



12 June 2023

Lauren Hutchins
Assistant Secretary
Health Services Union
lauren.hutchins@hsu.asn.au

Dear Lauren

I hope this letter finds you well. I am writing to inform you about an issue that has been identified through a recent review of the hours and pay for Uniting's residential aged care employees covered by our enterprise agreements.

The issue pertains to employees who are under the following agreements:

- The Uniting Aged Care Enterprise Agreement (NSW) 2017
- The Uniting Aged Care Enterprise Agreement (ACT) 2017

As you are aware, each enterprise agreement contains provisions regulating hours of work. Full-time employees work 38 hours per week, which can be averaged over a four-week period. Part-time employees are engaged to work a specified, regular number of hours, less than 38 hours per week, averaged over a fortnight. Before a part-time employee commences their employment, Uniting and the employee agree on a guaranteed minimum number of hours to be worked.

Under these agreements, Uniting is committed to ensuring that wherever practical, an employee's nominated employment category and specified hours of work appropriately reflect their actual hours worked, unless agreed with management and documented.

During our review, we identified occasions where some current and former employees' actual hours worked were fewer than their nominated employment category and specified hours of work. Specifically, there were instances where full-time employees worked fewer than an average of 38 hours per week over a four-week period, and part-time employees worked fewer than their guaranteed minimum hours, without there being a documented change.

This discrepancy may have arisen for various reasons, such as employees requesting to work fewer hours in a given week or day, quieter periods, or simple oversights in rostering. Although part-time employees often adjust their hours to suit their needs, and these changes are usually documented in writing, we found some limited circumstances where it is not clear why an employee worked fewer hours than expected.

Head Office
ABN 78722 539 923
Level 4 / 222 Pitt Street
Sydney NSW 2000
PO Box A2178

Sydney South NSW 1235
T 1800 864 846
E ask@uniting.org

To address this, we are updating our processes so that any variations to specified hours of work are recorded in writing for absolute certainty.

Regarding the potential issue in the past, Uniting has decided, out of an abundance of caution, to compensate for the possible shortfall in hours. Where we identified a current or former employee worked fewer hours than specified, and it is not clear why, we will make a payment to the employee as though they worked those hours. This includes payments for wages, superannuation, and interest.

We will notify each affected employee of their specific shortfall payment and make the payments in the next available pay period.

We understand that this may raise questions and concerns among current and former employees. To support them, we have established an employee services phone line with enquiries on a confidential basis.

For transparency, Uniting has also disclosed these findings to the Fair Work Ombudsman.

We value our partnership with the Union and are committed to ensuring transparency and fairness in addressing this issue. Should you have any questions or require further information, please do not hesitate to contact Dr. Anat Hassner, Chief People and Strategy Officer on 0403 706 246.

Thank you for your attention to this matter.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Anat Hassner', written in a cursive style.

Dr. Anat Hassner
Chief People and Strategy Officer