

IN THE FAIR WORK COMMISSION

Matter No: AM2014/285

Section 156–Four Yearly Review of Modern Awards – Social, Community, Home Care and Disability Services Industry Award 2010

SUBMISSION OF THE AUSTRALIAN SERVICES UNION

7 November 2018

1. This submission is made pursuant to the Directions¹ issued by the Fair Work Commission on 30 October 2018 and concerns the Australian Services Union’s detailed claims in the *Social, Community, Home Care and Disability Services Industry Award 2010* (‘the Award’).
2. A draft determination for the changes that the Australian Services Union pursues is attached at **Annexure A**.

AUSTRALIAN SERVICES UNION
7 November 2018

¹ 4 yearly review of modern awards–Award stage–Group 4 awards– Substantive Issues

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DRAFT DETERMINATION

Fair Work Act 2009
s.156 - 4 yearly review of modern awards

4 yearly review of modern awards – (AM2014/285)

SOCIAL, COMMUNITY, HOME CARE AND DISABILITY SERVICES INDUSTRY AWARD 2010

[MA000100]

Social, Community, Home Care and Disability Services Industry

COMMISSION MEMBER

PLACE, DATE

Further to the Decision issued by the Fair Work Commission on [] the above award is varied as follows:

[1] By deleting clause 4.2 and inserting in lieu thereof:

4.2 The award does not cover employers and employees covered by any of the following awards:

- (a) *Aged Care Award 2010*;
- (b) *Amusement, Events and Recreation Award 2010*;
- (c) *Fitness Industry Award 2010*;
- (d) *Nurses Award 2010*.

[2] The determination shall operate on and from [] .

BY THE COMMISSION

DRAFT DETERMINATION

Fair Work Act 2009
s.156 - 4 yearly review of modern awards

4 yearly review of modern awards – (AM2014/285)

SOCIAL, COMMUNITY, HOME CARE AND DISABILITY SERVICES INDUSTRY AWARD 2010 [MA000100]

Social, Community, Home Care and Disability Services Industry

COMMISSION MEMBER

PLACE, DATE

Further to the Decision issued by the Fair Work Commission on the above award is varied as follows:

[1] By deleting clause 25.6 and inserting in lieu thereof:

25.6 Broken shifts

This clause only applies to social and community services employees when undertaking disability services work and home care employees.

- (a) A **broken shift** means a shift worked by an employee that includes one or more breaks (other than a meal break) and where the span of hours is not more than 12 hours.
- (b) An employee who works a broken shift will receive:
 - (i) Ordinary pay plus a loading of 15% of their ordinary rate of pay for each hour from the commencement of the shift to the conclusion of the shift inclusive of all breaks; and
 - (ii) penalty rates and shift allowances in accordance with clause 29—Shiftwork, with shift allowances being determined by the finishing time of the broken shift.
- (c) All work performed beyond the maximum span of 12 hours for a broken shift will be paid at double time.

- (d) An employee must receive a minimum break of 10 hours between broken shifts rostered on successive days.

[2] The determination shall operate on and from [].

BY THE COMMISSION

DRAFT DETERMINATION

Fair Work Act 2009
s.156 - 4 yearly review of modern awards

4 yearly review of modern awards – (AM2014/47)

SOCIAL, COMMUNITY, HOME CARE AND DISABILITY SERVICES INDUSTRY AWARD 2010

[MA000100]

Social, Community, Home Care and Disability Services Industry

COMMISSION MEMBER

PLACE, DATE

A. Further to the Decision issued by the Fair Work Commission on the above award is varied as follows:

1. By inserting a new clause 20.10:

20.10 Community Language and Signing Work

20.10.1 Employees using a community language skill as an adjunct to their normal duties to provide services to speakers of a language other than English, or to provide signing services to those with hearing difficulties, shall be paid an allowance in addition to their weekly rate of pay.

20.10.2 A base level allowance shall be paid to staff members who language skills are required to meet occasional demands for one-to-one language assistance. Occasional demand means that there is no regular pattern of demand that necessitates the use of the staff members language skills. The base level rate shall be paid as a weekly all purposes allowance of \$45.00.

20.10.3 The higher level allowance is paid to staff members who use their language skills for one-to-one language assistance on a regular basis according to when the skills are used. The higher level rate shall be paid as a weekly all purposes allowance of \$68.00.

20.10.4 Such work involves an employee acting as a first point of contact for non-English speaking service users or service users with hearing difficulty. The employee identifies the resident's area of inquiry and provides basic assistance, which may include face-to-face discussion and/or telephone inquiry.

20.10.5 Such employees convey straightforward information relating to services provided by the employer, to the best of their ability. They do not replace or substitute for the role of a professional interpreter or translator.

20.10.6 Such employees shall record their use of community language skills.

20.10.7 Where an employee is required by the employer to use community language skills in the performance of their duties

- a) the employer shall provide the employee with accreditation from a language/signing aide agency
- b) The employee shall be prepared to be identified as possessing the additional skill(s)
- c) The employee shall be available to use the additional skill(s) as required by the employer.

2.10.8 The amounts at 2.10.2 and 2.10.3 will be adjusted in accordance with increases in expense related allowances as determined by the Fair Work Commission.

B. The determination shall operate on and from [].

BY THE COMMISSION