

## DRAFT DETERMINATION

*Fair Work Act 2009*

Part 2-3, Div 4 – 4 yearly reviews of modern awards

### **Aged Care Award 2010**

(MA000018)

## REVIEW OF MODERN AWARDS

(AM2018/13)

ROSS, PRESIDENT                      SYDNEY, XX YYY 2018

*Review of modern awards to be conducted.*

[1] Further to the Decision and Reasons for Decision <<DecisionRef>> in <<FileNo>>, it is determined pursuant to section 156(2) (b) (i) of the *Fair Work Act 2009*, that the *Aged Care Award 2010* be varied as follows.

[2] Insert a new clause 15.8:

#### *Phone allowance*

*Where the employer requires an employee to use a mobile phone for the purpose of being on call, to access their work roster or for other work purposes, the employer will either:*

- (i) provide a mobile phone and cover the cost of any subsequent charges; or*
- (ii) refund the cost of purchase and the subsequent charges on production of receipted accounts.*

[3] Delete current clause 22.9 (a) to (g) and insert:

*Employees may, in addition to normal rostered shifts, be required to sleepover. A sleepover means sleeping in at night in order to be on call for emergencies. The following conditions will apply to each night of sleepover:*

*(a) The provisions of clause 22.6 apply to a sleepover. An employee may refuse a sleepover in the circumstances contemplated by 22.6(c) but only with reasonable clause.*

*(b) The span for a sleepover will be a continuous span of 8 hours.*

*(c) Employees will be provided with free board and lodging for each night on which they are required to sleepover.*

*(d) Employees will be provided with a separate room with a bed and use of staff facilities or client facilities where staff facilities are unavailable.*

*(e) In addition to the provision of free board and lodging for sleepovers, the employee will be entitled to a sleepover allowance of 5.2% of the standard rate for each night on which they sleep over. This allowance is in addition to any payment for hours worked during the sleepover and the free board and lodging provided by clause 22.9 (c).*

*(f) An employee may refuse to perform work other than in an emergency. For the purposes of this clause an emergency is any unplanned occurrence or event requiring prompt action.*

*(g) In the event of the employee on a sleepover being required to perform work during the sleepover period, the employee will be paid for the time worked at the prescribed overtime rate with a minimum payment as for one hour worked. Where such work exceeds one hour, payment will be made at the prescribed overtime rate for the duration of the work. This payment is in addition to the sleepover allowance in clause 22.9(e).*

[4] Delete the current last dot point at B.4 -Aged Care Employee – Level 4 and insert:

- *In the case of a Personal care worker, holds a relevant Certificate III qualification.*

The determination shall operate on and from XX YYY 2018.

PRESIDENT