

Fair Work Commission
 Four Yearly Review of Modern Awards
 Aboriginal Community Controlled Health Services Award
 Matter No: AM2018/12

SUBMISSIONS OF THE HEALTH SERVICES UNION

1. These submissions are made by the Health Services Union (**HSU**), in response to the questions put by the Full Bench in the Decision [2020] FWCFB 3827 of 22 July 2020 (**the Decision**). Our responses to the questions are outlined below. We note that the questions largely relate to the claims of the National Aboriginal and Torres Strait Islander Health Workers' Association (**NATSIHWA**) which may be better placed to respond to some of these questions.

Question 1 – Award title

2. The HSU has no preference for either of the options presented by the Full Bench.

Question 2 – Exclusions from Award Coverage

3. The HSU is of the view that the clauses 4.5(c) and (d) which deal with modern enterprise awards, enterprise instruments, state reference public sector modern awards and state reference public sector should be retained, as they may have ongoing relevance for employees covered by those instruments.

Question 3 - On-hire and group training provisions

4. The HSU is of the view that there may need to be a consequential amendment to clause 4.3 to reflect the change to coverage in the award. This could be achieved by amending clause 4.3 by inserting the italicised words as follows:

This award covers any employer which supplies labour on an on-hire basis in the Aboriginal community controlled health services industry *or which supplies employees engaged as an Aboriginal and/or Torres Strait Islander Health Workers* in respect of on-hire employees in classifications covered by this award, and those on-hire employees, while engaged in the performance of work for a business in that industry. Clause 4.3 operates subject to the exclusions from coverage in this award.

5. However, we are not certain that a consequential amendment is required for clause 4.4.

Question 4 – Monetary Allowances

6. The calculations of the allowances in the draft determination appear correct.

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Question 5 - Blood check allowance

7. It is our view that the term 'blood count' has a specific meaning relevant to radiation hazards and that the phrase should be retained. We would not oppose the title of the clause being amended to refer to 'Blood Count Allowance'.

HEALTH SERVICES UNION

7 SEPTEMBER 2020

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