

MA000018 PR751293

The attached document replaces the document previously issued with the above code on 3 March 2023.

The reference to clause 2 in item A.1 has been corrected to clause 3.1.

Pay Equity and Awards Team

Dated 31 May 2023



# DETERMINATION

*Fair Work Act 2009*

s.158—Application to vary or revoke a modern award

**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

DEPUTY PRESIDENT ASBURY  
DEPUTY PRESIDENT O'NEILL  
COMMISSIONER BISSETT

BRISBANE, 3 MARCH 2023

*Applications to vary modern awards – work value – aged care industry – Aged Care Award 2010 – interim increase.*

A. Further to the Full Bench decisions issued by the Fair Work Commission on 4 November 2022 [[\[2022\] FWCFB 200](#)], 21 February 2023 [[\[2023\] FWCFB 40](#)] and 3 March 2023 [[\[2023\] FWCFB 45](#)], the above award is varied as follows:

1. By deleting the words “Aged care employee—level 6 in clause 14—Minimum weekly wages” appearing in the definition of “standard rate” in clause 3.1 and inserting “Aged care employee—general—level 6 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 clause B.1, other than senior food services employees paid in accordance with clause 14.2.

<b>Classification</b>	<b>Per week</b>
	<b>\$</b>
Aged care employee—general—level 1	861.40
Aged care employee—general—level 2	895.50
Aged care employee—general—level 3	929.90
Aged care employee—general—level 4	940.90
Aged care employee—general—level 5	972.80

<b>Classification</b>	<b>Per week</b>
	<b>\$</b>
Aged care employee—general—level 6	1025.20
Aged care employee—general—level 7	1043.60

3. By renumbering clauses 14.2 to 14.5 as clauses 14.4 to 14.7.

4. By inserting a new clause 14.2 as follows:

#### **14.2 Aged care employee—general—most senior food services employee**

The following minimum wages apply to an employee in the classifications Aged care employee—general—levels 4 to 7 listed in clause B.1, if that employee is the single most senior food services employee engaged by any employer at the facility or site.

<b>Classification</b>	<b>Per week</b>
	<b>\$</b>
Aged care employee—general—level 4	1082.00
Aged care employee—general—level 5	1118.70
Aged care employee—general—level 6	1179.00
Aged care employee—general—level 7	1200.10

5. By inserting a new clause 14.3 as follows:

#### **14.3 Aged care employee—direct care**

The following minimum wages apply to employees in the classifications listed in clause B.2.

<b>Classification</b>	<b>Per week</b>
	<b>\$</b>
Aged care employee—direct care—level 1	990.60
Aged care employee—direct care—level 2	1029.80
Aged care employee—direct care—level 3	1069.40
Aged care employee—direct care—level 4	1082.00
Aged care employee—direct care—level 5	1118.70
Aged care employee—direct care—level 6	1179.00
Aged care employee—direct care—level 7	1200.10

6. By deleting the words “Level 4” appearing above the table in renumbered clause 14.4 and inserting “the minimum wage for an aged care employee—general—level 4 in clause 14.1”.

7. By deleting the words “Level 4” appearing above the table in renumbered clause 14.5(a) and inserting “the minimum wage for an aged care employee—general—level 4 in clause 14.1”.

8. By deleting the words “Level 4” appearing above the table in renumbered clause 14.5(b) and inserting “the minimum wage for an aged care employee—general—level 4 in clause 14.1”.
9. By deleting the words “Level 4” appearing in renumbered clause 14.6(a) and inserting the words “aged care employee—general—level 4 in clause 14.1”.
10. By deleting the cross reference to “clause 14.1” in renumbered clause 14.6(c) and inserting “clauses 14.1 to 14.3”.
11. By deleting Schedule B—Classification Definitions and inserting the following:

## **Schedule B—Classification 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 Aged care employee—general**

NOTE: Minimum wages for the classifications listed in clause B.1 are provided in clause 14.1, however, as set out in clause 14.2, a higher rate applies for Aged care employee—general—levels 4 to 7 if that employee is the single most senior food services employee engaged by any employer at the facility or site.

#### **B.1.1 Aged care employee—general—level 1**

##### **Entry level:**

An employee who has less than three months’ work experience in the industry and performs basic duties.

An employee at this level:

- works within established routines, methods and procedures;
- has minimal responsibility, accountability or discretion;
- works under direct or routine supervision, either individually or in a team; and
- requires no previous experience or training.

Indicative tasks performed at this level are:

<b>General and administrative services</b>	<b>Food services</b>
General clerk	Food services assistant
Laundry hand	
Cleaner	
Assistant gardener	

#### **B.1.2 Aged care employee—general—level 2**

An employee at this level:

- is capable of prioritising work within established routines, methods and procedures;
- is responsible for work performed with a limited level of accountability or discretion;
- works under limited supervision, either individually or in a team;
- possesses sound communication skills; and
- requires specific on-the-job training and/or relevant skills training or experience.

Indicative tasks performed at this level are:

#### **General and administrative services**

General clerk/Typist (between 3 months' and less than 1 year's service)

Laundry hand

Cleaner

Gardener (non-trade)

Maintenance/Handyperson (unqualified)

Driver (less than 3 ton)

#### **Food services**

Food services assistant

### **B.1.3 Aged care employee—general—level 3**

An employee at this level:

- is capable of prioritising work within established routines, methods and procedures (non admin/clerical);
- is responsible for work performed with a medium level of accountability or discretion (non admin/clerical);
- works under limited supervision, either individually or in a team (non admin/clerical);
- possesses sound communication and/or arithmetic skills (non admin/clerical);
- requires specific on-the-job training and/or relevant skills training or experience (non admin/clerical); and
- In the case of an admin/clerical employee, undertakes a range of basic clerical functions within established routines, methods and procedures.

Indicative tasks performed at this level are:

**General and administrative services**

General clerk/Typist (second and subsequent years of service)

Receptionist

Pay clerk

Driver (less than 3 ton) who is required to hold a St John Ambulance first aid certificate

**Food services**

Cook

**B.1.4 Aged care employee—general—level 4**

An employee at this level:

- is capable of prioritising work within established policies, guidelines and procedures;
- is responsible for work performed with a medium level of accountability or discretion;
- works under limited supervision, either individually or in a team;
- possesses good communication, interpersonal and/or arithmetic skills; and
- requires specific on-the-job training, may require formal qualifications and/or relevant skills training or experience.

Indicative tasks performed at this level are:

**General and administrative services**

Senior clerk

Senior receptionist

Maintenance/Handyperson (qualified)

Driver (3 ton and over)

Gardener (trade or TAFE Certificate III or above)

**Food services**

Senior cook (trade)

**B.1.5 Aged care employee—general—level 5**

An employee at this level:

- is capable of functioning semi-autonomously, and prioritising their own work within established policies, guidelines and procedures;
- is responsible for work performed with a substantial level of accountability; works either individually or in a team;
- may assist with supervision of others;
- requires a comprehensive knowledge of medical terminology and/or a working knowledge of health insurance schemes (admin/clerical);
- may require basic computer knowledge or be required to use a computer on a regular basis;

- possesses administrative skills and problem solving abilities;
- possesses well developed communication, interpersonal and/or arithmetic skills; and
- requires substantial on-the-job training, may require formal qualifications at trade or certificate level and/or relevant skills training or experience.

Indicative tasks performed at this level are:

<b>General and administrative services</b>	<b>Food services</b>
Secretary interpreter (unqualified)	Chef

### **B.1.6 Aged care employee—general—level 6**

An employee at this level:

- is capable of functioning with a high level of autonomy, and prioritising their work within established policies, guidelines and procedures;
- is responsible for work performed with a substantial level of accountability and responsibility;
- works either individually or in a team;
- may require comprehensive computer knowledge or be required to use a computer on a regular basis;
- possesses administrative skills and problem solving abilities;
- possesses well developed communication, interpersonal and/or arithmetic skills; and
- may require formal qualifications at post-trade or Advanced Certificate or Associate Diploma level and/or relevant skills training or experience.

Indicative tasks performed at this level are:

<b>General and administrative services</b>	<b>Food services</b>
Maintenance tradesperson (advanced)	Senior chef
Gardener (advanced)	

### **B.1.7 Aged care employee—general—level 7**

An employee at this level:

- is capable of functioning autonomously, and prioritising their work and the work of others within established policies, guidelines and procedures;
- is responsible for work performed with a substantial level of accountability and responsibility;
- may supervise the work of others, including work allocation, rostering and guidance;
- works either individually or in a team;
- may require comprehensive computer knowledge or be required to use a computer on a regular basis;
- possesses developed administrative skills and problem solving abilities;
- possesses well developed communication, interpersonal and/or arithmetic skills; and
- may require formal qualifications at trade or Advanced Certificate or Associate Diploma level and/or relevant skills training or experience.

Indicative tasks performed at this level are:

#### **General and administrative services**

Clerical supervisor

Interpreter (qualified)

Gardener superintendent

General services supervisor

#### **Food services**

Chef /Food services supervisor

## **B.2 Aged care employee—direct care**

### **B.2.1 Aged care employee—direct care—level 1**

An employee who has less than three months' work experience in the industry and performs basic duties.

An employee at this level:

- works within established routines, methods and procedures;
- has minimal responsibility, accountability or discretion;
- works under direct or routine supervision, either individually or in a team; and
- requires no previous experience or training.

Indicative tasks performed at this level are:

#### **Personal care**



No indicative task

### **B.2.2 Aged care employee—direct care—level 2**

An employee at this level:

- is capable of prioritising work within established routines, methods and procedures;
- is responsible for work performed with a limited level of accountability or discretion;
- works under limited supervision, either individually or in a team;
- possesses sound communication skills; and
- requires specific on-the-job training and/or relevant skills training or experience.

Indicative tasks performed at this level are:

#### **Personal care**

Personal care worker grade 1

### **B.2.3 Aged care employee—direct care—level 3**

An employee at this level:

- is capable of prioritising work within established routines, methods and procedures;
- is responsible for work performed with a medium level of accountability or discretion;
- works under limited supervision, either individually or in a team;
- possesses sound communication and/or arithmetic skills; and
- requires specific on-the-job training and/or relevant skills training or experience.

Indicative tasks performed at this level are:

#### **Personal care**

Personal care worker grade 2

Recreational/Lifestyle activities officer (unqualified)

### **B.2.4 Aged care employee—direct care—level 4**

An employee at this level:

- is capable of prioritising work within established policies, guidelines and procedures;
- is responsible for work performed with a medium level of accountability or discretion;
- works under limited supervision, either individually or in a team;
- possesses good communication, interpersonal and/or arithmetic skills;
- requires specific on-the-job training, may require formal qualifications and/or relevant skills training or experience; and
- in the case of a personal care worker, holds a relevant Certificate 3 qualification (or possesses equivalent knowledge and skills) and uses the skills and knowledge gained from that qualification in the performance of their work.

Indicative tasks performed at this level are:

**Personal care**

Personal care worker grade 3

**B.2.5 Aged care employee—direct care—level 5**

An employee at this level:

- is capable of functioning semi-autonomously, and prioritising their own work within established policies, guidelines and procedures;
- is responsible for work performed with a substantial level of accountability;
- works either individually or in a team;
- may assist with supervision of others;
- may require basic computer knowledge or be required to use a computer on a regular basis;
- possesses administrative skills and problem solving abilities;
- possesses well developed communication, interpersonal and/or arithmetic skills; and
- requires substantial on-the-job training, may require formal qualifications at trade or certificate level and/or relevant skills training or experience.

Indicative tasks performed at this level are:

**Personal care**

Personal care worker grade 4

**B.2.6 Aged care employee—direct care—level 6**

An employee at this level:

- is capable of functioning with a high level of autonomy, and prioritising their work within established policies, guidelines and procedures;
- is responsible for work performed with a substantial level of accountability and responsibility;
- works either individually or in a team;
- may require comprehensive computer knowledge or be required to use a computer on a regular basis;
- possesses administrative skills and problem solving abilities;
- possesses well developed communication, interpersonal and/or arithmetic skills; and
- may require formal qualifications at post-trade or Advanced Certificate or Associate Diploma level and/or relevant skills training or experience.

Indicative tasks performed at this level are:

**Personal care**

No indicative task

**B.2.7 Aged care employee—direct care—level 7**

An employee at this level:

- is capable of functioning autonomously, and prioritising their work and the work of others within established policies, guidelines and procedures;
- is responsible for work performed with a substantial level of accountability and responsibility;
- may supervise the work of others, including work allocation, rostering and guidance;
- works either individually or in a team;
- may require comprehensive computer knowledge or be required to use a computer on a regular basis;
- possesses developed administrative skills and problem solving abilities;

- possesses well developed communication, interpersonal and/or arithmetic skills; and
- may require formal qualifications at trade or Advanced Certificate or Associate Diploma level and/or relevant skills training or experience.

Indicative tasks performed at this level are:

**Personal care**

Personal care worker grade 5

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

B. This determination comes into operation on 30 June 2023. In accordance with s.166(5) of the *Fair Work Act 2009* this determination does not take effect in relation to a particular employee until the start of the employee's first full pay period that starts on or after 30 June 2023.



DEPUTY PRESIDENT

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