

1. Delete Clause 24.7 of the Exposure Draft (September 2009): Social, Community, Home Care and Disability Services Industry Award 2010 and insert in lieu thereof the following:

24.7 Sleepovers

(a) Sleepover means a continuous period of eight hours during which an employee is required to sleep at the workplace and be available to deal with any urgent situation which cannot be dealt with by another employee or be dealt with after the end of the sleepover period.

(b) The employer shall take all reasonable steps to enable the employee to sleep on the premises including the provision of a bed with privacy. Access to a bathroom, toilet and a meal room shall be provided free of charge to the employee.

(c) An employee shall only sleep over under the following conditions:

(i) There is an agreement between the employee and the employer with at least one week's notice in advance, except in the case of an emergency; and

(ii) a sleepover shall always consist of eight continuous hours.

(d) The sleepover allowance is equivalent to three hours payment at the employee's ordinary rate of pay. Such payment is compensation for the sleepover and for all necessary work up to two hours duration during the sleepover period. Any necessary work in excess of two hours during the sleepover period shall be compensated at overtime rates in addition to the sleepover allowance.

When calculating the appropriate shift penalty, pursuant to Clause 28 - Shift Work, the hours worked prior to the sleepover shall be treated separately to the hours worked after the sleepover.

(e) An employee on a sleepover shall not be required to work more than eight hours before, and/or more than eight hours after a sleepover, unless provision has been made at a workplace to work longer hours for the purpose of providing more continuous leisure time within the roster and this arrangement has the genuine agreement of the employees affected.

(f) Where such an arrangement as outlined in sub-clause (e) above is entered into the employer must ensure that the arrangement does not adversely affect the health and safety of the employee(s) involved.