

The Hospitality Industry (General) Award—plain language exposure draft was last published on 29 March 2019. Changes since that date are as follows:

Publication date	Amendments	Clauses affected
29 March 2019	Clause 1—Title and commencement updated in accordance with [2015] FWCFB 4658 at [4] and [2015] FWCFB 6656 at [74]	1.3
	Clause 2—Definitions updated in accordance with [2017] FWCFB 3433 at [339]	2
	Clause 6A—Requests for flexible working arrangements inserted in accordance with PR701401	6A
	Clause 11—Casual employment updated in accordance with [2018] FWCFB 6711	11.2, 11.5
	Clause 16—Breaks updated in accordance with [2018] FWCFB 6711	16.2, 16.6
	Note inserted in accordance with [2015] FWCFB 4658 at [57].	23
	Clause 28—Overtime, new clause 28.1 (Reasonable overtime) provisionally updated in accordance with [2018] FWCFB 6680	28.1
	Clause 41—Termination of employment updated in accordance with PR610167	41.1(g)
	Clauses 42 – 44 – Redundancy provisions structure is subject to further consideration by the Full Bench in accordance with [2018] FWCFB 6439	42
Schedule I—Part-day Public Holidays updated in accordance with PR701683	Schedule I	
14 October 2019	Incorporating changes resulting from [2015] FWCFB 4658 at [57]	26
	Incorporating changes resulting from [2019] FWCFB 1333 at [35]	1.4 (deleted), 1.5 (deleted)
	Incorporating changes resulting from [2019] FWCFB 2548 , PR707007	42
	Incorporating changes resulting from AWR2018–19 Decision [2019] FWCFB 3500 , PR707419 , PR707614 , PR709080	18, 19, 21, 37, Schedule B, Schedule C, Schedule E
	Incorporating changes resulting from [2019] FWCFB 5144 at [13]	34
	Incorporating changes resulting from [2019] FWCFB 5145 , PR712233	7, 35, Schedule I
	Incorporating changes resulting from [2019] FWCFB 5409 ; PR710999	18, 19, 28, 29.3

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The Hospitality Industry (General) Award—plain language exposure draft was last published on 29 March 2019. Changes since that date are as follows:		
	Incorporating changes resulting from [2019] FWCFB 5868 , PR711627	23.6
	Incorporating changes resulting from [2019] FWCFB 6899 and [2019] FWCFB 6935	2, 15, Schedule B
	Administrative changes made by Modern Awards team to the document structure, Part and clause titles, and content in accordance with [2019] FWCFB 5409 at [6] and Attachment A	5 (deleted), 7, 9, 10, 11, 15, 16, 18, 20, 28, C.1.1, 0
	Incorporating changes resulting from [2019] FWCFB 6894	11.7
	Incorporating changes resulting from [2019] FWCFB 6953	B.2.4, B.3.5, B.4.5, B.5.4, B.6.4, B.7.5
	Administrative changes made by Modern Awards team to incorporate previous A clauses into the numbering of the exposure draft	6
	Administrative changes made by Modern Awards	11.2, 18, Table 3—Minimum rates, Table 4—Casino gaming minimum rates, 28, Schedule B

PLAIN LANGUAGE EXPOSURE DRAFT

Hospitality Industry (General) Award 20XX

This plain language exposure draft has been prepared by staff of the Fair Work Commission based on the **Hospitality Industry (General) Award 2010** (the Hospitality Award) as at 27 April 2017 and incorporates award updates up to 20 September 2019. This exposure draft does not seek to amend any entitlements under the Hospitality Award. Instead, it has been prepared to address some of the structural issues identified in modern awards and to apply plain language drafting principles and techniques to award-specific provisions.

The review of this award in accordance with section 156 of the *Fair Work Act 2009* is being dealt with in matter [AM2016/15](#) and [AM2014/272](#). Additionally, a number of common issues are being dealt with by the Commission which may affect this award. Some transitional provisions have been deleted as a result of decisions made during the review.

This draft does not represent the concluded view of the Commission in this matter.

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Part 1—Application and Operation of this Award

1. Title and commencement

Clauses 1.4 and 1.5 deleted in accordance with [\[2019\] FWCFB 1333](#) at [35].

- 1.1** This is the *Hospitality Industry (General) Award 20XX*.
- 1.2** This modern award, as varied, commenced operation on 1 January 2010. The terms of the award have been varied since that date.
- 1.3** A variation to this award does not affect any right, privilege, obligation or liability that a person acquired, accrued or incurred under the award as it existed prior to that variation.
- ~~**1.4** Neither the making of this award nor the operation of any transitional arrangements is intended to result in a reduction in the take-home pay of employees covered by this award.~~
- ~~**1.5** On application by or on behalf of an employee who suffers a reduction in take home pay as a result of the making of this award or the operation of any transitional arrangements, the Fair Work Commission may make any order it considers appropriate to remedy the situation.~~

2. Definitions

The insertion of new definitions is being reviewed in [AM2017/59](#) - see [48]-[51] of [\[2019\] FWCFB 6092](#) and [\[2019\] FWCFB 6898](#) (see draft determination at Attachment 2).

Typographical error in clause 2 corrected in accordance with [\[2019\] FWCFB 6899](#) at [9] and [\[2019\] FWCFB 6935](#)

In this award:

Act means the [Fair Work Act 2009](#) (Cth).

adult apprentice means an apprentice who is 21 years of age or over at the start of their apprenticeship.

adult employee means an employee who is 21 years of age or over.

all-purpose allowance means an allowance that is payable for all purposes in accordance with clause 26.2(a).

NOTE: Where an allowance is payable for all purposes in accordance with clause 26.2(a), the allowance forms part of the employee's ordinary hourly rate and must be added to the minimum hourly rate when calculating penalties or overtime.

appropriate level of training, in relation to an employee other than a casino gaming employee, means that the employee:

- (a) has completed an appropriate training program that meets the training and assessment requirements of a qualification or one or more appropriate units of competency forming part of a training package; or
- (b) has been assessed by a qualified skills assessor as having skills at least equivalent to those attained in an appropriate training program; or
- (c) as at 30 June 2010, had been doing the work of a particular classification for a period of at least 3 months.

NOTE 1: The minimum classification level for an employee who has completed AQF Certificate III or higher qualifications relevant to the classification in which they are employed and who makes use of skills and knowledge derived from Certificate III competencies relevant to the work undertaken is Level 4 specified in clause 18.1—Adult rates. Any dispute about an employee's entitlement to be paid at Level 4 must be dealt with in accordance with clause 39—Dispute resolution.

NOTE 2: See Schedule A—Classification Structure and Definitions in relation to casino gaming employees.

casino means a gaming establishment holding a casino licence under relevant State or Territory legislation and does not include a gaming facility that is a part of a hospitality establishment such as a hotel or tavern operation.

catering employer means an employer whose primary business is to provide catering services.

defined benefit member has the meaning given by the *Superannuation Guarantee (Administration) Act 1992* (Cth).

employee means a national system employee as defined by section 13 of the [Act](#).

employer means a national system employer as defined by section 14 of the [Act](#).

enterprise instrument has the meaning given by subitem 2(1) of Schedule 6 to the [Fair Work \(Transitional Provisions and Consequential Amendments\) Act 2009](#) (Cth).

exempt public sector superannuation scheme has the meaning given by the *Superannuation Industry (Supervision) Act 1993* (Cth).

Fair Work Regulations means the *Fair Work Regulations 2009* (Cth).

hospitality industry is defined [in](#) clause 4.2.

junior employee means an employee who is less than 21 years of age.

liquor service employee means a person employed to sell or dispense liquor in bars, bottle departments or shops and includes a cellar employee.

long term casual employee has the meaning given by section 12 of the [Act](#).

Managerial staff (Hotels) means an employee within the Managerial staff (Hotels) classification level as defined in Schedule A—Classification Structure and Definitions.

MySuper product has the meaning given by the *Superannuation Industry (Supervision) Act 1993* (Cth).

National Employment Standards, see Part 2-2 of the [Act](#). Divisions 3 to 12 of Part 2-2 of the [Act](#) constitute the *National Employment Standards*. An extract of section 61 of the [Act](#) is reproduced below.

The National Employment Standards are minimum standards applying to employment of employees. The minimum standards relate to the following matters:

- (a) maximum weekly hours (Division 3);
- (b) requests for flexible working arrangements (Division 4);
- (c) parental leave and related entitlements (Division 5);
- (d) annual leave (Division 6);
- (e) personal/carer's leave and compassionate leave and unpaid family and domestic violence leave (Division 7);
- (f) community service leave (Division 8);
- (g) long service leave (Division 9);
- (h) public holidays (Division 10);
- (i) notice of termination and redundancy pay (Division 11);
- (j) Fair Work Information Statement (Division 12).

on-hire means the on-hire of an employee by their employer to a client, where the employee works under the general guidance and instruction of the client or a representative of the client.

ordinary hourly rate means the minimum hourly rate for an employee plus any all-purpose allowances to which the employee is entitled.

resort means an establishment that provides hotel services, accommodation and food and beverages together with access to recreation facilities for guests and includes an offshore island resort.

restaurant means a restaurant, reception centre, night club, cafe, roadhouse and includes any tea room operated in, or in connection with, a restaurant business.

rostered day off means a continuous 24 hour period between the end of the last ordinary shift, and the start of the next ordinary shift, on which an employee is rostered for duty.

shiftworker, see clause 30.2 (Annual leave).

spread of hours means the period between when an employee starts and finishes work within any period of 24 hours.

standard hourly rate means the minimum hourly rate for a Level 4 classification (Cook (tradesperson) grade 3) in **Table 3—Minimum rates**.

standard weekly rate means the minimum weekly rate for a Level 4 classification (Cook (tradesperson) grade 3) in **Table 3—Minimum rates**.

State reference public sector modern award has the meaning given by subitem 3(2) of Schedule 6A to the [Fair Work \(Transitional Provisions and Consequential Amendments\) Act 2009 \(Cth\)](#).

State reference public sector transitional award has the meaning given by subitem 2(1) of Schedule 6A to the [Fair Work \(Transitional Provisions and Consequential Amendments\) Act 2009 \(Cth\)](#).

Table 1—Facilitative provisions means the Table in clause 7.2.

Table 2—Entitlements to meal and rest break(s) means the Table in clause 16.2.

Table 3—Minimum rates means the Table in clause 18.1.

Table 4—Casino gaming minimum rates means the Table in clause 18.3.

Table 5—Junior employees (other than junior office employees) means the Table in clause 18.4(a).

Table 6—Junior office employees means the Table in clause 18.4(b).

Table 7—Cooking apprentice minimum rates means the Table in clause 19.1(a).

Table 8—Waiting apprentice minimum rates means the Table in clause 19.2(a).

Table 9—Supervisory allowance means the Table in clause 26.13.

Table 10—Overtime rates means the Table in clause 28.4.

Table 11—Penalty rates means the Table in clause 29.2.

Table 12—Employees on adult rates means the Table in clause 37.3.

Table 13—Employees on junior rates means the Table in clause 37.4.

Table 14—Period of notice means the Table in clause 41.1(b).

training agreement means the apprenticeship training arrangement, however termed, relevant to the State and Territory apprenticeship legislation entered into by an apprentice and an employer.

3. The National Employment Standards and this award

- 3.1** The [National Employment Standards](#) (NES) and this award contain the minimum conditions of employment for employees covered by this award.

- 3.2 Where this award refers to a condition of employment provided for in the [NES](#), the [NES](#) definition applies.
- 3.3 The employer must ensure that copies of this award and of the [NES](#) are available to all employees to whom they apply, either on a notice board conveniently located at or near the workplace or through accessible electronic means.

4. Coverage

4.1 This industry award covers, to the exclusion of any other modern award:

- (a) employers in the hospitality industry throughout Australia; and
- (b) employees (with a classification defined in Schedule A—Classification Structure and Definitions) of employers mentioned in ~~paragraph (a)~~ clause 4.1(a).

4.2 For the purposes of clause 4.1, **hospitality industry** includes:

- (a) hotels; and
- (b) motor inns and motels; and
- (c) boarding establishments; and
- (d) condominiums or similar establishments; and
- (e) health or recreational farms; and
- (f) private hotels, guest houses or serviced apartments; and
- (g) caravan parks; and
- (h) ski lodges; and
- (i) holiday flats or units, ranches or farms; and
- (j) hostels or any other type of residential or tourist accommodation; and
- (k) wine saloons, wine bars or taverns; and
- (l) liquor booths; and
- (m) resorts; and
- (n) caterers; and
- (o) restaurants operating in, or in connection with, premises owned or operated by employers otherwise covered by this award; and
- (p) casinos; and
- (q) function areas or convention or similar facilities operating in, or in connection with, premises mentioned in ~~paragraphs clauses (a)~~ 4.2(a) to ~~(p)~~ 4.2(p).

4.3 This industry award also covers:

- (a) on-hire employees working in the hospitality industry (with a classification defined in Schedule A—Classification Structure and Definitions) and the on-hire employers of those employees; and
- (b) apprentices or trainees engaged or employed by a group training employer and hosted by an employer covered by this award to work in the hospitality industry (with a classification defined in Schedule A—Classification Structure and Definitions) and the group training employers of those apprentices or trainees.

4.4 However, this industry award does not cover any of the following:

- (a) employees excluded from award coverage by the [Act](#); or
NOTE: See section 143(7) of the [Act](#).
- (b) employees covered by a modern enterprise award or an enterprise instrument or their employers; or
- (c) employees covered by a State reference public sector modern award or a State reference public sector transitional award or their employers; or
- (d) employers in the following industries or their employees:
 - (i) clubs registered or recognised under State or Territory legislation; and
 - (ii) boarding schools or residential colleges; and
 - (iii) hospitals; and
 - (iv) orphanages; and
 - (v) councils, county councils, municipal councils, shires, shire councils or local government bodies established under State or Territory legislation; and
 - (vi) catering services provided by a restaurant as an incidental business; and
 - (vii) theme parks; and
 - (viii) in-flight catering for airlines; and
 - (ix) restaurants covered by the *Fast Food Industry Award 20XX*, the *Registered and Licensed Clubs Award 20XX* or the *Restaurant Industry Award 20XX*; and
 - (x) contract cleaning undertaken by companies not operating exclusively in the hospitality industry; and
 - (xi) catering services provided by employers in the aged care industry (except where these services are provided for or within an aged care facility by employers otherwise covered by this award); and

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- (xii) contract security, contract gardening or contract maintenance provided by an external provider, whose primary business falls outside the hospitality operation; and
- (xiii) businesses primarily concerned with the sale of petroleum or mixed functions involving the sale of petroleum.

4.5 If an employer is covered by more than one award, an employee of that employer is covered by the award containing the classification that is most appropriate to the work performed by the employee and the industry in which they work.

NOTE: An employee working in the hospitality industry who is not covered by this industry award may be covered by an award with occupational coverage.

~~5. Effect of variations made by the Fair Work Commission~~

Clause 5 deleted as a result of re-structure [\[2019\] FWCFB 5409](#) at [6].

~~A variation to this award made by the Fair Work Commission does not affect any right, privilege, obligation or liability acquired, accrued or incurred under this award as in force before that variation.~~

5. Individual flexibility arrangements

5.1 Despite anything else in this award, an employer and an individual employee may agree to vary the application of the terms of this award relating to any of the following in order to meet the genuine needs of both the employee and the employer:

- (a) arrangements for when work is performed; or
- (b) overtime rates; or
- (c) penalty rates; or
- (d) allowances; or
- (e) annual leave loading.

5.2 An agreement must be one that is genuinely made by the employer and the individual employee without coercion or duress.

5.3 An agreement may only be made after the individual employee has commenced employment with the employer.

5.4 An employer who wishes to initiate the making of an agreement must:

- (a) give the employee a written proposal; and
- (b) if the employer is aware that the employee has, or should reasonably be aware that the employee may have, limited understanding of written English, take reasonable steps (including providing a translation in an appropriate language) to ensure that the employee understands the proposal.

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- 5.5** An agreement must result in the employee being better off overall at the time the agreement is made than if the agreement had not been made.
- 5.6** An agreement must do all of the following:
- (a) state the names of the employer and the employee; and
 - (b) identify the award term, or award terms, the application of which is to be varied; and
 - (c) set out how the application of the award term, or each award term, is varied; and
 - (d) set out how the agreement results in the employee being better off overall at the time the agreement is made than if the agreement had not been made; and
 - (e) state the date the agreement is to start.
- 5.7** An agreement must be:
- (a) in writing; and
 - (b) signed by the employer and the employee and, if the employee is under 18 years of age, by the employee's parent or guardian.
- 5.8** Except as provided in clause 5.7(b), an agreement must not require the approval or consent of a person other than the employer and the employee.
- 5.9** The employer must keep the agreement as a time and wages record and give a copy to the employee.
- 5.10** The employer and the employee must genuinely agree, without duress or coercion to any variation of an award provided for by an agreement.
- 5.11** An agreement may be terminated:
- (a) at any time, by written agreement between the employer and the employee; or
 - (b) by the employer or employee giving 13 weeks' written notice to the other party (reduced to 4 weeks if the agreement was entered into before the first full pay period starting on or after 4 December 2013).
- NOTE: If an employer and employee agree to an arrangement that purports to be an individual flexibility arrangement under this award term and the arrangement does not meet a requirement set out in section 144 of the [Act](#) then the employee or the employer may terminate the arrangement by giving written notice of not more than 28 days (see section 145 of the [Act](#)).
- 5.12** An agreement terminated as mentioned in clause 5.11(b) ceases to have effect at the end of the period of notice required under that clause.
- 5.13** The right to make an agreement under clause 5 is additional to, and does not affect, any other term of this award that provides for an agreement between an employer and an individual employee.

6. Requests for flexible working arrangements

6.1 Employee may request change in working arrangements

Clause 6 applies where an employee has made a request for a change in working arrangements under section 65 of the [Act](#).

NOTE 1: Section 65 of the [Act](#) provides for certain employees to request a change in their working arrangements because of their circumstances, as set out in section 65(1A). Clause 6 supplements or deals with matters incidental to the [NES](#) provisions.

NOTE 2: An employer may only refuse a section 65 request for a change in working arrangements on ‘reasonable business grounds’ (see section 65(5) and (5A)).

NOTE 3: Clause 6 is an addition to section 65.

6.2 Responding to the request

Before responding to a request made under section 65, the employer must discuss the request with the employee and genuinely try to reach agreement on a change in working arrangements that will reasonably accommodate the employee’s circumstances having regard to:

- (a) the needs of the employee arising from their circumstances;
- (b) the consequences for the employee if changes in working arrangements are not made; and
- (c) any reasonable business grounds for refusing the request.

NOTE 1: The employer must give the employee a written response to an employee’s section 65 request within 21 days, stating whether the employer grants or refuses the request (section 65(4)).

NOTE 2: If the employer refuses the request, then the written response must include details of the reasons for the refusal (section 65(6)).

6.3 What the written response must include if the employer refuses the request

- (a) Clause 6.3 applies if the employer refuses the request and has not reached an agreement with the employee under clause 6.2.
- (b) The written response under section 65(4) must include details of the reasons for the refusal, including the business ground or grounds for the refusal and how the ground or grounds apply.
- (c) If the employer and employee could not agree on a change in working arrangements under clause 6.2, then the written response under section 65(4) must:
 - (i) state whether or not there are any changes in working arrangements that the employer can offer the employee so as to better accommodate the employee’s circumstances; and

- (ii) if the employer can offer the employee such changes in working arrangements, set out those changes in working arrangements.

6.4 What the written response must include if a different change in working arrangements is agreed

If the employer and the employee reached an agreement under clause 6.2 on a change in working arrangements that differs from that initially requested by the employee, then the employer must provide the employee with a written response to their request setting out the agreed change(s) in working arrangements.

6.5 Dispute resolution

Disputes about whether the employer has discussed the request with the employee and responded to the request in the way required by clause 6, can be dealt with under clause 40—Dispute resolution.

7. Facilitative provisions ~~for flexible working practices~~

Clause 7 amended in accordance with [\[2019\] FWCFB 5145](#) at [50]. Consequential amendment as a result of [PR712233](#).

7.1 This award contains facilitative provisions which allow agreement between an employer and an individual employee, or the majority of employees, on how specific award provisions are to apply at the workplace.

7.2 The following clauses have facilitative provisions:

Table 1—Facilitative provisions

Clause	Provision	Agreement between an employer and:
15.3(b) & 15.3(c)	Catering in remote locations	the majority of employees
15.4(a)	Make-up time (introduction of system of make-up time)	the majority of employees
15.4(b)	Make-up time (agreement to take make-up time)	an individual employee
23.1	Weekly or fortnightly pay periods	an individual employee
23.2	Payment of wages	the majority of employees
28.5	Time off instead of payment for overtime	an individual employee
29.4(c)	Additional provisions for work on public holidays	an individual employee
30.9	Annual leave in advance	an individual employee

Clause	Provision	Agreement between an employer and:
30.10	Cashing out of annual leave	an individual employee
35.2	Substitution of public holidays by agreement	the majority of employees <u>an individual employee</u>

7.3 The agreement must be kept by the employer as a time and wages record.

Part 2—Types of Employment and Classifications

8. Types of employment

8.1 An employee covered by this award must be one of the following:

- (a) a full-time employee; or
- (b) a part-time employee; or
- (c) a casual employee.

8.2 At the time of engaging an employee, the employer must inform the employee of the terms of their engagement, including whether they are engaged as a full-time, part-time or casual employee.

9. Full-time employee employment

An employee who is engaged to work an average of 38 ordinary hours per week is a full-time employee.

NOTE: Clause 15.1 sets out work arrangement options for working the required average of 38 ordinary hours per week.

10. Part-time employee employment

10.1 Classifications

An employer may employ part-time employees in any classification defined in Schedule A—Classification Structure and Definitions.

10.2 Definition of part-time employee

A part-time employee is an employee who:

- (a) is engaged to work at least 8 and fewer than 38 ordinary hours per week (or, if the employer operates a roster, an average of at least 8 and fewer than 38 hours per week over the roster cycle); and
- (b) has reasonably predictable hours of work.

10.3 A part-time employee is entitled, on a proportionate basis, to the same pay and conditions as those of full-time employees who do the same kind of work.

10.4 Setting guaranteed hours and availability

At the time of engaging a part-time employee, the employer must agree in writing with the employee on all of the following:

- (a) the number of hours of work which is guaranteed to be provided and paid to the employee each week or, where the employer operates a roster, the number of hours of work which is guaranteed to be provided and paid to the employee over the roster cycle (**the guaranteed hours**); and
- (b) the days of the week on which, and the hours on those days during which, the employee is available to work the guaranteed hours (**the employee's availability**).

10.5 Any change to a part-time employee's guaranteed hours may only be made with the written consent of the employee.

10.6 Rostering

The employer may roster a part-time employee to work their guaranteed hours and any additional hours in accordance with clause 15.2—Part-time employees and clause 15.5—Rosters (Full-time and part-time employees).

10.7 However, a part-time employee:

- (a) must not be rostered to work any hours outside the employee's availability; and
- (b) must have 2 days off each week.

10.8 Increasing guaranteed hours to match regular work pattern

If a part-time employee has regularly worked a number of ordinary hours in excess of their guaranteed hours for at least 12 months, then they may request in writing that the employer agree to increase their guaranteed hours.

10.9 If the employer agrees to a request under clause 10.8, then the employer and the part-time employee must vary the agreement made under clause 10.4 to reflect the employee's new guaranteed hours. The variation must be recorded in writing before it occurs.

10.10 The employer may only refuse a request under clause 10.8 on reasonable business grounds. The employer must notify the part-time employee in writing of a refusal and the grounds for it.

10.11 Change in employee's circumstances that changes their availability

If there is a genuine and ongoing change in the part-time employee's personal circumstances, then they may alter the times they are available by giving 14 days' written notice of the alteration to the employer.

10.12 If the employer cannot reasonably accommodate the alteration to the part-time employee's availability under clause 10.11, then (regardless of clause 10.5):

- (a) the part-time employee's guaranteed hours agreed under clause 10.4 cease to apply; and
- (b) the employer and the part-time employee must agree a new set of guaranteed hours under clause 10.4.

10.13 Payment rates

- (a) An employer must pay a part-time employee for ordinary hours worked in accordance with clause 18—Minimum rates.
- (b) An employer must pay a part-time employee at the rates prescribed in clause 28.4—Overtime rate for all time worked in excess of:
 - (i) 38 hours per week or, if the employee works in accordance with a roster, an average of 38 hours per week over the roster cycle; or
 - (ii) the maximum daily hours limitations specified in clause 15.2—Part-time employees; or
 - (iii) the employee's rostered hours.

10.14 Pre 1 January 2018 agreed pattern of work

A part-time employee who, immediately before 1 January 2018, had a written agreement with their employer on a regular pattern of work, is entitled to continue to be rostered in accordance with that agreement but may enter into a new written agreement under clause 10.4.

11. ~~Casual employees employment~~

Administrative change to clause 11.2 by Modern Awards team.

- 11.1 An employee is a casual employee if they are engaged as a casual employee.
- 11.2 An employer must pay a casual employee for each ~~ordinary~~ hour worked a loading of 25% in addition to the ordinary hourly rate.
- 11.3 A casual employee must be engaged to work:
 - (a) a maximum of 12 hours per day or per shift; or
 - (b) a maximum of 38 hours per week or, if the casual employee works in accordance with a roster, an average of 38 hours per week over the roster cycle (which may not exceed 4 weeks).
- 11.4 A casual employee must be engaged and paid for at least 2 consecutive hours of work on each occasion they are required to attend work.
- 11.5 An employer must pay a casual employee at the rates prescribed in clause 28.4—Overtime rate for all time worked in excess of the hours prescribed in clause 11.3.

11.6 An employer must pay a casual employee at the end of each engagement unless the employer and the employee have agreed that the pay period of the employee is either weekly or fortnightly.

11.7 Moving between types of employment Conversion to full-time or part-time employment

Casual conversion clause has been referred to Plain Language Full Bench (see [\[2018\] FWCFB 5602](#)).

The Full Bench in [AM2019/17](#) has expressed the *provisional* view that the current casual conversion clause be inserted pending the resolution of issues associated with the drafting of the term – see [\[2019\] FWCFB 6894](#) at [81].

- (a) This clause only applies to a regular casual employee.
- (b) A regular casual employee means a casual employee who is employed by an employer on a regular and systematic basis for several periods of employment or on a regular and systematic basis for an ongoing period of employment during a period of at least 12 months.
- (c) A regular casual employee who has been engaged by a particular employer for at least 12 months may elect (subject to the provisions of this clause) to have their contract of employment converted to full-time or part-time employment.
- (d) An employee who has worked at the rate of an average of 38 or more hours a week in the period of 12 months casual employment may elect to have their employment converted to full-time employment.
- (e) An employee who has worked at the rate of an average of less than 38 hours a week in the period of 12 months casual employment may elect to have their employment converted to part-time employment.
- (f) Where a casual employee seeks to convert to full-time or part-time employment, the employer may consent to or refuse the election, but only on reasonable grounds. In considering a request, the employer may have regard to any of the following factors:
 - the size and needs of the workplace or enterprise;
 - the nature of the work the employee has been doing;
 - the qualifications, skills, and training of the employee;
 - the trading patterns of the workplace or enterprise (including cyclical and seasonal trading demand factors);
 - the employee’s personal circumstances, including any family responsibilities;
and
 - any other relevant matter.

- (g) Where it is agreed that a casual employee will have their employment converted to full-time or part-time employment as provided for in this clause, the employer and employee must discuss and agree upon:
- the form of employment to which the employee will convert—that is, full-time or part-time employment; and
 - if it is agreed that the employee will become a part-time employee, the matters referred to in clause 10.
- (h) The date from which the conversion will take effect is the commencement of the next pay cycle following such agreement being reached unless otherwise agreed.
- (i) Once a casual employee has converted to full-time or part-time employment, the employee may only revert to casual employment with the written agreement of the employer.
- (j) An employee must not be engaged and/or re-engaged (which includes a refusal to re-engage) to avoid any obligation under this award.
- (k) Nothing in this clause obliges a casual employee to convert to full-time or part-time employment, nor permits an employer to require a casual employee to so convert.
- (l) Nothing in this clause requires the employer to convert the employment of a regular casual employee to full-time or part-time employment if the employee has not worked for 12 months or more in a particular establishment or in a particular classification stream.
- (m) Nothing in this clause requires an employer to increase the hours of a regular casual employee seeking conversion to full-time or part-time employment.

12. Apprentices

The insertion of a new provision that provides for competency based progression is being reviewed in [AM2017/59](#) see [\[2019\] FWCFB 6092](#) and [\[2019\] FWCFB 6898](#) (see draft determination at Attachment 2).

- 12.1 An employer may engage apprentices.
- 12.2 Any engagement must be in accordance with the law regulating apprenticeships in force in the place in which the apprentice is engaged.
- 12.3 This award applies to an apprentice in the same way that it applies to an employee except as otherwise expressly provided by this award.
- 12.4 An employer must pay an apprentice in accordance with clause 19—Apprentice rates.
- 12.5 An employer must not require an apprentice under the age of 18 to work overtime or shiftwork. However, an apprentice may agree to work overtime or shiftwork if requested to do so.

12.6 Except in an emergency, an employer must not require an apprentice to work overtime or shiftwork at any time that would prevent their attendance at training in accordance with their training agreement.

12.7 Training

- (a) An employer must release an apprentice from work to attend training or any assessment in accordance with their training agreement without loss of pay or continuity of employment.
- (b) Subject to Schedule D—School-based Apprentices, time spent by an apprentice in attending training or any assessment in accordance with their training agreement is to be regarded as time worked for the employer for the purpose of calculating the apprentice's wages and determining the apprentice's employment conditions.
- (c) An employer must reimburse an apprentice for all fees paid by the apprentice themselves to a registered training organisation (RTO) for courses that the apprentice is required to attend, and all costs incurred by the apprentice in purchasing textbooks (not provided or otherwise made available by the employer) that the apprentice is required to study, for the purposes of the apprenticeship.
- (d) The employer must make any reimbursement required under ~~paragraph~~ ~~(e)~~ clause 12.7(c) by whichever of the following is the later:
 - (i) 6 months after the start of the apprenticeship; or
 - (ii) 6 months after the relevant stage of the apprenticeship; or
 - (iii) 3 months after the start of the training provided by the RTO.
- (e) Reimbursement under ~~paragraph (e)~~ clause 12.7(c) is subject to the employer being satisfied that the apprentice is making satisfactory progress in the apprenticeship.

12.8 Block release training

- (a) Clause 12.8 applies to an apprentice who is required to attend block release training in accordance with their training agreement.
- (b) If the training requires an overnight stay, the employer must pay for the reasonable travel costs incurred by the apprentice in travelling to and from the training.
- (c) The employer is not obliged to pay costs under ~~paragraph (b)~~ clause 12.8(b) if the apprentice could have attended training at a closer venue and attending the more distant training had not been agreed between the employer and the apprentice.
- (d) Reasonable travel costs in ~~paragraph (b)~~ clause 12.8(b) include:
 - (i) the total cost of reasonable transportation (including transportation of tools, where required) to and from the training; and

- (ii) accommodation costs; and
- (iii) reasonable expenses, including for meals, incurred which exceed those incurred in the normal course of travelling to and from the workplace.
- (e) Reasonable costs in ~~paragraph (b) clause~~ 12.8(b) do not include payment for travelling time or expenses incurred while not travelling to and from the block release training.
- (f) The amount an employer must pay under ~~paragraph (b) clause~~ 12.8(b) may be reduced by any amount that the apprentice has received, or was eligible to receive, for travel costs to attend block release training under a Government apprentice assistance scheme.
- (g) The employer may only make a reduction under ~~paragraph (f) clause~~ 12.8(f) for an amount that an apprentice was eligible to receive, but did not receive, if the employer advised the apprentice in writing of the availability of the assistance and the apprentice chose not to seek it.

13. Junior employees

NOTE: Junior employee is defined in clause 2—Definitions.

- 13.1 An employer may engage junior employees.
- 13.2 An employer must pay a junior employee in accordance with 18.4—Junior rates.
- 13.3 An employer must not require an employee under 18 years of age to work more than 10 hours in a shift.
- 13.4 Where the law permits, junior employees may work in a bar or other place where liquor is sold or dispensed.
- 13.5 Junior employees working as liquor service employees must be paid as an adult in accordance with **Table 3—Minimum rates** at the classification rate for the work being performed.
- 13.6 An employer may at any time demand that a junior employee produce a birth certificate or other satisfactory proof of age. If the employer demands a birth certificate, the employer must pay the cost of obtaining the certificate.

14. Classifications

An employer must classify an employee covered by this award in accordance with Schedule A—Classification Structure and Definitions.

NOTE: The minimum rates applicable to the classifications in this award are in clause 18—Minimum rates.

Part 3—Hours of Work

15. Ordinary hours of work and rostering arrangements

This provision is being reviewed in [AM2017/59](#) see [52]-[56] of Decision [\[2019\] FWCFB 6092](#) and [\[2019\] FWCFB 6898](#) (see draft determination at Attachment 2).

Typographical error in clause 15.1(d) corrected in accordance with [\[2019\] FWCFB 6899](#) at [9] and [\[2019\] FWCFB 6935](#)

15.1 Full-time employees

- (a) The employer and a full-time employee must agree on the arrangement for working the average of 38 ordinary hours per week required for full-time employment.
- (b) The following options are available:
 - (i) working 19 days of 8 hours each per month; and
 - (ii) working 4 days of 8 hours each and one day of 6 hours per week; and
 - (iii) working 4 days of 9.5 hours each per week; and
 - (iv) working 5 days of 7 hours and 36 minutes each per week; and
 - (v) working 152 hours per 4 week cycle with at least 8 days off ; and
 - (vi) working 160 hours per 4 week cycle with at least 8 days off plus one accrued rostered day off; and
 - (vii) any combination of the ways set out in ~~subparagraphs—clauses~~ ~~(i)15.1(b)(i) to (vi)15.1(b)(vi)~~.
- (c) The arrangement agreed must adopt one of the options mentioned in ~~paragraph~~ ~~(b)clause~~ 15.1(b) and must satisfy the following conditions:
 - (i) the minimum number of ordinary hours that may be worked on any day is 6 (excluding meal breaks); and
 - (ii) the maximum number of ordinary hours that may be worked on any day is 11.5 (excluding meal breaks); and
 - (iii) an employee who is rostered to work more than 10 ordinary hours on more than 3 consecutive days is entitled to a break of at least 48 hours after the last consecutive day on which the employee works more than 10 ordinary hours; and
 - (iv) the maximum number of days on which an employee may work more than 10 ordinary hours in a 4 week cycle is 8; and

- (v) the maximum spread of hours for an employee who works split shifts is 12; and
- (d) In addition to the conditions set out in ~~paragraph (e) clause~~ 15.1(c), an arrangement that adopts the option of working 152 hours per 4 week cycle with at least 8 days off as set out in ~~paragraph (b)(v) clause~~ 15.1(b)(v) must satisfy the following conditions:
 - (i) the employer must not roster an employee to work on more than 10 consecutive days without a rostered day off; and
 - (ii) if an employer rosters an employee to work on more than 20 days in a 4 week period, the employer must pay the employee at the overtime rate for each day worked in excess of 20 in that period.
- (e) In addition to the conditions set out in ~~paragraph (e) clause~~ 15.1(c), an arrangement that adopts the option of working 160 hours per 4 week cycle with at least 8 days off plus one rostered day off as set out in ~~paragraph (b)(vi) clause~~ 15.1(b)(vi) must satisfy the following conditions:
 - (i) the employer must not roster an employee to work on more than 10 consecutive days without a rostered day off; and
 - (ii) where practicable, the employer must roster an employee's rostered day off for the day directly before or after a normal day off for the employee; and
 - (iii) up to 5 rostered days off may be banked; and
 - (iv) an employee may, with the consent of the employer, take rostered days off in part day amounts; and
 - (v) where practicable, if an employee's rostered day off falls on a public holiday, the rostered day off is moved to the next working day; and
 - (vi) in calculating the number of days worked in the 4 week cycle, each day of paid leave (other than annual leave and long service leave) and any public holiday occurring during the cycle must be regarded as a day worked; and
 - (vii) the employer must pay an employee, who has not accrued a rostered day off because the employee did not work a complete 4 week cycle, a proportionate amount at the rate of 24 minutes pay for each 8 hour day worked in the cycle.

15.2 Part-time employees

A part-time employee's rostered hours of work under clause 10.6 must meet the following conditions:

- (a) the minimum number of ordinary hours that may be worked on any day is 3 (excluding meal breaks); and

- (b) the maximum number of ordinary hours that may be worked on any day is 11.5 (excluding meal breaks); and
- (c) an employee who is rostered to work more than 10 ordinary hours on more than 3 consecutive days is entitled to a break of at least 48 hours after the last consecutive day on which the employee works more than 10 ordinary hours; and
- (d) the maximum number of days on which an employee may work more than 10 ordinary hours in a 4 week cycle is 8; and
- (e) the maximum spread of hours for an employee who works split shifts is 12.

15.3 Catering in remote locations

- (a) Clause 15.3 applies to employers providing catering services to clients in remote locations and their employees.
- (b) Despite clause 15.1, the employer and the majority of employees at a workplace may agree to schedule work over consecutive recurring cycles followed by consecutive non-working days.
- (c) The employer and the majority of employees at the workplace may agree to vary a schedule of work under ~~paragraph (b)~~ clause 15.3(b).
- (d) The maximum number of ordinary hours that may be worked during a cycle must not exceed 40 multiplied by the number of working and non-working weeks in the cycle.
- (e) An employer who rosters an employee to work any time in excess of the total number of ordinary hours in an agreed schedule of work under ~~paragraph (b)~~ clause 15.3(b) must pay the employee at the overtime rate for any time worked in excess of that total number.
- (f) An employer must pay an employee at the overtime rate for any time worked in excess of 8 hours per day.
- (g) Wages may be paid according to the average number of hours per week in a roster cycle instead of the actual number of ordinary hours worked in any particular week of the cycle.
- (h) An employee accrues rostered days off as set out in clause 15.1(b)(vi).
- (i) An employee is not entitled to payment for non-working days other than accrued rostered days off.

15.4 Make-up time

- (a) The employer and the majority of employees at a workplace may agree to introduce an arrangement at the workplace under which an employee takes time off during the employee's ordinary hours of work and makes up that time later.

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- (b) If an agreement under ~~paragraph (a)~~ clause 15.4(a) has been made for a workplace, an employee may elect, with the consent of the employer, to take time off and make up that time later.
- (c) An employee working make-up time is entitled to breaks in accordance with clause 16—Breaks.
- (d) If make-up time is worked at a time when penalty rates are applicable under clause 29—Penalty rates, the employer must pay the employee in accordance with **Table 11—Penalty rates** for that time.
- (e) The employer must keep a record of make-up time arrangements as a time and wages record.

15.5 Rosters (Full-time and part-time employees)

This provision is being reviewed in [AM2017/59](#) – see [52]-[56] of Decision [\[2019\] FWCFB 6092](#) and [\[2019\] FWCFB 6898](#) (see draft determination at Attachment 2).

- (a) The following rostering provisions apply to full-time and part-time employees.
- (b) The employer must prepare a roster showing for each employee their name and the times at which they start and finish work.
- (c) The employer must post the roster in a conspicuous place that is easily accessible by the employees.
- (d) The roster of an employee may be changed at any time by the employer and employee by mutual agreement or by the employer giving the employee 7 days' notice of the change.
- (e) An employee must have a minimum break of 10 hours between when the employee finishes ordinary hours on one day and starts ordinary hours on the next and a minimum break of 8 hours for a changeover of rosters.

15.6 Notice of days off (including rostered days off)

- (a) An employer must, where practicable, give an employee a minimum of 2 weeks' notice of any rostered day off.
- (b) A rostered day off may be changed by the employer and employee by mutual agreement or for any reason beyond the control of the employer (including sickness).

16. Breaks

- 16.1** Clause 16 deals with meal breaks and rest breaks and gives an employee an entitlement to them in specified circumstances.

16.2 Frequency of breaks

An employee who works the number of hours in any one shift specified in column 1 of **Table 2—Entitlements to meal and rest break(s)** is entitled to a break or breaks as specified in column 2.

Table 2—Entitlements to meal and rest break(s)

Column 1 Hours worked per shift	Column 2 Breaks
More than 5 <u>hours</u> and up to 6	Elective unpaid meal break of up to 30 minutes in accordance with clause 16.4—Request for unpaid meal break.
More than 6 <u>hours</u> and up to 8	An unpaid meal break of no less than 30 minutes (to be taken after the first 2 hours of work and within the first 6 hours of work).
More than 8 <u>hours</u> and up to 10	An unpaid meal break of no less than 30 minutes (to be taken after the first 2 hours of work and within the first 6 hours of work). One 20 minute paid rest break (may be taken as two 10 minute paid rest breaks).
More than 10 <u>hours</u>	An unpaid meal break of no less than 30 minutes (to be taken after the first 2 hours of work and within the first 6 hours of work). Two 20 minute paid rest breaks.

16.3 When the employer rosters an employee’s breaks, they must make all reasonable efforts to ensure that breaks are spread evenly across the employee’s shift.

16.4 Request for unpaid meal break

- (a) An employee working a shift of more than 5 and up to 6 hours who elects to take an unpaid meal break must request the break in writing no later than the start of their shift. The employer must not unreasonably refuse the employee’s request.
- (b) A request under ~~paragraph (a)~~ clause 16.4(a) applies to all shifts of more than 5 hours worked by that employee unless otherwise agreed between the employee and the employer.
- (c) The arrangement may be reviewed at any time.

16.5 Employer to pay higher rate if break not allowed

If, during an employee’s shift of more than 6 hours, the employer does not allow the employee to take an unpaid meal break, then the employer must pay the employee at the rate that applies under clause 16.6:

- (a) from 6 hours after the employee started work on that shift;

- (b) until either the employee is given a break or the shift ends.

- 16.6** If an employee is not allowed to take an unpaid meal break in accordance with clause 16.2 during a shift of more than 6 hours, the employer must pay the employee **50%** of the employee’s ordinary hourly rate extra from the end of 6 hours after starting work until either the employee is allowed to take the break or the shift ends.

EXAMPLE Mary is a full-time employee whose ordinary hourly rate is \$20.00 an hour. She is working an 8 hour shift. Under **Table 2—Entitlements to meal and rest break(s)**, she is entitled to “an unpaid meal break of no less than 30 minutes (to be taken after the first 2 hours of work and within the first 6 hours of work)”. If she has been working for 6 hours and has not been allowed a break, then she becomes entitled to be paid the higher rate under clauses 16.5 and 16.6.

If the shift is a normal mid-week shift on which Mary is paid her ordinary hourly rate of \$20.00, then from when she has worked 6 hours until she is allowed to take a break or her shift ends, the employer is to pay her:

- (a) her ordinary hourly rate of \$20.00;
- (b) plus 50% of her ordinary hourly rate, which is \$10.00.

So Mary is to be paid \$30.00 an hour after she has worked for 6 hours until she is allowed to take a break or the shift ends.

If the shift is a Sunday shift on which Mary is paid 160% of her ordinary hourly rate of \$20.00, then from when she has worked 6 hours until she is allowed to take a break or her shift ends, the employer is to pay her:

- (a) her Sunday shift rate of \$32.00 (being 160% of her ordinary hourly rate of \$20.00);
- (b) plus 50% of her ordinary hourly rate, which is \$10.00.

So Mary is to be paid \$42.00 an hour after she has worked for 6 hours until she is allowed to take a break or the shift ends.

16.7 Additional rest break

An employer must give an employee an additional paid rest break of 20 minutes if the employer requires the employee to work more than:

- (a) 5 continuous hours after an unpaid meal break; or
- (b) 2 hours’ overtime after the employee finishes their rostered hours.

Part 4—Wages and Allowances

17. Work organisation

An employer may require an employee to perform duties across the different classification streams set out in Schedule A—Classification Structure and Definitions that they are competent to perform.

18. Minimum rates

Monetary amounts adjusted as a result of AWR 2019 – changes not tracked.
 Minimum rates table amended in accordance with [\[2019\] FWCFB 5409](#) at [114].
 Administrative changes made to Table 3—Minimum rates and Table 4—Casino gaming minimum rates to ensure consistency with Schedule B— Summary of Hourly Rates of Pay.

18.1 Adult rates

An employer must pay an adult employee (other than an apprentice) the rate applicable to the employee classification specified in column 1 of **Table 3—Minimum rates** for ordinary hours of work as follows:

- (a) for a full-time employee, the minimum weekly rate specified in column [23](#); or
- (b) for a part-time employee, the minimum hourly rate specified in column [34](#).

NOTE 1: Adult employee is defined in clause 2—Definitions.

NOTE 2: Provisions for calculating rates for an employee aged under 21 years is at clause 18.4.

Table 3—Minimum rates

Column 1 Employee classification	Column 2 <u>Employee stream and grade</u>	Column 3 Minimum weekly rate <u>(full-time employee)</u>	Column 4 Minimum hourly rate
		\$	\$
Introductory level		740.80	19.49
Level 1	Food and beverage attendant grade 1; Guest service grade 1; Kitchen attendant grade 1	762.10	20.06
Level 2	Clerical grade 1; Cook grade 1; Door person/security officer grade 1;	791.30	20.82

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Column 1 Employee classification	<u>Column 2</u> <u>Employee stream and grade</u>	Column 3 Minimum weekly rate <u>(full-time employee)</u>	Column 4 Minimum hourly rate
		\$	\$
	Food and beverage attendant grade 2; Front office grade 1; Gardener grade 1; Guest service grade 2; Kitchen attendant grade 2; Leisure attendant grade 1; Storeperson grade 1		
Level 3	Clerical grade 2; Cook grade 2; Food and beverage attendant grade 3; Fork-lift driver; Front office grade 2; Gardener grade 2; Guest service grade 3; Handyperson; Kitchen attendant grade 3; Leisure attendant grade 2; Storeperson grade 2; Timekeeper/security officer grade 2	818.50	21.54
Level 4	Clerical grade 3; Cook (tradesperson) grade 3; Food and beverage attendant (tradesperson) grade 4; Front office grade 3; Gardener grade 3 (tradesperson); Guest service grade 4; Leisure attendant grade 3; Storeperson grade 3	862.50	22.70
Level 5	Clerical supervisor; Cook (tradesperson) grade 4;	916.60	24.12

Column 1 Employee classification	Column 2 <u>Employee stream and grade</u>	Column 3 Minimum weekly rate <u>(full-time employee)</u>	Column 4 Minimum hourly rate
		\$	\$
	Food and beverage supervisor; Front office supervisor; Gardener grade 4 (tradesperson); Guest service supervisor		
Level 6	Cook (tradesperson) grade 5	941.10	24.77

NOTE 3: Provisions for calculating rates for casual employees are at clause 11—Casual employees.

NOTE 4: Schedule B—Summary of Hourly Rates of Pay contains a summary of hourly rates of pay including casual, overtime and penalty rates.

18.2 Managerial staff (Hotels)

An employer must pay an employee within the Managerial Staff (Hotels) classification level as defined by Schedule A—Classification Structure and Definitions a minimum annual salary of **\$49,025**.

18.3 Casino gaming classifications

An employer must pay an adult employee (other than an apprentice) the rate applicable to the employee classification specified in column 1 of **Table 4—Casino gaming minimum rates** as defined by the Casino Gaming Stream in Schedule A—Classification Structure and Definitions for ordinary hours of work as follows:

- (a) for a full-time employee, the minimum weekly rate specified in column 23; or
- (b) for a part-time employee, the minimum hourly rate specified in column 34.

Table 4—Casino gaming minimum rates

Column 1 Employee classification	Column 2 <u>Employee stream and grade</u>	Column 3 Minimum weekly rate <u>(full-time employee)</u>	Column 4 Minimum hourly rate
		\$	\$
Introductory level		762.10	20.06
Level 1	Casino electronic gaming employee grade 1	808.20	21.27
Level 2	Casino electronic gaming employee grade 2; Casino equipment technician grade 1; Casino table gaming employee grade 1; Customer liaison officer; Gaming finance employee grade 1	835.40	21.98
Level 3	Casino equipment technician grade 2; Gaming finance employee grade 2; Security officer grade 1	862.50	22.70
Level 3A	Casino table gaming employee grade 2	903.00	23.76
Level 4	Casino equipment technician grade 3; Gaming finance employee grade 3; Security officer grade 2	916.60	24.12
Level 5	Casino table gaming employee grade 3; Gaming finance employee grade 4	943.90	24.84
Level 6	Casino table gaming employee grade 4; Gaming finance employee grade 5; Surveillance operator	971.00	25.55

NOTE 3- NOTE: Provisions for calculating rates for casual employees are at clause 11—Casual employees.

18.4 Junior rates

NOTE: Junior employee is defined in clause 2—Definitions.

(a) Junior employees (other than junior office employees)

An employer must pay a junior employee, who is not a junior office employee, aged as specified in column 1 of **Table 5—Junior employees (other than junior office employees)** the minimum percentage specified in column 2 of the minimum rate that would otherwise be applicable under **Table 3—Minimum rates**.

Table 5—Junior employees (other than junior office employees)

Column 1	Column 2
Age	% of minimum rate
16 years of age and under	50%
17 years of age	60%
18 years of age	70%
19 years of age	85%
20 years of age	100%

(b) Junior office employees

An employer must pay a junior office employee aged as specified in column 1 of **Table 6—Junior office employees** the minimum percentage specified in column 2 of the minimum rate that would otherwise be applicable under **Table 3—Minimum rates**.

Table 6—Junior office employees

Column 1	Column 2
Age	% of minimum rate
15 years of age and under	45%
16 years of age	55%
17 years of age	65%
18 years of age	75%
19 years of age	90%
20 years of age	100%

19. Apprentice rates

Monetary amounts adjusted as a result of AWR 2019 – changes not tracked.

Minimum rates table amended in accordance with [\[2019\] FWCFB 5409](#) at [114].

The insertion of new apprentice wages which includes competency based wage progression and amendments to terminology is being reviewed in [AM2017/59](#) see [34] to [35] and [245] of Decision [\[2018\] FWCFB 7263](#), [41] of Decision [\[2019\] FWCFB 6092](#), and [\[2019\] FWCFB 6898](#) (see draft determination at Attachment 2).

19.1 Cooking apprenticeship

- (a) An employer must pay an apprentice (other than an adult apprentice) in the cooking trade for their ordinary hours or work not less than the rate specified in **Table 7—Cooking apprentice minimum rates** in accordance with the year of apprenticeship specified in column 1, as follows:
- (i) for a full-time employee, the minimum weekly rate in column 3; or
 - (ii) for a part-time employee, the minimum hourly rate specified in column 4.

NOTE: The minimum weekly rates specified in column 3 are the percentage of the standard weekly rate specified in column 2 of **Table 7—Cooking apprentice minimum rates**.

Table 7—Cooking apprentice minimum rates

Column 1 Year of apprenticeship	Column 2 % of standard weekly rate	Column 3 Minimum weekly rate <u>(full-time employee)</u>	Column 4 Minimum hourly rate
1st year	55%	\$474.38	\$12.48
2nd year	65%	\$560.63	\$14.75
3rd year	80%	\$690.00	\$18.16
4th year	95%	\$819.38	\$21.56

- (b) An employer must pay an employee who has completed a full apprenticeship for cooking at not less than the standard weekly rate.

19.2 Waiting apprenticeship

- (a) An employer must pay an apprentice (other than an adult apprentice) in the waiting trade for their ordinary hours of work not less than at the rate specified in of **Table 8—Waiting apprentice minimum rates** in accordance with the stages of the apprenticeship specified in column 1 as follows:
- (i) For a full-time employee, the minimum weekl rate in column 3; or
 - (ii) for a part-time employee, the minimum hourly rate specified in column 4.

NOTE: The minimum weekly rates specified in column 3 are calculated as specified in column 2 of **Table 8—Waiting apprentice minimum rates**.

Table 8—Waiting apprentice minimum rates

Column 1 Stage of apprenticeship	Column 2 How minimum weekly rate is calculated	Column 3 Minimum weekly rate (full-time employee)	Column 4 Minimum hourly rate
1st 6 months	70% of the standard weekly rate	\$603.75	\$15.89
2nd 6 months	85% of the standard weekly rate	\$733.13	\$19.29
3rd 6 months	Midway between the minimum rate prescribed for Food and beverage attendant grade 2 in Table 3—Minimum rates and the standard weekly rate	\$826.90	\$21.76
4th 6 months	Midway between the rate specified for the 3 rd 6 months and the standard weekly rate	\$844.70	\$22.23

- (b) An employer must pay an employee who has completed a full apprenticeship at not less than the standard weekly rate.

19.3 Proficiency payments—cooking trade

An employer must pay a 4th year apprentice (other than an adult apprentice) in the cooking trade as follows:

- (a) at the 4th year apprentice rate specified in **Table 7—Cooking apprentice minimum rates** for the first 9 months of the year and the standard weekly rate for the rest of the year if the apprentice has attained the standard of proficiency on one occasion only;
- (b) at the 4th year apprentice rate specified in **Table 7—Cooking apprentice minimum rates** for the first 6 months of the year and the standard weekly rate for the rest of the year if the apprentice has attained the standard of proficiency on 2 occasions;
- (c) at the standard weekly rate for the entire 4th year if the apprentice has attained the standard of proficiency on 3 occasions.

19.4 Proficiency payments—waiting trade

An employer must pay a 2nd year apprentice (other than an adult apprentice) in the waiting trade at the 2nd year apprentice rate specified in **Table 8—Waiting apprentice minimum rates** for the first 6 months of the year and the standard weekly rate for the rest of the year if the apprentice has successfully completed their schooling for the first year.

19.5 Adult apprentices

NOTE: Adult apprentice is defined in clause 2—Definitions.

- (a) An employer must pay a first year adult apprentice who commenced on or after 1 January 2014 and is in the first year of their apprenticeship at not less than whichever of the following is the greater:
 - (i) 80% of the standard weekly rate; or
 - (ii) the rate in either clause 19.1 or 19.2, as applicable, for the first year of the apprenticeship.
- (b) An employer must pay an adult apprentice who commenced on or after 1 January 2014 and is in the second or a subsequent year of the apprenticeship at not less than whichever of the following is the greater:
 - (i) the lowest rate in **Table 3—Minimum rates**;
 - (ii) the rate in either clause 19.1 or 19.2, as applicable, for the relevant year of the apprenticeship.
- (c) ~~Paragraph (d)~~ Clause 19.5(d) applies to an employee who, immediately before entering into a training agreement as an adult apprentice with an employer, had been employed by the employer as a full-time employee for not less than 6 months or as a part-time or long term casual employee for not less than 12 months.
- (d) The minimum rate that was applicable to the employee immediately before the person entered into the training agreement continues to be applicable to the employee throughout the apprenticeship.

20. Supported wage system

For employees who, because of the effects of a disability, are eligible for a supported wage, see Schedule E— Supported Wage System.

21. National training wage

Clause 21.2 amended in accordance with AWR 2019.

- 21.1 Schedule E to the *Miscellaneous Award 20XX+0* sets out minimum wage rates and conditions for employees undertaking traineeships.

21.2 This award incorporates the terms of Schedule E to the *Miscellaneous Award 20XX+0* as at 1 July ~~2019~~2018. For that purpose, any reference to “this award” in Schedule E to the *Miscellaneous Award 20XX+0* is to be read as referring to the *Hospitality Industry (General) Award 20XX+0* and not the *Miscellaneous Award 20XX+0*.

22. Higher duties

22.1 An employer must pay an employee (other than an employee within the Food and beverage attendants grade 2 or 3 classification level), who performs for 2 or more hours on any particular day duties of a classification higher than the employee’s ordinary classification, the minimum hourly rate specified in column 3-4 of **Table 3—Minimum rates** for that higher classification for the whole of that day.

22.2 An employer must pay an employee (other than an employee within the Food and beverage attendants grade 2 or 3 classification level), who performs for less than 2 hours on any particular day duties of a classification higher than the employee’s ordinary classification, the minimum hourly rate specified in column 3-4 of **Table 3—Minimum rates** for that higher classification for the time during which those duties were performed.

22.3 An employer may require an employee to temporarily perform the duties of a classification lower than the employee’s ordinary classification without loss of pay.

23. Payment of wages

Clause 23.6 inserted in accordance with [\[2019\] FWCFB 5868](#) and [PR711627](#).

NOTE: Regulations 3.33(3) and 3.46(1)(g) of *Fair Work Regulations 2009* set out the requirements for pay records and the content of payslips including the requirement to separately identify any allowance paid.

23.1 The employer and an individual employee may agree to a weekly or fortnightly pay period. However, the employer may determine that the pay period of an employee to whom clause 24—Annualised salary arrangements or clause 25—Salaries absorption (Managerial Staff (Hotels)) applies is monthly.

23.2 Except on termination of employment, wages may be paid on any day of the week other than a Friday, Saturday or Sunday. However, if the employer and the majority of employees at a workplace agree, wages may be paid on the Friday of a week during which there is a public holiday.

23.3 The employer and an individual employee may agree to wages being paid, without cost to the employee, by cash, cheque or electronic funds transfer into a bank account nominated by the employee. However, an employer may determine to pay an employee by cash.

23.4 An employee paid by cash or cheque who has to wait at the workplace to be paid for more than 15 minutes is entitled to be paid at the overtime rate for any time longer than 15 minutes spent so waiting.

This provision is being reviewed in [AM2017/59](#) - see [37] and [39] of Decision [\[2019\] FWCFB 7263](#), Decision [\[2019\] FWCFB 6092](#), and [\[2019\] FWCFB 6898](#) (see draft determination at Attachment 2).

23.5 An employee paid by cash or cheque who has a rostered day off on a pay day is entitled, at the employee's election, to be paid on their last day at work before their rostered day off.

23.6 **Payment on termination of employment**

(a) Subject to clause 23.6(b), the employer must pay an employee no later than 7 -days after the day on which the employee's employment terminates:

(i) the employee's wages under this award for any complete or incomplete pay period up to the end of the day of termination; and

(ii) all other amounts that are due to the employee under this award and the NES.

(b) Where a casual employee is paid at the end of each engagement pursuant to clause 11.6 of this Award, and that employee's employment is terminated, the employer must pay the employee their wages due under the award at the end of their last engagement.

(c) The requirement to pay wages and other amounts under clause 23.6(a) is subject to further order of the Commission and the employer making deductions authorised by this award or the Act.

NOTE 1: Section 117(2) of the Act provides that an employer must not terminate an employee's employment unless the employer has given the employee the required minimum period of notice or "has paid" to the employee payment instead of giving notice.

NOTE 2: Clause 23.6(c) allows the Commission to make an order delaying the requirement to make a payment under clause 23.6. For example, the Commission could make an order delaying the requirement to pay redundancy pay if an employer makes an application under section 120 of the Act for the Commission to reduce the amount of redundancy pay an employee is entitled to under the NES.-

NOTE 3: State and Territory long service leave laws or long service leave entitlements under section 113 of the Act, may require an employer to pay an employee for accrued long service leave on the day on which the employee's employment terminates or shortly after.

24. Annualised salary arrangements

Annualised salaries are being reviewed in [AM2016/13](#).

24.1 Clause 24 applies to all employees other than casual employees and employees within the Managerial Staff (Hotels) classification level as defined by Schedule A—Classification Structure and Definitions.

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- 24.2** An individual employee may agree with their employer to be paid an annualised salary. An agreement must be one that is genuinely made without coercion or duress.
- 24.3** An agreement must take account of the pattern of work in the part of the hospitality industry in which the employee works.
- 24.4** An annualised salary must be at least **125%** of the minimum weekly rate that would otherwise be applicable under **Table 3—Minimum rates** over the year.
- 24.5** Unless the employer and the employee otherwise agree, an annualised salary satisfies the requirements of this award under clause 28—Overtime and clause 29—Penalty rates. However, by agreement between the employer and the employee, an annualised salary may satisfy this award in relation to other monetary entitlements provided for by this award.
- 24.6** An annualised salary must not result in an employee being paid less over a year (or, if the employee’s employment is terminated before a year is completed, over the period of that employment) than would have been the case if an annualised salary had not been agreed and the employee had instead been paid their weekly rate and any other amounts satisfied by the annualised salary.
- 24.7** An employee who has entered into an agreement under clause 24.2 must be rostered to have a minimum of 8 days off duty during each 4 week cycle of work.
- 24.8** An employee who has entered into an agreement under clause 24.2 and who is required to work on a public holiday is entitled to paid time off of equal length to the time worked on the public holiday.
- 24.9** The paid time off mentioned in clause 24.8 may be taken on another day agreed between the employee and the employer or added to the employee’s annual leave entitlement.
- 24.10** The employer must keep a record of hours worked each day by an employee who has entered into an agreement under clause 24.2 showing the date and the times at which the employee started and finished work that day.
- 24.11** A record mentioned in clause 24.10 must be countersigned weekly by the employee and kept at the place of employment for 7 years.
- 24.12** If an annualised salary paid to an employee has the result mentioned in clause 24.6 at the end of a year or period of employment, the employer must pay the employee the difference.

25. Salaries absorption (Managerial Staff (Hotels))

This provision is being reviewed in [AM2017/59](#) – see [49]-[55] of Decision [\[2018\] FWCFB 7263](#), Decision [\[2019\] FWCFB 6092](#), and [\[2019\] FWCFB 6898](#) (see draft determination at Attachment 2).

- 25.1** Clause 25 applies to all employees within the Managerial Staff (Hotels) classification level as defined by Schedule A—Classification Structure and Definitions who are

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paid a salary that is at least **125%** of the minimum annual salary in clause 18.2—Managerial staff (Hotels).

- 25.2** An employee is not entitled to the benefit of the terms and conditions within the following clauses:
- (a) Clause 10—Part-time **employees**;
 - (b) Clause 15—Ordinary hours of work
 - (c) Clause 16—Breaks;
 - (d) Clause 26—Allowances;
 - (e) Clause 28—Overtime;
 - (f) Clause 29—Penalty rates;
 - (g) Clause 30.3—Payment for annual leave loading;
 - (h) Clause 35.3—Additional public holiday arrangements for full-time employees;
 - (i) Clause 37—Deductions for provision of employee accommodation and meals.
- 25.3** An employee must be rostered to have a minimum of 8 days off duty during each 4 week cycle of work.
- 25.4** An employee who is required to work on a public holiday is entitled to paid time off of equal length to the time worked on the public holiday.
- 25.5** The paid time off mentioned in clause 25.4 must be taken within 28 days after the entitlement is accrued.
- 25.6** Any calculation required to be made under this award to determine hourly amounts payable to an employee must be made by reference to the weekly equivalent of the annual salary of the employee. The weekly equivalent is determined by dividing the annual salary by 52 and rounding the result to the nearest **\$0.10**.
- 25.7** Subject to compliance with any reimbursement policy approved by the employer, the employer must reimburse an employee for any money reasonably spent by the employee for and on behalf of the employer.

26. Allowances

Note inserted in accordance with [\[2015\] FWCFB 4658](#) at [57].

NOTE: Regulations 3.33(3) and 3.46(1)(g) of Fair Work Regulations 2009 set out the requirements for pay records and the content of payslips including the requirement to separately identify any allowance paid.

- 26.1** Clause 26 gives employees an entitlement to monetary allowances of specified kinds in specified circumstances.

NOTE: Schedule C—Summary of Monetary Allowances contains a summary of monetary allowances and methods of adjustment.

26.2 All-purpose allowances

- (a) Allowances paid for **all purposes** are included in the rate of pay of an employee who is entitled to the allowance, when calculating any penalties or loadings or payment while they are on annual leave.
- (b) The fork-lift driver allowance in clause 26.3 and the airport supervisory allowance in clause 26.13 are paid for all purposes under this award.

26.3 Fork-lift driver allowance

This provision is being reviewed in [AM2017/59](#) – See [36] and [39] of Decision [\[2019\] FWCFB 7263](#), Decision [\[2019\] FWCFB 6092](#), and [\[2019\] FWCFB 6898](#) (see draft determination at Attachment 2).

An employer must pay an employee who is engaged to drive a fork-lift an all-purpose allowance of:

- (a) **\$12.94** per week for a full-time employee; or
- (b) **\$2.59** per day up to a maximum of **\$12.94** per week for a part-time or casual employee.

26.4 Meal allowance

- (a) Clause 26.4 applies to any full-time or part-time employee who:
 - (i) is required to work overtime of more than 2 hours; and
 - (ii) was not advised of that requirement on or before the previous day.
- (b) The employer must:
 - (i) pay the employee a meal allowance of **\$13.38**; or
 - (ii) supply the employee with a meal.
- (c) The employer must pay the employee a meal allowance of **\$13.38** if all of the following apply:
 - (i) the employee is advised of a requirement to work overtime; and
 - (ii) the employee provides a meal; and
 - (iii) after providing the meal, the employee is no longer required to work overtime at all or only to work overtime of 2 hours or less.

26.5 Tool and equipment allowance

This provision is being reviewed in [AM2017/59](#) see [212]-[242] of Decision [\[2019\] FWCFB 7263](#) Decision [\[2019\] FWCFB 6092](#), and [\[2019\] FWCFB 6898](#) (see draft determination at Attachment 2).

- (a) The employer must pay a cook who is required to provide and use their own tools a daily tool and equipment allowance of **\$1.55** up to a maximum of **\$7.60** per week.

- (b) The employer must reimburse an employee for the cost of purchasing any towels, tools, ropes, brushes, knives, choppers, implements, utensils or other materials that the employee is required to provide and use and that are not supplied or paid for by the employer and in respect of which a tool and equipment allowance is not payable under ~~paragraph (a) clause~~ 26.5(a).

26.6 Special clothing allowance

- (a) In clause 26.6 **special clothing** means any item of clothing (including waterproof or other protective clothing) that the employer requires the employee to wear or that it is necessary for the employee to wear but does not include shoes, hosiery, socks and any black and white attire (other than a dinner suit or evening dress) that is not part of a uniform or formal clothing.
- (b) The employer must reimburse an employee who is required to wear special clothing for the cost of purchasing any such clothing that is not supplied or paid for by the employer.
- (c) If the employee (other than an employee mentioned in ~~paragraph (d) clause~~ 26.6(d) ~~or~~ 26.6(e)) ~~or (e))~~ is responsible for laundering any special clothing that is required to be worn by them, the employer must:
 - (i) pay the employee a weekly laundry allowance of an amount agreed between the employer and the employee; or
 - (ii) in the absence of an agreement mentioned in ~~subparagraph (i) clause~~ 26.6(c)(i), reimburse the employee for the cost of laundering any item of special clothing. For this purpose the employer may require the employee to show evidence of that cost.
- (d) If a catering employer requires an employee (including an airport catering employee) to be responsible for laundering any special clothing that is required to be worn by them, the employer must pay the employee a laundry allowance of **\$6.00** per week for a full-time employee and **\$2.05** for each uniform for a part-time or casual employee.
- (e) If a motel employee is responsible for laundering any special clothing that is required to be worn by them, the employer must pay the employee a laundry allowance of **\$2.40** for each uniform up to **\$7.45** per week.
- (f) The employer may require an employee on commencing employment to sign a receipt for any special clothing supplied or paid for by the employer that lists it and its value.
- (g) The employer is entitled to deduct from any wages owed to the employee on the employee ceasing employment the value (as stated on the receipt but allowing for fair wear and tear) of any item of special clothing not returned to the employer unless it was damaged, lost or stolen otherwise than because of the fault of the employee.

26.7 Motor vehicle allowance

- (a) Clause 26.7 applies to an employee within the Managerial Staff (Hotels) classification level in Schedule A—Classification Structure and Definitions who is required to use their own motor vehicle in performing their duties.
- (b) The employer must pay the employee an allowance of **\$0.78** for each kilometre authorised to be travelled in performing duties.
- (c) The employer may require the employee, as a condition of qualifying for the allowance, to keep a written record of travel for which an allowance is payable.

26.8 Working late

- (a) Clause 26.8 applies to an employee to whom all of the following apply:
 - (i) the employee finishes work at a time at which it is unreasonable for them to travel to their usual place of residence by their regular means of transport; and
 - (ii) the employee is not provided by the employer with accommodation or a means of transport to their usual place of residence at no cost to the employee.
- (b) The employer must pay the employee the reasonable cost of transport to their usual place of residence.

26.9 Working early

- (a) Clause 26.9 applies to an employee to whom all of the following apply:
 - (i) the employee is required to start work before their normal starting time and at a time at which their regular means of transport is not available; and
 - (ii) the employee is not provided by the employer with a means of transport to their place of work.
- (b) The employer must pay the employee the cost of transport to their place of work.

26.10 Working away from usual place of work

This provision is being reviewed in [AM2017/59](#) see Decision [\[2019\] FWCFB 6092](#). and [\[2019\] FWCFB 6898](#) (see draft determination at Attachment 2).

- (a) Clause 26.10 applies to a full-time or part-time employee who is required to work at a place that is more than 80 kilometres from their usual place of work.
- (b) The employer must pay the employee an amount equal to the amount reasonably spent by the employee on fares to travel from their usual place of work to the new place of work.

- (c) However, the employer may recover any amount paid to an employee under clause 26.10 if the employee leaves their employment, or is dismissed for misconduct, within 3 months after receiving that payment.

26.11 Airport catering travel allowance

An airport catering employer must pay an employee a travel allowance of **\$6.68** per day of work.

26.12 First aid allowance

- (a) Clause 26.12 applies to an employee who:
 - (i) has a current first aid qualification from St John Ambulance or a similar body; and
 - (ii) is appointed by the employer to perform first aid duty.
- (b) The employer must pay the employee an allowance of:
 - (i) **\$10.35** per week for a full-time employee; or
 - (ii) **\$2.07** per day up to a maximum of **\$10.35** per week for a part-time or casual employee.

26.13 Airport catering supervisory allowance

- (a) Clause 26.13 applies to an employee of an airport catering employer who is required to supervise other employees.
- (b) The employer must pay the employee an all-purpose allowance per week of the amount specified in column 2 of **Table 9—Supervisory allowance** depending on the number of employees supervised as specified in column 1 of that table.

Table 9—Supervisory allowance

Column 1 Number of employees supervised	Column 2 Allowance per week
Up to 5	\$17.25
6 to 10	\$23.72
11 to 20	\$26.74
More than 20	\$44.85

26.14 Split shift allowance

- (a) Clause 26.14 applies to any full-time or part-time employee who works split shifts on any day.
- (b) The employer must pay the employee an allowance of:
 - (i) **\$2.85** per day where the period between shifts is between 2 and 3 hours; and

- (ii) \$4.31 per day where the period between shifts is more than 3 hours.

26.15 Overnight stay allowance

- (a) Clause 26.15 applies to an employee who is requested to stay overnight on the employer's premises in order to provide prompt assistance to guests outside ordinary business hours.
- (b) An employer must pay the employee:
 - (i) an allowance of \$51.75 per overnight stay; and
 - (ii) at 150% of the ordinary hourly rate of the employee under **Table 3—Minimum rates** for work performed of more than one hour in duration during an overnight stay.
- (c) Hours worked by the employee during an overnight stay do not count for the purposes of hours of work, overtime or leave accruals.

NOTE: The allowance specified in ~~subparagraph (b)(i)~~ clause 26.15(b)(i) is intended to compensate for the overnight stay and for work undertaken of up to one hour's duration.

27. Superannuation

27.1 Superannuation legislation

- (a) Superannuation legislation, including the *Superannuation Guarantee (Administration) Act 1992* (Cth), the *Superannuation Guarantee Charge Act 1992* (Cth), the *Superannuation Industry (Supervision) Act 1993* (Cth) and the *Superannuation (Resolution of Complaints) Act 1993* (Cth), deals with the superannuation rights and obligations of employers and employees. Under superannuation legislation individual employees generally have the opportunity to choose their own superannuation fund. If an employee does not choose a superannuation fund, any superannuation fund nominated in the award covering the employee applies.
- (b) The rights and obligations in these clauses supplement those in superannuation legislation.

27.2 Employer contributions

- (a) An employer must make such superannuation contributions to a superannuation fund for the benefit of an employee as will avoid the employer being required to pay the superannuation guarantee charge under superannuation legislation with respect to that employee.
- (b) The employer must make contributions for each employee for such month where the employee earns \$350.00 or more in a calendar month.

27.3 Voluntary employee contributions

- (a) Subject to the governing rules of the relevant superannuation fund, an employee may, in writing, authorise their employer to pay on behalf of the employee a specified amount from the post-taxation wages of the employee into the same superannuation fund as the employer makes the superannuation contributions provided for in clause 27.2.
- (b) An employee may adjust the amount the employee has authorised their employer to pay from the wages of the employee from the first of the month following the giving of 3 months' written notice to their employer.
- (c) The employer must pay the amount authorised under clauses 27.3(a) or 27.3(b) no later than 28 days after the end of the month in which the deduction authorised under clauses 27.3(a) or 27.3(b) was made.

27.4 Superannuation fund

Unless, to comply with superannuation legislation, the employer is required to make the superannuation contributions provided for in clause 27.2 to another superannuation fund that is chosen by the employee, the employer must make the superannuation contributions provided for in clause 27.2 and pay the amount authorised under clauses 27.3(a) and 27.3(b) to one of the following superannuation funds or its successor:

- (a) HOST-PLUS;
- (b) Sunsuper;
- (c) InTrust Super;
- (d) Club Plus Superannuation Pty Ltd;
- (e) CareSuper;
- (f) Westscheme Superannuation Fund;
- (g) any superannuation fund to which the employer was making superannuation contributions for the benefit of its employees before 12 September 2008, provided the superannuation fund is an eligible choice fund and is a fund that offers a MySuper product or is an exempt public sector superannuation scheme; or
- (h) a superannuation fund or scheme which the employee is a defined benefit member of.

27.5 Absence from work

Subject to the governing rules of the relevant superannuation fund, the employer must also make the superannuation contributions provided for in clause 27.2 and pay the amount authorised under clauses 27.3(a) or 27.3(b):

- (a) **Paid leave**—while the employee is on any paid leave;

- (b) **Work-related injury or illness**—in respect of any employee entitled to accident pay for the period of absence from work of the employee due to work-related injury or work-related illness provided that:
- (i) the employee is receiving workers compensation payments or is receiving regular payments directly from the employer in accordance with the statutory requirements; and
 - (ii) the employee remains employed by the employer.

Part 5—Overtime and Penalty Rates

28. Overtime

Clause 28.1 amended in accordance with [\[2018\] FWCFB 6680](#); [\[2019\] FWCFB 5409](#) and [PR710999](#)
Administrative amendment by Modern Awards team to wording in clauses 28.2 and 28.3 for clarity

~~28.1—An employer may require an employee to work additional hours at overtime rates.~~

~~NOTE: Under the NES (see section 62 of the Act) an employee may refuse to work additional hours if they are unreasonable. Section 62 sets out factors to be taken into account in determining whether the additional hours are reasonable or unreasonable.~~

28.1 Reasonable overtime

- (a) Subject to section 62 of the Act and clause 28.1, an employer may require an employee to work reasonable overtime hours at overtime rates.
- (b) An employee may refuse to work overtime hours if they are unreasonable.
- (c) In determining whether overtime hours are reasonable or unreasonable for the purpose of clause 28.1 the following must be taken into account:
 - (i) any risk to employee health and safety from working the additional hours;
 - (ii) the employee's personal circumstances, including family responsibilities;
 - (iii) the needs of the workplace or enterprise in which the employee is employed;
 - (iv) whether the employee is entitled to receive overtime payments, penalty rates or other compensation for, or a level of remuneration that reflects an expectation of, working additional hours;
 - (v) any notice given by the employer of any request or requirement to work the additional hours;
 - (vi) any notice given by the employee of his or her intention to refuse to work the additional hours;

(vii) the usual patterns of work in the industry, or the part of an industry, in which the employee works;

(viii) the nature of the employee's role, and the employee's level of responsibility;

(ix) whether the additional hours are in accordance with averaging terms in clause 15—Ordinary hours of work and rostering arrangements inserted pursuant to section 63 of the Act, that applies to the employee; and

(x) any other relevant matter.

28.2 Payment of overtime

The provision relating to is being reviewed in [AM2017/59](#) see [39] of Decision [\[2018\] FWCFB 7263](#), Decision [\[2019\] FWCFB 6092](#), and [\[2019\] FWCFB 6898](#) (see draft determination at Attachment 2).

- (a) An employer must pay a full-time employee at the overtime rate for any time worked in excess of their ordinary hours.
- (b) An employer must pay a part-time employee at overtime rates in the circumstances specified in clause 10.13—Payment rates.
- (c) An employer must pay a casual employee at overtime rates in the circumstances specified in clause 11.5 (Casual employment).
- (d) An employer must pay ~~an~~ a full-time or part-time employee at the overtime rate for any time that the employee is required to work on a rostered day off.
- (e) When a full-time or part-time employee works overtime on a rostered day off the employee must be paid for a minimum of 4 hours even if they work for less than 4 hours.
- (f) However, the 4 hour minimum payment does not apply if the work is part of a normal roster that began on the day before the rostered day off or is overtime that is continuous from the previous day's duty.

28.3 In ~~computing~~ calculating overtime payments, overtime worked on any day stands alone from overtime worked on any other day.

28.4 Overtime rate

The overtime rate mentioned in clause 28.2 is the relevant percentage specified in column 2 of **Table 10—Overtime rates** (depending on when the overtime was worked as specified in column 1) of the employee's ordinary hourly rate.

Table 10—Overtime rates

Column 1 For overtime worked on	Column 2 Overtime rate (% of ordinary hourly rate)
Monday to Friday—first 2 hours	150%

Column 1 For overtime worked on	Column 2 Overtime rate (% of ordinary hourly rate)
Monday to Friday—after 2 hours	200%
Midnight Friday to midnight Sunday	200%
Rostered day off	200%

NOTE 1: See clause 29.1 for work performed on a public holiday.

NOTE 2: Schedule B—Summary of Hourly Rates of Pay sets out the hourly overtime rate for all employee classifications according to when overtime is worked.

28.5 Time off instead of payment for overtime

- (a) An employee and employer may agree in writing to the employee taking time off instead of being paid for a particular amount of overtime that has been worked by the employee.
- (b) Any amount of overtime that has been worked by an employee in a particular pay period and that is to be taken as time off instead of the employee being paid for it must be the subject of a separate agreement under clause 28.5.
- (c) An agreement must state each of the following:
 - (i) the number of overtime hours to which it applies and when those hours were worked; and
 - (ii) that the employer and employee agree that the employee may take time off instead of being paid for the overtime; and
 - (iii) that, if the employee requests at any time, the employer must pay the employee, for overtime covered by the agreement but not taken as time off, at the overtime rate applicable to the overtime when worked; and
 - (iv) that any payment mentioned in ~~subparagraph (iii)~~ clause 28.5(c)(iii) must be made in the next pay period following the request.

NOTE: An example of the type of agreement required by ~~this~~ clause 28.5 is set out at Schedule F—Agreement for Time Off Instead of Payment for Overtime. There is no requirement to use the form of agreement set out at Schedule F—Agreement for Time Off Instead of Payment for Overtime. An agreement under clause 28.5 can be made by an exchange of emails between the employee and employer, or by other electronic means.

- (d) The period of time off that an employee is entitled to take is the same as the number of overtime hours worked.

EXAMPLE: By making an agreement under clause 28.5 an employee who worked 2 overtime hours is entitled to 2 hours' time off.

- (e) Time off must be taken:

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- (i) within the period of 6 months after the overtime is worked; and
 - (ii) at a time or times within that period of 6 months agreed by the employee and employer.
- (f) If the employee requests at any time to be paid for overtime covered by an agreement under clause 28.5 but not taken as time off, the employer must pay the employee for the overtime, in the next pay period following the request, at the overtime rate applicable to the overtime when worked.
- (g) If time off for overtime that has been worked is not taken within the period of 6 months mentioned in ~~paragraph (e)~~ clause 28.5(e), the employer must pay the employee for the overtime, in the next pay period following those 6 months, at the overtime rate applicable to the overtime when worked.
- (h) The employer must keep a copy of any agreement under clause 28.5 as an employee record.
- (i) An employer must not exert undue influence or undue pressure on an employee in relation to a decision by the employee to make, or not make, an agreement to take time off instead of payment for overtime.
- (j) An employee may, under section 65 of the [Act](#), request to take time off, at a time or times specified in the request or to be subsequently agreed by the employer and the employee, instead of being paid for overtime worked by the employee. If the employer agrees to the request then clause 28.5 will apply, including the requirement for separate written agreements under ~~paragraph (b)~~ clause 28.5(b), in relation to overtime that has been worked.

NOTE: If an employee makes a request under section 65 of the [Act](#) for a change in working arrangements, the employer may only refuse that request on reasonable business grounds (see section 65(5) of the [Act](#)).

- (k) If, on the termination of the employee's employment, time off for overtime worked by the employee to which clause 28.5 applies has not been taken, the employer must pay the employee for the overtime at the overtime rate applicable to the overtime when worked.

NOTE: Under section 345(1) of the [Act](#), a person must not knowingly or recklessly make a false or misleading representation about the workplace rights of another person under clause 28.5.

29. Penalty rates

Clause 29.3 amended in accordance with [\[2019\] FWCFB 5409](#) at [141] to [145].

- 29.1** Clause 29 sets out penalty rates for hours worked at specified times or on specified days that are not required to be paid at the overtime rate mentioned in clause 28.4—Overtime rate.
- 29.2** An employer must pay an employee as follows for hours worked by the employee during a period, or on a day, specified in column 1 of **Table 11—Penalty rates**:

- (a) for a full-time or part-time employee, at the percentage specified in column 2 of that Table of the ordinary hourly rate of the employee under **Table 3—Minimum rates** plus the additional amount specified in that column for hours worked between 7.00 pm and 7.00 am on a Monday to Friday; or
- (b) for a casual employee, at the percentage specified in column 3 of that Table of the ordinary hourly rate of the employee under **Table 3—Minimum rates** plus the additional amount specified in that column for hours worked between 7.00 pm and 7.00 am on a Monday to Friday.

Table 11—Penalty rates

Column 1 Time of ordinary hours worked	Column 2 Full-time and part-time employees	Column 3 Casual employees
	% of ordinary hourly rate	% of ordinary hourly rate (inclusive of casual loading)
Monday to Friday—7.00 am to 7.00 pm	100%	125%
Monday to Friday—7.00 pm to midnight	100% plus \$2.20 per hour or part of an hour	125% plus \$2.20 per hour or part of an hour
Monday to Friday—midnight to 7.00 am	100% plus \$3.31 per hour or part of an hour	125% plus \$3.31 per hour or part of an hour
Saturday	125%	150%
Sunday (1 July 2018 to 30 June 2019)	160%	175%
Sunday (from 1 July 2019)	150%	175%
Public holiday	225%	250%

NOTE: Schedule B—Summary of Hourly Rates of Pay sets out the hourly penalty rate for all employee classifications.

29.3 Penalty rates not cumulative

- (a) Clause 29.3 applies where more than one penalty rate would be payable for hours worked at a particular time. ~~The employer must pay the employee the highest of any penalty rates applicable. higher of the penalties, but not more than one.~~
- (b) However, any penalty payable under clause 16—Breaks is payable in addition to ~~the higher of any other penalties~~ the penalty rate payable in accordance with ~~paragraph (a)~~ clause 29.3(a).

29.4 Additional provisions for work on public holidays

This provision is being reviewed in [AM2017/59](#) see [63]-[76] of Decision [\[2018\] FWCFB 7263](#), [52]-[56] of Decision [\[2019\] FWCFB 6092](#) and [\[2019\] FWCFB 6898](#) (see draft determination at Attachment 2).

- (a) A full-time or part-time employee who works on a public holiday is entitled to be paid for a minimum of 4 hours' work even if the employee works for a shorter time.
- (b) A casual employee who works on a public holiday is entitled to be paid for a minimum of 2 hours' work even if the employee works for a shorter time.
- (c) An employer and a full-time or part-time employee may agree that, instead of the employee being paid at **225%** of the ordinary hourly rate of the employee under **Table 3—Minimum rates** for hours worked on a public holiday, the following arrangements are to apply:
 - (i) the employee is to be paid at **125%** of the ordinary hourly rate of the employee under **Table 3—Minimum rates** for hours worked on the public holiday; and
 - (ii) an amount of paid time equivalent to the hours worked on the public holiday is to be added to the employee's annual leave or the employee is to be allowed to take a day off during the week in which the public holiday falls or within a period of 28 days after the public holiday.
- (d) ~~Paragraph (e)~~ Clause 29.4(e) applies to a full-time or part-time employee who is required to work on Christmas Day when it falls on a weekend and is not a public holiday.
- (e) The employer must pay the employee at **125%** of the employee's ordinary hourly rate for hours worked on Christmas Day and also allow the employee to take a substitute day off.

Part 6—Leave and Public Holidays

30. Annual leave

NOTE: Where an employee is receiving over-award payments resulting in the employee's base rate of pay being higher than the rate specified under this award, the employee is entitled to receive the higher rate while on a period of paid annual leave (see sections 16 and 90 of the [Act](#)).

30.1 Annual leave is provided for in the [NES](#). It does not apply to casual employees.

30.2 Additional paid annual leave for certain shiftworkers

- (a) Clause 30.2 applies to an employee who is a 7 day shiftworker regularly rostered to work on Sundays and public holidays in a business in which shifts are continuously rostered 24 hours a day for 7 days a week.

- (b) The employee is a shiftworker for the purposes of the [NES](#) (entitlement to an additional week of paid annual leave).

30.3 Payment for annual leave loading

An employer must pay an employee a loading of **17.5%** on the amount payable to the employee under the [NES](#) for a period of paid annual leave, including a period of untaken paid annual leave when the employment of the employee ends.

30.4 Temporary close-down

Issue remains outstanding with further decision to be issued – see [\[2019\] FWCFB 5409](#) at [247].

- (a) Clause 30.4 applies if an employer:
 - (i) intends to close down its operations at all or part of a workplace for a particular period (**temporary close down period**); and
 - (ii) wishes to require affected employees to take paid annual leave during that period.
- (b) The employer must give the affected employees at least 4 weeks' notice of a temporary close down period.
- (c) The employer may require any affected employee to take a period of paid annual leave during a temporary close down period.

30.5 Special leave without pay arrangements for certain catering employees

- (a) Clause 30.5 applies to an employee who is employed at or in connection with catering functions in primary or secondary boarding schools or residential colleges associated with tertiary educational institutions.
- (b) The employer may require an employee to take a period of leave without pay during all or part of a term break, semester break or the Christmas/summer vacation.
- (c) The employer must give the affected employees at least one week's notice in writing of a requirement to take leave without pay and the period for which that leave is to be taken.
- (d) The period of leave without pay may be varied by agreement between the employee and employer.
- (e) An employee may take accrued annual leave or long service leave instead of leave without pay during a period of leave required to be taken under ~~paragraph (b)~~[clause 30.5\(b\)](#).
- (f) All leave without pay taken under clause 30.5 counts for the purposes of accruing annual leave, long service leave and personal/carer's leave.
- (g) An employer must offer work to an employee during an unpaid leave period if appropriate work is available. For this purpose, work is appropriate if the

employee is able to perform it and it is within the employee's skills and experience.

- (h) If the employee accepts an offer of appropriate work, the employer must pay the employee at the rate applicable to the work performed.
- (i) An employer must not terminate the employment of an employee because the employee is not able to accept an offer of appropriate work.

30.6 Excessive leave accruals: general provision

NOTE: Clauses 30.6 to 30.8 contain provisions, additional to the [NES](#), about the taking of paid annual leave as a way of dealing with the accrual of excessive paid annual leave. See Part 2.2, Division 6 of the [Act](#).

- (a) An employee has an **excessive leave accrual** if the employee has accrued more than 8 weeks' paid annual leave (or 10 weeks' paid annual leave for a shiftworker, as defined by clause 30.2).
- (b) If an employee has an excessive leave accrual, the employer or the employee may seek to confer with the other and genuinely try to reach agreement on how to reduce or eliminate the excessive leave accrual.
- (c) Clause 30.7 sets out how an employer may direct an employee who has an excessive leave accrual to take paid annual leave.
- (d) Clause 30.8 sets out how an employee who has an excessive leave accrual may require an employer to grant paid annual leave requested by the employee.

30.7 Excessive leave accruals: direction by employer that leave be taken

- (a) If an employer has genuinely tried to reach agreement with an employee under clause 30.6(b) but agreement is not reached (including because the employee refuses to confer), the employer may direct the employee in writing to take one or more periods of paid annual leave.
- (b) However, a direction by the employer under ~~paragraph (a)~~ clause 30.7(a):
 - (i) is of no effect if it would result at any time in the employee's remaining accrued entitlement to paid annual leave being less than 6 weeks when any other paid annual leave arrangements (whether made under clause 30.6, 30.7 or 30.8 or otherwise agreed by the employer and employee) are taken into account; and
 - (ii) must not require the employee to take any period of paid annual leave of less than one week; and
 - (iii) must not require the employee to take a period of paid annual leave beginning less than 8 weeks, or more than 12 months, after the direction is given; and
 - (iv) must not be inconsistent with any leave arrangement agreed by the employer and employee.

- (c) The employee must take paid annual leave in accordance with a direction under ~~paragraph (a)-clause~~ 30.7(a) that is in effect.
- (d) An employee to whom a direction has been given under ~~paragraph (a)-clause~~ 30.7(a) may request to take a period of paid annual leave as if the direction had not been given.

NOTE 1: Paid annual leave arising from a request mentioned in ~~paragraph (d)-clause~~ 30.7(d) may result in the direction ceasing to have effect. See ~~paragraph (b)(i)-clause~~ 30.7(b)(i).

NOTE 2: Under section 88(2) of the [Act](#), the employer must not unreasonably refuse to agree to a request by the employee to take paid annual leave.

30.8 Excessive leave accruals: request by employee for leave

- (a) If an employee has genuinely tried to reach agreement with an employer under clause 30.6(b) but agreement is not reached (including because the employer refuses to confer), the employee may give a written notice to the employer requesting to take one or more periods of paid annual leave.
- (b) However, an employee may only give a notice to the employer under ~~paragraph (a)-clause~~ 30.8(a) if:
 - (i) the employee has had an excessive leave accrual for more than 6 months at the time of giving the notice; and
 - (ii) the employee has not been given a direction under clause 30.7(a) that, when any other paid annual leave arrangements (whether made under clause 30.6, 30.7 or 30.8 or otherwise agreed by the employer and employee) are taken into account, would eliminate the employee's excessive leave accrual.
- (c) A notice given by an employee under ~~paragraph (a)-clause~~ 30.8(a) must not:
 - (i) if granted, result in the employee's remaining accrued entitlement to paid annual leave being at any time less than 6 weeks when any other paid annual leave arrangements (whether made under clause 30.6, 30.7 or 30.8 or otherwise agreed by the employer and employee) are taken into account; or
 - (ii) provide for the employee to take any period of paid annual leave of less than one week; or
 - (iii) provide for the employee to take a period of paid annual leave beginning less than 8 weeks, or more than 12 months, after the notice is given; or
 - (iv) be inconsistent with any leave arrangement agreed by the employer and employee.
- (d) An employee is not entitled to request by a notice under ~~paragraph (a)-clause~~ 30.8(a) more than 4 weeks' paid annual leave (or 5 weeks' paid annual leave for a shiftworker as defined by clause 30.2) in any period of 12 months.

- (e) The employer must grant paid annual leave requested by a notice under ~~paragraph (a) clause~~ 30.8(a).

30.9 Annual leave in advance

- (a) An employer and employee may agree in writing to the employee taking a period of paid annual leave before the employee has accrued an entitlement to the leave.
- (b) An agreement must:
 - (i) state the amount of leave to be taken in advance and the date on which leave is to commence; and
 - (ii) be signed by the employer and employee and, if the employee is under 18 years of age, by the employee's parent or guardian.

NOTE: An example of the type of agreement required by clause 30.9 is set out at Schedule G—Agreement to Take Annual Leave in Advance. There is no requirement to use the form of agreement set out at Schedule G—Agreement to Take Annual Leave in Advance.

- (c) The employer must keep a copy of any agreement under clause 30.9 as an employee record.
- (d) If, on the termination of the employee's employment, the employee has not accrued an entitlement to all of a period of paid annual leave already taken in accordance with an agreement under clause 30.9, the employer may deduct from any money due to the employee on termination an amount equal to the amount that was paid to the employee in respect of any part of the period of annual leave taken in advance to which an entitlement has not been accrued.

30.10 Cashing out of annual leave

- (a) Paid annual leave must not be cashed out except in accordance with an agreement under ~~paragraph (e) clause~~ 30.10(c).
- (b) Each cashing out of a particular amount of paid annual leave must be the subject of a separate agreement under ~~paragraph (e) clause~~ 30.10(c).
- (c) An employer and an employee may agree in writing to the cashing out of a particular amount of accrued paid annual leave by the employee.
- (d) An agreement under ~~paragraph (e) clause~~ 30.10(c) must state:
 - (i) the amount of leave to be cashed out and the payment to be made to the employee for it; and
 - (ii) the date on which the payment is to be made.
- (e) An agreement under ~~paragraph (e) clause~~ 30.10(c) must be signed by the employer and employee and, if the employee is under 18 years of age, by the employee's parent or guardian.

- (f) The payment must not be less than the amount that would have been payable had the employee taken the leave at the time the payment is made.
- (g) An agreement must not result in the employee’s remaining accrued entitlement to paid annual leave being less than 4 weeks.
- (h) The maximum amount of accrued paid annual leave that may be cashed out in any period of 12 months is 2 weeks.
- (i) The employer must keep a copy of any agreement under ~~paragraph (e) clause~~ 30.10(c) as an employee record.

NOTE 1: Under section 344 of the [Act](#), an employer must not exert undue influence or undue pressure on an employee to make, or not make, an agreement under ~~paragraph (e) clause~~ 30.10(c).

NOTE 2: Under section 345(1) of the [Act](#), a person must not knowingly or recklessly make a false or misleading representation about the workplace rights of another person under clause 30.10.

NOTE 3: An example of the type of agreement required by ~~paragraph (e) clause~~ 30.10(c) is set out at Schedule H—Agreement to Cash Out Annual Leave. There is no requirement to use the form of agreement set out at Schedule H—Agreement to Cash Out Annual Leave.

31. Personal/carer’s leave and compassionate leave

Personal/carer’s leave and compassionate leave are provided for in the [NES](#).

32. Parental leave and related entitlements

Parental leave and related entitlements are provided for in the [NES](#).

33. Community service leave

Community service leave is provided for in the [NES](#).

34. **Unpaid family and domestic violence leave**

Clause 34 inserted in accordance with [\[2019\] FWCFB 5144](#) at [13].

Unpaid family and domestic violence leave is provided for in the NES.

NOTE 1: Information concerning an employee’s experience of family and domestic violence is sensitive and if mishandled can have adverse consequences for the employee. Employers should consult with such employees regarding the handling of this information.

NOTE 2: Depending upon the circumstances, evidence that would satisfy a reasonable person of the employee’s need to take family and domestic violence leave may include a document

issued by the police service, a court or family violence support service, or a statutory declaration.

35. Public holidays

Clause 35.2 amended in accordance with [\[2019\] FWCFB 5145](#) at [50] and [PR712233](#).

35.1 Public holiday entitlements are provided for in the [NES](#).

35.2 Substitution of public holidays by agreement

~~The employer and the majority of employees at a workplace, or section of a workplace, may agree to substitute another day for a public holiday.~~

~~(a) An employer and employee may agree to substitute another day for a day that would otherwise be a public holiday under the [NES](#).~~

~~(b) An employer and employee may agree to substitute another part-day for a part-day that would otherwise be a part-day public holiday under the [NES](#).~~

35.3 Additional public holiday arrangements for full-time employees

This provision is being reviewed in [AM2017/59](#) see [39]-[43] of Decision [\[2018\] FWCFB 7263](#), Decision [\[2019\] FWCFB 6092](#) and [\[2019\] FWCFB 6898](#) (see draft determination at Attachment 2).

An employer must, if the rostered day off of a full-time employee falls on a public holiday, do one of the following:

- (a) pay the employee an extra day's pay; or
- (b) give the employee an alternative day off within 28 days; or
- (c) give the employee an additional day's annual leave.

35.4 Public holiday arrangements for part-time employees

- (a) Clause 35.4 applies if under an agreement under clause 10.5, as varied under clause 10.6, a part-time employee is to work on a day that is a public holiday.
- (b) The part-time employee is entitled to be absent from their employment on that day.
- (c) If the part-time employee is absent in accordance with ~~paragraph (b)~~ clause 35.4(b), the employer must pay the employee for the ordinary hours that the employee was to work that day.
- (d) A part-time employee who works on that day must be paid in accordance with clause 35.

35.5 Part-day public holidays

For provisions relating to part-day public holidays see Schedule I—Part-day Public Holidays.

Part 7—Industry Specific Provisions

36. No deduction for breakages or cashiering underings

This provision is being reviewed in [AM2017/59](#) see [253]-[255] of Decision [\[2018\] FWCFB 7263](#), Decision [\[2019\] FWCFB 6092](#), and [\[2019\] FWCFB 6898](#) (see draft determination at Attachment 2).

Unless they arise out of wilful misconduct, an employer must not deduct any sum from the wages or other money payable to an employee for any of the following:

- (a) breakages; or
- (b) cashiering underings.

37. Deductions for provision of employee accommodation and meals

Monetary amounts adjusted as a result of AWR 2019 – changes not tracked.

This provision is being reviewed in [AM2017/59](#) see [77]-[111] of Decision [\[2018\] FWCFB 7263](#), Decision [\[2019\] FWCFB 6092](#), and [\[2019\] FWCFB 6898](#) (see draft determination at Attachment 2).

NOTE: Schedule C—Summary of Monetary Allowances contains a summary of the deductions in **Table 12—Employees on adult rates** and **Table 13—Employees on junior rates**.

37.1 An employer may make deductions from the wages of an employee for the provision of either or both of the following to the employee:

- (a) accommodation; or
- (b) meals.

37.2 An employer may only deduct an amount from the wages of an employee for providing a meal if:

- (a) the employee does not live in accommodation provided by the employer; and
- (b) the meal is provided during the employee’s normal working hours.

37.3 Adult employees and junior employees on adult wages

An employer may deduct from the wages of an adult employee, or the wages of a junior employee on adult rates, the amount specified in column 2 of **Table 12—Employees on adult rates** for the service specified in column 1 provided by the employer:

Table 12—Employees on adult rates

Column 1 Service provided by employer	Column 2 Deduction \$ per week
Single room and 3 meals a day	\$215.63
Shared room and 3 meals a day	\$210.24
Single room only; no meals	\$204.85
Shared room only; no meals	\$199.46
A meal	\$8.63

37.4 Junior employees on junior rates

An employer may deduct from the wages of a junior employee on junior rates aged as specified in column 2 of **Table 13—Employees on junior rates** the amount specified in column 3 for the service specified in column 1 provided by the employer.

Table 13—Employees on junior rates

Column 1 Service provided by employer	Column 2 Age	Column 3 Deduction \$ per week
Single room and 3 meals a day	15 years of age and under	\$97.03
	16 years of age	\$118.60
	17 years of age	\$150.94
	18 years of age	\$172.50
	19 years of age	\$194.07
Shared room and 3 meals a day	15 years of age and under	\$94.61
	16 years of age	\$115.63
	17 years of age	\$147.17
	18 years of age	\$168.19
	19 years of age	\$189.22
Single room only; no meals	15 years of age and under	\$92.18
	16 years of age	\$112.67
	17 years of age	\$143.40
	18 years of age	\$163.88

Column 1 Service provided by employer	Column 2 Age	Column 3 Deduction \$ per week
	19 years of age	\$184.37
Shared room only; no meals	15 years of age and under	\$89.76
	16 years of age	\$109.70
	17 years of age	\$139.62
	18 years of age	\$159.57
	19 years of age	\$179.51
A meal	Same rate all ages	\$8.63

Part 8—Consultation and Dispute Resolution

38. Consultation about major workplace change

38.1 If an employer makes a definite decision to make major changes in production, program, organisation, structure or technology that are likely to have significant effects on employees, the employer must:

- (a) give notice of the changes to all employees who may be affected by them and their representatives (if any); and
- (b) discuss with affected employees and their representatives (if any):
 - (i) the introduction of the changes; and
 - (ii) their likely effect on employees; and
 - (iii) measures to avoid or reduce the adverse effects of the changes on employees; and
- (c) commence discussions as soon as practicable after a definite decision has been made.

38.2 For the purposes of the discussion under clause 38.1(b), the employer must give in writing to the affected employees and their representatives (if any) all relevant information about the changes including:

- (a) their nature; and
- (b) their expected effect on employees; and
- (c) any other matters likely to affect employees.

- 38.3** Clause 38.2 does not require an employer to disclose any confidential information if its disclosure would be contrary to the employer's interests.
- 38.4** The employer must promptly consider any matters raised by the employees or their representatives about the changes in the course of the discussion under clause 38.1(b).
- 38.5** In clause 38 **significant effects**, on employees, includes any of the following:
- (a) termination of employment; or
 - (b) major changes in the composition, operation or size of the employer's workforce or in the skills required; or
 - (c) loss of, or reduction in, job or promotion opportunities; or
 - (d) loss of, or reduction in, job tenure; or
 - (e) alteration of hours of work; or
 - (f) the need for employees to be retrained or transferred to other work or locations; or
 - (g) job restructuring.
- 38.6** Where this award makes provision for alteration of any of the matters defined at clause 38.5, such alteration is taken not to have significant effect.
- 39. Consultation about changes to rosters or hours of work**
- 39.1** Clause 39 applies if an employer proposes to change the regular roster or ordinary hours of work of an employee, other than an employee whose working hours are irregular, sporadic or unpredictable.
- 39.2** The employer must consult with any employees affected by the proposed change and their representatives (if any).
- 39.3** For the purpose of the consultation, the employer must:
- (a) provide to the employees and representatives mentioned in clause 39.2 information about the proposed change (for example, information about the nature of the change and when it is to begin); and
 - (b) invite the employees to give their views about the impact of the proposed change on them (including any impact on their family or caring responsibilities) and also invite their representative (if any) to give their views about that impact.
- 39.4** The employer must consider any views given under clause 39.3(b).
- 39.5** Clause 39 is to be read in conjunction with any other provisions of this award concerning the scheduling of work or the giving of notice.

40. Dispute resolution

- 40.1 Clause 40 sets out the procedures to be followed if a dispute arises about a matter under this award or in relation to the [NES](#).
- 40.2 The parties to the dispute must first try to resolve the dispute at the workplace through discussion between the employee or employees concerned and the relevant supervisor.
- 40.3 If the dispute is not resolved through discussion as mentioned in clause 40.2, the parties to the dispute must then try to resolve it in a timely manner at the workplace through discussion between the employee or employees concerned and more senior levels of management, as appropriate.
- 40.4 If the dispute is unable to be resolved at the workplace and all appropriate steps have been taken under clauses 40.2 and 40.3, a party to the dispute may refer it to the Fair Work Commission.
- 40.5 The parties may agree on the process to be followed by the Fair Work Commission in dealing with the dispute, including mediation, conciliation and consent arbitration.
- 40.6 If the dispute remains unresolved, the Fair Work Commission may use any method of dispute resolution that it is permitted by the [Act](#) to use and that it considers appropriate for resolving the dispute.
- 40.7 A party to the dispute may appoint a person, organisation or association to support and/or represent them in any discussion or process under clause 40.
- 40.8 While procedures are being followed under clause 40 in relation to a dispute:
- (a) work must continue in accordance with this award and the [Act](#); and
 - (b) an employee must not unreasonably fail to comply with any direction given by the employer about performing work, whether at the same or another workplace, that is safe and appropriate for the employee to perform.
- 40.9 Clause 40.8 is subject to any applicable work health and safety legislation.

Part 9—Termination of Employment and Redundancy

41. Termination of employment

NOTE: The [NES](#) sets out requirements for notice of termination by an employer. See sections 117 and 123 of the [Act](#).

41.1 Notice of termination by an employee

- (a) Clause 41 applies to all employees except those identified in sections 123(1) and 123(3) of the [Act](#).
- (b) An employee must give the employer notice of termination in accordance with **Table 14—Period of notice** of at least the period specified in column 2

according to the period of continuous service of the employee specified in column 1.

Table 14—Period of notice

Column 1 Employee’s period of continuous service with the employer at the end of the day the notice is given	Column 2 Period of notice
Not more than 1 year	1 week
More than 1 year but not more than 3 years	2 weeks
More than 3 years but not more than 5 years	3 weeks
More than 5 years	4 weeks

NOTE: The notice of termination required to be given by an employee is the same as that required of an employer except that the employee does not have to give additional notice based on the age of the employee.

- (c) In ~~paragraph (b)~~ clause 41.1(b) **continuous service** has the same meaning as in section 117 of the [Act](#).
- (d) If an employee who is at least 18 years old does not give the period of notice required under ~~paragraph (b)~~ clause 41.1(b), then the employer may deduct from wages due to the employee under this award an amount that is no more than one week’s wages for the employee.
- (e) If the employer has agreed to a shorter period of notice than that required under ~~paragraph (b)~~ clause 41.1(b), then no deduction can be made under ~~paragraph (d)~~ clause 41.1(d).
- (f) Any deduction made under ~~paragraph (d)~~ clause 41.1(d) must not be unreasonable in the circumstances.
- (g) If an employee gives notice of termination in accordance with ~~paragraph (b)~~ clause 41.1(b), the employer may, at its discretion, elect to make a payment instead of the employee working for all or part of the notice period. The payment must be equivalent to the amount the employer would have been otherwise required to make pursuant to section 117 of the Act had the employer terminated the employee’s employment.

41.2 Job search entitlement

- (a) Where an employer has given notice of termination to an employee, the employee must be allowed time off without loss of pay of up to one day for the purpose of seeking other employment.
- (b) The time off under clause 41.2 is to be taken at times that are convenient to the employee after consultation with the employer.

42. Redundancy

Clause 42 substituted in accordance with [\[2019\] FWCFB 2548](#) at [6] and [PR706971](#).

NOTE: Redundancy pay is provided for in the NES. See sections 119 to 123 of the Act.

42.1 Transfer to lower paid duties on redundancy

- (a) Clause 42.1 applies if, because of redundancy, an employee is transferred to new duties to which a lower ordinary rate of pay applies.
- (b) The employer may:
 - (i) give the employee notice of the transfer of at least the same length as the employee would be entitled to under section 117 of the Act as if it were a notice of termination given by the employer; or
 - (ii) transfer the employee to the new duties without giving notice of transfer or before the expiry of a notice of transfer, provided that the employer pays the employee as set out in clause 42.1(c).
- (c) If the employer acts as mentioned in clause 42.1(b)(ii), the employee is entitled to a payment of an amount equal to the difference between the ordinary rate of pay of the employee (inclusive of all-purpose allowances, shift rates and penalty rates applicable to ordinary hours) for the hours of work the employee would have worked in the first role, and the ordinary rate of pay (also inclusive of all-purpose allowances, shift rates and penalty rates applicable to ordinary hours) of the employee in the second role for the period for which notice was not given.

42.2 Employee leaving during redundancy notice period

- (a) An employee given notice of termination in circumstances of redundancy may terminate their employment during the minimum period of notice prescribed by section 117(3) of the Act.
- (b) The employee is entitled to receive the benefits and payments they would have received under clause 42 or under sections 119 to 123 of the Act had they remained in employment until the expiry of the notice.
- (c) However, the employee is not entitled to be paid for any part of the period of notice remaining after the employee ceased to be employed.

42.3 Job search entitlement

- (a) Where an employer has given notice of termination to an employee in circumstances of redundancy, the employee must be allowed time off without loss of pay of up to one day each week of the minimum period of notice prescribed by section 117(3) of the Act for the purpose of seeking other employment.
- (b) If an employee is allowed time off without loss of pay of more than one day under clause 42.3(a), the employee must, at the request of the employer, produce proof of attendance at an interview.

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- (c) A statutory declaration is sufficient for the purpose of clause 42.3(b).
- (d) An employee who fails to produce proof when required under clause 42.3(b) is not entitled to be paid for the time off.
- (e) This entitlement applies instead of clause 41.2.

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Schedule A—Classification Structure and Definitions

A.1 Introductory level

Introductory level is for an employee who enters the hospitality industry and does not demonstrate the competency requirements of level 1. The employee remains at Introductory level for up to 3 months while undertaking appropriate training and being assessed for competency to move to level 1. At the end of that period, the employee moves to level 1 unless the employee and the employer mutually agree that further training of up to 3 months is required for the employee to achieve the necessary competency.

NOTE: Any disagreement arising from this provision must be dealt with in accordance with clause 40—Dispute resolution.

A.2 General classification definitions

The definitions in this provision are being reviewed in [AM2017/59](#) see [112]-[125] of Decision [\[2018\] FWCFB 7263](#), Decision [\[2019\] FWCFB 6092](#) and [\[2019\] FWCFB 6898](#) (see draft determination at Attachment 2).

A.2.1 Food and beverage stream

- (a) **Food and beverage attendant grade 1 (wage level 1)** means an employee who is engaged in any of the following:
- picking up glasses;
 - emptying ashtrays;
 - providing general assistance to food and beverage attendants of a higher classification not including service to customers;
 - removing food plates;
 - setting and wiping down tables;
 - cleaning and tidying associated areas.
- (b) **Food and beverage attendant grade 2 (wage level 2)** means an employee who has not achieved the appropriate level of training and who is engaged in any of the following:
- supplying, dispensing and mixing liquor, including selling liquor from the bottle department;
 - assisting in the cellar or bottle department;
 - undertaking general waiting duties for food or beverages or both, including cleaning tables;
 - receiving money;
 - attending a snack bar;

- performing delivery duties.
- (c) **Food and beverage attendant grade 3 (wage level 3)** means an employee who, in addition to the tasks performed by a Food and beverage attendant grade 2, is engaged in any of the following:
- operating a mechanical lifting device;
 - attending a wagering terminal, electronic gaming terminal or similar terminal;
 - having full control of a cellar or liquor store (including the receipt, delivery and recording of goods);
 - mixing a range of sophisticated drinks;
 - training food and beverage attendants of a lower classification;
 - supervising food and beverage attendants of a lower classification
 - taking reservations and greeting and seating guests.
- (d) **Food and beverage attendant grade 4 (tradesperson) (wage level 4)** means an employee who has completed an apprenticeship in waiting or has passed the appropriate trade test and who carries out specialised skilled duties in a fine dining room or a restaurant.
- (e) **Food and beverage supervisor (wage level 5)** means an employee who has the appropriate level of training, including a supervisory course, and who has responsibility for the supervision, training and co-ordination of food and beverage staff or for stock control for one or more bars.

A.2.2 Kitchen stream

- (a) **Kitchen attendant grade 1 (wage level 1)** means an employee engaged in any of the following:
- general cleaning duties within a kitchen or food preparation area or scullery, including cleaning cooking and general utensils used in a kitchen or restaurant;
 - assisting employees who are cooking;
 - assembling and preparing ingredients for cooking;
 - general pantry duties.
- (b) **Kitchen attendant grade 2 (wage level 2)** means an employee who has the appropriate level of training, and who is engaged in specialised non-cooking duties in a kitchen or food preparation area or in supervising kitchen attendants.
- (c) **Kitchen attendant grade 3 (wage level 3)** means an employee who has the appropriate level of training, including a supervisory course, and has

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responsibility for the supervision, training and co-ordination of kitchen attendants of a lower classification.

- (d) **Cook grade 1 (wage level 2)** means an employee who is engaged in cooking breakfasts and snacks, baking, pastry cooking or butchering.
- (e) **Cook grade 2 (wage level 3)** means an employee who has the appropriate level of training and who performs cooking duties such as baking, pastry cooking or butchering.
- (f) **Cook grade 3 (tradesperson) (wage level 4)** means a commi chef or equivalent who has completed an apprenticeship or passed the appropriate trade test and who is engaged in cooking, baking, pastry cooking or butchering duties.
- (g) **Cook grade 4 (tradesperson) (wage level 5)** means a demi chef or equivalent who has completed an apprenticeship or passed the appropriate trade test and who is engaged to perform general or specialised cooking, butchering, baking or pastry cooking duties or supervises and trains other cooks and kitchen employees.
- (h) **Cook grade 5 (tradesperson) (wage level 6)** means a chef de partie or equivalent who has completed an apprenticeship or passed the appropriate trade test in cooking, butchering, baking or pastry cooking and who performs any of the following:
 - general and specialised duties, including supervision or training of kitchen employees; or
 - ordering and stock control; or
 - supervising kitchen employees in a single kitchen establishment.

A.2.3 Guest services stream

- (a) **Guest service grade 1 (wage level 1)** means an employee who is engaged in any of the following:
 - performing laundry or linen duties including carrying out minor repairs to linen or clothing (for example, buttons, zips or seams) and working with flat materials;
 - collecting and delivering guests' personal dry cleaning and laundry, linen and associated materials to and from accommodation areas;
 - performing general cleaning duties;
 - parking guests' motor vehicles.
- (b) **Guest service grade 2 (wage level 2)** means an employee who has not achieved the appropriate level of training and who is engaged in any of the following:
 - servicing and cleaning accommodation areas;

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- receiving and assisting guests at the entrance to the establishment;
 - driving a passenger vehicle or courtesy bus;
 - transferring guests' baggage to and from rooms;
 - assisting in the dry cleaning process;
 - performing cleaning duties using specialised equipment and chemicals;
 - providing butler services such as food, beverage and personalised guest service.
- (c) **Guest service grade 3 (wage level 3)** means an employee who has the appropriate level of training and who is engaged in any of the following:
- supervising guest service employees of a lower classification;
 - providing butler services such as food, beverage and personalised guest service;
 - carrying out major repairs to linen or clothing including basic tailoring and major alterations and refitting;
 - dry cleaning.
- (d) **Guest service grade 4 (wage level 4)** means an employee who has completed an apprenticeship or passed the appropriate trade test or otherwise has the appropriate level of training to perform the work of a tradesperson in dry cleaning or tailoring or as a butler.
- (e) **Guest service supervisor (wage level 5)** means an employee who has the appropriate level of training, including a supervisory course, and has responsibility for the supervision, training and co-ordination of employees engaged in a housekeeping department.
- (f) **Front office grade 1 (wage level 2)** means an employee who is engaged as an assistant in front office duties including night auditing, performing duties as a telephonist, receptionist or cashier, providing information services or making reservations.
- (g) **Front office grade 2 (wage level 3)** means an employee who has the appropriate level of training and is in the front office engaged in performing duties including as a telephonist, receptionist or cashier, providing information services or making reservations.
- (h) **Front office grade 3 (wage level 4)** means an employee who has the appropriate level of training and is in the front office engaged in duties including assisting in training and supervising front office employees of a lower classification.
- (i) **Front office supervisor (wage level 5)** means an employee who has the appropriate level of training, including a supervisory course, and has responsibility for the supervision, training and co-ordination of front office employees.

A.2.4 Administration stream

- (a) **Clerical grade 1 (wage level 2)** means an employee who is required to perform basic clerical and routine office duties such as collating, filing, photocopying and delivering messages.
- (b) **Clerical grade 2 (wage level 3)** means an employee who is engaged in general clerical or office duties, such as typing, filing, basic data entry and calculating functions.
- (c) **Clerical grade 3 (wage level 4)** means an employee who has the appropriate level of training and who performs any of the following duties:
- operates a switchboard, paging system and office equipment;
 - uses knowledge of keyboard and function keys to enter and retrieve data through a computer terminal;
 - copy types at 25 words per minute with at least **98%** accuracy;
 - maintains mail register and records;
 - maintains established paper-based filing or records systems in accordance with set procedures including creating and indexing new files, distributing files within the organisation as requested and monitoring file locations;
 - transcribes information into records, completes forms and takes telephone messages;
 - acquires and applies a working knowledge of office or sectional operating procedures and requirements;
 - acquires and applies a working knowledge of the organisation's structure and personnel in order to deal with inquiries at first instance, locates appropriate staff in different sections, relays internal information, responds to or redirects inquiries and greets visitors;
 - keeps appropriate records;
 - sorts, processes and records original source financial documents (for example, invoices, cheques and correspondence) on a daily basis; maintains and records petty cash; prepares bank deposits and withdrawals and does banking;
- and who has the appropriate level of training and also performs any of the following:
- operates computerised radio telephone equipment, micro/personal computer, printing devices attached to a personal computer or dictaphone equipment;
 - produces documents and correspondence using knowledge of standard formats, touch types at 40 words per minute with at least **98%** accuracy or audio types;

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- uses one or more software application packages developed for a micro/personal computer to operate and populate a database, spreadsheet or worksheet so as to achieve a desired result; graphs previously prepared spreadsheets; uses simple menu utilities of a personal computer;
 - follows standard procedures or template for the preceding functions using existing models or fields of information;
 - creates, maintains and generates simple reports;
 - uses a central computer resource to an equivalent standard;
 - uses one or more software packages to create, format, edit, proof read, spell check, correct, print or save text documents, for example, standard correspondence and business documents;
 - takes shorthand notes at 70 wpm and transcribes with at least 95% accuracy;
 - arranges travel bookings and itineraries, makes appointments, screens telephone calls, follows visitor protocol procedures, establishes telephone contact on behalf of an executive;
 - applies a working knowledge of the organisation's products or services, functions, locations and clients;
 - responds to and acts on most internal or external inquiries in their own function area;
 - uses and maintains a computer-based record management system to identify, access and extract information from internal sources; maintains circulation, indexing and filing systems for publications, reviews files, closes files or archives files;
 - maintains financial records and journals, collects and prepares time and wage records; prepares accounts queries from debtors; posts transactions to ledger.
- (d) **Clerical supervisor (wage level 5)** means an employee who has the appropriate level of training, including a supervisory course, and who coordinates other clerical staff.

A.2.5 Security stream

- (a) **Doorperson/security officer grade 1 (wage level 2)** means a person who assists in the maintenance of dress standards and good order at an establishment.
- (b) **Timekeeper/security officer grade 2 (wage level 3)** means a person who is responsible for the timekeeping of employees, for the security of keys, for the checking in and out of delivery vehicles or the supervision of doorperson/security officer grade 1 employees.

A.2.6 Leisure activities stream

- (a) **Leisure attendant grade 1 (wage level 2)** means a person who acts as an assistant instructor or pool attendant or is responsible for the setting up, distribution and care of equipment and the taking of bookings.
- (b) **Leisure attendant grade 2 (wage level 3)** means a person who has the appropriate level of training and takes classes or directs leisure activities such as sporting areas, health clubs and swimming pools.
- (c) **Leisure attendant grade 3 (wage level 4)** means a person who has the appropriate level of training and who plans and co-ordinates leisure activities for guests and may supervise other leisure attendants.

A.2.7 Stores stream

- (a) **Storeperson grade 1 (wage level 2)** means an employee who receives and stores general and perishable goods and cleans the store area.
- (b) **Storeperson grade 2 (wage level 3)** means an employee who, in addition to the duties for a storeperson grade 1, may also operate mechanical lifting equipment such as a fork-lift or who may perform duties of a more complex nature.
- (c) **Storeperson grade 3 (wage level 4)** means an employee who has the appropriate level of training and who:
 - implements quality control techniques and procedures;
 - understands and is responsible for a stores or warehouse area or a large section of such an area;
 - has a highly developed level of interpersonal and communications skills;
 - is able to supervise and provide direction and guidance to other employees, including the ability to assist in the provision of on-the-job training and induction;
 - may exercise skills attained through the successful completion of an appropriate warehousing certificate;
 - may perform indicative tasks at this level such as:
 - liaising with management, suppliers and customers with respect to stores operations; and
 - detailing and co-ordinating activities of other storepersons and acting in a leading hand capacity for more than 10 storepersons;
 - maintaining control registers including inventory control and being responsible for the preparation and reconciliation of regular reports on matters such as stock movements or dispatches;
 - supervising the receipt and delivery of goods, recording outgoing goods or being responsible for the contents of a store.

A.2.8 Maintenance and trades—other than the cooking trade

(a) Handyperson (wage level 3) means a person who is not a tradesperson and whose duties include performing routine repair work and maintenance in and about the employer’s premises.

(b) Fork-lift driver (wage level 3) means an employee who has a recognised fork-lift licence and who is engaged solely to drive a fork-lift vehicle.

NOTE: Employees who operate a fork-lift as only part of their duties will be paid at the level 3 classification rate in clause 18—Minimum rates.

(c) Gardener grade 1 (wage level 2) means an employee primarily engaged in the following activities:

- keeping areas clean and tidy;
- weeding and watering;
- trimming or mowing surrounds or similar areas with hand implements;
- assisting in preparing areas for play;
- assisting in course or green maintenance and construction;
- operating a limited range of vehicles, including motor vehicles;
- performing non-trade tasks incidental to the employee’s work.

(d) Gardener grade 2 (wage level 3) means an employee who is engaged in any of the following activities in addition to the work of grade 1:

- operating and carrying out minor maintenance of motorised equipment under supervision, other than machinery or equipment requiring the holding of specialised licences;
- assisting in the maintenance, renovation and reconstruction of greens and fairways, or the maintenance of playing surfaces, including mowing, rolling, top dressing, seeding, turfing and sprigging, fertilising under supervision, planting and maintenance of trees or pruning under supervision;
- applying fertilisers, fungicides, herbicides and insecticides under general supervision;
- performing gardening duties including planting and trimming trees, sowing, planting and cutting grass, and watering plants, gardens, trees, lawns and displays;
- carrying out routine maintenance of turf, synthetic, artificial or other surfaces for play;
- completing basic records;
- assisting in the construction and installation of facilities and systems;
- performing tasks incidental to the employee’s work;

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- handyperson duties;
 - supervising gardeners of a lower classification.
- (e) **Gardener grade 3 (tradesperson) (wage level 4)** means an employee who has completed trade or equivalent qualifications and undertakes one or more of the following duties (including non-trade tasks incidental to the employee's work):
- operating, maintaining and adjusting machinery as appropriate;
 - cleaning machinery and inspecting machinery after each use and reporting any problems to a management employee;
 - applying fertilisers, fungicides, herbicides and insecticides as directed by a management employee;
 - preparing turf, synthetic, artificial or other surfaces for play;
 - maintaining and repairing vehicles or motor engines;
 - carrying out repairs and minor renovation work;
 - the formation and maintenance of all gardens, lawns and greens;
 - the planting, maintenance and care of trees;
 - training and supervision of employees of a lower classification, including apprentices.
- (f) **Gardener grade 4 (tradesperson) (wage level 5)** means an employee who has satisfactorily attained the appropriate level of training at trade or the equivalent level, together with the additional requirements in supervision or other appropriate specialist modules. In addition to the duties of levels 1 to 3, the employee is also engaged in the following activities:
- supervising and training employees of a lower classification, including tradespersons;
 - presenting written or oral reports, including budgets;
 - carrying out general liaison with management;
 - performing activities requiring application of specialist skills.

A.2.9 Managerial staff (Hotels)

For the purpose of this classification:

hotels means hotels, resorts, casinos, taverns, wine saloons, wine and spirit merchants retailing to the general public and other retail licensed establishments in or in connection with accommodation, with the selling of drinks, preparing and serving food and drinks, cleaning and attending to the premises and all other associated services.

hotel manager means an employee (however designated) who:

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- under the direction of senior management is required to manage and co-ordinate the activities of a relevant area or areas of the hotel; and
- directs staff to ensure they carry out their duties in the relevant area or areas of the hotel; and
- implements policies, procedures and operating systems for the hotel;

but excludes an employee who is employed to undertake the duties of senior management or is responsible for a significant area of the operations of one or more hotels. Indicative position titles for such an employee include:

- company secretary;
- chief accountant;
- personnel or human resources manager;
- financial controller;
- industrial relations manager;
- venue manager;
- general/hotel manager;
- executive assistant manager;
- regional manager; or
- a manager to whom any of those positions report or are responsible.

An employee appointed as a Manager must have completed an appropriate level of training in business management or have relevant industry experience, including in supervising employees in one or more areas of a hotel.

NOTE: In a General Hotel, this classification is commonly known as an assistant manager. In an Accommodation Hotel, this classification may include any of the following positions: duty manager; assistant food and beverage manager; assistant rooms division manager; assistant front office manager or equivalent position.

This additional classification does not apply to:

- a hotel manager who is an employee of a proprietary or private company (within the meaning of the Corporations Law) and who holds a sufficient number of shares to entitle them to voting control at general meetings of the company; or
- a hotel manager who is the senior partner of a partnership or who has at least **49%** of that partnership; or
- a parent, spouse or de facto partner, son or daughter of a hotel manager excluded from the additional classification by [this paragraph clause A.2.9](#).

A.3 Casino Gaming Stream

A.3.1 General

For the purposes of the casino gaming stream:

Appropriate level of training in relation to a casino gaming employee, means that the employee:

- has completed an appropriate training program accredited by the AQF; or
 - has completed training to a level or standard imposed by a statutory gaming licensing authority; or
 - has been assessed by a qualified skills assessor as having skills at least equivalent to those attained through training referred to in ~~paragraph (a) or (b)~~ clause A.3.1; or
- at 1 January 2010, had been doing the work of a particular classification for a period of at least 3 months.’

cage function includes:

- front window cashier duties including exchanging gaming chips for currency, controlling a float, recording transactions and reconciliation duties; and
- bank cashiering including Fill Bank duties such as receiving, disbursing, reconciling and controlling receipt and issue of gaming chips to gaming tables from the Cage and Main Bank duties; and
- Premium Group settlements and buy-in.

cashier function includes supervising employees of a lower classification when required.

casino table game means a casino game played under the control and direction of a table game employee, including games that are normally played at a table and games that include electronic aids to play the game such as Rapid Roulette.

major game means a table game that requires a table game employee to undertake a minimum of 80 hours formal training to learn the game rules and competently deal the game in accordance with the minimum standards of the employer and the relevant casino regulatory authority.

A.3.2 Casino table gaming

- (a) **Casino table gaming employee grade 1 (wage level 2)** means an employee who has the appropriate level of training and deals one major game offered by the casino.
- (b) **Casino table gaming employee grade 2 (wage level 3A)** means an employee who has the appropriate level of training and deals 2 major games offered by the casino.

- (c) **Casino table gaming employee grade 3 (wage level 5)** means an employee who has the appropriate level of training and deals 3 major games offered by the casino.
- (d) **Casino table gaming employee grade 4 (wage level 6)** means an employee (other than a managerial employee) who undertakes table game inspection duties, including ensuring that correct procedures and standards are observed by table game employees of a lower classification.

NOTE: Clause 22—Higher duties applies to a casino table game employee who has not been appointed as a Casino table gaming employee grade 4 but is required to perform any duties of that classification.

A.3.3 Casino electronic gaming

- (a) **Casino electronic gaming employee grade 1 (wage level 1)** means an employee in a casino who has the appropriate level of training and is engaged in any of the following:
 - providing information on customer loyalty programs, electronic gaming promotions or services and facilities within a gaming machine area; or
 - explaining to patrons the playing of gaming machines.
- (b) **Casino electronic gaming employee grade 2 (wage level 2)** means an employee in a casino who has the appropriate level of training and is engaged in any of the following:
 - explaining to patrons the playing of gaming machines and providing pay-outs and rectifying minor malfunctions; or
 - selling and redeeming network gaming games such as Keno, TAB or other network games; or
 - conducting network games; or
 - explaining to patrons the playing of gaming machines.

A.3.4 Casino Finance stream

- (a) **Gaming finance employee grade 1 (wage level 2)** means an employee engaged to undertake any Count functions including:
 - hard or soft count; and
 - shuffling and preparation of playing cards for table games; and
 - destruction of playing cards, dice or similar items for table games.
- (b) **Gaming finance employee grade 2 (wage level 3)** means an employee engaged to undertake any Change Booth functions including:
 - limited supervision of gaming finance grade 1 employees; and
 - counting of change and associated change booth duties; and

- sale and redemption of electronic gaming tickets.
- (c) **Gaming finance employee grade 3 (wage level 4)** means an employee engaged to undertake all grade 2 change functions including supervision of employees of a lower classification when required plus any of the following:
 - assisting with the verification of floats and change machines; or
 - training employees in duties and functions of a lower classification; or
 - undertaking one cage function.
- (d) **Gaming finance employee grade 4 (wage level 5)** means an employee engaged to undertake:
 - 2 cage cashier functions; or
 - gaming finance revenue audit clerk functions.
- (e) **Gaming finance employee grade 5 (wage level 6)** means an employee engaged to undertake more than 2 cage cashier functions.

A.3.5 Casino equipment technicians

- (a) **Casino equipment technician grade 1 (wage level 2)** means an employee who has the appropriate level of training and who is competent at performing repairs, servicing and installation of non-electronic gaming and associated equipment as well as assisting Casino equipment technicians of a higher grade.
- (b) **Casino equipment technician grade 2 (wage level 3)** means an employee including a tradesperson who has the appropriate level of training and who is competent at performing repairs, servicing and installation of electronic gaming and associated equipment under supervision.
- (c) **Casino equipment technician grade 3 (wage level 4)** means an employee appointed as such who has the appropriate level of training and who without supervision applies technical knowledge and skills to the tasks of installing, repairing, maintaining, servicing, modifying, commissioning, testing, fault finding and diagnosing various forms of video and other electronically or mechanically-controlled gaming equipment. This level also includes an employee required to supervise or check the work of Casino equipment technicians of lower grades.

A.3.6 Casino security

- (a) **Customer liaison officer (wage level 2)** means an employee in a casino who holds appropriate licences and who is engaged to work as an area or door attendant to enforce dress, behaviour and entry requirements at the casino.
- (b) **Security officer grade 1 (wage level 3)** means an employee in a casino who holds appropriate licences and is required to carry out routine security functions throughout the Casino complex, including the duties of securing, watching, guarding or protecting the premises including responding to alarm signals and incidents.

- (c) **Security officer grade 2 (wage level 4)** means an employee in a casino who performs work as required above and beyond the skills of an employee at grade 1 to the level of their training. At this level an employee is required to perform cash escort and soft drop duties. This level also includes a security employee who, in the opinion of the employer, has no previous relevant experience at this level, and is undertaking the tasks of a surveillance officer while undergoing training and gaining experience during the first 6 months of employment as such.
- (d) **Surveillance operator (wage level 6)** means an employee in a casino required to monitor, observe and report on the operations of the casino by means of visual or remote observation, including the use of electronic surveillance and recording systems as follows:
- input information or react to signals and instruments related to electronic surveillance;
 - keyboard operation to alter the parameters within an integrated security surveillance system;
 - co-ordinate, monitor or record the activities of Security officers utilising a verbal communications system.

Schedule B—Summary of Hourly Rates of Pay

Monetary amounts adjusted as a result of AWR 2019 – changes not tracked.
 Clauses B.2.2, B.3.3, B.4.3, B.5.2, B.6.2, B.7.3, B.8.3, B.8.5, B.9.3 and B.9.5 corrected in accordance with [\[2019\] FWCFB 6899](#) at [98] and [\[2019\] FWCFB 6935](#).
 Clauses B.2.4, B.3.5, B.4.5, B.5.4, B.6.4 and B.7.5 inserted as a result of [\[2019\] FWCFB 6953](#) at [2] – [11].

See also clause Part 4—Wages and Allowances and Part 5—Overtime and Penalty Rates.

~~NOTE: Employers who pay wages in accordance with this schedule satisfy their obligations under the award to pay wages for hours worked.~~

B.1 Ordinary hourly rate

B.1.1 Ordinary hourly rate means the minimum hourly rate of pay for an employee plus any all-purpose allowances to which the employee is entitled.

NOTE: Where an allowance is payable for all purposes in accordance with clause 26.2, the allowance forms part of the employee’s ordinary hourly rate and must be added to the minimum hourly rate when calculating penalties or overtime.

B.1.2 The rates in the tables below are based on the **minimum hourly rates** in accordance with clause 18—Minimum rates. Consistent with clause B.1.1, all-purpose allowances need to be added to the rates in the table where they are applicable.

B.2 Adult employees

NOTE: Schedule B.2 does not apply to Managerial staff (Hotels) employees or casino gaming employees.

B.2.1 Adult full-time and part-time employees—ordinary and penalty rates

	Ordinary hours ¹	Saturday	Sunday ³	Public holiday
	% of ordinary hourly rate ²			
	100%	125%	160 150%	225%
	\$	\$	\$	\$
Introductory Level	19.49	24.36	29.24	43.85
Level 1	20.06	25.08	30.09	45.14
Level 2	20.82	26.03	31.23	46.85
Level 3	21.54	26.93	32.31	48.47
Level 4	22.70	28.38	34.05	51.08

Commented [FWC1]: (Weekly rate ÷ 38) in cl 18.1 + (any all-purpose allowances in cl 26.3 and cl 26.13).

Rates in table do not include any all-purpose allowances.

Commented [FWC2]: Relevant percentage in cl 29.2.

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	Ordinary hours ¹	Saturday	Sunday ³	Public holiday
	% of ordinary hourly rate²			
	100%	125%	160% 150%	225%
Level 5	24.12	30.15	36.18	54.27
Level 6	24.77	30.96	37.16	55.73

Commented [FWC1]: (Weekly rate ÷ 38) in cl 18.1 + (any all-purpose allowances in cl 26.3 and cl 26.13).

Rates in table do not include any all-purpose allowances.

Commented [FWC2]: Relevant percentage in cl 29.2.

¹ Additional shift penalties ~~may~~ apply in accordance with **Table 11—Penalty rates**.

² Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2

³ Sunday rate from ~~1 July 2019~~ ~~1 July 2018~~ ~~— 30 June 2019~~.

B.2.2 Adult full-time and part-time employees—overtime rates

	Monday to Friday		Weekends and rostered days off	Public holiday
	First 2 hours	After 2 hours		
	% of ordinary hourly rate¹			
	150%	200%	200%	250% 225%
	\$	\$	\$	\$
Introductory Level	29.24	38.98	38.98	43.85
Level 1	30.09	40.12	40.12	45.14
Level 2	31.23	41.64	41.64	46.85
Level 3	32.31	43.08	43.08	48.47
Level 4	34.05	45.40	45.40	51.08
Level 5	36.18	48.24	48.24	54.27
Level 6	37.16	49.54	49.54	55.73

Commented [FWC3]: (Weekly rate ÷ 38) in cl 18.1 + (any all purpose allowances in cl 26.3 and cl 26.13).

Rates in table do not include any all purpose allowances.

Commented [FWC4]: Relevant percentage in cl 28.4.

Commented [FWC5]: Relevant percentage in cl 29.2(b).

¹ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2.

NOTE: Clause 28.5—Time off instead of payment for overtime allows employees and employers to agree in writing to the employee taking time off instead of being paid for overtime.

B.2.3 Adult casual employees—ordinary and penalty rates

	Ordinary hours ¹	Saturday	Sunday	Public holiday
	% of ordinary hourly rate²			
	125%	150%	175%	250%
	\$	\$	\$	\$
Introductory Level	24.36	29.24	34.11	48.73

Commented [FWC6]: (Weekly rate ÷ 38) in cl 18.1 + (any all purpose allowances in cl 26.3 and cl 26.13).

Rates in table do not include any all-purpose allowances.

Commented [FWC7]: Ordinary hourly rate + 25% casual loading in cl 11.2.

Commented [FWC8]: Relevant percentage in cl 29.2(b).

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	Ordinary hours ¹	Saturday	Sunday	Public holiday
	% of ordinary hourly rate²			
	125%	150%	175%	250%
	\$	\$	\$	\$
Level 1	25.08	30.09	35.11	50.15
Level 2	26.03	31.23	36.44	52.05
Level 3	26.93	32.31	37.70	53.85
Level 4	28.38	34.05	39.73	56.75
Level 5	30.15	36.18	42.21	60.30
Level 6	30.96	37.16	43.35	61.93

¹ Additional shift penalties may apply in accordance with **Table 11—Penalty rates**.

² Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2.

Commented [FWC6]: (Weekly rate ÷ 38) in cl 18.1 + (any all purpose allowances in cl 26.3 and cl 26.13).

Rates in table do not include any all-purpose allowances.

Commented [FWC7]: Ordinary hourly rate + 25% casual loading in cl 11.2.

Commented [FWC8]: Relevant percentage in cl 29.2(b).

B.2.4 Adult casual employees—overtime rates

	Monday to Friday		Weekends	Public holiday
	First 2 hours	After 2 hours		
	% of ordinary hourly rate¹			
	150%	200%	200%	250%
	\$	\$	\$	\$
<u>Introductory Level</u>	<u>29.24</u>	<u>38.98</u>	<u>38.98</u>	<u>48.73</u>
<u>Level 1</u>	<u>30.09</u>	<u>40.12</u>	<u>40.12</u>	<u>50.15</u>
<u>Level 2</u>	<u>31.23</u>	<u>41.64</u>	<u>41.64</u>	<u>52.05</u>
<u>Level 3</u>	<u>32.31</u>	<u>43.08</u>	<u>43.08</u>	<u>53.85</u>
<u>Level 4</u>	<u>34.05</u>	<u>45.40</u>	<u>45.40</u>	<u>56.75</u>
<u>Level 5</u>	<u>36.18</u>	<u>48.24</u>	<u>48.24</u>	<u>60.30</u>
<u>Level 6</u>	<u>37.16</u>	<u>49.54</u>	<u>49.54</u>	<u>61.93</u>

Commented [FWC9]: (Weekly rate ÷ 38) in cl 18.1 + (any all purpose allowances in cl 26.3 and cl 26.13).

Rates in table do not include any all-purpose allowances.

Commented [FWC10]: Relevant percentage in cl 28.4.

Commented [FWC11]: Relevant percentage in cl 29.2(b).

¹ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2.

NOTE: Clause 28.5—Time off instead of payment for overtime allows employees and employers to agree in writing to the employee taking time off instead of being paid for overtime.

B.3 Junior employees

B.3.1 NOTE: Schedule B.3 does not apply to junior office employees or junior casino gaming employees. The **junior hourly rate** is based on a percentage of the appropriate adult rate in accordance with clause 18.4—Junior rates. Adult rates apply from 21 years of age in accordance with clause 18.1—Adult rates.

B.3.2 Junior full-time and part-time employees (other than junior office employees)—ordinary and penalty rates

	Ordinary hours ¹	Saturday	Sunday ³	Public holiday
	% of junior hourly rate ²			
	100%	125%	160 150%	225%
	\$	\$	\$	\$
Introductory Level				
16 years of age and under	9.75	12.19	14.63	21.94
17 years of age	11.69	14.61	17.54	26.30
18 years of age	13.64	17.05	20.46	30.69
19 years of age	16.57	20.71	24.86	37.28
20 years of age	19.49	24.36	29.24	43.85
Level 1				
16 years of age and under	10.03	12.54	15.05	22.57
17 years of age	12.04	15.05	18.06	27.09
18 years of age	14.04	17.55	21.06	31.59
19 years of age	17.05	21.31	25.58	38.36
20 years of age	20.06	25.08	30.09	45.14
Level 2				
16 years of age and under	10.41	13.01	15.62	23.42
17 years of age	12.49	15.61	18.74	28.10
18 years of age	14.57	18.21	21.86	32.78
19 years of age	17.70	22.13	26.55	39.83
20 years of age	20.82	26.03	31.23	46.85
Level 3				
16 years of age and under	10.77	13.46	16.16	24.23
17 years of age	12.92	16.15	19.38	29.07
18 years of age	15.08	18.85	22.62	33.93
19 years of age	18.31	22.89	27.47	41.20

Commented [FWC12]: (Weekly rate ÷ 38) in cl 18.1 + (any all purpose allowances in cl 26.3 and cl 26.13).x percentage of relevant adult minimum rate in cl 18.4(a).

Rates in table do not include any all purpose allowances.

Commented [FWC13]: Relevant percentage in cl 29.2(b).

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	Ordinary hours ¹	Saturday	Sunday ³	Public holiday
	% of junior hourly rate²			
	100%	125%	160 150%	225%
	\$	\$	\$	\$
20 years of age	21.54	26.93	32.31	48.47
Level 4				
16 years of age and under	11.35	14.19	17.03	25.54
17 years of age	13.62	17.03	20.43	30.65
18 years of age	15.89	19.86	23.84	35.75
19 years of age	19.30	24.13	28.95	43.43
20 years of age	22.70	28.38	34.05	51.08
Level 5				
16 years of age and under	12.06	15.08	18.09	27.14
17 years of age	14.47	18.09	21.71	32.56
18 years of age	16.88	21.10	25.32	37.98
19 years of age	20.50	25.63	30.75	46.13
20 years of age	24.12	30.15	36.18	54.27

Commented [FWC12]: (Weekly rate ÷ 38) in cl 18.1 + (any all purpose allowances in cl 26.3 and cl 26.13).x percentage of relevant adult minimum rate in cl 18.4(a).

Rates in table do not include any all purpose allowances.

Commented [FWC13]: Relevant percentage in cl 29.2(b).

¹ Additional shift penalties ~~may~~ apply in accordance with **Table 11—Penalty rates**.

² Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2.

³ Sunday rate from ~~1 July 2019~~ July 2018 — 30 June 2019.

B.3.3 Junior full-time and part-time employees (other than junior office employees)—overtime rates

	Monday to Friday		Weekends and rostered days off	Public holiday
	First 2 hours	After 2 hours		
	% of ordinary hourly rate¹			
	150%	200%	200%	250 225%
	\$	\$	\$	\$
Introductory Level				
16 years of age and under	14.63	19.50	19.50	21.94
17 years of age	17.54	23.38	23.38	26.30
18 years of age	20.46	27.28	27.28	30.69
19 years of age	24.86	33.14	33.14	37.28

Commented [FWC14]: (Weekly rate ÷ 38) in cl 18.1 + (any all purpose allowances in cl 26.3 and cl 26.13).x percentage of relevant adult minimum rate in cl 18.4(a).

Rates in table do not include any all purpose allowances.

Commented [FWC15]: Relevant percentage in cl 28.4.

Commented [FWC16]: Relevant percentage in cl 29.2(b).

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	Monday to Friday		Weekends and rostered days off	Public holiday
	First 2 hours	After 2 hours		
	% of ordinary hourly rate¹			
	150%	200%	200%	250/225%
20 years of age	29.24	38.98	38.98	43.85
Level 1				
16 years of age and under	15.05	20.06	20.06	22.57
17 years of age	18.06	24.08	24.08	27.09
18 years of age	21.06	28.08	28.08	31.59
19 years of age	25.58	34.10	34.10	38.36
20 years of age	30.09	40.12	40.12	45.14
Level 2				
16 years of age and under	15.62	20.82	20.82	23.42
17 years of age	18.74	24.98	24.98	28.10
18 years of age	21.86	29.14	29.14	32.78
19 years of age	26.55	35.40	35.40	39.83
20 years of age	31.23	41.64	41.64	46.85
Level 3				
16 years of age and under	16.16	21.54	21.54	29.07
17 years of age	19.38	25.84	25.84	33.93
18 years of age	22.62	30.16	30.16	41.20
19 years of age	27.47	36.62	36.62	48.47
20 years of age	32.31	43.08	43.08	54.23
Level 4				
16 years of age and under	17.03	22.70	22.70	25.54
17 years of age	20.43	27.24	27.24	30.65
18 years of age	23.84	31.78	31.78	35.75
19 years of age	28.95	38.60	38.60	43.43
20 years of age	34.05	45.40	45.40	51.08
Level 5				
16 years of age and under	18.09	24.12	24.12	27.14
17 years of age	21.71	28.94	28.94	32.56
18 years of age	25.32	33.76	33.76	37.98

Commented [FWC14]: (Weekly rate ÷ 38) in cl 18.1 + (any all purpose allowances in cl 26.3 and cl 26.13).x percentage of relevant adult minimum rate in cl 18.4(a).

Rates in table do not include any all purpose allowances.

Commented [FWC15]: Relevant percentage in cl 28.4.

Commented [FWC16]: Relevant percentage in cl 29.2(b).

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	Monday to Friday		Weekends and rostered days off	Public holiday
	First 2 hours	After 2 hours		
	% of ordinary hourly rate¹			
	150%	200%	200%	250/225%
19 years of age	30.75	41.00	41.00	46.13
20 years of age	36.18	48.24	48.24	54.27

¹ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2.

NOTE: Clause 28.5—Time off instead of payment for overtime allows employees and employers to agree in writing to the employee taking time off instead of being paid for overtime.

Commented [FWC14]: (Weekly rate ÷ 38) in cl 18.1 + (any all purpose allowances in cl 26.3 and cl 26.13).x percentage of relevant adult minimum rate in cl 18.4(a).

Rates in table do not include any all purpose allowances.

Commented [FWC15]: Relevant percentage in cl 28.4.

Commented [FWC16]: Relevant percentage in cl 29.2(b).

B.3.4 Junior casual employees (other than junior office employees)—ordinary and penalty rates

	Ordinary hours ¹	Saturday	Sunday	Public holiday
	% of junior hourly rate²			
	125%	150%	175%	250%
	\$	\$	\$	\$
Introductory Level				
16 years of age and under	12.19	14.63	17.06	24.38
17 years of age	14.61	17.54	20.46	29.23
18 years of age	17.05	20.46	23.87	34.10
19 years of age	20.71	24.86	29.00	41.43
20 years of age	24.36	29.24	34.11	48.73
Level 1				
16 years of age and under	12.54	15.05	17.55	25.08
17 years of age	15.05	18.06	21.07	30.10
18 years of age	17.55	21.06	24.57	35.10
19 years of age	21.31	25.58	29.84	42.63
20 years of age	25.08	30.09	35.11	50.15
Level 2				
16 years of age and under	13.01	15.62	18.22	26.03
17 years of age	15.61	18.74	21.86	31.23
18 years of age	18.21	21.86	25.50	36.43

Commented [FWC17]: (Weekly rate ÷ 38) in cl 18.1 + (any all purpose allowances in cl 26.3 and cl 26.13).x percentage of relevant adult minimum rate in cl 18.4(a).

Rates in table do not include any all purpose allowances.

Commented [FWC18]: Ordinary hourly rate + 25% casual loading in cl 11.2.

Commented [FWC19]: Relevant percentage in cl 29.2(b).

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	Ordinary hours ¹	Saturday	Sunday	Public holiday
	% of junior hourly rate ²			
	125%	150%	175%	250%
	\$	\$	\$	\$
19 years of age	22.13	26.55	30.98	44.25
20 years of age	26.03	31.23	36.44	52.05
Level 3				
16 years of age and under	13.46	16.16	18.85	26.93
17 years of age	16.15	19.38	22.61	32.30
18 years of age	18.85	22.62	26.39	37.70
19 years of age	22.89	27.47	32.04	45.78
20 years of age	26.93	32.31	37.70	53.85
Level 4				
16 years of age and under	14.19	17.03	19.86	28.38
17 years of age	17.03	20.43	23.84	34.05
18 years of age	19.86	23.84	27.81	39.73
19 years of age	24.13	28.95	33.78	48.25
20 years of age	28.38	34.05	39.73	56.75
Level 5				
16 years of age and under	15.08	18.09	21.11	30.15
17 years of age	18.09	21.71	25.32	36.18
18 years of age	21.10	25.32	29.54	42.20
19 years of age	25.63	30.75	35.88	51.25
20 years of age	30.15	36.18	42.21	60.30

Commented [FWC17]: (Weekly rate ÷ 38) in cl 18.1 + (any all purpose allowances in cl 26.3 and cl 26.13).x percentage of relevant adult minimum rate in cl 18.4(a).

Rates in table do not include any all purpose allowances.

Commented [FWC18]: Ordinary hourly rate + 25% casual loading in cl 11.2.

Commented [FWC19]: Relevant percentage in cl 29.2(b).

¹ Additional shift penalties may apply in accordance with **Table 11—Penalty rates**.

² Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2.

B.3.5 Junior casual employees (other than junior office employees)—overtime rates

	<u>Monday to Friday</u>		<u>Weekends</u>	<u>Public holiday</u>
	<u>First 2 hours</u>	<u>After 2 hours</u>		
	<u>% of ordinary hourly rate¹</u>			
	<u>150%</u>	<u>200%</u>	<u>200%</u>	<u>250%</u>
	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
<u>Introductory Level</u>				
<u>16 years of age and under</u>	<u>14.63</u>	<u>19.50</u>	<u>19.50</u>	<u>24.38</u>
<u>17 years of age</u>	<u>17.54</u>	<u>23.38</u>	<u>23.38</u>	<u>29.23</u>
<u>18 years of age</u>	<u>20.46</u>	<u>27.28</u>	<u>27.28</u>	<u>34.10</u>
<u>19 years of age</u>	<u>24.86</u>	<u>33.14</u>	<u>33.14</u>	<u>41.43</u>
<u>20 years of age</u>	<u>29.24</u>	<u>38.98</u>	<u>38.98</u>	<u>48.73</u>
<u>Level 1</u>				
<u>16 years of age and under</u>	<u>15.05</u>	<u>20.06</u>	<u>20.06</u>	<u>25.08</u>
<u>17 years of age</u>	<u>18.06</u>	<u>24.08</u>	<u>24.08</u>	<u>30.10</u>
<u>18 years of age</u>	<u>21.06</u>	<u>28.08</u>	<u>28.08</u>	<u>35.10</u>
<u>19 years of age</u>	<u>25.58</u>	<u>34.10</u>	<u>34.10</u>	<u>42.63</u>
<u>20 years of age</u>	<u>30.09</u>	<u>40.12</u>	<u>40.12</u>	<u>50.15</u>
<u>Level 2</u>				
<u>16 years of age and under</u>	<u>15.62</u>	<u>20.82</u>	<u>20.82</u>	<u>26.03</u>
<u>17 years of age</u>	<u>18.74</u>	<u>24.98</u>	<u>24.98</u>	<u>31.23</u>
<u>18 years of age</u>	<u>21.86</u>	<u>29.14</u>	<u>29.14</u>	<u>36.43</u>
<u>19 years of age</u>	<u>26.55</u>	<u>35.40</u>	<u>35.40</u>	<u>44.25</u>
<u>20 years of age</u>	<u>31.23</u>	<u>41.64</u>	<u>41.64</u>	<u>52.05</u>
<u>Level 3</u>				
<u>16 years of age and under</u>	<u>16.16</u>	<u>21.54</u>	<u>21.54</u>	<u>26.93</u>
<u>17 years of age</u>	<u>19.38</u>	<u>25.84</u>	<u>25.84</u>	<u>32.30</u>
<u>18 years of age</u>	<u>22.62</u>	<u>30.16</u>	<u>30.16</u>	<u>37.70</u>
<u>19 years of age</u>	<u>27.47</u>	<u>36.62</u>	<u>36.62</u>	<u>45.78</u>
<u>20 years of age</u>	<u>32.31</u>	<u>43.08</u>	<u>43.08</u>	<u>53.85</u>
<u>Level 4</u>				
<u>16 years of age and under</u>	<u>17.03</u>	<u>22.70</u>	<u>22.70</u>	<u>28.38</u>
<u>17 years of age</u>	<u>20.43</u>	<u>27.24</u>	<u>27.24</u>	<u>34.05</u>
<u>18 years of age</u>	<u>23.84</u>	<u>31.78</u>	<u>31.78</u>	<u>39.73</u>

Commented [FWC20]: (Weekly rate ÷ 38) in cl 18.1 + (any all purpose allowances in cl 26.3 and cl 26.13).x percentage of relevant adult minimum rate in cl 18.4(a).

Rates in table do not include any all purpose allowances.

Commented [FWC21]: Relevant percentage in cl 28.4.

Commented [FWC22]: Relevant percentage in cl 29.2(b).

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	<u>Monday to Friday</u>		<u>Weekends</u>	<u>Public holiday</u>
	<u>First 2 hours</u>	<u>After 2 hours</u>		
	<u>% of ordinary hourly rate¹</u>			
	<u>150%</u>	<u>200%</u>	<u>200%</u>	<u>250%</u>
<u>19 years of age</u>	<u>28.95</u>	<u>38.60</u>	<u>38.60</u>	<u>48.25</u>
<u>20 years of age</u>	<u>34.05</u>	<u>45.40</u>	<u>45.40</u>	<u>56.75</u>
<u>Level 5</u>				
<u>16 years of age and under</u>	<u>18.09</u>	<u>24.12</u>	<u>24.12</u>	<u>30.15</u>
<u>17 years of age</u>	<u>21.71</u>	<u>28.94</u>	<u>28.94</u>	<u>36.18</u>
<u>18 years of age</u>	<u>25.32</u>	<u>33.76</u>	<u>33.76</u>	<u>42.20</u>
<u>19 years of age</u>	<u>30.75</u>	<u>41.00</u>	<u>41.00</u>	<u>51.25</u>
<u>20 years of age</u>	<u>36.18</u>	<u>48.24</u>	<u>48.24</u>	<u>60.30</u>

Commented [FWC20]: (Weekly rate ÷ 38) in cl 18.1 + (any all purpose allowances in cl 26.3 and cl 26.13).x percentage of relevant adult minimum rate in cl 18.4(a).

Rates in table do not include any all purpose allowances.

Commented [FWC21]: Relevant percentage in cl 28.4.

Commented [FWC22]: Relevant percentage in cl 29.2(b).

¹ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2.

NOTE: Clause 28.5—Time off instead of payment for overtime allows employees and employers to agree in writing to the employee taking time off instead of being paid for overtime.

B.4 Junior office employees

B.4.1 Junior hourly rate is based on a percentage of the appropriate adult rate in accordance with clause 18.4—Junior rates. Adult rates apply from 21 years of age in accordance with clause 18.1—Adult rates.

B.4.2 Junior full-time and part-time office employees—ordinary and penalty rates

	Ordinary hours¹	Saturday	Sunday³	Public holiday
	<u>% of junior hourly rate²</u>			
	<u>100%</u>	<u>125%</u>	<u>150%</u>	<u>225%</u>
	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
<u>Introductory Level</u>				
<u>15 years of age and under</u>	<u>8.77</u>	<u>10.96</u>	<u>13.16</u>	<u>19.73</u>
<u>16 years of age</u>	<u>10.72</u>	<u>13.40</u>	<u>16.08</u>	<u>24.12</u>
<u>17 years of age</u>	<u>12.67</u>	<u>15.84</u>	<u>19.01</u>	<u>28.51</u>
<u>18 years of age</u>	<u>14.62</u>	<u>18.28</u>	<u>21.93</u>	<u>32.90</u>
<u>19 years of age</u>	<u>17.54</u>	<u>21.93</u>	<u>26.31</u>	<u>39.47</u>
<u>20 years of age</u>	<u>19.49</u>	<u>24.36</u>	<u>29.24</u>	<u>43.85</u>
<u>Level 2</u>				

Commented [FWC23]: (Weekly rate ÷ 38) in cl 18.1 + (any all purpose allowances in cl 26.3 and cl 26.13).x percentage of relevant adult minimum rate in cl 18.4(b).

Rates in table do not include any all purpose allowances.

Commented [FWC24]: Relevant percentage in cl 29.2(b).

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	Ordinary hours ¹	Saturday	Sunday ³	Public holiday
	% of junior hourly rate²			
	100%	125%	160150%	225%
	\$	\$	\$	\$
15 years of age and under	9.37	11.71	14.06	21.08
16 years of age	11.45	14.31	17.18	25.76
17 years of age	13.53	16.91	20.30	30.44
18 years of age	15.62	19.53	23.43	35.15
19 years of age	18.74	23.43	28.11	42.17
20 years of age	20.82	26.03	31.23	46.85
Level 3				
15 years of age and under	9.69	12.11	14.54	21.80
16 years of age	11.85	14.81	17.78	26.66
17 years of age	14.00	17.50	21.00	31.50
18 years of age	16.16	20.20	24.24	36.36
19 years of age	19.39	24.24	29.09	43.63
20 years of age	21.54	26.93	32.31	48.47
Level 4				
15 years of age and under	10.22	12.78	15.33	23.00
16 years of age	12.49	15.61	18.74	28.10
17 years of age	14.76	18.45	22.14	33.21
18 years of age	17.03	21.29	25.55	38.32
19 years of age	20.43	25.54	30.65	45.97
20 years of age	22.70	28.38	34.05	51.08
Level 5				
15 years of age and under	10.85	13.56	16.28	24.41
16 years of age	13.27	16.59	19.91	29.86
17 years of age	15.68	19.60	23.52	35.28
18 years of age	18.09	22.61	27.14	40.70
19 years of age	21.71	27.14	32.57	48.85
20 years of age	24.12	30.15	36.18	54.27

Commented [FWC23]: (Weekly rate ÷ 38) in cl 18.1 + (any all purpose allowances in cl 26.3 and cl 26.13).x percentage of relevant adult minimum rate in cl 18.4(b).

Rates in table do not include any all purpose allowances.

Commented [FWC24]: Relevant percentage in cl 29.2(b).

¹ Additional shift penalties may apply in accordance with **Table 11—Penalty rates**.

² Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2.

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³ Sunday rate from ~~1 July 2019~~ ~~1 July 2018~~ ~~30 June 2019~~.

B.4.3 Junior full-time and part-time office employees—overtime rates

	Monday to Friday		Weekends and rostered days off	Public holiday
	First 2 hours	After 2 hours		
	% of ordinary hourly rate¹			
	150%	200%	200%	250%225%
	\$	\$	\$	\$
Introductory Level				
15 years of age and under	13.16	17.54	17.54	19.73
16 years of age	16.08	21.44	21.44	24.12
17 years of age	19.01	25.34	25.34	28.51
18 years of age	21.93	29.24	29.24	32.90
19 years of age	26.31	35.08	35.08	39.47
20 years of age	29.24	38.98	38.98	43.85
Level 2				
15 years of age and under	14.06	18.74	18.74	21.08
16 years of age	17.18	22.90	22.90	25.76
17 years of age	20.30	27.06	27.06	30.44
18 years of age	23.43	31.24	31.24	35.15
19 years of age	28.11	37.48	37.48	42.17
20 years of age	31.23	41.64	41.64	46.85
Level 3				
15 years of age and under	14.54	19.38	19.38	21.80
16 years of age	17.78	23.70	23.70	26.66
17 years of age	21.00	28.00	28.00	31.50
18 years of age	24.24	32.32	32.32	36.36
19 years of age	29.09	38.78	38.78	43.63
20 years of age	32.31	43.08	43.08	48.47
Level 4				
15 years of age and under	15.33	20.44	20.44	23.00
16 years of age	18.74	24.98	24.98	28.10
17 years of age	22.14	29.52	29.52	33.21
18 years of age	25.55	34.06	34.06	38.32

Commented [FWC25]: (Weekly rate ÷ 38) in cl 18.1 + (any all purpose allowances in cl 26.3 and cl 26.13).x percentage of relevant adult minimum rate in cl 18.4(b).

Rates in table do not include any all purpose allowances.

Commented [FWC26]: Relevant percentage in cl 28.4.

Commented [FWC27]: Relevant percentage in cl 29.2(b).

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	Monday to Friday		Weekends and rostered days off	Public holiday
	First 2 hours	After 2 hours		
	% of ordinary hourly rate¹			
	150%	200%	200%	250%225%
	\$	\$	\$	\$
19 years of age	30.65	40.86	40.86	45.97
20 years of age	34.05	45.40	45.40	51.08
Level 5				
15 years of age and under	16.28	21.70	21.70	24.41
16 years of age	19.91	26.54	26.54	29.86
17 years of age	23.52	31.36	31.36	35.28
18 years of age	27.14	36.18	36.18	40.70
19 years of age	32.57	43.42	43.42	48.85
20 years of age	36.18	48.24	48.24	54.27

¹ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2.

NOTE: Clause 28.5—Time off instead of payment for overtime allows employees and employers to agree in writing to the employee taking time off instead of being paid for overtime.

B.4.4 Junior casual office employees—ordinary and penalty rates

	Ordinary hours ¹	Saturday	Sunday	Public holiday
	% of junior hourly rate²			
	125%	150%	175%	250%
	\$	\$	\$	\$
Introductory Level				
15 years of age and under	10.96	13.16	15.35	21.93
16 years of age	13.40	16.08	18.76	26.80
17 years of age	15.84	19.01	22.17	31.68
18 years of age	18.28	21.93	25.59	36.55
19 years of age	21.93	26.31	30.70	43.85
20 years of age	24.36	29.24	34.11	48.73
Level 2				
15 years of age and under	11.71	14.06	16.40	23.43

Commented [FWC25]: (Weekly rate ÷ 38) in cl 18.1 + (any all purpose allowances in cl 26.3 and cl 26.13).x percentage of relevant adult minimum rate in cl 18.4(b).

Rates in table do not include any all purpose allowances.

Commented [FWC26]: Relevant percentage in cl 28.4.

Commented [FWC27]: Relevant percentage in cl 29.2(b).

Commented [FWC28]: (Weekly rate ÷ 38) in cl 18.1 + (any all purpose allowances in cl 26.3 and cl 26.13).x percentage of relevant adult minimum rate in cl 18.4(b).

Rates in table do not include any all purpose allowances.

Commented [FWC29]: Ordinary hourly rate + 25% casual loading in cl 11.2.

Commented [FWC30]: Relevant percentage in cl 29.2.

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	Ordinary hours ¹	Saturday	Sunday	Public holiday
	% of junior hourly rate ²			
	125%	150%	175%	250%
	\$	\$	\$	\$
16 years of age	14.31	17.18	20.04	28.63
17 years of age	16.91	20.30	23.68	33.83
18 years of age	19.53	23.43	27.34	39.05
19 years of age	23.43	28.11	32.80	46.85
20 years of age	26.03	31.23	36.44	52.05
Level 3				
15 years of age and under	12.11	14.54	16.96	24.23
16 years of age	14.81	17.78	20.74	29.63
17 years of age	17.50	21.00	24.50	35.00
18 years of age	20.20	24.24	28.28	40.40
19 years of age	24.24	29.09	33.93	48.48
20 years of age	26.93	32.31	37.70	53.85
Level 4				
15 years of age and under	12.78	15.33	17.89	25.55
16 years of age	15.61	18.74	21.86	31.23
17 years of age	18.45	22.14	25.83	36.90
18 years of age	21.29	25.55	29.80	42.58
19 years of age	25.54	30.65	35.75	51.08
20 years of age	28.38	34.05	39.73	56.75
Level 5				
15 years of age and under	13.56	16.28	18.99	27.13
16 years of age	16.59	19.91	23.22	33.18
17 years of age	19.60	23.52	27.44	39.20
18 years of age	22.61	27.14	31.66	45.23
19 years of age	27.14	32.57	37.99	54.28
20 years of age	30.15	36.18	42.21	60.30

Commented [FWC28]: (Weekly rate ÷ 38) in cl 18.1 + (any all purpose allowances in cl 26.3 and cl 26.13).x percentage of relevant adult minimum rate in cl 18.4(b).

Rates in table do not include any all purpose allowances.

Commented [FWC29]: Ordinary hourly rate + 25% casual loading in cl 11.2.

Commented [FWC30]: Relevant percentage in cl 29.2.

¹ Additional shift penalties may apply in accordance with **Table 11—Penalty rates**.

² Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2.

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B.4.5 Junior casual office employees—overtime rates

	<u>Monday to Friday</u>		<u>Weekends</u>	<u>Public holiday</u>
	<u>First 2 hours</u>	<u>After 2 hours</u>		
	<u>% of ordinary hourly rate¹</u>			
	<u>150%</u>	<u>200%</u>	<u>200%</u>	<u>250%</u>
	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
<u>Introductory Level</u>				
<u>15 years of age and under</u>	<u>13.16</u>	<u>17.54</u>	<u>17.54</u>	<u>21.93</u>
<u>16 years of age</u>	<u>16.08</u>	<u>21.44</u>	<u>21.44</u>	<u>26.80</u>
<u>17 years of age</u>	<u>19.01</u>	<u>25.34</u>	<u>25.34</u>	<u>31.68</u>
<u>18 years of age</u>	<u>21.93</u>	<u>29.24</u>	<u>29.24</u>	<u>36.55</u>
<u>19 years of age</u>	<u>26.31</u>	<u>35.08</u>	<u>35.08</u>	<u>43.85</u>
<u>20 years of age</u>	<u>29.24</u>	<u>38.98</u>	<u>38.98</u>	<u>48.73</u>
<u>Level 2</u>				
<u>15 years of age and under</u>	<u>14.06</u>	<u>18.74</u>	<u>18.74</u>	<u>23.43</u>
<u>16 years of age</u>	<u>17.18</u>	<u>22.90</u>	<u>22.90</u>	<u>28.63</u>
<u>17 years of age</u>	<u>20.30</u>	<u>27.06</u>	<u>27.06</u>	<u>33.83</u>
<u>18 years of age</u>	<u>23.43</u>	<u>31.24</u>	<u>31.24</u>	<u>39.05</u>
<u>19 years of age</u>	<u>28.11</u>	<u>37.48</u>	<u>37.48</u>	<u>46.85</u>
<u>20 years of age</u>	<u>31.23</u>	<u>41.64</u>	<u>41.64</u>	<u>52.05</u>
<u>Level 3</u>				
<u>15 years of age and under</u>	<u>14.54</u>	<u>19.38</u>	<u>19.38</u>	<u>24.23</u>
<u>16 years of age</u>	<u>17.78</u>	<u>23.70</u>	<u>23.70</u>	<u>29.63</u>
<u>17 years of age</u>	<u>21.00</u>	<u>28.00</u>	<u>28.00</u>	<u>35.00</u>
<u>18 years of age</u>	<u>24.24</u>	<u>32.32</u>	<u>32.32</u>	<u>40.40</u>
<u>19 years of age</u>	<u>29.09</u>	<u>38.78</u>	<u>38.78</u>	<u>48.48</u>
<u>20 years of age</u>	<u>32.31</u>	<u>43.08</u>	<u>43.08</u>	<u>53.85</u>
<u>Level 4</u>				
<u>15 years of age and under</u>	<u>15.33</u>	<u>20.44</u>	<u>20.44</u>	<u>25.55</u>
<u>16 years of age</u>	<u>18.74</u>	<u>24.98</u>	<u>24.98</u>	<u>31.23</u>
<u>17 years of age</u>	<u>22.14</u>	<u>29.52</u>	<u>29.52</u>	<u>36.90</u>
<u>18 years of age</u>	<u>25.55</u>	<u>34.06</u>	<u>34.06</u>	<u>42.58</u>
<u>19 years of age</u>	<u>30.65</u>	<u>40.86</u>	<u>40.86</u>	<u>51.08</u>
<u>20 years of age</u>	<u>34.05</u>	<u>45.40</u>	<u>45.40</u>	<u>56.75</u>

Commented [FWC31]: (Weekly rate ÷ 38) in cl 18.1 + (any all purpose allowances in cl 26.3 and cl 26.13).x percentage of relevant adult minimum rate in cl 18.4(b).

Rates in table do not include any all purpose allowances.

Commented [FWC32]: Relevant percentage in cl 28.4.

Commented [FWC33]: Relevant percentage in cl 29.2(b).

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	<u>Monday to Friday</u>		<u>Weekends</u>	<u>Public holiday</u>
	<u>First 2 hours</u>	<u>After 2 hours</u>		
	<u>% of ordinary hourly rate¹</u>			
	<u>150%</u>	<u>200%</u>	<u>200%</u>	<u>250%</u>
	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
Level 5				
<u>15 years of age and under</u>	<u>16.28</u>	<u>21.70</u>	<u>21.70</u>	<u>27.13</u>
<u>16 years of age</u>	<u>19.91</u>	<u>26.54</u>	<u>26.54</u>	<u>33.18</u>
<u>17 years of age</u>	<u>23.52</u>	<u>31.36</u>	<u>31.36</u>	<u>39.20</u>
<u>18 years of age</u>	<u>27.14</u>	<u>36.18</u>	<u>36.18</u>	<u>45.23</u>
<u>19 years of age</u>	<u>32.57</u>	<u>43.42</u>	<u>43.42</u>	<u>54.28</u>
<u>20 years of age</u>	<u>36.18</u>	<u>48.24</u>	<u>48.24</u>	<u>60.30</u>

Commented [FWC31]: (Weekly rate ÷ 38) in cl 18.1 + (any all purpose allowances in cl 26.3 and cl 26.13).x percentage of relevant adult minimum rate in cl 18.4(b).

Rates in table do not include any all purpose allowances.

Commented [FWC32]: Relevant percentage in cl 28.4.

Commented [FWC33]: Relevant percentage in cl 29.2(b).

¹ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2.

NOTE: Clause 28.5—Time off instead of payment for overtime allows employees and employers to agree in writing to the employee taking time off instead of being paid for overtime.

B.5 Managerial staff (Hotels) employees

B.5.1 Full-time and part-time managerial staff (Hotels) employees—ordinary and penalty rates

	<u>Ordinary hours¹</u>	<u>Saturday</u>	<u>Sunday³</u>	<u>Public holiday</u>
	<u>% of ordinary hourly rate²</u>			
	<u>100%</u>	<u>125%</u>	<u>160150%</u>	<u>225%</u>
	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
Managerial staff (Hotels)	24.81	31.01	37.22	55.82

Commented [FWC34]: ((Annual salary in cl 18.2 ÷ 52) ÷ 38) + (any all-purpose allowances in cl 26.3 and cl 26.13).

Rates in table do not include any all-purposes allowances.

Commented [FWC35]: Relevant percentage in cl 29.2(b).

¹ Additional shift penalties may apply in accordance with **Table 11—Penalty rates**.

² Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2.

³ Sunday rate from 1 July 2019~~1 July 2018~~—30 June 2019

NOTE: Overtime and penalty rates are not payable to an employee to whom clause 25—Salaries absorption (Managerial Staff (Hotels)) applies.

B.5.2 Full-time and part-time managerial staff (Hotels) employees—overtime rates

	Monday to Friday		Weekends and rostered days off	Public holiday
	First 2 hours	After 2 hours		
	% of ordinary hourly rate ¹			
	150%	200%	200%	250/225%
	\$	\$	\$	\$
Managerial staff (Hotels)	37.22	49.62	49.62	55.82

Commented [FWC36]: ((Annual salary in cl 18.2 ÷ 52) ÷ 38) + (any all-purpose allowances in cl 26.3 and cl 26.13).

Rates in table do not include any all-purposes allowances.

Commented [FWC37]: Relevant percentage in cl 28.4.

Commented [FWC38]: Relevant percentage in cl 29.2(b).

¹ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2.

NOTE: Overtime and penalty rates are not payable to an employee to whom clause 25—Salaries absorption (Managerial Staff (Hotels)) applies.

B.5.3 Casual managerial staff (Hotels) employees—ordinary and penalty rates

	Ordinary hours ¹	Saturday	Sunday	Public holiday
	% of ordinary hourly rate ²			
	125%	150%	175%	250%
	\$	\$	\$	\$
Managerial staff (Hotels)	31.01	37.22	43.42	62.03

Commented [FWC39]: ((Annual salary in cl 18.2 ÷ 52) ÷ 38) + (any all-purpose allowances in cl 26.3 and cl 26.13).

Rates in table do not include any all-purposes allowances.

Commented [FWC40]: Ordinary hourly rate + 25% casual loading in cl 11.2.

Commented [FWC41]: Relevant percentage in cl 29.2(b).

¹ Additional shift penalties may apply in accordance with Table 11—Penalty rates.

² Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2.

B.5.4 Casual managerial staff (Hotels) employees—overtime rates

	Monday to Friday		Weekends	Public holiday
	First 2 hours	After 2 hours		
	% of ordinary hourly rate ¹			
	150%	200%	200%	250%
	\$	\$	\$	\$
Managerial staff (Hotels)	37.22	49.62	49.62	62.03

Commented [FWC42]: ((Annual salary in cl 18.2 ÷ 52) ÷ 38) + (any all-purpose allowances in cl 26.3 and cl 26.13).

Rates in table do not include any all-purposes allowances.

Commented [FWC43]: Relevant percentage in cl 28.4.

Commented [FWC44]: Relevant percentage in cl 29.2(b).

¹ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2.

NOTE: Overtime and penalty rates are not payable to an employee to whom clause 25—Salaries absorption (Managerial Staff (Hotels)) applies.

B.6 Adult casino gaming employees

B.6.1 Adult full-time and part-time casino gaming employees—ordinary and penalty rates

	Ordinary hours ¹	Saturday	Sunday ³	Public holiday
	% of ordinary hourly rate²			
	100%	125%	160% 150%	225%
	\$	\$	\$	\$
Introductory Level	20.06	25.08	30.09	45.14
Level 1	21.27	26.59	31.91	47.86
Level 2	21.98	27.48	32.97	49.46
Level 3	22.70	28.38	34.05	51.08
Level 3A	23.76	29.70	35.64	53.46
Level 4	24.12	30.15	36.18	54.27
Level 5	24.84	31.05	37.26	55.89
Level 6	25.55	31.94	38.33	57.49

Commented [FWC45]: (Weekly rate ÷ 38) in cl 18.3 + (any all-purpose allowances in cl 26.3 and cl 26.13).

Rates in table do not include any all purpose allowances.

Commented [FWC46]: Relevant percentage in cl 29.2(b).

¹ Additional shift penalties may apply in accordance with **Table 11—Penalty rates**.

² Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2.

³ Sunday rate from ~~1 July 2019~~ ~~1 July 2018~~ ~~30 June 2019~~.

B.6.2 Adult full-time and part-time casino gaming employees—overtime rates

	Monday to Friday		Weekends <u>and rostered days off</u>	Public holiday
	First 2 hours	After 2 hours		
	% of ordinary hourly rate¹			
	150%	200%	200%	250% 225%
	\$	\$	\$	\$
Introductory Level	30.09	40.12	40.12	45.14
Level 1	31.91	42.54	42.54	47.86
Level 2	32.97	43.96	43.96	49.46
Level 3	34.05	45.40	45.40	51.08
Level 3A	35.64	47.52	47.52	53.46
Level 4	36.18	48.24	48.24	54.27

Commented [FWC47]: (Weekly rate ÷ 38) in cl 18.3 + (any all-purpose allowances in cl 26.3 and cl 26.13).

Rates in table do not include any all purpose allowances.

Commented [FWC48]: Relevant percentage in cl 28.4.

Commented [FWC49]: Relevant percentage in cl 29.2(b).

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	Monday to Friday		Weekends and rostered days off-	Public holiday
	First 2 hours	After 2 hours		
	% of ordinary hourly rate ¹			
	150%	200%	200%	250% 225%
	\$	\$	\$	\$
Level 5	37.26	49.68	49.68	55.89
Level 6	38.33	51.10	51.10	57.49

¹ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2.

NOTE: Clause 28.5—Time off instead of payment for overtime allows employees and employers to agree in writing to the employee taking time off instead of being paid for overtime.

B.6.3 Adult casual casino gaming employees—ordinary and penalty rates

	Ordinary hours ¹	Saturday	Sunday	Public holiday
	% of ordinary hourly rate ²			
	125%	150%	175%	250%
	\$	\$	\$	\$
Introductory Level	25.08	30.09	35.11	50.15
Level 1	26.59	31.91	37.22	53.18
Level 2	27.48	32.97	38.47	54.95
Level 3	28.38	34.05	39.73	56.75
Level 3A	29.70	35.64	41.58	59.40
Level 4	30.15	36.18	42.21	60.30
Level 5	31.05	37.26	43.47	62.10
Level 6	31.94	38.33	44.71	63.88

¹ Additional shift penalties may apply in accordance with **Table 11—Penalty rates**.

² Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2.

Commented [FWC47]: (Weekly rate ÷ 38) in cl 18.3 + (any all-purpose allowances in cl 26.3 and cl 26.13).

Rates in table do not include any all purpose allowances.

Commented [FWC48]: Relevant percentage in cl 28.4.

Commented [FWC49]: Relevant percentage in cl 29.2(b).

Commented [FWC50]: (Weekly rate ÷ 38) in cl 18.3 + (any all-purpose allowances in cl 26.3 and cl 26.13).

Rates in table do not include any all purpose allowances.

Commented [FWC51]: Ordinary hourly rate + 25% casual loading in cl 11.2.

Commented [FWC52]: Relevant percentage in cl 29.2(b).

B.6.4 Adult casual casino gaming employees—overtime rates

	<u>Monday to Friday</u>		<u>Weekends</u>	<u>Public holiday</u>
	<u>First 2 hours</u>	<u>After 2 hours</u>		
	% of ordinary hourly rate¹			
	150%	200%	200%	250%
	\$	\$	\$	\$
<u>Introductory Level</u>	<u>30.09</u>	<u>40.12</u>	<u>40.12</u>	<u>50.15</u>
<u>Level 1</u>	<u>31.91</u>	<u>42.54</u>	<u>42.54</u>	<u>53.18</u>
<u>Level 2</u>	<u>32.97</u>	<u>43.96</u>	<u>43.96</u>	<u>54.95</u>
<u>Level 3</u>	<u>34.05</u>	<u>45.40</u>	<u>45.40</u>	<u>56.75</u>
<u>Level 3A</u>	<u>35.64</u>	<u>47.52</u>	<u>47.52</u>	<u>59.40</u>
<u>Level 4</u>	<u>36.18</u>	<u>48.24</u>	<u>48.24</u>	<u>60.30</u>
<u>Level 5</u>	<u>37.26</u>	<u>49.68</u>	<u>49.68</u>	<u>62.10</u>
<u>Level 6</u>	<u>38.33</u>	<u>51.10</u>	<u>51.10</u>	<u>63.88</u>

Commented [FWC53]: (Weekly rate ÷ 38) in cl 18.3 + (any all-purpose allowances in cl 26.3 and cl 26.13).

Rates in table do not include any all purpose allowances.

Commented [FWC54]: Relevant percentage in cl 28.4.

Commented [FWC55]: Relevant percentage in cl 29.2(b).

¹ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2.

NOTE: Clause 28.5—Time off instead of payment for overtime allows employees and employers to agree in writing to the employee taking time off instead of being paid for overtime.

B.7 Junior casino gaming employees

B.7.1 Junior hourly rate is based on a percentage of the appropriate adult rate in accordance with clause 18.4—Junior rates. Adult rates apply from 21 years of age in accordance with clause 18.1—Adult rates.

B.7.2 Junior full-time and part-time casino gaming employees—ordinary and penalty rates

	<u>Ordinary hours¹</u>	<u>Saturday</u>	<u>Sunday³</u>	<u>Public holiday</u>
	% of junior hourly rate²			
	100%	125%	160150%	225%
	\$	\$	\$	\$
Introductory Level				
18 years of age	14.04	17.55	21.06	31.59
19 years of age	17.05	21.31	25.58	38.36
20 years of age	20.06	25.08	30.09	45.14
Level 1				

Commented [FWC56]: (Weekly rate ÷ 38) in cl 18.3 + (any all purpose allowances in cl 26.3 and cl 26.13).x percentage of relevant adult minimum rate in cl 18.4(a).

Rates in table do not include any all purpose allowances.

Commented [FWC57]: Relevant percentage in cl 29.2(b).

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	Ordinary hours ¹	Saturday	Sunday ³	Public holiday
	% of junior hourly rate²			
	100%	125%	160150%	225%
	\$	\$	\$	\$
18 years of age	14.89	18.61	22.34	33.50
19 years of age	18.08	22.60	27.12	40.68
20 years of age	21.27	26.59	31.91	47.86
Level 2				
18 years of age	15.39	19.24	23.09	34.63
19 years of age	18.68	23.35	28.02	42.03
20 years of age	21.98	27.48	32.97	49.46
Level 3				
18 years of age	15.89	19.86	23.84	35.75
19 years of age	19.30	24.13	28.95	43.43
20 years of age	22.70	28.38	34.05	51.08
Level 3A				
18 years of age	16.63	20.79	24.95	37.42
19 years of age	20.20	25.25	30.30	45.45
20 years of age	23.76	29.70	35.64	53.46
Level 4				
18 years of age	16.88	21.10	25.32	37.98
19 years of age	20.50	25.63	30.75	46.13
	\$	\$	\$	\$
20 years of age	24.12	30.15	36.18	54.27
Level 5				
18 years of age	17.39	21.74	26.09	39.13
19 years of age	21.11	26.39	31.67	47.50
20 years of age	24.84	31.05	37.26	55.89
Level 6				
18 years of age	17.89	22.36	26.84	40.25

Commented [FWC56]: (Weekly rate ÷ 38) in cl 18.3 + (any all purpose allowances in cl 26.3 and cl 26.13).x percentage of relevant adult minimum rate in cl 18.4(a).

Rates in table do not include any all purpose allowances.

Commented [FWC57]: Relevant percentage in cl 29.2(b).

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	Ordinary hours ¹	Saturday	Sunday ³	Public holiday
	% of junior hourly rate ²			
	100%	125%	160 150%	225%
	\$	\$	\$	\$
19 years of age	21.72	27.15	32.58	48.87
20 years of age	25.55	31.94	38.33	57.49

Commented [FWC56]: (Weekly rate ÷ 38) in cl 18.3 + (any all purpose allowances in cl 26.3 and cl 26.13).x percentage of relevant adult minimum rate in cl 18.4(a).

Rates in table do not include any all purpose allowances.

Commented [FWC57]: Relevant percentage in cl 29.2(b).

¹ Additional shift penalties may apply in accordance with **Table 11—Penalty rates**.

² Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2.

³ Sunday rate from ~~1 July 2019~~1 July 2018—30 June 2019.

B.7.3 Junior full-time and part-time casino gaming employees—overtime rates

	Monday to Friday		Weekends and rostered days off ¹	Public holiday
	First 2 hours	After 2 hours		
	% of ordinary hourly rate ¹			
	150%	200%	200%	250 225%
	\$	\$	\$	\$
Introductory Level				
18 years of age	21.06	28.08	28.08	31.59
19 years of age	25.58	34.10	34.10	38.36
20 years of age	30.09	40.12	40.12	45.14
Level 1				
18 years of age	22.34	29.78	29.78	33.50
19 years of age	27.12	36.16	36.16	40.68
20 years of age	31.91	42.54	42.54	47.86
Level 2				
18 years of age	23.09	30.78	30.78	34.63
19 years of age	28.02	37.36	37.36	42.03
20 years of age	32.97	43.96	43.96	49.46
Level 3				
18 years of age	23.84	31.78	31.78	35.75
19 years of age	28.95	38.60	38.60	43.43
20 years of age	34.05	45.40	45.40	51.08
Level 3A				
18 years of age	24.95	33.26	33.26	37.42

Commented [FWC58]: (Weekly rate ÷ 38) in cl 18.3 + (any all purpose allowances in cl 26.3 and cl 26.13).x percentage of relevant adult minimum rate in cl 18.4(a).

Rates in table do not include any all purpose allowances.

Commented [FWC59]: Relevant percentage in cl 28.4.

Commented [FWC60]: Relevant percentage in cl 29.2(b).

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	Monday to Friday		Weekends and rostered days off-	Public holiday
	First 2 hours	After 2 hours		
	% of ordinary hourly rate¹			
	150%	200%	200%	250%225%
	\$	\$	\$	\$
Introductory Level				
19 years of age	30.30	40.40	40.40	45.45
20 years of age	35.64	47.52	47.52	53.46
Level 4				
18 years of age	25.32	33.76	33.76	37.98
19 years of age	30.75	41.00	41.00	46.13
20 years of age	36.18	48.24	48.24	54.27
Level 5				
18 years of age	26.09	34.78	34.78	39.13
19 years of age	31.67	42.22	42.22	47.50
20 years of age	37.26	49.68	49.68	55.89
Level 6				
18 years of age	26.84	35.78	35.78	40.25
19 years of age	32.58	43.44	43.44	48.87
20 years of age	38.33	51.10	51.10	57.49

¹ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2.

NOTE: Clause 28.5—Time off instead of payment for overtime allows employees and employers to agree in writing to the employee taking time off instead of being paid for overtime.

B.7.4 Junior casual casino gaming employees—ordinary and penalty rates

	Ordinary hours ¹	Saturday	Sunday	Public holiday
	% of ordinary hourly rate²			
	125%	150%	175%	250%
	\$	\$	\$	\$
Introductory Level				
18 years of age	17.55	21.06	24.57	35.10
19 years of age	21.31	25.58	29.84	42.63

Commented [FWC58]: (Weekly rate ÷ 38) in cl 18.3 + (any all purpose allowances in cl 26.3 and cl 26.13).x percentage of relevant adult minimum rate in cl 18.4(a).

Rates in table do not include any all purpose allowances.

Commented [FWC59]: Relevant percentage in cl 28.4.

Commented [FWC60]: Relevant percentage in cl 29.2(b).

Commented [FWC61]: (Weekly rate ÷ 38) in cl 18.3 + (any all purpose allowances in cl 26.3 and cl 26.13).x percentage of relevant adult minimum rate in cl 18.4(a).

Rates in table do not include any all purpose allowances.

Commented [FWC62]: Ordinary hourly rate + 25% casual loading in cl 11.2.

Commented [FWC63]: Relevant percentage in cl 29.2(b).

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	Ordinary hours ¹	Saturday	Sunday	Public holiday
	% of ordinary hourly rate ²			
	125%	150%	175%	250%
	\$	\$	\$	\$
20 years of age	25.08	30.09	35.11	50.15
Level 1				
18 years of age	18.61	22.34	26.06	37.23
19 years of age	22.60	27.12	31.64	45.20
20 years of age	26.59	31.91	37.22	53.18
Level 2				
18 years of age	19.24	23.09	26.93	38.48
19 years of age	23.35	28.02	32.69	46.70
20 years of age	27.48	32.97	38.47	54.95
Level 3				
18 years of age	19.86	23.84	27.81	39.73
19 years of age	24.13	28.95	33.78	48.25
20 years of age	28.38	34.05	39.73	56.75
Level 3A				
18 years of age	20.79	24.95	29.10	41.58
19 years of age	25.25	30.30	35.35	50.50
20 years of age	29.70	35.64	41.58	59.40
Level 4				
18 years of age	21.10	25.32	29.54	42.20
19 years of age	25.63	30.75	35.88	51.25
20 years of age	30.15	36.18	42.21	60.30
Level 5				
18 years of age	21.74	26.09	30.43	43.48
19 years of age	26.39	31.67	36.94	52.78
20 years of age	31.05	37.26	43.47	62.10
Level 6				
18 years of age	22.36	26.84	31.31	44.73
19 years of age	27.15	32.58	38.01	54.30
20 years of age	31.94	38.33	44.71	63.88

Commented [FWC61]: (Weekly rate ÷ 38) in cl 18.3 + (any all purpose allowances in cl 26.3 and cl 26.13).x percentage of relevant adult minimum rate in cl 18.4(a).

Rates in table do not include any all purpose allowances.

Commented [FWC62]: Ordinary hourly rate + 25% casual loading in cl 11.2.

Commented [FWC63]: Relevant percentage in cl 29.2(b).

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¹ Additional shift penalties may apply in accordance with **Table 11—Penalty rates**.

² Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2.

B.7.5 Junior casual casino gaming employees—overtime rates

	<u>Monday to Friday</u>		<u>Weekends</u>	<u>Public holiday</u>
	<u>First 2 hours</u>	<u>After 2 hours</u>		
	<u>% of ordinary hourly rate¹</u>			
	<u>150%</u>	<u>200%</u>	<u>200%</u>	<u>250%</u>
	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
<u>Introductory Level</u>				
<u>18 years of age</u>	<u>21.06</u>	<u>28.08</u>	<u>28.08</u>	<u>35.10</u>
<u>19 years of age</u>	<u>25.58</u>	<u>34.10</u>	<u>34.10</u>	<u>42.63</u>
<u>20 years of age</u>	<u>30.09</u>	<u>40.12</u>	<u>40.12</u>	<u>50.15</u>
<u>Level 1</u>				
<u>18 years of age</u>	<u>22.34</u>	<u>29.78</u>	<u>29.78</u>	<u>37.23</u>
<u>19 years of age</u>	<u>27.12</u>	<u>36.16</u>	<u>36.16</u>	<u>45.20</u>
<u>20 years of age</u>	<u>31.91</u>	<u>42.54</u>	<u>42.54</u>	<u>53.18</u>
<u>Level 2</u>				
<u>18 years of age</u>	<u>23.09</u>	<u>30.78</u>	<u>30.78</u>	<u>38.48</u>
<u>19 years of age</u>	<u>28.02</u>	<u>37.36</u>	<u>37.36</u>	<u>46.70</u>
<u>20 years of age</u>	<u>32.97</u>	<u>43.96</u>	<u>43.96</u>	<u>54.95</u>
<u>Level 3</u>				
<u>18 years of age</u>	<u>23.84</u>	<u>31.78</u>	<u>31.78</u>	<u>39.73</u>
<u>19 years of age</u>	<u>28.95</u>	<u>38.60</u>	<u>38.60</u>	<u>48.25</u>
<u>20 years of age</u>	<u>34.05</u>	<u>45.40</u>	<u>45.40</u>	<u>56.75</u>
<u>Level 3A</u>				
<u>18 years of age</u>	<u>24.95</u>	<u>33.26</u>	<u>33.26</u>	<u>41.58</u>
<u>19 years of age</u>	<u>30.30</u>	<u>40.40</u>	<u>40.40</u>	<u>50.50</u>
<u>20 years of age</u>	<u>35.64</u>	<u>47.52</u>	<u>47.52</u>	<u>59.40</u>
<u>Level 4</u>				
<u>18 years of age</u>	<u>25.32</u>	<u>33.76</u>	<u>33.76</u>	<u>42.20</u>
<u>19 years of age</u>	<u>30.75</u>	<u>41.00</u>	<u>41.00</u>	<u>51.25</u>
<u>20 years of age</u>	<u>36.18</u>	<u>48.24</u>	<u>48.24</u>	<u>60.30</u>
<u>Level 5</u>				

Commented [FWC64]: (Weekly rate ÷ 38) in cl 18.3 + (any all purpose allowances in cl 26.3 and cl 26.13).x percentage of relevant adult minimum rate in cl 18.4(a).

Rates in table do not include any all purpose allowances.

Commented [FWC65]: Relevant percentage in cl 28.4.

Commented [FWC66]: Relevant percentage in cl 29.2(b).

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	<u>Monday to Friday</u>		<u>Weekends</u>	<u>Public holiday</u>
	<u>First 2 hours</u>	<u>After 2 hours</u>		
	<u>% of ordinary hourly rate¹</u>			
	<u>150%</u>	<u>200%</u>	<u>200%</u>	<u>250%</u>
	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
<u>18 years of age</u>	<u>26.09</u>	<u>34.78</u>	<u>34.78</u>	<u>43.48</u>
<u>19 years of age</u>	<u>31.67</u>	<u>42.22</u>	<u>42.22</u>	<u>52.78</u>
<u>20 years of age</u>	<u>37.26</u>	<u>49.68</u>	<u>49.68</u>	<u>62.10</u>
<u>Level 6</u>				
<u>18 years of age</u>	<u>26.84</u>	<u>35.78</u>	<u>35.78</u>	<u>44.73</u>
<u>19 years of age</u>	<u>32.58</u>	<u>43.44</u>	<u>43.44</u>	<u>54.30</u>
<u>20 years of age</u>	<u>38.33</u>	<u>51.10</u>	<u>51.10</u>	<u>63.88</u>

Commented [FWC64]: (Weekly rate ÷ 38) in cl 18.3 + (any all purpose allowances in cl 26.3 and cl 26.13).x percentage of relevant adult minimum rate in cl 18.4(a).

Rates in table do not include any all purpose allowances.

Commented [FWC65]: Relevant percentage in cl 28.4.

Commented [FWC66]: Relevant percentage in cl 29.2(b).

¹ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2.

NOTE: Clause 28.5—Time off instead of payment for overtime allows employees and employers to agree in writing to the employee taking time off instead of being paid for overtime.

B.8 Junior apprentices

B.8.1 The **junior apprentice hourly rate** is based on a percentage of the Level 4 adult rate in accordance with clause 18.1—Adult rates.

B.8.2 **Full-time and part-time junior cooking apprentices—ordinary and penalty rates**

	<u>Ordinary hours¹</u>	<u>Saturday</u>	<u>Sunday³</u>	<u>Public holiday</u>
	<u>% of junior apprentice hourly rate²</u>			
	<u>100%</u>	<u>125%</u>	<u>160150%</u>	<u>225%</u>
	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
1st year	12.48	15.60	18.72	28.08
2 nd year	14.75	18.44	25.08	33.19
3 rd year	18.16	22.70	30.87	40.86
4 th year – not attained standard of proficiency	21.56	26.95	32.34	48.51
4 th year – attained standard of proficiency	22.70	28.38	38.59	51.08

Commented [FWC67]: ((Relevant percentage of standard weekly rate of Level 4 – Cook (tradesperson) grade 3 in cl 18.1) per cl 19.1 ÷38)) + (any all purpose allowances in cl 26.3 and cl 26.13).

Rates in table do not include any all purpose allowances.

Commented [FWC68]: Relevant percentage in cl 29.2(b).

¹ Additional shift penalties may apply in accordance with **Table 6—Junior office employees.**

² Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2.

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³ Sunday rate from ~~1 July 2019~~ ~~July 2018~~ ~~30 June 2019~~.

B.8.3 Full-time and part-time junior cooking apprentices—overtime rates

	Monday to Friday		Sunday- Weekends and rostered days off	Public holiday
	First 2 hours	After 2 hours		
	% of junior apprentice hourly rate¹			
	150%	200%	200%	250% 225%
	\$	\$	\$	\$
1 st year	18.72	24.96	24.96	28.08
2 nd year	22.13	29.50	29.50	33.19
3 rd year	27.24	36.32	36.32	40.86
4 th year – not attained standard of proficiency	32.34	43.12	43.12	48.51
4 th year – attained standard of proficiency	34.05	45.40	45.40	51.08

Commented [FWC69]: ((Relevant percentage of standard weekly rate of Level 4 – Cook (tradesperson) grade 3 in cl 18.1) per cl 19.1 ÷38)) + (any all purpose allowances in cl 26.3 and cl 26.13).

Rates in table do not include any all purpose allowances.

Commented [FWC70]: Relevant percentage in cl 28.4.

Commented [FWC71]: Relevant percentage in cl 29.2(b).

¹ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2.

NOTE: Clause 28.5—Time off instead of payment for overtime allows employees and employers to agree in writing to the employee taking time off instead of being paid for overtime.

B.8.4 Full-time and part-time junior waiting apprentices—ordinary and penalty rates

	Ordinary hours ¹	Saturday	Sunday ³	Public holiday
	% of junior apprentice hourly rate²			
	100%	125%	170% 150%	225%
	\$	\$	\$	\$
1 st 6 months	15.89	19.86	23.84	35.75
2 nd 6 months	19.29	24.11	28.94	43.40
3 rd 6 months	21.76	27.20	32.64	48.96
4 th 6 months – not attained standard of proficiency	22.23	27.79	33.35	50.02
4 th 6 months – attained standard of proficiency	22.70	28.38	34.05	51.08

Commented [FWC72]: ((Relevant percentage of standard weekly rate of Level 4 – Cook (tradesperson) grade 3 in cl 18.1) per cl 19.2(a) ÷38)) + (any all purpose allowances in cl 26.3 and cl 26.13).

Rates in table do not include any all purpose allowances.

Commented [FWC73]: Relevant percentage in cl 29.2(b).

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¹ Additional shift penalties may apply in accordance with **Table 6—Junior office employees**.

² Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2.

³ Sunday rate from ~~1 July 2019~~ ~~1 July 2018~~ — ~~30 June 2019~~.

B.8.5 Full-time and part-time junior waiting apprentices—overtime rates

	Monday to Friday		Sunday- Weekends and rostered days off	Public holiday
	First 2 hours	After 2 hours		
	% of junior apprentice hourly rate¹			
	150%	200%	200%	250%225%
	\$	\$	\$	\$
1 st 6 months	23.84	31.78	31.78	35.75
2 nd 6 months	28.94	38.58	38.58	43.40
3 rd 6 months	32.64	43.52	43.52	48.96
4 th 6 months – not attained standard of proficiency	33.35	44.46	44.46	50.02
4 th 6 months – attained standard of proficiency	34.05	45.40	45.40	51.08

Commented [FWC74]: ((Relevant percentage of standard weekly rate of Level 4 – Cook (tradesperson) grade 3 in cl 18.1) per cl 19.2(a) ÷38)) + (any all purpose allowances in cl 26.3 and cl 26.13).

Rates in table do not include any all purpose allowances.

Commented [FWC75]: Relevant percentage in cl 28.4.

Commented [FWC76]: Relevant percentage in cl 29.2(b).

¹ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2.

NOTE: Clause 28.5—Time off instead of payment for overtime allows employees and employers to agree in writing to the employee taking time off instead of being paid for overtime.

B.9 Full-time and part-time adult apprentices

NOTE: The adult apprentice rate applies only to adult apprentices who started their apprenticeship on or after 1 January 2014. Adult apprentices who started their apprenticeship before 1 January 2014 are not entitled to the adult apprentice rates.

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B.9.1 The **adult apprentice hourly rate** is calculated in accordance with clause 19.5—
Adult apprentices.

B.9.2 Full-time and part-time adult cooking apprentices—ordinary and penalty rates

	Ordinary hours ¹	Saturday	Sunday ³	Public holiday
% of adult apprentice hourly rate ²				
	100%	125%	160 150%	225%
	\$	\$	\$	\$
1 st year	18.16	22.70	27.24	40.86
2 nd year	19.49	24.36	29.24	43.85
3 rd year	19.49	24.36	29.24	43.85
4 th year – not attained standard of proficiency	21.56	26.95	32.34	48.51
4 th year – attained standard of proficiency	22.70	28.38	34.05	51.08

¹ Additional shift penalties may apply in accordance with **Table 6—Junior office employees**.

² Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2.

³ Sunday rate from ~~1 July 2019~~ 1 July 2018—30 June 2019.

Commented [FWC77]: Relevant percentage in cl 29.2(b).

Commented [FWC78]: 1st year
((80% of the standard weekly rate of Level 4 – Cook (tradesperson) grade 3 in cl 18.1) as per clause 19.5(a) ÷ 38) + (any all purpose allowances in cl 26.3 and cl 26.13).

Rates in table do not include any all purpose allowances.

Commented [FWC79]: 2nd, 3rd and 4th years
(Minimum weekly rate of the introductory level classification in cl 18.1) as per cl 19.5(b) ÷ 38) + (any all purpose allowances in cl 26.3 and cl 26.13).

Rates in table do not include any all purpose allowances.

B.9.3 Full-time and part-time adult cooking apprentices—overtime rates

	Monday to Friday		Sunday-Weekends and rostered days off	Public holiday
	First 2 hours	After 2 hours		
% of adult apprentice hourly rate ¹				
	150%	200%	200%	250 225%
	\$	\$	\$	\$
1 st year	27.24	36.32	36.32	40.86
2 nd year	29.24	38.98	38.98	43.85
3 rd year	29.24	38.98	38.98	43.85
4 th year – not attained standard of proficiency	32.34	43.12	43.12	53.90
4 th year – attained standard of proficiency	34.05	45.40	45.40	56.75

¹ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2.

Commented [FWC80]: Relevant percentages in cl 28.4 and cl 29.2(b).

Commented [FWC81]: 1st year
((80% of the standard weekly rate of Level 4 – Cook (tradesperson) grade 3 in cl 18.1) as per clause 19.5(a) ÷ 38) + (any all purpose allowances in cl 26.3 and cl 26.13).

Rates in table do not include any all purpose allowances.

Commented [FWC82]: 2nd, 3rd and 4th years
(Minimum weekly rate of the introductory level classification in cl 18.1) as per cl 19.5(b) ÷ 38) + (any all purpose allowances in cl 26.3 and cl 26.13).

Rates in table do not include any all purpose allowances.

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NOTE: Clause 28.5—Time off instead of payment for overtime allows employees and employers to agree in writing to the employee taking time off instead of being paid for overtime.

B.9.4 Full-time and part-time adult waiting apprentices—ordinary and penalty rates

	Ordinary hours ¹	Saturday	Sunday ³	Public holiday
	% of adult apprentice hourly rate ²			
	100%	125%	160 150%	225%
	\$	\$	\$	\$
1 st 6 months	18.16	22.70	27.24	40.86
2 nd 6 months	19.29	24.11	28.94	43.40
3 rd 6 months	21.76	27.20	32.64	48.96
4 th 6 months – not attained standard of proficiency	22.23	27.79	33.35	50.02
4 th 6 months – attained standard of proficiency	22.70	28.38	34.05	51.08

¹ Additional shift penalties may apply in accordance with **Table 6—Junior office employees**.

² Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2.

³ Sunday rate from ~~1 July 2019~~ 1 July 2018 – 30 June 2019.

Commented [FWC83]: Relevant percentage in cl 29.2(b).

Commented [FWC84]: 1st year ((80% of the standard weekly rate of Level 4 – Cook (tradesperson) grade 3 in cl 18.1) as per clause 19.5(a) ÷ 38) + (any all purpose allowances in cl 26.3 and cl 26.13).

Rates in table do not include any all purpose allowances.

Commented [FWC85]: 2nd, 3rd and 4th years ((Minimum weekly rate of the introductory level classification in cl 18.1) as per cl 19.5(b) ÷ 38) + (any all purpose allowances in cl 26.3 and cl 26.13).

Rates in table do not include any all purpose allowances.

B.9.5 Full-time and part-time adult waiting apprentices—overtime rates

	Monday to Friday		Sunday-Weekends and rostered days off	Public holiday
	First 2 hours	After 2 hours		
	% of adult apprentice hourly rate ¹			
	150%	200%	200%	250 225%
	\$	\$	\$	\$
1 st 6 months	27.24	36.32	36.32	40.86
2 nd 6 months	28.94	38.58	38.58	43.40
3 rd 6 months	32.64	43.52	43.52	48.96

Commented [FWC86]: Relevant percentage in cl 28.4.

Commented [FWC87]: Relevant percentage in cl 29.2(b).

Commented [FWC88]: 1st year ((80% of the standard weekly rate of Level 4 – Cook (tradesperson) grade 3 in cl 18.1) as per clause 19.5(a) ÷ 38) + (any all purpose allowances in cl 26.3 and cl 26.13).

Rates in table do not include any all purpose allowances.

Commented [FWC89]: 2nd, 3rd and 4th years ((Minimum weekly rate of the introductory level classification in cl 18.1) as per cl 19.5(b) ÷ 38) + (any all purpose allowances in cl 26.3 and cl 26.13).

Rates in table do not include any all purpose allowances.

Schedule C—Summary of Monetary Allowances

Monetary amounts adjusted as a result of AWR 2019 – changes not tracked.

See clause 26—Allowances for full details of allowances payable under this award.

C.1 Wage-related allowances

C.1.1 The wage-related allowances in this award are based on the standard weekly rate as defined in clause 2—Definitions as the minimum weekly rate for a Level 4 classification (Cook (tradesperson) grade 3) in clause 18.1 = **\$862.50**

Allowance	Clause	% of standard weekly rate	\$	Payable
Fork lift driver allowance ¹ —Full-time employee	26.3(a)	1.50	12.94	per week
Fork lift driver allowance ¹ —Part-time or casual fork-lift driver	26.3(b)	0.30	2.59	per day
Fork lift driver allowance ¹ —Part-time or casual maximum payment	26.3(b)	1.50	12.94	per week
First aid allowance—Full-time employee	26.12(b)(i)	1.20	10.35	per week
First aid allowance—Part-time or casual employee	26.12(b)(ii)	0.24	2.07	per day
First aid allowance—Part-time or casual maximum payment	26.12(b)(ii)	1.20	10.35	per week
Airport catering—supervisory allowance—Up to 5 employees	26.13	2.00	17.25	per week
Airport catering—supervisory allowance—6 to 10 employees	26.13	2.75	23.72	per week
Airport catering—supervisory allowance—11 to 20 employees	26.13	3.10	26.74	per week
Airport catering—supervisory allowance—More than 20 employees	26.13	5.20	44.85	per week
Split shift allowance—2 hours and up to 3 hours	26.14(b)(i)	0.33	2.85	per day
Split shift allowance—More than 3 hours	26.14(b)(ii)	0.50	4.31	per day
Overnight stay allowance—outside ordinary business operating hours	26.15(b)(i)	6.00	51.75	per overnight stay period

¹ This allowance applies for all purposes of this award.

C.1.2 Adjustment of wage-related allowances

Wage-related allowances are adjusted in accordance with increases to wages and are based on percentage of the standard rate as specified.

C.2 Expense-related allowances

C.2.1 The expense-related allowances in this award will be adjusted by reference to the Consumer Price Index (CPI) as per the following:

Allowance	Clause	\$	Payable
Meal allowance—overtime of more than 2hours without required notice	26.4(b)(i)	13.38	per occasion
Clothing, equipment and tools - where a cook required to use their own tools— Per day	26.5(a)	1.55	per day or part thereof
Clothing, equipment and tools - where a cook required to use their own tools— Per week (maximum)	26.5(a)	7.60	per week
Uniform/laundry allowance—catering employees, including airport catering employees—Full-time employees	26.6(d)	6.00	per week
Uniform/laundry allowance—catering employees, including airport catering employees—Part-time and casual employees	26.6(d)	2.05	per uniform laundered
Laundry allowance—motel employees—Per uniform	26.6(e)	2.40	per uniform laundered
Laundry allowance—motel employees—Per week (maximum)	26.6(e)	7.45	per week
Motor vehicle allowance	26.7(b)	0.78	per km
Travel allowance—airport catering employees	26.11	6.68	per day of attendance

C.2.2 Adjustment of expense-related allowances

The method of adjustment for the tool allowance is being reviewed in [AM2017/59](#) - See [212]-[242] of Decision [\[2018\] FWCFB 7263](#) , Decision [\[2019\] FWCFB 6092](#). and [\[2019\] FWCFB 6898](#) (see draft determination at Attachment 2).

- (a) At the time of any adjustment to the standard rate, each expense-related allowance will be increased by the relevant adjustment factor. The relevant adjustment factor for this purpose is the percentage movement in the applicable index figure most recently published by the Australian Bureau of Statistics since the allowance was last adjusted.

- (b) The applicable index figure is the index figure published by the Australian Bureau of Statistics for the Eight Capitals Consumer Price Index (Cat No. 6401.0), as follows:

Allowance	Applicable Consumer Price Index Figure
Meal allowance	Take away and fast foods sub-group
Clothing, equipment and tools allowance	Clothing and footwear group
Vehicle/travel allowance	Private motoring sub-group

C.3 Penalty rates

The additional hourly rate component of the penalty rates in this award for ordinary hours worked Monday to Friday—7.00 pm to 7.00 am is based on the standard hourly rate as defined in clause 2—Definitions as the minimum hourly rate for a Level 4 classification (Cook (tradesperson) grade 3) in clause 18.1 = **\$22.70**.

NOTE: Penalty rates are not payable to an employee to whom clause 25—Salaries absorption (Managerial Staff (Hotels)) applies and may not be payable to an employee to whom clause 24—Annualised salary arrangements applies.

Penalty	Clause	% of standard hourly rate	\$	Payable
Monday to Friday—7.00 pm to midnight	29.2	10	2.27	per hour or part thereof
Monday to Friday—midnight to 7.00 am	29.2	15	3.41	per hour or part thereof

C.4 Deductions for provision of employee accommodation and meals

NOTE 1: Clause 37—Deductions for provision of employee accommodation and meals sets out full details on deductions for provision of employee accommodation and meals.

NOTE 2: Deductions are not applicable to an employee to whom clause 25—Salaries absorption (Managerial Staff (Hotels)) applies.

C.4.1 Adult employees and junior employees on adult wages

An employer may deduct from the wages of an adult employee, or the wages of a junior employee on adult rates, the amount specified in column 2 of the table in C.4.1 for the service specified in column 1 provided by the employer. The amount in column 2 is determined in accordance with column 3.

NOTE: Column 3 sets out the relationship between the amount deducted and the standard weekly rate:

Plain language exposure draft—Hospitality Industry (General) Award 20XX

Column 1 Service provided by employer	Column 2 Deduction \$ per week	Column 3 % of standard weekly rate \$862.50
Single room and 3 meals a day	215.63	25% of standard weekly rate
Shared room and 3 meals a day	210.24	97.5% of 25% of standard weekly rate
Single room only; no meals	204.85	95% of 25% of standard weekly rate
Shared room only; no meals	199.46	92.5% of 25% of standard weekly rate
A meal	8.63	1% of standard weekly rate

C.4.2 Junior employees on junior rates

An employer may deduct from the wages of a junior employee on junior rates aged as specified in column 2 of the table in C.4.2 the percentage specified in column 3 of the amount per week that would be deducted if the employee were on adult rates for the service specified in column 1 provided by the employer. Column 4 contains the dollar amounts that may be deducted, calculated in accordance with column 3.

Column 1 Service provided by employer	Column 2 Age	Column 3 % of adult deduction	Column 4 Deduction \$ per week
Single room and 3 meals a day	15 years of age and under	45%	97.03
	16 years of age	55%	118.60
	17 years of age	70%	150.94
	18 years of age	80%	172.50
	19 years of age	90%	194.07
Shared room and 3 meals a day	15 years of age and under	45%	94.61
	16 years of age	55%	115.63
	17 years of age	70%	147.17
	18 years of age	80%	168.19
	19 years of age	90%	189.22
Single room only; no meals	15 years of age and under	45%	92.18
	16 years of age	55%	112.67
	17 years of age	70%	143.40
	18 years of age	80%	163.88

Plain language exposure draft—Hospitality Industry (General) Award 20XX

Column 1 Service provided by employer	Column 2 Age	Column 3 % of adult deduction	Column 4 Deduction \$ per week
	19 years of age	90%	184.37
Shared room only; no meals	15 years of age and under	45%	89.76
	16 years of age	55%	109.70
	17 years of age	70%	139.62
	18 years of age	80%	159.57
	19 years of age	90%	179.51
A meal	Same rate all ages	—	8.63

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Schedule D—School-based Apprentices

- D.1** In this Schedule:
- D.1.1** **off-the-job training** is structured training delivered by a Registered Training Organisation separate from normal work duties or general supervised practice undertaken on the job; and
- D.1.2** **school-based apprentice** is a person who is undertaking an apprenticeship in accordance with this schedule while also undertaking a course of secondary education.
- D.2** A school-based apprenticeship may be undertaken in the trades covered by this award under a training agreement for an apprentice declared or recognised by the relevant State or Territory authority.
- D.3** The relevant minimum hourly rates for full-time junior and adult apprentices provided for in this award apply to school-based apprentices for total hours worked, including time taken to be spent in off-the-job training.
- D.4** Where an apprentice is a full-time school student, the time spent in off-the-job training, for which the apprentice must be paid, is **25%** of the actual hours worked each week on-the-job. The wages paid for time spent in training may be averaged over the semester or year.
- D.5** A school-based apprentice must be allowed, over the duration of the apprenticeship, the same amount of time to attend off-the-job training as an equivalent full-time apprentice.
- D.6** The duration of the apprenticeship must be as specified in the training agreement for each apprentice but must not exceed 6 years.
- D.7** School-based apprentices progress through the relevant wage scale at the rate of 12 months' progression for each 2 years of employment as an apprentice or at the rate of competency based progression if provided for in this award.
- D.8** The apprentice wage scales are based on a standard full-time apprenticeship of 4 years (unless the apprenticeship is of 3 years' duration) or stages of competency based progression (if provided for in this award).
- NOTE: The rate of progression reflects the average rate of skill acquisition expected from the typical combination of work and training for a school-based apprentice undertaking the applicable apprenticeship.
- D.9** If an apprentice converts from school-based to full-time, the successful completion of competencies (if provided for in this award) and all time spent as a full-time apprentice will count for the purposes of progression through the relevant wage scale in addition to the progression achieved as a school-based apprentice.
- D.10** School-based apprentices are entitled to all of the other conditions in this award on a proportionate basis.

Schedule E— Supported Wage System

Monetary amounts adjusted as a result of AWR 2019 – changes not tracked.

E.1 This schedule defines the conditions which will apply to employees who because of the effects of a disability are eligible for a supported wage under the terms of this award.

E.2 In this schedule:

approved assessor means a person accredited by the management unit established by the Commonwealth under the supported wage system to perform assessments of an individual's productive capacity within the supported wage system

assessment instrument means the tool provided for under the supported wage system that records the assessment of the productive capacity of the person to be employed under the supported wage system

disability support pension means the Commonwealth pension scheme to provide income security for persons with a disability as provided under the *Social Security Act 1991*, as amended from time to time, or any successor to that scheme

relevant minimum wage means the minimum wage prescribed in this award for the class of work for which an employee is engaged

supported wage system means the Commonwealth Government system to promote employment for people who cannot work at full award wages because of a disability, as documented in the Supported Wage System Handbook. The Handbook is available from the following website: www.jobaccess.gov.au

SWS wage assessment agreement means the document in the form required by the Department of Social Services that records the employee's productive capacity and agreed wage rate

E.3 Eligibility criteria

E.3.1 Employees covered by this schedule will be those who are unable to perform the range of duties to the competence level required within the class of work for which the employee is engaged under this award, because of the effects of a disability on their productive capacity and who meet the impairment criteria for receipt of a disability support pension.

E.3.2 This schedule does not apply to any existing employee who has a claim against the employer which is subject to the provisions of workers compensation legislation or any provision of this award relating to the rehabilitation of employees who are injured in the course of their employment.

E.4 Supported wage rates

E.4.1 Employees to whom this schedule applies will be paid the applicable percentage of the relevant minimum wage according to the following schedule:

Assessed capacity (clause E.5)	Relevant minimum wage
%	%
10	10
20	20
30	30
40	40
50	50
60	60
70	70
80	80
90	90

E.4.2 Provided that the minimum amount payable must be not less than **\$87** per week.

E.4.3 Where an employee’s assessed capacity is 10%, they must receive a high degree of assistance and support.

E.5 Assessment of capacity

E.5.1 For the purpose of establishing the percentage of the relevant minimum wage, the productive capacity of the employee will be assessed in accordance with the SWS by an approved assessor, having consulted the employer and employee and, if the employee so desires, a union which the employee is eligible to join.

E.5.2 All assessments made under this schedule must be documented in an SWS wage assessment agreement, and retained by the employer as a time and wages record in accordance with the [Act](#).

E.6 Lodgement of SWS wage assessment agreement

E.6.1 All SWS wage assessment agreements under the conditions of this schedule, including the appropriate percentage of the relevant minimum wage to be paid to the employee, must be lodged by the employer with the Fair Work Commission.

E.6.2 All SWS wage assessment agreements must be agreed and signed by the employee and employer parties to the assessment. Where a union which has an interest in the award is not a party to the assessment, the assessment will be referred by the Fair Work Commission to the union by certified mail and the agreement will take effect unless an objection is notified to the Fair Work Commission within 10 working days.

E.7 Review of assessment

The assessment of the applicable percentage should be subject to annual or more frequent review on the basis of a reasonable request for such a review. The process of review must be in accordance with the procedures for assessing capacity under the SWS.

E.8 Other terms and conditions of employment

Where an assessment has been made, the applicable percentage will apply to the relevant minimum wage only. Employees covered by the provisions of this schedule will be entitled to the same terms and conditions of employment as other workers covered by this award on a pro rata basis.

E.9 Workplace adjustment

An employer wishing to employ a person under the provisions of this schedule must take reasonable steps to make changes in the workplace to enhance the employee's capacity to do the job. Changes may involve re-design of job duties, working time arrangements and work organisation in consultation with other workers in the area.

E.10 Trial period

E.10.1 In order for an adequate assessment of the employee's capacity to be made, an employer may employ a person under the provisions of this schedule for a trial period not exceeding 12 weeks, except that in some cases additional work adjustment time (not exceeding ~~four~~ 4 weeks) may be needed.

E.10.2 During that trial period the assessment of capacity will be undertaken and the percentage of the relevant minimum wage for a continuing employment relationship will be determined.

E.10.3 The minimum amount payable to the employee during the trial period must be no less than \$87 per week.

E.10.4 Work trials should include induction or training as appropriate to the job being trialled.

E.10.5 Where the employer and employee wish to establish a continuing employment relationship following the completion of the trial period, a further contract of employment will be entered into based on the outcome of assessment under clause E.5.

Schedule F—Agreement for Time Off Instead of Payment for Overtime

Link to PDF copy of [Agreement for Time Off Instead of Payment for Overtime](#).

Name of employee: _____

Name of employer: _____

The employer and employee agree that the employee may take time off instead of being paid for the following amount of overtime that has been worked by the employee:

Date and time overtime started: ___/___/20___ am/pm

Date and time overtime ended: ___/___/20___ am/pm

Amount of overtime worked: _____ hours and _____ minutes

The employer and employee further agree that, if requested by the employee at any time, the employer must pay the employee for overtime covered by this agreement but not taken as time off. Payment must be made at the overtime rate applying to the overtime when worked and must be made in the next pay period following the request.

Signature of employee: _____

Date signed: ___/___/20___

Name of employer representative: _____

Signature of employer representative: _____

Date signed: ___/___/20___

Schedule G—Agreement to Take Annual Leave in Advance

Link to PDF copy of [Agreement to Take Annual Leave in Advance](#).

Name of employee: _____

Name of employer: _____

The employer and employee agree that the employee will take a period of paid annual leave before the employee has accrued an entitlement to the leave:

The amount of leave to be taken in advance is: ____ hours/days

The leave in advance will commence on: ____/____/20____

Signature of employee: _____

Date signed: ____/____/20____

Name of employer representative: _____

Signature of employer representative: _____

Date signed: ____/____/20____

[If the employee is under 18 years of age - include:]

I agree that:

if, on termination of the employee's employment, the employee has not accrued an entitlement to all of a period of paid annual leave already taken under this agreement, then the employer may deduct from any money due to the employee on termination an amount equal to the amount that was paid to the employee in respect of any part of the period of annual leave taken in advance to which an entitlement has not been accrued.

Name of parent/guardian: _____

Signature of parent/guardian: _____

Date signed: ____/____/20____

Schedule H—Agreement to Cash Out Annual Leave

Link to PDF copy of [Agreement to Cash Out Annual Leave](#).

Name of employee: _____

Name of employer: _____

The employer and employee agree to the employee cashing out a particular amount of the employee's accrued paid annual leave:

The amount of leave to be cashed out is: ____ hours/days

The payment to be made to the employee for the leave is: \$_____ subject to deduction of income tax/after deduction of income tax (strike out where not applicable)

The payment will be made to the employee on: ____/____/20__

Signature of employee: _____

Date signed: ____/____/20__

Name of employer representative: _____

Signature of employer representative: _____

Date signed: ____/____/20__

Include if the employee is under 18 years of age:

Name of parent/guardian: _____

Signature of parent/guardian: _____

Date signed: ____/____/20__

Schedule I—Part-day Public Holidays

Schedule I amended in accordance with [\[2019\] FWCFB 5145](#) at [52] and [PR712233](#).

- I.1** This schedule operates where this award otherwise contains provisions dealing with public holidays that supplement the [NES](#).
- I.2** Where a part-day public holiday is declared or prescribed between 7.00 pm and midnight on Christmas Eve (24 December in each year) or New Year's Eve (31 December in each year) the following will apply on Christmas Eve and New Year's Eve and will override any provision in this award relating to public holidays to the extent of the inconsistency:
- (a) All employees will have the right to refuse to work on the part-day public holiday if the request to work is not reasonable or the refusal is reasonable as provided for in the [NES](#).
 - (b) Where a part-time or full-time employee is usually rostered to work ordinary hours between 7.00 pm and midnight but as a result of exercising their right under the [NES](#) does not work, they will be paid their ordinary rate of pay for such hours not worked.
 - (c) Where a part-time or full-time employee is usually rostered to work ordinary hours between 7.00 pm and midnight but as a result of being on annual leave does not work, they will be taken not to be on annual leave between those hours of 7.00 pm and midnight that they would have usually been rostered to work and will be paid their ordinary rate of pay for such hours.

This provision is being reviewed in [AM2017/59](#) – see Decision [\[2019\] FWCFB 7263](#), Decision [\[2019\] FWCFB 6092](#), and [\[2019\] FWCFB 6898](#) (see draft determination at Attachment 2).

- (d) Where a part-time or full-time employee is usually rostered to work ordinary hours between 7.00 pm and midnight, but as a result of having a rostered day off (RDO) provided under this award, does not work, the employee will be taken to be on a public holiday for such hours and paid their ordinary rate of pay for those hours.
- (e) Excluding annualised salaried employees to whom clause I.2(f) applies, where an employee works any hours between 7.00 pm and midnight they will be entitled to the appropriate public holiday penalty rate (if any) in this award for those hours worked.
- (f) Where an employee is paid an annualised salary under the provisions of this award and is entitled under this award to time off in lieu or additional annual leave for work on a public holiday, they will be entitled to time off in lieu or pro-rata annual leave equivalent to the time worked between 7.00 pm and midnight.
- (g) An employee not rostered to work between 7.00 pm and midnight, other than an employee who has exercised their right in accordance with clause I.2(a), will not be entitled to another day off, another day's pay or another day of annual leave as a result of the part-day public holiday.

I.3 An employer and employee may agree to substitute another part-day for a part-day that would otherwise be a part-day public holiday under the NES.

~~I.3~~I.4 This schedule is not intended to detract from or supplement the [NES](#).

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