

IN THE FAIR WORK COMMISSION

Application by Health Services Union & Others

(AM2020/99)

Application by Australian Nursing and Midwifery Federation

(AM2021/63)

Application by Health Services Union

(AM2021/65)

AGED CARE INDUSTRY WORK VALUE CASE

SUBMISSION OF THE AUSTRALIAN SERVICES UNION

1. These are the Australian Services Union's (**ASU**) submissions pursuant to the Directions of 2 August 2023.
2. The ASU covers disability services employees throughout Australia. Most of our members in disability services are covered by Schedule B – Social and Community Services Employees of the *Social, Community, Home Care and Disability Services Industry Award 2010* (**'SCHDS Award'**). The SCHDS Award and the *2012 Social and Community and Disability Services Equal Remuneration Order* determine minimum wages for these employees. These rates are significantly greater than the rates of pay for Home Care Workers – Disability under Schedule E of the SCHDS Award.
3. The Commission has asked the parties to express their views about the impact on disability services employees of a separate classification structure for home aged care workers. In our Submission of 1 March 2023, we noted that the ASU was considering its position with respect to the classification of disability services employees and home care workers. Our view was that most, if not all, so-called home care workers working in the NDIS were misclassified.
4. We can now confirm that the ASU will make an application to vary the SCHDS Award to clarify the coverage of disability support workers in the SCHDS Award. It would not be appropriate to pursue this variation through the Aged Care Work Value Case given that none of the submissions or evidence thus far have dealt with disability services.

AUSTRALIAN SERVICES UNION

15 September 2023