

# Consolidation of the Care and Support Worker Pay Equity Claims

FYI, the relevant sections from the Equal Pay Act on consolidation are as follows:

## **13N Consolidation of claim raised with additional or new employer with existing union-raised claim**

- (1) This section applies if 1 or more unions have raised a pay equity claim with 1 or more employers who have decided that the claim is arguable (an **existing claim**).
- (2) If the union or unions that raised the existing claim subsequently raise a claim with another employer that relates to work that is the same as, or substantially similar to, the work covered by the existing claim and the other employer decides that the claim is arguable (an **additional employer**), the claim raised with the additional employer may be consolidated with the existing claim only if the additional employer and all of the parties to the existing claim consent.
- (3) If 1 or more other unions subsequently raise a pay equity claim with 1 or more employers that relates to work that is the same as, or substantially similar to, the work covered by the existing claim (a **new claim**), and—
  - (a) if the new claim is raised with 1 or more employers who are already parties to the existing claim, [section 13M](#) applies and requires the unions to consolidate the existing claim and the new claim;
  - (b) if the new claim is raised with 1 or more employers who are not parties to the existing claim, and who decide that the claim is arguable (a **new employer**), the claim raised with the new employer may be consolidated with the existing claim only if the union that raised the new claim, the new employer, and all parties to the existing claim consent.
- (4) If the consent of all parties is not obtained to consolidate a claim raised with an additional employer or a new employer with an existing claim as required by subsection (2) or (3)(b), the union must progress the claim raised with the additional employer or the new employer separately.

## **13O Process to request consent to consolidate**

- (1) This section applies to a request to consolidate a claim raised by a union with an additional employer (*see* [section 13N\(2\)](#)) or a new employer (*see* [section 13N\(3\)\(b\)](#)) with an existing pay equity claim.
- (2) A request to consolidate may be made by—
  - (a) a union who raised either of the claims; or
  - (b) an employer with whom either of the claims is raised.
- (3) A request to consolidate may be made at any time before the first of the claims is settled.
- (4) A request to consolidate must be made in writing and must include—
  - (a) a brief description of the work performed by the employees who are covered by each of the claims; and
  - (b) a brief explanation of how the work performed by the employees who are covered by each of the claims is considered to be the same or substantially similar.

## **13P Effect of consolidation**

- (1) This section applies if—
  - (a) multiple union claims raised with a single employer are consolidated as required by [section 13M](#); or
  - (b) all parties consent to a request under [section 13O](#) for consolidation of an existing claim with a claim raised by a union with an additional employer or a new employer.
- (2) The parties to each of the claims that are to be consolidated must carry out the assessment required by [section 13ZD](#).
- (3) The parties to each of the claims that are to be consolidated must identify appropriate comparators as required by [section 13ZE](#).

## **Notes:**

Consolidation is one of a number of options available to employers and unions. Everyone now needs some time to consider the pros and cons associated with this and other options available, including the views of the funders.