

**Circular No. 133/2019**

3 September 2019

## *Social, Community, Home Care and Disability Services Industry Award 2010—Major decision—4 yearly review of modern awards*

Members would be aware from previous circulars that the Fair Work Commission (**FWC**) is currently undertaking its 4 yearly review of modern awards (**the Review**).

On 2 September, the FWC issued a decision concerning the first ‘tranche’ of ‘substantive’ claims by trade unions seeking various changes to the *Social, Community, Home Care and Disability Services Industry Award 2010* (**the Award**) as part of the Review. The changes proposed by the unions in this first ‘tranche’, (with a number of further claims in the second ‘tranche’ still under consideration by the FWC), included:

- *Casual employees*: payment of the casual loading in addition to weekend penalties, public holiday penalties for ordinary hours worked and in addition to overtime penalties;
- *24 hour shift provision* – delete the clause from the Award;
- *Community language and signing skills allowance* – introduce a new allowance payable to employees who use a language other than English in the course of their employment;
- *First aid allowance* – payment of an allowance for first aid certificate renewal and CPR training;
- *Public holidays* – a new provision intended to prevent the alteration of rosters for the purpose of avoiding public holiday entitlements.

### What are the changes to the Award?

The FWC has accepted the unions’ claims for the payment of casual loading in addition to weekend, public holiday and overtime penalties, and the Award will be varied in the near future to give effect to this decision.

Further the FWC has decided to defer, at this stage, consideration of the community skills allowance claim pending publication by the FWC of a background paper on this particular claim. The other union claims were rejected, although the FWC has decided that some amendments will be made to address some ‘deficiencies’ in the current 24 hour shift provision. A copy of the decision can be accessed using the following link: [Click here](#).

## **Casual employees: payment of casual loading in addition to weekends, public holiday and overtime penalties**

As a result of the decision, the casual loading is to be paid *in addition to* weekend, public holiday and overtime penalties. This variation will result in a substantial increase to the rates of pay for casual employees in these circumstances. The FWC has expressed a *provisional view* that the payment of the casual loading **in addition to overtime penalties** will apply from **1 December 2019**, and the payment of casual loading **in addition to weekend and public holiday penalties** will apply as follows:

	<b>Saturday</b> (% of ordinary rate, inclusive of casual loading)	<b>Sunday</b> (% of ordinary rate, inclusive of casual loading)	<b>Public Holidays</b> (% of ordinary rate, inclusive of casual loading)
1 December 2019	160	210	260
1 July 2020	175	225	275

## When do the changes commence?

The FWC has not yet confirmed the effective dates for the above changes, although members should note the FWC's provisional view, outlined above, for implementing the overall increases to weekend, public holiday and overtime penalties for casual employees.

## What happens next?

Members will be advised of further developments including final determinations by the FWC to give effect to the changes to the Award outlined above. Members will also be informed of the second 'tranche' FWC decision, expected later this year.

## What if I want to know more?

If you have any questions please contact the AFEI Hotline on 02 9264 2000 and one of our advisers can assist you.

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