



**Submission to Fair Work Commission on the
review of the Social, Community, Home Care
and Disability Services Industry Award 2010**

May 2025

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Acknowledgement of Country

AbSec acknowledge the Gadigal and Wangal People of the Eora Nation, the land on which our office stands, and pay respect to Elders past, present and emerging. We acknowledge the Elders, leaders and advocates within our sector and pay our respects to them as knowledge holders within this space and every space.

AbSec acknowledges the Stolen Generations who never came home and the ongoing impact of government policy and practice on Aboriginal and Torres Strait Islander children, young people and families.



Who We Are

AbSec, the principal authority for Aboriginal children, young people, and families in New South Wales, champions the rights to self-determination and culturally secure, community-directed services. As the NSW Child, Family and Community Peak Aboriginal Corporation, our advocacy is anchored in the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP).

We are dedicated to addressing the disproportionate representation of Aboriginal children and young people in out-of-home care (OOHC) and to enhancing outcomes across our communities. As a member of the NSW Coalition of Aboriginal Peak Organisations (NSW CAPO) and the lead organisation for Target 12, AbSec also co-chairs the Families and Justice Sector Committee within the NSW Closing the Gap (CTG) partnership agreement.

We are pleased to present this submission to the Fair Work Commission review of gender-based undervaluation in the Social, Community, Home Care and Disability Services (SCHADS) Award 2010.

Executive summary

AbSec acknowledge the Fair Work Commission provisional finding that SCHADS Award classifications and pay structures are not fit-for-purpose and welcome the recognition of gender-based undervaluation in our sector. As the peak body for Aboriginal child and family services in New South Wales, AbSec supports efforts to address historical pay inequities that have disproportionately affected women—particularly Aboriginal women—working in community and caring roles.

AbSec strongly supports the recognition of lived experience as equivalent to formal experience and training—an important and overdue acknowledgment for First Nations workers within this sector. This recognition must be meaningfully implemented, with Aboriginal Community Controlled Organisations (ACCOs) involved in shaping how lived experience is assessed and applied. We endorse the findings of the Jumbunna Report and believe its insights extend beyond Aboriginal health roles to all caring-based roles under the SCHADS Award.

AbSec also recommends the Commission recognise the additional work and care requirements of First Nations workers in the SCHADS Award. For instance, in respect of colonial load and cultural responsibility. For example, participating in committees as First Nations representatives, providing cultural education and guidance to non-Aboriginal colleagues, and performing traditional ceremonies. It is also a recognition of the intergenerational trauma and heightened stresses and risks of burnout for First Nations workers working alongside First Nations children and families across the child protection continuum.

AbSec is encouraged by the Commission's intent to replace the current fragmented structure with a single, simplified classification system. However, we share sector-wide concerns that the proposed model, adapted from the Aged Care Award, may not adequately reflect the breadth and complexity of roles within the community services sector. We have concerns about the removal of the Equal Remuneration Order (ERO). The Commission states it would be redundant under the new structure and while we understand the intent to embed fairness systemically, without careful safeguards this may reduce pay rates for many workers. Any reform must ensure no worker is worse off under the new structure. As currently described, the provisional decision needs tightening to provide confidence that this is the case for minimum pay rates.

We also need governments to guarantee that funding aligns with any new pay rates to safeguard the sustainability of ACCOs as they implement changes that address gender-based undervaluation in the SCHADS Award.

Recommendations

1. The Fair Work Commission should confirm their provisional finding that SCHADS Award classifications and pay structures are not fit-for-purpose and that gender-based undervaluation exists.
2. The Fair Work Commission must recognise lived experience as equivalent to formal experience and training for First Nations workers within the community services sector.
3. The Fair Work Commission must recognise the additional work and care requirements of First Nations workers in the SCHADS Award. Most particularly, this relates to colonial load, cultural responsibility and the heightened stresses and risks of burnout for First Nations workers working alongside First Nations child and family in areas such as child protection and out-of-home care.
4. The Fair Work Commission should work with Aboriginal community-controlled organisations (ACCOs) and First Nations people to assess and apply the lived experience of, and the impacts of colonial load and cultural responsibilities on, First Nations workers within the community services sector in modern industrial awards.
5. The Fair Work Commission must ensure adequate safeguards with any plans to remove the Equal Remuneration Order. At a minimum, the Fair Work Commission must ensure that any reform does not reduce pay rates for any worker.
6. Governments must guarantee the necessary funding for ACCOs to implement new pay rates that address gender-based undervaluation in the SCHADS Award.

Background

AbSec welcomes the opportunity to contribute to the Fair Work Commission's review of gender-based undervaluation in the Social, Community, Home Care and Disability Services (SCHADS) Award 2010. This review is an opportunity to overcome gender-based undervaluation and to better reflect workforce realities in the classification structures in the Award.

The child and family service sector is dominated by female workers. As of the most recent data, the gender composition of Australia's child protection workforce is not comprehensively documented in publicly available national statistics. However, various studies provide insights into broader sector trends. For instance, the Australian Government's *Jobs and Skills Report* (October 2023) listed social workers as one of the top 20 occupations in demand nationally, and within each state and territory. With demand predicted to grow at a rate of more than 23%¹, this is a significant challenge for the sector. The shortage is exacerbated by the strong gender imbalance with 84% of the workforce identifying as female, which makes the pool of candidates smaller and skills shortage significantly more likely.

This shortage is further exacerbated in relation to First Nations workers; and it is overwhelmingly First Nations women that work in this sector. It is impossible to meet the demand for appropriately skilled First Nations workers to work in the child and family service sector. Yet, it is crucial that we do much more to recruit and retain First Nations staff given how disproportionately overrepresented First Nations children and young people are across the child protection continuum. For example, the Department of Communities and Justice (DCJ) in New South Wales reports that for the financial year ending 30 June 2024:

- First Nations children are three times more likely to be involved in a risk of significant harm report than non-Aboriginal children.
- First Nations children are more than ten times more likely to be removed from their families by the State than non-Aboriginal children.

Despite being less than 4% of the population, First Nations children represent more than 40% of all children and young people in out-of-home care (OOHC) in New South Wales. This is broadly consistent with national averages.

¹ See: *2023 Annual Jobs and Skills Report: Towards a National Jobs and Skills Roadmap*, October 2023, Jobs and Skills Australia

What we know about the overwhelmingly female workforce involved in the child and family services sector

As with other female-dominated sectors, child and family work is not well understood. It is considered ‘care’ work² and it is undervalued. Factors associated with this include:

1. Gendered and Racial Stereotypes

Many caregiving and community roles are dominated by women and people from ethnic minority communities. This includes First Nations women. Work associated with women tends to be undervalued and underpaid. This gendered and racial occupational exclusion leads to systemic wage disparities and reinforces stereotypes that caregiving and community work is low-skilled work.

2. Perception of Care and Community Work as Low-Skilled

Care and community work is frequently perceived as an extension of natural maternal instincts rather than a skilled profession requiring training and expertise. This perception diminishes the value placed on caregiving roles and justifies lower wages.

3. Funding and Reimbursement Structures

Mostly, governments fund child and family services. These services often have low reimbursement rates that do not cover the actual costs of care, leading to lower and stagnant wages. For example, for many years there was no indexation to Medicare and NDIS, despite rising operating costs.

4. High Turnover and Burnout

The demanding nature of care and community work, coupled with low pay and inadequate support, leads to high turnover rates and burnout among staff that work with children and families across the child protection continuum. This cycle perpetuates staffing shortages and underscores the need for better compensation and working conditions.

Recommendation:

The Fair Work Commission should confirm their provisional finding that SCHADS Award classifications and pay structures are not fit-for-purpose and that gender-based undervaluation exists.

² See: Cortis, N. and Blaxland, M. (2024) *Australia’s Social and Community Services Workforce: Characterisation, Classification and Value*. Sydney: UNSW Social Policy Research Centre.

What we know about the overwhelmingly First Nations female workforce involved in the child and family services sector

All the above is highly relevant to the First Nations workforce in the child and family service sector. This is reinforced in the Independent Pricing and Review Tribunal draft report, *Out-of-home care costs and pricing* (March 2025) in New South Wales. The draft report draws particular attention to how ACCOs that deliver OOHC services:

- do a significant amount of work with First Nations community members that is not funded.
- provide significantly more holistic services to address the broader range of needs of First Nations child and family in one place.
- offer culturally safe and appropriate services that has been chronically underfunded. For instance, in relation to cultural planning and connection of children to Country.

This creates even more downward pressure on wages paid to the overwhelmingly female workforce within ACCOs and the non-government sector, and exacerbates turnover, burnout and challenges for recruitment.

For First Nations workers across the child protection continuum, they must also deal with a range of stresses by virtue of being Aboriginal and/or Torres Strait Islander, which are in addition to work stresses. For example:

- they are much more likely to have their own lived experience of the child protection system and to have family members that are current clients or have experience of the child protection system.
- intergenerational trauma, grief and loss
- the blurring of personal life and professional work, with First Nations workers not able to ever switch off and the stresses of confidentially holding information about family and community members, which non-Aboriginal staff are far less likely to encounter. First Nations workers in sectors such as child and family, youth justice, criminal justice and domestic, family and sexual violence services are routinely engaged by family and community members while in the community (e.g. at the supermarket, collecting children from school etc.), at home, through social media and so on about work-related matters.
- wider racism within the non-Indigenous community
- stigma associated with child protection work.

For some First Nations workers that work in child and family services operated by non-ACCOs, they report racism and a lack of respect for First Nations workers and Aboriginal ways of working within those organisations. They also report:

- isolation as one worker in a team, with a lack of cultural support from the organisation to support cultural connection.
- expectations to act as the ‘cultural expert’ for the rest of the organisation, without any recognition of this expertise and the additional work this involves for First Nations workers in community services.
- meeting the expectations of both Community and the organisation they are employed by, with requirements to act as a messenger between the organisation and the Community. This includes the experience of some First Nations workers who describe expectations about knowing all other First Nations people and acting as the conduits to First Nations clients and communities.
- organisations not understanding cultural obligations such as sorry business and being insufficiently flexible to meet cultural and work responsibilities.

What can be done to address these inequities for First Nations workers in community services

The Fair Work Commission must recognise the lived experience of First Nations people working across the child protection continuum.

By integrating the lived experiences of First Nations people into role requirements and classifications across child and family services, the sector is not only upholding principles of equity and justice but also demonstrating greater cultural competence and effectiveness. For instance, individuals with personal and family experiences of navigating the child protection system possess a unique understanding of the challenges faced by children and families. This firsthand experience enables First Nations workers to connect with First Nations clients at a deeper level, fostering trust and open communication. Their ability to relate to the emotional and practical aspects of the system makes them more approachable and effective in their interactions and allows them to advocate for necessary reforms and improvements, ensuring that the system evolves to better serve its intended purpose.

Recommendation

The Fair Work Commission must recognise lived experience as equivalent to formal experience and training for First Nations workers within the community services sector.

The Fair Work Commission must recognise the colonial load and cultural responsibilities of First Nations workers in modern industrial awards.

As noted, acting as a cultural expert for the organisation and in environments where organisations often lack understanding of First Nations peoples’ cultural

responsibilities represent additional and often highly stressful burdens placed upon First Nations workers. It contributes to burnout, workplace conflict and higher rates of turnover. For example, when cultural responsibilities are not acknowledged, misunderstandings and miscommunications can arise, leading to interpersonal conflicts.

Cultural load is a reference to cultural responsibilities and colonial load is a reference to the additional responsibilities First Nations individuals carry when expected to continually explain, validate, and defend their cultures in systems that were never designed with them in mind. This burden is often compounded by the need to navigate and challenge systemic racism, cultural suppression, and socio-economic disadvantages that persist because of colonisation.

Recognising cultural load and colonial load in modern industrial awards governing community services will assist First Nations workers, First Nations women particularly. It will drive wider cultural competence across the sector. We note VACCHO's submission that increasing numbers of enterprise bargaining agreements now make provision for cultural load and ceremonial leave. For example, in the university sector.

Recommendations

- The Fair Work Commission must recognise the additional work and care requirements of First Nations workers in the SCHADS Award. Most particularly, this relates to colonial load, cultural responsibility and the heightened stresses and risks of burnout for First Nations workers working alongside First Nations child and family in areas such as child protection and out-of-home care.
- The Fair Work Commission should work with Aboriginal community-controlled organisations (ACCOs) and First Nations people to assess and apply the lived experience of, and the impacts of colonial load and cultural responsibilities on, First Nations workers within the community services sector in modern industrial awards.

The need for appropriate funding and safeguards if the Equal Remuneration Order is important in moving to a single, simplified classification system.

AbSec supports the move to a single, simplified system. Our primary concerns are to ensure that:

- Revised classifications, pay rates and entitlements are co-designed with ACCOs and First Nations people.

- Revised classifications recognise matters including lived experience, colonial load and the cultural responsibilities of First Nations workers in the child and family sector.
- No one is worse off under plans to move to a single, simplified classification system.
- Governments must ensure sufficient funding for ACCOs to implement changes to classifications, pay rates and entitlements.

We note the Fair Work Commission view that a single, simplified classification system should obviate requirements for an ERO i.e., the new classification system will address historical undervaluation of work predominantly performed by women in community services. We share the Fair Work Commission aims. To make that aim secure, safeguards are necessary. These include:

- New classifications must ensure that no one is worse off. As you know the ASU has produced analysis that suggests some of the provisional rates are less than the prevailing pay rates. This is especially true for workers on lower classifications.
- New pay rates must apply equally to all staff. There cannot be grandfathering of some staff on previous pay rates and new staff on new pay rates.
- Governments must ensure sufficient funding. Without providing additional funding, ACCOs that already operate on very tight budgets will face challenges in maintaining service quality and/or be forced to reduce staff or services. This is no doubt true for other non-government organisations too. In the absence of sufficient funding, changes will have serious and adverse implications for women working in the sector and Aboriginal children and families that rely on services working across the child protection continuum.

Recommendations

- The Fair Work Commission must ensure adequate safeguards with any plans to remove the Equal Remuneration Order. At a minimum, the Fair Work Commission must ensure that any reform does not reduce pay rates for any worker.
- Governments must guarantee the necessary funding for ACCOs to implement new pay rates that address gender-based undervaluation in the SCHADS Award.

Conclusion

AbSec welcomes the recognition of gender-based undervaluation in our sector and the need to simplify classifications and pay rates. This offers the Fair Work Commission the opportunity to work with ACCOs and First Nations people to:

- provide important and overdue acknowledgment of First Nations workers lived experience as equivalent to other more formal qualifications in the SCHADS Award; and
- recognise the colonial load and cultural responsibilities of First Nations workers in the SCHADS Award.

AbSec welcomes proposals for a single, simplified classification and reward system. However, progressing this proposal requires appropriate safeguards. Most particularly, the Fair Work Commission must ensure that no one is worse off under any new system and that the principle of equal pay for equal work is maintained. For example, new pay rates must apply equally to all staff.

Governments must also ensure sufficient funding for any changes to the SCHADS Award. Without additional funding, many ACCOs and other organisations working in the child and family sector will reduce staffing and/or services. In both cases, Aboriginal women working in the sector and Aboriginal children and families that rely on services working across the child protection continuum will be adversely affected. This would undermine the Fair Work Commission efforts to advance gender-based equity.

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Purpose of the Submission

This submission is prepared specifically for the Fair Work Commission review of SCHADS and is intended to contribute to the deliberations of this body. It should not be used for any other purpose without the express consent of AbSec.

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