



## DECISION

*Fair Work Act 2009*

s.160—Variation of modern award

### **United Voice; Health Services Union**

(AM2013/30)

DEPUTY PRESIDENT BOOTH

SYDNEY, 1 DECEMBER 2015

*Application for extension.*

[1] On 16 December 2013, the Health Services Union (HSU) and United Voice (UV) made a joint application under s.160 of the *Fair Work Act 2009* to vary a modern award namely, the *Supported Employment Services Award 2010* (the Award). The variation sought was to remove all wage assessment tools from the Award, except for the Supported Wage System.

[2] The application came before a Full Bench and the Full Bench referred the application for conciliation before me.

[3] During the course of conciliation the parties agreed to remove the Business Services Wage Assessment Tool (BSWAT) from the Award. Accordingly, I issued a Consent Order on 5 June 2015.

[4] The Consent Order varied the Award so that employers employing people covered by the Award, could no longer assess the employees using the BSWAT after 31 October 2015.

[5] The Consent Order made provision for any employer seeking to extend the transitional period beyond 31 October 2015 but not extending past 29 February 2016, to make an application to the Commission for such.

[6] Any party employing staff under the Award, were to notify the Commission by 5 July 2015, if they sought such an extension.

[7] Clearwater Property Care (Clearwater) applied for an extension on 11 November 2015. On 17 November 2015 I issued Directions to Clearwater to file submissions in relation to the reason for the extension sought, and for any evidence in support of granting that extension.

[8] Submissions were received on 25 November 2015. The HSU and UV were invited to file a response to those submissions. No response was received.

[9] I have reviewed the submissions of Clearwater. The reason given for the application for extension was that Clearwater required more time to complete the assessments of all supported employees using a new wage assessment tool.

[10] I am satisfied that Clearwater should be granted the extension to use the BSWAT for a period past 31 October 2015, but not extending beyond 29 February 2016.

[11] I will issue an Order to that effect.



DEPUTY PRESIDENT

*Final written submissions:*

Submissions of the Applicant 25 November 2015.



# ORDER

*Fair Work Act 2009*  
s.160—Variation of modern award

**United Voice; Health Services Union**  
(AM2013/30)

**SUPPORTED EMPLOYMENT SERVICES AWARD 2010**  
[MA000103]

DEPUTY PRESIDENT BOOTH

SYDNEY, 1 DECEMBER 2015

*Application for extension.*

A. Further to the Decision of the Fair Work Commission issued 1 December 2015, the Commission Orders that Clearwater Property Care may continue to use the Business Services Wage Assessment Tool for a further period not extending past close of business, Monday 29 February 2016.



DEPUTY PRESIDENT