



**Professionals
Australia**

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28 November 2017

Mr Joshua Martin
The Associate to Vice President Catanzariti
Fair Work Commission
Melbourne Registry

By Email: chambers.catanzariti.vp@fwc.gov.au.

Dear Mr Martin

**S156 – 4 yearly review of modern awards
AM2016/31
Health Professionals and Support Services Award 2010 – substantive issues**

We refer to the above matter and now enclose the Witness Statement of Ms Niki Baras in support of the Association of Professional Engineers Scientists Managers Australia (APESMA)'s application to vary the Health Professionals and Support Services Award 2010 pursuant to section 156 of the Fair Work Act 2009 (Cth).

Please do not hesitate our Michelle Anthony on 0401 935 064 if you wish to discuss this matter.

Yours sincerely

Michelle Anthony

National Legal Officer

**Professionals Australia (also known as The
Association of Professional Engineers
Scientists and Managers Australia)**

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Fair Work Act 2009

s.156—4 yearly review of modern awards

(AM2016/31)

**HEALTH PROFESSIONALS AND
SUPPORT SERVICES AWARD 2010**

Section 156 – 4 yearly review of modern awards

WITNESS STATEMENT

NIKI BARAS

1. I, Niki Baras of 163 Eastern Road South Melbourne VIC 3205 am employed as a casual interpreter by ALFRED HEALTH. I am also employed by the Association of Professional Engineers Scientists Managers Australia (APESMA) as a Member Organiser on a casual basis.
2. My qualifications include:
 - a. NAATI Accreditation at Professional Level in Interpreting and Translation;
 - b. Bachelor of Arts (Interpreting and Translating) Degree, Victoria College (now Deakin University), graduated 1985;
3. My NAATI accreditation was obtained on the basis of my degree which was approved by NAATI. In order to maintain my credential, I will be transitioning to NAATI certification where I will be required to fulfill CPD requirement for recertification every three (3) years.

4. Following graduation from my Bachelor's degree in approximately 1985 I was employed as a casual interpreter by a number of different entities that were ultimately part of Victorian Government departments or agencies. These included:
 - a. Legal Interpreting Services, which was part of the Ethnic Affairs Commission;
 - b. Interpreting Services Bureau, (an entity connected to the Premier's Department),
 - c. Central Health Interpreting Service;
 - d. Mental Health Interpreting Service; and
 - e. Education Interpreting Services.

5. My recollection is that during the period of my career from approximately 1984-1987, when I was performing casual interpreting jobs for the agencies referred to in paragraph 3 above, I enjoyed reasonable conditions of employment which included:
 - a. 3 hours minimum engagements;
 - b. Fair payment for time spent travelling to and from casual interpreting jobs;
 - c. Fair payment of travel expenses (kilometer allowance) involved in travelling to and from casual interpreting jobs.

6. In the years since approximately 1987 the industry has undergone a lot of change, primarily as a result of outsourcing. While the same government departments still require translating and interpreting services, interpreters are typically employed, (or engaged as independent contractors), by interpreting agencies who are required to tender to provide work to government agencies. Some of the interpreting agencies are privately owned and some are entities wholly owned by state or federal governments. As agencies have been required to compete in the marketplace for work on government panels, the conditions of interpreters and translators have diminished over the years such that it is now standard that interpreters are engaged for 90 minute interpreting jobs with no payment being made for travel time to jobs or reimbursement of the expenses involved. In

addition, the expenses required to carry out the work have increased, including fuel and transport cost and technology and communication requirements. As a result, it has become common wisdom among my colleagues in the industry that interpreting and / or translation no longer provides a viable or sustainable career path for graduates seeking to enter the labour force. One of the factors that has contributed to this situation has been a lack of coverage of the Translator and Interpreter workforce by applicable industrial instruments.

7. I am currently employed as a casual interpreter with Alfred Health, a major Victorian Health Service and Network consisting of three hospital campuses - The Alfred, Caulfield Hospital and Sandringham Hospital, - as well as several clinics and a range of community based services. I typically work 12 to 15 hours per week for Alfred Health, generally all worked at the Alfred Hospital campus. I commenced employment with Alfred Health in December 2016. Alfred Health usually provide me with my roster for the following month approximately two weeks in advance of the commencement of the next month. My employment with Alfred Health is covered by the Victorian Public Health Sector (Health and Allied Services, Managers and Administrative Workers) Single Interest Enterprise Agreement 2016 – 2020.
8. Prior to commencing my employment with Alfred Health I was also employed by a private interpreting agency called On Call Interpreters and Translators (OnCall). I was employed by OnCall as a casual interpreter and would provide interpreting services to a variety of OnCall's clients. The demographic of clients I typically interpret for are elderly members of Melbourne's Greek community. Examples of typical interpreting jobs include Guardianship Applications at VCAT Human Rights Division, appointments at Peter MacCallum Cancer Centre, court cases and conferences in the Magistrate's Court, conferences for medico-legal clients with barristers and doctors, local council meetings, accident compensation conciliations et cetera. I estimate that approximately 70% of these 'freelance' interpreting jobs would have been in the health industry. I am still in the employ

of OnCall however have not accepted many assignments since commencing employment with Alfred Health due to a lack of available time on my part.

9. I am also registered with several other interpreting agencies who engage interpreters and translators as independent contractors to provide interpreting services to end user clients. Those agencies include *VITS LanguageLoop.*
10. In October 2011 I along with several other interpreters approached APESMA to see if we could gain industrial representation by APESMA. We approached a couple of unions until we were directed to APESMA as the appropriate industrial association to represent Translators and Interpreters.
11. I commenced casual employment with APESMA, a union representing translators and interpreters (among other professionals), in July of 2014. I am employed in the position Member Organiser. As a result of my employment I have a lot of contact with translators and interpreters and have gained a comprehensive knowledge of the state of the industry nationally, the issues translators and interpreters commonly face in their employment and what industrial instruments are in place to regulate the industry. To the best of my knowledge, the only federal award that covers my employment as an interpreter is the Health Professionals and Support Services Award 2010 (the Award). Because there is a reference to Interpreter (Qualified) as an indicative role in the Classification Support Services Employee - Level 7 in Schedule B of the Award, the Award operates to cover me as an industry award only and my understanding is that I am covered by the Award when performing work as an interpreter in the Health industry only. This means that when I am performing interpreting work for Alfred Health I am covered by the Award, and I am also covered by the Award when performing work for Health industry clients of OnCall. If I perform work for clients of OnCall that are not health industry related (such as court interpreting), I will not be award covered.

12. To the best of my knowledge my employment as a NAATI Accredited Professional Interpreter cannot be covered by the Miscellaneous Award 2010 as my occupation and work duties do not fit into any of the Classification Structures and Definitions set out in Schedule B to that Award. Level 4 in Schedule B (the highest level in the Schedule) contains the Definition “An employee at this level has advanced trade qualifications and is carrying out duties requiring such qualifications or is a sub-professional employee”.

13. Under NAATI’s current system of accreditation, most accreditations are awarded at either the Professional level or at the Paraprofessional level. Professional level is the minimum level recommended by NAATI for work in most settings, including banking, law, health and social and community services. Also, those interpreters and translators working at Paraprofessional are still required to complete Compulsory Professional Development and to “upskill” over time to Professional level. For this reason I would not expect that many (if any) NAATI credentialed interpreters or translators would fit within the classification Definition in Level 4 in Schedule B of the Miscellaneous Award 2010.

14. I am aware of the Australian Institute of Interpreters and Translators Inc. (AUSIT) Code of Ethics and as a NAATI accredited Professional Interpreter I am bound to comply with the rules set out in the code when carrying out my professional duties as an interpreter.

15. I support the application by my union Association of Professional Engineers Scientists Managers Australia (APESMA) to vary the Health Professionals and Support Services Award 2010 to include interpreters and translators in the List of Common Health Professionals located in schedule C of the current award (Schedule B to the Exposure Draft). Interpreters (such as myself) and Translators who provide language services within the health industry are qualified, accredited professionals who work in accordance with the AUSIT Code of Ethics and Conduct and therefore it would be appropriate for our profession to be included in

the list of Health Professionals in schedule C to the Award. I want to have the certainty of being covered by one set of award conditions whenever and wherever I perform my interpreting duties. I believe that coverage of translators and interpreters by a Commonwealth Modern Award on an occupational basis will be a significant step in regulating an industry and a profession which is an integral part of the Health industry. Occupational award coverage will provide a greater degree of certainty to both employees and employers and consistency of minimum working conditions.

Association of Professional Engineers Scientists Managers Australia (APESMA)

28 November 2017