



# STATEMENT

*Fair Work Act 2009*

s.157—FWC may vary etc. modern awards if necessary to achieve modern awards objective

## **Gender-based undervaluation — priority awards review — *Social, Community, Home Care and Disability Services Industry Award 2010*** (AM2024/21)

JUSTICE HATCHER, PRESIDENT  
VICE PRESIDENT ASBURY  
DEPUTY PRESIDENT O’NEILL  
DEPUTY PRESIDENT SLEVIN  
DEPUTY PRESIDENT GRAYSON

SYDNEY, 24 OCTOBER 2025

*Gender-based undervaluation – priority awards review – Social, Community, Home Care and Disability Services Industry Award 2010 – proposed conferencing process.*

[1] This matter is listed for hearing on 27, 28 and 29 October 2025 to finalise the gender-based undervaluation review of the *Social, Community, Home Care and Disability Services Industry Award 2010* (SCHADS Award). The main issue remaining in contention concerns the establishment of a new classification and minimum wages structure for the SCHADS Award that addresses the findings we made in our decision of 16 April 2025<sup>1</sup> (April 2025 decision), including that ‘the minimum wage rates prescribed by the SCHADS Award for employees within the classifications in Schedules B, C and E do not properly reflect the value of the work to which those classifications apply and that this is the case for reasons related to gender’: [376].

[2] In the April 2025 decision, we expressed a *provisional* view as to the design of a new integrated and simplified classification structure for the SCHADS Award which would address the identified gender-based undervaluation. In subsequent conferences, and in submissions filed for the purpose of next week’s hearing, the parties have identified various problems with respect to our *provisional* view and have advanced proposed modifications or alternatives. In particular, in submissions filed on 15 October 2025, the Australian Services Union (ASU) advanced a comprehensive proposal for an alternative classifications structure.

[3] At a directions hearing conducted on 20 October 2025, the President invited the parties to consider participation in a conference process, to occur prior to the matter being determined, to endeavour to reach a consensus as to the new classification structure. On 22 October 2025, the ASU sent an email to other parties, which was copied to the President’s chambers, indicating its preparedness to engage in a conference process and proposing a program by which such a process might occur.

[4] We continue to invite the parties to engage in a conference process, without prejudice to their respective positions in next week's hearing, to endeavour to reach a consensus as to a new classification structure. The principles upon which the new classification structure must be constructed are as follows:

- (1) The gender-based undervaluation identified in the April 2025 decision at [376]–[378] must be remedied. This will require, at least, the Caring Skills benchmark wage of \$1314.30 to apply to all employees requiring a Certificate III qualification or an equivalent qualification or experience and the C1(a) benchmark wage rate of \$1579.30 for degree-qualified employees or those with equivalent qualifications or experience: see [389]. Consequentially, this will require the incorporation of the ERO<sup>2</sup> rates into the SCHADS Award to avoid any unintended escalation in wage rates (since the ERO operates to apply percentage increments to the current wages structure).
- (2) The defects in the current classification structures identified in the April 2025 decision which render them not fit for purpose must also be remedied. These defects are twofold. First, at [379], it was found that ‘the division of the coverage of the SCHADS Award into different classification streams with different rates of pay sourced from different pre-modern awards has resulted in an outcome which is complex, does not value work equally across the classification streams, and is conducive of disputation and potential non-compliance.’ Second, at [381]–[382], it was found that ‘the classification structures in Schedules B and C are expressed in terms which makes it very difficult to determine at what level an employee should be classified and paid’ resulting in ‘the widespread misclassification of employees’. The preferable course to remedy these defects is to establish ‘a single new classification structure for the SCHADS Award which rectifies gender-based undervaluation, is simple and easy to understand, and which provides common minimum wage rates for work of equal or comparable value that apply to all of the types of work covered by the award’: [388].
- (3) The new classification structure should also ‘appropriately recognise the acquisition of relevant qualifications at each level, whilst making allowance for the recognition of equivalent experience and training, obtained for example through “lived experience” which is a particular feature of SACS work’: [390].
- (4) The substantive outcome for home care employees in the aged care sector determined in the *Stage 3 Aged Care decision*<sup>3</sup> should not be disturbed.
- (5) Employees covered by the SCHADS Award should not go backwards as a result of the new classification structure and pay rates. This includes preservation of employees’ existing wage rates and comparable opportunities for pay progression, noting that transition to a new integrated and simplified classification structure may result in some anomalies.
- (6) Wages costs to employers should, as far as practicable, not be increased beyond that which is necessary to rectify gender-based undervaluation.

[5] Any consensus reached by the parties as to a new classification structure that is consistent with the above principles, while not binding on us, will obviously be given significant weight.

[6] Accordingly, we request the parties to advise the Commission by **close of business on Tuesday, 28 October 2025** whether they are prepared to engage in a conference process on the basis outlined in the ASU's email or on some other basis. If there is agreement that such a process should be undertaken, a member of the Expert Panel will be made available for that purpose. If there is not broad agreement to such a process or no consensus is reached through a conference process, we will determine the outstanding issues on the basis of the evidence and submissions to be advanced at the listed hearing. The intention of the Expert Panel is to finalise this matter before the end of 2025.



PRESIDENT

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<sup>1</sup> [\[2025\] FWCFB 74](#).

<sup>2</sup> *Social, Community and Disability Services Industry Equal Remuneration Order 2012* [PR525485](#).

<sup>3</sup> *Aged Care Award 2010; Nurses Award 2020; Social, Community, Home Care and Disability Services Industry Award 2010* [\[2024\] FWCFB 150](#), 331 IR 137.