



## Industrial Relations Alert

**Fair Work Australia (FWA) has made an Order on the Social, Community, Home Care and Disability Services Industry Award 2010. The FWA decision is to delete the Disability Services Sector Definition and Classification from the Award and to incorporate them into the Social and Community Services Sector Definition and Classifications.**

The Order *PR995399* is as follow:-

A. Further to the decision issued by Fair Work Australia on 26 March 2010, the *Social, Community, Home Care and Disability Services Industry Award 2010* is varied as follows:

1. By deleting the definition of **disability services sector** in cl.3.1.
2. By inserting in cl.3.1 at the end of the definition of **social and community services sector** the words “and the provision of disability services including the provision of personal care and domestic and lifestyle support to a person with a disability in a community and/or residential setting including respite centre and day services.”
3. By deleting cl.4.1(e) in its entirety.
4. By deleting the words “Schedule B to Schedule F” in cl.4.1 and inserting “Schedule B to Schedule E”.
5. By inserting the words “except when undertaking disability services work” after the words “social and community service employees” in cl.10.4(c)(i).
6. By deleting the words “clauses 15 to 18” in cl.13.1 and inserting “clauses 15 to 17”.
7. By deleting the words “Schedule B to Schedule F” in cl.13.1 and inserting “Schedule B to Schedule E”.
8. By deleting clause 17—Minimum weekly wages for disability service employees in its entirety and renumbering subsequent clauses accordingly. By updating the Table of Contents and cross references accordingly.
9. By deleting from cl.25.6 the sentence “This clause only applies to disability services and homecare care employees” and inserting “This clause only applies to social and community services employees when undertaking disability services work and home care employees.”

10. By inserting the phrase “, and where relevant, skills required to assist with personal care and lifestyle support” at the end of the sentence in B.1.1(e) in Schedule B.

11. By inserting a new B.1.2(g) and B.1.2(h) in Schedule B as follows:

- “(g) resident contact and interaction including attending to their personal care or undertaking generic domestic duties under direct or routine supervision and either individually or as part of a team as part of the delivery of disability services.
- “(h) preparation of the full range of domestic duties including cleaning and food service, assistance to residents in carrying out personal care tasks under general supervision either individually or as part of a team as part of the delivery of disability services.

The minimum rate of pay for employees engaged in responsibilities which are prescribed by B.1.2(h) is pay point 2.”

12. By inserting a new B.1.3(d) in Schedule B as follows:

**“(d) Progression**

An employee primarily engaged in responsibilities which are prescribed by B.1.2(g) will, if full-time, progress to pay point 2 on completion of 12 months’ industry experience, or if part-time, on completion of 1976 hours of industry experience. **Industry experience** means 12 months of relevant experience gained over the previous 3 years”

13. By inserting the sentence “Where the appropriate certificate is a level 4 certificate the minimum rate of pay will be pay point 2.” after the sentence “Employees who have completed the appropriate certificate and are required to undertake work related to that certificate will be appointed to this level.” in cl.B.2.1(e) in Schedule B

14. By inserting new B.2.2(k), B.2.2(l), B.2.2(m) and B.2.2(n) in Schedule B as follows:

- “(k) implementing client skills and activities programmes under limited supervision either individually or as part of a team as part of the delivery of disability services.
- “(l) supervising or providing a wide range of personal care services to residents under limited supervision either individually or as part of a team as part of the delivery of disability services.
- “(m) assisting in the development or implementation of resident care plans or the planning, cooking or preparation of the full range of meals under limited supervision either individually or as part of a team as part of the delivery of disability services.
- “(n) possessing an appropriate qualification (as identified by the employer) at the level of certificate 4 or above and supervising the work of others (including work allocation, rostering and providing guidance) as part of the delivery of disability services as described above or in subclause B.1.2.”

15. By deleting the words “work under regular supervision” in cl.B.2.3(c)(i) and inserting “work under regular supervision except where this level of supervision is not required by the nature of the responsibilities under B.2.2 being undertaken.”
  16. By inserting the words “including managing the day to day operations of a group residential facility for persons with a disability” at the end of the sentence in cl.B3.1(d) in Schedule B.
  17. By inserting a new cl.B.3.2(o) in Schedule B as follows:
    - “(o) in the delivery of disability services as described in subclauses B.1.2 or B.2.2, taking overall responsibility for the personal care of residents; training, co-ordinating and supervising other employees and scheduling work programmes; and assisting in liaison and co-ordination with other services and programmes.”
  18. By deleting the words “works under general supervision” in cl.B.3.3(c)(ii) and inserting “works under general supervision except where this level of supervision is not required by the nature of the responsibilities under B.2.2 being undertaken.”
  19. By deleting Schedule E and renumbering subsequent Schedules and references accordingly. By updating the Table of Contents and cross references accordingly.
- B. This order commences on the first full pay period on or after 26 March 2010.

**A further Correction Order was issued *PR995626***

A. The order issued by Fair Work Australia on 26 March 2010 is corrected as follows:

By deleting item 18 and inserting the following:

18. By deleting the words “works under general supervision” in cl.B.3.3(c)(ii) and inserting “works under general supervision except where this level of supervision is not required by the nature of the responsibilities under B.3.2 being undertaken.”

B. This order commences on the first full pay period on or after 26 March 2010.

For further information, please contact ACSEA.