

DRAFT DETERMINATION

Fair Work Act 2009

s.156–4 yearly review of modern awards

4 yearly review of modern awards

[AM2018/26]

Social, Community, Home Care and Disability Services Industry Award 2010

[MA0000100]

Social, community, home care and disability

ROSS, PRESIDENT

SYDNEY, XX YYY 2018

4 yearly review of modern awards

A. Further to the Full Bench decision issued by the Fair Work Commission on XX XXX 2018¹, the above award is varied as follows:

1. By inserting new clause 20.2(b) at clause 20.2 as follows:

20.2(b) An adequate number of uniforms should allow an employee to work their agreed hours of work in a clean uniform without having to launder work uniforms more than once a week.

2. By renumbering clauses 20.2 (b) to (d) as clauses 20.2 (c) to (e) respectively.

3. By amending clause 20.6 as follows:

*Where the employer requires an employee to install and/or maintain a telephone **or mobile phone** for the purpose of being on call **or to access work related information**, the employer will refund the installation costs and the subsequent rental charges on production of receipted accounts.*

4. By amending clause 25.5(d)(i) as follows:

*(i) Seven days' notice will be given of a change in a roster. **Full time and part time employees will be entitled to the payment of overtime for roster changes where seven days' notice is not provided.***

5. By deleting clause 25.6(b) and inserting the following:

*25.6(b) Payment for a broken shift will be at ordinary pay with penalty rates and shift allowances in accordance with clause 29—Shiftwork, with shift allowances being determined by **the starting or finishing time of the broken shift.***

¹ [Insert decision reference]

6. By inserting a new clause 25.6(e) as follows:

25.6(e) The maximum number of broken shifts which can be worked per day is two.

7. By amending clause 25.7(a) as follows:

(a) A sleepover means when an employer requires an employee to sleep overnight at premises where the client for whom the employee is responsible is located (including respite care) ~~and is not a 24 hour care shift pursuant to clause 25.8 or an excursion pursuant to clause 25.9.8.~~

8. By deleting clause 25.8.

9. By deleting clause 25.9 and inserting the following:

25.9(a) An employee may agree to supervise clients in excursion activities involving overnight stays.

(b) Employees will be paid according to the provisions of this Award, including appropriate penalty rates, overtime rates and shift allowances for all work performed on an excursion.

(c) Employees required to stay overnight will be paid according to clause 25.7.

(d) Where an employee is agrees to supervise clients in excursion activities on a Saturday and/or Sunday, the employee must not work more than 10 days in the two week cycle, including the weekend work performed.

10. By amending clause 27.1(c) to state:

Where an employee is required by the employer to have a meal with a client or clients as part of the normal work routine or client program, they will be paid for the duration of the meal period at the ordinary rate of pay, and clause 27.1~~(a)~~ (b) does not apply. This paid meal period is to be counted as time worked.

11. By deleting clause 28.1(b) and inserting the following:

28.1(b) Part time and Casual employees

(i) All time worked by part time employees in excess of 38 hours per week and in excess of rostered ordinary hours on any day will be paid for at the rate of time and a half for the first two hours and double time thereafter, except that on Sundays such overtime will be paid for at the rate of double time and on public holidays at the rate of double time and a half.

(ii) All time worked by casual employees in excess of 38 hours per week will be paid for at the rate of time and a half for the first two hours and double time thereafter, except that on Sundays such overtime will be paid for at the rate of double time and on public holidays at the rate of double time and a half.

(iii) All time worked by part-time or casual employees which exceeds ~~10~~ 8 hours per day, will be paid at the rate of time and a half for the first two hours and double time thereafter, except on Sundays when overtime will be paid for at the rate of double time, and on public holidays at the rate of double time and a half.

(iv) *Overtime rates payable under this clause will be in substitution for and not cumulative upon the shift premiums prescribed in clause 29—Shiftwork and are not applicable to ordinary hours worked on a Saturday or a Sunday.*

12. By inserting clause 34.2(c) at clause 34.2 as follows:

34.2(c) Rosters must not be altered for the purpose of avoiding public holiday entitlements under this Award and the NES.

B. This determination will come into operation from XX YYY 2018. In accordance with s.165(3) of the *Fair Work Act 2009* (Cth) these items do not take effect until the start of the first full pay period that starts on or after XXX XXXX 2018.

PRESIDENT