

**From:** Michael Robson [mailto:mrobson@asu.asn.au]

**Sent:** Monday, 15 April 2019 1:02 PM

**To:** Chambers - Ross J; AMOD

**Cc:** Leigh Svendsen; 'Rachel Liebhaber'; 'Stephen Bull'; 'Natalie Dabarera'; Brent Ferguson; 'Ruchi Bhatt'; nicola.shaw@afei.org.au; 'Michael Pegg'; 'Toby Halls'

**Subject:** AM2018/26 - Social, Community, and Home Care Award 2010

Dear Associate,

**AM2018/26 - Social, Community, and Home Care Award 2010**

We refer to the matter above. We seek leave to amend our draft determination regarding out community language allowance claim (Claim s 6). Please see attached a plain and marked up version.

We copy the other parties by way of service.

Regards,

Michael Robson  
**National Industrial Officer**  
**Australian Services Union - National Office**

Level 8, 321 Pitt Street  
Sydney, NSW 2000  
Tel (02) 9265 8231  
Fax (02) 9283 9270  
Mobile 0428 447 114  
Direct E-mail [mrobson@asu.asn.au](mailto:mrobson@asu.asn.au)  
[www.asu.asn.au](http://www.asu.asn.au)

# DRAFT DETERMINATION

*Fair Work Act 2009*  
s.156 - 4 yearly review of modern awards

## **4 yearly review of modern awards – (AM2014/47)**

### **SOCIAL, COMMUNITY, HOME CARE AND DISABILITY SERVICES INDUSTRY AWARD 2010** [MA000100]

Social, Community, Home Care and Disability Services Industry

COMMISSION MEMBER

PLACE, DATE

A. Further to the Decision issued by the Fair Work Commission on the above award is varied as follows:

1. By inserting a new clause 20.10:

#### **20.10 Community Language and Signing Work**

**20.10.1** Employees using a community language skill as an adjunct to their normal duties to provide services to speakers of a language other than English, or to provide signing services to those with hearing difficulties, shall be paid an allowance in addition to their weekly rate of pay.

**20.10.2** A base level allowance shall be paid to staff members whose language skills are required to meet occasional demands for one-to-one language assistance. Occasional demand means that there is no regular pattern of demand that necessitates the use of the staff members language skills. The base level rate shall be paid as a weekly ~~all-purposes~~ allowance of ~~\$45.00~~ 4.90% of the standard rate.

**20.10.3** The higher level allowance is paid to staff members who use their language skills for one-to-one language assistance on a regular basis according to when the skills are used. The higher level rate shall be paid as a weekly ~~all-purposes~~ allowance of ~~\$68.00~~ 7.35% of the standard rate.

**20.10.4** Such work involves an employee acting as a first point of contact for non-English speaking service users or service users with hearing difficulty. The employee identifies the ~~resident's~~ employee's area of inquiry and provides basic assistance, which may include face-to-face discussion and/or telephone inquiry.

**20.10.5** Such employees convey straightforward information relating to services provided by the employer, to the best of their ability. They do not replace or substitute for the role of a professional interpreter or translator.

**20.10.6** Such employees shall record their use of community language skills.

**20.10.7** Where an employee is required by the employer to use community language skills in the performance of their duties

- a) the employer shall provide the employee with accreditation from a language/signing aide agency
- b) The employee shall be prepared to be identified as possessing the additional skill(s)
- c) The employee shall be available to use the additional skill(s) as required by the employer.

~~**2.10.8** The amounts at 2.10.2 and 2.10.3 will be adjusted in accordance with increases in expense related allowances as determined by the Fair Work Commission.~~

B. The determination shall operate on and from [ ].

BY THE COMMISSION

# **DRAFT DETERMINATION**

*Fair Work Act 2009*  
s.156 - 4 yearly review of modern awards

## **4 yearly review of modern awards – (AM2014/47)**

### **SOCIAL, COMMUNITY, HOME CARE AND DISABILITY SERVICES INDUSTRY AWARD 2010** [MA000100]

Social, Community, Home Care and Disability Services Industry

COMMISSION MEMBER

PLACE, DATE

A. Further to the Decision issued by the Fair Work Commission on the above award is varied as follows:

1. By inserting a new clause 20.10:

#### **20.10 Community Language and Signing Work**

**20.10.1** Employees using a community language skill as an adjunct to their normal duties to provide services to speakers of a language other than English, or to provide signing services to those with hearing difficulties, shall be paid an allowance in addition to their weekly rate of pay.

**20.10.2** A base level allowance shall be paid to staff members who's language skills are required to meet occasional demands for one-to-one language assistance. Occasional demand means that there is no regular pattern of demand that necessitates the use of the staff members language skills. The base level rate shall be paid as a weekly allowance of 4.90% of the standard rate.

**20.10.3** The higher level allowance is paid to staff members who use their language skills for one-to-one language assistance on a regular basis according to when the skills are used. The higher level rate shall be paid as a weekly allowance of 7.35% of the standard rate.

**20.10.4** Such work involves an employee acting as a first point of contact for non-English speaking service users or service users with hearing difficulty. The employee identifies the employee's area of inquiry and provides basic assistance, which may include face-to-face discussion and/or telephone inquiry.

**20.10.5** Such employees convey straightforward information relating to services provided by the employer, to the best of their ability. They do not replace or substitute for the role of a professional interpreter or translator.

**20.10.6** Such employees shall record their use of community language skills.

**20.10.7** Where an employee is required by the employer to use community language skills in the performance of their duties

- a) the employer shall provide the employee with accreditation from a language/signing aide agency
- b) The employee shall be prepared to be identified as possessing the additional skill(s)
- c) The employee shall be available to use the additional skill(s) as required by the employer.

B. The determination shall operate on and from [ ].

**BY THE COMMISSION**