

FAIR WORK COMMISSION

AM2020/99; AM2021/63; AM2021/65

WORK VALUE CASE – AGED CARE INDUSTRY

POSITION OF THE JOINT EMPLOYERS:

CLASSIFICATIONS AND ALLOWANCE ISSUES

AGED & COMMUNITY CARE PROVIDERS ASSOCIATION LTD

AUSTRALIAN BUSINESS INDUSTRIAL

(“THE JOINT EMPLOYERS”)

15 SEPTEMBER 2023

BACKGROUND AND CONTEXT

1. On 2 August 2023, the Fair Work Commission (**the Commission**) published a revised “*Stage 3 issues summary*” (**Summary Document**) and President Hatcher gave directions for the programming of Stage 3 (**the Directions**).
2. The Summary Document contains two categories of issues:
 - (a) “*classifications and allowance issues*” (Issues 1-16); and
 - (b) “*wage and adjustment issues*” (Issues 17-18).
3. The Directions included the following:
 8. *Any party proposing a variation to award classification and pay structures, classification descriptors or allowances shall file a draft determination setting out its proposed variations by 5:00 pm (AEST) on Friday, 15 September 2023.*
 9. *Each interested party shall file a document setting out its position with respect to each of the classification and allowance issues by 5:00 pm (AEST) on Friday, 15 September 2023.*
4. Pursuant to the Directions, the Joint Employers file this submission, setting out their position with respect to Issues 1-16 in the Summary Document, together with the following:
 - (a) Draft Determination for the *Aged Care Award*, setting out the Joint Employers’ proposed variations to the classification and pay structure (**JE Draft Aged Care Determination**); and
 - (b) Draft Determination for the *SCHADS Award*, setting out the Joint Employers’ proposed variations to the classification and pay structure (**JE Draft SCHADS Determination**).
5. Throughout this submission reference will be made to those draft determinations, as well as the following:
 - (a) Background Document 10 – Stage 3 Outstanding Issues (Full Bench, 23 December 2022) (**Background Document 10**); and
 - (b) Joint Employers’ Response to Questions by the Full Bench in Background Document 10 (filed 7 March 2023) (**Joint Employers’ Response to Background Document 10**).
6. The Joint Employers will file submissions in support of each draft determination separately. Those submissions will include a detailed explanation of the Joint Employers’ proposed amendments to the classification structures in the *Aged Care Award* and *SCHADS Award*, together with an explanation of the corresponding amendments to the pay structure within the *Aged Care Award*. At this juncture, the Joint Employers wish to emphasise that no existing employee classified under the Awards should have a reduction in their pay as a result of Stage 3.¹

¹ This position was made clear in closing submissions advanced by the Joint Employers before the Full Bench on 1 September 2022: Transcript of Proceedings - AM2020/99, AM2021/63, AM2021/65 (9.30am, 1 September 2022, Stage 1, Closing Submissions) at PN15547-PN15551.

POSITION OF THE JOINT EMPLOYERS: CLASSIFICATIONS AND ALLOWANCE ISSUES

ISSUE 1:

HSU's proposed changes to *Aged Care Award* classification structure

Response to HSU Proposal: PCW

7. Save for retaining reference to a Certificate III qualified personal care worker (**PCW**) at Level 4, the balance of the HSU's proposal for PCWs is not supported by the evidence tested in *Stage 1*. Addressing each level within the HSU's proposal, the Joint Employers submit:
- (a) **Level 2 (entry level):** The use of months (as opposed to hours) worked does not provide an appropriate marker of competency and leads to possible inequitable application for the purposes of progression (especially if a PCW is only working 1-2 days per week vs a PCW working 5 days per week).
 - (b) **Level 3:** There is no evidence to justify the significance of “6 months” as a marker for the achievement of competency by a PCW. By contrast, there was evidence to support 3-years’ experience post Certificate III as a marker of increased competency for a PCW.²
 - (c) **Level 5 (senior):** The marker of competency for the purposes of progression should not be the “*HLTHPS006 – Assist clients with medication*” unit of competency, that being an elective unit that may be completed as part of either Certificate III or Certificate IV. Further, the evidence does not support recognition of a distinct and separate classification based upon completion of the HLTHPS006 (or equivalent), rather, the evidence supports a finding that the appropriate competency based markers for progression after holding a Certificate III are as follows: Certificate III (+ 3 years’ experience) and Certificate IV.³ Hence, the Joint Employers’ proposal for inclusion of an “*experienced PCW*” (namely, Certificate III + 3 years’ experience).
 - (d) **Level 6 (specialist):** The *Stage 1 decision* confirmed that the increased acuity and acute care needs of residents (including the increase in residents with dementia and requiring palliative care) contributed to the finding of work value reasons to justify the 15% increase.⁴ The evidence also revealed that some workers were more exposed to residents with dementia than others by working in a secure or dedicate dementia unit. However, the evidence does not support a finding that factors such as dementia, palliative care or the household model require a singular and “*specialist*” classification. The Joint Employers submit the evidence supports the introduction of an *allowance* for PCWs working in specialised dementia units, but there is currently no basis to recognise a separate classification.
 - (e) **Level 7 (supervisor):** There is no evidentiary basis for the introduction of a “*PCW Supervisor*”. Conversely, there is evidence that the supervisor of PCWs in residential aged care is either an EN or RN. As to PCWs that may be delegated the responsibility of being in charge of 2 or more PCWs (for example, a Team Leader),

² See example, Joint Employers Submission dated 22 July 2022, Annexure H at [6.40(c)], [2.38] (Mark Sewell and Anna-Maria Wade).

³ See *Stage 1 decision* [2022] FWCFB 200 at [890(11)].

⁴ See *Stage 1 decision* [2022] FWCFB 200 at [890(2), (4) and (10)].

this may be addressed by the “*leading hand allowance*” at clause 15.3 of the *Aged Care Award* depending on the circumstances.

Response to HSU Proposal: RAO

8. The Joint Employers agree that the *Aged Care Award* should recognise the Certificate IV as the qualification for a recreational and lifestyle activities officer (**RAO**). However, turning to the balance of the HSU’s proposal for RAO progression, it is not supported by the evidence in *Stage 1*. Addressing each level within the HSU’s proposal, the Joint Employers submit:
- (a) **Level 3:** There is no evidence to justify the significance of “*6 months*” as a marker for the achievement of competency by a RAO. The evidence in *Stage 1* supports a finding that RAOs typically transition from the PCW role to RAO. For that reason, the Joint Employers propose two routes for entry as a RAO:
 - (i) prior experience in the aged care industry (no qualification); and
 - (ii) prior experience in the aged care industry (+ Certificate III).
 - (b) **Level 4:** If a RAO is aligned to the PCW Certificate III level, that RAO should be required to hold a Certificate III as well. This recognises the relevance of a Certificate III and that a RAO who is not Certificate IV qualified but has a Certificate III will possess beneficial competencies above that of a strictly “*unqualified*” RAO.
 - (c) **Level 6:** The evidence does not support the introduction of this new “*senior*” classification. Whilst the evidence does reveal that a RAO may get further qualifications (for example, a degree to become a diversional therapist), that does not correlate to a change in competency within the role of a RAO.⁵ Further, the introduction of a “*senior*” RAO proposal appears to be introducing an additional classification based on years of service rather than “*the essential elements of qualifications, displayed competence and acquired experience and responsibility*”.⁶
9. The Commission should be cautious to avoid variations based on years of service when there is not a connection with achievement of greater competency, especially in circumstances where the Full Bench have previously described such an approach as “*anachronistic*” and not appropriate within a work value determination.⁷

ISSUE 2:

ANMF’s proposed changes to *Aged Care Award* classification structure

10. Addressing each grade within the ANMF’s proposal, the Joint Employers submit:
- (a) **Grade 1 (entry):** Whilst an entry level is appropriate, the Joint Employers repeat and rely on their submissions at [7(a)] above.
 - (b) **Grade 2:** As to the use of “*6 months*” as a marker of competency, the Joint Employers repeat and rely on their submissions at [7(b)] above.

⁵ See example, Josephine Peacock, in addition to attaining Certificate III and Certificate IV qualifications, attained a Bachelor of Health Science (Leisure and Life). This additional education qualified Ms Peacock as “*Diversional Therapist*”.

⁶ *Re Independent Education Union of Australia* [2021] FWCFB 2051 at [647] (**Teachers Case**).

⁷ *Ibid*.

- (c) **Grade 3 (Cert III):** The Joint Employers agree that the Certificate III qualified PCW is a competency based classification that is supported by the evidence.
- (d) **Grades 4 and 5 (senior and specialist):** As to the balance of the ANMF's proposal, namely a "senior" and "specialist" PCW, the Joint Employers repeat and rely on the submissions advanced above in response to the HSU proposal (see at [7(c) and 7(e)]). Additionally, it is submitted that the inclusion of "senior" and "specialist" classification titles, without amendment to the existing classification descriptors, provides very little practical assistance with understanding the basis for progression between the grades. The ANMF proposal does not rectify the uncertainty that exists within the direct care stream.

ISSUE 3:

Potential changes to SCHADS Award classification structure

- 11. The Joint Employers submit that the classification structure under Schedule E must be amended to create an "aged care" stream, as distinct from the "disability" stream due to the different wage rates. Further, the Joint Employers rely on the proposal set out in the JE Draft SCHADS Determination, which includes amendments to the classification descriptions within the aged care stream.

ISSUE 4:

HSU's changes to entry level RAO classification

- 12. The Joint Employers do not oppose the inclusion of RAO classification levels below a Certificate IV. However, the "entry level" classification proposed by the HSU is not supported by the evidence. The Joint Employers submit:
 - (a) There is no evidence to justify the significance of "6 months" as a marker for the application and achievement of competency by a RAO (unqualified or otherwise).
 - (b) The Commission had the benefit of five witnesses that held the role of RAO;⁸ each RAO held a Certificate IV, with some obtaining further and/or degree qualifications. As to the qualification held by the RAO prior to a Certificate IV, the evidence suggests at minimum a Certificate III was obtained (noting that employees making the transition to RAO often commence work in the aged care industry as a PCW and acquire additional qualifications to take on the RAO role).
- 13. The Joint Employers rely on its structure for RAOs set out in JE Draft Aged Care Determination, which includes two routes of entry for a RAO below a Certificate IV (see also at [8(a)] above).

ISSUE 5:

HSU's additional RAO classification levels

- 14. The HSU's proposal appears to introduce additional classifications based on years of service rather than "the essential elements of qualifications, displayed competence and acquired experience and responsibility".⁹ The evidence in Stage 1 does not provide any

⁸ Fiona Gauci, Sanu Ghimire, Jade Gilchrist, Michelle Harden and Josephine Peacock.

⁹ *Re Independent Education Union of Australia* [2021] FWCFB 2051 at [647] (**Teachers Case**).

basis to justify the introduction of a new “senior” RAO classification or indicate the significance of “6 months” as a marker of competency. Nor does there appear to be a proper basis to align a RAO with more than 6 months experience to a PCW that holds a Certificate III qualification (such alignment may have the effect of undermining the Certificate III qualified position). The Joint Employers repeat their earlier response at [8(a) - 8(c)] above.

15. Two further observations may be made about the evidence in *Stage 1*. *First*, the evidence supports recognition of a Certificate IV qualified RAO.¹⁰ *Secondly*, the evidence also reveals a RAO may get further qualifications, which may be relevant to securing appointments for roles not covered by the *Aged Care Award*. For example, a degree is required to be a Diversional Therapist – a position that does not fall within the *Aged Care Award*.¹¹

ISSUE 6:

Principles / Classification progression - time v competency based

The principles to be applied by the Commission when establishing an appropriate classification structure

16. The Commission should be mindful of the Full Bench view in the *Teachers Case*, namely, that a classification structure built on “years of service rather than the essential elements of qualifications, displayed competence and acquired experience and responsibility” is inappropriate within the statutory scheme.¹²
17. The reference to “skill-based” in s 139(1) of the *Fair Work Act 2009* (Cth) is akin to the notion of “competence”.
18. An appropriate classification structure should be “career-based”. However, care must be taken to ensure that a career-based structure is not artificial, such that it creates artificial steps of progression not based on an increase in competency. An appropriate classification structure must reflect the *genuine acquisition of competence* and reflect the *practical reality* of how people develop competence and apply it in the industry. By way of illustration, it would be inappropriate to introduce an additional pay point within a classification level simply to give someone a pay increase after a period that is not based on the acquisition of competence – this would introduce an artifice into the classification structure.
19. Any classification structure should clearly state the skills, qualifications and experience required at each level. Further, descriptors within each level should ‘practically’ describe, as opposed to ‘esoterically’ describe, so they may be easily understood and applied in the actual workplace. This approach is consistent with the need to ensure a simple and easy to understand modern award.
20. It is appropriate that a classification structure provides a clear means to transition from one level to another. The levels within the awards should be properly structured on competence and skill, and the descriptions within each award should clearly explain the requisite competencies and skills of each level. For example, as established on the evidence in *Stage 1*, the displayed competence and acquired experience of a PCW (Certificate III) with 3 years’ experience is distinct from the displayed competence of a PCW (Certificate III). Upon the basis of that identifiable inflection of competency, 3-years after a PCW had

¹⁰ See example, Witness statement of Michelle Harden, dated 30 March 2021 at [6].

¹¹ See example, evidence of Josephine Peacock.

¹² *Teachers Case* at [647].

acquired a Certificate III and exercised the competencies obtained through that qualification, the Joint Employers submit it is appropriate to include an intermediary PCW classification level: Certificate III + 3 years' experience.

21. For completeness, the Joint Employers continue to rely upon their observations and submissions set out in response to Question 7 in Background Document 10.

The incremental pay points in the SCHADS Award and Nurses Award

22. Consistent with the Joint Employers' earlier response to Questions 9 and 10 in Background Document 10, progression through incremental pay points should be based upon displayed competency and not simply an automatic pay-rise based on time served. That is, each incremental increase reflects applied and acquired competencies at that level.
23. Starting with the *SCHADS Award*, whilst there is an element of the "years of service" progression within the *SCHADS Award* in clause 13.3, with "12 months" identified as the relevant period to consider progression, unlike the *Nurses Award*, there is also an express requirement that "the employee has demonstrated competency" over that 12-month period and that the employee acquires and satisfactorily uses "new or enhanced skills within the ambit of the classification" (if required). Based on that analysis, the construction of the progression clause in the *SCHADS Award* could not be described as anachronistic in the *Teachers*-sense. It is clear that the progression between pay points is not intended to be automatic, but subject to an assessment of competency and skills and a determination by the employer.
24. Turning to the progression clause in the *Nurses Award* (at clause 15.7), whilst the references to "the acquisition and use of skills" and "knowledge gained", suggests that progression through the pay points is competency-based, there does not appear to be an explicit requirement that such competencies are attained or demonstrated. Further, being historically derived from the public sector, and accepting the minimum award rates were not properly fixed, it is possible that the pay points in the *Nurses Award* remain based off the "years of service" model that was identified as an anachronism in the *Teachers Case*.¹³ This remains a challenge that the Commission must reconcile.
25. The Joint Employers have not filed a Draft Determination for the *Nurses Award*, but will continue to advance submissions with respect to the C10 framework, relevant legal principles and the modern awards objective with a view to providing assistance to the Commission.

ISSUE 7:

Create separate classification structure for PCWs.

26. The Joint Employers continue to support the creation of a separate classification structure for PCWs, which is now reflected in the *Aged Care Award* following the most recent determination of the Commission.¹⁴
27. In summary, this position is supported by the evidence, which demonstrates the differences in work performance and, especially in the case of personal care work, the broad levels of advancement would be better understood as a separately defined stream. When the lay evidence is considered in its totality, the Commission should be satisfied that the nature of

¹³ See *Teachers Case* [2021] FWCFB 2051 at [647].

¹⁴ *Determination – Aged Care Award 2010 [MA000018]* (Full Bench, 3 March 2023, PR751293)

the work performed within the direct care stream and the role of competency recognition within the direct care stream is both materially different and distinct from the work performed within the support or general services streams.¹⁵

28. Further, as previously submitted, the direct care stream may be easily accepted as self-contained, with the skills and competencies being performed rarely overlapping with that of the support or general services streams. That is, direct care is strictly within the domain of the PCW. The evidence also supports a finding that it is uncommon for PCWs to commonly shift between the roles under the support streams. Rather, it is built for career-based progression via the attainment of competencies, experience or equivalent (for example, Certificate III, Certificate III (+ 3 years' experience), Certificate IV).
29. The introduction of a separate classification structure for the PCWs (or "*direct care stream*") is also consistent with the objective of ensuring a simple and easy to understand modern award.¹⁶

ISSUE 8:

'Senior' PCW (Aged Care employee level 5) proposal and allowance or separate classification for medication competency

30. The Joint Employers submit that the evidence supports recognition of a Certificate III (Experienced) and Certificate IV PCW classification, as opposed to a "*senior*" PCW.¹⁷ In that respect, the Joint Employers repeat their submission at [7(c)]. Further, as to the reference to medication competency, the Joint Employers press that an allowance should be introduced for direct care workers that complete the *HLTHPS007 – Administer and monitor medications* unit of competency.
31. The evidence before the Commission reveals that not all PCWs administer medication and not all PCWs are assessed to be "*medication competent*".¹⁸ Further, getting "*medication competent*" requires the satisfactory completion of an additional unit of competency (that does not form part of a Certificate III or Certificate IV¹⁹) and/or satisfactory completion of on-the-job training by a RN or RTO.²⁰
32. The allowance would apply in circumstances where the PCW is administering medication (as distinct from "*assisting*" and/or prompting). A comparable allowance that informs the Joint Employers' proposal is the "*medication administration allowance*" in the *Aboriginal*

¹⁵ See generally, Joint Employers Submission dated 22 July 2022, Annexure A – Personal Care Employees, Annexure C - Aged Care Employee - General and Administrative Services, Annexure D - Aged Care Employee - Food Services.

¹⁶ *Fair Work Act 2009* (Cth), s 134(1)(g).

¹⁷ See *Stage 1 decision* [2022] FWCFB 200 at [890(11)].

¹⁸ See generally, evidence of PCWs administering Schedule 4 mediation and following the "*six right of safe medication administration*" (or similar protocol): Joint Employers Submission dated 22 July 2022, Annexure A at [2.20(c)] (Virginia Mashford), [2.32], [2.38] (Rose Nasemena), [2.68] (Dianne Power), [2.118(c)] (Paul Jones), [2.136(d)] (Virginia Ellis), [2.156(a)] (Donna Kelly), [2.172(c)] (Alison Curry), [2.193]-[2.195] (Antoinette Schmidt), [2.215(e)] (Sanu Ghimire), [2.241] (Charlene Glass), [2.269] (Geronima Bowers), [2.282] (Judeth Clarke), [2.300] (Anita Field), [2.314(f)] (Marion Jennings), [2.330(f)-(n)] (Helen Platt).

¹⁹ See Unit of Competency HLTHPS007. See example, Witness statement of Alison Curry, dated 30 March 2021 at [9]; Transcript dated 4 May 2022 at PN6762 (Charlene Glass gave evidence that she chose to undertake a Certificate IV as it "*gives you more ability to administer medications, so it gives you a wider scope to do more things at facilities*").

²⁰ See example, Witness statement of Paul Jones, dated 1 April 2021 at [19] (Mr Jones completed an online course in medication administration and completed an assessment by a RN).

*and Torres Strait Islander Health Workers and Practitioners and Aboriginal Community Controlled Health Services Award 2020: an allowance of \$2.62 per week.*²¹

33. The Joint Employers also note that in assessing the appropriateness of the rate of any allowance, the evidentiary basis for the Commission awarding a 15% increase to direct care workers included “*an increase in the number and complexity of medications prescribed and administered*”.²² As previously submitted, on one view, it would appear that the determination of a 15% increase for direct care workers may have already accounted for the increased occurrence of medication administering by direct care workers (at least in part). However, if that observation is misconceived, we would press the submission for consideration of an allowance.

ISSUE 9:

‘Experienced PCW’ level

34. The Joint Employers continue to press for the inclusion of an experienced PCW within the direct care stream located above the Certificate III but below a Certificate IV. That position is informed by the evidence in *Stage 1* which revealed an identifiable inflection of competency 3-years after a PCW had acquired a Certificate III and exercised the competencies obtained through that qualification. As such, the Joint Employers’ proposal is entirely based on competence and provides a clear career path for a PCW rather than having to move straight to Certificate IV (if at all).

ISSUE 10:

‘Specialist’ PCW level – palliative/dementia/household model classification or allowance? HSU claim for Level 8 supervisor classification

Specialist classification

35. To the extent that the Commission has already taken into account the impact of more residents and clients in aged care requiring palliative and dementia care (etc), this matter has already been dealt with (entirely or at least in part) by the 15% increase.²³
36. In the *Stage 1 decision*, the Full Bench observed that their evidentiary findings “*clearly establish a significant increase in the work value of all employees engaged in direct care work*”. The following findings were identified as being “*particularly relevant*”:²⁴
- *the complexity of the work has increased*
 - *the acuity of residents in aged care has increased; they enter aged care with increased frailty, co-morbidities and acute care needs*
 - *the proportion of residents and clients in aged care with dementia and dementia associated conditions has increased*
 - *more residents and clients in aged care require palliative care*

²¹ *Aboriginal and Torres Strait Islander Health Workers and Practitioners and Aboriginal Community Controlled Health Services Award 2020* cl 18.2(c).

²² See *Stage 1 decision* [2022] FWCFCB 200 at [890(3)].

²³ *Ibid* at [965].

²⁴ *Ibid*.

- *employees have greater engagement with family and next of kin of clients and residents*
- *the model of aged care has shifted to person-centred care; requiring employees to be responsive and adaptive*.²⁵

37. The evidence also revealed that some workers perform work in secure or specialist dementia units. On the basis of that evidence, the Joint Employers submit that the evidence supports consideration of an allowance for workers that perform direct care duties within a secure or dedicated dementia unit for residents with advanced dementia. Further, an allowance may also be beneficial to the industry by increasing the attraction for PCWs to undertake and/or seek rotations and/or assignments to specialised dementia units. This course may also be more practical for PCWs who are allocated to different wards within a residential aged care facility, which may change shift-to-shift, subject to need and availability.
38. Conversely, the evidence does not support the same finding for either palliative care work or PCWs working in the household model. Further, whilst reference was made to the rise of residential aged care facilities arranged in the “*household model*” of care (also referred to as the “*clustered domestic*”, “*small home*” or “*homemaker*” model), there is insufficient evidence before the Commission to justify recognition of a “*homemaker*” specialist or to otherwise align work in the household model to single classification level.

Supervisory classification

39. There is no evidentiary basis for the introduction of a “*PCW Supervisor*” into the *Aged Care Award*. Whether the proposed PCW held a Certificate III or Certificate IV, the HSU’s proposal creates an artifice that is not supported by work value reasons. The evidence suggests that the supervisor of PCWs in residential aged care is an EN or RN.
40. There is evidence before the Commission that some PCWs were referred to as “*team leader*” on a shift.²⁶ This ‘additional’ work within the role of PCW could be contemplated by the *Aged Care Award* via the “*leading hand allowance*” depending on the circumstances.²⁷

ISSUE 11:

PCW classification at Cert IV

41. The Joint Employers submit that the direct care stream in the *Aged Care Award* should include a classification at Certificate IV level.
42. As the Commission found, the evidence reveals that PCWs are increasingly required to hold a Certificate III or IV.²⁸ Further, the level of competence of a Certificate IV qualified PCW is above a Certificate III. Therefore, it is appropriate that this marked increase competence be recognised within the classification structure of the *Aged Care Award*.

²⁵ Ibid at [965].

²⁶ For example, Ms Ellis described that in addition to her personal care tasks, as a team leader she would perform handovers and mentor and train staff: Witness statement of Virginia Ellis, dated 23 March 2021 at [40].

²⁷ *Aged Care Award*, cl 15.3.

²⁸ See also *Stage 1 decision* [2022] FWCFB 200 at [890(11)].

ISSUE 12:

Difference between AINs under the *Nurses Award* and PCWs under the *Aged Care Award*.

43. The Joint Employers submit that there is no functional difference between the work performed by AINs and PCWs. Accordingly, there is no basis for the two classifications to be paid different rates or have two separate bases for progression.
44. To the extent the AIN and PCW perform functionally the same role, the minimum award wages should be aligned. This is consistent with the principle of ensuring equal remuneration for work of equal or comparable value.²⁹ Achievement of that alignment will likely involve the abandonment of the public sector concept of annual increments in the *Nurses Award* and a shift to increments truly based on competency.³⁰

ISSUE 13:

Moving aged care nurses from the *Nurses Award* into the *Aged Care Award*

45. The position of the Joint Employers on this issue is succinctly captured in the Summary Document, namely, while such a move is not necessarily opposed, in light of the challenges it may present, the Commission would require compelling evidence before undertaking such a course.
46. This position is expanded upon in the Joint Employers' response to Question 37 in Background Document 10, extracted below:

57. This question is difficult to answer and the consequences of such a move should be considered by the Commission.

58. At first blush, there does appear to be some industrial sense in moving the aged care nurses into the Aged Care Award. This is because the award conditions have been written for employers throughout Australia in the aged care industry and their employees. This may also assist with attracting nursing employees to stay in the industry. These advantages assume that aged care nurse employees do not typically transition in-and-out of the industry (this is yet to be the subject of any detailed evidence). It would however mean a higher level of complexity within the terms of the Aged Care Award given the differences that exist between the awards.

59. The question also raises consideration of moving nurses in the home care sector (etc) under the SCHADS Award. It calls to question whether a simple, easy to understand, stable and sustainable modern award system, in this respect, may be better achieved in terms of classifications in industry awards versus standalone occupational awards.

60. Relevantly, these complex considerations arise in the context of a profession. In circumstances where the mobility of nursing employees within the profession is yet to be the subject of any detailed evidence (for example, whether aged care nurses tend to specialise and remain within the industry), the Full Bench decision at the time of award modernisation to make the Nurses Award an occupational

²⁹ See *Fair Work Act 2009* (Cth) ss 134(1)(ab), 284(1)(aa).

³⁰ See *Teachers Case* [2021] FWCFB 2051 at [647].

award remains a significant consideration. The Commission would need compelling evidence to be satisfied that any change, in that respect, is necessary.

47. As to the correlated consideration about the impact such a move would have on pay structures, the Joint Employers repeat their answer to Question 38 in Background Document 10, extracted below:

61. In the Teachers Case, a relevant consideration identified in terms of classification and pay structure was the registered status of teachers. As an occupation featuring clearly defined qualifications with corresponding scopes of practice for EN, RN and NP, this appears to be a logical starting point.

62. As mentioned in answer to Question 36, the pay structure of aged care nurses would involve the abandonment of the public sector concept of annual increments that appears to be enshrined in the Nurses Award and to a true shift to increments based on competency.³¹ Even in circumstances where the aged care nurses remain in the Nurses Award, the Commission should ensure any pay point fixed represents a shift in the actual acquisition and application of competence.

ISSUE 14:

Issues relating to application of the C10 framework & internal & external relativities

Key classifications

48. By reference to the draft determinations prepared by the Joint Employers, the “key classifications” within the *Aged Care Award* and *SCHADS Award* are as follows:
- (a) *Aged Care Award*: “Direct care employee—Grade 3” and “Administration employee—Grade 3”.
 - (b) *SCHADS Award*: “Home Care Employee—Aged Care Level 3”.
49. Both awards include vocational classifications, hence it is appropriate to use the C10 level as the key classification. Due to the operation of two separate rates following the interim increase for aged care employees, two key classifications are proposed for the *Aged Care Award*. This is consistent with the position in the Joint Employers’ Response to Background Document 10 (see Questions 39-41).
50. Turning to the *Nurses Award*, which includes both vocational and “professional” classifications, there are two key classifications:
- (a) for the “professional” classifications, the key classification is Registered Nurse Level 1 (which aligns to C1 for which the reference point becomes the *Professional Employees Award 2020*³²); and
 - (b) for all other classifications, the key classification is Nursing Assistant - Experienced (Cert III) (which aligns to C10).

³¹ Ibid at [647].

³² See *Manufacturing and Associated Industries and Occupations Award 2020* Schedule A, clause A.3.1, note at C1.

Anomaly in the Nurses Award

51. On 25 July 2023, the ANMF intimated it intends to file an amended application that would be seeking “a benchmarking of the Registered Nurse Level 1, pay point 1, with the C1A of the metals framework”.³³ The ANMF submitted that consequence of that course would be “a 35% [wage] increase” for the registered nurse.³⁴
52. Whilst acknowledging such an approach is consistent with the guidance provided by the C10 framework, the Joint Employers submit that such benchmarking should apply to *all* registered nurses and not those just registered nurses working in aged care.
53. To make such an adjustment to only “aged care” nurses would introduce significant inequity into the *Nurses Award* – having the effect of substituting one anomaly for another. This is not a satisfactory result. Further, such an application would also require further interested parties to be heard (as observed in the preliminary view of the Full Bench³⁵).
54. The Joint Employers note that the Commission does not have before it any evidence that speaks to the implications of such a change for nurses and employers covered by the *Nurses Award* that do not work in aged care. The issue of jurisdiction is also relevant, noting the ANMF’s application falls within the context of a Work Value Case with respect to the “aged care industry”. The Joint Employers submit this is a matter that will require further consideration once the ANMF file an amended application.

Relativities

55. The Full Bench has formed the view that the relevant wage rates in the *Aged Care Award*, the *Nurses Award* and the *SCHADS Award* have not been properly fixed. The Full Bench has also formed the view that some of the employees under the awards should be paid rates that exist outside of the C10 scheme (i.e. an increase based on work value reasons). By their nature, those views raise the question of whether the internal relativities in the Awards were properly fixed.
56. Having said that, industrial sense needs to be applied when working out internal relativities. In the context of recognised competencies such as the Certificate III and Certificate IV, the C10 framework provides a useful starting point but is not the only consideration.
57. In summary, the following principles should guide the review of internal relativities:
 - (a) the relativities in the C10 framework should be a guide;
 - (b) the setting of classification levels and incremental pay points must be based on “*the essential elements of qualifications, displayed competence and acquired experience and responsibility*”³⁶ and avoid artifice; and
 - (c) particular care should be applied to the *Nurses Award*, which may include minimum rates derived from the public sector, as such it is possible that the pay points may need to reflect the “*years of service*” model that was identified as an “*anachronism*” in the *Teachers Case*.³⁷
58. The proposed pay structure set out in the JE Draft Aged Care Determination was guided by those principles.

³³ Transcript of Proceedings - AM2020/99, AM2021/63, AM2021/65 (9.30am, Tuesday, 25 July 2023) at PN63.

³⁴ *Ibid.*

³⁵ *Stage 1 decision* [2022] FWCFB 200 at [956].

³⁶ See *Teachers Case* [2021] FWCFB 2051 at [647].

³⁷ *Ibid.*

ISSUE 15:

SCHADS Award – Impact of an increase on disability workers of separate classification structure for home care aged care workers.

59. The Joint Employers submit that application of an increase for only aged care employees presents a compelling case to revisit the entire structure of Schedule E. The existing classification structure does not distinguish between home care employees by reference to the recipient of the service, further, it does not distinguish between direct care and indirect care employees. This resulted in initial confusion as to the application of the interim increase for “direct care” workers, particularly for workers that have both aged care and disability clients.
60. Additionally, the decision to apply the 15% wage increase to Level 4 and Level 5 employees, due to anomalies within the existing rates, has also resulted in confusion particularly for businesses that include both disability and aged care clients.
61. The need to navigate these matters was flagged in the Joint Employers’ response to Question 47 in Background Document 10, extracted below for ease of reference:

81. For persons covered by an enterprise agreement, this question is likely already answered by the enterprise agreement.³⁸ For those purely operating under the SCHADS Award, the answer is more complicated.

82. As a matter of practicality one of two things will apply:

(a) businesses will continue to or start to differentiate workers driven by their operating model and/or a lack of funding; or

(b) where businesses cannot differentiate workers (or elect not to), the 15% increase could be applied to both categories of worker but that assumes that the business can commercially fund this itself.

83. This is where the funded nature of the sector presents a complication. The funding in the aged care sector in terms of HCP (as opposed to CHSP) comes through the package. The amount of funding a provider receives is dependent on the consumer/client type and the nature of the services, all of which impacts on the pricing of the package.

84. For providers who have both aged care and disability clients, whilst yet to be the subject of evidence, the following observations appear available as general propositions:

(a) some providers may have the financial latitude (for example, those that have a smaller proportion of disability clients) so can manage and pay the higher rate all the time regardless of which client the employee is working with; and

(b) some providers might have a significant split between aged care and disability clients, such that the limited financial resources require the provider to adhere strictly to the home care employee classification (i.e. “home care employee—aged care” and “home care employee—disability”) and pay different rates. This division introduces a material complication into

³⁸ See generally, Witness Statement of Michelle Jenkins dated 9 February 2023 at [6], [31].

the home care sector (where the home care provider has material operations in both aged care and disability) that is not swiftly resolved and will require further consideration in Stage 3. As it stands, some home care providers from 30 June 2023 will need to determine which rate applies and when for an employee who works with both disability and aged care home care clients.

85. This issue may not be able to be resolved in these current proceedings. Absent a second work value case focusing upon disability care within the home care sector, the views reached with respect to aged care cannot be simply applied. At this stage, the Commission does not have sufficient evidence before it to properly inform itself in order to address this issue.

62. In light of those considerations, the Joint Employers submit that Schedule E should be split into two streams: “aged care” and “disability”. The disability stream will not be subject to amendment, save for a re-numbering of paragraphs and a new heading, as the structure and content of the disability stream falls outside the scope of the applications currently before the Commission.

ISSUE 16:

Distinction between home care and residential aged care.

63. The Summary Document notes that the Full Bench did not propose to distinguish between these two settings with respect to rates. The Joint Employers share that view and submit that the coverage clauses within the *Aged Care Award* and *SCHADS Award* already achieve the necessary distinction between the two types of employees, namely, home care employees and personal care workers working in residential aged care. There is a clear carve out in the *SCHADS Award* that states employees covered by the *Aged Care Award* are excluded. It is not controversial that the work is performed in different environments. There is no compelling basis to further distinguish between these two types of work.

For the Joint Employers

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15 September 2023

DRAFT DETERMINATION

(Filed on behalf of the Joint Employers)

**Health Services Union, Australian Nursing and Midwifery Federation,
Virginia Ellis and ors—Work value case—Aged care industry**
(AM2020/99 & AM2021/63)

AGED CARE AWARD 2010
[MA000018]

Aged care industry

15 SEPTEMBER 2023

Pursuant to the directions issued by President Hatcher on 2 August 2023, the Joint Employers propose that the above award be varied as follows:

1. By deleting the words “**standard rate** means the minimum wage for an Aged care employee—general—level 6 in clause 14.1” appearing in clause 3 and inserting: “**standard rate** means the minimum wage for a Level 5 employee in clause 14.1”.
2. By deleting clause 14.1 and inserting the following:

14.1 Aged care employee—general

The following minimum wages apply to employees in the classifications listed in clauses B.4 to B.7, other than senior food services employees paid in accordance with clause 14.2.

Employee Classification	Employee stream and grade	Per week (full-time employee) \$
Introductory Level	General services stream; Maintenance services stream; Administration services stream; Food services stream	910.90
Level 1	General services employee—Grade 1; Maintenance services employee—Grade 1; Administration employee—Grade 1; Food assistant employee—Grade 1	947.00

Employee Classification	Employee stream and grade	Per week (full-time employee) \$
Level 2	General services employee—Grade 2; Maintenance services employee—Grade 2; Administration employee—Grade 2; Food assistant employee—Grade 2; Cook—Grade 1	983.40
Level 3	General services employee—Grade 3; Maintenance services employee—Grade 3; Administration employee—Grade 3; Food assistant employee—Grade 3; Cook—Grade 2	995.00
Level 4	Maintenance services employee—Grade 4	1028.70
Level 5	Administration employee—Grade 4 Chef—Grade 3	1085.60

3. By deleting clause 14.2 and inserting the following:

14.2 Aged care employee—general—most senior food services stream employee

The following minimum wages apply to an employee in the classifications Cook—Grade 2 and Chef—Grade 3 listed in clause B.7, if that employee is the single most senior food services stream employee engaged by any employer at the facility or site.

Employee Classification	Employee stream and grade	Per week (full-time employee) \$
Level 3	Cook—Grade 2	1144.20
Level 5	Chef—Grade 3	1248.44

4. By deleting clause 14.3 and inserting the following:

14.3 Aged care employee—direct care and recreational activities

The following minimum wages apply to employees in the classifications listed in clauses B.2 and B.3.

Employee Classification	Employee stream and grade	Per week (full-time employee) \$
Introductory Level	Direct care stream	1047.60
Level 1	Direct care employee—Grade 1	1089.00
Level 2	Direct care employee—Grade 2; Recreational activities officer—Grade 1	1130.90
Level 3	Direct care employee—Grade 3; Recreational activities officer—Grade 2	1144.20
Level 4	Direct care employee—Grade 4	1183.00
Level 5	Direct care employee—Grade 5; Recreational activities officer—Grade 3	1248.44

5. By deleting Schedule B and inserting the following:

Schedule B—Classification Structure and Definitions

Note: Any dispute about the classification of a particular employee may be referred to the Fair Work Commission in accordance with clause 9 of this award

B.1 Classification definitions

B.1.1 The following classification definitions should be read in conjunction with the stream and field definitions in this award:

(a) *Or equivalent* means:

- (i) any training which a Registered Training Organisation (e.g. TAFE), State Training Authority or State Overseas Qualification Unit recognises as equivalent to the qualification for this level, which can include advanced standing through recognition of prior learning and/or overseas qualifications; or
- (ii) where an employer assesses and determines the employee’s prior experience or prior learning meets the competencies for this level.

B.2 Direct care stream

B.2.1 Introductory Level

Introductory Level is for an employee who enters the aged care industry and is undertaking and satisfactorily completing any required in-house training on their role, on the employer’s operations and on working in the aged care industry, while demonstrating the competency requirements of a Direct care employee—Grade 1. The employee remains at Introductory Level for up to 500 hours while undertaking appropriate training and being assessed for competency to move to Grade 1. At the end of that period, the employee progresses to Grade 1 unless the employer decides that further training of up to 500 hours is required for the employee to achieve the necessary competency.

B.2.2 Direct care employee—Grade 1 (Wage Level 1)

- (a) An employee at Grade 1 will perform *direct care duties* including:
 - (i) assisting with personal care and hygiene (e.g. toileting, showers or baths, shaving, brushing teeth);
 - (ii) assisting with dressing;
 - (iii) assisting with household cleaning (e.g. dusting, vacuuming or mopping);
 - (iv) assisting with meal preparation (e.g. preparing basic meals or heating-up food in oven or microwave);
 - (v) observing the condition of residents and recording progress notes;
 - (vi) assisting with the implementation of resident care plans; and
 - (vii) other tasks consistent with experience, training, qualifications and as directed by supervisor.
- (b) An employee at Grade 1 must possess the following skills and abilities:
 - (i) prioritise work within established routines, methods and procedures;
 - (ii) work under limited supervision, individually or as part of a team;
 - (iii) perform work with a limited level of accountability or discretion;
 - (iv) sound communication and interpersonal skills; and
 - (v) computer literacy.
- (c) An employee at Grade 1 is required to complete specific on-the-job training and/or relevant skills training or experience in relation to the direct care of residents, and any other training required by the employer for this level.

B.2.3 Direct care employee—Grade 2 (Wage Level 2)

- (a) An employee at Grade 2 will perform the direct care duties of a Grade 1 employee and additional care duties subject to direction and supervision, including:
 - (i) simple wound dressing;
 - (ii) changing of catheter bags;
 - (iii) attending to blood sugar level check and assist and support diabetic residents in the management of their insulin and diet.
- (b) An employee at Grade 2 must possess the following skills and abilities:
 - (i) prioritise work within established routines, methods and procedures;
 - (ii) work under limited supervision, individually or as part of a team;
 - (iii) perform work with a moderate level of accountability or discretion;
 - (iv) sound communication and interpersonal skills; and
 - (v) computer literacy.
- (c) An employee at Grade 2 is required to complete specific on-the-job training and/or relevant skills training or experience in relation to the direct care of residents, and any other training required by the employer for this level.

B.2.4 Direct care employee—Grade 3 (Wage Level 3)

- (a) An employee who meets the requirements of a Grade 2 employee and in addition holds a Certificate III in Individual Support or equivalent, exercises the competencies of a Grade 2 employee and any additional competencies obtained through the Certificate III or equivalent.
- (b) An employee at Grade 3 must possess the following skills and abilities:
 - (i) prioritise work within established policies, guidelines and procedures;
 - (ii) work under limited supervision, individually or as part of a team;
 - (iii) perform work with a moderate level of accountability or discretion;

- (iv) provide support and assistance to direct care employees at levels 1-3;
 - (v) good communication and interpersonal skills; and
 - (vi) computer literacy.
- (c) An employee at Grade 3 requires relevant skills training, qualifications, or experience in relation to the direct care of residents, and any other training required by the employer for this level.

B.2.5 Direct care employee—Grade 4 (Wage Level 4)

- (a) An employee who meets the requirements of a Grade 3 employee and in addition has 3-years post-qualification experience exercising the competencies of a Grade 3 employee.
- (b) An employee at Grade 4 must possess the following skills and abilities:
- (i) prioritise work within established policies, guidelines and procedures;
 - (ii) work under limited supervision, individually or as part of a team;
 - (iii) perform work semi-autonomously and with a substantial level of accountability;
 - (iv) provide support and assistance to direct care employees at Grades 1-3;
 - (v) problem-solving abilities; and
 - (vi) well-developed communication and interpersonal skills; and
 - (vii) computer literacy.
- (c) An employee at Grade 4 is required to complete relevant skills training, qualifications, or experience in relation to the direct care of residents, and any other training required by the employer for this level.

B.2.6 Direct care employee—Grade 5 (Wage Level 5)

- (a) An employee at Grade 5 will hold a Certificate IV in Ageing Support or equivalent, exercises the competencies of a Grade 4 employee and any additional competencies obtained through the Certificate IV or equivalent.
- (b) An employee at Grade 5 may assist with the training and support of direct care employees.
- (c) An employee at this level must possess the following skills and abilities:
- (i) prioritise work within established policies, guidelines and procedures;
 - (ii) perform work with a high level of autonomy and a substantial level of accountability;
 - (iii) problem-solving abilities;
 - (iv) well-developed communication and interpersonal skills; and
 - (v) computer literacy
- (d) An employee at Grade 5 is required to complete relevant skills training, qualifications, or experience in relation to the direct care of residents, and any other training required by the employer for this level.

B.3 Recreational activities stream

B.3.1 Recreational activities officer—Grade 1 (Wage Level 2)

- (a) An employee at Grade 1 will perform *leisure and lifestyle duties* including:
- (i) facilitating recreational and lifestyle programs for residents;
 - (ii) planning recreational and lifestyle programs by reference to the needs of residents;
 - (iii) monitoring individual recreational and lifestyle programs;
 - (iv) assisting in the development, implementation and evaluation of recreational and lifestyle programs and activities for residents; and
 - (v) recording progress notes.
- (b) An employee at Grade 1 must possess the following skills and abilities:
- (i) prioritise work within established routines, methods and procedures;
 - (ii) work under limited supervision, individually or as part of a team;

- (iii) perform work with a moderate level of accountability or discretion;
 - (iv) sound communication and interpersonal skills; and
 - (v) computer literacy.
- (c) An employee at Grade 1 has prior experience working in the aged care industry and is required to complete specific on-the-job training and/or relevant skills training in relation to the provision of leisure and lifestyle duties.

B.3.2 Recreational activities officer—Grade 2 (Wage Level 3)

- (a) An employee at Grade 2 meets the requirements of a Grade 1 employee and in addition holds a Certificate III in Individual Support or equivalent, exercises the competencies of a Grade 1 employee and exercises any additional competencies obtained through the Certificate III or equivalent relevant to the performance of leisure and lifestyle duties.
- (b) An employee at Grade 2 must possess the following skills and abilities:
- (i) prioritise work within established routines, methods and procedures;
 - (ii) work under limited supervision, individually or as part of a team;
 - (iii) performing work with a moderate level of accountability or discretion;
 - (iv) good communication and interpersonal skills; and
 - (v) computer literacy.
- (c) An employee at Grade 2 has prior experience working in the aged care sector and is required to complete specific on-the-job training and/or relevant skills training or experience in relation to the provision of leisure and health duties (which may include enrolment in a Certificate IV Leisure and Health course).

B.3.3 Recreational Activities Officer—Grade 3 (Wage Level 5)

- (a) An employee at Grade 3 will hold a Certificate IV in Leisure and Health or equivalent, exercises the competencies of a Grade 2 employee and any additional competencies obtained through the Certificate IV or equivalent.
- (b) An employee at Grade 3 may assist with the training and support of recreational activities officers.
- (c) An employee at this level must possess the following skills and abilities:
- (i) prioritise work within established policies, guidelines and procedures;
 - (ii) perform work with a high level of autonomy and a substantial level of accountability;
 - (iii) problem-solving abilities;
 - (iv) well-developed communication and interpersonal skills; and
 - (v) computer literacy.
- (d) An employee at Grade 3 is required to complete relevant skills training, qualifications, or experience in relation to the provision of leisure and lifestyle duties, and any other training required by the employer for this level.

B.4 General services stream

B.4.1 Introductory Level

Introductory Level is for an employee who enters the aged care industry and is undertaking and satisfactorily completing any required in-house training on their role, on the employer's operations and on working in the aged care industry, while demonstrating the competency requirements of a General services employee—Grade 1. The employee remains at Introductory Level for up to 500 hours while undertaking appropriate training and being assessed for competency to move to Grade 1. At the end of that period, the employee progresses to Grade 1 unless the employer decides that further training of up to 500 hours is required for the employee to achieve the necessary competency.

B.4.2 General services employee—Grade 1 (Wage Level 1)

- (a) An employee at this level will perform *general services*, which may include:
 - (i) laundry duties;
 - (ii) cleaning duties;
 - (iii) driving duties (with a vehicle less than 3 tons).
- (b) *Laundry duties* includes:
 - (i) all ironing machine functions either manually or with the aid of semi-automatic or automatic feeding, folding and preparing equipment;
 - (ii) perform all manual or machine folding/hanging operations on linen/garments;
 - (iii) operate any washing and drying equipment;
 - (iv) operate any pressing machine; and
 - (v) manual or machine minor repairs of garments or linen.
- (c) *Cleaning duties* includes:
 - (i) spot cleaning of carpets and soft furnishings;
 - (ii) operating handheld powered equipment such as vacuum cleaners and polishers;
 - (iii) sweeping and mopping;
 - (iv) bathroom cleaning;
 - (v) emptying of waste baskets;
 - (vi) equipment (such as televisions, telephones) cleaning and germ proofing;
 - (vii) cleaning of glass, both internal and external; and
 - (viii) dusting of all hard surfaces.
- (d) *Driving duties* includes:
 - (i) operating a vehicle;
 - (ii) performing pre-start checks to make sure vehicle is safe; and
 - (iii) assisting with loading and disembarking.
- (e) An employee at Grade 1 must possess the following skills and abilities:
 - (i) be responsible for their own work subject to detailed instructions;
 - (ii) work under routine supervision;
 - (iii) carry out duties in a safe, responsible and efficient manner; and
 - (iv) basic communication and interpersonal skills.

B.4.3 General services employee—Grade 2 (Wage Level 2)

- (a) An employee at Grade 2 will perform the general services duties of a Grade 1 employee and in addition the employee must possess the following skills and abilities:
 - (i) operate with a minimum of supervision;
 - (ii) recognise and report obvious faults in the equipment they use;
 - (iii) be responsible for the maintenance of the quality and quantity of their own output; and
 - (iv) provide on-the-job training to other general services employees as required;
 - (v) sound communication and interpersonal skills.
- (b) A driver at Grade 2 operates a vehicle that is less than 3 tons and is required to hold a St John Ambulance first aid certificate or equivalent.

B.4.4 General services employee—Grade 3 (Wage Level 3)

- (a) A Grade 3 employee performing laundry or cleaning duties meets the requirements of a Grade 2 employee and in addition holds a Certificate III or equivalent, exercises the competencies of a Grade 2 employee and any additional competencies obtained through the Certificate III or equivalent.
- (b) An employee performing driving duties at Grade 3 operates a vehicle that is 3 ton and over.

B.5 Maintenance services stream**B.5.1 Introductory Level**

Introductory Level is for an employee who enters the aged care industry and is undertaking and satisfactorily completing any required in-house training on their role, on the employer's operations and on working in the aged care industry, while demonstrating the competency requirements of a Maintenance services employee—Grade 1. The employee remains at Introductory Level for up to 500 hours while undertaking appropriate training and being assessed for competency to move to Grade 1. At the end of that period, the employee progresses to Grade 1 unless the employer decides that further training of up to 500 hours is required for the employee to achieve the necessary competency.

B.5.2 Maintenance services employee—Grade 1 (Wage Level 1)

- (a) An employee at Grade 1 will perform *maintenance services* which may include:
- (i) gardener duties;
 - (ii) maintenance duties.
- (b) *Gardener duties* includes:
- (i) operating powered machinery;
 - (ii) maintaining gardens, lawns or rockeries; and
 - (iii) trimming edges, mowing lawns, sowing, planting, watering, weeding, spreading fertiliser, pruning, clearing shrubs and trimming hedges.
- (c) *Maintenance duties* includes:
- (i) operating powered machinery;
 - (ii) routine repair or maintenance work (of a non-trade nature) in or about the facility; and
 - (iii) operating steam cleaning and pressure washing equipment.
- (d) An employee at Grade 1 must possess the following skills and abilities:
- (i) be responsible for their own work subject to detailed instructions;
 - (ii) work under routine supervision;
 - (iii) carry out duties in a safe, responsible and efficient manner; and
 - (iv) basic communication and interpersonal skills.

B.5.3 Maintenance services employee—Grade 2 (Wage Level 2)

- (a) An employee at Grade 2 performs work above and beyond the skills of a Grade 1 employee and to the level of their skills, competence and training:
- (i) operate with a minimum of supervision;
 - (ii) recognise and report obvious faults in the equipment they use;
 - (iii) be responsible for the maintenance of the quality and quantity of their own output;
 - (iv) provide on-the-job training to other maintenance services employees as required; and
 - (v) possess sound communication and interpersonal skills.

B.5.4 Maintenance services employee—Grade 3 (Wage Level 3)

- (a) An employee who works above and beyond the skills of a Grade 2 employee and in addition holds a recognised Trade Certificate or Certificate III or equivalent, exercises the competencies of a Grade 2 employee, and any additional competencies obtained through the recognised Trade Certificate or Certificate III or equivalent.

B.5.5 Maintenance services employee—Grade 4 (Wage Level 4)

- (a) An employee at Grade 4 works above and beyond a Grade 3 employee and to the level of their skills, competence and training:

- (i) understands and applies quality control techniques;
 - (ii) exercises good interpersonal and communications skills;
 - (iii) exercises discretion within the scope of this classification level;
 - (iv) performs work under limited supervision either individually or in a team environment;
 - (v) performs non-trade work that is incidental or peripheral to the primary task and facilitates the completion of the whole task (such incidental or peripheral work would not require additional formal technical training);
 - (vi) is able to inspect products and/or materials for conformity with established operational standards; and
 - (vii) provides support and assistance to Maintenance services employees—Grades 1-3.
- (b) An employee at Grade 4 may be required to hold post-trade qualifications or equivalent.

B.6 Administration services stream

B.6.1 Introductory Level

Introductory Level is for an employee who enters the aged care industry and is undertaking and satisfactorily completing any required in-house training on their role, on the employer’s operations and on working in the aged care industry, while demonstrating the competency requirements of an Administration employee—Grade 1. The employee remains at Introductory Level for up to 500 hours while undertaking appropriate training and being assessed for competency to move to Grade 1. At the end of that period, the employee progresses to Grade 1 unless the employer decides that further training of up to 500 hours is required for the employee to achieve the necessary competency.

B.6.2 Administration employee—Grade 1 (Wage Level 1)

- (a) An employee at Grade 1 will perform *administration duties* including:
- (i) answering and transferring internal and external calls;
 - (ii) issuing and receiving standard forms;
 - (iii) relaying internal information;
 - (iv) signing for deliveries;
 - (v) greeting and assisting visitors that enter the facility, including giving tours of the facility;
 - (vi) preparing paperwork and filing;
 - (vii) making appointments for residents;
 - (viii) data entry into client files, spreadsheet programs, clinical management systems etc;
 - (ix) basic bookkeeping, invoice preparation and purchase orders;
 - (x) prepare rosters;
 - (xi) word processing, such as the use of a word processing software package to create, format, edit, correct, print and save text documents such as standard correspondence and business documents;
 - (xii) operating a keyboard and related business equipment, including telephone equipment, computers and printing devices.
- (b) An employee at Grade 1 must possess the following skills and abilities:
- (i) be responsible for their own work subject to detailed instructions;
 - (ii) work under routine supervision;
 - (iii) carry out duties in a safe, responsible and efficient manner; and
 - (iv) basic communication and interpersonal skills.

B.6.3 Administration employee—Grade 2 (Wage Level 2)

- (a) An employee at Grade 2 will perform the administrative duties of a Grade 1 employee and in addition the employee must possess the following skills and abilities:
 - (i) operate with a minimum of supervision;
 - (ii) recognise and report obvious faults in the equipment they use;
 - (iii) be responsible for the quality and quantity of their own output;
 - (iv) provide on-the-job training to other administration employees as required; and
 - (v) sound communication and interpersonal skills.

B.6.4 Administration employee—Grade 3 (Wage Level 3)

- (a) An employee who meets the requirements of a Grade 2 employee and in addition holds a Certificate III in Business or equivalent, exercises the competencies of a Grade 2 employee and any additional competencies obtained through the Certificate III or equivalent.

B.6.5 Administration employee—Grade 4 (Wage Level 5)

- (a) An employee who meets the requirements of a Grade 3 employee and in addition holds a Certificate IV in Business or equivalent, exercises the competencies of a Grade 3 employee and any additional competencies obtained through the Certificate IV or equivalent.

B.7 Food services stream

B.7.1 Introductory Level

Introductory Level is for an employee who enters the aged care industry and is undertaking and satisfactorily completing any required in-house training on their role, on the employer's operations and on working in the aged care industry, while demonstrating the competency requirements of a Food assistant employee—Grade 1. The employee remains at Introductory Level for up to 500 hours while undertaking appropriate training and being assessed for competency to move to Grade 1. At the end of that period, the employee progresses to Grade 1 unless the employer decides that further training of up to 500 hours is required for the employee to achieve the necessary competency.

B.7.2 Food assistant employee—Grade 1 (Wage Level 1)

- (a) An employee at Grade 1 will perform *kitchen and servery duties*, which may include:
 - (i) serving food;
 - (ii) setting, clearing and wiping down tables;
 - (iii) washing up whether manually or utilising automatic dishwashers;
 - (iv) taking food orders;
 - (v) cleaning and tidying associated food preparation and food service areas;
 - (vi) general cleaning duties within a kitchen or food preparation area or scullery, including cleaning cooking and general utensils used in a kitchen;
 - (vii) assisting employees who are cooking;
 - (viii) assembling and preparing ingredients for cooking; and
 - (ix) general pantry duties.
- (b) An employee at this level must possess the following skills and abilities:
 - (i) be responsible for their own work subject to detailed instructions;
 - (ii) work under routine supervision;
 - (iii) carry out duties in a safe, responsible and efficient manner; and
 - (iv) basic communication and interpersonal skills.

B.7.3 Food assistant employee—Grade 2 (Wage Level 2)

- (a) An employee at Grade 2 will perform the kitchen and servery duties of a Grade 1 employee and in addition the employee must possess the following skills and abilities:
- (i) operate with a minimum of supervision;
 - (ii) recognise and report issues associated with resident eating issues or food preferences;
 - (iii) be responsible for the maintenance of the quality and quantity of their own output;
 - (iv) provide on-the-job training to other food assistant employees as required; and
 - (v) sound communication and interpersonal skills.

B.7.4 Food assistant employee—Grade 3 (Wage Level 3)

An employee who meets the requirements of a Grade 2 employee and in addition holds a Certificate III in Commercial Cookery or equivalent, exercises the competencies of a Food assistant employee—Grade 2 and any additional competencies obtained through the Certificate III or equivalent.

B.7.5 Cook—Grade 1 (Wage Level 2)

- (a) An employee at this level will perform *cooking duties* including:
- (i) meal and food preparation; and
 - (ii) baking, pastry cooking or butchering.
- (b) An employee at this level must possess the following skills and abilities:
- (i) prioritise work within established routines, methods and procedures;
 - (ii) be responsible for their own work subject to detailed instructions;
 - (iii) work under routine supervision, individually or as part of a team;
 - (iv) perform work with a limited level of accountability or discretion;
 - (v) carry out duties in a safe, responsible and efficient manner; and
 - (vi) basic communication and interpersonal skills.

B.7.6 Cook—Grade 2 (Wage Level 3)

- (a) An employee who meets the requirements of a Cook—Grade 1 and in addition holds a Certificate III in Commercial Cookery or equivalent, exercises the competencies of a Cook—Grade 1 and any additional competencies obtained through the Certificate III or equivalent.
- (b) An employee at this level must possess the following skills and abilities:
- (i) operate with a minimum of supervision, individually or as part of a team;
 - (ii) recognise and report obvious faults in the equipment they use;
 - (iii) be responsible for the maintenance of the quality and quantity of their own output;
 - (iv) be responsible for ensuing requests for texture-modified food and thickened liquids are met;
 - (v) provide support, assistance and on-the-job training to other food services employees as required; and
 - (vi) sound communication and interpersonal skills.

B.7.7 Chef—Grade 3 (Wage Level 5)

- (a) An employee at this level works above and beyond the skills of a Cook—Grade 2, and to the level of their skills, competence and training:
- (i) performs work under limited supervision either individually or in a team environment;
 - (ii) exercises broad discretion and understands and applies quality control techniques;
 - (iii) provides support, assistance and on-the-job training to other food services employees; and

- (iv) exercises good interpersonal and communications skills.
- (b) An employee at this level is responsible for:
 - (i) the maintenance of the quality and quantity of their own output and that produced by food assistants and cooks at the facility;
 - (ii) running the kitchen at a facility, including:
 - supervision of one or more Cooks—Grades 1 - 2;
 - overseeing the work performed by all food assistants and cooks at the facility;
 - ensuring food preparation and service is executed within established routines, method and procedures;
 - ensuring food preparation and service complies with all food related safety requirements;
 - the planning of menus and liaising with a dietician and/or nutritionist to ensure the dietary requirements of residents are met; and
 - ordering stock and supplies.

6. Insert new clause 15.8 as follows:

15.8 Medication administration allowance

An allowance of **\$2.77 per week** will be paid to a direct care employee if they are:

- (a) engaged in direct care duties;
- (b) satisfactorily completed *HLTHPS007 Administer and monitor medications* or equivalent; and
- (c) approved by their employer to administer and monitor medications (which may include utilising dose administration aids) under supervision.

7. Insert new clause 15.9 as follows:

15.9 Specialised dementia unit allowance

An allowance of **\$0.76 per hour** will be paid to a direct care employee if they are:

- (a) engaged in direct care duties; and
- (b) appointed by their employer to work in a specialised dementia unit.

A *specialised dementia unit* is a secure or dedicated dementia unit for residents with advanced dementia.

8. By updating the table of contents and cross-references accordingly.

DRAFT DETERMINATION

(Filed on behalf of the Joint Employers)

Health Services Union—Work value case—Aged care industry

(AM2021/65)

SOCIAL, COMMUNITY, HOME CARE AND DISABILITY SERVICES INDUSTRY AWARD 2010

[MA000100]

Social, community, home care and disability services

15 SEPTEMBER 2023

Pursuant to the directions issued by President Hatcher on 2 August 2023, the Joint Employers propose that the above award be varied as follows:

1. By deleting Schedule E and inserting the following:

Schedule E—Classification Definitions—Home Care Employees

E.1 Home Care Employee—Aged Care—Level 1

An employee at this level has the following characteristics:

E.1.1 A person appointed to this position will have less than 12 months' experience in the industry.

E.1.2 Accountability and extent of authority

An employee at this level performs broad tasks involving the utilisation of a range of basic skills in the provision of domestic assistance and support and is responsible for the quality of their work.

E.1.3 Judgment and decision-making

Work activities are routine and clearly defined. The tasks to be performed may involve the use of a limited range of techniques and methods within a specified range of work. An employee may resolve minor problems that relate to immediate work tasks.

E.1.4 Specialist knowledge and skills

Indicative but not exclusive tasks of an employee at this level include the undertaking of *domestic assistance and support duties*, including:

- (a) cleaning, vacuuming, dusting, washing and ironing;
- (b) shopping;
- (c) sweeping;
- (d) minor maintenance jobs;
- (e) preparation and cooking of meals, defrosting refrigerators;
- (f) emptying and cleaning of commodes;
- (g) banking and account payment;
- (h) organising appointments;
- (i) assistance with care of pets; and

(j) care of indoor and outdoor pot plants.

E.1.5 Interpersonal skills

An employee at this level requires basic oral communication skills and where appropriate written skills, with clients, members of the public and other employees.

E.1.6 Qualifications and experience

An employee at this level is required to complete on-the-job training which may include an induction course and any other training required by the employer for this level.

E.2 Home Care Employee—Aged Care—Level 2

An employee at this level has the following characteristics:

E.2.1 Accountability and extent of authority

An employee at this level performs broad tasks involving the utilisation of a range of developed skills in the provision of domestic assistance and support. Work performed falls within general guidelines but with scope to exercise discretion in the application of established practices and procedures. They may assist others in the supervision of work of the same or lower level and is responsible for assuring the quality of work performed.

E.2.2 Judgment and decision-making

In these positions, the nature of the work is clearly defined with established procedures well understood or clearly documented. Employees at this level are called upon to use some originality in approach with solutions usually attributable to application of previously encountered procedures and practices.

E.2.3 Specialist knowledge and skills

Indicative but not exclusive tasks of an employee at this level include the undertaking of:

(a) *domestic assistance and support duties*, including:

- (i) make beds, tidy rooms;
- (ii) preparation and cooking of meals and assistance with meals;
- (iii) dry cleaning;
- (iv) perform gardening duties;
- (v) undertake basic repairs, clean;
- (vi) fitting and removal of aids and appliances;
- (vii) assistance with communication; and
- (viii) domestic assistance and organising appointments.

(b) *personal care duties*, including:

- (i) the provision of personal care;
- (ii) supervising daily hygiene;
- (iii) laying out clothes and assisting in dressing;
- (iv) changing of catheter bags; and
- (v) monitoring medications.

(c) *social support duties*, including accompanying clients on outings.

E.2.4 Interpersonal skills

An employee at this level requires oral communication skills and where appropriate written skills, with clients, members of the public and other employees.

E.2.5 Qualifications and experience

An employee at this level is required to complete relevant experience/on-the-job training commensurate with the requirements of work at this level and will participate in any other training required by the employer for this level.

E.3 Home Care Employee—Aged Care—Level 3

An employee at this level has the following characteristics:

E.3.1 Accountability and extent of authority

Employees perform work under general supervision. Employees at this level have contact with the public or other employees which involves explanations of specific procedures and practices. Employees at this level are accountable for the quality, quantity and timeliness of their own work in so far as available resources permit, and for the care of assets entrusted to them.

E.3.2 Judgment and decision-making

These positions require personal judgment. The nature of work is usually specialised with procedures well understood and clearly documented. The particular tasks to be performed will involve selection from a range of techniques, systems, equipment, methods or processes.

E.3.3 Specialist knowledge and skills

Indicative but not exclusive tasks of an employee at this level include the undertaking of the following:

- (a) *administrative duties*, including:
 - (i) computer and other office skills;
 - (ii) maintain mail register and records;
 - (iii) sort, process and record invoices and correspondence;
 - (iv) order foodstuffs and commodities;
 - (v) liaise with dieticians on special needs;
 - (vi) co-ordinate and direct the work of support staff including maintenance (no more than four);
 - (vii) schedule work programs on a routine and regular basis;
 - (viii) oversee the provision of domestic services; and
 - (ix) schedule maintenance work programs on a routine and regular basis;
- (b) *domestic assistance and support duties*, including:
 - (i) prepare meals and special functions;
 - (ii) provide input into meal planning; and
 - (iii) carry out general maintenance falling within the scope of trades skills.
- (c) *personal care duties*, including:
 - (i) provide personal care to clients with particular emphasis on those requiring extra help due to specific physical problems or frailty; and
 - (ii) plan, develop, and co-ordinate diversional therapy programs.

E.3.4 Interpersonal skills

An employee at this level requires sound skills in oral and written communication with clients, other employees and members of the public.

E.3.5 Qualifications and experience

Indicative but not exclusive of the qualifications required at this level is an accredited qualification at the level of Certificate III and/or knowledge and skills gained through on-the-job training and experience commensurate with the requirements of the work at this level.

E.4 Home Care Employee—Aged Care—Level 4

A position in this level has the following characteristics:

E.4.1 Accountability and extent of authority

Employees are expected to exercise discretion within standard practices and processes, undertaking and implementing quality control measures. Positions in this level may provide direction, leadership, administration and rostering of direct care employees.

E.4.2 Judgment and decision-making

The objectives of the work are well defined but the particular method, process of equipment to be used must be selected from a range of available alternatives. For employees undertaking

rostering duties, the process often requires the quantification of the amount of resources needed to meet those objectives.

E.4.3 Specialist knowledge and skills

- (a) Indicative but not exclusive of the skills required of an employee at this level include the undertaking of *administrative duties*, including:
 - (i) the manipulation of data e.g. modify fields of information and create spreadsheets;
 - (ii) create new forms of files or records using a computer-based records system;
 - (iii) access and extract information from external sources e.g. local authorities;
 - (iv) roster staff and direct work programs;
 - (v) oversee the work and training of lower-level employees;
 - (vi) provide guidance and counselling; assist in the development of budgets;
 - (vii) order consumables and routine stock items used in domestic support areas;
 - (viii) develop client care plans diversional therapy and oversee the provision of domestic services.
- (b) An employee at this level must possess the following skills and abilities:
 - (i) the ability to plan, direct and train subordinate staff; and
 - (ii) a thorough understanding of the relevant technology, procedures and processes used within their operating unit.

E.4.4 Interpersonal skills.

Positions in this level require the ability to gain co-operation and assistance from members of the public and other employees in the performance of well-defined activities. Employees in this level may also be expected to write reports in their field of expertise.

E.4.5 Qualifications and experience

An employee in this level will have satisfactorily completed the requirements of Level 3 or equivalent as well as have relevant experience. Indicative but not exclusive of the qualifications required at this level is an accredited qualification to the position at the level of Certificate IV or equivalent.

E.5 Home Care Employee—Aged Care—Level 5

A position in this level includes care co-ordinator, foreperson and maintenance supervisor. A position in this level has the following characteristics:

E.5.1 Accountability and extent of authority

- (a) Positions at this level may co-ordinate resources and/or give support to more senior employees or be engaged in duties of a specialist nature.
- (b) In positions where the prime responsibility is for resource co-ordination, the freedom to act is governed by clear objectives and/or budgets with frequent prior consultation with more senior employees and a regular reporting mechanism to ensure adherence to plans.
- (c) Whatever the nature of the position, employees at this level are accountable for the quality, effectiveness, cost and timeliness of the programs, projects or work plans under their control and for the safety and security of the assets being managed.
- (d) Employees with co-ordination responsibilities are also required to ensure that all employees under their direction are trained in safe working practices and in the safe operation of equipment and are made aware of all occupational health and safety policies and procedures.

E.5.2 Judgment and decision-making

In these positions, the objectives of the work are usually well defined but the particular method, technology, process or equipment to be used must be selected from a range of available

alternatives. However, problems at this level are often of a complex or technical nature with solutions not related to previously encountered situations and some creativity and originality is required. Guidance and counsel may be available within the time available to make a choice.

E.5.3 Specialist knowledge and skills

- (a) An employee at this level must possess the following skills and abilities:
 - (i) managing time, setting priorities and planning and organising one’s own work and that of supervised employees so as to achieve specific and set objectives in the most efficient way possible within the resources available and within a set timetable;
 - (ii) set objectives in the most efficient way possible within the resources available and within a set timetable; and
 - (iii) the ability to implement basic personnel policies and practices including those related to equal employment opportunity, occupational health and safety and employees’ training and development.
- (b) An employee at this level may provide direction, leadership and structured training or on-the-job training to supervised employees or groups of employees.
- (c) Care co-ordinators at this level must also possess the following skills and abilities:
 - (i) a thorough understanding of the relevant technology, procedures and processes used within their operating unit; and
 - (ii) an understanding of the function of the position within its organisational context, including relevant policies, regulations and precedents;
- (d) Care co-ordinators at this level perform *co-ordination duties*, including:
 - (i) overseeing the preparation and finalisation of care plans for clients;
 - (ii) overseeing the provision of domestic services;
 - (iii) co-ordinating resources, governed by clear objectives and/or budgets with frequent prior consultation with more senior employees; and
 - (iv) providing support to more senior employees.

E.5.4 Interpersonal skills

Positions at this level require the ability to gain co-operation and assistance from clients, members of the public and other employees in the administration of defined activities and in the supervision of other employees or groups of employees. Employees at this level are expected to write reports in their field of expertise and to prepare external correspondence of a routine nature.

E.5.5 Qualifications and experience

The skills and knowledge needed for entry to this level are beyond those normally acquired through completion of a TAFE certificate or associate diploma alone. They might be acquired through completion of a degree or diploma course with little or no relevant work experience, or through lesser formal qualifications with relevant work skills, or through relevant experience and work skills commensurate with the requirements of work at this level.

E.6 Home Care Employee—Disability—Level 1

An employee at this level has the following characteristics:

E.6.1 A person appointed to this position will have less than 12 months’ experience in the industry.

E.6.2 Accountability and extent of authority

An employee at this level performs broad tasks involving the utilisation of a range of basic skills in the provision of domestic assistance and support and is responsible for the quality of their work.

E.6.3 Judgment and decision-making

Work activities are routine and clearly defined. The tasks to be performed may involve the use of a limited range of techniques and methods within a specified range of work. An employee may resolve minor problems that relate to immediate work tasks.

E.6.4 Specialist knowledge and skills

Indicative but not exclusive tasks include: the undertaking of semi-skilled work, including cleaning, vacuuming, dusting, washing and ironing, shopping, sweeping paths, minor maintenance jobs, preparation and cooking of meals, defrosting refrigerators, emptying and cleaning of commodes, banking and account payment, organising appointments, assistance with care of pets, and care of indoor and outdoor pot plants.

E.6.5 Interpersonal skills

Positions at this level may require basic oral communication skills and where appropriate written skills, with clients, members of the public and other employees.

E.6.6 Qualifications and experience

An employee at this level will have commenced on-the-job training which may include an induction course.

E.7 Home Care Employee—Disability—Level 2

An employee at this level has the following characteristics:

E.7.1 Accountability and extent of authority

An employee at this level performs broad tasks involving the utilisation of a range of developed skills in the provision of domestic assistance and support. Work performed falls within general guidelines but with scope to exercise discretion in the application of established practices and procedures. May assist others in the supervision of work of the same or lower level and is responsible for assuring the quality of work performed.

E.7.2 Judgment and decision-making

In these positions, the nature of the work is clearly defined with established procedures well understood or clearly documented. Employees at this level are called upon to use some originality in approach with solutions usually attributable to application of previously encountered procedures and practices.

E.7.3 Specialist knowledge and skills

Indicative but not exclusive tasks include: the provision of personal care, supervising daily hygiene, laying out clothes and assisting in dressing, make beds, tidy rooms, preparation and cooking of meals and assistance with meals, dry cleaning, perform gardening duties, undertake basic repairs, clean, fitting and removal of aids and appliances, monitoring medications, fitting and changing of catheters, assistance with communication, accompanying clients on outings, domestics assistance and organising appointments.

E.7.4 Interpersonal skills

Positions at this level require oral communication skills and where appropriate written skills, with clients, members of the public and other employees.

E.7.5 Qualifications and experience

As a minimum an employee at this level will have satisfactorily completed the requirements of level 1 or equivalent. Indicative but not exclusive of the qualifications required at this level include Home Care Certificate or equivalent; or relevant experience/on-the-job training commensurate with the requirements of work at this level.

E.8 Home Care Employee—Disability—Level 3

An employee at this level has the following characteristics:

E.8.1 Accountability and extent of authority

Employees perform work under general supervision. Employees at this level have contact with the public or other employees which involves explanations of specific procedures and practices. Employees at this level are accountable for the quality, quantity and timeliness of their own work in so far as available resources permit, and for the care of assets entrusted to them.

E.8.2 Judgment and decision-making

These positions require personal judgment. The nature of work is usually specialised with procedures well understood and clearly documented. The particular tasks to be performed will involve selection from a range of techniques, systems, equipment, methods or processes.

E.8.3 Specialist knowledge and skills

Indicative but not exclusive tasks include: computer and other office skills; maintain mail register and records; sort, process and record invoices and correspondence; prepare meals and special functions; provide input into meal planning; order foodstuffs and commodities; liaise with dieticians on special needs; schedule work programs on a routine and regular basis; co-ordinate and direct the work of support staff including maintenance (no more than four); oversee the provision of domestic services; provide personal care to clients with particular emphasis on those requiring extra help due to specific physical problems or frailty; schedule maintenance work programs on a routine and regular basis; plan, develop, and co-ordinate diversional therapy programs and carry out general maintenance falling within the scope of trades skills.

E.8.4 Interpersonal skills

Positions at this level require skills in oral and written communication with clients, other employees and members of the public.

E.8.5 Qualifications and experience

Indicative but not exclusive of the qualifications required at this level is an accredited qualification to the position at the level of Certificate 3 and/or knowledge and skills gained through on-the-job training commensurate with the requirements of the work at this level.

E.9 Home Care Employee—Disability—Level 4

A position in this level has the following characteristics:

E.9.1 Accountability and extent of authority

Employees are expected to exercise discretion within standard practices and processes, undertaking and implementing quality control measures. Positions in this level may provide direction, leadership, administration and rostering of direct care employees.

E.9.2 Judgment and decision-making

The objectives of the work are well defined but the particular method, process or equipment to be used must be selected from a range of available alternatives. For employees undertaking rostering duties, the process often requires the quantification of the amount of resources needed to meet those objectives.

E.9.3 Specialist knowledge and skills

- (a) Employees will be required to plan, direct and train subordinate staff. Employees are also required to have a thorough understanding of the relevant technology, procedures and processes used within their operating unit
- (b) Indicative but not exclusive of the skills required include: the manipulation of data e.g. modify fields of information and create spreadsheets; create new forms or files or records using a computer based records system; access and extract information from external sources e.g. local authorities; roster staff and direct work programs; oversee the work and training of lower level employees; provide guidance and counselling; assist in the development of budgets; order consumables and routine stock items used in

domestic support areas; develop client care plans and oversee the provision of domestic services.

E.9.4 Interpersonal skills

Positions in this level require the ability to gain co-operation and assistance from members of the public and other employees in the performance of well defined activities. Employees in this level may also be expected to write reports in their field of expertise.

E.9.5 Qualifications and experience

An employee in this level will have satisfactorily completed the requirements of level 3 or equivalent as well as have relevant experience.

E.10 Home Care Employee—Disability—Level 5

A position in this level includes care co-ordinator, foreperson and maintenance supervisor. A position in this level has the following characteristics:

E.10.1 Accountability and extent of authority

- (a) Positions in this level may co-ordinate resources and/or give support to more senior employees or be engaged in duties of a specialist nature.
- (b) In positions where the prime responsibility is for resource co-ordination, the freedom to act is governed by clear objectives and/or budgets with frequent prior consultation with more senior employees and a regular reporting mechanism to ensure adherence to plans.
- (c) Whatever the nature of the position, employees in this level are accountable for the quality, effectiveness, cost and timeliness of the programs, projects or work plans under their control and for the safety and security of the assets being managed.
- (d) Employees with co-ordination responsibilities are also required to ensure that all employees under their direction are trained in safe working practices and in the safe operation of equipment and are made aware of all occupational health and safety policies and procedures.

E.10.2 Judgment and decision-making

In these positions, the objectives of the work are usually well defined but the particular method, technology, process or equipment to be used must be selected from a range of available alternatives. However, problems in this level are often of a complex or technical nature with solutions not related to previously encountered situations and some creativity and originality is required. Guidance and counsel may be available within the time available to make a choice.

E.10.3 Specialist knowledge and skills

Co-ordinators in this level require a thorough understanding of the relevant technology, procedures and processes used within their operating unit. Co-ordinators are required to have an understanding of the function of the position within its organisational context, including relevant policies, regulations and precedents. Positions in this level may provide direction, leadership and structured training or on-the-job training to supervised employees or groups of employees.

E.10.4 Management skills

- (a) These positions require skills in managing time, setting priorities and planning and organising one's own work and that of supervised employees so as to achieve specific and set objectives in the most efficient way possible within the resources available and within a set timetable.
- (b) The position requires an understanding of and ability to implement basic personnel policies and practices including those related to equal employment opportunity, occupational health and safety and employees' training and development.

E.10.5 Interpersonal skills

Positions in this level require the ability to gain co-operation and assistance from clients, members of the public and other employees in the administration of defined activities and in the supervision of other employees or groups of employees. Employees in this level are expected to write reports in their field of expertise and to prepare external correspondence of a routine nature.

E.10.6 Qualifications and experience

The skills and knowledge needed for entry to this level are beyond those normally acquired through completion of a TAFE certificate or associate diploma alone. They might be acquired through completion of a degree or diploma course with little or no relevant work experience, or through lesser formal qualifications with relevant work skills, or through relevant experience and work skills commensurate with the requirements of work in this level.

2. By updating the table of contents and cross-references accordingly.