

IN THE FAIR WORK COMMISSION

AM2014/251

S 156 - Four Yearly Review of Modern Awards - Group 4 Awards

Aged Care Award

SUBMISSION OF THE HEALTH SERVICES UNION 9 NOVEMBER 2018

1. The Health Services Union (HSU) make these submissions in response to the Report of Justice Ross, dated 30 October 2018 ('the Report').
2. We provide draft variation determinations in Attachment A below.
3. We advise that the HSU no longer intends to pursue the following claims:
 - allowance for employees who are the subject of a unilateral employer-imposed roster change;
 - 'increasing the minimum engagement period to 4 hours for part-time and casual employees in this Award'.
4. Having reviewed the materials in these proceedings, we also note that a number of claims were agreed by all parties, and included in the draft determinations attached to the Draft Report of Commissioner Lee dated 11 September 2017 ('Draft Report'). The Draft Report was confirmed in the Final Report of Commissioner Lee dated 8 December 2017 ('Final Report').
5. The agreed and outstanding matters are set out in paragraph [5] of the Draft Report. According to the Draft Report, the agreed variations to the award consist of the following:
 - a. 'On call allowance' (see Appendix 2 to the Draft Report)
 - b. 'Remote Response' (see Appendix 2 to the Draft Report)
 - c. 'Damaged clothing allowance' (see Appendix 5 to the Draft Report)
 - d. Uniform allowance amendment (see Appendix 8 to the Draft Report)
 - e. Ceremonial leave (see Appendix 9 to the Draft Report)

Health Services Union

DRAFT DETERMINATION

Fair Work Act 2009

Part 2-3, Div 4 – 4 yearly reviews of modern awards

Aged Care Award

(MA000018)

REVIEW OF MODERN AWARDS

(AM2018/13)

ROSS, PRESIDENT SYDNEY, XX YYY 2017

Review of modern awards to be conducted.

[1] Further to the Decision and Reasons for Decision <<DecisionRef>> in <<FileNo>>, it is determined pursuant to section 156(2) (b) (i) of the *Fair Work Act 2009*, that the *Aged Care Award 2010* be varied as follows.

[2] By inserting a new clause 15.8:

Phone allowance

Where the employer requires an employee to use a mobile phone for the purpose of being on call or to access their work roster, the employer will either:

- (i) provide a mobile phone and cover the cost of any subsequent charges; or
- (ii) refund the cost of purchase and the subsequent charges on production of receipted accounts.

[3] By inserting a new clause 15.9:

First aid refresher

(a) Where an employee is required to maintain first aid certification, the employer will pay full cost of the employee updating their first aid certification by:

- (i) reimbursing the employee's registration and attendance expenses; or
- (ii) paying the registration and attendance costs.

(b) Attendance at first aid refresher courses will be work time and paid as such.

[4] By deleting clause 23.2 and replacing with the following:

23.2 A casual employee who works on a weekend will be paid the following rates:

Attachment A

- (a) between midnight Friday and midnight Saturday – 175% of the ordinary hourly rate; and
- (b) between midnight Saturday and midnight Sunday – 200% of the ordinary hourly rate.

23.3 The rates prescribed in clause 23.2 will be in substitution for and not cumulative upon the casual loading prescribed in clause 10.4(b).

[5] By deleting clause 29.2(c)(i) and (ii) and replacing with the following:

(c) Casual employees

- (i) A casual employee will be paid only for those public holidays they work at 275% of the ordinary hourly rate for hours worked.
- (ii) The rates prescribed in clause 26.3(a) will be in substitution for and not cumulative upon the casual loading prescribed in clause 10.4(b) and weekend rates prescribed in 23.2.

[6] By amending clause 22.8 by inserting the following:

- (f) The maximum number of broken shifts which can be worked per day is two.
- (g) Each portion of the shift must meet the minimum engagement requirements in 22.7(b).

The determination shall operate on and from XX YYY 2017.

PRESIDENT