



Phlebotomists Council of Australia

"Beating the drums for Australia's forgotten Pathology Professionals"

6th October 2023

Justice Hatcher
President
Fair Work Commission
80 William Street
East Sydney NSW 2011

By email: chambers.hatcher.j@fwc.gov.au

Dear Justice Hatcher,

Re: Request for Inclusion of *Health Professionals and Support Services Award 2020* in the 2023/21 Modern Awards Review

I trust this letter finds you well. I write to you as an interested party in the upcoming Modern Award Review, with a request to consider the inclusion of the Health Professionals and Support Services Award 2020 (hereinafter referred to as the "Award") in the list of frequently referenced awards, as published in your Statement on September 15th.

The Phlebotomists Council of Australia (PCA) serves as a Worker Representation Group comprising Phlebotomists, more commonly known as Pathology Collectors in Australia. These dedicated professionals played a pivotal role during the COVID-19 pandemic, conducting essential testing that allowed other essential workers to safely fulfil their duties. They operated at state borders, quarantine hotels, nursing homes, drive-through testing stations, and high-risk hospital environments, contributing significantly to public health and safety.

It has become evident that the compensation and recognition of Phlebotomists, who are predominantly female workers, do not align with the significance of their contributions. The Award, which governs their terms of employment, contains certain loopholes that have been exploited by ASX-listed privatised pathology companies, enabling them to generate substantial profits from Commonwealth Funds (Medicare Rebates) while undervaluing their skilled workforce.

Furthermore, the union sector has inadequately represented this unique workforce, as the traditional organising structures do not readily accommodate the individualised nature of their work locations. The PCA has diligently engaged with government bodies, including the Office of

Employment and Industrial Rights and the Australian Council of Trade Unions (ACTU), in an effort to collaborate with affiliated unions and enhance membership in our sector, ultimately leveraging the Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022. Regrettably, these efforts have yielded little interest from the affiliated unions.

A central theme of the Modern Awards Review is to "make awards easier to use." This objective resonates with the concerns surrounding the Award, as its complex application has created opportunities for employers to disadvantage their employees. In the pathology sector, we have identified several recurring issues:

1. Misinterpretation of Overtime rates, resulting in pending legal action against a national pathology company for substantial back payments to its staff.
2. Persistent casualisation of the workforce, disregarding Casual to Permanent worker clauses.
3. Mishandling of Redundancy Processes, leading to unjust redundancies and demotions.
4. Neglect of employee consultation, hampering workplace communication.
5. Inadequate provisions for career progression.

Given the pressing need for skilled healthcare workers and innovation within our healthcare sector, we strongly urge the inclusion of the ***Health Professionals and Support Services Award 2020*** in the list of frequently used awards, coupled with a comprehensive modernisation review. Such a step will serve to enhance the sector, attract skilled professionals, and address the longstanding gender-based undervaluation issue.

We are grateful for your consideration of this request, which we hope will bring much-needed attention to the unsung healthcare heroes of the COVID-19 pandemic.

Kind Regards,

Bec Luxton
Founder and CEO
Phlebotomists Council of Australia