

23 February 2024

Our ref: KB:ILC

Deputy President Gostencnik
Fair Work Commission

By email [REDACTED]

Dear Deputy President

Modern Awards Review 2023–24: Making awards easier to use

Thank you for the opportunity to provide feedback to the Modern Awards Review 2023–24 in respect of the “Making awards easier to use” consultation, and for allowing the Queensland Law Society (QLS) additional time to provide a response.

Our feedback relates to the Social, Community, Home Care and Disability Services Industry Award 2010 and the calculation of the minimum weekly wages for social and community services employees and crisis accommodation employees under clause 15.

While clause 15.2 sets out, for example, the minimum weekly rate for a Social and community services employee level 2, this does not reflect the actual minimum weekly rate amount required to be paid, and users of the award (employers and employees) need to refer to Note 2 at the end of the clause to ascertain the correct minimum weekly rate.¹

Note 2 provides that an equal remuneration order applies to employees in the classifications in Schedule B—Classification Definitions—Social and Community Services Employees and Schedule C—Classification Definitions—Crisis Accommodation Employees of this award. The final (actual) minimum weekly rates of pay resulting from the equal remuneration order are set in table in this note and are greater than what is listed in clause 15.2.

There is a risk that someone will look at the rates listed in clause 15 without seeing this note. If an employer does this and employs an employee at the minimum wage, employees will be underpaid. Likewise, if an employee wants to check that they are being paid above the minimum wage and they do not see this note, they will not be aware that they are potentially being underpaid. To remedy this (and to make the award easier to use), we suggest that a reference

¹ The Fair Work Ombudsman PACT tool calculator lists the minimum rate as the amount included in Note 2.

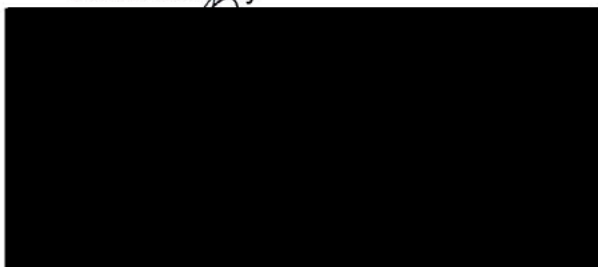
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to the note be added at the top of clause 15. For example, an asterisk or a hyperlink to Note 2 could be placed next to each of the minimum pay rates in clauses 15.2 to 15.8 to alert to user.

We note that the equal remuneration order allowed for an incremental increase in the rate of pay. Once this has increased to the full amount, we suggest Note 2 should be removed and correct amount simply set out in clause 15.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via [REDACTED] or by phone on [REDACTED]

Yours faithfully



Rebecca Fogerty
President