

SCHADS Award

- **Minimum payments for some casuals:** The minimum payment for casual home care employees will increase from 1 hour to 2 hours. Casual employees can work for more than 1 client during their minimum payment period.
- **Minimum payments for part-time employees:** Part-time employees will need to be paid for the following minimum hours for each shift or work period in a broken shift:
 - social and community services employees (except when doing disability services work) – 3 hours
 - social and community services employees doing disability services work – 2 hours
 - all other employees – 2 hours.

The requirement to be paid for these minimum number of hours is called a 'minimum payment'. Part-time employees can work for more than 1 client during their minimum payment period.

- **Consultation requirements for different arrangements:** Until 1 July 2022, employers and employees can agree that an employee will work shifts or periods of work in broken shifts that are less than the new minimum payments. If an employer and an employee made this kind of agreement before 1 February 2022, they need to:
 - discuss the new minimum payment requirements
 - genuinely try to reach an agreement on a variation to the employee's current hours of work that's consistent with the new minimum payments and suits the employee's circumstances.

If an employer and employee have discussed the agreement but can't agree on a change, the employer can vary the agreement to meet the new minimum payments by giving the employee 42 days' written notice of the change. This variation can't start before 1 July. These consultation requirements don't stop an employer and an employee from agreeing to other changes to the agreement that are consistent with award provisions.

- **Broken shifts & broken shift allowances:** From the first pay period starting after 1 July 2022, there are 2 broken shift allowances for social and community services employees when undertaking disability services work and for home care employees. The broken shift allowance will differ depending on whether the employee has 1 or 2 unpaid breaks in their broken shift. The number of unpaid breaks will determine the amount of the allowance. An employer can roster an employee on a broken shift with 2 periods of work and 1 unpaid break. An employer and employee can agree that a broken shift will be worked with 3 periods of work and 2 unpaid breaks. If an employee is required to work a broken shift, the minimum payment will apply for each period of work during that broken shift. The minimum payment period applies to all periods of work in a broken shift for both part-time and casual employees.
- **Client cancellation:** When a service is cancelled, the employer can either:
 - direct the employee to perform other work during those hours
 - cancel the whole shift, or
 - cancel the affected part of the shift.If a shift is cancelled, the employer has to either:
 - pay the employee the amount they would have been paid if they had worked, or
 - provide the employee with make-up time (the same amount of hours of work at another time).

- **Make-up time:** An employer can only provide an employee with make-up time if they give at least 12 hours' notice of the cancellation of the original shift. If the employer doesn't give this notice, the employee will still be paid for their hours.
- Employers who elect to provide employees with make-up time must give at least 7 days' notice for the new shift. This can be less if the employer and the employee agree. Employers also have to consult with employees in accordance with the consultation provisions in the SCHADS Award.
- Make-up time has to be worked by the employee within 6 weeks of the cancelled service. Make-up time can be worked with clients other than the client who cancelled the original service or in other areas of the employer's business provided the employee has the skills necessary to perform the work.
- **Traveling between shifts:** Part-time and casual employees can work for more than 1 client during their minimum payment period. The time a part-time or casual employee spends travelling between clients during the relevant minimum payment period is counted as time worked and paid. The travel provisions of the SCHADS Award still apply.
- **Shift locations:** Shifts don't need to be worked in a single location or with a single client. The minimum payment applies once per period of work for employees who work at multiple locations. Travel time within the minimum payment period is considered as time worked and paid.
- **Damaged clothing & laundry allowances:** Employers will be required to cover reasonable costs associated with repairing or replacing an employee's personal clothing. This applies to personal clothing that is soiled or damaged beyond repair while the employee is performing their duties, except for normal wear and tear. A laundry allowance may also be payable for soiled clothing.
- **Overtime for part-time & casual employees:** The changes to the SCHADS Award clarify that part-time and casual employees who work hours outside the span of hours are entitled to overtime. This overtime is paid at 150% for the first 2 hours and 200% thereafter on Monday to Saturday. On Sundays, all overtime outside the span of hours is paid at 200%.
- **Enterprise Agreements:** If an employer and employee are covered by a current registered or enterprise agreement, these new provisions generally won't apply to them. This is because they are new provisions for employees covered by the SCHADS Award.
- **Remote work:** New entitlements will apply from the first full pay period after 1 July 2022 to employees who perform remote work (as defined in the SCHADS Award). Remote work is work performed by the employee that is:
 - not part of their ordinary hours
 - not additional hours worked by a part-time employee or overtime after a regular shift
 - not required to be performed in the designated workplace.

An employee who is directed by their employer to be on-call to perform work may be engaged in remote work. Employees may also be required to perform remote work when they are not on call if needed. Remote work will be paid at the employee's minimum rate of pay unless the remote work attracts a penalty rate. Full list of penalty rates can be found here:

[1 July 2022 changes to Social, Community, Home care & Disability Services Award -](#)

Fair Work Ombudsman

The minimum payment for performing remote work is:

- 5 minutes when employee is on call between 6am and 10pm
- 30 minutes when employee is on call between 10pm and 6am
- 1 hour when employee is required to work and was not on call
- 1 hour when participating remotely in team meetings or training.

Any time worked continuously beyond the minimum payments above has to be rounded and paid up to the nearest 15 minutes. When an employee is required to work remotely multiple times in one day, the minimum payment will apply on each occasion.

Changes to NDIS

From 1 July, there will also be changes made to the funding of the NDIS following the Annual Pricing Review. From July 1st 2022, price limits for all NDIS supports delivered by disability support workers will increase by 9 per cent, including a 2 per cent temporary loading in 2022-23, and all current NDIS plan budgets will be automatically increased to account for these price limit changes.

“These improvements will better support participant outcomes and reduce workforce turnover by funding better conditions for NDIS workers,” The Hon. Bill Shorten, Minister for the NDIS and Government services said.

The price limit increase takes into account changes to costs to deliver supports as a result of the ongoing impact of COVID-19, investment in quality and safeguards, the introduction of a minimum shift and broken shift allowance for workers, as well as the Fair Work Commission’s recent wage decision and the increase in the Superannuation Guarantee Charge. The NDIA will also make up to an extra \$514 million available to registered providers of activities of daily living and community participant supports to recognise costs of keeping participants safe, particularly during COVID, and the significant overhead costs incurred by providers this year not previously taken into account.

You can read the full press release here:

<https://ministers.dss.gov.au/media-releases/8326>

Do you know someone who isn’t a member of the HSU? New members can join online at www.hsu.asn.au/join or call [1300 478 679](tel:1300478679) and join over the phone.