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**CIRCULAR:** GEN/085/NAT/085/19  
**DATE:** 28 October 2019  
**SUBJECT:** Modern Award Determination – Aged Care Award 2010  
**ATTENTION:** Chief Executive Officer

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Further to our circular on 27 August 2019 (081/NAT/081) regarding the Fair Work Commission's (FWC) provisional views on variations to the *Aged Care Award 2010 (the Award)*, please be advised that the FWC has released its Determination regarding the amendments being made to the Award as part of the 4 Yearly Review process.

A summary of the key changes being made to the Award is below.

### **Rates of pay for casual employees**

Casual employees who work on weekends or public holidays will now receive casual loading *in addition to* the penalty rates prescribed for weekend and public holiday work.

The new penalty rates for casual workers apply from the first full pay period on or after 1 July 2020 and have increased as follows:

	% of ordinary rate, inclusive of casual loading		
	<b>Saturday</b>	<b>Sunday</b>	<b>Public holidays</b>
Current	150	175	250
<b>1 July 2020</b>	<b>175</b>	<b>200</b>	<b>275</b>

### **Classifications**

Following submissions from interested parties, the FWC has decided 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 variation allows personal care workers who may or may not hold a Certificate III but perform work commensurate with the skills and knowledge gained from such a qualification to be classified at this level.

Furthermore, the FWC have inserted a notation at the title of Schedule B, as follows:

*'Note: Any dispute about the classification of a particular employee may be referred to the Fair Work Commission in accordance with clause 9 of this award.'*

### **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.

Links to the decision and the determination can be accessed at **Appendix 1** and **Appendix 2** below respectively.

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.



**Brian Cook**  
**Managing Director**

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## APPENDIX 1

Link to the decision:

<https://www.fwc.gov.au/documents/decisionssigned/html/2019fwcfb7094.htm>

## APPENDIX 2

Link to the determination:

<https://www.fwc.gov.au/documents/awardsandorders/html/pr713505.htm>