
CIRCULAR: GEN/081/NAT/081/19
DATE: Tuesday 27 August 2019
SUBJECT: Modern Award Updates
ATTENTION: Chief Executive Officer

As part of the 4-yearly review of Modern Awards, The Fair Work Commission (FWC) has formed provisional views as to the variation of *Aged Care Award 2010* (**the Award**) summarised below. A link to the full determination is at the end of this Circular.

The key issues considered by the FWC included the following:

Phone allowance

The Award does not contain any allowance or mechanism for an employee to be reimbursed for the work-related costs of their mobile phone use. The FWC has rejected a claim to insert such a clause into the Award.

Classifications

The FWC has expressed the *provisional* view that point B4 of the existing classification for level 4 aged care workers be replaced with:

*'In the case of a personal care worker, **holds** a relevant Certificate III qualification (or possesses equivalent knowledge and skills) and uses the skills and knowledge gained from that qualification in the performance of their work.'* (emphasis added)

This provisional variation alters the threshold from circumstances where it is just a requirement for an employee to hold a Certificate III to circumstances where an employee may or may not hold a Certificate III but does perform work commensurate with the skills and knowledge gained from such a qualification.

Rates of pay for casual employees

The determination includes an amendment to the pay rates of casual employees who work on weekends and public holidays. In regard to the transitional arrangements of these variations, the FWC is of the *provisional* view that the increase in penalty rates should be phased in as follows:

	Saturday	Sunday	Public holidays
	(% of ordinary rate, inclusive of casual loading)		
1 December 2019	160	185	260
1 July 2020	175	200	275

Broken shifts

Furthermore, the FWC has decided to vary clause 22.8 to ensure that casual and part-time employees working a broken shift will be paid for a minimum of two hours for each portion of the broken shift.

The FWC is taking submissions in relation to the draft variation determination and any contentious issues will be the subject of a hearing on 14 October 2019.

A link to the decision can be accessed at **Appendix 1** below.

If you have any questions or if you require further information, please contact the SIAG National Advisory Service on 03 9644 1400 or 1300 (SIAG HR) / 1300 742 447.



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APPENDIX 1

Link to the decision:

<https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/2019fwcfb5078.pdf>