



# Summary of conditions of employment

## National employment standards and Aboriginal and Torres Strait Islander Health Workers and Practitioners and Aboriginal Community Controlled Health Services Award 2020

Permanent, full-time or part-time employment

**Federal Industrial Relations System**

### **This summary assumes the following things**

- The employment is full-time or part-time employment (options for both full-time and part-time are provided, you should refer to the option that is applicable for you)
- The employment is **not** for shift-work
- The employer is covered by the federal industrial relations system (see: *The federal industrial relations system: A guide for Aboriginal and Torres Strait Islander Corporations and their employees* for more information)
- The employment is covered by the modern award named above and is not excluded from the scope of the award —see clause 4 of the award

We have created this document to better help you understand your conditions of employment. The document summarises important conditions of your employment that are covered by the **Aboriginal and Torres Strait Islander Health Workers and Practitioners and Aboriginal Community Controlled Health Services Award 2020** (the **Award**) and the **National Employment Standards** in the *Fair Work Act 2009* (the **NES**).

This summary of the Award and the NES is not legal advice and you should not rely on it as legal advice.

To learn more about your conditions of employment under the **Award**, you can find the **Award** in the list at <https://www.fwc.gov.au/document-search/modern-awards-list>

To learn more about your conditions of employment under the **National Employment Standards**, you can go to the Fair Work Ombudsman website at <https://www.fairwork.gov.au/employment-conditions/national-employment-standards>

## Classification

You will receive written notification of your classification under the Award, when your employment starts, and at any another time that it changes.

*[Note: see clause 13 of the Award]*

## Hours of work

*[corporation to strike out the clause relating to full-time employees if the employee is engaged part-time, or the clause relating to part-time employees if the employee is engaged full time]*

If your contract states that you are employed full-time:

You are to work 38 hours or an average of 38 hours per week.

*[Note: see clause 13 of the Award.]*

In addition to ordinary hours, we may require you to work reasonable additional hours. That is, in any given week, we may require you to work 38 hours *plus* reasonable additional hours. You may refuse to work unreasonable additional hours.

*[Note: see NES FW Act sections 62(1) and 61(2).]*

If your contract states that you are employed part-time:

You are to work less than 38 hours per week. You are entitled to work under a regular pattern of work, as agreed in writing with us at the beginning of your employment. The agreed pattern will set out the hours to be worked each week, days you work, your start and finish times. These terms may be varied by agreement and recorded in writing.

You will be required to work for a minimum of four hours on each of the days you are scheduled to work.

*[Note: see clause 10 of the Award].*

In addition to ordinary hours, we may require you to work reasonable additional hours. That is, in any given week, we may require you to work your

agreed hours *plus* reasonable additional hours. You may refuse to work unreasonable additional hours.

[Note: see NES FW Act sections 62(1) and 61(2).]

### **Ordinary hours of work – full-time and part-time employees**

No more than 10 ordinary hours of work can be worked in a day (exclusive of meal breaks). Ordinary hours of work are between 7.00am and 7.00pm Monday to Friday, unless otherwise stated.

[Note: see clause 13 of the Award].

### **Overtime**

For all work you do in addition to your rostered ordinary hours of duty or outside the ordinary span of hours, you will be paid at time and a half for the first two hours, and double time after that.

[Note: see clause 20.1 of the Award.]

### **Frequency of pay**

You will be paid weekly/fortnightly (*corporation to strike out one of these*) by cash/cheque/electronic transfer of funds (*corporation to strike out two of these*) into the bank account or financial institution account that you nominate to us.

[Note: see clause 17 of the Award.]

### **Your right to request flexible working arrangements**

If you have been employed with us for 12 months or more, and you:

- are pregnant;
- are a parent, or are responsible for the care of a child school age or younger;
- are a carer;
- have a disability;
- are 55 or older; or
- are experiencing family and domestic violence or providing care or support to an immediate family member or household member who requires care or support because of family and domestic violence,

you have a right to ask us to change your working arrangements.

[Note: see NES FW Act section 65.]

### **Parental leave**

If you have been employed with us for twelve months or more, you are entitled to 12 months of unpaid leave parental leave to care for your own newborn child or your spouse's or your de facto partner's newborn child, or for a newly-adopted child who is under the age of 16 years, that you have a responsibility to care for.

[Note: see NES FW Act sections 67–70.]

## Annual leave

Full-time employees are entitled to four weeks of paid annual leave for each year of service with us, pro rata for part-time employees.

Your annual leave accrues through the year, and your annual leave credits can be carried over from year to year.

*[Note: see NES FW Act sections 87(1) and 87(2).]*

You may take annual leave for a period agreed between you and us.

If you ask us if you can take a period of annual leave, and you have sufficient annual leave credits, we will not unreasonably refuse your request.

*[Note: see NES FW Act sections 88 (1) and 88(2).]*

You will be paid an annual leave loading of 17.5% of your ordinary rate of pay.

*[Note: see clause 22.2 of the Award.]*

In certain circumstances, we may require you to take annual leave.

*[Note: see clause 22.3 and 22.8 of the Award.]*

## Personal/carer's leave and compassionate leave

Full-time employees are entitled to 10 days of paid personal/carer's leave for each year of service with us, pro rata for part-time employees.

Your paid personal/carer's leave accrues through the year, and your paid personal carer's leave credits can be carried over from year to year.

*[Note: see NES FW Act sections 96–101.]*

You are also entitled to two days of unpaid personal/carer's leave for each permissible occasion.

You are entitled to two days of paid compassionate leave for each time:

- a member of your immediate family or your household contracts or develops a personal illness, or suffers an injury, that poses a serious threat to their life, or dies; or
- a child is stillborn, where the child would have been a member of your immediate family or household; or
- you, or your spouse or de facto partner, has a miscarriage.

If you take personal/carer's leave or compassionate leave, you must tell us that you are taking the leave as soon as you can, and you must give us reasonable evidence to show that you are taking the leave for the reason you are claiming it.

[*Note: see NES FW Act sections 102–106 and 107.*]

### **Paid family and domestic violence leave**

You are entitled to take 10 days of paid family and domestic violence leave in a 12-month period. Paid family and domestic violence leave is available if you are experience family and domestic violence and you need to do something to deal with its impact, and it is impracticable to do that thing outside of your work hours.

Paid family and domestic violence leave does not accumulate from year to year.

[*Note: see NES FW Act sections 106A – 106E.*]

### **Community service leave**

You are entitled to take community service leave. This covers jury service, and reasonable time to do voluntary emergency management activities.

If you take community service leave, you must tell us that you are taking the leave and the expected period of absence as soon as you can, and you must, if requested, give us reasonable evidence to show that you are taking the leave for the reason you are claiming it.

[*Note: see NES FW Act sections 108 – 110.*]

### **Ceremonial leave**

If you are required by Aboriginal or Torres Strait Islander tradition to be absent from work for ceremonial purposes, we may approve up to 10 working days unpaid leave in a 12 month-period.

[*Note: see clause 26 of the Award.*]

### **Public holidays**

You are entitled to be absent from work on a day or part-day that is a public holiday in the place where your work is based, and to be paid for that day or that part-day.

But we may ask you to work on a public holiday. You may say no to our request, if our request is unreasonable, or if it is reasonable for you to say no.

[*Note: see NES FW Act sections 114 – 116.*]

If you are required to work on a public holiday, you may agree to substitute another day for the public holiday, or you will be paid in accordance with clause 28.2 of the Award.

[*Note: see clause 28.3 of the Award and NES FW Act section 115(3)*]

## Allowances

You may be entitled to some or all of the following allowances that are set out in the Award.

- Bilingual qualification allowance
- Nauseous work allowance
- Medication administration allowance
- Higher duties allowance
- Clothing and laundry allowance
- On call and recall allowance
- Travelling, transport and fares
- Meal allowance
- Telephone allowance
- Blood count allowance
- Replacement, cleaning or repair to damaged clothing allowance

*[Note: see clause 16.3, 18 and 20.7 of the Award.]*

## Higher duties

You will be paid at the higher rate for the whole day if you work for one day or more on duties of a higher classification than your own classification.

*[Note: see clause 16.3 of the Award.]*

## Superannuation

The FW Act and superannuation legislation, including the *Superannuation Guarantee (Administration) Act 1992* (Cth), the *Superannuation Guarantee Charge Act 1992* (Cth), the *Superannuation Industry (Supervision) Act 1993* (Cth) and the *Superannuation (Resolution of Complaints) Act 1993* (Cth), deal with the rights and obligations of employers and employees.

The Award sets out additional conditions that apply to you and to us in relation to superannuation. Among other things, it sets out the superannuation funds to which we are able to make contributions.

*[Note: see clause 19 of the Award.]*

## Notice of termination of employment

If we decide to terminate your employment, we will give you the amount of notice that is set out in the table below.

*Period of your employment with us*

*Notice*

Up to 1 year	1 week
More than 1 year but not more than 3 years	2 weeks
More than 3 years but not more than 5 years	3 weeks
More than 5 years	4 weeks

And if you are over 45 years old and you have been employed with us for at least two years, we will give you an additional week of notice.

However, you are not entitled to notice if your employment is terminated because you engaged in serious misconduct.

Your employment contract may require that we provide notice greater than the notice set out in the table above. In which case, the greater notice period will apply.

If you decide to resign at any time, including while you are on probation, you will give us at least the amount of notice required by the Award.

We may elect to pay you an amount in lieu of notice. This amount will be equal to the amount we would have paid you if you had worked with us until the end of your notice period.

*[Note: see NES FW Act section 117 and clause 32 of the Award.]*

### **Redundancy pay**

If you have been employed with us for at least one year, you may be entitled to be paid redundancy pay if we terminate your employment because we no longer need your job to be done by anyone (except where this is due to the ordinary and customary turnover of labour) or where we become insolvent.

The amount of your redundancy pay will depend on how long you have been employed by us.

The minimum amount of your redundancy pay will be calculated using the table in section 119 of the Fair Work Act.

If you have been given notice of termination or redundancy, you may also be allowed time off without pay up to one day each week for the purpose of seeking other employment.

*[See clause 32.2 and 33 of the Award.]*

*[Note: see NES FW Act sections 119 – 121.]*

*[The redundancy entitlements under the NES may not apply if the employer is a “small business employer” within the meaning of the FW Act: see section 121 of the FW Act.]*

### **Fair Work Information Statement**

We will provide you with a copy of the Fair Work Information Statement, prepared by the Fair Work Ombudsman, when you start employment with us.

*[See NES FW Act section 125.]*