



Jobs Australia

Community Sector Industrial Relations

IN THE FAIR WORK COMMISSION

4 YEARLY REVIEW OF MODERN AWARDS

SUBMISSION

**Social, Community, Home Care and Disability Services Industry Award 2010
(AM2014/285)**

9 May 2017

Jobs Australia Ltd

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Introduction

1. Jobs Australia makes this submission in accordance with the Directions issued by Justice Ross on 7 February 2017 as amended on 22 March 2017 and again on 11 April 2017.
2. This submission deals with substantive claims that Jobs Australia intends to pursue. A separate joint report is being filed by the employer and union parties regarding claims that have either been agreed or withdrawn.
3. Jobs Australia intends to pursue 2 remaining claims relating to
 - a) 24 hour care; and
 - b) SACS classification definitions

24 hour care

4. Clause 14.6 of the Exposure Draft of the award sets out arrangements for the provision of 24 hour care by Home Care workers. Our claim is to extend this provision to disability support workers classified under the SACS classification schedule (Schedule A of the Exposure Draft).
5. The case will be evidentiary based and will show that an increasing amount of disability support work is performed in ways that are analogous to the home care supports. The National Disability Insurance Scheme (NDIS) is driving this change and extension of the application of this clause to disability support work will facilitate the provision of important supports for people with disabilities.
6. We anticipate calling no more than two or three witnesses to provide evidence in support of this claim.
7. A draft determination with clause numbering based on the Exposure Draft is attached.

SACS classification definitions

8. The current SACS classification definitions at Schedule A of the Exposure Draft of the award do not adequately reflect typical skills and responsibilities required of disability support workers. Our claim is to amend the definitions with a view to clarifying how that work should be classified.
9. The case will be merit based. Preliminary discussion with the unions regarding this claim suggest that there may be scope for reaching an agreed position in relation to this claim. Jobs Australia has not proposed a draft determination pending further discussion with interested parties.
10. In the event that an agreement is not reached, we anticipate relying on merit-based submissions and do not intend to call witnesses.

APPENDIX 1

MA000100

DRAFT DETERMINATION

Fair Work Act 2009

s.156 – 4 Yearly review of modern awards

4 yearly review of modern awards

(AM2014/285)

SOCIAL, COMMUNITY, HOME CARE AND DISABILITY SERVICES INDUSTRY AWARD 2010

[MA000100]

Social, community, home care and disability services

XXXX Commissioner

SYDNEY, {xx date}

4 yearly review of modern awards

[1] Further to the decision by the Fair work Commission on {xx date}[reference] the above award is varied as follows:

[2] By deleting sub-clause 14.6 and insert a new clause 14.6 as follows:

This clause only applies to employees undertaking disability services work in a private residence and Home Care employees.

(a) A 24 hour care shift requires an employee to be available for duty in a client's home for a 24 hour period. During this period, the employee is required to provide the client with the services specified in the care plan. The employee is required to provide a total of no more than eight hours of care during this period.

(b) The employee will normally have the opportunity to sleep during a 24 hour care shift and, where appropriate, a bed in a private room will be provided for the employee.

(c) The employee engaged will be paid eight hours work at 155% of their appropriate rate for each 24 hour period.

[3] This determination will operate on and from {xx date}