



Summary of conditions of employment

National employment standards and clerks—private sector award 2010

Permanent, Full-time Employment

Tasmania / New South Wales / South Australia / Queensland

This template assumes the following:

- The employment is part-time employment
- The employment is not for shift-work
- The employment is covered by the modern award named above and is not excluded from the scope of the award—see clauses 3 and 4 of the award
- You work in either TASMANIA, NEW SOUTH WALES, SOUTH AUSTRALIA or QUEENSLAND,

We have created this document to better help you understand your conditions of employment. The document summarises important conditions of your employment that are covered by the **Clerks—Private Sector Award 2010** (the **Award**) and the **National Employment Standards** in the *Fair Work Act 2009* (the **NES**). However, the transitional wage rates, loadings, penalties and allowances contained in the Award may apply to you which may mean that, up until 1 July 2014, you are paid different rates to those contained in the Award.

You should not rely on this summary of the Award and the NES.

It is not legal advice.

To learn more about your conditions of employment under the **Award**, you can find the **Award** in the list at <http://www.fwa.gov.au/index.cfm?pagename=awardsfind#A>.

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

Hours of work

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

[Note: see clause 10 and 25 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.

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

Overtime

For all work you do in addition to your rostered ordinary hours of duty or outside the ordinary span of hours, you will be paid at time-and-a-half for the first two hours, and double-time after that.

[Note: see clause 27.1 of the Award.]

However, in certain circumstances, up until 1 July 2014, you may only be entitled to a proportion of the overtime rates in the Award or you may be entitled to a higher amount than the overtime rates in 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 (*corporation to strike out two of these*) into the bank account or financial institution account that you nominate to us.

[Note: see clause 23 of the Award.]

Your right to request flexible working arrangements

If you have been employed with us for 12 months or more, and you are a parent, or if you are responsible for caring for a child under school age or a child under 18 who has a disability, you have a right to ask us to change your working arrangements.

[Note: see NES FW Act section 65.]

Parental leave

If you have been employed with us for twelve months or more, 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.

[Note: see NES FW Act sections 67–70.]

Annual leave

You are entitled to four weeks of paid annual leave for each year of service with us.

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

[Note: 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 if you can take a period of annual leave, and you have sufficient annual leave credits, we will not unreasonably refuse your request.

[Note: see NES FW Act sections 88 (1) and 88(2).]

You will be paid an annual leave loading of 17.5 per cent of your ordinary rate of pay, or the weekend penalty rates, whichever is the greater, but not both.

[Note: see clause 29.3 of the Award.]

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

[Note: see clause 29.5 of the Award.]

Personal/carer's leave and compassionate leave

You are entitled to 10 days of paid personal/carer's leave for each year of service with us.

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.

[Note: see NES FW Act sections 96–101.]

You are also entitled to an amount of unpaid personal/carer's leave.

You are entitled to two days of paid compassionate leave for each time that a member of your immediate family or your household gets a personal illness, or suffers an injury, that poses a serious threat to their life, or dies.

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.

[Note: see NES FW Act sections 102–07.]

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.

[Note: see NES FW Act sections 108–10.]

Public holidays

You are entitled to stay away 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.

[Note: see NES FW Act sections 114–16.]

Allowances

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

- Transport of employees
- Clothing and footwear
- Meal allowance
- Vehicle allowance
- Living away from home allowance
- Higher duties allowance
- District allowance
- First aid allowance

[Note: see clause 19 of the Award.]

However, in certain circumstances, up until 1 July 2014, you may only be entitled to a proportion of the allowance or you may be entitled to a higher amount than the allowance contained in the Award. Up until 1 July 2014, you may also be entitled to a proportion of allowances not set out in the Award.

Accident Pay

You may be entitled to Accident Pay.

[Note: see clause 21 of the Award.]

Higher duties

You will be paid at the higher rate for the whole day if you work for more than one day at any of the duties of a higher classification than your own classification.

[Note: see clause 19.7 of the Award.]

Superannuation

The Award sets out conditions that apply to you and to us in relation to superannuation. Among other things, it sets out the superannuation funds to which we are able to make contributions, and requires us to make contributions while you are on paid leave, and while you are on workers compensation while you are employed by us (for up to 52 weeks).

[Note: see clause 24.5 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.

If you decide to resign at any time, including while you are on probation, you will give us the amount of notice, up to a maximum of four weeks, set out in the table above.

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.

[Note: see NES FW Act section 117 and clause 13 of the Award.]

Redundancy pay

If you have been employed with us for at least one year, you will 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. Your redundancy pay will be a minimum of four weeks' pay and a maximum of 16 weeks' pay. The amount will be calculated using the table in section 119 of the Fair Work Act.

[Note: see NES FW Act sections 119–21.]

[Note: This entitlement will not apply if the employer is a small business employer within the meaning of the FW Act: see s 121(1)(b) and s 23 of the FW Act. Need to elaborate on what this means —note the transitional arrangements applying to the calculation.]