

Frequently asked Questions

About the Pay error (applicable to NSW, NT and Victorian team members)

1. How have we been underpaid?

In preparing to transition Victorian team members from the workplace agreement to the *Social, Community, Home Care and Disability Services Industry Award 2010*, it became apparent that some team members, including some in NSW and the NT, were on an incorrect classification or pay point. This means that some may have been underpaid. HIS has ensured that correct classifications and pay points are included in the new contracts of employment that have been issued to staff.

2. How will this be rectified?

HIS is committed to rectifying this issue as soon as possible and has commissioned professional services firm, PwC, to assist. We have also reported this to the Fair Work Ombudsman. An investigation of historical pay records is being undertaken to identify exactly which team members have been impacted and how much back-pay is owed to them.

3. When will we receive the back-pay that is owed to us?

We expect the investigation could take several months to complete but we will continue to update you regularly as we progress. Naturally, we will also communicate directly with any team members affected by this error.

4. Why has HIS reported this to the Fair Work Ombudsman?

The Fair Work Ombudsman is the regulator for pay compliance under the Fair Work Act. We reported the issue to the Fair Work Ombudsman as soon as we identified there may be pay errors.

This was an important step to ensure we rebuild our trust with you and to ensure we have a fully compliant pay process for all of our team members into the future.

This is standard best practice when an error of this type occurs.

5. How can we be confident that this won't happen again?

While we would like to rectify this as quickly as possible, we expect the investigation will take some time to complete. This is because we are committed to undertaking a thorough investigation. We have

commissioned an independent professional services firm to oversee the process and have disclosed the error to the Fair Work Ombudsman who will monitor our progress in the investigation.

About transition to the SCHADS Award (applicable only to Victorian team members)

1. What is happening to our workplace agreement?

Your workplace agreement, known as the *Healthscope Limited (Community Programs) Workplace Agreement*, I terminated with effect from 25 July 2022.

From that date, the [Social, Community, Home Care and Disability Services Industry Award 2010](#) will apply to your employment.

This Award is commonly called the SCHADS Award.

This is the award that covers employees in our industry. The decision to terminate the agreement was made by the Fair Work Commission.

2. Why is this happening now?

You are all aware our agreement was past its nominal expiry date. When this happens, any party to the agreement can apply to the Fair Work Commission to terminate the agreement and some applications were made.

The Fair Work Commission considered the applications and decided to terminate the agreement.

Although our agreement has served us well for a long time, HIS supported this application as the SCHADS Award reflects terms and conditions of employment for our industry.

3. Will we be better off under the award?

Overall, we expect you to be better off under the Award, particularly if you work weekend and evening shifts. That's not to say that every condition in the award is more beneficial than those in the workplace agreement.

Some are less beneficial.

We intend to give you further information about the specific changes and how they will impact you.

4. Will my pay go up?

As part of the transition we have reviewed the classifications for all our team members to ensure the correct classification and pay rates are applied under the SCHADS from 25 July 2022. For some team members this will mean an increase in their rate of pay from 25 July.

5. Will I receive more holidays?

No. The SCHADS Award provides the same annual leave – 4 weeks - as in the workplace agreement. You will, however, have access to things like Ceremonial Leave and paid Family and Domestic Violence Leave under the Award, if those things apply to you.

6. Why didn't we just update the workplace agreement?

Our workplace agreement served us well for a long time and it still applied to HIS as a matter of law under the Fair Work Act. When the agreement is terminated, the SCHADS Award automatically applies so there is no need to immediately consider updating a new agreement.

7. Will this change mean any loss of jobs?

No. There will be no reduction in jobs as a result of this change.

8. Am I able to remain under the workplace agreement if I choose to?

No. The decision to terminate the agreement has been made by the Fair Work Commission. As a result of this decision, the Healthscope workplace agreement will no longer exist after 25 July 2022.

9. Why wasn't I consulted on this?

The decision to terminate the agreement was made by the Fair Work Commission. This was the Commission's process.

10. Will there be consultation in the future about this?

We will be conducting information sessions in coming weeks either in person or via Zoom to explain the changes to you. We know these issues are important and we intend to work closely with you through this change. If you have any questions at any time, you can send an email to [A New Award for HIS](#) and we'll get an answer for you.

11. How do I find out more about this change?

We have been conducting information sessions in each house over the past few weeks about this change to explain it fully to you. We will also be available to respond to your questions. You will also receive written information from HIS that explains the impacts on you specifically. The SCHADS Award is also available from the Fair Work Commission website:

www.fwc.gov.au

https://asset.fwc.gov.au/documents/documents/modern_awards/pdf/ma000100.pdf

12. Do I need representation from the Union?

HIS respects any individual's right to be represented by a union and this is a decision for you.

We intend to share information to assist you to understand the SCHADS Award and what this change means for you.

If you have any questions at any time, please email [A New Award for HIS](#) and we'll get an answer for you.

13. How will overtime be paid under the SCHADS Award?

Under the SCHADS award, full-time disability, home care and day care employees will be paid overtime as follows:

- Time-and-a-half for the first two hours and double time thereafter for overtime performed from Monday to Saturday
- Double time on Sundays and double-time-and-a-half on public holidays.

For part-time and casual employees, overtime will be paid as follows:

- Time-and-a-half for the first two hours and double time thereafter for overtime performed from Monday to Saturday if you work more than 38 hours in a week or 76 hours in a fortnight.
- Time-and-a-half for the first two hours and double-time thereafter if you work more than 10 hours per day (or all double time on Sundays and double-time-and-a-half on a public holiday)
- Double-time for Sundays
- Double-time-and-a-half for public holidays.

14. How will sleepover / overnight care be paid under the SCHADS Award?

For spans of 8 continuous hours, employees will be provided with a separate room with a bed, appropriate facilities, free board and lodging and will be paid a sleepover allowance of \$52.86 for each sleepover. If you're required to work during your sleepover, you'll be paid the relevant overtime rate with a minimum of one hour.

If you are rostered to work immediately before or after a sleepover, you must be rostered or paid for a minimum of 4 hours for at least one of these periods.

15. What are the on-call rates under the SCHADS award?

If you are required to be on-call from Monday to Friday, you'll be paid an allowance of \$21.57. If you are required to be on-call on weekends or public holidays, you'll be paid \$42.72. In addition, there are payments for work carried out during the on-call shift.

16. What are the maximum hours per shift under the SCHADS Award?

Ordinary rostered hours are a maximum of 8 hours per shift or, by mutual agreement between you and HIS, 10 hours per shift.

17. Do we receive paid parental leave under the SCHADS Award?

The SCHADS Award is consistent with the National Employment Standards (NES). Under the NES you would be entitled to 12 months' unpaid parental leave after you have completed 12 months of service. Under the terminated Healthscope Workplace Agreement, you would have been entitled to 9 weeks' of paid parental leave. We are currently looking at this issue.

18. How will I find out exactly what the impact is on me as a result of this change?

You will receive a new contract of employment confirming that the SCHADS Award applies to your employment.
 We are preparing detailed FAQs to compare the conditions under the SCHADS Award and how they differ from the 2008 Agreement.
 We aim to distribute these FAQs approximately 2 weeks before the SCHADS Award applies. We will also conduct further information sessions and can answer any questions you may have.

19. Where do I find the hourly rates of pay for a casual employee under the SCHADS Award?

If you go to Clause 10.4 of the [SCHADS Award](#), you will find a description of the way that casual rates of pay are calculated. The rates are listed in the table below.

Healthscope Independence Services SCHADS Award Hourly Pay Rates as at 1 July 2022 Social and Community Services Roles			
HIS Position Titles	Classification	Hourly Pay Rate for Full and Part Time	Hourly Pay Rate for Casual
Disability Services Worker In Training	Level 1 - pay point 1	\$23.16	\$28.95
	Level 1 - pay point 2	\$23.91	\$29.89
	Level 1 - pay point 3	\$24.76	\$30.95
Disability Services Worker	Level 2 - pay point 1	\$30.46	\$38.08
	Level 2 - pay point 2	\$31.41	\$39.26
	Level 2 - pay point 3	\$32.37	\$40.46
	Level 2 - pay point 4	\$33.23	\$41.54
Residential Supervisor	Level 4 - pay point 1	\$39.26	\$49.08
	Level 4 - pay point 2	\$40.29	\$50.36

	Level 4 - pay point 3	\$41.32	\$51.65
	Level 4 - pay point 4	\$42.25	\$52.81
Area Manager	Level 6 - pay point 1	\$49.07	\$61.34
	Level 6 - pay point 2	\$50.15	\$62.69
	Level 6 - pay point 3	\$51.24	\$64.05
<p>For the full Pay Guide which includes rates for weekends, night and afternoon shifts, overtime, remote work and other rates, please see: https://services.fairwork.gov.au/download/payguides.html?file=social-community-home-care-and-disability-services-industry-award-ma000100-pay-guide.docx There are currently no roles at HIS with a classification level 3, 5 or higher. Any new roles or significant changes to position descriptions will lead to role being reclassified.</p>			

20. Did we receive a wage increase from 1 July 2022?

Yes. The latest wage increases came into effect on 1 July and will be paid from the first full pay period starting on or after that date. The latest pay rates can be found at Clause 15 of the [SCHADS Award](#).

21. Can we elect salary packaging under the new Award?

Employees of Healthscope Independence Services enjoy benefits such as gym memberships, health insurance discounts and salary sacrificing for a car. Unfortunately, Healthscope is not able to offer the same salary packaging arrangements that apply to people working in some charitable and not-for-profit organisations because Healthscope, as a for-profit operator, is treated differently under Australian Taxation law.