

Schedule of Changes

Local Government (State) Award 2020

The following is a summary of the new and/or varied award provisions (Note: clause references relate to the clauses in the 2020 Award).

1. **Clause 4 [Definitions]** – The clause has been amended to remove the definition for “significant effects”. The definition for “significant effects” can now be found in Clause 41.
2. **Clause 7 [Salary System]** – Subclause (ix) has been amended to clarify that employees shall be advised of the “relevant skills and/or reasonably achievable performance objectives” required for progression to the next salary point or step.
3. **Clause 9 [Resourcing and Directing Employees]** – This is a new clause that has been inserted. Under this clause, employers are required to provide adequate staff and other resources to support the implementation of the employer’s community strategic plan and operational plan. Additionally, to that end the new clause provides that employers may direct employees to carry out such duties that are within the limits of their skill, competence and training.
4. **Clause 11 [Payment for Relief Duties/Work]** – Subclause (ii) has been varied to reflect that an employee on long service leave may be entitled to a higher rate of pay.
5. **Clause 12 [Payment of Employees]** – A note has been inserted outlining the legislative obligations, under section 129(1)(a) of the *Industrial Relations Act 1996* (NSW) and regulation 10 of the *Industrial Relations (General) Regulation 2015* (NSW), for an employer to keep daily records of the remuneration paid and the hours worked by employees.
6. **Subclause 16(xi)(j) [Camping Allowance]** – A new subclause has been inserted, requiring employers to provide an employee with a meal allowance if the employee works more than five (5) hours onsite on the final day of camping out and a meal has not been provided by the employer.
7. **Subclause 17B(i) [Leaseback Vehicles]** – This subclause has been amended to require an employer to establish that a leaseback vehicle was not provided as a condition of employment.

8. **Subclause 19A(iv) [Ordinary Hours]** – This subclause has been amended to facilitate the alteration of the spread of ordinary hours for the following functions:
 - Building Surveyors;
 - Engineering (Professional and Trainees);
 - Finance;
 - Health Surveyors;
 - Town Planning; and
 - General Administration.
9. **Subclause 19A(iv)(d) [Ordinary Hours]** - The subclause provides that employees employed prior to 1 July 2020 in the functions of Building Surveyors; Engineering (Professional and Trainees); Finance; Health Surveyors; Town Planning; and General Administration, cannot be compelled to work ordinary hours of work on Saturdays and/or Sundays.
10. **Subclause 19C(ii) [Shift Work]** – This subclause has been amended to extend the span of ordinary working hours for the following functions:
 - Childcare and community care (5:00am to 8:00pm);
 - Entertainment, Events, Theatres and Hospitality (5:00am to 11:00pm);
 - Media and communication (5:00am to 11:00pm); and
 - Museums and galleries (5:00am to 9:00pm).
11. **Subclause 19C(iii) [Shift Work]** – A new subclause has been inserted allowing employees employed prior to 1 July 2020 in the functions of Childcare and community care; Entertainment, Events, Theatres and Hospitality; Media and communication; Museums and galleries to retain the entitlement to a shift penalty in addition to their ordinary hourly rate of pay as it existed under the *Local Government (State) Award 2017*.
12. **Subclause 20C [On Call]** – Subclause (ii) has been amended to confirm the discretion of the employer to remove from an on-call roster employees who are unable to respond in a timely manner.
13. **Subclause 20C [On Call]** – Subclause (vi) has been amended to provide that on call employees will be paid overtime for the actual time worked, whereby the actual time worked shall be deemed to include travel time to and from the place of overtime work.
14. **Subclause 20C [On Call]** – Subclause (vii) has been inserted to facilitate an alternate arrangement for employees who resides outside of the employer’s local government area.
15. **Subclause 21(i) [Holidays]** – The subclause has been amended to include “Easter Sunday”.
16. **Subclause 22A(xii) [Sick Leave]** – A new subclause has been inserted, affording terminally ill employees employed after 15 February 1993, an

entitlement to request access to the employee's accrued sick leave until the leave is exhausted, the employee dies or the employee uses 48 weeks of accrued sick leave whichever occurs first.

17. **Subclause 22B(xii) [Carer's Leave]** – A new subclause has been inserted to afford employees with responsibilities for an assistance animal the use current or accrued sick leave entitlements, for absences where an assistance animal that is ill or injured requires veterinary care.
18. **Subclause 22D(v) [Annual Leave]** – A new subclause has been inserted to provide annual leave at full pay, half pay or double pay.
19. **Subclause 22D(vi) [Annual Leave]** – A new subclause has been inserted to provide for payment in lieu of annual leave.
20. **Subclause 22E(c) [Long Service Leave]** – A new subclause provides employees who have received a varying rate of pay for 6 months or more in the aggregate in the preceding 12 months to payment of the average weekly rate of pay over the 12 months immediately preceding on long service leave.
21. **Clause 27 [Casual Employment]** – Subclause (ii) has been inserted to allow casual employees engaged for a period in excess of 12 months to request that the employer review the nature of their engagement. This subclause also outlines the matters that have to be considered in the review of an employee's engagement. If a review determines that the position is more appropriately filled by a permanent employee, the casual employee may be invited to apply for a permanent position.
22. **Clause 29 [Labour Hire]** – Subclause (i) provides that labour hire staff employed by a labour hire business cannot be engaged on a permanent basis in work functions ordinarily filled by permanent employees of the employer. The subclause also requires employers to conduct annual reviews of the use of labour hire services.
23. **Clause 30 [Multiple Employment]** – This clause has been amended to provide that if the positions involve different duties or are in different work function areas, the second position shall (instead of may) for all purposes of the Award be regarded as a separate and distinct engagement.
24. **Clause 34(i) [Appointment and Promotion]** - Subclause (i) has been inserted and confirms that an employer may consider advertising a position internally if such an approach enables suitably qualified persons to apply for the position.
25. **Clause 35(ii) [Term Contracts]** – Subclause (ii) has been inserted and now obligates an employer to identify in the letter of offer / contract of employment offered to a prospective employee, and the position description (where appropriate), the relevant situation in subclause 35(i) that gives rise to employment pursuant to a fixed or maximum term contract.

26. **Clause 36(ii) [Grievance and Dispute Procedures]** – This subclause has been amended to incorporate workplace bullying.
27. **Subclause 36(v) [Grievance and Dispute Procedures]** – The subclause has been amended to provide that work practices that existed prior to a dispute may be temporarily adjusted to eliminate or control work, health and safety risks.
28. **Subclause 37C [Workplace Investigations]** – This subclause has been amended to add two more factors that the employer should consider when deciding whether to investigate possible unsatisfactory work performance or conduct.
29. **Clause 39 [Workplace Bullying]** – This is a new clause. Subclause (ii) of the new clause defines bullying and gives examples of behaviour that would be considered bullying. Subclause (iii) states that reasonable management action carried out in a reasonable manner shall not constitute bullying behaviour.
30. **Clause 41 [Workplace Change]** – This clause has been amended. Subclause (i) defines “significant effects”. Subclauses (ii) - (iv) outline the stages of implementing change in the workplace while subclause (v) deals with exceptional circumstances.
31. **Clause 44 [Area, Incidence and Duration]** – The clause is amended to reflect the increases in 2020 award rates of pay and allowances.
32. **Clause 45 [Leave Reserved]** – Subclause (ix) has been amended to allow the parties to apply to vary the annual leave provisions in the event that the *Annual Holidays Act 1944* (NSW) is amended.
33. **Clause 45 [Leave Reserved]** – Subclause (x) has been inserted to reserve leave for the parties to apply to vary the Award to reflect legislative changes concerning the registration of professional engineers.
34. **Clause 45 [Leave Reserved]** – Subclause (xi) has been inserted to notify employers that the parties have agreed to commence a thorough review of the following allowances within 12 months of the commencement of the Award and have leave reserved to apply to the Industrial Relations Commission of New South Wales during the life of the Award for a determination of the arrangements to apply in the next award to succeed this Award:
 - Level 1 Adverse Working Conditions Allowance – subclause 16(i) of the Award
 - Level 2 Adverse Working Conditions Allowance – subclause 16(ii) of the Award
 - Sewer Chokes – subclause 16(iii) of the Award
 - Septic Tanks – subclause 16(iv) of the Award
 - Sewerage Treatment Works – subclause 16(v) of the Award.