

From: Liza Isho [<mailto:Liza.Isho@afei.org.au>]
Sent: Friday, 21 April 2017 2:31 PM
To: AMOD
Cc: Jakov Miljak
Subject: FW: AM2014/250 - Aboriginal Community Controlled Health Services Award 2010

Dear Sir/Madam,

Please see below in relation the above award.

We kindly request our email be shared with all interested parties in the above award and be published on the Award review website.

If you have any questions, please do not hesitate to contact me.

Kind regards,

Liza Isho | Senior Workplace Relations Consultant

Australian Federation of Employers and Industries

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From: Liza Isho
Sent: Friday, 21 April 2017 11:09 AM
To: 'Chambers - Cirkovic C' <Chambers.Cirkovic.C@fwc.gov.au>
Cc: Jakov Miljak <Jakov.Miljak@afei.org.au>
Subject: AM2014/250 - Aboriginal Community Controlled Health Services Award 2010

Dear Associate,

The following submissions are in response to the request by Commissioner Cirkovic on 28 March 2017 concerning the *Aboriginal Community Controlled Health Services Award* ("the Award"), matter AM 2014/250 of the 4 yearly review.

These submissions clarify AFEI's positions in relation to a number of technical/drafting and substantive issues that remain in contention.

We apologise for the delay in providing these submissions but we request that the AFEI's position as outlined below be included in a revised summary of submissions for the benefit of all parties prior to the next conference on Friday, 28 April 2017.

Technical and Drafting Issues (Item numbers reference revised summary of submissions- technical and drafting – dated 27 March 2017)

Item 13 – Ordinary hours of work

AFEI does not oppose the wording proposed by the Health Services Union dated 12 April 2017, namely that:

13.2 No more than 10 ordinary hours of work (exclusive of meal breaks) can ~~may~~ be worked in any one day.

Substantive Issues (Item numbers reference summary of proposed substantive variations – dated 27 March 2017)

Item 1 – Terminology

AFEI does not object to the addition of the words "and/or" after wherever the word "Aboriginal" appears in the award.

Items 2 – Education and Training

AFEI is concerned that the phrase 'employer will actively assist' is not clear and the obligation on the employer would be uncertain.

Item 2B – Classification restructuring

We do not support the proposed changes to the proposed classifications structure, including the introduction of a new Grade 6 classification. The effect of the restructure would be a general uplifting in the classifications. For example, a Certificate III qualified employee would become a Grade 3 where they are current a Grade 2. Having regard to the 'work-value' considerations and properly fixed minimum wage rates, we do not support the propose classification restructure.

Item 3 – Expanding coverage to all Aboriginal and Torres Strait Islander Health Workers

AFEI does not support the proposed expansion of coverage to include employees who are working in organisations which are not aboriginal controlled community health organisations. In the creation of the modern award the Full Bench of the AIRC noted that

"the services provided by aboriginal controlled community health organisations are notably different from what might be called mainstream health services, including as to the work that is performed by its employees."

AFEI is concerned that there may be issues with overlapping coverage and the possible consequences of expanding occupational coverage to employees who may already be covered by another award.

Item 5 – Casual Loading

We do not support changes to the payment of the casual loading on public holidays.

Items 7-9 – Allowances

AFEI does not support the introduction of an extensive range of new allowances, is concerned about the introduction of an extensive range of new allowances and whether these allowances would be appropriately transposed directly from one award to another.

Item 14 – Rostering

AFEI does not support this change as it would be significantly more onerous on employers, reduce flexibility and may be disruptive to service. The present award provision provides sufficient protection for an employee and is in line with other roosting provisions in other awards. There is no evidence to suggest that this change is required.

Item 15 – Rostering

AFEI does not support the increased minimum engagement periods proposed by the HSU.

Item 16 – Tea breaks

AFEI would be opposed to the proposed introduction of tea breaks. The party bringing the claim (the HSU) has not provided any detail such as an indication as to the length of the break, its frequency or whether or not it will be paid or unpaid.

Items 17A – 18 – Ceremonial Leave

AFEI would not oppose the wording proposed by NATSIHWA in clause 30 of their draft determination in relation to allowing the current unpaid ceremonial leave entitlement to be used for bereavement related ceremonies and obligations.

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