

12 July 2017

AM2014/251 Aged Care Award

Dear Commissioner Lee

We write to confirm the claims pursued by HSU in the above matter, in accordance with the directions issued by President Ross on 9 June 2017. HSU apologises for the delay.

1. The HSU confirms it intends to pursue the following substantive matters identified in the latest summary of substantive matters for AM 2014/251 the Aged Care Award:
 - a. S2: inclusion of a provisions for an on call allowance in accordance with the provisions in the Nurses Award 2010 [proposed wording below];
 - b. S4: payment of casual loading to casual employees in addition to weekend and public holiday rates;
 - c. S5: Allowances:
 - i) inclusion of a phone allowance for employees required to use their phone for work purposes, including but not limited to on call; this is intended to reflect current phone reimbursement provisions found in other health awards, modified for mobile phone purchase and usage;
 - ii) reimbursement of costs associated with first aid refresher courses where required by the employer or legislation, including health and safety obligations; this is a straight claim for reimbursement of an expense;
 - iii) on call /recall allowance – already covered at S2;
 - d. S7: a provision for a damaged clothing allowance [example wording below].
2. HSU will not be agitating the following claims at this stage:
 - a. S8: the claim for a penalty for late payment of wages was withdrawn during the common matters stage where it was referred;
 - b. S13: the application for changes to the broken shift will not be pursued;
 - c. S14: HSU confirms it is not pressing a variation to the sleepover allowance at this time;

HSU National

Suite 46, 255 Drummond Street Carlton VIC 3053

PO Box 98, Carlton South VIC 3053

(03) 9020 1877 | hsu@hsu.net.au | www.hsu.net.au | ABN 68 243 768 561



- d. S18: the claim relating to overtime has essentially been made redundant by the exposure draft as it was initially concerned with clarifying the provisions and ensuring they were accurately reflected in clearer wording of the clause;
- e. S20: variations to the classification nomenclature will not be pursued at this stage.

3. Proposed on call allowance provisions:

X.x On call allowance

- (i) An on call allowance is paid to an employee who is required by the employer to be on call at their private residence, or at any other mutually agreed place. The employee is entitled to receive the following additional amounts:

Between rostered shifts or ordinary hours on:	\$ per 24 hour period or part thereof
Monday to Friday inclusive	\$19.11
Saturday	\$28.78
Sunday, public holiday or non-rostered day	\$33.58

- (ii) For the purpose of clause 11.3 the whole of the on call period is calculated according to the day on which the major portion of the on call period falls.

4. Proposed wording for a damaged clothing allowance:

X.x Damaged clothing allowance

- (a) Where the employer does not provide or require an employee to wear a uniform and, in the course of their employment, the employee suffers any damage to or soiling of personal clothing or other personal effects (excluding hosiery), the employer will be liable for the replacement, repair or the cleaning of the clothing or personal effects provided immediate notification is given of the damage or soiling.

Leigh Svendsen
Senior National Industrial Officer

