

13 December 2017

ADHC bulletin – Copied state award

ADHC Accommodation and Respite staff who have transferred or about to transfer to non-government organisations are covered by two awards. They are the:

1. Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009”. Download copy [HERE](#); and
2. Crown Employees Ageing, Disability and Home Care – Department of Human Services NSW (Community Living Award) 2015 (CLA). The CLA Reviewed Award is dated 17 November 2015. Download copy [HERE](#).

There is a variation to the CLA dated 30 August 2017 that reflects the PSA’s win at the Industrial Relations Commission. Download copy [HERE](#).

These Awards are known as “copied State Award” under Fair Work Amendment (Transfer of Business) Act 2012.

Operation of “copied State award”

The “copied State award” applies during the 2-year employment guarantee period from the date of transfer to a non-government organisation.

However, this does not mean that after the employment guarantee period, the awards will no longer apply.

Section 768AO of the Fair Work Amendment (Transfer of Business) Act 2012 states that the **default period** of a “copied State award” is 5 years.

It further states the copied State agreement will cease/terminate if an enterprise agreement is made that covers the employee and the new employer.

This simply means that if a new enterprise agreement is not made before or after the employment guarantee period of 2 years, then the copied State award can exist for a further period of 3 years.

Want to arrange for an Organiser to attend your team meeting?

Send your request to:

DisabilityCPSUNSW@psa.asn.au.

What can I do in the meantime?

You can support the work of the PSA/CPSU by asking your colleagues to [JOIN](#) their union.

Having your union and its collective strength behind you in the workplace is the only way to make sure you get fair outcomes.

