

3 August 2021

Fair Work Commission

By email: [amod@fwc.gov.au](mailto:amod@fwc.gov.au)

## **Submission re: SCHADS Award changes**

Zest Personalised Care is a registered NDIS Provider whose employees are covered under the Social, Community, Home Care and Disability Industry Award 2010. We offer the following comments in relation to the proposed changes to the Award.

### **Minimum engagement for staff meetings, training, or professional development**

The proposal to implement a minimum 1 hour engagement for meetings, professional development (including individual supervision) and training is supported by Zest Personalised Care.

Most of our support workers have conveyed to us that they prefer to conduct training via video, such as Zoom or Microsoft Teams, and because we are a national provider, these platforms allow for more staff to attend these sessions. Zest deems training, professional development, and staff meetings as a critical component to quality care. Sessions beyond the 1 hour has an impact on our participants receiving care from our support workers, especially in regional areas where there aren't as many support workers to provide care.

### **Minimum two-hour engagement – part time permanent staff**

We oppose a minimum engagement of two hours for permanent part time staff as it would be detrimental to the needs of our participants. For instance, some of our clients require flexible personal care and the minimum engagement will restrict this ability to provide care to the participants under their care plan.

Under current NDIS funding models, we cannot charge our participants for a minimum engagement period, as we shouldn't under choice and control. Setting a minimum engagement period would have a severe impact on our ability to provide support workers to our participants to enable them to achieve their care plan outcomes.

### **Broken Shifts**

We oppose the changes to Broken Shifts. Again, this would impact the services we are able to provide to our participants. Changing the breaks allowed to only 2 per broken shift is not flexible enough to provide services to our participants. We currently have support workers in regional areas providing care to participants. It has been particularly challenging to provide services to these participants due to the limited availability of support workers in these areas.

To provide further restrictions on Broken Shifts could be detrimental to our participants as costs such as overtime cannot be charged back to the participant. If the clause were to change to allow for 2 breaks only, this could have an impact on the services we are able to provide participants.

### **Paid Travel Time Between Shifts**

Zest Personalised Care supports the payment of an allowance to workers travelling between participant shifts but not as paid time. An allowance is a more practical way of compensating workers for their travel time between shifts.

### **Variations to Roster Clause**

Zest already supports their support workers to swap shifts when required. However, we do not support the support workers being able to swap shifts between themselves. The reason for this is because a majority of our participants have very specific needs including PEG feeding, hoisting, manual handling and assisting with aids. Workers swapping shifts amongst themselves risks the appropriate skills mix not being active on shift. This could have a detrimental outcome to our participants if the right support worker is not provided to them on shift.

Some of our participants with mental health disabilities have clearly stated to us that they like knowing who is turning up on shift as it can upset their routine and mental health. If workers are allowed to swap shifts amongst themselves, this may not allow Zest to ensure the swapped worker is inducted properly to support the participant.

Zest also has concerns about rostering practices if staff are allowed to swap shifts themselves. Our particular concern is around fatigue and workplace health and safety of support workers. We need to ensure our workforce is having regular breaks so they can support our participants efficiently and not cause any safety issues on shift, particularly when they are driving.

### **Remote Response/Recall to Work**

Zest uses various software platforms to engage with their workforce, including text messaging via a rostering system and emails. Zest does not believe that reading and responding to these messages results in a response or recall to work. Whilst we agree that support workers should be remunerated for work performed or on call work, we do not believe responding to messages regarding rosters, or answering a question regarding a previous shift (e.g., did you complete the handover, or did you check out of the shift on time) constitutes work that should be remunerated.

Placing a payment arrangement on these types of responses would cause a hinderance to daily operations. It would also cause excessive workload and cost. It may encourage delinquent behaviour, as deliberate error would result in increased pay, due to the investigation required.

### **Client Cancellation**

Zest agrees with being able to pay the employee the amount of they would have received for the shift and to provide the employee with make-up time to be performed within 3 months of the date of the cancelled shift. Zest also agrees with consulting the employee in relation to when the make-up time will be performed.

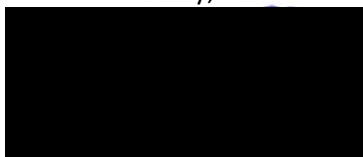
### **Variation to clothing and equipment reimbursement**

Zest agrees with the reasonable reimbursement of damaged or soiled clothing and equipment.

### **Sleepover**

Zest supports the change to the Sleepover clause whereby employees should have access to clean bed linen and access to food preparation facilities.

Yours sincerely,



William Strugnell  
Chief Executive Officer

Zest Personalised Care