

Award Modernisation

Community Employment, Training & Support Services (CETSS) Award

What is Award Modernisation?

In June 2008 the AIRC was asked by the Federal Government to review and "modernise" all Federal and State Awards to form the basis of the new award system to commence on 1 January 2010. This process is known as award modernisation.

The AIRC has been instructed by Government to create "modern" awards primarily along industry lines. This means all employees in the one industry would be covered by one or a small number of awards. Awards are also being created on an occupational basis.

These new modern awards will form the basis of a new industrial relations system to commence on 1 January 2010 with the new award for the employment services sector taking effect July 1, 2010.

What is happening in Employment Services?

The ASU has made detailed submissions to the Australian Industrial Relations Commission (AIRC) on the need to protect the wages and working conditions of employment services workers throughout Australia.

In our submissions, the ASU has argued strongly that employment services workers must have an award that provides a fair and decent safety net of terms and conditions.

Just over two weeks ago the Australian Industrial Relations Commission (AIRC) handed down the Exposure Draft Employment Services Industry (ESI) Award 2010. This award is not operational

and has been produced so that interested parties such as the ASU and Employer Associations can provide comment to the AIRC regarding the appropriateness of the new award.

The Exposure Draft Employment Services Industry Award 2010 is a combination of the CETSS Award and the Group Training Award. Whilst the draft exposure ESI 2010 award is very similar to the CETSS and Group Training Awards there are some differences that the ASU has made comment on. These include,

- **Sessional and fixed term employment:** The current exposure draft ESI Award 2010 only includes provision for sessional work for group training employees and a definition for fix term work has been removed. The ASU believes that the category of sessional employee should be made available to all employees covered by the ESI award. Plus that without a definition of fixed term employment some organisations may take the opportunity to employ workers that should be permanent employees on casual or short term basis.
- **Salary packaging:** A large proportion of employment service employees have access to salary packaging. Salary packaging is deemed to be a legitimate and well accepted practice. The exposure draft ESI award 2010 does not provide a clause relating to salary packaging. As salary packaging is such a common practice in the 'not for profit' employment services sector we believe a clause should be included.
- **Remote Localities Allowances:** The Exposure Draft ESI does not include district allowances for workers in QLD and Broken Hill under the current CETSS award these allowances are available to workers in these localities and include an additional week of annual leave.
- **Current remote localities allowances in the Northern Territory and Western Australia** will only exist until 31 December 2014. The ASU is advocating that all remote locality allowances in the CETSS award should remain in the new award.
- **Flexible Working Hours Option:** The draft exposure ESI does not include a flexible working hours option the ASU believes that the new award should provide for how flexible working hours can be applied in the employment services sector as is currently stipulated in the CETSS award.
- **Transitional provisions:** Transition from the CETSS and Group Training award to the ESI award 2010 is a complex and confusing process for many employers and employees. The ASU is advocating for all employees that had the CETSS or Group training award applied to them prior to 1 January 2010 to have all their conditions the exceed the ESI Award 2010 maintained as a minimum. In this way no current employee will be worse off as a result of moving to the new award.

Employment SERVICES

not just a job

How the ASU can help

The ASU provides advice and information to members regarding workplace rights and obligations. ASU members can contact their State ASU office for more information. If required the ASU provides members with individual representation.

To obtain the contact details of your local ASU Branch visit the ASU national website www.asu.asn.au or contact the JSA National Project Coordinator on (03) 9342 1400 or help@employmentservicesunion.org.au

www.employmentservicesunion.org.au

Employment services workers skills must be recognised

As a part of the modernisation process no worker is meant to be worse off and no employer should have to pay more in wages and conditions as result of award modernisation. An incredibly difficult, if not impossible ask, when you consider that the process intends to condense several existing awards into one and that each existing award has its own set of conditions and obligations on the employer and employee.

The role of the ASU is an important one. We are the voice of the worker and in our submissions and lobbying we are standing up for the employment services work force.

What's next?

A decision will be made by the AIRC prior to January 1, 2010 regarding what the final Employment services industry award will look like.

What does this mean for employment services workers?

If your wages and conditions are determined in part or in whole by the CETSS award it means that come January 1 2010 your wages will be underpinned by the new modern Employment Services Industry (ESI) Award 2010 and at July 1 2010 conditions of employment will be underpinned by the (ESI) award. Improved and reduced conditions will be phased in by transitional arrangements but employees will need to be careful they don't lose conditions unnecessarily because of the complex phasing in process that has been determined by the AIRC.

The ASU will endeavour to ensure that existing employment services employee's pay and entitlements are not diminished, but we can only do this comprehensively if our members inform us if their pay and entitlements have been negatively impacted as a result of the confusing transitional process.

What can I do?

One way to protect your conditions and wages and even make improvements is to have a collective agreement. A collective agreement is a legal document that enshrines your conditions of employment and wage rates. It is negotiated between the employer, employees and their nominated bargaining agents. As the Australian Services Union is the union for employment services workers and has an expert knowledge of the industry and the industrial regulations that govern it we are best place to negotiate on behalf of workers in the sector.

Best outcomes in collective agreement are achieved when workers and the ASU work together to develop a list of priorities to be negotiated into an Agreement. For example common matters that the ASU negotiates for its members is increases wages and family and work life balance provision such as flexible hours and paid parental leave. Negotiating a workplace Agreement is not an easy task for workers but by becoming an ASU member you will have the support of our trained and dedicated staff. In this way the negotiation of a workplace agreement can be a very positive and rewarding experience.

To find out more about modern awards go to the ASU employment services website www.employmentservicesunion.org.au or contact the JSA National Project Coordinator at jkun@asu.asn.au or (03) 9342 1450.

To download a copy of the Exposure Draft Employment Services Industry Award 2010 go to the section on Award Modernisation at www.employmentservicesunion.org.au

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