

## Enterprise Agreement approval process

Following the successful ballot for the proposed *Benevolent Society Enterprise Agreement*, the Fair Work Commission must now provide its approval prior to it becoming effective. Part of the Commission's approval process is to compare a proposed agreement with the relevant underlying modern award. This is to ensure that the proposal is at least as favourable as that award and is known as the 'Better Off Overall Test' (BOOT).

The Commission has raised a number of concerns as part of this process and, as a result, The Benevolent Society has provided undertakings to address these concerns.

These undertakings include:

- various allowances will increase at a rate of three per cent per annum
- clarification that casual loading will apply to both ordinary rates AND public holiday rates
- double time will be paid where an employee has not received 10 hours break between shifts (rather than standard overtime)
- minimum two hours pay for an employee recalled to work (rather than 30 minutes)
- work conducted outside of the span of hours (6:00am-8:00pm) shall be paid at overtime rates,
- in circumstances where TOIL is not taken within three months, it will be paid at the overtime rate applicable to the actual time worked (this represents an increase in some circumstances over the existing provisions of the agreement).

From this point, the Commission will now evaluate these undertakings and proceed with the remainder of the approval process. The time taken can be unpredictable and we will keep members updated of progress.

If you have concerns about any of the above, please contact the CPSU NSW.

**Know a non-member? Ask them to join the CPSU NSW at [www.cpsunsw.org.au/join](http://www.cpsunsw.org.au/join).**

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