

Fair Work Australia visits our workplaces

Full bench sees SACS workers in action.



As part of the Equal Pay case hearing, Fair Work Australia, the ASU and employer organisations have been visiting SACS workplaces. The visitors saw for themselves the important and complex work performed by our members.

Story page 4

WARNING SALARY PACKAGING RIP OFF BEWARE

Do you salary package?

Did you know that Salary packaging is meant to be a benefit to employees, not to employers?

Did you know that some employers are ripping their staff off and profiting from salary packing?

DON'T BE RIPPED OFF!

Read the story on page 8. And if you think you are being ripped off then call the ASU on 02 93104000

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We welcome your letters and comments

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FROM THE SECRETARY

The ASU's Equal Pay Case is perhaps the most historic legal case for workers' rights in the last 20 years. It is certainly the most important case for the rights of women workers and, if successful, will see the community sector revolutionised, as we reach our goal of no longer being the poor cousin of the public sector.



This is a massive task and there are many hurdles in front of us. Some of the largest employer groups in the country are opposing our case. This opposition comes for different reasons. The Australian Industry Group (AIG), whose CEO is Heather Ridout, is opposing our case even though they do not represent employers in our industry. They argue that Fair Work Australia should not change the way they have approached equal pay cases for the last 20 years. Every case in the last 20 years has failed. No wonder they want no change!

The AIG says that the lower wages of community sector workers should be fixed by enterprise bargaining. This is just laughable, as it shows that this organisation has no idea about our industry and the fact that our employers do not control the purse strings and are dependent on government funding. This means that workers and employers have no option to bargain for better wages. Such solutions would condemn us to low pay forever.

Mission Australia made a submission which argues against Fair Work Australia determining the wages we are asking for, even if the government fully commits to funding them. Mission Australia goes through detailed case studies of how many clients would suffer should the pay rise be awarded and Government funding not be forthcoming. Every single employer in the industry could have put in such a submission! Trying to frighten people with unknowns and "worst case scenarios" only gives people reasons not to award us better wages.

We must remember this – before 2010, not once in our whole history has any government ever committed to fully funding the outcomes of award wage increases prior to the outcome of case being known. For nearly thirty years governments of all persuasions have intervened to oppose pay increases! Because we have built a stronger union, governments over the last ten years have stayed neutral. In 2010, for the first time, the Victorian and Queensland Governments have committed to funding the outcome. If throughout our history we had not campaigned for better wages because governments would not commitment to funding them, we would have never improved pay rates and our sector would not be the size it is today. These employers should hang their heads in shame for standing in the way of SACS workers and equal pay.



THE EQUAL PAY CASE: Why are we waiting?

The Equal Pay Case timelines have been extended, but this is not time for us to simply wait! Making history takes time, and ASU members are intensely aware of this, with delays in our Equal Pay Case set to push any outcome out to March or April next year.

This year's federal election result, or lack thereof, saw us remain in Caretaker mode for 17 days longer than anticipated. From the calling of a federal election campaign until the outcome is decided, the government is unable to make any substantial decisions – like file their submissions in our case.

With the government now decided new dates have been set. The Federal Government, The ACTU and other supporting parties now have until November 5 to file their submissions. Parties who have arguments against the case will then have until December 3 to file their material. The Unions then have

another two weeks to make submissions of evidence and material to be used in the case.

Hearings dates have been set aside for January and February of next year.

The submissions in the case make for great reading. The ASU and other unions have filed thousands of pages of witness statements from workers across the spectrum of our industry. They are snap shots of our incredible work and the impact we have in our communities. Unfortunately, there are already a couple of submissions that are less than supportive – and they are worth a read too (see especially *AIG* http://www.fwa.gov.au/sites/remuneration/submissions/AiGroup_Submission.pdf and *Mission Australia*). The ASU anticipates that AFEI (Employer's First), who are yet to make submissions, are not likely to make favourable ones either. Given their track record of attacks on us, our work and our industry, we can anticipate a vitriolic rave in their submissions on December 3.

Fair Work Australia

The Equal Pay Case commenced on 6 September with a series of workplace inspections around Australia. We wanted to bring to life the valuable and complex work described by our members in the forty worker witness statements, which have been lodged with Fair Work Australia in support of the case.

The inspections were attended by all five members of the Full Bench hearing the case, as well as the ASU legal team, Commonwealth and State Government representatives and employer organisations.

This was the first occasion that many of these people had set foot inside a SACS organisation, so it was a real opportunity to showcase members' work.

The first week of workplace inspections took place in Melbourne, regional Victoria and Adelaide. We visited Brisbane, Wollongong and Sydney the following week.

The New South Wales inspections kicked off in Wollongong at Southern Youth and Family Services (SYFS). SYFS supports and cares for vulnerable, disadvantaged and homeless young people (aged twelve years to twenty-four years) or young people who are at



visits workplaces

risk of disadvantage and homelessness. SYFS also supports the families of these young people, provides accommodation, counselling, mediation and support

The following day, we visited Spyns Inc. at Penrith then Bridges at Blacktown.

The skills in SACS work have not always been appreciated or understood outside of the industry, resulting in the work being undervalued and underpaid. We are hoping to change all this through our Equal Pay Case.

Spyns provides youth, Aboriginal, child and family and community projects from six locations in neighbourhood centres across Penrith. We started the inspection at the new Koolyangarra Aboriginal Family Centre at Cranebrook, which provides health, parenting and counselling services under the one roof to local Aboriginal Families.

We then went to the Cranebrook Community Garden in the heart of the Cranebrook Housing Estate, then Cranebrook Neighbourhood Centre, where we observed Koori Kuppa Time, – a women's group which meets every Wednesday morning and discusses a variety of topics and conducts activities. The Cranebrook Neighbourhood Centre provides many programs including The Breakfast Club, which runs every school day from the Centre. The program has been very successful - increasing school attendance, enhancing learning ability and

concentration levels for the 35 children from High School and Primary School who attend daily.

In the afternoon, we visited Bridges in the Blacktown Local Government Area. The Bridges Counsellors explained to us the challenges involved in working with people affected by alcohol and other drug use.

On the final day of the inspections, we visited the NSW Rape Crisis Centre and Disability Services Australia.

The NSW Rape Crisis Centre has been providing services to survivors of sexual assault for more than thirty years. The Centre's Executive Director provided an insightful and sometime harrowing account into the crisis counselling services provided to clients.

She spoke of the 12 year old girl who contacted the Centre through its online counselling service at 4pm on a Friday afternoon. She told the counsellor she was to be picked up at 5pm for a weekend visit with her non-custodial parent and that last time 'things happened'. She said that she hated it and was very scared. Counsellors were able to activate emergency response and intervene before further violence occurred.

The Centre received a call from a 71 year old woman whose doctor had told her she had terminal cancer and to go home and arrange her affairs. One of the affairs was to ring the Centre and ask if it was okay and if we had time could she tell the Centre what her father had done to her from when she was 8 to 14 years, as she wanted it on record somewhere before she died.

Many calls are from supporters. Like the Dad whose beautiful daughter has just told him the most awful story of her life. He will tell Counsellors of his plans to make sure that 'so and so' never does such a thing again. Counsellors may then suggest that perhaps by telling her story what his daughter was really looking for is a great big set of Daddy arms wrapped

around her, telling her that he loves her and is on her side and will support her through this.

We then visited various sites of Disability Services Australia including two day programs at East Hills and Bankstown and shared support accommodation at Belmore. We observed how workers at the Day Programs support each client to reach their potential, to reach their personal goals and aspirations, to be as independent as possible and to exercise the greatest level of self determination.

Workers in shared support accommodation help clients to gain and maintain daily living skills, maintain a home and possessions, manage personal and shared budgets, access day time activities, develop relationships in the community, maintain relationships with family and friends, and live healthy active lives. We were fortunate to be able to visit clients in their home at Belmore and to meet the workers who provide 24 hour support to these clients.

The workplace inspections gave all those involved a really good insight into the work of SACS members. It was clear that the work requires a variety of well-developed skills and attributes ranging from communication, negotiation and networking skills, through to financial and business management skills. We saw many members doing amazing and effective work with clients who have multiple needs and in situations which may involve conflict, anxiety and stress for both clients and workers alike.

The skills in SACS work have not always been appreciated or understood outside of the industry, resulting in the work being undervalued and underpaid. We are hoping to change this through our Equal Pay Case. The inspections were the first stage of the hearing of the Equal Pay Case and will be used by the ASU in support of our arguments about the proper value of SACS work.

SHOW US THE MONEY!!



READY, SET, GO! Key Dates in the Equal Pay Campaign in 2011

Get Ready...

With the equal pay test case decision expected some time after April next year it's vital that we are ready to ramp up our campaign for the full funding of the outcome. It's expected that we'll have to continue to fight to ensure that what is won in the courts makes its way to our pay packets fairly and in full!

In **March 2011** Important area-by-area meetings will be held across NSW and the ACT and all workplaces need to ensure they are represented at the meeting, to do their bit in the planning of the campaign actions. At this meeting area-by-area delegates will be elected to represent members at the Inaugural Delegate Council Meeting.

Get Set...

To be ready to take action we need to be organised and strategic. A Delegate Council meeting will be held in Sydney in **April 2011** to ensure that we are able to coordinate actions. The next national day of action has to be even bigger and better than the last of June 10, 2010 if we are to make governments fully fund the outcome of our case.

Go!

In **May 2011** – it is anticipated that we'll have to have a National Day of Action – We want pay increases won in the case to begin to come into effect in **July 2011**. We have to make governments pay up. In May it's crunch time for governments to show us the money and for us to show them that we demand it.



PAY UP CAMPAIGN

Feds must pay up

Despite giving 'in principle support' and bearing the brunt of our Pay Up – No more Lip Service to Equal Pay campaign, the federal government is yet to commit to fully funding their share of the outcome of our case. While the court battle rages on, it's vital that we all stay active and engaged in our funding campaign. No matter when the case is heard, or how well it goes, nothing is inevitable and Fair Work will not fund the outcome of our case. That's up to governments and we have to get and stay active to make it happen.

WHAT CAN YOU DO NOW?

- Have a Union meeting in your workplace and invite non-members to join to be a part of the meeting and the campaign.
- Elect a workplace rep and let the Union office know who that person is.
- Talk up the campaign at work and in your networks and communities.
- Get actively involved by making sure you have a rep, that you come to the March meetings, and that you are ready to take it to the streets when we have to!
- Call the Union Office if you want any assistance in getting your workplace Active, Strong and United in the fight for equal pay.

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THE NSW SACS AWARD IS ABOUT TO CHANGE

From January 1st 2011 all staff in NSW will be covered by the new SACS Modern Award. Under the new Modern Award all of your pay, penalty rates, and classifications arrangements will remain the SAME as they currently are under the NSW SACS Award, but some of your other conditions will change.

As members will be aware the SACS Industry was transferred to the National Industrial System on the 1st of January 2010, under the new Fair Work arrangements. As part of this change a number of things have occurred:

- All State Awards for SACS are slowly being phased out
- A new National Modern Award has been made for the SACS Industry
- The ASU has filed a case for Equal Pay in Fair Work Australia

So, from the 1st of January 2011 you will now be under the National SACS Modern Award. In the coming weeks the ASU will send each of you a brochure that sets out what's different under the new Modern Award. In the meantime you can update yourself by going to www.asumembers.org.au

Remember: Your wages, penalty rates and classification arrangements DO NOT change under the new Modern Award.

House with more union members

Over the last few months, ASU organisers have been visiting House With No Steps (HWNS) workplaces across the State; talking to employees about what is important to them in their place of work and in their job. Organisers and employees have been meeting one on one; discussing the different aspects of their jobs, what is important to them and what aspects of their job they'd like to see changed.

This has been a great opportunity for employees of HWNS to have their say and get involved. For many, this was the first time they'd met with the Union, so it was great to have conversations with them and see what their issues are. It was also a good opportunity to get the message across on why it's important to belong to the union!

Talking to HWNS employees about the Modern Award, the Equal Pay Case and workplace based issues has been very productive and we will continue to meet over the coming weeks. We've seen many HWNS employees join the Union and many are enjoying getting involved in both industry and local issues affecting their work.

One of the main issues identified with staff was about Salary Packaging, and HWNS not passing on the full package benefit to employees. The Union is currently talking to members and building a plan to deal with this and we would like to hear from members if you feel you have been short-changed. Please contact Jocelyn on 9310 4000 or email jocelyn@asu.org.au.

Are you interested in environmental issues?

Want to become more active around climate change?

A group of ASU members have formed an environmental network.

To join email Emily:
emily@asu.org.au



FACT SHEET 7: PARENTAL LEAVE

After decades of fighting to improve women's rights at work, Australia's first national Paid Parental Leave scheme will start from 1 January 2011. This is a big step forward for working women and families. The scheme will provide eligible working parents with 18 weeks of Paid Parental Leave at the National Minimum Wage. Below is the ASU guide to navigating this new legislation.

The Paid Parental Leave Scheme is designed to provide working parents with the opportunity to take time off work to care for their newborn child or to care for a recently adopted child.

The Scheme will be fully funded by the Government and will provide eligible parents with 18 weeks of Paid Parental Leave at the National Minimum Wage, which is currently set at \$570 per week before tax.

It is important that new parents know that they are responsible for lodging an application for Paid Parental Leave, so if there are still questions or concerns, it is important to remember to call the Union office on (02) 9310 4000.

Who is eligible?

To be entitled to claim Parental Leave Pay (PLP), the parent must:

- be the child's primary carer
- be an Australian resident
- have an Adjusted Taxable Income of \$150,000 or less for the financial year prior to the date of birth, adoption or date of claim
- not have claimed the Baby Bonus for the child
- have passed the Work Test and have worked continuously for a period spanning at least 295 days (i.e. approximately 10 months) and performed at least 330 hours of work within the work test period of 392 days (around 13 months).

Parents do not need to be working full-time to be eligible for Parental Leave Pay. They may meet the work test even if they:

- are a part-time, casual or seasonal worker
- are a contractor or self-employed
- work in a family business or on a farm
- have multiple employers, or
- have recently changed jobs.

Parents are also able to share the Paid Parental Leave entitlement, as long as they still meet the eligibility criteria.

Organising leave from employers

Additionally, the primary carer is expected to have taken leave from their workplace, or made other arrangements to not engage in paid work from the birth of the baby or adoption of the child to the end of the Paid Parental Leave period. It is important to organise leave from work, and parents should try to do this at least 10 weeks before they intend to take leave from work. If members have any

questions or concerns about how to do this, call the ASU Office on (02) 9310 4000.

Additionally, if parents have worked for 12 months or more for the same employer they are entitled to up to 12 months unpaid parental leave under the National Employment Standards. The Paid Parental Leave scheme provides parents with Parental Leave Pay but does not give an entitlement to leave.

What if parents decide to resign?

If parents decide to resign before or during their Paid Parental Leave period they can still be eligible for Parental Leave Pay, however they will need to notify the Family Assistance Office of their decision.

When are employers required to provide Parental Leave Pay?

Parental Leave Pay can be provided by either the employer in their usual pay cycle or by the Government in fortnightly payments.

From 1 July 2011, the employer must provide Parental Leave Pay if the parent has worked with them for 12 months or more prior to the expected date of birth or adoption and will be receiving at least 8 weeks of Parental Leave Pay.

However, if the employer is not required to provide Parental Leave Pay, they can still volunteer to provide it. Both the parent and their employer must agree for this to happen. This applies both before and after 1 July 2011. Employers will not be required to make compulsory superannuation contributions for the Parental Leave Pay they provided.

What if the employer already provides a paid maternity or parental leave scheme?

The Australian Government's Paid Parental Leave scheme is a new entitlement for working parents. This means that parents, regardless of whether their employer already offers paid parental or maternity leave arrangements, will be able to access the new Government scheme. Parents can take Parental Leave Pay before, after or at the same time as any paid or unpaid maternity or parental leave or other employer-funded leave entitlements (such as annual leave or long service leave).

If the employer currently provides an employer-funded scheme such as paid maternity or parental leave through an industrial agreement, they cannot withdraw the entitlement for the life of that agreement.

If employers do not provide additional parental leave arrangements, the new scheme does not prevent members from working with their Union to negotiate complementary provisions at their workplace.

Where do I go more information?

To find out more about the Paid Parental Leave scheme:

- call the Family Assistance Office on 13 6150, or
- visit the Family Assistance Office located in Medicare offices and Centrelink Customer Service Centres.

If you have questions relating to your workplace entitlements and obligations call the ASU Office on (02) 9310 4000.

ASU members tearing down barriers

Union membership is on the increase across Life Without Barriers (LWB) in NSW and the ACT, as members are starting to get organised to have an active strong and united voice in their working lives. LWB is a huge organisation, with the majority of staff working in disability and out-of-home-care for young people.

The ASU has recently been working with members on a number of issues including:

OH&S – Union Members stop workers sleeping on the floor!

A group of concerned Union members in the Illawarra recently discovered that workers had been sleeping on a mat on the floor in a group home. The bed that had been provided was stained, smelled of urine, and was riddled with bed bugs! Staff who were rostered on to do sleepovers had taken their concerns to management, but nothing had been done. When the Union members found out about this appalling situation, they asked their Union office for advice, and took the concerns formally to management. The bed has been replaced and workers are finally able to sleep in a decent bed.

All workers are entitled to safe and decent working conditions – if you have any concerns about OH&S in your workplace – contact your Union Office for advice.

We do it for love and money...

Recently a computer problem saw LWB staff paid late, with some staff incurring fees on their bank accounts, for defaults on credit card payments and other direct debits. Union members don't think this was fair, so we've asked that LWB cover any of these costs – and they have agreed. If this happened to you and you haven't been reimbursed contact the ASU.



A group of members is making a substantial back pay claim, because LWB had underpaid them for many years. The workers, with the Union office support, advice and representation are fighting for significant lump sum payments. If you have any concerns about your pay please contact us.

Rights at Work

More and more 'salaried staff' are making enquiries about their rights at work. Members are beginning to ask questions about things like hours of work, overtime, allowances and annual leave loading. If you are employed in this way and want more information contact Emily at the ASU. LWB has coined the phrases 'there is a community for everyone'. We say 'there is a Union for everyone too!' All Life Without Barriers staff, regardless of how they are employed, have a right to join the union. Please spread word to LWB workers in your networks.

ALL LIFE WITHOUT BARRIERS STAFF, REGARDLESS OF HOW THEY ARE EMPLOYED, HAVE A RIGHT TO JOIN THE UNION.

New LWB contact in the Union Office

With increases in membership comes increases in targeted resources for union members, in NSW and the ACT. Your organiser, Emily Mayo, has been made the key contact for all LWB members and matters. If you have questions, concerns or want to get more actively involved in the union contact: Emily emily@asu.org.au or (02) 9310 4000.

Fair Work Australia get First Aid Allowance wrong!

Fair Work Australia has changed the way the first aid allowance works in the SACS Modern Award. (Remember this Award only applies to a small number of organisations at this stage.) In what could be a comedy of errors if it were not so ridiculous, FWA has changed the way the first aid allowance works by saying that you are only to be paid the allowance where you are required to deliver first aid to co-workers!

Everyone knows that the first aid allowance has always been about paying staff who are required to deliver first aid to clients.

The ASU has lodged an appeal with FWA asking it to reconsider the matter. In the meantime members should be aware that if you are employed under the terms of the Modern Award you currently have no entitlement to a first aid allowance under that Award.

However, if you are employed in a Disability Service then your employer is required by the NSW government to have at least one person on each shift rostered on to provide first aid to clients, and has been funded to pay you.

If you are denied the allowance – call the ASU on 02 9310 4000

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