



STATEMENT

Fair Work Act 2009

s.157—FWC may vary etc. modern awards if necessary to achieve modern awards objective

Gender-based undervaluation – priority awards review — *Health Professionals and Support Services Award 2020*

(AM2024/20)

JUSTICE HATCHER, PRESIDENT
VICE PRESIDENT ASBURY
DEPUTY PRESIDENT O’NEILL
DEPUTY PRESIDENT SLEVIN
DEPUTY PRESIDENT GRAYSON

MELBOURNE, 6 JUNE 2025

Gender-based undervaluation – priority awards review – Health Professionals and Support Services Award 2020 – health professionals, pathology collectors and dental assistants – further programming – provisional views concerning classification structures, rates of pay and phasing-in.

[1] This statement arises from the decision we issued on 16 April 2025, the *Gender-based undervaluation – priority awards review* decision¹ (Decision). It concerns the finalisation of our consideration of the work value of health professionals, pathology collectors and dental assistants who are covered by the *Health Professionals and Support Services Award 2020*² (HPSS Award). The findings we made in the Decision concerning other awards will be dealt with separately.

[2] In the Decision we determined that the current rates of pay for health professionals, pathology collectors and dental assistants under the HPSS Award were the subject of gender-based undervaluation and that, for the purpose of s 157(2)(a) of the *Fair Work Act 2009* (Cth), an adjustment to those rates of pay was justified by work value reasons. We expressed a number of *provisional* views as to how the HPSS Award might be varied to address the gender-based undervaluation we found to have occurred.

[3] At [301] of the Decision we indicated that interested parties would be heard on our *provisional* views, including providing more concrete modelling about the cost implications of the implementation of the *provisional* views and advancing any proposals about appropriate phasing-in arrangements. In the Decision we foreshadowed at [567] that conferences would be held and, based on parties’ responses, if necessary, that the Review would be programmed for further hearing to finalise variations to the awards necessary to rectify the gender-based undervaluation we had identified.

[4] Deputy President Slevin and Deputy President Grayson conducted a conference on 20 May 2025 to hear the views of parties about the *provisional* views we expressed in the

Decision about health professionals (at [177]–[179]), pathology collectors (at [235]–[236]) and dental assistants (at [289]–[290]) under the HPSS Award. Prior to the conference, interested parties were invited to submit position papers raising any issues regarding our *provisional* views, and to respond to other parties' position papers. Position papers were submitted by a number of parties. They are available on the Fair Work Commission's (the Commission's) [*Gender-based undervaluation – priority awards review*](#) webpage. Further submissions were made at the conference. A transcript of the conference is available on the webpage.

[5] The parties expressed a preference for the Commission to publish draft determinations reflecting our proposed variations to the HPSS Award and to invite further submissions directed at those drafts. The parties proposed that matters of cost implications and potential phasing-in arrangements should be the subject of future submissions, and/or evidence, in light of the proposed variations in the draft determinations.

[6] A number of specific issues were raised by the parties concerning health professionals. The key issues related to how, if at all, the various health professional occupations covered by the HPSS Award should be linked to the Australian Qualifications Framework (AQF) and, if so, whether that basis should be set according to the relevant qualification held by an employee, the minimum qualifications required for different professions, the requirements of an employer, or the standard or common qualifications required for different professions. Additional issues were raised regarding whether implementing the proposed higher classifications would expand the coverage of the HPSS Award, the level of detail to be adopted in describing higher classifications (including specialist, supervisor and managerial roles), how post-graduate qualifications should be accommodated in higher classifications, and how professional progression should be recognised and rewarded.

[7] By contrast, the issues raised concerning pathology collectors and dental assistants, save for some concerns about the terminology used, were largely confined to the financial impact of the variations to classifications proposed in our *provisional* views as set out in the Decision.

[8] We consider that the best way to deal with the HPSS Award classifications is to separate health professionals from pathology collectors and dental assistants for the next stage of these proceedings.

[9] Attached is a draft determination dealing with our proposed variations to pathology collector and dental assistant classifications within the Support Services employee classification structure in Schedule A.1 to the HPSS Award. We note that consequential variations may also be needed to other clauses in the HPSS Award. If so, these will be addressed in future draft determinations.

[10] Interested parties are invited to provide comments and submissions on the draft determination and submit any proposals for an operative date and appropriate phasing-in arrangements, by **4:00 pm (AEST) on Friday, 27 June 2025**. Parties should address the minimum wages objective and modern awards objective in any submission. We would be assisted by parties providing further information regarding the numbers of pathology collectors and dental assistants who are currently classified at each level in the HPSS Award.

[11] A conference will be conducted at **10:00 am on Wednesday, 9 July 2025** by Deputy President Slevin and Deputy President Grayson for the parties to express further views

regarding these matters and in an attempt to reach consensus with respect to pathology collectors and dental assistants. A notice of listing for this conference is issued with this statement.



PRESIDENT

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¹ [\[2025\] FWCFB 74.](#)

² MA000027.