



# DETERMINATION

*Fair Work Act 2009*

s.156—4 yearly review of modern awards

## **4 yearly review of modern awards—Group 4—*Social, Community, Home Care and Disability Services Industry Award 2010*—Substantive claims** (AM2018/26)

JUSTICE ROSS, PRESIDENT  
DEPUTY PRESIDENT CLANCY  
COMMISSIONER LEE

MELBOURNE, 21 OCTOBER 2019

*4 yearly review of modern awards – award stage – group 4 awards – substantive issues – Social, Community, Home Care and Disability Services Industry Award 2010.*

A. Further to the Full Bench decision issued by the Fair Work Commission on 18 October 2019 ([\[2019\] FWCFB 7096](#)),<sup>1</sup> the above award is varied as follows:

1. By deleting clause 26—Saturday and Sunday work and inserting the following:

### **26. Saturday and Sunday work**

**26.1** Employees whose ordinary working hours include work on a Saturday and/or Sunday will be paid for ordinary hours worked between midnight on Friday and midnight on Saturday at 150% of the ordinary rate of pay, and for ordinary hours worked between midnight on Saturday and midnight on Sunday at 200% of the ordinary rate of pay.

**26.2** The rates in clause 26.1 are in substitution for and not cumulative upon the shift premiums prescribed in clause 29—Shiftwork and are not applicable to overtime worked on a Saturday and Sunday.

**26.3** Casual employees will be paid the casual loading in clause 10.4(b) in addition to the Saturday and Sunday rates at clause 26.1.

**26.4** A casual employee who works on a weekend will be paid at the following rates:

- (a) between midnight Friday and midnight Saturday – 175% of the ordinary rate of pay (inclusive of the casual loading); and
- (b) between midnight Saturday and midnight Sunday – 225% of the ordinary rate of pay (inclusive of the casual loading).

---

<sup>1</sup> See also [\[2019\] FWCFB 6067](#).

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

(iv) Overtime rates payable under clause 28.1(b) 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 Sunday.

3. By inserting clause 34.2(c) as follows:

(c) A casual employee will be paid the casual loading in clause 10.4(b) in addition to the public holiday penalty rate in clause 34.2(a).

4. By inserting clause 34.2(d) as follows:

(d) A casual employee will be paid 275% of the ordinary rate of pay for hours worked on public holidays (inclusive of the casual loading).

5. By updating cross-references accordingly.

B. This determination comes into operation from 1 July 2020. In accordance with s.165(3) of the *Fair Work Act 2009* these items do not take effect until the start of the first full pay period that starts on or after 1 July 2020.

PRESIDENT

Printed by authority of the Commonwealth Government Printer