

IN THE FAIR WORK COMMISSION

Matter No.: AM2020/21

Application to vary the Social, Community, Home Care and Disability Services Industry Award 2010

SUBMISSION OF THE AUSTRALIAN SERVICES UNION

1. This submission concerns an application made by Ms Zeenat Abdullah (**'The Applicant'**) to vary the *Social, Community, Home Care and Disability Services Industry Award 2010* (**'SCHDS Award'**). It is made in accordance with directions issued by Deputy President Clancy in his statement of 11 June 2020.
2. We oppose the application. Either variation proposed by the Applicant would fundamentally alter the SCHDS Award's regulation of rostering and ordinary hours of work. In doing so, it would undermine the safety net for tens of thousands of award dependent and low paid workers.
3. The obvious impact of the proposed variation is that it would reduce an employee's entitlement to be absent from work. The right to 'full days' off work ensures that an employee is able to properly rest and recuperate. To reduce that entitlement to periods measured in hours would mean that employees could finish work one day and return to work the next. This will harm full-time, part-time and casual employees.
4. The implications of the proposed variation are most obvious for full-time employees working shifts. These workers may never experience a day free of work. For full-time employees engaged in day work, the proposed variation would open the possibility that the worker could finish work on a Friday evening and return to work on a Sunday evening (the day work span of hours is 6.00am to 8.00pm Monday to Sunday).
5. The implications for part-time employees and casuals are equally serious. The proposed variations open the possibility that a part-time employee could be rostered to work each and every day of a week in small periods of time (there is no minimum engagement for permanent employees in this award). Casuals are in a similar position, but could be called in at any time.
6. The application is not supported by any probative evidence or any cogent submissions. The Commission would not be persuaded to make the variation based on the material before it. If the Applicant wishes to pursue their claim, they should request directions to file evidence and submissions in support of their application. The ASU reserves its right to file evidence and submissions in reply.
7. We are sympathetic to the fact that the Applicant is an individual without the resources or industrial expertise of a registered organisation. However, the potentially wide-ranging consequences of the application mean that the Applicant must be held to the same standards that apply to all industrial parties in modern award matters.
8. The application appears to be motivated by the Applicant's desire to return to work from her rostered days off sooner than permitted by the SCHDS Award after working a sleepover shift. Her concerns do not appear to be shared by our members. This is an individual matter that could be resolved in some other way, such as an individual flexibility arrangement.

**AUSTRALIAN SERVICES UNION
13 JULY 2020**

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