



IMPORTANT EMPLOYMENT INFORMATION FOR UNITING CHURCH COMMUNITY SERVICE EMPLOYERS BASED IN NSW

SOCIAL, COMMUNITY, HOME CARE AND DISABILITY SERVICES INDUSTRY AWARD 2010 VARIATION DIVISION 2B TRANSITIONAL ARRANGEMENTS¹

Award variation – Division 2B transitional arrangements

Employers are advised the Social, Community, Home Care and Disability Services Industry Award 2010 (“the modern SACS Award”) has been varied by Fair Work Australia (FWA) to provide for transitional (or phase-in) arrangements for organisations that are not a constitutional corporations and currently covered by a Division 2B state award.

What are the changes to the minimum rates?

Among other changes to the modern SACS Award, the variation inserts a new item A.8 in Schedule A to the modern SACS Award:

A.8 Former Division 2B employers

- A.8.1** *This clause applies to an employer which, immediately prior to 1 January 2011, was covered by a Division 2B State award.*
- A.8.2** *All of the terms of a Division 2B State award applying to a Division 2B employer are continued in effect until the end of the full pay period commencing before 1 February 2011.*
- A.8.3** *Subject to this clause, from the first full pay period commencing on or after 1 February 2011 a Division 2B employer must pay no less than the minimum wages, loadings and penalty rates which it would be required to pay under this Schedule if it had been a national system employer immediately prior to 1 January 2010.*

¹ Source Information contained in this paper has been provided by AFEI

- A.8.4** *Despite clause A.8.3, where a minimum wage, loading or penalty rate in a Division 2B State award immediately prior to 1 February 2011 was lower than the corresponding minimum wage, loading or penalty rate in this award, nothing in this Schedule requires a Division 2B employer to pay more than the minimum wage, loading or penalty rate in this award.*
- A.8.5** *Despite clause A.8.3, where a minimum wage, loading or penalty rate in a Division 2B State award immediately prior to 1 February 2011 was higher than the corresponding minimum wage, loading or penalty rate in this award, nothing in this Schedule requires a Division 2B employer to pay less than the minimum wage, loading or penalty rate in this award.*
- A.8.6** *In relation to a Division 2B employer this Schedule commences to operate from the beginning of the first full pay period on or after 1 January 2011 and ceases to operate from the beginning of the first full pay period on or after 1 July 2014.*

This new clause effectively means that organisations that are not a constitutional corporation and are covered by Division 2B state awards have the same minimum rates of pay as employers that are constitutional corporations and currently covered by the modern Award and NAPSA rates.

For employers' convenience, these rates have been calculated and set out in the Division 2B Transitional Wage Rates Schedule. As such, all employers previously covered by the Division 2B state award related to the Social and Community Services Employees (State) Award in NSW should pay in accordance with the Division 2B Transitional Wage Rate Schedule.

When are these changes operative from?

As employers within the Church are not a constitutional corporations and were previously covered by the Division 2B state award their workplaces will start to be covered by the modern award on and from the first full pay period to commence on and from **1 February 2011**.

Award terms such as hours of work, types of employment, allowances, meal breaks etc are not phased in and will commence in full from the first full pay period to commence on and from **1 February 2011**.

Matters that affect pay (such as minimum wage rates, penalties and loadings) will be phased in from **1 July 2011**.

Notwithstanding the aforementioned the wage rates that are contained within the Division 2B Transitional Wage Rates Schedule will have effect from the first full pay period to commence on and from **1 February 2011**.

FOR FURTHER INFORMATION

If Uniting Church employers have any questions please contact HR Services by telephone on (02) 8267 4365 or (02) 8267 4369 or e-mail vickir@nsw.uca.org.au or lenaa@nsw.uca.org.au.