



# CATHOLIC ARCHDIOCESE OF MELBOURNE

## HUMAN RESOURCES OFFICE



<http://www.melbourne.catholic.org.au/policies/index.html>



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## MEMORANDUM

To: Heads of Agencies, Departments and Auspiced Bodies

From: Tom Carr, Human Resources Manager

Subject: **Common Rule Award declaration**  
**Conditions of employment for clerical and secretarial staff**

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The *Clerical and Administrative Employees, Victorian Common Rule Award 2005 (Award)* comes into effect on 1 January 2005 and will apply to employees undertaking clerical, and administrative work except those delegated the right to engage and terminate the employment of employees. It will apply to such clerical and secretarial staff employed in agencies, departments and auspiced bodies.

This is among the first of many Common Rule Award declarations, ie making existing Awards, in this case the Clerical and Administrative Employees (Victoria) Award 1999, applicable to all employees in a particular industry.

This declaration is likely to be the only one having general applicability across most agencies, departments and auspiced bodies. Other declarations are likely to affect specific agencies etc and if that is so, I will contact only those affected.

Preparatory work has been undertaken over the past twelve months in anticipation of the declaration of Common Rule Awards to make their introduction as equitable to employees and as seamless to employers as possible.

*The Catholic Archdiocese of Melbourne Conditions of Employment for non executive employees 2005 (Conditions)* issued on 3 September 2004 were drafted in anticipation of the declaration of Common Rule Awards. They offer superior terms and conditions to Award minimums in most instances. Where there is an Award, the *Conditions* constitute above award entitlements.

The *Award* stipulates the minimum terms and conditions that apply to employees, and these cannot be contracted out of simply by mutual agreement. Where they are at variance with or superior to other conditions applying, the *Award* provisions apply in each and every instance.

There are two major variations.

Penalty rates apply in certain circumstances as set out in the attached extract. Their impact may be minimal as the circumstances do not arise in many workplaces and my

advice is that you seek a time in lieu arrangement wherever possible and keep a record of the agreement.

Holiday leave loading is reintroduced and is to be paid on all leave taken after 31 January 2005 at the *Award* rate. Its impact will depend upon the choices clerical staff make or have already made. This is a matter effecting individual staff members rather than heads of agencies and I have written to all affected outlining their choices. The following is therefore provided as information. As advised by the Business Manager, last month, excess leave should be taken to minimise the effect of the unexpected retrospective application of leave loading on budgets.

Clerical staff who sign up to the *Conditions*, prior to 1 January 2005 will be paid holiday leave loading on all leave accrued after 1 January 2005 at their rate of pay at the time of taking the leave. A holiday leave loading on leave accrued prior to 1 January 2005, but taken after 31 January 2005, will be paid at the prevailing *Award* rate, which may be less than what the staff member is earning.

Clerical staff who sign up to the *Conditions*, after 1 January 2005 will be paid holiday leave loading on all leave accrued after their date of signing at their rate of pay at the time of taking the leave. A holiday leave loading on leave accrued prior to that date, but taken after 31 January 2005, will be paid at the prevailing *Award* rate. There will be no retrospective application.

Clerical staff not signed up to the *Conditions*, will be paid holiday leave loading on all leave taken after 31 January 2005, at the prevailing *Award* rate.

You need also to be aware that many non clerical staff will remain award free into the future and have no access to holiday leave loading unless they sign up to the *Conditions*.

The Australian Industrial Relations Commission offers a free subscription service to its Awards at <http://www.airc.gov.au/documents/subscriptions/subscriptions.html>. The Reference number for this *Award* is AW 773032.

This Office is available to provide advice on the above matters and any other matters relating to the *Award*.



Tom Carr  
Human Resources Manager

4 October 2004

## **21. HOURS OF WORK (OTHER THAN SHIFT WORKERS)**

### **21.1 Weekly hours of work- day workers**

**21.1.1** The ordinary hours of work for day workers are to be an average of 38 per week but not exceeding 152 hours in 28 days.

**21.1.2** The ordinary hours of work may be worked from 7.00 a.m. to 6.30 p.m. Monday to Friday and 7.00 a.m. to 12.30 noon Saturday. Provided that where an employee is employed in association with other classes of employees who work a five day week the days on which ordinary hours can be worked are Monday to Friday 7.00 a.m. to 6.30 p.m.

**21.1.3** Not more than ten hours exclusive of meal breaks (except if paid for at overtime rates) shall be worked in any one day.

### **21.2 Working ordinary hours on Saturday and Sunday**

**21.2.1** The days on which ordinary hours are worked may include Saturday (if not already provided for in 21.1.2 hereof) and Sunday subject to agreement between the employer and the majority of employees concerned. Agreement in this respect may also be reached between the employer and an individual employee.

**21.2.2** Where agreement is reached in accordance with this clause the minimum rate to be paid for a day worker for ordinary time worked between midnight on Friday and midnight on Saturday shall be time and a half.

**21.2.3** Where agreement is reached in accordance with this clause the minimum rate to be paid for a day worker for ordinary time worked between midnight on Saturday and midnight on Sunday shall be double time.

### **21.3 Altering spread of hours**

The ordinary hours of work are to be worked continuously, except for meal breaks, at the discretion of the employer in accordance with 21.1.2 hereof. The spread of hours (i.e. 7.00 a.m. to 6.30 p.m. Monday to Friday, and if appropriate, 7.00 a.m. to 12.30 noon Saturday) may be altered by up to one hour at either end of the spread, by agreement between an employer and the majority of employees concerned or in appropriate circumstances, between the employer and an individual employee.

## **23. OVERTIME (OTHER THAN SHIFT WORKERS)**

### **23.1 Payment for working overtime**

**23.1.1** Employees working overtime:

(a) within the hours fixed in clause 21 – Hours of work (other than shift workers), of this award but in excess of the hours fixed for an ordinary week's work; or

(b) outside the hours fixed in clause 21 – Hours of work (other than shift workers), of this award;

shall be paid time and a half for the first two hours and double time thereafter calculated on a daily basis.

**23.1.2** For the purposes of this clause hours fixed for an ordinary week's work shall mean the hours of work fixed in an establishment in accordance with the clause 21 – Hours of work (other than shift workers), of this award or varied in accordance with 21.1.2, 21.2.1 or 21.3 of this award.

**23.1.3** For the purposes of administering the provisions contained in this subclause, the minimum period for which an employee shall be paid overtime shall be one half hour per week.

**23.1.4** An employee who works 38 hours in a five-day week shall be paid a minimum of three hours at overtime rates for work performed on a Saturday, provided that such employee is ready, willing and available to work such overtime.

### **23.2 Payment for working Sundays and public holidays (other than shift workers)**

**23.2.1** All work done shall be paid for as follows:

- on a Sunday - double time.
- on a public holiday or a substituted day as provided in clause 33 – Public holidays of this award - all employees - double time and a half.

**23.2.2** Provided that an employee required to work on a Sunday or public holiday or substituted day as provided in clause 33 – Public holidays of this award shall be entitled to not less than four hours' pay at special rates provided the employee is available for work during such four hours.

### **23.5 Time off in lieu of overtime**

**23.4.1** An employee may elect, with the consent of the employer, to take time off in lieu of payment for overtime at a time or times agreed with the employer.

**23.5.2** Overtime taken as time off during ordinary time hours shall be taken at the ordinary time rate, that is an hour for each hour worked.

**23.5.3** An employer shall, if requested by an employee, provide payment, at the rate provided for the payment of overtime in the award, for any overtime worked under this subclause where such time has not been taken within four weeks of accrual.