

4 February 2025

Justice Adam Hatcher
President
Fair Work Commission
awards@fwc.gov.au

Re: FWC SCHADS Review

Dear Justice Hatcher

Thank you for the opportunity to make a submission to the Gender undervaluation, priority awards review, Social, Community, Home Care, and Disability Services Industry Award 2020 (SCHADS Award) (matter AM2024/21).

1. About Windana

Windana provides services across Victoria for adults and young people experiencing alcohol and other drug harms, family violence, mental health challenges and social disadvantage. Our Model of Care puts clients at the centre of what we do to create positive change in people's lives. We work with families, communities and other organisations to deliver trauma informed, equitable, culturally safe and integrated services based on evidence and practice wisdom. By intervening early and creating purposeful partnerships, we help clients achieve improved outcomes while reducing demand on acute services. And we are influencing policy, practice and research to help shape better systems for clients. Together, we influence the broader system for a more positive and connected future.

2. Summary

Windana welcomes the opportunity to respond to the alternative award proposal in [the Gender-based Undervaluation case](#). Windana is supportive of the intent of the expert panel to ensure gender pay equity, consistency and simplification of the SCAHDS Award. Windana also supports the submissions to the expert panel from [Australian Council of Social Services \(ACOSS\)](#) and [Australian Alcohol and other Drugs Council \(AADC\)](#). Like the ACOSS and AADC submission, Windana has concerns with some aspects of the alternative award proposal, summarised as follows:

- In the pursuit of simplicity, by merging Schedules B-F, the complexity, breadth, scale and diversity of the work in community sector will not be represented, leading to greater confusion. The work in the social and community sector is vastly different to that of Disability and Aged Care.
- Windana has not experienced difficulty interpreting the current Schedule B classification descriptors, however, translating from the current to the proposed classification structure will require technical and legal expertise, as well as significant resource to address the administrative, change management and operational burden of implementing new classifications for all impacted organisations.

- Reclassification and new pay rates may not be clearly understood by staff at Windana and the Social and Community Services (SACS) sector more generally, and this may result in uncertainty and stress for our workforce and contribute to further employee turnover and difficulty recruiting in a tight labour market.

3. Background

Windana employs approximately 260 staff, 65% of whom are women, 56% are part-time and 15% are casual. Around 75% of Windana employees are engaged on the Windana Drug and Alcohol Recovery Enterprise Agreement 2016 (Enterprise Agreement) which is underpinned by Schedule B of the SCHADS Award.

The types of roles covered by Enterprise Agreement at Windana include, but are not limited to:

- Alcohol and Other Drugs (AOD) Clinicians, Peer Workers and Support Workers
- Community Development Officers
- Intake and Assessment Workers
- Outreach Workers -Youth, Youth and Family and Mental Health
- Specialist Family Violence Clinicians
- Family Therapists
- Naturopaths
- Harm Reduction Practitioners

4. Windana’s position on the proposed review of SCHADS Award by FWC

Windana’s position	Suggested improvements
Windana supports a classification structure that appropriately recognises the acquisition of qualifications at each level and allows for the recognition of equivalent experience and training, including through ‘lived experience’.	Nil
Windana welcomes clarification that progression for casual employees is to be contingent upon a period of full-time equivalent experience. However, Windana does not support that progression for part-time employees is contingent upon a period of full-time equivalent experience. In general, women are more likely to be employed in part-time roles, and there will be a significant gender imbalance because of not passing on progressing for part-time employees every 12 months, based on the attainment of requisite skills. This has a financial impact not only in the short-term but also in the longer term as will negatively impact superannuation balances upon retirement of more women.	The expert panel could reconsider the unintended financial consequence on women of proposed changes to annual progression for part-time staff. Windana’s recommendation is to ensure organisations progress part-time employees every 12 months as is the case for full-time staff.

Windana's position	Suggested improvements
<p>In addition, managing progression for part-time employees based on fulltime equivalent experience, places an additional administrative burden on employers.</p>	
<p>Windana does not support the merging of Classification Schedules B-F and linking pay rates to Aged Care "Caring Skills" benchmark. This undervalues the breadth and complexity of work that Windana staff deliver and may undermine the professional nature of work carried out by our employees, that the expert panel incorrectly views as caring and support.</p> <p>Windana employees support vulnerable people withdraw and rehabilitate from drug and alcohol use. Our clients' alcohol and drug use coexists with mental health issues, homelessness, unemployment, family violence and poverty, which are responded to and addressed by our expert specialist staff. Windana employees also work with many forensic clients, for example, clients who enter our rehabilitation services or our community-based programs as a diversion from prison or as a condition of bail. These clients require specialist services that vary greatly from what is provided in aged and disability care.</p>	<p>The expert panel could reconsider the merging of Schedule B with Schedules C-F, on the basis that the work of workers in the SACS sector covered by Schedule B is vastly different to that of disability and aged care.</p> <p>Windana recommends the Schedule B classifications levels and pay remain in their current form.</p>
<p>Windana does not support Classification Levels 1 to 8 being translated to Level 1 to 10, as this may prove costly, unworkable and confusing.</p> <p>The descriptors in the current 8 classification levels are readily and clearly interpretable and work well in providing structure to capability frameworks in community service organisations like Windana.</p> <p>There will be considerable disruption and cost in translating from the current classifications to the proposed classification outlined in the alternate award proposal. Organisations would require additional HR, payroll and legal resources, for which they have limited available funds; funds which would need to be diverted from delivering client services.</p> <p>From experience, we know exercises that require reclassification of roles and that impact employee pay, no matter how well planned and executed, result in uncertainty for employees, and lead to turnover and exit from the sector. The SACS sector and AOD organisations in particular, experience significant difficulty in attracting and retaining staff, because of the nature of our work and the profile of our clients.</p> <p>In addition, Windana notes that the proposed classification structure continues to cover CEO at Level 10. This is</p>	<p>Windana feels any benefit of the proposed 10 levels is far outweighed by the cost, burden and disruption to employees and clients, that will be experienced by community service organisations.</p> <p>Therefore, Windana recommends the expert panel considers maintaining the current levels and descriptors in their current form.</p> <p>In addition, Windana also recommends that the expert panel considers clearly excluding employees over the high-income threshold from SCHADS Award.</p>

Windana's position	Suggested improvements
<p>problematic for medium to larger sized organisations, such as Windana, who despite paying their CEO (and potentially other executives) above the High-Income Threshold, can be subjects of unfair dismissal actions as in Cubillo v North Australian Aboriginal Family Violence Legal Service (2011) 211 IR 394 (Cubillo)</p>	
<p>Windana notes that the expert panel seeks to exclude 'therapeutic care workers from the definition of 'Caseworker/Practitioner. Windana seeks clarification on the expert panel's definition of "therapeutic care workers"</p>	<p>The expert panel provides an agreed definition of therapeutic case worker.</p>
<p>Windana does not support the ERO that currently applies to employees in classifications in Schedule B and C be revoked upon implementation of the new classification structure. This would undermine the gains in gender pay parity made by SACS sector, through the implementation of the existing ERO from 2012 to 2020 and would be at odds with the intentions of the expert panel in reviewing the SCHADS Award.</p>	<p>The expert panel does not revoke the ERO that applies to Schedule B and C employees.</p>

Thank you once again for the opportunity to contribute to the expert panel review. We acknowledge and appreciate the extensive work undertaken in developing the Alternative Classification Structure, and we commend the Fair Work Commission for its continued commitment to addressing gender-based pay inequities within the social and community services sector. If you have any questions related to this submission, please contact Joanne Caruso, Chief People Officer, at Joanne.Caruso@windana.org.au

Yours sincerely



Laura Mahoney
Chief Executive Officer