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Subject: AM2020/99, AM2021/63, AM2021/65 - Aged Care Work Value

Dear Associates

We refer to the transcript of proceedings at PN14729, PN14785 and PN15269.

Please see below the ANMF's answer to question 8 of Background Document 8 ("BD8"). Please find attached a comparison between minimum weekly rates for nursing assistants and personal care workers.

Question 8 for all parties: Are there any corrections or additions that should be made in respect of the summary of submissions in reply to closing written submissions?

Paragraph [26](2)

This paragraph reflects an error in [9] of the ANMF's closing submissions in reply dated 17 August 2022 ("reply submissions"). Where [9] of the reply submissions and [26](2) of BD8 refer to "levels", they should refer to "grades".

Paragraph [83](1)

In [40] of the reply submissions, the ANMF not only submits that the Joint Employers "recognise a number of factors that are work value reasons to be taken into account in relation to ENs" (BD8 at [83](1)). The ANMF further submits that the Joint Employers contend that "the work undertaken by [ENs] in residential aged care has significantly changed over the past two decades warranting consideration for work value" (reply submissions at [40](2)).

Paragraph [87]

It appears that the question at the end of this paragraph should be question 5 of BD8. It could now be referred to as question 4A to avoid confusion. The ANMF understands that the Joint Employers are asked to answer this question.

Paragraph [152](2)

This paragraph reflects an error in [30] of the HSU's closing submissions in reply dated 19 August 2022 ("the HSU's reply submissions"). Where [30] of the HSU's reply submissions and [152](2) of BD8 refer to "C10(a)", they should refer to "C1(a)".

Paragraph [272]

In [239]-[244] of the reply submissions, the ANMF not only submits that there are a few minor corrections to make to the Joint Employers' annexures so far as they contain 'biographical' information and role descriptions. The ANMF further submits that [9.5], [19.3] and [20.3] of the Joint Employers' closing submissions are incomplete in relation to the work performed by AINs/PCWs, RNs and ENs respectively (reply submissions at [241]-[244]).

Paragraph [289]

In [357] of the reply submissions, the ANMF submits that the purpose for which the Smith/Lyons Report was produced was "to support findings that:

- (1) there is a GPG; and
- (2) there is no basis for thinking that the aged-care industry is somehow immune from what is otherwise an economy-wide phenomenon;
- (3) in fact, there is basis for thinking that the GPG is particularly pronounced in aged care, given the explanatory force that "*occupational segregation*" has on the existence of a GPG;
- (4) the historical and current system of industrial wage-setting mechanisms have involved (and do involve) barriers to the rectification of gender-based pay disparities;
- (5) these include (but are not limited to) gendered assumptions about what are "*skills*," how they are identified, and how they are then valued."

Paragraph [299]

Another sub-section should be added at the end of this paragraph: 3.2.6.5 – *Joint Employers' closing submissions Annexure J Part 9— "The Junor Report"*. In [445] of the reply submissions, the ANMF states that it relies on its submissions in relation to what should be taken from the Junor Report. In response to [9.25] of Annexure J to the Joint Employers' closing submissions, the ANMF repeats [404]–[439] of its reply submissions.

Regards

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IN THE FAIR WORK COMMISSION

Matter No.: AM2020/99, AM2021/63 & AM2021/65
Matter Title: Work value case – Aged care industry

COMPARISON BETWEEN MINIMUM WEEKLY RATES FOR NURSING ASSISTANTS AND PERSONAL CARE WORKERS

At the Commission's request (see transcript of proceedings dated 24 August 2022 at PN14785), the ANMF has prepared the following table which sets out the minimum weekly rates for nursing assistants under the *Nurses Award 2020* and personal care workers under the *Aged Care Award 2010*.

Classification under the <i>Nurses Award 2020</i>	Rate (\$)	Classification under the <i>Aged Care Award 2010</i>	Rate (\$)
Nursing assistant – 1st year	883.40		
		Personal care worker grade 1	895.50
Nursing assistant – 2nd year	897.20		
Nursing assistant – 3rd year and thereafter	911.60		
		Personal care worker grade 2	929.90
Nursing assistant – Experienced (Certificate III)	940.90	Personal care worker grade 3 (Certificate III)	940.90
		Personal care worker grade 4	972.80
		Personal care worker grade 5	1043.60

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