

FAIR WORK COMMISSION

Matter No.: AM2020/99; AM 2021/65; AM2021/63

S 158 – APPLICATION TO VARY OR REVOKE A MODERN AWARD (AGED CARE AWARD 2020);

S 158 – APPLICATION TO VARY OR REVOKE A MODERN AWARD (NURSES AWARD 2010)

s 158 APPLICATION TO VARY OR REVOKE A MODERN AWARD (SOCIAL, COMMUNITY, HOME CARE AND DISABILITY SERVICES INDUSTRY AWARD 2010)

FINAL SUBMISSIONS OF THE UNITED WORKERS' UNION

1. In our Submission to the Royal Commission into Aged Care Quality and Safety, United Workers' Union (**UWU**) said:

“The current working conditions in aged care negatively impact on the capacity of the system to adequately meet the needs of care recipients. The aged care sector is characterised by a range of working conditions that are not conducive to quality jobs. These include (but are not limited to): low wages, inadequate or unpredictable hours and a reliance on contingent employment arrangements, excessive workloads and inadequate time to care; limited career opportunities; inadequate supervision; inadequate training and peer support and major institutional funding pressures.”¹

2. In its Final Report, the Royal Commission into Aged Care Quality and Safety agreed generally with these propositions².
3. The Royal Commission's findings reflect an extraordinary level of consensus within this sector that aged care workers are undervalued and that something must be done about it. In December 2021 a Statement prepared by stakeholders from the aged care sector (including UWU) said:

“The stakeholders agree that wages in the aged care sector need to be significantly increased because the work of aged care workers has been historically undervalued for a range of reasons and has not been properly assessed by the Fair Work Commission or any other industrial tribunal.

Minimum wages in awards need to be set according to the value of the work done by workers in aged care, recognising increases in the complexity of the nature of the work and skills and responsibility involved in doing the work and changes to the conditions under which work is done.”³

4. The undervaluation of aged care workers in Australia is not just an issue of wage justice. It is an issue that puts the entire sector at risk. The analysis of the Committee for Economic Development of Australia (**CEDA**) suggests that by 2030, there will be

¹ United Workers Union, *Submission to the Royal Commission into Aged Care Quality and Safety*, December 2019, p.11

² Royal Commission into Aged Care Quality and Safety, *Final Report: Care, Dignity and Respect*, Volume 2, section 4.10, pp.211-216

³ Aged Care Sector Stakeholder Consensus Statement, 17 December 2021, p.2

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a shortfall of at least 110,000 workers if the Aged Care workforce expands at its current pace and that “increasing wages is crucial to all attempts to increase the workforce”.⁴

5. This proceeding represents a historic opportunity to address these issues. Three applications have been made seeking variations to modern awards to increase wage rates in the aged care sector. UWU supports these applications in the manner set out below.
6. An application made by the Health Services Union (**HSU**) seeks that the *Aged Care Award 2010* be varied to (a) increase wages, and (b) alter certain aspects of the classification structure. UWU supports that application.
7. A further application made by HSU seeks that the *Social, Community, Home Care and Disability Services Industry Award 2010* be varied to increase wages with respect to aged care workers. UWU supports that application
8. An application made by the Australian Nursing and Midwifery Federation (**ANMF**) seeks that the *Nurses Award 2020* be varied to insert a new schedule into the award which would have the effect of increasing wage rates for aged care workers. UWU supports this aspect of this application.
9. UWU has filed material in support of these applications including the following:
 - a. Judeth Anne Clarke, personal care worker, Western Australia
 - b. Geronima Ortillano Bowers, personal care worker, Western Australia
 - c. Sandra Kim Hufnagel, personal care worker, Queensland
 - d. Ross Evan Heyan, former client services / administration assistant, Queensland
 - e. Lyndelle Anne Parke, personal care worker, Northern Territory
 - f. Donna Capellutti,, former food services assistant, South Australia
 - g. Jane Wahl, gardener, South Australia
 - h. Catherine Goh, community support worker, Western Australia
 - i. Ngari Inglis, home support worker, South Australia
 - j. Paula Wheatley, personal care worker, Queensland
 - k. Susan Toner, personal care worker (home support), Queensland
 - l. Karen Roe, home support worker, New South Wales
 - m. Lillian Grogan, Care Worker Coach, New South Wales
 - n. Maria Moffat, personal care worker (home support), New South Wales

⁴ Committee for Economic Development of Australia (CEDA), *Duty of Care: Meeting the Aged Care Workforce Challenge*, 2021 (Attached as LH12 to the Reply Statement of Lauren Hutchins)

- o. Melissa Coad, Union Official, New South Wales
 - p. Susan Morton, home care worker New South Wales
 - q. Teresa Hethrington, personal care assistant, New South Wales
10. UWU has had the benefit of reading submissions filed in relation to these applications by HSU and ANMF. UWU supports those submissions and has confined these closing submissions to avoid unnecessary repetition.
11. The evidence heard by the Commission in relation to this matter supports a finding that the increases to wages sought by the applications are justified by work value reasons including on the basis of:
- a. The skill and responsibility exercised by aged care workers responsible for providing direct and indirect care in residential and home aged care settings
 - b. The impact of resident and consumer needs on the exercise of skill and responsibly by aged care workers
 - c. The impact of changes to models of care and care philosophy on the exercise of skill and responsibility by aged care workers
 - d. The impact of regulatory and governance requirements on the nature of the work performed by aged care workers
 - e. The impact of changes to workforce composition over the skill and responsibility exercised by aged care workers and the nature of the work
 - f. The nature of the work environment in which aged care workers perform their work and the conditions under which the work is done
 - g. The qualifications and training requirements associated with the work and changes that are sought to be made with respect to qualifications and training requirements;
 - h. Changed expectations in relation to consumer, community and family interaction, as it bears on the nature of the skill and responsibility exercised;
 - i. Historical undervaluation of the work (including a gendered view of the work as associated with unpaid care work).
12. On this basis, and with regard to the submissions filed in this matter by HSU and ANMF, UWU submits the variations sought by the applications (referred to above) should be made.

United Workers Union

25 July 2022