



DECISION

Fair Work Act 2009
s.185—Enterprise agreement

Epworth Foundation T/A Epworth HealthCare
(AG2023/3515)

EPWORTH HEALTHCARE HEALTH AND ALLIED SERVICES ENTERPRISE AGREEMENT 2022

Health and welfare services

COMMISSIONER WILSON

MELBOURNE, 14 NOVEMBER 2023

Application for approval of the Epworth HealthCare Health and Allied Services Enterprise Agreement 2022

[1] An application has been made for approval of an enterprise agreement known as the *Epworth HealthCare Health and Allied Services Enterprise Agreement 2022* (the Agreement). The application was made pursuant to s.185 of the *Fair Work Act 2009* (the Act). It has been made by Epworth Foundation T/A Epworth HealthCare. The Agreement is a single enterprise agreement.

[2] The Employer has provided written undertakings. A copy of the undertakings is attached in Annexure A. I am satisfied that the undertakings will not cause financial detriment to any employee covered by the Agreement and that the undertakings will not result in substantial changes to the Agreement. The undertakings are taken to be a term of the agreement.

[3] Subject to the undertakings referred to above, I am satisfied that each of the requirements of ss.186, 187, 188 and 190 as are relevant to this application for approval have been met.

[4] The Health Services Union being a bargaining representative for the Agreement, has given notice under s.183 of the Act that it wants the Agreement to cover it. In accordance with s.201(2) I note that the Agreement covers the organisation.

[5] The Agreement is approved and, in accordance with s.54 of the Act, will operate from 21 November 2023. The nominal expiry date of the Agreement is 14 November 2027.



COMMISSIONER

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Annexure A

IN THE FAIR WORK COMMISSION Fair Work Act 2009 (Cth) ("FW Act")

Matter number: AG2023/3515

Employer: Epworth Foundation

Application: Section 185 – Application for approval of a single enterprise agreement, namely the *Epworth HealthCare Health and Allied Services Enterprise Agreement 2022*

Undertaking- Section 190

I, Karen Pimm, Manager Workplace Relations for Epworth Foundation, give the following undertaking with respect to the *Epworth HealthCare Health and Allied Services Enterprise Agreement 2022 (the Agreement)*.

I have the authority given to me by Epworth Foundation to provide this undertaking in relation to the application before the Fair Work Commission.

Undertaking

1. Clause 61.1 of the Agreement will be replaced with the following:

Subject to the remaining provisions of this clause, Employees (other than casuals and Employees on unpaid leave) shall be entitled to the following actual holidays or their substitutes :- New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, Labour Day, Anzac Day, King's Birthday, Melbourne Cup Day, Christmas Day and Boxing Day and any other public holiday gazetted by the Victorian State Government.

2. In relation to clause 50 of the Agreement:
 - a. 'Apprentice' will be taken to mean a cooking trade apprentice;
 - b. the ordinary hourly rate for apprentices referred to in clause 50.5 will apply to adult and junior cooking trade apprentices.
3. Employees in the classifications below whose ordinary hours of work in a single fortnightly pay period are exclusively performed between Monday and Friday as early morning or afternoon shifts that exceed 8.5 ordinary hours, will be paid overtime rates for time worked in excess of 8.5 ordinary hours on the morning or afternoon shift in the fortnightly pay period:
 - a. Permanent Trades Assistant (Unqualified) Year 1
 - b. Permanent Storeperson Years 1 & 2
 - c. Permanent Hospitality Services Assistant Year 1
 - d. Casual Storeperson Year 1
4. Employees in the classifications below whose ordinary hours of work in a single fortnightly pay period are exclusively performed between Monday and Friday as early morning or afternoon shifts that exceed 9 ordinary hours, will be paid overtime rates for time worked in excess of 9 ordinary hours on the morning or afternoon shift in the fortnightly pay period:
 - a. Permanent Trades Assistant (Unqualified) Year 2
 - b. Permanent Storeperson Year 3
 - c. Permanent Hospitality Services Assistant Year 2
 - d. Permanent Food Services Associate Years 1 & 2
 - e. Permanent Patient Services Assistant G1 Year 1 & G2 Year 1
 - f. Permanent Patient Care Associate Year 1

- g. Casual Hospitality Services Assistant Year 1
 - h. Casual Trades Assistant (Unqualified) Year 1
5. Employees in the classifications below whose ordinary hours of work in a single fortnightly pay period are exclusively performed between Monday and Friday as early morning or afternoon shifts that exceed 9.5 ordinary hours, will be paid overtime rates for time worked in excess of 9.5 ordinary hours on the morning or afternoon shift in the fortnightly pay period:
- a. Permanent Trades Assistant (Unqualified) Year 3
 - b. Permanent Orderly Years 1 & 2
 - c. Permanent Enviro Services Assistant Year 1
 - d. Permanent Storeperson Year 4
 - e. Permanent Hospitality Services Assistant Year 3
 - f. Permanent Environmental Services Supervisor Year 1
 - g. Permanent Food Services Associate Year 1
 - h. Permanent Food Services Supervisor Year 1
 - i. Permanent Patient Services Assistant G1 Year 2 & G2 Year 2
 - j. Permanent Patient Care Associate Year 2
 - k. Casual Food Services Associate Years 1 & 2
 - l. Casual Hospitality Services Assistant Year 2
 - m. Casual Storeperson Year 2
 - n. Casual Trades Assistant (Unqualified) Year 2

This undertaking is provided on the basis of issues raised by the Fair Work Commission in the application before the Fair Work Commission.

Date signed:	13-11-2023
For and on behalf of the Employer by: [In accordance with s.190(5) of the FW Act]	Karen Pimm
Signature:	