

### PAY AND CONDITIONS GUIDE

#### **Supported Employment Services Award 2010 [MA000103]**


('modern award')

replacing terms and conditions in or derived from

#### **Disability Services Award (Victoria) 1999 [AP778738]** ('pre-modern award')

**(VIC)**

Effective from 01 July 2013.

Published 20 June 2013 

#### **Background**

This guide was developed by the Fair Work Ombudsman to assist employers and employees covered by this modern award, pre-modern award and pay scales derived from this pre-modern award to identify minimum wages, penalties, loadings and allowances.

#### **Transitional arrangements**

Modern awards commenced operation on 01 January 2010. However, minimum wage, loading and penalty entitlements commence from 01 July 2010. Almost all modern awards include provisions to 'transition' employers and employees from their pre-modern award to the modern award system.

This modern award includes transitional provisions that provide for the 'phasing in' of increases or decreases in minimum wages, penalties and loadings in the modern award in 5 increments over 4 years from 01 July 2010. All other terms and conditions in this modern award apply in full from 01 January 2010.

The rates in this guide are current from the first pay period on or after 01 July 2013. The rates set out in this guide will change from the first full period on or after 01 July each year to take account of Fair Work Australia's annual wage review and transitional arrangements. The rates may also change as a result of a Fair Work Australia decision to vary the modern award or pay and condition entitlements of the modern award from time to time.

#### **Transitional arrangements for Division 2B State awards**

Division 2B State awards (other than Division 2B enterprise awards) terminate at the end of 31 December 2010 and, from 1 January 2011, employers and employees are covered by the relevant modern award. However, most modern awards provide that all the terms of Division 2B State awards continue to apply until the end of the full pay period which started before 1 February 2011.

The employers affected include sole traders, partnerships, other unincorporated entities and non-trading corporations in New South Wales, Queensland, South Australia and Tasmania who are covered by a Division 2B State award.

From the first full pay period starting on or after 1 February 2011, an employer who was covered by a Division 2B State award, must comply with all of the terms and conditions contained in their relevant modern award, and any transitional arrangements that apply. Transitional arrangements in most modern awards for Division 2B State award employers provide that from the first full pay period starting on or after 1 February 2011, they must pay at least the same minimum wage rates, penalties and loadings as national system employers who are transitioning from the equivalent NAPSA. There are some exceptions and special transitional arrangements that apply in certain situations. If you require help determining whether these exceptions or special transitional arrangements apply to you, please contact the Fair Work Infoline on 13 13 94.

Note: Modern awards are not intended to reduce an employee's take-home pay. An employee or his/her union can apply to Fair Work Australia for a take-home pay order to remedy any reduction in his/her overall take-home pay.

### **Who should use the guide?**

Employees and employers who were entitled to terms and conditions in or derived from this pre-modern award and who are now covered by this modern award.

A guide that has an AP (Pre-reform award) code typically applies to employees employed by a constitutional corporation. Usually these are companies that engage in trading or financial activities. Private companies are often identified by the 'Pty Ltd' in their name. It applies to employers in those categories who were bound by the award immediately prior to 01 January 2010.

A guide that has an AN (Notional agreement preserving State awards) code also typically applies to employees employed by a constitutional corporation. However, unlike pre-reform awards these are notional federal agreements that were created on 27 March 2006. Generally, they preserved the terms and conditions of employment (not including wage rates) in state awards and/or state legislation that applied immediately before 27 March 2006 to employees of constitutional corporations in NSW, QLD, SA, WA and TAS where State award/laws applied to those employers prior to 27 March 2006.

A guide that has an AT code typically applies to employees employed by non-constitutional corporations immediately before 27 March 2007 where the employer was bound by a Federal award. These will be sole traders, partnerships, other unincorporated entities or non-trading/financial corporations.

The guide contains information from this modern award about:

- who the modern award covers;
- wage rates, including rates for casual employees, junior employees, trainees and apprentices;
- penalty rates for working at particular times or under particular arrangements;
- allowances; and
- other conditions of employment.

### **What if an agreement applies to employees covered by the modern award?**

Minimum wage entitlements in a modern award override lesser wage entitlements in an agreement or contract of employment at all times, including agreements and contracts that were made before the commencement of the *Fair Work Act 2009*. All employees covered by the modern award must not be paid less than the rate of pay in the modern award.

However, the penalty rates and allowances in the modern award do not apply to agreement-covered employees, unless the agreement is read in conjunction with the modern award (e.g. a pre-reform certified agreement (a type of collective agreement made before 27 March 2006)).

If you require assistance with any provisions of this guide please contact the **Fair Work Infoline** on **13 13 94**.

## **Coverage**

This industry award covers employers throughout Australia who operate supported employment services and their employees working in the classifications listed in Schedule A—Classifications to the exclusion of any other modern award. The award does not cover employers in respect of other activities that are covered by the awards referred to below or their employees engaged in or in connection with those other activities:

- (a) Aged Care Award 2010;
- (b) Health Professionals and Support Services Award 2010; or
- (c) Social, Community, Home Care and Disability Services Industry Award 2010.

The award does not cover employees who hold executive and management positions not covered by the classification structure contained within this award.

The award does not cover an employee excluded from award coverage by the Act.

The award does not cover employees who are covered by a modern enterprise award, or an enterprise instrument (within the meaning of the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 (Cth)), or employers in relation to those employees.

The award does not cover employees who are covered by a State reference public sector modern award, or a State reference public sector transitional award (within the meaning of the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 (Cth)), or employers in relation to those employees.

This award covers any employer which supplies labour on an on-hire basis in the industry set out in clause 4.1 in respect of on-hire employees in classifications covered by this award, and those on-hire employees, while engaged in the performance of work for a business in that industry. This subclause operates subject to the exclusions from coverage in this award.

Where an employer is covered by more than one award, an employee of that employer is covered by the award classification which is most appropriate to the work performed by the employee and to the environment in which the employee normally performs the work.

NOTE: Where there is no classification for a particular employee in this award it is possible that the employer and that employee are covered by an award with occupational coverage.

## **Wages**

This modern award includes transitional arrangements that apply to minimum wage entitlements from the first pay period on or after 01 July 2010 until the first pay period on or after 01 July 2014 (when modern award wages commence in full).

The following wage tables set out base rates of pay for classifications under the modern award.

It also sets out how the modern award classification matches up with pre-modern award classification. If there is no classification match the employee may be covered by another pre-modern award, or another modern award, such as a modern award that covers the employee's occupation rather than the industry.

The base rates of pay in this guide include any applicable industry allowance. The base rates of pay also include any increase from Fair Work Australia's annual wage review. For more information about transitional arrangements for minimum wage entitlements, please visit [www.fairwork.gov.au](http://www.fairwork.gov.au)

### **Casual employees**

The rates for casual employees set in the table below are minimum rates for **ordinary hours** only.

Please visit [www.fairwork.gov.au](http://www.fairwork.gov.au) for information about penalty entitlements for casual employees.

#### \*Post 26 March 2006 employer

Wage rates for casual employees of employers that became part of the national system after 26 March 2006 do not include annual leave loading because those employees did not have a pre-modern award entitlement to annual leave loading.

### **Adult**

The rates in this guide are current from the first pay period on or after 01 July 2013 until the final pay period before 01 July 2014 only.

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
<b>Full &amp; Part Time</b>		
Grade 6	Adult training support services, Instructor, Level 1	\$20.60
Grade 6	Sheltered employment services -assistant supervisor, Age 17 years	\$18.90
Grade 6	Sheltered employment services -assistant supervisor, Age 18 years	\$19.19
Grade 6	Adult training support services, Instructor, Level 2	\$20.68
Grade 6	Adult training support services, Instructor, Level 3	\$20.80
Grade 6	Sheltered employment services -assistant supervisor, Age 19 years	\$19.49
Grade 6	Adult training support services, Instructor, Level 4	\$20.80
Grade 6	Sheltered employment services -assistant supervisor, Age 20 years	\$19.78
Grade 6	Adult training support services, Instructor, Level 5	\$20.96
Grade 6	Adult training support services, Instructor, Level 6	\$21.04
Grade 6	Adult training support services, Instructor, Level 7	\$21.11
Grade 6	Adult training support services, Instructor, Level 8	\$21.23

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Grade 6	Adult training support services, Instructor, Level 9	\$21.33
Grade 6	Adult training support services, Instructor, Level 10	\$21.47
Grade 6	Adult training support services, Instructor, Level 11	\$21.51
Grade 6	Adult training support services, Instructor, Level 12	\$21.55
Grade 6	Adult training support services, Instructor, Level 13	\$21.65
Grade 6	Adult training support services, Instructor, Level 14	\$21.75
Grade 6	Sheltered employment, Assistant supervisor, Commencement	\$20.08
Grade 6	Sheltered employment, Assistant supervisor, 1 year	\$20.14
Grade 6	Sheltered employment, Assistant supervisor, 3 years	\$20.23
Grade 6	Sheltered employment, Assistant supervisor, 6 years	\$20.30
Grade 6	Sheltered employment, Supervisor I, Commencement	\$20.48
Grade 6	Sheltered employment, Supervisor I, 1 year	\$20.55
Grade 6	Sheltered employment, Supervisor I, 3 years	\$20.64
Grade 6	Sheltered employment, Supervisor I, 6 years	\$20.70
Grade 6	Sheltered employment, Supervisor II, Commencement	\$20.76
Grade 6	Sheltered employment, Supervisor II, 1 year	\$20.80
Grade 6	Sheltered employment, Supervisor II, 3 years	\$20.80
Grade 6	Sheltered employment, Supervisor II, 6 years	\$20.97
Grade 6	Sheltered employment, Supervisor III, Commencement	\$21.04
Grade 6	Sheltered employment, Supervisor III, 1 year	\$21.08
Grade 6	Sheltered employment, Supervisor III, 3 years	\$21.16

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Grade 6	Sheltered employment, Supervisor III, 6 years	\$21.23
Grade 7	Sheltered employment, Senior supervisor, Level 3, 1 year	\$22.04
Grade 7	Sheltered employment, Senior supervisor, Level 3, 3 years	\$22.13
Grade 7	Sheltered employment, Senior supervisor, Level 1, Commence	\$21.45
Grade 7	Sheltered employment, Senior supervisor, Level 1, 1 year	\$21.48
Grade 7	Sheltered employment, Senior supervisor, Level 1, 3 years	\$21.57
Grade 7	Sheltered employment, Senior supervisor, Level 1, 6 years	\$21.64
Grade 7	Sheltered employment, Senior supervisor, Level 2, Commence	\$21.64
Grade 7	Sheltered employment, Senior supervisor, Level 2, 1 year	\$21.79
Grade 7	Sheltered employment, Senior supervisor, Level 2, 3 years	\$21.86
Grade 7	Sheltered employment, Senior supervisor, Level 2, 6 years	\$21.93
Grade 7	Sheltered employment, Senior supervisor, Level 3, Commence	\$22.00
Grade 7	Sheltered employment, Senior supervisor, Level 3, 6 years	\$22.21
<b>Casual</b>		
Grade 6	Adult training support services, Instructor, Level 1	\$25.54 (24%)
Grade 6	Sheltered employment services -assistant supervisor, Age 17 years	\$23.43 (24%)
Grade 6	Sheltered employment services -assistant supervisor, Age 18 years	\$23.80 (24%)
Grade 6	Adult training support services, Instructor, Level 2	\$25.64 (24%)
Grade 6	Adult training support services, Instructor, Level 3	\$25.79 (24%)

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Grade 6	Sheltered employment services -assistant supervisor, Age 19 years	\$24.16 (24%)
Grade 6	Adult training support services, Instructor, Level 4	\$25.80 (24%)
Grade 6	Sheltered employment services -assistant supervisor, Age 20 years	\$24.53 (24%)
Grade 6	Adult training support services, Instructor, Level 5	\$26.00 (24%)
Grade 6	Adult training support services, Instructor, Level 6	\$26.09 (24%)
Grade 6	Adult training support services, Instructor, Level 7	\$26.18 (24%)
Grade 6	Adult training support services, Instructor, Level 8	\$26.32 (24%)
Grade 6	Adult training support services, Instructor, Level 9	\$26.45 (24%)
Grade 6	Adult training support services, Instructor, Level 10	\$26.62 (24%)
Grade 6	Adult training support services, Instructor, Level 11	\$26.67 (24%)
Grade 6	Adult training support services, Instructor, Level 12	\$26.72 (24%)
Grade 6	Adult training support services, Instructor, Level 13	\$26.84 (24%)
Grade 6	Adult training support services, Instructor, Level 14	\$26.97 (24%)
Grade 6	Sheltered employment, Assistant supervisor, Commencement	\$24.89 (24%)
Grade 6	Sheltered employment, Assistant supervisor, 1 year	\$24.98 (24%)
Grade 6	Sheltered employment, Assistant supervisor, 3 years	\$25.09 (24%)
Grade 6	Sheltered employment, Assistant supervisor, 6 years	\$25.17 (24%)
Grade 6	Sheltered employment, Supervisor I, Commencement	\$25.40 (24%)
Grade 6	Sheltered employment, Supervisor I, 1 year	\$25.48 (24%)
Grade 6	Sheltered employment, Supervisor I, 3 years	\$25.59 (24%)
Grade 6	Sheltered employment, Supervisor I, 6 years	\$25.67 (24%)

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Grade 6	Sheltered employment, Supervisor II, Commencement	\$25.74 (24%)
Grade 6	Sheltered employment, Supervisor II, 1 year	\$25.80 (24%)
Grade 6	Sheltered employment, Supervisor II, 3 years	\$25.80 (24%)
Grade 6	Sheltered employment, Supervisor II, 6 years	\$26.01 (24%)
Grade 6	Sheltered employment, Supervisor III, Commencement	\$26.09 (24%)
Grade 6	Sheltered employment, Supervisor III, 1 year	\$26.13 (24%)
Grade 6	Sheltered employment, Supervisor III, 3 years	\$26.24 (24%)
Grade 6	Sheltered employment, Supervisor III, 6 years	\$26.33 (24%)
Grade 7	Sheltered employment, Senior supervisor, Level 3, 1 year	\$27.33 (24%)
Grade 7	Sheltered employment, Senior supervisor, Level 3, 3 years	\$27.45 (24%)
Grade 7	Sheltered employment, Senior supervisor, Level 1, Commence	\$26.59 (24%)
Grade 7	Sheltered employment, Senior supervisor, Level 1, 1 year	\$26.63 (24%)
Grade 7	Sheltered employment, Senior supervisor, Level 1, 3 years	\$26.75 (24%)
Grade 7	Sheltered employment, Senior supervisor, Level 1, 6 years	\$26.83 (24%)
Grade 7	Sheltered employment, Senior supervisor, Level 2, Commence	\$26.84 (24%)
Grade 7	Sheltered employment, Senior supervisor, Level 2, 1 year	\$27.02 (24%)
Grade 7	Sheltered employment, Senior supervisor, Level 2, 3 years	\$27.11 (24%)
Grade 7	Sheltered employment, Senior supervisor, Level 2, 6 years	\$27.19 (24%)
Grade 7	Sheltered employment, Senior supervisor, Level 3, Commence	\$27.28 (24%)



<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Grade 7	Sheltered employment, Senior supervisor, Level 3, 6 years	\$27.54 (24%)

### **Junior**

Junior employees are not covered by this guide for the modern award and pre-modern award.

### **Apprentice**

Apprentice employees are not covered by this guide for the modern award and pre-modern award.

### **Trainee**

This modern award incorporates trainee rates derived from the National Training Wage Schedule (NTW Sch.), as adjusted from time to time.

### **Supported Wage**

Please refer to clause 14.4 of the modern award.

For detail of the supported wage provisions see the full version of the modern award.

### **Penalties and Loadings (other than casual or part-time loadings for ordinary hours)**

Where an employee had an entitlement to a loading/penalty rate before 01 January 2010 that is exactly the same as the modern award loading/penalty entitlement the modern award loading/penalty applies in full from 01 January 2010.

### **Transitional arrangements**

This modern award includes transitional arrangements that apply to loading/penalty entitlements where there is a difference in modern award and pre-modern award loading/penalty entitlements. Transitional arrangements apply from the first pay period on or after 01 July 2010 until the first pay period on or after 01 July 2014 (when modern award loadings/penalties apply in full).

Different arrangements apply depending on whether the entitlements are "equivalent" or not.

- A pre-modern award loading/penalty will be "equivalent" to a modern award entitlement where the loading/penalty applies:
  - for the same purpose (e.g. Saturday penalty);
  - for the same time periods; and
  - in the same way#.
    - #A pre-modern award and modern award loading/penalty applies in the same way if the entitlements are both:
      - paid at the same frequency, such as per hour or per shift; and
      - paid as a percentage of the same amount (e.g. both penalties are paid as a percentage of the employee's classification rate, rather than as a percentage of a different amount or paid as a flat dollar amount).

Casual loadings and penalties also need to interact with each other in the same way in the pre-modern award and modern award to be equivalent (e.g. the loading and penalty rate are calculated on the base hourly rate in both instruments).

### Equivalent entitlements

If the pre-modern award loading/penalty rate is "equivalent" to the modern award loading/penalty rate the penalty rate is calculated as follows:

1. The difference between the two loading/penalty rates is referred to as a "transitional percentage". The transitional percentage stays the same every year.
2. A proportion of the transitional percentage is calculated each year as follows:

First full pay period on or after	Proportion of transitional percentage
01 July 2010	80%
01 July 2011	60%
01 July 2012	40%
01 July 2013	20%
01 July 2014	0%

3. Where the modern award loading/penalty is higher, the penalty rate is obtained by subtracting the proportion of the transitional percentage.

#### Example:

The table below shows the percentage penalty rates that apply from the first full pay period on or after 01 July 2010 until the last full pay period before 01 July 2011 for common penalty rates.

Please note the below table is a guide **only** and can only be used when the entitlements are equivalent and the modern award penalty is higher.

1/01/2010 Pre-modern award penalty	1/07/2014 Modern award penalty	1/07/2010 Penalty rate (phased)
25%	50%	30%
50%	75%	55%
50%	100%	60%
75%	100%	80%

4. Where the modern award loading/penalty is lower, the penalty rate is obtained by adding the proportion of the transitional percentage.

#### Example:

The table below shows the percentage penalty rates that apply from the first full pay period on or after 01 July 2010 until the last full pay period before 01 July 2011 for common penalty rates.

Please note the below table is a guide **only** and can only be used when the entitlements are equivalent and the modern award penalty is lower.

1/01/2010 Pre-modern award penalty	1/07/2014 Modern award penalty	1/07/2010 Penalty rate (phased)
50%	25%	45%
75%	50%	70%

<b>1/01/2010</b>	<b>1/07/2014</b>	<b>1/07/2010</b>
<b>Pre-modern award penalty</b>	<b>Modern award penalty</b>	<b>Penalty rate (phased)</b>
100%	50%	90%
100%	75%	95%

### Entitlements that are not equivalent

If pre-modern award and modern award penalty rates are not “equivalent”, the following approach applies:

1. Loadings/penalty rates from a modern award are phased in from zero in five instalments of 20% by multiplying the penalty rate by the following percentage:

<b>First full pay period on or after</b>	<b>Percent of modern award loading/penalty</b>
01 July 2010	20%
01 July 2011	40%
01 July 2012	60%
01 July 2013	80%
01 July 2014	100%

2. Pre-modern award loadings/penalty rates are phased out to zero in five instalments of 20% by multiplying the penalty rate by the following percentage:

<b>First full pay period on or after</b>	<b>Percent of pre-modern award loading/penalty</b>
01 July 2010	80%
01 July 2011	60%
01 July 2012	40%
01 July 2013	20%
01 July 2014	0%

Please note that a pre-modern award penalty rate can be ‘phased out’ at the same time that a modern award penalty is ‘phasing in’ (i.e. where different entitlements apply in the same time period). This means that two different rates may apply for the same time period.

#### Example:

The table below shows the percentage penalty rates that apply from the first full pay period on or after 01 July 2010 until the last full pay period before 01 July 2011 for common penalty rates.

Please note the below table is a guide **only** and can only be used when the entitlements are not equivalent.

<b>1/01/2014</b>	<b>1/07/2010</b>
<b>Modern award penalty</b>	<b>Penalty rate (phased)</b>
	<b>(20.00%)</b>
10.00%	2.00%
20.00%	4.00%
25.00%	5.00%
50.00%	10.00%
75.00%	15.00%
100.00%	20.00%
120.00%	24.00%

<b>1/01/2010</b>	<b>1/07/2010</b>
<b>Pre-modern award penalty</b>	<b>Penalty rate (phased)</b>
	<b>(80.00%)</b>
10.00%	8.00%
20.00%	16.00%
25.00%	20.00%
50.00%	40.00%
75.00%	60.00%
100.00%	80.00%
120.00%	96.00%

<b>1/01/2014</b>	<b>1/07/2010</b>
<b>Modern award penalty</b>	<b>Penalty rate (phased)</b>
	<b>(20.00%)</b>
125.00%	25.00%
130.00%	26.00%
150.00%	30.00%

<b>1/01/2010</b>	<b>1/07/2010</b>
<b>Pre-modern award penalty</b>	<b>Penalty rate (phased)</b>
	<b>(80.00%)</b>
125.00%	100.00%
130.00%	104.00%
150.00%	120.00%

### **New entitlements**

Where an employee did not have a particular loading/penalty entitlement before 01 January 2010, the modern award loading/penalty is phased in from zero as a new entitlement from the first pay period on or after 01 July 2010 by multiplying the penalty rate by the following percentage:

<b>First full pay period on or after</b>	<b>Percent of modern award loading/penalty</b>
01 July 2010	20%
01 July 2011	40%
01 July 2012	60%
01 July 2013	80%
01 July 2014	100%

#### *Example:*

The table below shows the percentage penalty rates that apply from the first full pay period on or after 01 July 2010 until the last full pay period before 01 July 2011 for common penalty rates.

Please note the below table is a guide **only** and can only be used when the entitlements in the modern award are new.

<b>1/07/2014</b>	<b>1/07/2010</b>
<b>Modern award penalty</b>	<b>Penalty rate (phased)</b>
25%	5%
50%	10%
75%	15%
100%	20%

For more information about transitional arrangements for loading/penalty entitlements please visit [www.fairwork.gov.au](http://www.fairwork.gov.au) and/or contact the **Fair Work Infoline** on **13 13 94** for advice and assistance.

## **Allowances**

Allowances in modern awards apply in full from 01 January 2010 (although the rates may change from time to time).

### **All states covered by this instrument Full Time, Part Time, Casual**

<b>Clause</b>	<b>Allowance Type</b>	<b>Description</b>	<b>Effective Date</b>	<b>Rate</b>
15.1	Vehicle allowance	An employee required to use their own vehicle during working hours will be paid an allowance per kilometre travelled.	1/07/2013	\$0.7600 per kilometre
15.2	First aid officer allowance	An employee who is appointed by the employer as a first aid officer to render first aid assistance in the workplace and who maintains a current senior first aid qualification from St John Ambulance or similar body will be paid an allowance of 2.03% of the standard rate per week.	1/07/2013	\$0.3870 (Multiplied by 38) per week (2.03%)
15.3	Meal allowance	An employee will be paid a meal allowance when entitled.	1/07/2013	\$9.9200 per meal
15.4	Laundry	An employee required to perform work determined by the leading hand or supervisor to be of a dirty nature will be paid an allowance unless the employer provides and launders a uniform at no cost to the employee.	1/01/2010	\$0.7000 per day
15.6		An employee engaged for the major portion of a day or shift in cleaning toilets will be paid the following allowance.	1/07/2013	\$2.3836 per shift (12.50%)
15.6		An employee engaged for the major portion of a day or shift in cleaning toilets will be paid the following allowance.	1/07/2013	\$11.7007 per week (61.37%)

Clause	Allowance Type	Description	Effective Date	Rate
15.7	Leading hand allowance	<p>All purpose allowance expressed as per week.</p> <p>Leading hands classified at Grade 4 or below are entitled to an all-purpose allowance of 4.52% of the standard rate per week:  - when in charge of not less than 3 employees and not more than 10 employees.</p> <p>(686.20/38 x 4.52%)</p>	1/07/2013	\$0.8618 per hour (4.52%)
15.7	Leading hand allowance	<p>All purpose allowance expressed as per week.</p> <p>Leading hands classified at Grade 4 or below are entitled to an all-purpose allowance of 6.76% of the standard rate per week:  - when in charge of more than 10 employees and not more than 20 employees.</p> <p>(686.20/38 x 6.76%)</p>	1/07/2013	\$1.2888 per hour (6.76%)
15.7	Leading hand allowance	<p>All purpose allowance expressed as per week.</p> <p>Leading hands classified at Grade 4 or below are entitled to an all-purpose allowance of 8.58% of the standard rate of pay per week:  - when in charge of more than 20 employees.</p> <p>(686.2/38 x 8.58%)</p>	1/07/2013	\$1.6358 per hour (8.58%)

## **Other Conditions**

The following conditions in the modern award apply in full from 1 January 2010. Please note that the below table is a summary of commonly applicable entitlements in the modern award, there may be other entitlements in the modern award that are relevant to particular employers or employees. Please refer to the modern award for full details.

**Note:** The National Employment Standards (**NES**) operate together with modern awards to provide minimum conditions of employment for employers and employees in the national system. The NES sets out ten minimum statutory entitlements that apply to all employees, including leave and termination of employment entitlements.

For more information about the NES, please visit [www.fairwork.gov.au](http://www.fairwork.gov.au)

### **All states covered by this instrument**

<b>Clause</b>	<b>Conditions Type</b>	<b>Description</b>
7	Award flexibility (Instrument)	An employer and an individual employee may agree to vary the following terms of this award to meet the genuine needs of the employer and the individual employee with respect to:  - arrangements for when work is performed - overtime rates - penalty rates - allowances - leave loading.  Other conditions concerning award flexibility are contained within the Fair Work Act 2009.
8	Consultation (Instrument)	The award contains information on the employer's responsibility to consult regarding major workplace change including the:  - duty to notify, and - duty to discuss change.
9	Dispute resolution (Instrument)	The award sets out a dispute resolution procedure for dealing with disputes in relation to a matter under the award or the National Employment Standards (NES).
10.4	Part-time conditions	A part-time employee is an employee who:

Clause	Conditions Type	Description
	(Instrument)	<ul style="list-style-type: none"> <li>- works less than full-time hours of 38 per week</li> <li>- has reasonably predictable hours of work, and</li> <li>- receives, on a pro rata basis, equivalent pay and conditions to those of a full-time employee who does the same kind of work.</li> </ul> <p>When determining what is reasonably predictable for an employee with a disability, the nature of the employee's disability and other relevant personal circumstances are to be taken into account.</p> <p>An employer is required to roster a part-time employee for a minimum of three consecutive hours on any shift.</p> <p>All time worked in excess of the hours agreed upon will be paid at overtime rates.</p> <p>A part-time employee must be paid for ordinary hours worked at the rate of 1/38th of the weekly rate prescribed for the class of work performed.</p> <p>At the time of engagement the employer and the part-time employee will agree in writing on a regular pattern of work, specifying at least the hours worked each day, which days of the week the employee will work and the actual starting and finishing times each day. The employer and the employee may agree from time to time to vary this regular pattern of work, but any variation agreement must be recorded in writing.</p>
10.5	Casual conditions (Instrument)	<p>A casual employee is engaged on an hourly basis other than a part-time or full-time employee.</p> <p>A casual employee will be paid per hour at the rate of 1/38th of the weekly rate prescribed for the class of work performed, plus an additional loading of 25% of the hourly rate. The casual loading will be instead of any entitlement of annual leave and personal/carer's leave and paid public holidays (not worked). All other payments such as shift penalties, overtime etc will be paid in addition to the loaded rate. The casual loading will also form part of the employee's ordinary rate of pay for the purpose of superannuation.</p> <p>On each occasion a casual employee is required to attend work they are entitled to a minimum payment of three hours.</p>
11.2	Termination of employment - notice of termination by an employee (Instrument)	<p>The notice of termination required to be given by an employee is the same as an employer except there is no requirement to give additional notice based on age. If an employee fails to give the required notice the employer may withhold from any monies due on termination, the difference between the amount of notice required and the amount of notice actually given.</p>
11.3	Termination of employment - job search entitlement	<p>Where an employer has given notice of termination to an employee, an employee must be allowed up to one day's time off without loss of pay for the purpose of seeking other employment. The time off is to be taken at times that are convenient to the employee after consultation with the employer.</p>



Clause	Conditions Type	Description
	(Instrument)	
12.2	Redundancy - transfer to lower paid duties (Instrument)	Where an employee is transferred to lower paid duties by reason of redundancy, the same period of notice must be given as the employee would have been entitled to if the employment had been terminated. Alternatively, the employer may choose to pay the employee the difference between the former ordinary time rate of pay and the new ordinary time rate of pay for the number of weeks of notice still owing.
12.3	Redundancy - employee leaving during notice period (Instrument)	An employee given notice of termination in circumstances of redundancy may terminate their employment during the period of notice. The employee is entitled to receive the benefits and payments they would have received had they remained in employment until the expiry of the notice, but is not entitled to payment instead of notice.
12.4	Redundancy - job search entitlement (Instrument)	<p>An employee given notice of termination in circumstances of redundancy must be allowed up to one day's time off without loss of pay during each week of notice for the purpose of seeking other employment.</p> <p>If the employee has been allowed paid leave for more than one day, the employee must, by request, produce proof of attendance at an interview or they will not be entitled to payment for the time absent. For this purpose a statutory declaration is sufficient.</p>
12.5	Redundancy - transitional provisions (Instrument)	<p>An employee is entitled to redundancy pay in accordance with the NAPSA that would have applied immediately prior to 1 January 2010 and that would have entitled the employee to redundancy pay in excess of the employee's entitlement under the NES. This includes employees engaged after 1 January 2010.</p> <p>The entitlement to redundancy pay under the NAPSA is limited to the amount which exceeds the entitlement under the NES.</p> <p>This clause does not reduce an employee's entitlement to redundancy pay under any other instrument and ceases to operate on 31 December 2014.</p>
14.4	Wage assessment - employees with a disability (Instrument)	<p>An employee with a disability will be paid such percentage of the rate of pay of the relevant grade, as assessed under an approved wage assessment tool chosen by a supported employment service.</p> <p>Details of <b>Approved wage assessment tools, Regression of disability, Review of assessment, and Documentation of assessment</b> are contained in the modern award.</p>

Clause	Conditions Type	Description
14.5	Higher duties (Instrument)	Employees will be paid at a higher grade if carrying out the duties of a higher grade for two or more hours in any shift. They will be paid at the higher grade for the time so worked. This will not apply while an employee is carrying out work in a higher grade for training purposes only.
16	District allowance (Instrument)	<p>An employee in the Northern Territory or Western Australia is entitled to payment of a district allowance in accordance with the provisions of an award or NAPSA under the Workplace Relations Act 1996 that would have applied to the employee immediately prior to 1 January 2010, providing that employee was not bound by an agreement under that Act.</p> <p>This clause ceases to operate on 31 December 2014.</p>
17	Accident pay (Instrument)	<p>An employee is entitled to accident pay in accordance with the terms of:</p> <ul style="list-style-type: none"> <li>- a NAPSA that would have applied to the employee immediately prior to 1 January 2010 or an award made under the Workplace Relations Act 1996 (Cth) that would have applied to the employee immediately prior to 27 March 2006, if the employee had at that time been in their current circumstances of employment and no agreement made under the Workplace Relations Act 1996 (Cth) had applied to the employee, and</li> <li>- that would have entitled the employee to accident pay in excess of the employee's entitlement to accident pay, if any, under any other instrument.</li> </ul> <p>The employee's entitlement to accident pay under the NAPSA or award is limited to the amount of accident pay which exceeds the employee's entitlement to accident pay, if any, under any other instrument.</p> <p>This clause does not reduce an employee's entitlement to accident pay under any other instrument and ceases to operate on 31 December 2014.</p>
18	Payment of wages (Instrument)	<p>Payment will be made in cash, by cheque or electronic funds transfer, as determined by the employer, into the financial institution account nominated by the employee.</p> <p>Overtime will be paid not later than the pay day next succeeding the week in which the overtime has been worked.</p> <p><b>Composite rates</b></p>

Clause	Conditions Type	Description
		<p>As an alternative to an employee's wages being calculated and paid on a weekly or fortnightly basis, agreement may be reached that the employee can be paid a composite annual salary. The composite annual salary will be calculated to ensure that such salary paid over the year is sufficient to cover what the employee would have been entitled to if all award overtime and penalty rate obligations had been complied with. The employee is entitled to be represented in discussions with the employer by a registered organisation, or by the employee's parent or guardian.</p> <p>However, in the event of termination of employment prior to completion of a year, the salary paid during such period of employment, must be sufficient to cover what the employee would have been entitled to if all award overtime and penalty rate payment obligations had been complied with.</p> <p>Where this payment method is adopted, the employer must keep a daily record of the hours worked showing the date, and start and finish times. This record will be countersigned weekly by the employee (or their parent or guardian) and must be kept for a period of at least seven years.</p> <p>Where an employee is discharged from employment the employee will be paid immediately for all wages, overtime, pro rata payment for annual leave, annual leave loading or any remuneration due. Where an employee lawfully leaves their employment they will be paid all monies due at the time of leaving. Payment may be made by cash, cheque or electronic funds transfer at the discretion of the employer.</p>
19	Superannuation (Instrument)	<p>The award contains information on:</p> <ul style="list-style-type: none"> <li>- the employers responsibility to make superannuation contributions to a superannuation fund</li> <li>- the ability for an employee to authorise their employer to pay on their behalf contributions to a superannuation fund</li> <li>- the employers responsibility to make superannuation contributions to another superannuation fund that is chosen by the employee.</li> </ul>
19.5	Superannuation - employees with disabilities (Instrument)	<p>Where an employee with a disability is being paid less than \$450 per month, contributions for such employees will be either 3% of their ordinary time earnings or \$6.00 per week whichever is the greater.</p>

Clause	Conditions Type	Description
20.1 & 20.2	Hours of work (Instrument)	The ordinary hours of work will be worked in not more than five consecutive shifts of not more than eight hours or, by agreement with the employee, 10 consecutive hours, and will not exceed 38 hours per week or an average of 38 hours per week over an agreed roster cycle. Subject to <b>Overtime and penalty rates</b> , ordinary time will be worked between the hours of 6.00 am and 6.00 pm Monday to Sunday.
20.7	Tea breaks (Instrument)	All employees will be allowed at least 30 minutes unpaid lunch break not later than five hours after the commencement of work unless otherwise agreed. An employee will not be required to work for more than five hours without a meal break of 30 minutes. All employees will receive one paid tea break of 15 minutes in the morning.
21.3 - 21.5	Overtime - other (Instrument)	When overtime is necessary it will, where practicable, be arranged so that employees have at least 10 consecutive hours off duty between the work of successive days. An employee working overtime will be provided with a half hour meal break and a suitable meal or be paid a meal allowance in any of the following circumstances: - when required to work beyond 6.00 pm. or - if overtime continues beyond 10.00 pm.  Where an employee's ordinary hours of work are less than 38 per week, by agreement, an employee may work and be paid at ordinary time up to two hours beyond their normal finishing time. In any case, an employee will not be required to work more than 10 hours in any one day nor more than 38 hours in any one week without the payment of overtime. For this purposes <b>week</b> means Monday to Friday inclusive.
20.8	Roster (Instrument)	The employer will notify all permanent employees of their roster at commencement. Rosters can only be changed by the employer by giving employees at least seven days' notice, except in the case of emergency where the employer will have the right to alter rosters immediately.
21.7	Overtime – time off in lieu (Instrument)	Where an employee has performed duty on overtime, they may be released from duty to take time off instead of receiving a payment for overtime for a period not exceeding the period of overtime actually worked, subject to the following conditions: - An employee may only be released from duty at the request of the employee and with the agreement of the employer. Such agreement will be in writing and be kept with the time and wage records. - An employee may not accumulate more than 20 hours to be taken as leave instead of overtime payment and leave will be taken within four weeks of the accrual. Where such leave is not taken in this period it will be paid for at the appropriate overtime rate.

Clause	Conditions Type	Description
		- This provision will only apply in respect of overtime worked between Monday to Friday inclusive. Normal penalties for overtime worked on Saturday, Sunday and public holidays will apply for those days.
22.1(b)	Annual leave loading (Instrument)	In addition to the payment provided for in the NES, an employer is required to pay an additional leave loading of 17.5% of that payment.
22.3	Annual leave - requirement to take leave (notwithstanding terms of the NES) (Instrument)	An employer may require an employee to take annual leave by giving at least four weeks' notice in the following circumstances: - as part of a close-down of its operations, or - where more than eight weeks' leave is accrued.
23	Personal leave (Fair Work Act)	<u>Amount of leave</u>  For each year of service with his or her employer, an employee is entitled to 10 days of paid personal/carer's leave.  <u>Accrual of leave</u>  An employee's entitlement to paid personal/carer's leave accrues progressively during a year of service according to the employee's ordinary hours of work, and accumulates from year to year.

## **Frequency of Payment**

Wages will be paid weekly or fortnightly, or, by agreement between the employer and the majority of employees, monthly.

**IMPORTANT NOTE: Disclaimer**

The Fair Work Ombudsman (FWO) is committed to providing useful, reliable information to help you understand your rights and obligations under workplace laws. The Pay and Conditions Guides are provided for that purpose.

There are factors that may affect the information contained in these Guides. These include:

- changes to pay rates, allowances, penalties or modern award provisions; eg after FWA's annual wage review which takes effect on 1 July each year
- changes to the Fair Work Act or other relevant legislation
- decisions of courts or Fair Work Australia, in particular regarding the effect of provisions in modern awards and pre-modern awards where those differ from the approach taken by the FWO.

The FWO will consider these matters and where appropriate update the Guides.

It is your responsibility to comply with workplace laws and industrial instruments that apply to you.

The information contained in these Pay and Conditions Guides is:

- general in nature and may not deal with all aspects of the law that are relevant to your specific situation; and
- not legal advice.

Therefore you may wish to seek your own independent professional advice to ensure all the factors relevant to your circumstances are properly considered.