



## Local Government News

AUSTRALIAN SERVICES UNION  
South Australia and Northern Territory Branch

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August 2009

# YOUR PENALTY RATES URGENT ISSUE FOR LOCAL GOVERNMENT STAFF

## Should you get paid penalty rates whilst on sick leave?

***The following currently relates to the situation at City of Charles Sturt however it potentially has significant consequences for Local Government employees across the state.***

The City of Charles Sturt has traditionally paid sick leave at the rate of pay the employee would have received had they attended work. This means if they are sick on a Saturday or Sunday when they have been rostered to work, they receive the 'full' pay, ie the pay they would have received had they not got sick.

### **Your ASU believes this is what your Award requires.**

The City of Charles Sturt has recently indicated that they believe they are required to pay only the 'ordinary' rate of pay, ie employees will receive pay for the rostered day but not at the penalty rate. This is despite your Award clearly stating that "An employee, who is absent from duty on account of personal sickness or injury other than an injury for which worker's compensation is payable, shall be entitled to leave **with full pay** [our emphasis] to the extent of two weeks per annum."

Surely, 'full pay' means what you would have received in your pay packet had you attended work?

Your ASU will strongly defend any attempt by the City of Charles Sturt to remove the penalty rates. In the first instance it is likely this will involve an Industrial Relations Court ruling on what 'full pay' means. Should this occur and the Court find that 'full pay' does mean something less than what an employee would earn had they attended work – which we believe is highly unlikely – this will not be the end of the matter. Rather, there will need to be a further case conducted on the issue of whether Charles Sturt can unilaterally change the employment conditions to the detriment of their staff.

### **Your ASU is extremely disappointed that the City of Charles Sturt is seeking to reduce sick pay for employees.**

Your ASU will vigorously defend any and all actions that the City of Charles Sturt may initiate that will impact adversely on members.

We need to understand the current situation right across Local Government. Please give us your support by responding to the questions on the rear of this newsletter. If you would like further information, please speak with your ASU Workplace Representative or Organiser.

### **Please fill in and fax back the questions overleaf.**

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# Should you get paid penalty rates whilst on sick leave?

**Please complete:**

**Do you receive sick leave pay that includes penalty rates when your sick leave occurs during periods that would normally attract penalty rates?**

*(tick one)*

Yes       No       Unsure

**What do you think? If you are on sick leave should you get 'full pay' or a lesser amount of pay than you would have received had you attended work?  
Please give us your thoughts.**


**Any other comment?**


**Name:**

**Employer**

Please fax your sheet to the ASU office on **8363 2225**  
or hand it to your ASU Workplace Representative.

**Please encourage other workers who are not yet ASU members to join your Union and support the positive resolution of this issue for Local Government workers.**

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