

**FAIR WORK COMMISSION**

**AM2020/99; AM2021/63; AM2021/65**

**WORK VALUE CASE – AGED CARE INDUSTRY**

**NOTE ON HOME CARE EMPLOYEE EVIDENCE**

**AGED & COMMUNITY CARE PROVIDERS ASSOCIATION LTD AND AUSTRALIAN BUSINESS  
INDUSTRIAL – THE JOINT EMPLOYERS**

**17 FEBRUARY 2023**

## NOTE ON HOME CARE EMPLOYEE EVIDENCE

### Background

1. On 13 February 2023, Deputy President O'Neill made an observation about the work performed by home care workers and the intended application of the interim increase.<sup>1</sup> That observation is extracted below:

*“... the home care sector isn't confined to the provision of personal care, but also domestic assistance and home maintenance. Given that the interim increase is only in respect of personal care, any determination, I presume, [we] would have to separate out that part of home care from the balance. That's the first dimension, and the second dimension is, similarly, in respect of whether it's the home care or personal care provided to an aged person as distinct from a person with a disability who's not aged.”<sup>2</sup>*

2. Following that observation, Deputy President Asbury raised a question about direct care work performed by home care workers under the SCHADS Award, specifically, “do we have evidence about the people that do that work?”.<sup>3</sup>
3. The parties were granted leave to address this issue in a note to the Full Bench.

### Note on Evidence before the Commission

4. The Commission had before it the evidence of **21 home care employees** (excluding team leaders and coordinators).
5. During Stage 1, the Joint Employers undertook a comprehensive analysis of the evidence of each home care employee, which appears in Annexure G to the Joint Employer Submissions filed 22 July 2022 (see **attached**). For each witness, this included outlining the primary duties of each worker, which appears under the sub-heading “(vii) *The Level of Responsibility or Skill Involved in doing the Work*”, together with references to transcript and statements.

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<sup>1</sup> See Transcript, 13 February 2023, PN397.

<sup>2</sup> See Transcript, 13 February 2023, PN397.

<sup>3</sup> See Transcript, 13 February 2023, PN402

6. The primary duties broadly fall into the following categories:
- (a) personal care work (**personal**), which is understood as “*direct care*” (for example, showering, dressing and toileting);
  - (b) domestic assistance (**domestic**), which includes tasks such as household cleaning;
  - (c) social support, which includes driving consumers to appointments and/or social activities; and
  - (d) medication prompts (**med prompt**).
7. The below table identifies the primary duties performed by the home care employees that gave evidence in the proceedings (**Table 1 – HCW Duties**). The following observations may be made about the evidence regarding duties:
- (a) 15 of the home care employees provide personal care, with the majority also providing additional services (such as domestic assistance and social support). For example, Ms Wagner gave evidence that she may be allocated a 15-minute personal care appointment for Client A, followed by a 1-hour domestic assistance appointment for Client B.<sup>4</sup>
  - (b) 6 of the home care employees did not provide personal care. That is, they exclusively provide domestic assistance and/or social support.
  - (c) Some to the home care employees that did not provide personal care, received training to provide a medication prompt.
8. As to whether the home care employees that do not provide personal care should have a separate classification, noting the observations of Deputy President O’Neill that the interim increase is intended for workers that provide “*direct care*”, this may require further consideration in Stage 3.

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<sup>4</sup> See Annexure G, page 132 [2.293], citing Statement of Susanne Wagner dated 28 October 2021 [20], [22], [72(c)].

**Table – HCW Duties**

#	Witness	Enterprise Agreement / Award	Classification	Duties
1	Susan Digney	Family Based Care (North) Inc. Direct Care Worker Employee Collective Agreement 2009- 2012	Support Worker Level 2 Grade 2	Domestic Social Support
2	Catherine Evans	Regis Aged Care Pty Ltd, ANMF & HWU Enterprise Agreement – Victoria 2017	Home Care Employee – Year 5 of exp.;	Domestic Med Prompt
3	Catherine Goh	Brightwater Care Group Community Support Worker Collective Agreement 2009	Not specified	<b>Personal</b> Domestic Social Support
4	Lillian Grogan (Coach)	Australian Unity Home and Disability Services NSW Care Worker Enterprise Agreement 2019	Grade 2 employee, paid as Grade 4 employee when doing care worker coach work	<b>Personal</b>
5	Teresa Hetherington	Unspecified enterprise agreement	Personal Care Assistant, Grade 2	<b>Personal</b> Domestic Med Prompt
6	Susan Morton	Unspecified enterprise agreement	Grade 3 Advanced Care Worker	<b>Personal</b> Domestic Med Prompt
7	Lyndelle Parke	Australian Regional and Remote Community Services Enterprise Agreement 2019	Aged Care Employee Level 5 Year 3	<b>Personal</b> Domestic Social Support Med prompt
8	Marea Phillips	South Eastern Community Care Community and	Community Support Worker Level 3.3	Domestic Social Support

#	Witness	Enterprise Agreement / Award	Classification	Duties
		Disability Support Workers Enterprise Agreement 2020		Med prompt
9	Michael Purdon	South Eastern Community Care Community and Disability Support Workers Enterprise Agreement 2020	Level 3 Grade 3 of Community Support Worker classification	Domestic (and disability support work under separate classification)
10	Camilla Sedgman	RSL LifeCare, NSWMA and HSU NSW Enterprise Agreement 2017- 2020	Home Care Employee Grade 3	Domestic Social Support Med prompt
11	Veronique Vincent	Regis Aged Care Pty Ltd, ANMF & HWU Enterprise Agreement – Victoria 2017	Home Care Employee – Year 5 of exp,	<b>Personal</b> Domestic Social Support
12	Susanne Wagner	Community Based Support Enterprise Agreement 2018	Home Care Worker Level 3 Pay point 2	<b>Personal</b> Domestic Social Support
13	Paula Wheatley	Blue Care/Wesley Mission Brisbane Care and Support Employees Enterprise Agreement 2013	Personal Carer Pay point 3	<b>Personal</b> Domestic Med Prompt
14	Jennifer Wood	Uniting Aged Care Enterprise Agreement (NSW) 2017	Community Care Employee, Grade 2 Support Worker	<b>Personal</b> Domestic Social Support
15	Theresa Heenan	SCHADS	Home Care Worker Level 4 Pay point 1	<b>Personal</b> Domestic Social Support Med Prompt
16	Julie Kupke	SCHADS	Home Care Employee Level 2 Pay point 1	<b>Personal</b> Domestic

#	Witness	Enterprise Agreement / Award	Classification	Duties
				Med Prompt
17	Bridget Payton	SCHADS	Home care employee – Level 3, Pay point 1	<b>Personal</b> Domestic Social Support
18	Sandra Hufnagel	Not specified	Not specified	Domestic Social Support Med Prompt
19	Ngari Inglis	Not specified	<i>“Home Support Worker”</i>	<b>Personal</b> Domestic
20	Maria Moffat	Not specified	<i>“personal carer”</i>	<b>Personal</b> Domestic Med Prompt
21	Susan Toner	Not specified	<i>“home care worker”</i>	<b>Personal</b> Domestic Social Support Med Prompt

### For the Joint Employers

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**17 February 2023**