

IN THE FAIR WORK COMMISSION

Matter No: AM2014/285

Section 156 - 4 Yearly Review of Modern Awards – Social, Community, Home Care and Disability Services Industry Award 2010

SUBMISSION OF THE AUSTRALIAN SERVICES UNION

1. This submission is made in response to the Statement issued by the Fair Work Commission on 28 February 2019. It regards the exposure draft of the *Social, Community, Home Care and Disability Services Industry Award 2010* ('SCHDS Award') released on 15 March 2019.

Clause 15.1 – Minimum wages – social and community services employees and crisis accommodation employees

2. The exposure draft includes two notes at Clause 15.1. These refer the reader to the transitional pay equity order and an equal remuneration order [PR525485], which provides for different rates of pay for certain employees covered by classifications in Schedules B and C of the SCHDS Award.
3. The exposure draft includes a comment that the note at 15.1 will be referred to the substantive Full Bench for consideration. This comment is incorrect; the issue has already been decided by a Full Bench. We refer the Fair Work Commission to paragraphs [390]-[400] of [\[2018\] FWCFB 4175](#).
4. Further, the words '*This may require an additional payment in accordance with the terms of the transitional pay equity order*' have been inserted at Note 2. These words are misleading.
5. Both the transitional pay equity order and the equal remuneration order may require an additional payment. The new words at note 2 should be deleted and we propose that the exposure draft should be amended to include the follow new note 3:
 3. *An additional payment in accordance with the terms of the transitional pay equity order or the equal remuneration order may be required.*

Clause 15.3 – Minimum wages – home care employees

6. The exposure draft includes a note at clause 15.3 that refers to the transitional pay equity order. This note should be deleted, because the transitional pay equity order only applies to employees covered by Schedules B and C of the SCHDS Award. This submission is consistent with previous decisions of the Fair Work Commission in [2018] FWCFB 4175 and [2018] FWCFB 6852.

Schedule F – Summary of Hourly Pay Rates

7. We note that Schedule F.1 has been deleted in accordance with [2018] FWCFB 6852. It may be useful to include a note that the reader a summary of the hourly rates of pay for these employees has not be provided because of the transitional pay equity order and the equal remuneration order.

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