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## New APS Award means change for SES employees

On 14 May 2015, a new modern enterprise award for the Australian Public Service commenced. The new [Australian Public Service Enterprise Award 2015](#) replaces the previous Australian Public Service Award 1998.

Unlike the previous award, the Australian Public Service Enterprise Award 2015 does not cover SES employees. This has a number of consequences for SES employees, including that:

- SES employees are no longer protected from unfair dismissal under Part 3-2 of the *Fair Work Act 2009* (unless they are covered by another award or enterprise agreement).
- SES employees are now free to enter into agreements to cash out annual leave in accordance with s 94 of the *Fair Work Act 2009*.
- SES employees can now be directed to take annual leave, provided the direction is reasonable (s 94(5) of the *Fair Work Act 2009*).
- SES employees are now free to enter into averaging arrangements for their hours of work in accordance with s 64 of the *Fair Work Act 2009*.

### SES employees continue to have a range of other protections under the *Fair Work Act 2009*

While SES employees will usually no longer be protected from unfair dismissal under Part 3-2 of the *Fair Work Act 2009*, they will continue to have protection from unlawful termination and other forms of unlawful adverse action under the General Protections in Part 3-1 of the *Fair Work Act 2009*.

Text of the award is available at: [www.fwc.gov.au](http://www.fwc.gov.au)

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