

BEFORE THE FAIR WORK COMMISSION

**AGED CARE AWARD
(MA000018)**

Response to *Exposure Draft – Aged Care Award 2016*

**SUBMISSION BY
AGED CARE EMPLOYERS**

**Reply on the technical and drafting issues related to
exposure drafts**

AM2014/251

21 July 2016

Contacts: Mr Geoff Liggins, Employee Relations Manager
Aged and Community Services NSW-ACT
PO Box 3124 RHODES NSW 2138
Email: geoffl@acs.asn.au
Phone: 02 8754 0400

Ms Jenna Field, Advisor, Employment Relations
Leading Age Services Australia NSW-ACT
PO Box 7 STRAWBERRY HILLS NSW 2012
Email: jenna.field@nswact.lasa.asn.au
Phone: 02 9212 6922

Parties to this Submission

- [1] Aged Care Employers.¹

Overview

- [2] Aged Care Employers make this submission in accordance with the directions issued 15 July 2016 to make submissions in-reply on the technical and drafting issues related to the exposure drafts.

Australian Industry Group Submissions (30 June 2016)

- [3] Aged Care Employers support the submissions of the Australian Industry Group (**AIG**), other than in respect of the following:

Clause 18.3(a)(iv) – Laundry Allowance (AIG Submission at [118]-[119])

Aged Care Employers do not agree that the laundry allowance should only be payable to employees who receive a uniform allowance. Any employee required by the employer to wear a uniform will have an expense to launder that uniform. In other words, Aged Care Employers submit that the payment of a laundry allowance should be made to all employees required by their employer to wear a uniform.

Australian Business Industrial and the NSW Business Chamber Ltd Submissions (1 July 2016)

- [4] Aged Care Employers support the submissions of Australian Business Industrial and the NSW Business Chamber Ltd (**ABI**), other than in respect of clause 23.2 (ABI Submissions at [4.3]). Aged Care Employers rely upon their submissions dated 30 June 2016 at [13], ie the period over which the 10 or more weekends is counted should be by reference to “each year of service” not simply “12 months”.

AWU Submissions (6 July 2016)

- [5] Aged Care Employers do not agree that the casual loading should be paid for all purposes, nor is it agreed that the proposed definition provides for this (as currently worded) (refer [4]-[5] of AWU Submissions). Such a proposition is directly contrary to clause 20.3 of the Exposure Draft (clause 23.2 of the current Award) whereby ordinary hours worked on a Saturday/Sunday by a casual employee attract penalty rates but not the casual loading.

¹ Aged Care Employers: Aged and Community Services NSW & ACT, Leading Age Services Australia NSW- ACT, Aged and Community Services Australia, Leading Age Services Australia, Aged and Community Services Western Australia, Aged and Community Services SA & NT, Aged & Community Services Tasmania, Aged and Community Services Australia (Victoria), Aged and Community Services Australia (QLD)

- [6] Aged Care Employers oppose the AWU Submissions at [6]-[7]. Such submissions are misguided. The nature of casual employment is engagement on an hourly basis. Minimum hourly starts are a separate issue. As for fixed term employment, it can already occur (the concept is not a change, let alone a substantial change). The fact that there is no definition of it, or provision for it, in an award does not prohibit it. No definition for fixed term employment is necessary under the Award.
- [7] The AWU Submissions at [9]-[14] are not clear. No alternative words have been proposed. It is not apparent what the AWU is seeking in terms of wording or outcome. On this basis, Aged Care Employers are opposed to the contentions made by the AWU in respect of these matters.

United Voice Submissions (30 June 2016)

- [8] In respect of the United Voice Submissions at [4]-[5], Aged Care Employers support the use of the words “classification, grade and level” in any definitions of ordinary hourly rate and minimum hourly rate.

Health Services Union Submissions (30 June 2016)

- [9] Other than in respect of clause 14.4 Rosters (HSU Submissions at [27]-[30]) and clause 17.7 Higher Duties (HSU Submissions at [37]) Aged Care Employer’s do not oppose the submissions advanced by the HSU.
- [10] In relation to clause 14.4, Aged Care Employers submit that the HSU’s analysis is incorrect and ought not be otherwise considered.
- [11] In relation to clause 17.7, Aged Care Employers submit that the current provisions as to higher duties require no change.

Aged Care Employers

21 July 2016