

**From:** Chambers - Hatcher J <Chambers.Hatcher.J@fwc.gov.au>  
**Sent:** Monday, October 9, 2023 5:11 PM  
**To:** Pathology Council <pcapathology@gmail.com>  
**Cc:** Awards <Awards@fwc.gov.au>; ceda25@gmail.com  
**Subject:** RE: Request for Inclusion of Health Professionals and Support Services Award 2020 in the 2023/21 Modern Awards Review

OFFICIAL

Dear Ms Luxton,

I have brought your correspondence below to the President's attention.

The directions hearing on 3 October 2023 was an opportunity for interested parties to comment on the draft timetable for the Modern Awards Review 2023-24 (Review). You did not enter an appearance at that hearing. The timetable was then finalised on 4 October 2023. You sent your request to expand the scope of the Review on 6 October 2023. Accordingly, the scope of the Review is as set out in the [President's statements](#) to date.

**Edrea Venal**  
**Associate to Justice Hatcher, President**



**Fair Work Commission**

Australia's national workplace relations tribunal

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**My working days are Monday, Tuesday, Wednesday and Friday.**

The Fair Work Commission acknowledges that our business is conducted on the traditional lands of Aboriginal and Torres Strait Islander people. We acknowledge their continuing connection to country and pay our respects to their Elders past, present and emerging.

**This email was sent from Gadigal Country.**

**From:** Pathology Council <[pcapathology@gmail.com](mailto:pcapathology@gmail.com)>  
**Sent:** Friday, October 6, 2023 10:43 AM  
**To:** Chambers - Hatcher J <[Chambers.Hatcher.J@fwc.gov.au](mailto:Chambers.Hatcher.J@fwc.gov.au)>  
**Cc:** Ceda Young <[Ceda25@gmail.com](mailto:Ceda25@gmail.com)>; Bree Greer <[breeandharley@live.com](mailto:breeandharley@live.com)>  
**Subject:** Request for Inclusion of Health Professionals and Support Services Award 2020 in the 2023/21 Modern Awards Review

Dear Justice Hatcher,

**Re: Request for Inclusion of *Health Professionals and Support Services Award 2020* in the 2023/21 Modern Awards Review**

I trust this letter finds you well. I write to you as an interested party in the upcoming Modern Award Review, with a request to consider the inclusion of the Health Professionals and Support Services Award 2020 (hereinafter referred to as the "Award") in the list of frequently referenced awards, as published in your Statement on September 15th.

The Phlebotomists Council of Australia (PCA) serves as a Worker Representation Group comprising Phlebotomists, more commonly known as Pathology Collectors in Australia. These dedicated professionals played a pivotal role during the COVID-19 pandemic, conducting essential testing that allowed other essential workers to safely fulfil their duties. They operated at state borders, quarantine hotels, nursing homes, drive-through testing stations, and high-risk hospital environments, contributing significantly to public health and safety.

It has become evident that the compensation and recognition of Phlebotomists, who are predominantly female workers, do not align with the significance of their contributions. The Award, which governs their terms of employment, contains certain loopholes that have been exploited by ASX-listed privatised pathology companies, enabling them to generate substantial profits from Commonwealth Funds (Medicare Rebates) while undervaluing their skilled workforce.

Furthermore, the union sector has inadequately represented this unique workforce, as the traditional organising structures do not readily accommodate the individualised nature of their work locations. The PCA has diligently engaged with government bodies, including the Office of Employment and Industrial Rights and the Australian Council of Trade Unions (ACTU), in an effort to collaborate with affiliated unions and enhance membership in our sector, ultimately leveraging the Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022. Regrettably, these efforts have yielded little interest from the affiliated unions.

A central theme of the Modern Awards Review is to "make awards easier to use." This objective resonates with the concerns surrounding the Award, as its complex application has created opportunities for employers to disadvantage their employees. In the pathology sector, we have identified several recurring issues:

1. Misinterpretation of Overtime rates, resulting in pending legal action against a national pathology company for substantial back payments to its staff.
2. Persistent casualisation of the workforce, disregarding Casual to Permanent worker clauses.
3. Mishandling of Redundancy Processes, leading to unjust redundancies and demotions.
4. Neglect of employee consultation, hampering workplace communication.
5. Inadequate provisions for career progression.

Given the pressing need for skilled healthcare workers and innovation within our healthcare sector, we strongly urge the inclusion of the ***Health Professionals and Support Services Award 2020*** in the list of frequently used awards, coupled with a comprehensive modernisation review. Such a step will serve to enhance the sector, attract skilled professionals, and address the longstanding gender-based undervaluation issue.

We are grateful for your consideration of this request, which we hope will bring much-needed attention to the unsung healthcare heroes of the COVID-19 pandemic.

Kind Regards,

Bec Luxton  
Founder and CEO  
Phlebotomists Council of Australia