

# HISTORIC AGREEMENT ON EQUAL PAY



PHOTOGRAPH BY JACK CARNEGIE

The ASU has struck an historic agreement with the Federal Government for a National Equal Pay case for all Australian SACS workers including those in the ACT. The Agreement acknowledges the historic nature of the SACS Queensland decision and the desire of the ASU to achieve this outcome nationally.

# Terms of the Agreement

## Federal Government Support

The ASU has secured the support of the Federal Government in conducting a single equal pay case for all Australian SACS workers. The Australian Government will intervene in the case in support of the legal principles on which the case is to be argued – Equal Pay – and will assist in presenting evidence about the workforce issues that are faced by the industry.

## Hearings and Implementation of Case Outcomes

The hearings for the Equal Pay case will commence next year.

If there are significant wage increases, like those awarded in Queensland (between 18% and 42%) they will be phased in over five years.

During this phase-in, your wages will continue to be indexed by Living Wage increases to protect the value of your wage, that is, an equal pay increase plus living wage increase.

## Protection of Current Conditions

Any potentially negative impacts of award modernisation have been resolved. Everyone will keep all of their current conditions that relate to pay until after the Equal Pay case. (Go to [www.asumembers.org.au/equalpay](http://www.asumembers.org.au/equalpay) to see how this works).

For those covered by the SACS or CASH Award or by an Enterprise Agreement, all existing terms and conditions of employment are retained.

## Further Information

All contracts for service delivery with the Australian, NSW and ACT governments will contain a requirement that an employer must have in place a mechanism that allows workplace disputes to ultimately be settled by arbitration via Fair Work Australia.

The Fair Work Ombudsman will develop a Best Practice Guide for the SACS industry in relation to unfair dismissals which will take into account the particular needs of the sector.

# Making your Workplace “Equal Pay ready”: The Basics

## ACT Background

The ACT SACS Award has been under attack since 2001 when the Howard government began “stripping back” awards.

### The Howard years:

- Stripped the Award of conditions such as the requirement of the employer to consult employees when they introduce change.
- Froze the rates of pay for grade 5,6 and 7 at 2002 rates.
- Removed a number of other conditions.

Since 2007 the ASU has been progressively moving staff to the new ACT SACS MEA. The MEA restores all of the lost conditions and provides for fair pay increases each year. While the new modern Award will restore some of these lost conditions it is still inferior to the provisions that have historically been available in the ACT and accordingly it's important that the MEA process continue and indeed be accelerated.

**ATTEND THE ACT INFORMATION FORUM**

**26.11.09 10.00am – 12.00pm**

**Woden Community Services, 26 Corinna Street, Woden, ACT**

## The Modern Award – where does it fit?

Believe it or not, there are 47 different SACS Awards across the country. These are being brought together into one award for the first time as we create the National SACS Industry Award. For many, like those in SA the new modern award will bring improved wages and conditions. However for workers in the ACT, where our Awards have been in advance of others, some of our conditions will be changed by the new modern award.

If you are under the SACS ACT Award or the CASH Award, then under the Agreement that the ASU has with the Australian government your pay related conditions of employment will be fully protected until any Equal Pay Decision is made. However your other conditions like parental leave and sick leave will convert to the standards in the Modern Award and the National Employment Standards (NES) from 1st January.

A full list of your protected conditions can be found at [www.asumembers.org.au/equalpay](http://www.asumembers.org.au/equalpay)

Alternatively, you can keep all of your current conditions by becoming part of the SACS ACT MEA.

## The Equal Pay Case- how will it work?

The ASU expects to lodge its application for an Equal Pay case by the end of this year and hopes that the case will be heard by mid to late next year. This will be the first ever Equal Pay case under the new Fair Work Australia arrangements and will be a watershed for the rights of women at work across Australia.

Under the new Fair Work Laws, Fair Work Australia (FWA) will conduct a hearing into Equal Pay in the social and community services industry. There will be many days of hearing and many witnesses, but this time, unlike any other time in our history, we will be there with the support of government and of employers.

Once FWA makes a decision on our Equal Pay case it will issue an Equal Pay order. This order will override all awards and agreements. In addition, under the agreement the ASU has with the Australian Government, not only will the new rates of pay be phased in, but, as they are phased in you will continue to receive Living Wages increases in addition to your equal pay increases.

# Time to make your workplaces “Equal Pay Ready” – Three steps to “Equal Pay”

## Step 1: Under What Award or Agreement am I currently employed?

Firstly you need to work out what your current conditions of employment are. You will be covered by one of the following:

- The SACS ACT MEA
- The ACT SACS Award or CASH Award, or
- An enterprise agreement.

You need to be certain you know which of these instruments covers your employment.

If you have any queries about which of these industrial instruments covers your employment call the ASU on 1300 784 278.

## Step 2: Protecting your current conditions

### FOR THOSE COVERED BY EITHER AN ENTERPRISE AGREEMENT OR THE ACT SACS MEA

- Your agreement will continue to operate even after it expires or even if it has already expired.
- There is no need for you to do anything to be “Equal Pay Ready”.
- When an Equal Pay order is made it will override your Agreement.
- If you need to negotiate a pay increase before a decision is made in the Equal Pay case then you will need to contact your ASU organiser on 1300 784 278.

## FOR THOSE COVERED BY THE ACT SACS AWARD OR CASH AWARD

- The provisions of the ACT SACS Award that relate to rates of pay (rates of pay, penalty rates, overtime, allowances etc) will be extended and continue to operate until the Equal Pay case is determined.
- The Provisions of the ACT SACS Award that relate to non-payment matters, issues like parental leave and sick leave, will be determined by the new Modern SACS Award and the National Employment Standards and will become operative from the 1st of January 2010.
- Between now and when any equal pay decision is made your ACT SACS or CASH Award rates will continue to be adjusted by any living wage increases granted by FWA.
- However, whilst your wages and related conditions are protected, if you want to keep all of your current conditions you need to act NOW to avoid moving to the modern award. You need to join the ACT SACS MEA.
- The ASU will continue to roll out its MEA both in 2009 and in 2010. This is part of a long term strategy to protect your wages and conditions. It's imperative that every workplace be involved in this process – if you do this you will retain ALL of your current conditions and not be impacted by the Modern Award

The ASU advises:

**If you want to protect all of your current conditions it is essential that you need to make an enterprise agreement for your workplace as soon as possible – you need to join the ACT SACS MEA. This will make you “Equal Pay Ready” and protect you from any changes to your conditions of employment that come from the Modern Award.**

**If you are already covered by an agreement then your agreement will continue to operate and when a decision is made on the equal pay case the new rates of pay will over-ride your agreement**

**In summary, You need to act NOW to protect all of your current conditions by joining the MEA – go to [www.asumember.org.au/mea](http://www.asumember.org.au/mea)**

**What do we do if our employer wants to bargain or if we want to bargain?**

If you are covered by the ACT SACS Award, the very best thing to do is join the ACT SACS MEA.

For further advice contact the ASU office on 1300 784 278.

## Step 3: You are now “Equal Pay Ready”

### IT'S TIME TO START CAMPAIGNING FOR FUNDING.

- Now that you are “Equal Pay Ready”, it's time to start the real Campaign.
- Remember this is an agreement about HOW we get Equal Pay not an agreement that gives us Equal Pay.
- Now we have to get governments to make a very simple commitment.
- We need the Chief Minister and the Deputy Prime Minister to make the following commitment:

***“That the Government agrees to fund the outcome of the ASU Equal Pay case and not to cut services.”***

- It's time to join the new National SACS Campaign for Equal pay.
- The ASU has established a National SACS Coordinating Committee to coordinate its National Campaign for funding for Equal Pay.
- From December 09 our Campaign will become part of ONE, UNITED NATIONAL CAMPAIGN.
- We are campaigning for FUNDING for Equal Pay.
- In the coming weeks members will receive details about how they can connect to and participate in the national campaign.