

January 2010

Special Update: New Modern Award for Community Sector Workers

The Australian Industrial Relations Commission (AIRC) has recently handed down its decision on the final form of the social and community services award - the *Social, Community, Home Care and Disability Services Industry Award 2010*.

This update provides some important information for workers about the new modern Award.

Who does the new Award cover?

The new Award covers employees who were previously employed under the *Social and Community Services – Victoria – Award 2000*, Home and Community Care workers, Residential Support workers, and Disability workers who were reliant on an award. It covers workers across Australia.

It **does not** cover workers who are covered by an enterprise bargaining agreement (EBA) or a multi-business agreement (MBA).

When will the new award come into operation?

The award will come into operation on 1 January 2010. However, the AIRC has allowed for transitional arrangements over a five-year period to assist affected employers and employees in the move to the Modern Award system.

Furthermore, the AIRC has determined that any increases (or decreases) in loadings and penalty rates will be phased in from 1 July 2010. This includes casual and part time loadings, Saturday, Sunday and public holiday penalty rates, evening and other penalty rates, and shift allowances.

The implementation of new wages and classifications has been deferred until 1 July 2011 so as to take into account the forthcoming pay equity case.

What are the main changes?

- Overtime rate will provide payment of time and a half for the first three hours (currently two hours);
- Personal (sick)/carers leave will be as per the NES (10 days per annum) – *this is a significant reduction in entitlements*;
- Span of hours has been increased to 6am and 8pm Monday to Sunday;
- Home care employees will be covered by the new modern Award;

The ASU is very disappointed that our arguments regarding retaining superior sick/personal leave provisions from the Victorian SACS Award were not retained. Workers will be encouraged to bargain for improved sick leave.

Will I lose my superior entitlements from 1 January 2010?

If you are under a current EBA, all your current provisions will continue to apply. If you are Award reliant and at the same employer on the 31/12/09 and 1/1/10, your current accrued entitlements will remain the same, however entitlements from 1/1/2010 will accrue at the new, and in the case of sick leave, lower standard.

What will happen to rates of pay under the new Award?

Rates of pay under the Award will not change until 1 July 2011, due to the pay equity case next year. Thus, if you are currently reliant on the SACS Award for your rates of pay, they will continue to apply until such time as the pay equity case is decided.

What if my wages and conditions are covered by an EBA?

If the wages and conditions are superior in your EBA then they remain.

Additionally, if the new Award has superior conditions than your EBA, you will receive conditions from the new Award as the Award is the safety net with which wages and conditions can not fall below.

What are the National Employment Standards (NES)?

The NES apply in conjunction with the new Modern Awards to create a safety net for workers. The NES are as follows:

- Hours of Work (maximum Of 38 plus reasonable additional hours);
- Parental Leave;
- Flexible Work for Parents;
- Annual Leave;
- Personal/Carers and Compassionate Leave
- Community Service Leave (including jury service);
- Public Holidays;
- Information in the Workplace;
- Long Service Leave;
- Notice of Termination and Redundancy.

Where can I get more information?

For more information regarding the transition to the modern Award or the NES contact the ASU on 1300 85 55 70 or visit www.asuvic.asn.au

A full copy of the Award can be accessed at:

<http://www.airc.gov.au/awardmod/awards/social.pdf>

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