

**ABORIGINAL COMMUNITY CONTROLLED  
HEALTH SERVICES AWARD 2010**

**PART 1 – APPLICATION AND OPERATION**

**1.1 Coverage**

This award covers employers throughout Australia in the Aboriginal community controlled health services industry and their employees in the classifications contained within the award.

**1.2 Access to the award and the National Employment Standards**

The employer must ensure that copies of this [award](#) and the National Employment Standards (NES) are available to all employees to whom they apply.

**1.3 The National Employment Standards (NES) and this award**

The [NES](#) and this award contain the minimum conditions of employment for employees covered by this award.

**1.4 Award Flexibility**

Parties may agree to vary certain terms of the employment, as set out in clause 7.1 of the [award](#), to meet their genuine individual needs.

Any variation must comply with certain administrative requirements which are set out in clause 7 of the [award](#).

**PART 2 – CONSULTATION AND DISPUTE RESOLUTION**

**2.1 Consultation**

**Major workplace change**

Where an employer has made a *definite* decision to introduce major changes likely to have *significant effects* on employees, an employer must notify the affected employees and their representatives. Notifying affected employees and their representatives involves a number of procedural requirements which are set out in clauses 8.1 and 8.2 of the [award](#).

*Significant effects* include, but are not limited to:

- termination of employment
- major changes in the composition, operation or size of the employer's workforce or in the skills required
- the elimination or diminution of job opportunities, promotion opportunities or job tenure
- the alteration of hours of work
- the need for retraining or transfer of employees to other work or locations; and
- the restructuring of jobs.

**Changes to rosters or hours of work**

Where an employer proposes to change an employee's regular roster or ordinary hours of work, the employer must follow the particular procedures prescribed by clause 8.3 the [award](#).

## **2.2 Dispute Resolution**

Where there is a dispute about a matter under the award or in relation to the NES, the parties must follow the procedures prescribed by clause 9 of the award.

# **PART 3 – TYPES OF EMPLOYMENT AND TERMINATION OF EMPLOYMENT**

## **3.1 Types of employment**

Employees will be employed on either a full-time, part-time or casual basis. At the time of engagement, the employer will inform each employee the basis of their employment.

Please refer to clause 10 of the award for definitions of full-time, part-time and casual employment.

## **3.2 Termination of employment**

Notice of termination is provided for in the NES.

## **3.3 Redundancy**

Redundancy pay is provided for in the NES.

Redundancy pay is not payable where an employee has less than 12 months service or the employer is a small business employer (less than 15 employees).

## **Transfer to lower paid duties**

Where an employee is transferred to lower paid duties by reason of redundancy, the employer must give the same period of notice the employee would have been entitled to if the employment had been terminated and may instead of notice make a payment in lieu of notice for the number of weeks still owing.

## **Employee leaving during the notice period**

An employee may terminate their employment during the period of notice and is entitled to receive the benefits and payments they would have received had they remained in employment until the expiry of the notice, but is not entitled to payment instead of notice.

# **PART 4 – MINIMUM WAGES AND RELATED MATTERS**

## **4.1 Classifications**

Classification definitions are set out in Schedule B of the award.

Employers must advise employees of their classifications in writing upon commencement of employment and of any subsequent changes to their classification.

Classifications include:

- Aboriginal Health Worker/Aboriginal Community Health Worker
- Administrative
- Dental Therapists
- Ancillary, which includes Cleaners, Drivers and Caretakers.

## **4.2 Minimum wages**

Refer to clause 14 of the award for current wage rates.

## **4.3 Allowances**

The following allowances are payable under clause 15 of the award:

- Bilingual qualification allowance
- Higher duties allowance
- Clothing allowance
- On call and recall allowances
- Travelling, transport and fares
- Meal allowance

## **4.4 Accident pay**

An employee is entitled to accident pay in accordance with the terms of:

- an award made under the *Workplace Relations Act 1996* (Cth) that would have applied to the employee immediately prior to 27 March 2006,
- a notional agreement preserving a State award that would have applied to the employee immediately prior to 1 January 2010 or
- a Division 2B State award that would have applied to the employee immediately prior to 1 January 2011.

This clause ceases to operate on 31 December 2014.

# **PART 5 – HOURS OF WORK AND RELATED MATTERS**

## **5.1 Ordinary hours of work and rostering**

The ordinary hours of work for a full-time employee will be an average of 38 hours per week over a fortnight.

Not more than 10 ordinary hours of work (exclusive of meal breaks) are to be worked in any one day.

## **5.2 Span of hours**

The ordinary hours of work for an employee will be worked between 7.00 am and 7.00 pm Monday to Friday.

Ordinary hours of work for shiftworkers will be worked on the days from Monday to Sunday inclusive.

## **5.3 Rosters**

With the exception of casual employees, at least seven days' notice is required to change the start and finish times for each day unless the change is necessary due to employee absence from work or a shortage of employees or with the consent of the employee.

At least 24 hours' notice is required to a change in start and finish times for a casual employee.

## **5.4 Meal breaks**

An employee who works in excess of five hours will be entitled to an unpaid meal break of not less than 30 minutes and not more than 60 minutes.

### **5.5 Overtime and penalty rates**

Overtime rates will be paid for all work done as follows:

- in excess of the number of hours fixed as a day's, a week's or a fortnight's work as the case may be – time and a half for the first two hours and double time thereafter;
- outside the span of hours for start and finish times - time and a half for the first two hours and double time thereafter;
- outside a spread of nine hours from the time of commencing work by an employee rostered to work broken shifts – time and a half; and
- outside a spread of 12 hours from the time of commencing work by an employee rostered to work broken shifts – double time.

An employee required to work overtime on a Saturday, Sunday or a public holiday will be provided at least four hours' work or paid for four hours' work at the appropriate rate.

Overtime is in substitution for shift loadings for shiftwork.

### **Rest period after overtime**

Employees are to have at least 10 consecutive hours of rest between completion of overtime and recommencement of ordinary duties. If this is not possible, then the employee will be paid at the rate of double time until they are released from such duty.

### **Time off instead of overtime**

An employee may elect, with the consent of the employer, to take time off instead of payment for overtime at a time agreed with the employer.

### **5.6 Shiftwork**

A shiftworker will be paid the following loadings per shift based on their ordinary rate of pay:

- Where the ordinary rostered hours of work of an employee finish between 7.00 pm and 7.00 am or commence between 7.00 pm and 7.00 am – an additional 15% loading
- Where a shiftworker is required to work ordinary hours continuously for a period exceeding four weeks on a shift wholly within the hours of 7.00 pm and 7.00 am – an additional 30% loading
- All rostered time of ordinary duty performed on a Saturday – an additional 50%
- All rostered time of ordinary duty performed on a Sunday – an additional 100%

**Ordinary rate** does not include the 25% casual loading. Specifically, the shift penalty is calculated upon the ordinary rate, prior to the addition of the 25% casual loading.

## **PART 6 – LEAVE AND PUBLIC HOLIDAYS**

### **6.1 Annual Leave**

Annual leave is provided for in the NES.

### **Annual leave loading**

In addition to their ordinary pay, an employee other than a shiftworker will be paid annual leave loading of 17.5% of their ordinary rate of pay.

Shiftworkers, in addition to their ordinary pay will be paid the higher of:

- annual leave loading of 17.5% of their ordinary rate of pay; or
- the weekend and shift penalties the employee would have received had they not been on annual leave during the period.

### **6.2 Personal/carer's leave and compassionate leave**

Personal leave and carer's leave are provided for in the NES.

### **6.3 Community service leave**

Community service leave is provided for in the NES.

### **6.4 Public holidays**

Public holidays are provided for in the NES.

### **Payment for working on a public holiday**

Any employee required to work on a public holiday will be compensated as follows:

- payment at the rate of double time and a half for all time worked; or
- payment at the rate of time and a half, plus one day off at the ordinary time rate, that is, an hour for each hour worked.

### **6.5 Ceremonial leave**

An employee who is legitimately required by indigenous tradition to be absent from work for Aboriginal or Torres Strait Islander ceremonial purposes will be entitled to up to 10 working days unpaid leave in any one year, with the approval of the employer.

***Please note that the following clauses are also contained in the award but are not in this summary:***

*Commencement and Transitional (clause 2); Definitions and Interpretation (clause 3); District Allowances (clause 16); Payment of wages (clause 18); Superannuation (clause 19); Transitional Provisions (Schedule A); Supported Wage System (Schedule C); National Training Wage (Schedule D); Allocation of Traineeships to Wage Levels (Appendix D1); 2013 Part-day public holidays (Schedule E).*

#### **Disclaimer**

This document contains key employment conditions for those who are employed in accordance with the award.

It is to be used as a guide only. It is not intended to be exhaustive and does not contain all of the conditions, entitlements or obligations that relate to an employee's employment under this award.