



Social, Community, Home Care and Disability Services Industry Award 2010 [MA000100]

PART 1 – APPLICATION AND OPERATION

1.1 Coverage

This award covers employers throughout Australia in the:

- (a) Crisis assistance and supported housing sector;
- (b) Social and community services sector;
- (c) Home care sector;
- (d) Family day care scheme sector;

And their employees as classified under the Award.

It does not cover employees who are covered by a State reference public sector modern award, a State reference public sector transitional award, a modern enterprise award or an enterprise instrument.

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 in production, program, organisation, structure or technology which are likely to have *significant effects* on employees, an employer must notify the affected employees and their representatives.

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 8.2 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 respectively.

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 - E of the award.

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

4.2 Minimum wages

Refer to clauses 15, 16 and 17 of the award for current minimum wage rates for social and community services employees and crisis accommodation employees, family day care employees, and home care employees respectively..

4.3 Allowances

The following allowances are payable under clause 20 of the award include but are not limited to:

- Clothing and equipment
- Meal allowance
- First aid allowance
- Travelling, transport and fares
- Telephone allowance
- Heat allowance
- On-call allowance

Where board and lodging is provided, the wage rates prescribed in this award will be reduced as follows:-

- (a) employees receiving full adult rate of pay—\$23.48; or
- (b) where the employee buys their meals at ruling cafeteria rates, by an additional amount of—\$14.62.

PART 5 – HOURS OF WORK AND RELATED MATTERS

5.1 Ordinary hours of work and rostering

- (a) The ordinary hours of work will be 38 hours per week, or an average of 38 hours per week worked either:
 - (i) in a week of five days in shifts not exceeding eight hours each;
 - (ii) in a fortnight of 76 hours in 10 shifts not exceeding eight hours each; or
 - (iii) in a four week period of 152 hours as 19 shifts of eight hours each, subject to practicality.
- (b) By agreement – up to 10 hours per shift

5.2 Span of hours



The ordinary hours of work for an employee will be worked between 6.00 am and 6.00 pm Monday to Friday.

- (a) Day Worker
The ordinary hours of work for a day worker will be worked between 6.00 am and 8.00 pm Monday to Sunday.
- (b) Shiftworker
A shiftworker is an employee who works shifts in accordance with clause [29](#) of the award.

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.

5.4 Sleepovers

- (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
- (b) Sleepovers will be rostered
- (c) Sleepover allowance of 4.9% of the standard rate for each night on which they sleep over.
- (d) An employer may roster an employee to perform work immediately before and/or immediately after the sleepover period, but must roster the employee or pay the employee for at least four hours' work for at least one of these periods of work.

5.5 24 hour care (home care employees only)

- (a) A **24 hour care** shift requires an employee to be available for duty in a client's home for a 24 hour period. During this period, the employee is required to provide the client with the services specified in the care plan. The employee is required to provide a total of no more than eight hours of care during this period.
- (b) The employee engaged will be paid eight hours work at 155% of their appropriate rate for each 24 hour period.

5.6 Excursions

Where an employee agrees to supervise clients in excursion activities involving overnight stays from home, the following provisions will apply:

- (a) Monday to Friday Excursions



- i. Payment at the ordinary rate of pay for time worked between the hours of 8.00 am to 6.00 pm Monday to Friday up to a maximum of 10 hours per day;
 - ii. The employer and employee may agree to accrual of time instead of overtime payment for all other hours;
 - iii. Payment of sleepover allowance
- (b) Weekend Excursions
- i. Where an employee involved in overnight excursion activities is required to work on a Saturday and/or Sunday, the days worked in the two week cycle, including that weekend, will not exceed 10 days

5.7 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.

5.8 Overtime and penalty rates

- (a) Overtime rates for full time employees will be paid as follows:
- i. disability services, home care and day care employees—for all authorised overtime on Monday to Saturday, payment will be made at the rate of time and a half for the first two hours and double time thereafter;
 - ii. social and community services and crisis accommodation employees—for all authorised overtime on Monday to Saturday, payment will be made at the rate of time and a half for the first three hours and double time thereafter;
 - iii. for all authorised overtime on a Sunday, payment will be made at the rate of double time;
 - iv. for all authorised overtime on a public holiday, payment will be made at the rate of double time and a half; and
- (b) Overtime rates for part-time and casual employees will be as follows:
- i. All time worked by part-time or casual employees in excess of 38 hours per week or 76 hours per fortnight 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 part-time or casual employees which exceeds 10 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
 - iii. See award for further details on part-time and casual employees.



Overtime is in substitution for shift loadings for shiftwork.

Further details can be found at clause 28 of the award.

5.9 Saturday and Sunday Work

Ordinary hours worked between midnight on Friday and midnight on Saturday will be at the rate of time and a half, and for ordinary hours worked between midnight on Saturday and midnight on Sunday at the rate of double time.

5.10 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.

5.11 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.

5.12 Shiftwork

Employees working afternoon or night shift will be paid the following percentages in addition to the ordinary rate for such shift:

- Afternoon shift - any shift which finishes after 8.00 pm and at or before 12 midnight Monday to Friday (12.5% loading of the ordinary rate)
- Night shift - any shift which finishes after 12 midnight or commences before 6.00 am Monday to Friday (15% loading of the ordinary rate)
- Public holiday shift - any time worked between midnight on the night prior to the public holiday and midnight of the public holiday (150% loading of the ordinary rate)

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 paid at the rate of double time and a half for all time worked

6.5 Ceremonial Leave

An employee who is legitimately required by Aboriginal tradition to be absent from work for Aboriginal 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); Salary Packaging (clause 14); Supported Wage System (clause 18); National Training Wage (clause 19); District Allowances (clause 21); Accident Pay (clause 22); Superannuation (clause 23); Payment of wages (clause 24); Higher Duties (clause 30);

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.