



Fair Work  
Commission

# Work value case – Aged care industry

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Summary of issues for Stage 3 proceedings  
Fair Work Commission

Updated 2 August 2023



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## Stage 3 issues summary

*This document has been prepared to facilitate proceedings and does not purport to be a comprehensive discussion of the submissions made; nor does it represent the concluded view of the Commission on any issue.*

Item	Award	Issue name	Description / party position	Background Paper 10 Questions	Notes
1	Aged Care Award	HSU's proposed changes to Aged Care Award classification structure	Set out at [28] and Attachment A of Background Paper10.	Q1	
2	Aged Care Award	ANMF's proposed changes to Aged Care Award classification structure	Set out at Attachment B of Background Paper 10.	Q2	
3	SCHADS Award	Potential changes to SCHADS Award classification structure	<p>HSU supports creation of aged care industry award incorporating SCHADS Award aged care workers. Supports changes to SCHADS classifications.</p> <p>JE support one amendment. ANMF, UWU do not propose amendments.</p> <p>Cth identified a number of issues in the SCHADS Award it supports addressing.</p>	Q3	



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4	Aged Care Award	HSU's changes to entry level RAO classification	<p>HSU seek to add "Recreational/Life style activities officer (unqualified) (entry - up to 6 months)" reference in existing RAO classification</p> <p>JE suggest caution, little evidence provided for change.</p> <p>UWU supports.</p>	Q4	
5	Aged Care Award	HSU's additional RAO classification levels	<p>HSU seek to add 3 new RAO classification levels: 'from 6 months', '(qualified)' and 'Senior'.</p> <p>UWU support. Cth qualified support.</p> <p>JE oppose inclusion of 'senior RAO' level, no evidence.</p>	Q5	
6	All	Principles / Classification progression - time v competency based.	<p>Parties asked for views on principles of classification structure, what it should include, progression issue, pay points etc.</p> <p>HSU, ANMF and UWU agree on principles and suggest time-based progression.</p> <p>JE oppose any time-based classification structure and favour competence-based progression.</p>	Q7-11	



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			Cth agrees broadly with principles, provides extensive further comments on principles.		
7	Aged Care Award	Create separate classification structure for PCWs.	<p>Relates to discussion about the work of PCWs - direct care workers vs support or indirect workers such as food services, admin, gardeners, etc. currently in the Food services and general and administrative 'streams' perform same/similar work.</p> <p>ANMF and JE support separate classification structure, HSU and UWU oppose.</p>	Q12-18	Note this is partially done already in the sense that separate PCW structure was created to apply the interim increase.
8	Aged Care Award	'Senior' PCW (Aged Care employee level 5) proposal and allowance or separate classification for medication competency	<p>HSU and ANMF both seek to include description of 'Senior' at this level (HSU level 5/ANMF grade 4 (equivalent)) and include medical competency in the description. ANMF and HSU have slightly different proposals in terms of wording.</p> <p>JE want medical competencies to be reflected in an allowance, rather than a classification level description.</p>	Q19-22, 24	
9	Aged Care Award	'Experienced PCW' level	JE's press submission for new classification level 'Experienced PCW' in between Cert III and IV.	Q23	



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10	Aged Care Award	'Specialist' PCW level – palliative/dementia/household model classification or allowance?  HSU claim for Level 8 supervisor classification	<p>HSU wants to create new 'Specialist' level for PCWs at level 7. This 'specialist' level would mention specific training such as palliative or dementia or household model. ANMF's revised proposal seeks for the specialist to be aligned to level 6, however. HSU also seeks a level 8 classification for supervisors if specialists are set to level 7. ANMF note level 7 already provides for supervisory duties.</p> <p>JE's submit any 'reward' for employees working with dementia/palliative care should be an allowance instead of being reflected in discrete classifications. JE's submit household model use is limited and industry is not 'moving towards' this as the norm. JE oppose supervisor classification level. JE state a 'leading hand' allowance may be appropriate for leadership roles.</p>	Q25-27, 29-33	
11	Aged Care Award	PCW classification at Cert IV	JE's press submission for new PCW classification level at Cert IV, sitting at C7 on C10 framework.	Q28	
12	Aged Care Award & Nurses Award	Difference between AINs under the Nurses Award and PCWs under the Aged Care Award.	<p>HSU, UWU and JE agree PCW and AIN roles with respect to aged care are the essentially the same.</p> <p>HSU, UWU and JE support AINs having aligned structure with PCWs, potentially include them in the Aged Care Award. ANMF oppose this, agree no 'material difference' in skills or</p>	Q34-36	



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			<p>qualifications between AINs and PCWs role, but not 'functionally the same' role.</p> <p>Cth agree roles same but note different settings, and does not support consolidation of classification structure to reflect difference in settings.</p>		
13	Aged Care Award & Nurses Award	Moving aged care nurses from the Nurses Award into the Aged Care Award?	<p>Suggestion that AINs and possibly nurses should move to be covered by the Aged Care Award and not the Nurses Award.</p> <p>HSU do not oppose AINs but do not support moving ENs or RNs, JE do not necessarily oppose but observe challenges and suggest evidence needs to be compelling. ANMF strongly oppose. Cth oppose.</p>	Q37-38	
14	All	Issues relating to application of the C10 framework & internal & external relativities.	<p>Rates subject to the interim increase were increased uniformly by 15%, so maintained their relativities relative to each other, however may have fallen out of alignment with the C10 (e.g. PCW level 4). Stage 3 concerns other rates (and re-visiting direct care rates too) so regard should be had to relativities as this is part of properly fixing rates and work value.</p> <p>JE's identified significant non-alignment of Nurses rates with C10 and AQF. FB said applying C10 to nurses in manner of ACT</p>	Q39-45	



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			<p>child care decision would result in a 35% increase to all nurses rates. However, FB said it will not contemplate an increase above the 25% proposed in the applications. JEs supported this. ANMF can make a separate application is desired.</p> <p>Parties have various positions on key classifications in each award made various submissions on appropriate process and merits of C10 alignment.</p>		
15	SCHADS Award	SCHADS Award – Impact of an increase on disability workers of separate classification structure for home care aged care workers.	<p>Issue with Sch B also potentially including disability support workers, along with Sch E.</p> <p>Do any aged care employees work in the social and community services sector too (Sch B)? How would they be affected by the splitting off or aged care work rates.</p> <p>HSU not opposed to incorporating HCWs working in aged care into the Aged Care Award instead of SCHADS Award.</p> <p>HSU raise issue of difference between Sch E and B disability care workers in SCHADS Award.</p>	Q46-47	Sch E has been split into disability home care workers and aged care home care workers.



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			<p>All parties note limited evidence on issue of workers working across sectors, difficulty of establishing a conclusion.</p> <p>Parties make various submissions on how workers working across both sectors would be affected by classifications/rate change.</p>		
16	All	Distinction between home care and residential aged care.	Full Bench did not propose to distinguish between these 2 settings for rates. Parties asked for comment on any changes to classification structures that might be appropriate.	Q48	
17	Aged Care Award	Indirect care workers – any additional subs?	<p>Parties asked for any more subs/evidence on indirect care employees additional to that already filed in stage 1. (Relates only to the 'general and admin' and 'food services' streams in the Aged Care Award - there are no 'indirect' aged care workers in SCHADs Award and Nurses Award, all aged care workers considered direct carers and therefore received the interim increase in those awards). Note that RAOs are not expressly identified as direct carers but got increase anyway. Same with Head chefs/cooks.</p> <p>Most parties seek to file more evidence.</p>	Q49	





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			JE's filed an addendum to Question 49 on 31 March 2023 stating they would support an wage increase for 'all admin and support staff'.		
18	All	Further increases for those subject to interim increase - any additional subs?	Parties asked for any more subs/evidence wage increases additional to the interim increase already awarded in stage 2.  Most parties seek to file more evidence.	Q50	