



# DETERMINATION

*Fair Work Act 2009*

s.156—4 yearly review of modern awards

## **4 yearly review of modern awards – Award stage – Group 4 – Aged Care**

### **Award 2010 – Substantive claims**

(AM2018/13)

### **AGED CARE AWARD 2010**

[MA000018]

Aged care industry

JUSTICE ROSS, PRESIDENT  
DEPUTY PRESIDENT CLANCY  
COMMISSIONER LEE

MELBOURNE, 18 OCTOBER 2019

*4 yearly review of modern awards – award stage – group 4 awards – substantive issues – Aged Care Award 2010.*

A. Further to the decisions [\[\[2019\] FWCFB 5078\]](#) and [\[\[2019\] FWCFB 7094\]](#) issued by the Fair Work Commission on 26 August 2019 and 18 October 2019, the above award is varied as follows:

1. By inserting a new clause 22.8(f) as follows:

(f) Each portion of the shift must meet the minimum engagement requirements in clause 22.7(b).

2. By deleting clause 23.2 and inserting the following:

**23.2** A casual employee who works on a weekend will be paid the following rates:

(a) between midnight Friday and midnight Saturday – 175% of the ordinary hourly rate; and

(b) between midnight Saturday and midnight Sunday – 200% of the ordinary hourly rate.

3. By inserting clause 23.3 as follows:

**23.3** The rates prescribed in clause 23.2 will be in substitution for and not cumulative upon the casual loading prescribed in clause 10.4(b).

4. By deleting clause 29.2(c) and inserting the following:

**(c) Casual employees**

**(i)** A casual employee will be paid only for those public holidays they work at 275% of the ordinary hourly rate for hours worked.

**(ii)** The rates prescribed in clause 29.2(c)(i) will be in substitution for and not cumulative upon the casual loading prescribed in clause 10.4(b) and weekend rates prescribed in clause 23.2.

**(iii)** Payments under this clause are instead of any additional rate for shift or weekend work which would otherwise be payable had the shift not been a public holiday.

5. By inserting a notation after the title of Schedule B—Classification Definitions as follows:

Note: Any dispute about the classification of a particular employee may be referred to the Fair Work Commission in accordance with clause 9 of this award.

6. By deleting the last dot point in clause B.4 and inserting the following:

- in the case of a personal care worker, holds a relevant Certificate 3 qualification (or possesses equivalent knowledge and skills) and uses the skills and knowledge gained from that qualification in the performance of their work.

7. By updating cross-references accordingly.

**B.** Items 1, 5, 6 and 7 of this determination come into operation from 25 October 2019. In accordance with s.165(3) of the *Fair Work Act 2009* these items do not take effect until the start of the first full pay period that starts on or after 25 October 2019.

**C.** Items 2, 3 and 4 of this determination come into operation from 1 July 2020. In accordance with s.165(3) of the *Fair Work Act 2009* these items do not take effect until the start of the first full pay period that starts on or after 1 July 2020.

PRESIDENT

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