

Fair Work Commission  
Modern Award Review  
AM2014/250

**Outline submission on proposed  
changes to the Aboriginal Community  
Controlled Health Services Award 2010**



Prepared by HWL Ebsworth Lawyers on behalf of



**NATSIHWA**  
National Aboriginal and Torres Strait  
Islander Health Worker Association

6 March 2015

Ref SMP:JCLB:313668

## A. INTRODUCTION

1. We confirm that we act for the National Aboriginal and Torres Strait Islander Health Worker Association (**NATSIHWA**), who is an interested party in the modern award review of the Aboriginal Community Controlled Health Services Award 2010 (**ACCHS Award**).
2. We refer to the Statement issued by the Honourable Justice IJK Ross of the Fair Work Commission dated 23 January 2015 and provide the following outline submission regarding NATSIHWA's proposed changes to the ACCHS Award.
3. Aboriginal and Torres Strait Islander health workers (**ATSIHWs**) have a vital role to play in the provision of accessible and culturally relevant health services to Australia's Indigenous population.
4. However, the nature of the ATSIHW role is demanding and ATSIHWs are often not remunerated or trained at a level commensurate with the tasks they are required to perform. As one commentator has put it, "*the least educated and most poorly paid of all health care workers are being asked to tackle what is, arguably, Australia's most difficult health problems.*"<sup>1</sup>
5. Via involvement in the modern award review, NATSIHWA hopes to secure amendments to the ACCHS Award that will strengthen the ATSIHW workforce and contribute to closing the gap between Indigenous and non-Indigenous health outcomes throughout the country.
6. The scope of the amendments sought by NATSIHWA are as follows:
  - (a) expansion of the coverage of the ACCHS Award to apply to ATSIHWs beyond just the Aboriginal Community Controlled Health Services setting;
  - (b) improvements in pay and employment conditions in recognition of the demands of the ATSIHW role and the nature of medical care being provided by ATSIHWs;
  - (c) increased scope for ATSIHW career progression under the ACCHS Award; and
  - (d) increased provision within the ACCHS Award for training and further education to facilitate a dynamic knowledge base and upskilling within the ATSIHW workforce.

## B. COVERAGE

7. ATSIHWs currently have fragmented modern award coverage, which has led to significant inconsistencies between pay, position classifications, required skills and employment conditions nationally.

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<sup>1</sup> Sara Hudson, 'Charlatan Training: How Aboriginal Health Workers Are Being Short-Changed' (2012) *The Centre for Independent Studies* at 13.

8. NATSIHWA proposes that this problem of inconsistency be addressed by extending the coverage of the ACCHS Award (see clause 4 of the ACCHS Award) beyond Aboriginal Community Controlled Health Services to all ATSIHWs within the scope of Australia's national workplace relations system.
9. Accordingly, NATSIHWA will submit that the title of the ACCHS Award be amended to the "*Aboriginal Community Controlled Health Services and Aboriginal and Torres Strait Islander Health Worker Award*" or such other appropriate variation.
10. NATSIHWA will submit that extending and amending the ACCHS Award is preferable to inserting its desired changes to the other awards that apply to ATSIHWs. ATSIHWs are unique in the sense that the profession is only open to Aboriginal and/or Torres Strait Islander persons and ATSIHWs almost exclusively provide care to Aboriginal and/or Torres Strait Islander persons. As such, ATSIHWs have a number of Indigenous specific award requirements (for example, the need for Indigenous knowledge and cultural skills) that are best addressed using an Indigenous focused award.

**C. PAY AND EMPLOYMENT CONDITIONS**

11. NATSIHWA seeks to improve minimum wages under the ACCHS Award (see clause 4 of the ACCHS Award) to levels commensurate with the responsibilities ATSIHWs are required to perform. By way of example, NATSIHWA notes the disparity between the minimum wages for ATSIHWs under the ACCHS Award and nurses under the Nurses Award 2010 (**Nurses Award**).
12. NATSIHWA will submit that the allowances afforded to ATSIHWs under the ACCHS Award (see clause 15 of the ACCHS Award) be revised in line with those afforded to other health professionals. For instance, ATSIHWs do not currently have the benefit of the following allowances included in the Health Professionals and Support Services Award 2010 (**Health Professionals Award**):
  - (a) a blood check allowance (for persons exposed to radiation hazards in the course of their work) (see clause 18.2 of the Health Professionals Award);
  - (b) damaged clothing allowance (see clause 18.4 of the Health Professionals Award);
  - (c) a heat allowance (for working in high temperature areas) (see clause 18.6 of the Health Professionals Award);
  - (d) a nauseous work allowance (see clause 18.8 of the Health Professionals Award);
  - (e) an occasional interpreting allowance (see clause 18.9 of the Health Professionals Award); and

- (f) a telephone allowance (for persons required to be on call) (see clause 18.10 of the Health Professionals Award).
13. NATSIHWA will also submit that an isolation allowance be introduced into the ACCHS Award to accommodate for ATSIHWs working in isolated and/or comparatively dangerous areas.
14. Aboriginal and Torres Strait Islander persons have a broader concept of family and kinship network than that recognised for the purposes of compassionate leave under the National Employment Standards contained in the *Fair Work Act 2009* (Cth). NATSIHWA will submit that the ACCHS Award be amended to take into account this broader concept of family and kinship, and to confirm that ATSIHWs may take ceremonial leave to attend bereavement related ceremonies and obligations.
15. Generally speaking, NATSIHWA does not object to the amendments to the ACCHS Award proposed in the Health Services Union of Australia's submissions dated 2 March 2015.

**D. ATSIHW CAREER PROGRESSION**

16. Clause 14.1 of the current ACCHS Award lists only four grades of "Aboriginal Health Workers". NATSIHWA proposes that the grades and levels of "Aboriginal Health Workers" under the ACCHS Award be revisited with a view to providing a framework under which being an ATSIHW can be perceived as a viable long term career path with scope for promotion to senior level roles. The classification descriptions for senior level roles should also include reference to mentoring and coaching of more junior ATSIHWs, which is currently lacking in the ATSIHW industry.
17. Moreover, NATSIHWA will submit that the classification definitions contained in Schedule B to the ACCHS Award be supplemented to provide employers with greater guidance as to when ATSIHWs should progress between the pay levels contained within each grade of "Aboriginal Health Worker".

**E. TRAINING AND FURTHER EDUCATION**

18. The ACCHS Award currently contains definitions for three levels of Aboriginal knowledge and cultural skills (see clause 3 of the ACCHS Award) and the makes reference to the "desired" Aboriginal knowledge and cultural skills in the various classification definitions contained in Schedule B.
19. Such Aboriginal and cultural knowledge and skills are essential for ensuring the provision of culturally relevant healthcare and in some instances have been lacking amongst ATSIHWs based in urban areas.

20. NATSIHWA will submit that the Aboriginal knowledge and cultural skills component of the ACCHS Award be strengthened through, inter alia, introducing references to the completion of cultural training courses into the classification descriptions of all grades of "Aboriginal Health Worker" under the ACCHS Award.
21. Aside from cultural training, NATSIHWA will also submit that the ACCHS Award be amended to incentivise ATSIHW participation in ongoing further education, including education and training to ensure ATSIHWs are up to speed with recent developments and new treatment options in their fields of practice.

Should you have any enquiries in relation to the above, please do not hesitate to contact Justin Le Blond on (02) 9334 8703.

Yours sincerely



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