



Summary of conditions of employment

National Employment Standards and Social, Community, Home Care and Disability Services Industry Award 2010

Permanent, full-time and part-time Employment

Federal Industrial Relations System

This template assumes the following:

- The employment is full-time or part-time employment (options for both full-time and part-time are provided, you should refer to the option that is applicable for you)
- The employment is **not** for shift-work
- The employer is covered by the federal industrial relations system (see: *The federal industrial relations system: A guide for Aboriginal and Torres Strait Islander Corporations and their employees for more information*)
- The employment is covered by the Social, Community, Home Care and Disability Services Industry Award 2010 and is not excluded from the scope of the award—see clause 4 of the award

We have prepared this document to help you understand your conditions of employment. The document summarises important conditions of your employment that are covered by the SCHADS Industry Award 2010 (the **Award**) and the National Employment Standards in the *Fair Work Act 2009* (the **NES**).

This summary of the Award and the NES is not legal advice and you should not rely on it as legal advice. To learn more about your conditions of employment under the **Award**, you can find the **Award** in the list at <https://www.fwc.gov.au/document-search/modern-awards-list>

To learn more about your conditions of employment under the **National Employment Standards**, you can go to the Fair Work Ombudsman website at <https://www.fairwork.gov.au/employment-conditions/national-employment-standards>

Classification

You will receive written notification of your classification under the Award, when your employment starts, and at any another time that it changes.

[See clause 13.2 of the Award].

Hours of work

[corporation to strike out the clause relating to full-time employees if the employee is engaged part-time, or the clause relating to part-time employees if the employee is engaged full time]

If your contract states that you are employed full-time:

You are to work 38 or an average of 38 hours per week.

[See clause 10.2 of the Award.]

In addition to ordinary hours, we may require you to work reasonable additional hours. That is, in any given week, we may require you to work 38 hours *plus* reasonable additional hours. You may refuse to work unreasonable additional hours.

[See NES FW Act sections 62(1) and (2).]

If your contract states that you are employed part-time:

As a part-time employee, you are to work less than 38 hours per week or on average less than 38 hours per week. You will work a regular pattern of work, as agreed in writing with us at the beginning of your employment. The agreed pattern will set out the number of ordinary hours to be worked each week, the days of the week you will work and your start and finish times. These terms may be varied by agreement and recorded in writing.

The agreed pattern of work does not have to provide the same number of ordinary hours each week.

In addition to ordinary hours, we may require you to work reasonable additional hours. That is, in any given week, we may require you to work your agreed hours plus reasonable additional hours. You may refuse to work unreasonable additional hours.

[Note: see NES FW Act sections 62(1) and 61(2).]

If you are a social and community services employees who is not undertaking disability services work, you will be required to work for a minimum of three hours on each shift you are scheduled to work. For all other employees, you will be required to work for a minimum of two hours on each shift you are scheduled to work.

[Note: see clause 10 of the Award].

Ordinary hours of work – full-time and part-time employees

No more than 8 ordinary hours of work can be worked in a shift, unless by agreement. Ordinary hours of work are between 6.00am and 8.00pm Monday to Sunday.

[Note: see clause 25 of the Award].

Overtime

If you are a full-time employee, for all work you do in addition to your rostered ordinary hours of duty, you will be paid at the following rates:

- For disability services, home care and day care employees; For all authorised overtime worked on Monday to Saturday—time-and-a-half for the first two hours, and double-time after that.
- For social and community services and crisis accommodation employees; For all authorised overtime Monday to Saturday – time and a half for the first three hours, and double-time after that.
- For all authorised overtime worked on a Sunday—double-time.
- For all authorised overtime worked on a public holiday—double-time-and-a-half.

[See clause 28.1(a) of the Award.]

If you are a part-time employee, you will be paid overtime for all work you do:

- in excess of 38 hours per week or 76 hours per fortnight - at time-and-a-half for the first two hours, and double time after that (except for Sundays, where you will be paid double-time and public holidays, where you will be paid double-time-and-a-half);
- in excess of 10 hours per day – at time-and-a-half for the first two hours, and double-time after that (except for Sundays, where overtime will be paid at

double-time, and public holidays, where you will be paid double-time-and-a-half);

- Outside the span of ordinary hours – at time-and-a-half for the first two hours and double-time after that (except for Sunday's, where any overtime will be paid at double-time, and public holidays, where you will be paid double-time-and-a-half).

[See clause 28.1(b) of the Award.]

Frequency of pay

You will be paid weekly/fortnightly (*corporation to strike out one of these*) by cash/cheque/electronic transfer of funds into the bank account or financial institution account that you nominate to us (*corporation to strike out two of these*).

[See clause 24 of the Award.]

Salary packaging arrangements

We may agree to provide you with access to salary packaging arrangements, if you request this. These arrangements will not be less favourable to you than the standard salary arrangements under the Award.

[See clause 14 of the Award.]

Your right to request flexible working arrangements

If you have been employed with us for 12 months, and you:

- are pregnant;
 - are a parent, or are responsible for the care of a child school aged or younger;
 - are a carer;
 - have disability;
 - are 55 or older; or
 - are experiencing family and domestic violence or providing care or support to an immediate family member of household member who requires care or support because of family and domestic violence,
- you have a right to ask us to change your working arrangements.

[See NES FW Act section 65.]

Parental leave

If you have been employed with us for twelve months, you are entitled to 12 months of unpaid leave parental leave to care for your own newborn child or your spouse's or your de facto partner's newborn child, or for a newly-adopted child who is under the age of 16 years, that you have a responsibility to care for.

[See NES FW Act sections 67–70.]

Annual leave

Full-time employees are entitled to four weeks of paid annual leave for each year of service with us, pro rata for part-time employees.

Your annual leave accrues through the year, and your annual leave credits can be carried over from year to year.

[See NES FW Act sections 87(1) and 87(2).]

You may take annual leave for a period agreed between you and us.

If you ask us for annual leave for a period, and you have sufficient annual leave credits, we will not unreasonably refuse to agree your request.

[See NES FW Act sections 88 (1) and 88(2).]

You will be paid an annual leave loading of 17.5% of your ordinary rate of pay.

[See clause 31.3 of the Award.]

In certain circumstances, we may require you to take annual leave.

[Note: see clause 31.7 of the Award.]

Personal/carer's leave and compassionate leave

Full-time employees are entitled to 10 days of paid personal/carer's leave for each year of service with us, pro rata for part-time employees.

Your paid personal/carer's leave accrues through the year, and your paid personal carer's leave credits can be carried over from year to year.

[See NES FW Act sections 96–101.]

You are also entitled to two days of unpaid personal/carer's leave for each permissible occasion.

You are entitled to two days of paid compassionate leave for each time:

- a member of your immediate family or your household contracts or develops a personal illness, or suffers an injury, that poses a serious threat to their life, or dies; or
- a child is stillborn, where the child would have been a member of your immediate family or household; or
- you, or your spouse or de facto partner, has a miscarriage.

If you take personal/carer's leave or compassionate leave, you must tell us that you are taking the leave as soon as you can, and you must give us reasonable evidence to show that you are taking the leave for the reason you are claiming it.

[See NES FW Act sections 102–106 and 107.]

Community service leave

You are entitled to take community service leave. This covers jury service, and reasonable time to do voluntary emergency management activities.

If you take community service leave, you must tell us that you are taking the leave as soon as you can, and you must give us reasonable evidence to show that you are taking the leave for the reason you are claiming it.

[See NES FW Act sections 108–10.]

Paid family and domestic violence leave

You are entitled to take 10 days of paid family and domestic violence leave in a 12-month period. Paid family and domestic violence leave is available if you experience family and domestic violence and you need to do something to deal with its impact, and it is impracticable to do that thing outside of your work hours.

Paid family and domestic violence leave does not accumulate from year to year.

[Note: see NES FW Act sections 106A – 106E].

Community service leave

You are entitled to take community service leave. This covers jury service, and reasonable time to do voluntary emergency management activities.

If you take community service leave, you must tell us that you are taking the leave and the expected period of absence as soon as you can, and you must, if requested, give us reasonable evidence to show that you are taking the leave for the reason you are claiming it.

[Note: see NES FW Act sections 108 – 110.]

Ceremonial leave

If you are required by Aboriginal or Torres Strait Islander tradition to be absent from work for ceremonial purposes, we may approve up to 10 working days unpaid leave in a 12 month-period. *[See clause 35 of the Award.]*

Public holidays

You are entitled to be absent from work on a day or part-day that is a public holiday in the place where your work is based, and to be paid for that day or that part-day.

But we may ask you to work on a public holiday. You may say no to our request, if our request is unreasonable, or if it is reasonable for you to say no.

[See NES FW Act sections 114–16.]

If you are required to work on a public holiday, you may agree to substitute another day for the public holiday, or you will be paid in accordance with clause 34.2 of the Award. *[Note: see clause 34 of the Award and NES FW Act section 115(3)].*

Allowances

You may be entitled to some or all of the following allowances that are set out in the Award:

- Clothing and equipment allowance
- Laundry allowance
- Repair and replacement of clothing other than uniforms
- Meal allowance
- First aid allowance
- Travelling, transport and fares allowance
- Telephone allowance
- Heat allowance
- Boarding and lodging allowance
- On call allowance
- Broken shift allowance
- Sleepover allowance
- Higher duties.

[See clauses 20,21, 22, 25 and 29 of the Award.]

Higher duties

You are entitled to be paid for working higher duties if you work in a higher classification for five consecutive working days or more.

Different arrangements apply for home care employees. Home care employees who worked higher duties for less than two hours, will be paid higher duties for the time actually worked. If they have worked more than two hours of higher duties, they will be paid higher duties for the full shift.

[See clause 30 of the Award.]

Superannuation

The FW Act and superannuation legislation, including the *Superannuation Guarantee (Administration) Act 1992* (Cth), the *Superannuation Guarantee Charge Act 1992*

(Cth), the *Superannuation Industry (Supervision) Act 1993* (Cth) and the *Superannuation (Resolution of Complaints) Act 1993* (Cth), deal with the rights and obligations of employers and employees.

The Award sets out additional conditions that apply to you and to us in relation to superannuation. Among other things, it sets out the superannuation funds to which we will make contributions. The Award also requires us (but only for social and community services employees) to make contributions while you are on **any** type of paid leave, and while you are absent from work on workers compensation (but still employed by us) and receiving workers compensation payments (for up to 52 weeks).

[See clause 23 of the Award.]

Notice of termination of employment

If we decide to terminate your employment, we will give you the amount of notice that is set out in the table below.

<i>Period of your employment with us</i>	<i>Notice</i>
Up to 1 year	1 week
More than 1 year but not more than 3 years	2 weeks
More than 3 years but not more than 5 years	3 weeks
More than 5 years	4 weeks

And if you are over 45 years old and you have been employed with us for at least two years, we will give you an additional week of notice.

However, you are not entitled to notice if your employment is terminated because you engaged in serious misconduct.

Your employment contract may require that we provide notice greater than the notice set out in the table above. In which case, the greater notice period will apply.

If you decide to resign at any time, including while you are on probation, you will give us at least the amount of notice set out in the Award.

We may elect to pay you an amount in lieu of notice. This amount will be equal to the amount we would have paid you if you had worked with us until the end of your notice period.

[See NES FW Act section 117 and clause 11.1 of the Award.]

Redundancy pay

If you have been employed with us for at least one year, you may be entitled to be paid redundancy pay if we terminate your employment because we no longer need your job to be done by anyone (except where this is due to the ordinary and customary turnover of labour) or where we become insolvent.

The amount of your redundancy pay will depend on how long you have been employed by us.

The minimum amount of your redundancy pay will be calculated using the table in section 119 of the Fair Work Act.

If you have been given notice of termination or redundancy, you may also be allowed time off without pay up to one day each week for the purpose of seeking other employment.

[See clause 12 of the Award.]

[Note: see NES FW Act sections 119 – 121.]

[The redundancy entitlements under the NES may not apply if the employer is a “small business employer” within the meaning of the FW Act: see sections 121 of the FW Act.]

Fair Work Information Statement

We will provide you with a copy of the Fair Work Information Statement, prepared by the Fair Work Ombudsman, when you start employment with us.

[See NES FW Act section 125.]