



CIRCULAR:	199.NAT.199.24
DATE:	24 October 2024
SUBJECT:	Nurses – FWC Statement on Aged Care Work Value Case
ATTENTION:	Chief Executive Officer

Overview

On 23 October 2024, the Fair Work Commission (**‘FWC’**) published a Statement with provisional views concerning the classification structure in the *Nurses Award 2020* (**‘Nurses Award’**), the rates of pay, and phasing in.

A link to the full decision can be found [here](#).

Classification Structure

In the Stage 3 decision (found [here](#)) on 15 March 2024, it was indicated by the FWC that the classification structure in the Nurses Award would not be finalised with this decision. Instead, the FWC invited parties to file submissions concerning outstanding issues in relation to Registered Nurses (**‘RNs’**) and Enrolled Nurses (**‘ENs’**) in the aged care sector. These outstanding issues were as follows:

- whether the RN Level 1 Year 1 as an aged care employee in the Award should apply to an RN holding a 3-year or 4-year university degree;
- which EN classification in the Nurses Award should correspond to the Level 6 – Team Leader direct care employee classification in the *Aged Care Award 2010* (**‘Aged Care Award’**); and
- what the minimum rate increments within each classification of RN and ENs should be, and the relativities between those classifications, including the relativities between an RN holding a 3-year university degree and an RN holding a 4-year university degree.

The Australian Nursing and Midwifery Federation (**‘ANMF’**) filed submissions on 26 April 2024, submitting as follows:

- the entry rates for a 3-year degree-qualified RN and a four-year degree-qualified RN should be aligned at the RN Level 1 Year 1 rate identified in the Stage 3 decision;
- the supervision of PCWs should be part of the role of an EN at all levels, and the Level 6 – Team Leader classification in the Aged Care Award should correspond to an EN Pay Point 1; and
- all RN classifications and EN classifications should maintain their current relativity between levels and pay points.

In reply, Aged & Community Care Providers Association Limited and Australian Business Industrial (**‘joint employers’**) agreed with the ANMF’s first two submissions. However, in regard to the third submission, the joint employers submitted that the pay points for ENs, the pay points for RN Levels 1-3 and the grades for RN Levels 4-5 would need to be removed or changed, on the basis that there is no justification for annual increments in the classification structure of the Nurses Award. Although, despite this submission, the joint employers did not advance any specific proposal for a modified classification structure.

The FWC then held a hearing on 19 September 2024 on these matters. The following provisional views represent the FWC's initial decision:

- the entry level rate for RNs with a 3-year university degree and RNs with a 4-year university degree should be aligned at a rate that is 95 per cent of the benchmark rate of the RN Level 1 Year 1. This 95 per cent rate should apply for the first year of employment, before advancing to the benchmark rate at RN Level 1 Year 1;
- the EN benchmark rate should be set at a rate equal to the Level 6 – Team Leader in the direct care classifications in the Aged Care Award, on the basis that all ENs will be required to supervise PCWs; and
- the classification structure for RNs in aged care should be restructured to remove yearly increments and set minimum rates of pay that align with rates of pay for Teachers in the *Educational Services (Teachers) Award 2020*.

A classification structure for ENs and RNs as aged care employees in the Nurses Award is set out at **Attachment A**, with comparisons to the current rates in the Nurses Award, and to the classification structure in the *Educational Services (Teachers) Award 2020*.

Rates of Pay

Attachment A also contains the proposed wage rates for each classification in the proposed classification structure, with the benchmark rates for RNs and ENs that were originally expressed in the Stage 3 decision, adjusted for the 3.75% Annual Wage Review Award adjustment.

Further, **Attachment B** contains information of the increases for each current classification in the proposed classification structure, where there are any. Where there has been no increase for a classification, the existing rate has been preserved.

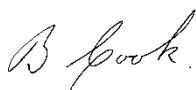
Phasing In

The FWC, in their provisional view, stated that the wage rates in **Attachment A** should be phased in over three tranches, from **1 January 2025**, **1 October 2025**, and **1 August 2026**.

Next Steps

As the above views are provisional, the FWC has invited parties to file further submissions in response by Friday 8 November 2024. This is to give parties the opportunity to respond to the provisional views expressed, before the FWC makes their final decision.

If you have any questions or if you require further information, please contact the SIAG National Advisory Service on 03 9644 1400 or 1300 (SIAG HR) / 1300 742 447.



Brian Cook
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