

BEFORE THE FAIR WORK COMMISSION

**AGED CARE AWARD 2010
(MA000018)**

Submission in reply to *Exposure Draft – Aged Care Award*

**SUBMISSION BY
AGED CARE EMPLOYERS**

15 April 2019

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Parties to this Submission

- [1] Aged Care Employers.¹

Response

- [2] The Aged Care Employers makes this submission in response to the Fair Work Commission's (Commission) publication of an *Exposure Draft – Aged Care Award* as part of the 4 Yearly Review of Modern Awards.

In accordance with the Commission's Background Document of 5 April 2019 of 8 December 2014, Aged Care Employers provide the following comment to the revised Exposure Draft for the Aged Care Award published on 15 March 2019.

Submission

Clause 7 – Facilitative provisions for flexible working practices

- [2] Aged Care Employers do not believe that there have been any Decisions with regard to this clause being inserted into the Aged Care Award.

Clause 18.3 (b) – Damaged clothing allowance

- [3] Aged Care Employers present that the clause in the Exposure Draft does not align with that agreed and published in the [Draft Report](#) published on 11 September 2018.

- [4] The Clause in the Exposure Draft reads:

Where an employee, in the course of their employment, suffers any damaged to or soiling of clothing or other personal effects, the employer will be liable for the replacement, repair or cleaning of such clothing or personal effects provided, where practicable, immediate notification is given to the employer of such damage or soiling as soon as possible.

This clause will not apply where the damage or soiling is caused by the negligence of the employee.

- [5] The agreed Clause as per the Draft Report published on 11 September 2018 reads:

*Where the employer does not provide or require an employee to wear a uniform, and in the course of their employment, the employee suffers any damage or soiling of personal clothing **beyond what could reasonably be reasonably expected as part of the routine tasks an***

¹ Aged Care Employers: Aged & Community Services Australia, Leading Age Services Australia Ltd

employee would undertake on a daily basis, the employer will be liable for the reasonable cost of replacement, repair or cleaning of the clothing provided immediate notification is given of the damage or soiling.

This clause will not apply where the damage or soiling is caused by the negligence of the employee or where the employer has provided protective clothing/equipment to prevent such damage or soiling of the employee's personal clothing.

Clause 22.2 (a) – Overtime – Part-time and casual employees

[6] The clause in the Exposure Draft currently proposes the following changes:

(a) All time worked by a part-time or casual employee who ~~works more~~ in excess of than 38 hours per week or 76 hours per fortnight must be paid at the following rates:

[7] Aged Care Employers present that the word 'works' should not be deleted from the above.

Clause 32.1 (e) - Termination of Employment

[8] The clause in the Exposure Draft currently proposes the following changes:

(e) If the employer has agreed to a shorter period of notice than that required under paragraph (b), then no deduction can be made under paragraph (d)(d).

[9] Aged Care Employer submit that the duplicate (d) at the end of this clause should be deleted.

Aged Care Employers

15 April 2019