



IN THE FAIR WORK COMMISSION

Matter No: AM2014/286

Title: Modern Awards Review 2014

Supported Employment Services Award

SUBMISSIONS AND DRAFT DETERMINATIONS

30 September 2016

Filed on behalf of:	Health Services Union		
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1. HSU provides this brief submission and draft determination in accordance with the Directions issued by the President, Justice Ross, on 26 August 2016 in relation to the Group 4 Awards.¹
2. The Directions require parties to submit a short submission confirming the substantive claims being pursued, included draft variation determinations.

Leave

Ceremonial Leave

3. HSU seeks to include the provisions for 10 days ceremonial leave for Aboriginal and Torres Strait Islanders. HSU anticipates the case will be largely merits based. A draft determination is provided below.

Minimum Wages

Wages Assessments

4. HSU is party to an application to remove the Business Services Wages Assessment Tool AM2013/30, following the decision in *Nojin*², which found that the use of the competency component of the tool had a discriminatory effect. A variation to the initial application was made to remove any wage assessment tool that contained a competency component. HSU seeks to continue these applications to finalisation as part of the current proceedings in AM2013/30, or if required, the 4 yearly review process.

Rachel Liebhaber
National Industrial Officer

¹ [2016] FWC 6062

² [Nojin v Commonwealth of Australia \[2012\] FCAFC 192](#)

<<FileNo>> <<PrintNo>>
FAIR WORK COMMISSION

DRAFT DETERMINATION

Fair Work Act 2009
Part 2-3, Div 4 – 4 Yearly reviews of modern awards

Supported Employment Services Award 2010
(ODN AM2014/286) MA000103

Social, community, home care and disability services

PRESIDENT ROSS

MELBOURNE, XX YYY 2016

Review of modern awards to be conducted.

- [1] Further to the Decision and Reasons for Decision <<DecisionRef>> in <<FileNo>>, it is determined pursuant to section 156(2)(b)(i) of the *Fair Work Act 2009*, that the *Supported Employment Services Award 2010* be varied as follows.
- [2] Insert a new clause as follows:

X. Ceremonial Leave

An employee who is legitimately required by indigenous tradition to be absent from work for Aboriginal or Torres Strait Islander ceremonial purposes will be entitled to up to 10 working days unpaid leave in any one year, with the approval of the employer.
- [3] The determination shall operate on and from XX YYY 2016.

PRESIDENT