

This table is a summary of proposed variations lodged for this award – updated 24 February 2016.

Social, Community, Home Care and Disability Services Industry Award 2010

Some of the items contained in this summary may be determined by the Group 4 Award Stage—Technical and Drafting Full Bench while others may be referred to a separately constituted Full Bench (to be discussed at a conference before an individual Member of the Commission).

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
S1.	AFEI	sub-12/11/15	31	Annual leave Seeks to vary clause to allow an employer to direct an employee to take annual leave during a partial or whole close down of employer enterprise.	Page 1	
S2.	UV	sub-12/11/15	20	Seeks to vary clause to ensure the payment of travel time for home care workers.	Page 1	
S3.	UV	sub-16/11/15	25.5 – Rosters	Seeks three variations: 1. Ensure permanent staff protected and any additional hours required to be worked at short notice are appropriately remunerated; 2. Inclusion of words for client cancellation “provided that the employer received no payment for the cancelled or changed service”; 3. To delete the right to direct an employee to work make up hours in circumstances where cancellation occurs.	Page 1	

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
S4.	NDS	sub-02/03/15	General	Language of the Award Seek variation to award as language often complex to interpret and insufficiently helpful to employers in structuring patterns of work. This means that in some cases, flexibility may exist but is not being well-utilised.	Page 2	
S5.	ACE	sub-01/03/15	XX	Telephone Advice Payment Insert a new clause which provides a payment to an employee who makes their services available and participates in an approved roster to provide telephone advice outside their normal rostered ordinary hours of work.	Para 3	
S6.	ASU	sub-02/03/15	XX	Community language skills Payment of an allowance to employees who use community language skills during the course of their employment.	Para 9	
S7.	ASU	sub-02/03/15	4.2(d)	Coverage Delete clause.	Para 4	
S9.	CCSA	sub-02/03/15	4	Coverage Move coverage of the family day care scheme in this Award to the Children's Services Award 2010.	Page 9	
S10.	HSU	sub-02/05/15	10	Engagement Seek to vary minimum engagement to 4 hours for all employees, regardless of classification, work performed or workplace.	Para 3-4	Being dealt with by Part-time and Casuals Full Bench in AM2014/196 and AM2014/197

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
S11.	JA	sub-02/03/15	10.3	Part-time employment Vary the clause to clarify the extent to which part-time workers can work reasonably flexibly, for example by averaging hours or flexitime, consistent with the intent of the clause to provide reasonable predictability for part-time employees	Para 9	Being dealt with by Part-time and Casuals Full Bench in AM2014/196 and AM2014/197
	ABI&N SWBC	sub-02/03/15		Deletion or variation of clause to provide appropriate and necessary flexibility for part-time employees.	Para 1	
S12.	JA	sub-02/03/15	10.4	Casual employment Seek to amend minimum engagement of casual disability support workers engaged in providing in home care under NDIS from 2 hours to 1 hour, to align with existing provisions for Home Care workers.	Para 8	Referred to Part-time and Casual Full Bench in AM2014/196 and AM2014/197
S13.	HSU	sub-02/05/15	10.4	Casual employees- loading Seek to ensure the casual loading, payable in lieu of the paid leave entitlements of ongoing employees, are paid in addition to other shift allowances, weekend and public holiday rates.	Para 5	Referred to Part-time and Casual Full Bench in AM2014/196 and AM2014/197
S14.	UV	sub-02/03/15	10.4(b)	Casual- Leave Amend clause to include reference to Long Service Leave.	Page 2	Referred to Part-time and Casual Full Bench in AM2014/196 and AM2014/197

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
S15.	ASU	sub-02/03/15	12.5-12.7	Redundancy Supplementation of NES redundancy entitlements, including for employees who were eligible to receive redundancy entitlements pursuant to these clauses.	Para 5	
S16.	HSU	sub-02/05/15	13	Classifications Seeks to vary: - classification criteria contained in SACS Stream and Home Care Stream to include Disability specific criteria and remove current ambiguity created by general level indicators and disability work, skills, knowledge and qualification levels. - Home Care stream to include differentiation between general home based assistance, low to high care needs, and specialised care provided to clients in own home. - award to include standardised nomenclature and current terminology.	Para 6-9	
S17.	NDS	sub-02/03/15		Seeks changes to classification descriptors which do not accurately reflect different work contexts in which disability support is provided; are too vague for straightforward worker classification; and don't help to build career pathways with appropriate skills recognition	Page 2	

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
S18.	AFEI	sub-05/03/15	13.3 and Schedule B	Progression Amend clause so it is clear progression between pay points in various levels in each stream of award is based on full-time equivalent service (or 1976 hours).	Page 3 item 1	
S19.	HSU	sub-02/05/15	20	Allowances Seek variations allowances: a. New travel allowance applicable for travel between clients [usually place of residence] and in course of duties; b. Varied phone allowances to reflect requirement to have mobile phone for work related purposes; c. Payment of costs associated with first aid certificate renewal for employees required to hold current certificate to undertake work; d. Variation to uniform allowance to ensure uniform is provided or allowance is paid; e. New entitlement for replacement of damaged clothing	Para 23	
S20.	UV	sub-02/03/15	20.2	Clothing and equipment allowance Clarify the number of uniforms an employee is entitled to. See submission for proposed wording	Page 2	
S21.	UV	sub-02/03/15	20.6	Telephone Allowance Seek variation to include mobile phones in this provision. Words 'or a mobile phone' should be added after word 'telephone' in first sentence. The words 'or to access work related information' should be added after 'on call'.	Pages 2-3	

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
S22.	HSU	sub-02/05/15	20.9	<p>On call and recall Seek the following variations:</p> <p>a. Provision for an on-call penalty payment when an employee is called when not being paid an on-call allowance;</p> <p>b. Provisions for telephone attendance/work for an employee who is on call but not required to physically attend work;</p> <p>c. Minimum recall to work equal to minimum engagement / shift length;</p> <p>d. Recall to work for an employee not receiving an on-call allowance at overtime rates for the minimum shift length/ engagement.</p>	Para 24	
S23	AFEI	sub-05/03/15	20.9	<p>Recall and Overtime Vary the clause to clarify what amounts to a recall to duty to perform over-time so that employees (whether on-call or not) who answer telephone or respond to a text message are not deemed to have been recalled and thus entitled to two hours minimum pay at overtime. Alternatively, the award should be varied to accommodate receiving phone calls.</p>	Page 3 item 2	
S24.	HSU	sub-02/05/15	24	<p>Payment of Wages Seeks a new clause providing for the application of a penalty if payment of wages does not occur on the specified payday.</p>	Para 22	

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
S25.	JA	sub-02/03/15	25.1	Hours of Work Propose that there should be explicit provision for other mutually agreed forms of flexible working arrangements such as flexitime and make up time, and that the time frame for averaging weekly hours of work be extended beyond the 4 weeks currently provided.	Para 10	
	ABI&N SWBC	sub-02/03/15		Variation to clause to increase the maximum ordinary hours of work per shift.	Para 2	
S26.	ABI&N SWBC	sub-02/03/15	25.3	Rostered days off Variation to clause to replace the words “two full days” with the words “48 hours” to resolve any potential ambiguity surrounding the requisite period of the break between duty.	Para 3	
S27.	ABI&N SWBC	sub-02/03/15	25.4	Rest breaks between rostered work Variation to clause to reduce the minimum breaks between shifts.	Para 4	
S28.	HSU	sub-02/05/15	25, 28	Ordinary hours of work and rostering Vary clauses covering the intersection between hours of work, span of hours, rostering, payment of penalty rates and the definitions for day worker and shift worker to ensure: a. Shift allowances are payable for work performed during specified hours; b. Weekend rates are payable to any employee working on the weekend; c. The terms day worker and shiftworker do not apply differentially to overtime, shift rates or weekend rates of pay	Para 10	

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
S29.	JA	sub-02/03/15	25.5	Rosters and Client cancellation Vary the client cancellation provisions to apply to disability support work carried out in private residences and also for individualised activities that take place away from the home.	Para 11	
	HSU	sub-02/05/15		Seek to vary to client cancellation provisions to provide for 48-hour minimum cancellation period or payment in lieu, and the redirection provisions to meet both rostering and agreed hours in relation to alternate hours.	Para 13	
S30.	UV	sub-02/03/15	25.5	Client cancellation Seek to amend clause. See submission for proposed wording.	Pages 2-3	
S31.	ACE	sub-01/03/15	25.5	Rosters Vary clause to allow for roster to be changed at any time where employer and employee/s affected agree and/or in circumstances where there is an unexpected absence of an employee.	Para 3	
S32.	HSU	sub-02/05/15	25.5(d)	Roster change Seek to vary clause to impose penalty on employer for employer-imposed changes and seek to include a minimum shift length of 4 hours for all rostered shifts including provisions for sleepovers and broken shifts.	Para 11-12	

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
S33.	ABI&N SWBC	sub-02/03/15	25.5 and 25.6	Rosters and Broken Shifts Variation to clauses to relax some of the obligations concerning the display of rosters and changes to rosters to reflect the increasingly changeable nature of work in the industry.	Para 5	
S34.	FWO	corro-02/03/15	25.6, 25.7 and 29.2	FWO has received enquiries about how to account for time spent performing a 'sleepover' (in accordance with clause 25.7) for the purposes of applying clauses 29.2 (shiftwork) and 25.6 (broken shifts).	Item 32	
S35.	HSU	sub-02/05/15	25.6	Broken Shifts Seeks to delete provision or in the alternative a new entitlement to an allowance payable to an employee for broken shifts, and payment of overtime where broken shift finish time is greater than daily maximum shift length of 10 hours. Also seeks to ensure that minimum shift length applies to each part of a broken shift without differentiation between employees.	Para 14-16	
	ABI&N SWBC	sub-02/03/15	25.6	Broken Shifts Variation to clause to increase the spread of hours over which a broken shift may be worked and extending the operation of broken shifts to all employees (not just social and community services employees when undertaking disability services work and home care work).	Para 6	
S36.	ASU	sub-02/03/15	25.6	Broken Shifts Propose payment of an allowance and/or penalty rate to employees who work broken shifts.	Para 6	

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
S37.	UV	sub-02/03/15	25.6	Total of Broken Shifts Seek to vary clause 25.6(a) to provide for a maximum number of broken shifts which can be worked per day is 2. - propose to amend 25.6(b) so that a shift worker is paid the shift allowance with regard to each part of a broken shift.	Page 3	
S38.	JA	sub-02/03/15	25.7	Sleepover Insertion of facilitative provisions for shorter breaks between shifts worked in association with sleepover, and for 12 hour shifts to be worked by mutual agreement.	Para 12	
	HSU	sub-02/05/15		Sleepover-rate Seek to vary the applicable sleepover rate, when a shift, due to multiple disturbances, becomes 'an active' shift, and provide that rostered or known disturbances change the nature of the shift from a sleepover to an active night duty shift.	Para 17-18	
	ASU	sub-02/03/15		Increase in the remuneration payable to employees who work sleepovers and improvements to the conditions which sleepovers are carried out.	Para 7	
S39.	ABI&N SWBC	sub-02/03/15	25.7	Sleepover- breaks Variation to clause to allow sleepovers to count as a break between shifts in certain circumstances and subject to certain conditions.	Para 7	

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
S40.	UV	sub-02/03/15	25.7	Sleepover Seek deletion of words 'and is not a 24 hour care shift pursuant to clause 25.8 or an excursion pursuant to clause 25.9' in clause 25.7(a)	Page 3	
S41.	AFEI	sub-05/03/15	25.7	Sleepover-flexibility Amend clause so that employers have greater flexibility to roster work on either side of a sleepover period. This variation would include addressing the penalty rates applicable for work adjacent to a sleepover.	Page 3 item 3	
S42.	JA	sub-02/03/15	25.8	24 Hour Care Seek that the 24 hour care provisions be extended to cover disability support workers required to provide individual support for clients in their private residence.	Para 13	
S43.	HSU	sub-02/05/15	25.8	Seek to delete 24 hour care.	Para 19	
S44.	UV	sub-02/03/15	25.8	24 Hour Care Clause is no longer required, or if the clause must remain in the Award, submits that it should be amended. -Would seek an amendment to ensure that employees will be entitled to overtime for all hours worked over 8 hours. - seek to delete the word 'normally' from sub-clause (b).	Page 4	

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
S45.	HSU	sub-02/05/15	25.9	Excursions Seeks a new entitlement to additional annual leave for employees engaged in excursions.	Para 20-21	
S46.	ASU	sub-02/03/15	25.9	Excursions- rate Increase in the remuneration payable to employees who work excursions and improvements to the conditions under which excursions are carried out.	Para 7	
S47.	UV	sub-02/03/15	25.9	Excursions- ordinary hours See submission for proposed wording.	Page 4 -5	
S48.	HSU	sub-02/05/15	26	Saturday and Sunday work Seek to ensure that shift allowances are paid when employees are working afternoon or night duty regardless of the day of the week and seek to ensure that casual loading is payable in addition to other penalties for all shifts excluding overtime.	Para 25-26	
S49.	UV	sub-02/03/15	27.1(e)	Meal Breaks Clause incorrectly references 27.1(a); it should reference 27.1(b).	Page 5	
S50.	HSU	sub-02/05/15	28	Overtime Vary clause to ensure it applies to all employees when they work beyond their rostered hours, in excess of the daily maximum of 10 hours or on an averaged weekly hours basis.	Para 28	
S51.	UV	sub-02/03/15	28.1(b)	Overtime – casuals Proposed deletion of clause	Page 5	

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
S52.	JA	sub-02/03/15	28.4	Recall to work overtime Propose clause be varied to distinguish between recall to workplace, and recall in order to respond to phone call, with a reduced minimum overtime payment where there is no need to travel to and from a workplace.	Para 14	
S53.	ABI&N SWBC	sub-02/03/15	28.4	Overtime- recall Variation to clause to clarify when overtime rates are payable when employee recalled to work.	Para 8	
S54.	HSU	sub-02/05/15	29	Shiftwork Seek to vary clause so that dislocation of working shiftwork should be payable where an employee works during applicable shiftwork hours regardless of the day of the week.	Para 27	
S55.	ABI&N SWBC	sub-02/03/15	29	Shiftwork Variation to clause to amend shift definitions, clarify interaction between overtime rates and penalty rates, and clarify appropriate penalty rates that apply to work performed before or after sleepovers.	Para 9	
S55.	ABI&N SWBC	sub-02/03/15	29	Shiftwork Variation to clause to amend the shift definitions, clarify the interaction between overtime rates and penalty rates, and clarify the appropriate penalty rates that apply to work performed before or after sleepovers.	Para 9	

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
S56.	ASU	sub-02/03/15	31.3	Annual leave loading Clarify clause to ensure annual leave loading is paid upon termination. See submission for proposed wording.	Para 10	Being dealt with by Annual leave Full Bench in AM2014/47
S57.	UV	sub-02/03/15	34.2	Public Holiday Proposed insertion of wording rosters are not altered for the purpose of avoiding public holidays entitlements.	Page 5	
S58.	JA	sub-02/03/15	Schedule B	SACS Classifications Propose that the classification definitions be updated to reflect the nature of disability work.	Para 15	
S59.	ASU	sub-02/03/15	Schedule B	Crisis and Accommodation Employees-Classifications Vary clause to ensure that employees are correctly classified and properly remunerated in respect of the work they perform.	Para 8	

List of abbreviations

ABI&NSWBC	Australian Business Industrial and the New South Wales Business Chamber Ltd.
ACE	Aged Care Employers
AFEI	Australian Federation of Employers and Industries
ASU	Australian Municipal, Administrative, Clerical and Services Union
CCSA	Community Connections Solutions Australia
HSU	Health Services Union
JA	Jobs Australia
NDS	National Disability Service
UV	United Voice