

**From:** Alex Grayson <[AGrayson@mauriceblackburn.com.au](mailto:AGrayson@mauriceblackburn.com.au)>  
**Sent:** Tuesday, 2 August 2022 2:18 PM  
**To:** Chambers - Ross J <[Chambers.Ross.j@fwc.gov.au](mailto:Chambers.Ross.j@fwc.gov.au)>; 'Lucy Saunders' <[lucy.saunders@greenway.com.au](mailto:lucy.saunders@greenway.com.au)>  
**Cc:** Penny Parker <[PParker@mauriceblackburn.com.au](mailto:PParker@mauriceblackburn.com.au)>  
**Subject:** RE: AM2020/99, AM2021/63, AM2021/65 - Aged Care Work Value - Provisional Views [MBC-VIC.FID4764037]

Dear Associate,

In response to your email of 27 July 2022, the HSU's position is as follows:

1. The HSU agrees with the first provisional view, and says further that the fact that it is common ground that the rates have not been properly set is an indication that the rates do not presently reflect the proper value of the work, and goes toward a conclusion that an increase is justified on work value grounds.
2. The HSU agrees with the second provisional view, however observes that, when considering whether it is satisfied that a variation to modern award wages is justified by work value reasons, it will be necessary for the Commission to consider factors that have resulted in the historical undervaluation of relevant work including the extent to which aspects of the nature of the work and the skills and responsibilities involved have been overlooked for gender based reasons.
3. The HSU agrees with the third provisional view, and reiterates that historical gender-based undervaluation also has a role to play in this analysis.

Should you have any queries then please do not hesitate to contact the undersigned.

Regards,  
Alex

**Alex Grayson**  
Principal Lawyer

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**From:** Alex Grayson <[AGrayson@mauriceblackburn.com.au](mailto:AGrayson@mauriceblackburn.com.au)>  
**Sent:** Monday, 1 August 2022 11:38 AM  
**To:** Chambers - Ross J <[Chambers.Ross.j@fwc.gov.au](mailto:Chambers.Ross.j@fwc.gov.au)>; 'Lucy Saunders' <[lucy.saunders@greenway.com.au](mailto:lucy.saunders@greenway.com.au)>  
**Cc:** Penny Parker <[PParker@mauriceblackburn.com.au](mailto:PParker@mauriceblackburn.com.au)>  
**Subject:** Re: AM2020/99, AM2021/63, AM2021/65 - Aged Care Work Value - Provisional Views

Dear Associate,

We apologise for the delay in responding. We will revert to the Commission tomorrow on this issue.

Regards  
Alex

**Alex Grayson** | Principal Lawyer  
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**From:** Chambers - Ross J <[Chambers.Ross.j@fwc.gov.au](mailto:Chambers.Ross.j@fwc.gov.au)>  
**Sent:** Monday, August 1, 2022 9:46 am  
**To:** 'Lucy Saunders' <[lucy.saunders@greenway.com.au](mailto:lucy.saunders@greenway.com.au)>  
**Cc:** Alex Grayson <[AGrayson@mauriceblackburn.com.au](mailto:AGrayson@mauriceblackburn.com.au)>; Penny Parker <[PParker@mauriceblackburn.com.au](mailto:PParker@mauriceblackburn.com.au)>  
**Subject:** RE: AM2020/99, AM2021/63, AM2021/65 - Aged Care Work Value - Provisional Views

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OFFICIAL

Good morning Ms Saunders,

I refer to the below correspondence.

Could you please advise if the HSU's submissions dated 22 July 2022 included a response to the Full Bench's *provisional* views?

Kind regards,

**Madeleine Castles (she/her)**

Associate to the Hon. Justice Ross AO  
President



**Fair Work Commission**  
Australia's national workplace relations tribunal

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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 Wurundjeri Woi Wurrung Country.**

**From:** Chambers - Ross J

**Sent:** Wednesday, 27 July 2022 3:54 PM

**To:** Lucy Saunders <[lucy.saunders@greenway.com.au](mailto:lucy.saunders@greenway.com.au)>

**Cc:** Alex Grayson <[agrayson@mauriceblackburn.com.au](mailto:agrayson@mauriceblackburn.com.au)>; Penny Parker <[PParker@mauriceblackburn.com.au](mailto:PParker@mauriceblackburn.com.au)>

**Subject:** AM2020/99, AM2021/63, AM2021/65 - Aged Care Work Value - Provisional Views

Good afternoon Ms Saunders,

On 9 June 2022, the Full Bench issued a [Statement](#) in the above matter. Paragraph [7] of the Statement set out the following *provisional* views:

1. Based on the submissions of the Unions and the Joint Employers, the relevant wage rates in the Aged Care Award 2010, the Nurses Award 2020 and the Social, Community, Home Care and Disability Services Industry Award 2010 have not been properly fixed.
2. It is not necessary for us to form a view about why the rates have not been properly fixed.

3. Our task is to determine whether a variation of the relevant modern award rates of pay is justified by 'work value reasons' (and is necessary to achieve the modern awards objective), being reasons related to any of s.157(2A)(a)-(c) the nature of the employees' work, the level of skill or responsibility involved in doing the work and the conditions under which the work is done.

Parties were invited to address the *provisional* views in their submissions due on Friday 22 July 2022.

Can you please confirm if the HSU's submissions dated 22 July 2022 included a response to the *provisional* views?

Kind regards,

**Madeleine Castles (she/her)**

Associate to the Hon. Justice Ross AO  
President



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