

LIVIENDE UNPAID WAGES DISPUTE TIMELINE

The full bench decision of the Fair Work Commission (FWC) last week was the third decision relating to this matter, as Livienne's strategy has been to consistently disregard the rulings of the FWC.

- **1 Feb 2012:** FWC made Equal Remuneration Order decision providing wage increases to be phased in each year until 2020. This was an historic decision to address systemic low wages for industries that traditionally employ more women than men, and the corresponding gender wage gap.
- **18 June 2012:** Livienne wrote to employees informing them regarding 'reclassification' and providing new Position Descriptions.
- **1 July 2012:** Social, Community, Home Care, Disability Services Modern Award (SCHCDS) wage rates came into operation for 'Social and Community services employees'.
- **9 October 2012:** HACSU wrote to Livienne providing reasoning as to why Residential Support Officers (RSOs), who had been translated to Level 2 of the 'Social and Community Services' stream in the Modern Award by Livienne, should have been translated to Level 3.
- **18 October 2012:** Livienne wrote to HACSU indicating that employees were not 'reclassified' and that HACSU's view of where employees sat against the Modern Award descriptors was wrong.
- **9 November 2012:** HACSU lodged a dispute at the FWC outlining concerns regard 'reclassification' of Residential Support Officer (RSO) employees (those employees employed at Level 4 under the MEA and translation to employees to the wrong level of the Modern Award.)
- **From November 2012 to August 2013:** Numerous meetings, conferences and letters to try and resolve translation dispute involving lower than award payments.
- **10 September 2013** - Commissioner Johns makes a decision, indicating that Level 4 employees in the agreement should be paid no less than Level 3 of the Modern Award.
- **16 September 2013** – Abetz Curtis wrote to Commissioner Johns asking the Commissioner to revoke parts of his decision.
- **25 September 2013** – C. Johns issued a varied decision, that still affirmed that Level 4 employees in the agreement should be paid no less than Level 3 of the Modern Award.
- **18 October 2013** – HACSU wrote to Livienne asking them to now pay RSO employees at level 3 of the Modern Award.
- **23 October 2013** – Livienne provided a Memo to staff indicating that they did not agree with the FWC decision.
- **28 October 2013** – HACSU wrote to Commissioner Johns asking for the matter to be relisted.
- **16 November 2013** – Abetz Curtis wrote to C. Johns asking that he disqualify himself on the basis of apprehended bias
- **19 November 2013** – C. Johns provided an email denying the accusation of bias, but in the interests of not delaying the matter agreed to reallocate to Commissioner Cribb.
- **12 December 2013** – HACSU wrote to C. Cribb asking the matter be relisted.
- **4 July 2014** – C. Cribb issued decision.

- **24 July 2014** – Abetz Curtis, on behalf of Liviende, lodged an appeal.
- 3 Sept 2014 – HACSU write to the Minister for Human Services, alerting the government to the risk to the viability of Liviende, if the employer refused to negotiate a settlement.
- **12 Sept 2014** – Minister responsible for workplace relations, Peter Gutwein, wrote to FWC full bench seeking to intervene in appeal.
- **29 Sept 2014** – Minister provides FWC full bench submissions as to why employees should not be paid at Award level 3
- **12 Nov 2014** – Appeal before Full Bench in Melbourne of Commissioner Cribb’s decision
- **9 Dec 2014** – FWC Full bench dismisses appeal
- **9 Dec 2014** - Liviende appoints an Administrator