

What are your conditions of employment? Developments for transferred employees conditions

As a transferred employee you would be aware that your employment and conditions of employment were supposedly guaranteed for a specific period; for permanent and full time staff it was 2 years and if you were temporary or casual six months. Whilst, this is partially true, the *Fair Work Act 2009* (Cth) actually guarantees transferred employee's conditions of employment, that is the copied State award for longer than two years, it is for up to five years, or until terminated.

Casual and temporary staff in many of the providers have seen their conditions changed from the copied State award, being placed on enterprise agreements or modern awards. It is the CPSU NSW position this is in breach of the *Fair Work Act 2009* (Cth) as casual and temporary staff, though on contracts, are transferred employees, therefore are entitled to remain on the copied State award.

The CPSU NSW have recently written to all the providers who have placed casual and temporary transferred staff on conditions other than the copied State award, notifying them we believe they have breached the *Fair Work Act 2009* (Cth). Seeing as they have breached the legislation they are to comply with the legislation and put the transferred casual and temporary staff back on to the copied State award. In doing that, they are to also back pay those staff.

It is possible this could have an impact broader than just casual and temporary staff. This could also apply to Part – time staff who have increased hours and been forced on to alternative conditions.

The CPSU NSW are waiting for the responses from your employers. We will keep members updated on the progress of this matter

If you are a transferred employee and would like to discuss this issue you can contact 1300 772 679 or disabilityCPSUNSW@psa.asn.au.

