursue in the SCHCDS Award are listed below, and have been outlined in our previous submissions of 2 May 2015 and 8 May 2017. Clause references refer to the current award.

a. *Minimum Engagement - clause 10*

The HSU seeks to vary the award so that all full-time, part-time and casual employees are all entitled to a minimum engagement of three hours for all sectors under the award.

b. *Casual employees – loading – clause 10.4*

The HSU seeks to ensure that the casual loading is paid in addition to other shift allowances, weekend and public holiday rates.

c. *Classifications – clause 13; Schedules B and E*

The HSU seeks to vary the classification criteria in Schedule B – Social and Community Services Employees, and Schedule E – Home Care Employees, to remove ambiguity and correct inconsistencies in classification criteria.

d. *Allowances – clause 20*

The HSU seeks to vary the award in respect of the following allowances:

- i. Telephone allowance to reflect requirement to have a mobile phone for work-related purposes;
- ii. Variation to uniform allowance to ensure uniform is provided for or allowance is paid; and
- iii. New entitlement for replacement of damaged clothing.
- iv. Allowance for first aid certificate renewal.

e. *Broken shifts – clause 25.6*

The HSU seeks to vary the broken shifts clause to ensure minimum shift lengths apply to each part of the broken shift, and to ensure broken shifts can only be worked by agreement.



f. *24 hour care – clause 25.7*

The HSU seeks to delete the 24 hour care clause.

g. *Overtime – clause 28*

The HSU seeks to ensure that overtime applies to all employees when they work beyond their rostered hours.

h. *Public holiday – clause 34.2*

The HSU seeks to amend this clause by ensuring that rosters cannot be altered for the purpose of avoiding public holiday entitlements.

Aged Care Award

9. The HSU can confirm that the claims listed in Attachment A are correct.

10. In addition, we intend to pursue our claim for an increased minimum engagement period for part-time and casual employees, as set out in our previous submissions of 2 March 2015.

Aboriginal Community Controlled Health Services Award

11. The HSU can confirm that the claims listed in Attachment A are correct.

Health Services Union

15 October 2018

