

Friday, 7 April 2017

Justice Ross
Vice President Hatcher
Commissioner Hunt

**RE: s158 Four Year review of the Modern Awards
AM2016/15 Plain Language**

The HSU makes these comments in response to the statement [2017] FWCFB 1638 and thanks the bench for the opportunity to provide comments on the statement and the second tranche of awards.

Our comments relate to the inclusion of the *Social, Community, Home Care and Disability Services Industry Award 2010* and the *Aged Care Award 2010* in the second tranche of modern awards identified for re-drafting in plain language.

The HSU notes and adopts the comments by the ACTU.

Specifically concerning the SCHCDS and Aged Care awards, the HSU requests that plain language redrafting for these awards does not proceed at this stage.

In the first instance we submit that the rewriting of the awards through the Exposure Draft process, and the reordering as a consequence of the initial plain language advise has significantly simplified the ease of reading and understanding of these awards. As you are aware the time and resource requirements have been extensive and have produced documents which have not to date been published or tested.

Further review and rewriting of the awards will again extend the time before the awards are finalised, published and available. Our branches are already experiencing negative responses to proposals to commence negotiating replacement agreements, on the basis that the award is not finalised yet. This is a concern for all parties. And this hiatus has been evident for more than 3 years.

The HSU submits we should not undergo an additional rewrite without publication of the awards in the ED form.

The HSU also believes that all the substantive matters should be finalised before we proceed into a plain language redraft of these award. The awards have been the subject of multiple conferences, again time intensive for all parties, and the proposed changes are greatly concerning many; employee and employer alike; in both sectors because they are unresolved.



Several of the proposed changes, particularly in the SCHCDS Award, could lead to major changes to the wages and entitlements. The fact that these matters are unresolved are a significant impediment to bargaining in the sector.

The HSU submits that the substantive changes must be finalised before we commence an additional rewrite of the awards.

The HSU support the ACTU submissions that the plain language drafting of awards can be conducted under s160 after finalisation of the s158 four year review of the modern awards. And for these awards at least we propose that this be the process undertaken.

The HSU understands that the employer parties and unions hold essentially the same views as we have expressed here.

In the alternative, if the Bench is not inclined to accede to the requests of the parties generally, the HSU would prefer that the SCHCDS and Aged Care Awards are dealt with concurrently.

Yours sincerely,



Leigh Svendsen
Senior National Industrial Officer.

