



NSW IR Homepage | Phone: 131 628 | Previous issues

Your Workplace Online

June 2011

News

- [Queen's Birthday Public Holiday 13 June 2011](#)
- [Remaining public holidays for 2011](#)
- [ASU Equal Remuneration case](#)
- [Minimum Wage Review](#)
- [New building trade webinars now available on NSW IR website](#)
- [Social and community services sector: transitional arrangements delayed for modern award](#)
- [Portable long service leave for cleaners](#)

Practical Tips

- [Q&A – Fair Work at your work](#)
- [Q&A – Permanent part-time employees](#)
- [Q&A – National minimum wage order](#)
- [Q&A – Pay Rates Calculator](#)
- [NSW IR What's New RSS](#)
- [Home building online guide](#)
- [New resources on modern awards](#)

NSW IR Out and About

- [Free seminars](#)
- [Career Pathways Expo](#)
- [MicroBiz week](#)

Links

- [Public holidays](#)
- [Retail trading](#)
- [Free IR workshops and webinars](#)
- [NSW Industrial Relations](#)
- [Fair Work Ombudsman](#)
- [Fair Work Australia](#)
- [National Employment Standards](#)
- [Modern awards](#)
- [Questions or comments](#)

News

Queen's Birthday Public Holiday 13 June 2011

Monday 13 June 2011 is the Queen's Birthday public holiday. There are no trading restrictions on the Queen's Birthday long weekend.

Any employees who work on Monday 13 June 2011 must be paid the appropriate rate of pay under the relevant [award or agreement](#).

Information about rates of pay and other conditions of employment on this day is available from [Fair Work Online](#) or from the Fair Work Infoline on 13 13 94.

[top](#)

Remaining public holidays for 2011

NSW public holidays remaining for the rest of 2011 are:

Bank Holiday - Monday, 1 August 2011 (NB: not a state wide holiday)

Labour Day - Monday, 3 October 2011
Additional holiday - Sunday, 25 December 2011
Christmas Day holiday - Monday, 26 December 2011
Boxing Day holiday - Tuesday, 27 December 2011

Please visit the NSW Industrial Relations website for more information on [public holidays](#).

[top](#)

ASU Equal Remuneration case

Fair Work Australia has handed down a decision on the Australian Services Union's (ASU) application for an equal remuneration order, finding that employees in the social and community services sector are undervalued in comparison to employees in state and local government.

The extent to which gender has inhibited wages growth in the social and community services industry, or how best to remedy the situation has not been identified.

Consequently, Fair Work has invited further submissions on this issue to be filed by the applicant unions by 10 June 2011, by the Commonwealth by 30 June 2011, and by the other interested parties by 21 July 2011.

Further hearings before the Full Bench will also be listed to take place on 8, 9 and 10 August 2011 in Melbourne.

Fair Work Australia statements and decisions, submissions, transcripts and additional material regarding the case are available from the [Equal Remuneration Case website](#).

[top](#)

Minimum Wage Review

The annual [wage review decision](#) was announced on 3 June 2011 in Melbourne by Fair Work Australia's minimum wage panel.

An increase of 3.4 per cent, or \$19.40 a week, in the minimum wage has been awarded from the first full pay period on or after 1 July 2011. The 3.4 per cent increase also applies to transitional instruments.

The decision lifts the federal weekly wage from \$569.90 (\$15 an hour) to \$589.30 (\$15.51 an hour).

For the first time in 20 years the pay rise will be calculated as a percentage increase rather than a flat dollar amount. The percentage increase was decided to address the falling real value of award classification rates at the higher level after a series of flat-dollar increases.

[top](#)

New building trade webinars now available on NSW IR website

The following building industry award webinars are now available to view and listen to via the NSW Industrial Relations website:

- [Electrical, Electronic and Communications Contracting Award 2010](#)
- [Joinery & Building Trades Award 2010](#)
- [Manufacturing & Associated Industries & Occupations Award 2010](#)
- [Plumbing and Fire Sprinklers Award 2010](#)

Other webinars include:

- [Employment records and pay slips](#)
- [National Employment Standards](#)

If you have any questions regarding the webinars, please ring Business Education Services on 9020 4611.

[top](#)

Social and community services sector: transitional arrangements delayed for modern award

In response to submissions from employee and employer representatives, Fair Work Australia has decided to delay the commencement of transitional arrangements for the Social, Community, Home Care and Disability Services (SCHADS) award until 1 February 2012.

This means that employers in the industries covered by the SCHADS award (eg. social and community services, disability services, home care) will continue to:

- pay their employees, as a minimum, the NAPSA / pay scale rates of pay
- apply existing pre-modern award penalties and loadings
- employ staff according to existing pre-modern award classifications

Although the transitional arrangements will not commence until 2012, an increase of 3.4 per cent to minimum rates will apply as a result of the decision by Fair Work Australia in their annual minimum wage review, effective after 1 July 2011.

Any queries regarding minimum rates of pay, and transitional arrangements should be directed to the [Fair Work Ombudsman](#) on 131 394.

NSW IR is offering FREE practical workshops on the SCHADS award. These face-to-face interactive workshops outline the key provisions of the award, and transitional arrangements. [Book now!](#)

[top](#)

Portable long service leave for cleaners

A reminder to our subscribers that a new portable long service leave scheme for NSW workers in the contract cleaning industry will commence on 1 July 2011.

For the first time, contract cleaners will be able to access paid long service leave based on industry service instead of service with a single employer.

The scheme will be funded by a levy on industry employers and will be administered by the Long Service Corporation (formerly the Building and Construction Industry Long Service Corporation or LSPC).

Full-time, part-time and casual cleaners will receive two months paid leave after 3650 days of registered service (the equivalent of 10 years service). Importantly, a Foundation Worker Service Credit of one year's service (365 days) will be credited to all workers registered in the scheme before 1 January 2012.

Industry employers are required to register existing workers and new workers within legislated timeframes, and workers may register themselves at any time.

Further details about the new scheme including forthcoming workshops for employers and employees within the contract cleaning industry is available at www.longservice.nsw.gov.au

Practical tips

Q&A – Fair Work at your work

Do your employees know:

- if they are permanent or temporary, full-time, part-time or casual?
- if they are being paid superannuation?
- if they are being paid for training?
- the name of the award or agreement covering their employment?

These are some of the questions on the Fair work Ombudsman [employment checklist](#) for employees.

Employers are required to ensure their employees have this information.

Please visit the [Fair Work Ombudsman](#) online or phone 13 13 94 if you need help to answer any of these questions.

[top](#)

Q&A – Permanent part-time employees

Question: I have an enquiry about permanent part-time employees. If they are required to work less hours than agreed, because sometimes there is not the work available, what are the pay arrangements? Are they paid for the hours they work, or do they need to be paid for their agreed hours?

Answer: Permanent part-time employees should always be paid for their agreed hours. Part-time employees work regular hours each week, but fewer hours than full-time employees. They're usually given the same basic entitlements as full-time employees, based on the hours worked (pro rata).

Casual employees can be employed on an hourly or daily basis and don't usually get paid sick leave or annual leave. They generally get additional pay called a casual loading to make up for this.

[top](#)

Q&A – National minimum wage order

Question: What is a national minimum wage order?

Answer: The Minimum Wages Panel of Fair Work Australia make a national minimum wage order for employees not covered by an award or agreement. An employee cannot be paid less than the national minimum wage order.

The national minimum wage order must set the following wages for award or agreement-free employees:

- a national minimum wage
- a special national minimum wage for junior employees, apprentices and trainees, and employees with a disability
- a casual loading.

Q&A - Pay Rates Calculator

Question: Can I get help to work out what rates of pay I should be paying?

Answer: The [Pay Rates Calculator](#) helps you calculate base rates of pay and penalty rates in accordance with the model transitional provisions contained within most modern awards. The Pay Rates Calculator will also take into account any changes to pay and penalty rates resulting from Fair Work Australia's annual wage review. Employers should check that they are paying the correct rates from 1 July each year.


You will need to know all relevant information on entitlements from the modern award and the pre-modern award for the Pay Rates Calculator to calculate the employee's base rate of pay and penalties. Among other things, this will include:

- the employee's relevant modern award and pre-modern award classification
- information on any applicable industry allowance and/or all-purpose allowances
- detailed information on penalties prescribed by the modern and pre-modern award.

You will also need to know an employee's working hours to calculate penalty rates for a particular shift.

[top](#)

NSW IR What's New RSS

NSW Industrial Relations has amalgamated all of its RSS feeds into one "What's New?" feed. If you had subscribed to our old feeds, you will need to re-subscribe to our [new feed](#)  to be kept up to date with issues affecting your workplace.

[top](#)

Home building online guide

NSW IR, in partnership with the Fair Work Ombudsman, has produced a [Home Building online guide](#) to assist employers in the home building industry find out about the national workplace relations system, including information about the ten National Employment Standards and how to determine which modern award applies to their staff.

The guide also provides advice and access to tools and templates to help these business comply with Australia's national workplace laws and the specific requirements for employing staff in the home building industry.

[top](#)

New resources on modern awards

Employers are being encouraged to access new educational resources designed to assist them with the transition to Modern Awards.

The Fair Work Ombudsman has jointly developed the resources with some of Australia's leading employer organisations under its [Shared Industry Assistance Project \(SIAP\) grant program](#).

Resources available cover Modern Awards in the aged care, fast food, retail, pharmacy,

horticulture, pastoral, joinery and building trades, road transport, security, construction, hair and beauty, electrical, graphic arts, manufacturing, health, hospitality, clubs, cleaning and clerical industries. They include interpretive guides and tables, industry-specific help lines, fact sheets, handbooks and a range of other materials.

[top](#)

NSW IR Out and About

Free IR seminars - Fair Work for small business

NSW Industrial Relations, in partnership with the Fair Work Ombudsman, is conducting free 90 minute seminars to assist businesses, especially in retail, hair and beauty, cafes and restaurants, health services, pharmacies and accounting practices to understand how to operate under the new national workplace system.



You will find out:

- **what** leave your workers must receive under the National Employment Standards
- **how** to find out which modern award covers your workers
- **how** to work out the correct pay rate and entitlements they must receive
- **when** a worker can make a claim for unfair dismissal

If you would like to learn more about how you can ensure that your business is working within the rules - one of our free presentations can help.

Our planned sessions for the first half of the year are coming to a close.

Look out for the July – September [presentation schedule](#) which will be on the NSW IR website shortly.

[top](#)

Career Pathways Expos

During May 2011 NSW Industrial Relations staff participated in the Career Pathways Expo held at Auburn and the St George and Sutherland Employment and Training Expo.

The Expos aim to connect people who in recent years have settled in the Auburn, Western and Southern Sydney region from diverse backgrounds to employment opportunities.

Countries covering Afghanistan, India, China, Turkey, Burma, Burundi, Ethiopia, Eritrea, Iraq, Iran, Liberia, Sierra Leone, Somalia, Sri Lanka and the Sudan were represented at the expos, where information on starting a job and workplace rights and responsibilities was distributed.

[top](#)

MicroBiz week

NSW Industrial Relations delivered dedicated workshops for solo operators, home-based

entrepreneurs and micro business people during the 6th annual **MicroBiz week** held between 30 May and 3 June 2011. The sessions focussed on assisting business owners with less than 20 employees with practical information about the national workplace relations system.

[top](#)

Questions or comments?

Please continue to email the [editor](#) with questions or comments.

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