



# DIRECTIONS

*Fair Work Act 2009*

s.158—Application to vary or revoke a modern award

## **Aged Care Award 2010**

(AM2020/99 and AM2021/63)

## **Nurses Award 2020**

(AM2021/63)

## **Social, Community, Home Care and Disability Services Industry Award 2010**

(AM2021/65)

DEPUTY PRESIDENT ASBURY

DEPUTY PRESIDENT O'NEILL

COMMISSIONER BISSETT

BRISBANE, 13 JANUARY 2023

*Applications to vary modern awards – work value – Aged Care Award 2010 – Nurses Award 2020 – Social, Community, Home Care and Disability Services Industry Award 2010 – request for extension of time – responses to Background Document 10 – new directions issued.*

[1] These consolidated directions are issued in conjunction with our statement of 13 January 2023.<sup>1</sup>

1. By **5pm on Friday, 20 January 2023 (AEDT)**, the Applicant Unions, Joint employers and other interested parties will file submissions and evidence regarding:
  - The timing and phasing in of the interim increase to modern award minimum wages applicable to direct care workers, including the appropriateness and application of the principles canvassed at paragraphs [974]–[990] in the *November 2022 decision*;<sup>2</sup>
  - Whether making the interim increases to modern award minimum wages applicable to direct care aged care employees in these proceedings is necessary to achieve the modern awards objectives and the *provisional* views outlined at [1001]–[1072] in the *November 2022 decision*;<sup>3</sup>

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<sup>1</sup> [2023] FWCFB 5.

<sup>2</sup> See Statement [2022] FWCFB 214 at [3].

<sup>3</sup> See Statement [2022] FWCFB 214 at [3].

- Whether the interim increases to modern award minimum wages applicable to direct care aged care employees are necessary to achieve the minimum wages objective and the *provisional* views outlined at [1073]–[1083] in the *November 2022 decision*;<sup>4</sup>
  - The following 4 amendments to the FW Act, together with any other provisions that have commenced and that the parties consider relevant to Stage 2 of these proceedings:<sup>5</sup>
    - Amendments to the object of the *Fair Work Act 2009* to include reference to the promotion of job security and gender equality<sup>6</sup>
    - Amendments to the modern awards objective to include secure work and gender equality considerations, including ensuring equal remuneration for work of equal or comparable value, eliminating gender-based undervaluation of work and providing workplace conditions that facilitate women’s full economic participation<sup>7</sup>
    - Amendments to the minimum wages objective to include gender equality considerations including ensuring equal remuneration for work of equal or comparable value, eliminating gender-based undervaluation of work and addressing gender pay gaps<sup>8</sup>
    - The addition of s.157(2B) specifying that the Commission’s consideration of work value must be free of assumptions based on gender and include consideration of whether historically the work has been undervalued because of assumptions based on gender.<sup>9</sup>
  - if relevant, consultation between interested parties in respect of increases to minimum wages for Head Chefs/Cooks and Recreational Activities Officers/Lifestyle Officers.<sup>10</sup>
2. All parties will file any submissions and evidence in reply by **5pm on Thursday, 9 February 2023 (AEDT)**.
  3. The matters will be listed for Hearing (if required) in Melbourne at **10am on Monday, 13 February 2023 (AEDT)**.

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<sup>4</sup> See Statement [2022] FWCFB 214 at [3].

<sup>5</sup> See Amended Directions dated 6 December 2022.

<sup>6</sup> *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022*, item 346.

<sup>7</sup> *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022*, item 347.

<sup>8</sup> *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022*, item 349.

<sup>9</sup> *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022*, item 352.

<sup>10</sup> See Statement [2022] FWCFB 208 at [10].

4. By **5pm on Tuesday, 28 February 2023 (AEDT)**, the Applicant Unions, Joint employers, the Commonwealth and other interested parties will file submissions in response to the questions posed in Background Document 10.
5. The parties are directed to have discussions to attempt to narrow the further issues to be determined in Stage 3 and to report back to the Full Bench by **5pm on Tuesday, 28 February 2023 (AEDT)**.<sup>11</sup>
6. Liberty to apply.



DEPUTY PRESIDENT

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<sup>11</sup> See Statement [2022] FWCFB 214.