



FAIR WORK  
AUSTRALIA

## DECISION

*Fair Work Act 2009*

s.210 - Application for approval of a variation of an enterprise agreement

### **Community Support Incorporated**

(AG2010/17569)

### **COMMUNITY SUPPORT INCORPORATED & SA IN HOME CARE PERSONAL SUPPORT WORKER & SERVICE COORDINATOR ENTERPRISE AGREEMENT 2009**

Health and welfare services

COMMISSIONER HAMPTON

ADELAIDE, 29 NOVEMBER 2010

*Application for approval of the Variation of the Community Support Incorporated & SA In Home Care Personal Support Worker & Service Coordinator Enterprise Agreement 2009 .*

[1] An application has been made for approval of a variation to an enterprise agreement known as the *Community Support Incorporated & SA In Home Care Personal Support Worker & Service Coordinator Enterprise Agreement 2009* (the Agreement). The application was made pursuant to s.210 of the *Fair Work Act 2009* (the Act). It has been made by Community Support Incorporated. The agreement is a single enterprise agreement.

[2] On 28 October 2010 I conducted a conference of the parties and sought clarification about a number of issues. The employer subsequently provided further clarification of the parties' intentions and proposed a series of formal written undertakings; the relevant parts are set out below:

The employer undertakes **THAT**:

1. The proposed variation to clause 3.4.2 of the Enterprise Agreement will only be applied to employees who are engaged as in-home carers.
2. Community Support and SA In Home Care will use their best endeavours to offer the maximum amount of available work to its in-home carers who are engaged on a casual basis.
3. The casual loading prescribed by clause 3.4.3 of the enterprise agreement will be increased to 22% with effect from 1 July 2011 and to 23% with effect from 1 July 2012.
4. If the casual rates of pay prescribed by Schedule 1 and clause 3.4.3 of the Enterprise Agreement fall below the casual rates of pay prescribed by the Social, Community Home Care and Disability Services Industry Award 2010 for any employee, Community Support Incorporated and SA In Home Care Incorporated will pay the affected employee(s) the higher Award casual rate.

5. Community Support and SA In Home Care will use their best endeavours to avoid requiring employees to work on Sundays, and will only roster Sunday work where it is necessary having regard to the needs of the clients.

[3] I have accepted these undertakings pursuant to s.213 of the Act. As a result, the above undertakings are taken to be a term of the Agreement as varied.

[4] I am satisfied that each of the requirements of ss.210 and 211 as relevant to this application for approval have been met.

[5] The variation to the Agreement is approved and will operate on and from 29 November 2010.



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