**Hospitality Industry (General) Award 2010**

This Fair Work Commission consolidated modern award incorporates all amendments up to and including 8 April 2020 ([PR718143](https://www.fwc.gov.au/documents/awardsandorders/html/pr718143.htm)).

Clause(s) affected by the most recent variation(s):

Schedule X—Additional Measures During the COVID-19 Pandemic

Current review matter(s): [AM2014/47](https://www.fwc.gov.au/awards-agreements/awards/modern-award-reviews/4-yearly-review/common-issues/am201447-annual-leave); [AM2014/190](https://www.fwc.gov.au/awards-agreements/awards/modern-award-reviews/4-yearly-review/common-issues/am2014190-transitional); [AM2014/196](https://www.fwc.gov.au/awards-agreements/awards/modern-award-reviews/4-yearly-review/common-issues/am2014196-part-time); [AM2014/197](https://www.fwc.gov.au/awards-agreements/awards/modern-award-reviews/4-yearly-review/common-issues/am2014197-casual); [AM2014/272](https://www.fwc.gov.au/awards-and-agreements/modern-award-reviews/4-yearly-review/award-stage/award-review-documents/MA000009?m=AM2014/272); [AM2014/300](https://www.fwc.gov.au/awards-agreements/awards/modern-award-reviews/4-yearly-review/common-issues/am2014300-award); [AM2014/301](https://www.fwc.gov.au/awards-agreements/awards/modern-award-reviews/4-yearly-review/common-issues/am2014301-public); [AM2014/305](https://www.fwc.gov.au/awards-and-agreements/modern-award-reviews/am2014305-penalty-rates-case); [AM2015/1](https://www.fwc.gov.au/awards-agreements/awards/modern-award-reviews/4-yearly-review/common-issues/am20151-family-and); [AM2015/2](https://www.fwc.gov.au/awards-and-agreements/modern-award-reviews/4-yearly-review/am20152-family-friendly-work-arrangemen-0); [AM2016/8](https://www.fwc.gov.au/awards-agreements/awards/modern-award-reviews/4-yearly-review/common-issues/am20168-payment-wages); [AM2016/13](https://www.fwc.gov.au/awards-agreements/awards/modern-award-reviews/4-yearly-review/common-issues/am201613-annualised); [AM2016/15](https://www.fwc.gov.au/awards-agreements/awards/modern-award-reviews/4-yearly-review/common-issues/am201615-plain-language); [AM2016/17](https://www.fwc.gov.au/awards-agreements/awards/modern-award-reviews/4-yearly-review/common-issues/am201617-national)

**Table of Contents**

[Varied by [PR992056](http://www.fwc.gov.au/alldocuments/PR992056.htm), [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm), [PR532630](http://www.fwc.gov.au/awardsandorders/html/pr532630.htm), [PR540249](http://www.fwc.gov.au/awardsandorders/html/PR540249.htm), [PR540578](http://www.fwc.gov.au/awardsandorders/html/PR540578.htm), [PR544519](http://www.fwc.gov.au/awardsandorders/html/PR544519.htm), [PR546288](http://www.fwc.gov.au/awardsandorders/html/PR546288.htm), [PR557581](http://www.fwc.gov.au/awardsandorders/html/PR557581.htm), [PR573679](http://www.fwc.gov.au/awardsandorders/html/PR573679.htm), [PR583018](http://www.fwc.gov.au/awardsandorders/html/PR583018.htm), [PR584111](http://www.fwc.gov.au/awardsandorders/html/PR584111.htm), [PR609326](https://www.fwc.gov.au/documents/awardsandorders/html/pr609326.htm), [PR610167](https://www.fwc.gov.au/documents/awardsandorders/html/pr610167.htm), [PR701401](http://www.fwc.gov.au/documents/awardsandorders/html/pr701401.htm), [PR718143](https://www.fwc.gov.au/documents/awardsandorders/html/pr718143.htm)]

[Part 1— Application and Operation 4](#_Toc37314724)

[1. Title 4](#_Toc37314725)

[2. Commencement and transitional 4](#_Toc37314726)

[3. Definitions and interpretation 5](#_Toc37314727)

[4. Coverage 8](#_Toc37314728)

[5. Access to the award and the National Employment Standards 10](#_Toc37314729)

[6. The National Employment Standards and this award 10](#_Toc37314730)

[7. Individual flexibility arrangements 10](#_Toc37314731)

[Part 2— Consultation and Dispute Resolution 12](#_Toc37314732)

[8. Consultation about major workplace change 12](#_Toc37314733)

[8A. Consultation about changes to rosters or hours of work 13](#_Toc37314734)

[9. Dispute resolution 13](#_Toc37314735)

[Part 3— Types of Employment and Termination of Employment 14](#_Toc37314736)

[10. Types of employment 14](#_Toc37314737)

[11. Full-time employment 14](#_Toc37314738)

[12. Part-time employment 14](#_Toc37314739)

[13. Casual employment 16](#_Toc37314740)

[14. Apprentices 18](#_Toc37314741)

[15. Junior employees 20](#_Toc37314742)

[16. Termination of employment 21](#_Toc37314743)

[17. Redundancy 22](#_Toc37314744)

[Part 4— Classifications and Minimum Wage Rates 23](#_Toc37314745)

[18. Work organisation 23](#_Toc37314746)

[19. Classifications 23](#_Toc37314747)

[20. Minimum wages 23](#_Toc37314748)

[21. Allowances 32](#_Toc37314749)

[22. Supported wage system 37](#_Toc37314750)

[23. National training wage 37](#_Toc37314751)

[24. School-based apprenticeship 37](#_Toc37314752)

[25. Higher duties 37](#_Toc37314753)

[26. Payment of wages 37](#_Toc37314754)

[27. Salary arrangements 39](#_Toc37314755)

[28. Superannuation 41](#_Toc37314756)

[Part 5— Hours of Work and Related Matters 43](#_Toc37314757)

[29. Ordinary hours of work (Full-time and part-time employees) 43](#_Toc37314758)

[30. Rostering 46](#_Toc37314759)

[31. Breaks 46](#_Toc37314760)

[32. Penalty rates 47](#_Toc37314761)

[33. Overtime 49](#_Toc37314762)

[33A. Requests for flexible working arrangements 52](#_Toc37314763)

[Part 6— Leave and Public Holidays 54](#_Toc37314764)

[34. Annual leave 54](#_Toc37314765)

[35. Personal/carer’s leave and compassionate leave 58](#_Toc37314766)

[36. Community service leave 58](#_Toc37314767)

[37. Public holidays 58](#_Toc37314768)

[37A. Leave to deal with Family and Domestic Violence 59](#_Toc37314769)

[Part 7— Industry Specific Provisions 61](#_Toc37314770)

[38. Deductions for breakages or cashiering underings 61](#_Toc37314771)

[39. Provision of employee accommodation and meals 62](#_Toc37314772)

[Schedule A —Transitional Provisions 65](#_Toc37314773)

[Schedule B —Transitional Provisions in respect of South Australia 70](#_Toc37314774)

[Schedule C —Transitional Provisions in respect of Western Australia 82](#_Toc37314775)

[Schedule D —Classification Definitions 89](#_Toc37314776)

[Schedule E —Supported Wage System 102](#_Toc37314777)

[Schedule F —National Training Wage 105](#_Toc37314778)

[Schedule G —School-based Apprenticeship 106](#_Toc37314779)

[Schedule H —Part-day Public Holidays 108](#_Toc37314780)

[Schedule I —Agreement to Take Annual Leave in Advance 110](#_Toc37314781)

[Schedule J —Agreement to Cash Out Annual Leave 111](#_Toc37314782)

[Schedule K —Agreement for Time Off Instead of Payment for Overtime 112](#_Toc37314783)

[Schedule L —Award Flexibility During the COVID-19 Pandemic 113](#_Toc37314784)

[Schedule X —Additional Measures During the COVID-19 Pandemic 115](#_Toc37314785)

1. Application and Operation
2. Title

This award is the *Hospitality Industry (General) Award 2010*.

1. Commencement and transitional

[Varied by [PR992056](http://www.fwc.gov.au/alldocuments/PR992056.htm), [PR542129](http://www.fwc.gov.au/awardsandorders/html/PR542129.htm)]

* 1. This award commences on 1 January 2010.
  2. The monetary obligations imposed on employers by this award may be absorbed into overaward payments. Nothing in this award requires an employer to maintain or increase any overaward payment.
  3. This award contains transitional arrangements which specify when particular parts of the award come into effect. Some of the transitional arrangements are in clauses in the main part of the award. There are also transitional arrangements in Schedule A, Schedule B and Schedule C. The arrangements in Schedules Schedule A, Schedule B and Schedule C deal with:

 minimum wages and piecework rates

 casual or part-time loadings

 Saturday, Sunday, public holiday, evening or other penalties

 shift allowances/penalties.

[2.4 varied by [PR542129](http://www.fwc.gov.au/awardsandorders/html/PR542129.htm) ppc 04Dec13]

* 1. 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 the award. 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.

[2.5 varied by [PR542129](http://www.fwc.gov.au/awardsandorders/html/PR542129.htm) ppc 04Dec13]

* 1. The Fair Work Commission may review the transitional arrangements in this award and make a determination varying the award.

[2.6 varied by [PR542129](http://www.fwc.gov.au/awardsandorders/html/PR542129.htm) ppc 04Dec13]

* 1. The Fair Work Commission may review the transitional arrangements:
     1. on its own initiative; or
     2. on application by an employer, employee, organisation or outworker entity covered by the modern award; or
     3. on application by an organisation that is entitled to represent the industrial interests of one or more employers or employees that are covered by the modern award; or
     4. in relation to outworker arrangements, on application by an organisation that is entitled to represent the industrial interests of one or more outworkers to whom the arrangements relate.

1. Definitions and interpretation

[Varied by [PR991389](http://www.fwc.gov.au/alldocuments/PR991389.htm), [PR992056](http://www.fwc.gov.au/alldocuments/PR992056.htm), [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm), [PR997772](http://www.fwc.gov.au/awardsandorders/html/PR997772.htm), [PR505248](http://www.fwc.gov.au/awardsandorders/html/PR505248.htm), [PR540249](http://www.fwc.gov.au/awardsandorders/html/PR540249.htm), [PR544256](http://www.fwc.gov.au/awardsandorders/html/PR544256.htm), [PR545964](http://www.fwc.gov.au/awardsandorders/html/PR545964.htm), [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm)]

* 1. In this award, unless the contrary intention appears:

[Definition of **accrued day off** inserted by [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm) ppc 23Jan20]

**accrued day off** means a paid day off accrued in accordance with clause 29.1(a) and 29.1(c) that is not a rostered day off.

[Definition of **Act** substituted by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm) from 01Jan10]

**Act** means the *Fair Work Act 2009* (Cth)

[Definition of **adult apprentice** inserted by [PR544256](http://www.fwc.gov.au/awardsandorders/html/PR544256.htm) ppc 01Jan14]

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

[Definition of **agreement-based transitional instrument** inserted by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm) from 01Jan10]

**agreement-based transitional instrument** has the meaning in the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

**appropriate level of training** means that an employee:

* + 1. has completed an appropriate training program that meets the training and assessment requirements of a qualification or one or more designated units of competency from a Training Package; and/or
    2. has been assessed by a qualified skills assessor to have skills at least equivalent to those attained in an appropriate training course; and/or
    3. as at 30 June 2010, has been doing the work of a particular classification for a period of at least three months.

[Note 1 substituted by [PR542129](http://www.fwc.gov.au/awardsandorders/html/PR542129.htm) ppc 04Dec13]

(Note 1: Any dispute concerning (c) above may be referred to the Fair Work Commission for determination. The Fair Work Commission may require an employee to demonstrate to its satisfaction that the employee utilises skills and knowledge, and that these are relevant to the work the employee is doing.)

[Note 2 substituted by [PR542129](http://www.fwc.gov.au/awardsandorders/html/PR542129.htm) ppc 04Dec13]

(Note 2: The minimum classification level for an employee who has completed AQF Certificate III qualifications relevant to the classification in which they are employed and who utilises skills and knowledge derived from Certificate III competencies relevant to the work undertaken is the Level 4 rate prescribed in clause 20.1. Any dispute concerning an employee’s entitlement to be paid at Level 4 may be referred to the Fair Work Commission for determination. The Fair Work Commission may require an employee to demonstrate to its satisfaction that the employee utilises skills and knowledge derived from Certificate III competencies, and that these are relevant to the work the employee is doing.)

[Definition of **award-based transitional instrument** inserted by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm) from 01Jan10]

**award-based transitional instrument** has the meaning in the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

**casino** means a gaming establishment holding a casino license under relevant State or Territory legislation

**catering by a restaurant business** means the provision by a restaurant of catering services for any social or business function where such services are incidental to the major business of the restaurant

[Definition of **Commission** deleted by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm) from 01Jan10]

[Definition of **default fund employee** inserted by [PR545964](http://www.fwc.gov.au/awardsandorders/html/PR545964.htm) ppc 01Jan14]

**default** **fund employee** means an employee who has no chosen fund within the meaning of the *Superannuation Guarantee (Administration) Act 1992* (Cth)

[Definition of **defined benefit member** inserted by [PR545964](http://www.fwc.gov.au/awardsandorders/html/PR545964.htm) ppc 01Jan14]

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

[Definition of **Division 2B State award** inserted by [PR505248](http://www.fwc.gov.au/awardsandorders/html/PR505248.htm) ppc 01Jan11]

**Division 2B State award** has the meaning in Schedule 3A of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

[Definition of **Division 2B State employment agreement** inserted by [PR505248](http://www.fwc.gov.au/awardsandorders/html/PR505248.htm) ppc 01Jan11]

**Division 2B State employment agreement** has the meaning in Schedule 3A of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

[Definition of **employee** substituted by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm), [PR997772](http://www.fwc.gov.au/awardsandorders/html/PR997772.htm) from 01Jan10]

**employee** means national system employee within the meaning of the Act

[Definition of **employer** substituted by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm), [PR997772](http://www.fwc.gov.au/awardsandorders/html/PR997772.htm) from 01Jan10]

**employer** means national system employer within the meaning of the Act

[Definition of **enterprise award** deleted by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm) from 01Jan10]

[Definition of **enterprise award-based instrument** inserted by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm) from 01Jan10]

**enterprise award**-**based instrument** has the meaning in the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

[Definition of **exempt public sector superannuation scheme** inserted by [PR545964](http://www.fwc.gov.au/awardsandorders/html/PR545964.htm) ppc 01Jan14]

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

[Definition of **junior employee** inserted by [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm) ppc 23Jan20]

**junior employee** means an employee who is less than 21 years of age and who is not undertaking a nationally recognised traineeship or apprenticeship.

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

[Definition of **NAPSA** deleted by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm) from 01Jan10]

[Definition of **managerial staff (hotels**) inserted by [PR540249](http://www.fwc.gov.au/awardsandorders/html/PR540249.htm) ppc 15Aug13]

**Managerial Staff (Hotels)** means an employee within the Managerial Staff (Hotels) classification level as defined in Schedule D

[Definition of **MySuper product** inserted by [PR545964](http://www.fwc.gov.au/awardsandorders/html/PR545964.htm) ppc 01Jan14]

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

[Definition of **NES** substituted by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm) from 01Jan10]

**NES** means the National Employment Standards as contained in [sections 59 to 131](http://www.fwc.gov.au/awardmod/download/nes.pdf) of the *Fair Work Act 2009* (Cth)

[Definition of **on-hire** inserted by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm) from 01Jan10]

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

[Definition of **ordinary hourly rate** inserted by [PR540249](http://www.fwc.gov.au/awardsandorders/html/PR540249.htm) ppc 15Aug13]

**ordinary hourly rate** means the employee’s applicable minimum hourly wage rate in clause 20.1

**relevant apprenticeship legislation** means any awards and/or regulations made by any State Apprenticeship Authority

**resort** means an establishment providing hotel services, accommodation, food and beverages with access to recreation facilities for guests, and includes an offshore island resort

[Definition of **restaurant** substituted by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm) from 01Jan10]

**restaurant** means a restaurant, reception centre, night club, licensed cafe and licensed roadhouse and includes any tea room or cafe

**rostered day off** (**RDO**) means any continuous 24 hour period between the completion of the last ordinary shift and the commencement of the next ordinary shift on which an employee is rostered for duty

**spread of hours** means the period of time elapsing from the time an employee commences duty to the time the employee ceases duty within any period of 24 hours

[Definition of **standard hourly rate** inserted by [PR540249](http://www.fwc.gov.au/awardsandorders/html/PR540249.htm) ppc 15Aug13]

**standard hourly rate** means the minimum hourly wage for a level 4 classification (Cook (tradesperson) grade 3) clause 20.1

[Definition of **standard weekly rate** variedby [PR540249](http://www.fwc.gov.au/awardsandorders/html/PR540249.htm) ppc 15Aug13]

**standard weekly rate** means the minimum weekly wage for a level 4 rate (Cook (tradesperson) grade 3) in clause 20.1

[Definition of **transitional minimum wage instrument** inserted by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm) from 01Jan10]

**transitional minimum wage instrument** has the meaning in the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)

* 1. Where this award refers to a condition of employment provided for in the NES the NES definition applies.

1. Coverage

[Varied by [PR991389](http://www.fwc.gov.au/alldocuments/PR991389.htm), [PR992056](http://www.fwc.gov.au/alldocuments/PR992056.htm), [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm)]

* 1. This industry award covers employers throughout Australia in the hospitality industry and their employees in the classifications within Schedule D—Classification Definitions to the exclusion of any other modern award. The award does not cover employers in the following industries:
     1. clubs registered or recognised under State or Territory legislation;
     2. boarding schools;
     3. residential colleges;
     4. hospitals;
     5. orphanages;
     6. any council, county council, municipal council, shire, shire council or local government body as defined by the *Local Government Act 1993* (NSW); the *Local Government Act 1989* (Vic); the *Local Government Act 1993* (Qld); the *City of Brisbane Act 1924* (Qld), the *Local Government Act 1995* (WA); the *Local Government Act 1999* (SA); the *Local Government Act 1993* (Tas); and the *Local Government Act 2008* (NT);
     7. catering by a restaurant business;
     8. theme parks;
     9. in-flight catering for airlines;

[4.1(j) substituted by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm) from 01Jan10]

* + 1. restaurants covered by the *Fast Food Industry Award 2010*, the *Registered and Licensed Clubs Award 2010* or the *Restaurant Industry Award 2010*;
    2. contract cleaning undertaken by companies not operating exclusively in the hospitality industry;
    3. catering services provided by aged care employers (except where these services are provided by a hospitality industry employer for or within an aged care facility);
    4. contract security, contract gardening or contract maintenance provided by an external provider, whose primary business falls outside the hospitality operation; and
    5. businesses primarily concerned with the sale of petroleum or mixed functions involving the sale of petroleum.

[4.5 renumbered as 4.2 and substituted by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm) from 01Jan10]

* 1. For the purpose of clause 4.1, **hospitality industry** includes hotels; motor inns and motels; boarding establishments; condominiums and establishments of a like nature; health or recreational farms; private hotels, guest houses, serviced apartments; caravan parks; ski lodges; holiday flats or units, ranches or farms; hostels, or any other type of residential or tourist accommodation; wine saloons, wine bars or taverns; liquor booths; resorts; caterers; restaurants operated in or in connection with premises owned or operated by employers otherwise covered by this award; casinos; and function areas and convention or like facilities operating in association with the aforementioned.

[4.2 renumbered as 4.3 by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm) from 01Jan10]

* 1. The award does not cover an employee excluded from award coverage by the Act.

[4.3 renumbered as 4.4 and substituted by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm) from 01Jan10]

* 1. The award does not cover employees who are covered by a modern enterprise award, or an enterprise instrument (within the meaning of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)), or employers in relation to those employees.

[4.4 and 4.6 deleted by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm) from 01Jan10]

[New 4.5, 4.6, 4.7 and 4.8 inserted by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm) from 01Jan10]

* 1. The award does not cover employees who are covered by a State reference public sector modern award, or a State reference public sector transitional award (within the meaning of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)), or employers in relation to those employees.
  2. This award covers any employer which supplies labour on an on-hire basis in the industry set out in clause 4.1 in respect of on-hire employees in classifications covered by this award, and those on-hire employees, while engaged in the performance of work for a business in that industry. This subclause operates subject to the exclusions from coverage in this award.
  3. This award covers employers which provide group training services for apprentices and/or trainees engaged in the industry and/or parts of industry set out at clause 4.1 and those apprentices and/or trainees engaged by a group training service hosted by a company to perform work at a location where the activities described herein are being performed. This subclause operates subject to the exclusions from coverage in this award.
  4. Where an employer is covered by more than one award, an employee of that employer is covered by the award classification which is most appropriate to the work performed by the employee and to the environment in which the employee normally performs the work.

NOTE:Where there is no classification for a particular employee in this award it is possible that the employer and that employee are covered by an award with occupational coverage.

1. Access to the award and the National Employment Standards

The employer must ensure that copies of this award and the NES are available to all employees to whom they apply either on a noticeboard which is conveniently located at or near the workplace or through electronic means, whichever makes them more accessible.

1. The National Employment Standards and this award

The [NES](http://www.fwc.gov.au/awardmod/download/nes.pdf) and this award combine to contain the minimum conditions of employment for employees covered by this award.

1. Individual flexibility arrangements

[Varied by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm), [PR542129](http://www.fwc.gov.au/awardsandorders/html/PR542129.htm); 7—Award flexibility renamed and substituted by [PR610167](https://www.fwc.gov.au/documents/awardsandorders/html/pr610167.htm) ppc 01Nov18]

* 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:
     1. arrangements for when work is performed; or
     2. overtime rates; or
     3. penalty rates; or
     4. allowances; or
     5. annual leave loading.
  2. An agreement must be one that is genuinely made by the employer and the individual employee without coercion or duress.
  3. An agreement may only be made after the individual employee has commenced employment with the employer.
  4. An employer who wishes to initiate the making of an agreement must:
     1. give the employee a written proposal; and
     2. if the employer is aware that the employee has, or reasonably should 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.
  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.
  6. An agreement must do all of the following:
     1. state the names of the employer and the employee; and
     2. identify the award term, or award terms, the application of which is to be varied; and
     3. set out how the application of the award term, or each award term, is varied; and
     4. 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
     5. state the date the agreement is to start.
  7. An agreement must be:
     1. in writing; and
     2. signed by the employer and the employee and, if the employee is under 18 years of age, by the employee’s parent or guardian.
  8. Except as provided in clause 7.7(b), an agreement must not require the approval or consent of a person other than the employer and the employee.
  9. The employer must keep the agreement as a time and wages record and give a copy to the employee.
  10. The employer and the employee must genuinely agree, without duress or coercion to any variation of an award provided for by an agreement.
  11. An agreement may be terminated:
      1. at any time, by written agreement between the employer and the employee; or
      2. 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 s.144 then the employee or the employer may terminate the arrangement by giving written notice of not more than 28 days (see s.145 of the [Act](http://www.legislation.gov.au/Series/C2009A00028)).

* 1. An agreement terminated as mentioned in clause 7.11(b) ceases to have effect at the end of the period of notice required under that clause.
  2. The right to make an agreement under clause 7 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.

1. Consultation and Dispute Resolution
2. Consultation about major workplace change

[8—Consultation regarding major workplace change renamed and substituted by [PR546288](http://www.fwc.gov.au/awardsandorders/html/pr546288.htm), 8—Consultation renamed and substituted by [PR610167](https://www.fwc.gov.au/documents/awardsandorders/html/pr610167.htm) ppc 01Nov18]

* 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:
     1. give notice of the changes to all employees who may be affected by them and their representatives (if any); and
     2. discuss with affected employees and their representatives (if any):
        1. the introduction of the changes; and
        2. their likely effect on employees; and
        3. measures to avoid or reduce the adverse effects of the changes on employees; and
     3. commence discussions as soon as practicable after a definite decision has been made.
  2. For the purposes of the discussion under clause 8.1(b), the employer must give in writing to the affected employees and their representatives (if any) all relevant information about the changes including:
     1. their nature; and
     2. their expected effect on employees; and
     3. any other matters likely to affect employees.
  3. Clause 8.2 does not require an employer to disclose any confidential information if its disclosure would be contrary to the employer’s interests.
  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 8.1(b).
  5. In clause 8:

**significant effects**, on employees, includes any of the following:

* + 1. termination of employment; or
    2. major changes in the composition, operation or size of the employer’s workforce or in the skills required; or
    3. loss of, or reduction in, job or promotion opportunities; or
    4. loss of, or reduction in, job tenure; or
    5. alteration of hours of work; or
    6. the need for employees to be retrained or transferred to other work or locations; or
    7. job restructuring.
  1. Where this award makes provision for alteration of any of the matters defined at clause 8.5, such alteration is taken not to have significant effect.

8A. Consultation about changes to rosters or hours of work

[8A inserted by [PR610167](https://www.fwc.gov.au/documents/awardsandorders/html/pr610167.htm) ppc 01Nov18]

**8A.1** Clause 8A 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.

**8A.2** The employer must consult with any employees affected by the proposed change and their representatives (if any).

**8A.3** For the purpose of the consultation, the employer must:

* + 1. provide to the employees and representatives mentioned in clause 8A.2 information about the proposed change (for example, information about the nature of the change and when it is to begin); and
    2. 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.

**8A.4** The employer must consider any views given under clause 8A.3(b).

**8A.5** Clause 8A is to be read in conjunction with any other provisions of this award concerning the scheduling of work or the giving of notice.

1. Dispute resolution

[Varied by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm), [PR542129](http://www.fwc.gov.au/awardsandorders/html/PR542129.htm); substituted by [PR610167](https://www.fwc.gov.au/documents/awardsandorders/html/pr610167.htm) ppc 01Nov18]

* 1. Clause 9 sets out the procedures to be followed if a dispute arises about a matter under this award or in relation to the [NES](https://www.fwc.gov.au/documents/awardmod/download/nes.pdf).
  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.
  3. If the dispute is not resolved through discussion as mentioned in clause 9.2, 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.
  4. If the dispute is unable to be resolved at the workplace and all appropriate steps have been taken under clauses 9.2 and 9.3, a party to the dispute may refer it to the Fair Work Commission.
  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.
  6. If the dispute remains unresolved, the Fair Work Commission may use any method of dispute resolution that it is permitted by the [Act](http://www.legislation.gov.au/Series/C2009A00028) to use and that it considers appropriate for resolving the dispute.
  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 9.
  8. While procedures are being followed under clause 9 in relation to a dispute:
     1. work must continue in accordance with this award and the [Act](http://www.legislation.gov.au/Series/C2009A00028); and
     2. 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.
  9. Clause 9.8 is subject to any applicable work health and safety legislation.

1. Types of Employment and Termination of Employment
2. Types of employment
   1. Employees under this award will be employed in one of the following categories:
      1. full-time;
      2. part-time; or
      3. casual.
   2. At the time of engagement an employer will inform each employee of the terms of their engagement and in particular whether they are to be full-time, part-time or casual.
3. Full-time employment

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

1. Part-time employment

[Varied by [PR992056](http://www.fwc.gov.au/alldocuments/PR992056.htm); substituted by [PR598473](https://www.fwc.gov.au/documents/awardsandorders/html/pr598473.htm) ppc 01Jan18]

* 1. An employer may employ part-time employees in any classification in this award.
  2. A part-time employee is an employee who is employed in a classification in **Schedule D—Classification Definitions** and who:
     1. is engaged to work at least 8 and less than 38 ordinary hours per week or, where the employer operates a roster, an average of at least 8 and fewer than 38 hours per week over the roster cycle;
     2. has reasonably predictable hours of work; and
     3. receives, on a pro rata basis, equivalent pay and conditions to those of full-time employees who do the same kind of work.
  3. At the time of engagement the employer and the part-time employee will agree in writing upon:
     1. 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
     2. the days of the week, and the periods in each of those days, when the employee will available to work the guaranteed hours (**the employee’s availability**).
  4. Any change to the guaranteed hours may only occur with the written consent of the part-time employee.
  5. The employer may roster the working of the employee’s guaranteed hours and any additional hours in accordance with **clause 29.2—Part-time employees** and **clause 30—Rostering**, provided that:
     1. the employee may not be rostered for work for any hours outside the employee’s availability; and
     2. the employee must have two days off each week.
  6. Where a part-time employee has over a period of at least 12 months regularly worked a number of ordinary hours that is in excess of the guaranteed hours, the employee may request in writing that the employer agree to increase the guaranteed hours. If the employer agrees to the request, the new agreement concerning guaranteed hours will be recorded in writing. The employer may refuse the request only upon reasonable business grounds, and such refusal must be provided to the employee in writing and specify the grounds for refusal.
  7. Where there has been a genuine and ongoing change in the employee’s personal circumstances, the employee may alter the days and hours of the employee’s availability on 14 days’ written notice to the employer. If the alteration to the employee’s availability cannot reasonably be accommodated by the employer within the guaranteed hours then, despite clause 12.4, those guaranteed hours will no longer apply and the employer and the employee will need to reach a new agreement in writing concerning guaranteed hours in accordance with clause 12.3(a).
  8. All time worked in excess of:
     1. 38 hours per week or, where the employee works in accordance with a roster, an average of 38 hours per week over the roster cycle; or
     2. the maximum hours limitations specified in clause 29.2; or
     3. the employee’s rostered hours;

will be overtime and paid for at the rates prescribed in **clause 33.3—Overtime rates**.

* 1. An employee who does not meet the definition of a part-time employee and who is not a full-time employee will be paid as a casual employee in accordance with clause 13.
  2. A part-time employee employed under the provisions of this clause must be paid for ordinary hours worked at the rate of 1/38th of the weekly rate prescribed for the class of work performed.
  3. A part-time employee who immediately prior to 1 January 2018 has a written agreement with their employer for a regular pattern of hours is entitled to continue to be rostered in accordance with that agreement, unless that agreement is replaced by a new written agreement made in accordance with clause 12.3.

1. Casual employment

[Varied by [PR598473](https://www.fwc.gov.au/documents/awardsandorders/html/pr598473.htm)]

* 1. A casual employee is an employee engaged as such and must be paid a casual loading of 25% as provided for in this award. The casual loading is paid as compensation for annual leave, personal/carer’s leave, notice of termination, redundancy benefits and the other entitlements of full-time or part-time employment.

[13.2 substituted by [PR598473](https://www.fwc.gov.au/documents/awardsandorders/html/pr598473.htm) ppc 01Jan18]

* 1. A casual employee may be engaged to work:
     1. for a maximum of 12 hours per day or per shift;
     2. for a maximum of 38 hours per week or, where 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).

[13.3 inserted by [PR598473](https://www.fwc.gov.au/documents/awardsandorders/html/pr598473.htm) ppc 01Jan18]

* 1. On each occasion a casual employee is required to attend work they are entitled to a minimum payment for two hours’ work.

[13.4 inserted by [PR598473](https://www.fwc.gov.au/documents/awardsandorders/html/pr598473.htm) ppc 01Jan18]

* 1. All time worked in excess of the hours prescribed in clause 13.2 will be overtime and paid for at the rates prescribed in **clause 33.3—Overtime rates**.

[13.3 renumbered as 13.5 by [PR598473](https://www.fwc.gov.au/documents/awardsandorders/html/pr598473.htm) ppc 01Jan18]

* 1. A casual employee must be paid at the termination of each engagement, but may agree to be paid weekly or fortnightly.

[13.4 renumbered as 13.6 by [PR598473](https://www.fwc.gov.au/documents/awardsandorders/html/pr598473.htm) ppc 01Jan18]

Conversion to full-time or part-time employment

* + 1. This clause only applies to a regular casual employee.
    2. 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.
    3. 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.
    4. 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.
    5. 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.
    6. 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.
  + 1. 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 12—Part-time employment.
  + 1. 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.
    2. 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.
    3. An employee must not be engaged and/or re-engaged (which includes a refusal to re-engage) to avoid any obligation under this award.
    4. 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.
    5. 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.
    6. 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.

1. Apprentices

[14 varied by [PR559284](http://www.fwc.gov.au/awardsandorders/html/PR559284.htm), [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm)]

* 1. Apprentices will be engaged in accordance with relevant apprenticeship legislation and be paid in accordance with clause 20.4.
  2. An apprentice under the age of 18 years must not, without their consent, be required to work overtime or shift work.

[14.3 to 14.11 inserted by [PR559284](http://www.fwc.gov.au/awardsandorders/html/PR559284.htm) ppc 01Jan15]

* 1. No apprentice will, except in an emergency, work or be required to work overtime or shiftwork at times which would prevent their attendance at training consistent with their training contract.
  2. Except as provided in this clause or where otherwise stated, all conditions of employment specified in this award apply to apprentices.
  3. Where an apprentice is required to attend block release training for training identified in or associated with their training contract, and such training requires an overnight stay, the employer must pay for the excess reasonable travel costs incurred by the apprentice in the course of travelling to and from such training. Provided that this clause will not apply where the apprentice could attend an alternative Registered Training Organisation (RTO) and the use of the more distant RTO is not agreed between the employer and the apprentice.
  4. For the purposes of clause 14.5, excess reasonable travel costs include the total costs of reasonable transportation (including transportation of tools where required), accommodation costs incurred while travelling (where necessary) and reasonable expenses incurred while travelling, including meals, which exceed those incurred in travelling to and from work. For the purposes of this subclause, excess travel costs do not include payment for travelling time or expenses incurred while not travelling to and from block release training.
  5. The amount payable by an employer under clause 14.5 may be reduced by an amount the apprentice is eligible to receive for travel costs to attend block release training under a Government apprentice assistance scheme. This will only apply if an apprentice has either received such assistance or their employer has advised them in writing of the availability of such assistance.
  6. All training fees charged by an RTO for prescribed courses and the cost of all prescribed textbooks (excluding those textbooks which are available in the employer’s technical library) for the apprenticeship , which are paid by an apprentice, shall be reimbursed by the employer within six months of the commencement of the apprenticeship or the relevant stage of the apprenticeship, or within three months of the commencement of the training provided by the RTO, whichever is the later, unless there is unsatisfactory progress.
  7. An employer may meet its obligations under clause 14.8 by paying any fees and/or cost of textbooks directly to the RTO.
  8. An apprentice is entitled to be released from work without loss of continuity of employment and to payment of the appropriate wages to attend any training and assessment specified in, or associated with, the training contract.
  9. Time spent by an apprentice in attending any training and/or assessment specified in, or associated with, the training contract is to be regarded as time worked for the employer for the purposes of calculating the apprentice’s wages and determining the apprentice’s employment conditions. This subclause operates subject to the provisions of Schedule G—School-based Apprenticeship.

[14.12 inserted by [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm) ppc 23Jan20]

Competency based progression

* + 1. For the purpose of competency based wage progression in clause 20.4 an apprentice will be paid at the relevant wage rate for the next stage of their apprenticeship if:
       1. competency has been achieved in the relevant proportion of the total units of competency specified in clause 20.4 for that stage of the apprenticeship. The units of competency which are included in the relevant proportion must be consistent with any requirements in the training plan; and
       2. any requirements of the relevant State/Territory apprenticeship authority and any additional requirements of the relevant training package with respect to the demonstration of competency and any minimum necessary work experience requirements are met; and
       3. either:

**(A)** the Registered Training Organisation (RTO), the employer and the apprentice agree that the abovementioned requirements have been met; or

**(B)** the employer has been provided with written advice that the RTO has assessed that the apprentice meets the abovementioned requirements in respect to all the relevant units of competency and the employer has not advised the RTO and the apprentice of any disagreement with that assessment within 21 days of receipt of the advice.

* + 1. If the employer disagrees with the assessment of the RTO referred to in clause 14.12(a)(iii)(B) above, and the dispute cannot be resolved by agreement between the RTO, the employer and the apprentice, the matter may be referred to the relevant State/Territory apprenticeship authority for determination. If the matter is not capable of being dealt with by such authority it may be dealt with in accordance with the dispute resolution clause in this award. For the avoidance of doubt, disputes concerning other apprenticeship progression provisions of this award may be dealt with in accordance with the dispute resolution clause.
    2. For the purposes of this clause, the training package containing the qualification specified in the contract of training for the apprenticeship, sets out the assessment requirements for the attainment of the units of competency that make up the qualification. The definition of “competency” utilised for the purpose of the training packages and for the purpose of this clause is the consistent application of knowledge and skill to the standard of performance required in the workplace. It embodies the ability to transfer and apply skills and knowledge to new situations and environments.
    3. The apprentice will be paid the wage rate referred to in clause 14.12(a) from the first full pay period to commence on or after the date on which an agreement or determination is reached in accordance with clause 14.12(a)(iii) or on a date as determined under the dispute resolution process in clause 14.12(b).
    4. If the apprentice disagrees with the assessment of the RTO referred to in clause 14.12(a), and the dispute cannot be resolved by agreement between the RTO, the employer and the apprentice, the apprentice may refer the matter to the relevant State/Territory apprenticeship authority for determination. If the matter is not capable of being dealt with by such authority it may be dealt with in accordance with the dispute resolution clause in this award. For the avoidance of doubt, disputes concerning other apprenticeship progression provisions of this award may be dealt with in accordance with the dispute resolution clause.

1. Junior employees

[15.1 substituted by [PR994907](http://www.fwc.gov.au/awardsandorders/html/PR994907.htm) ppc 10Mar10]

* 1. Junior employees will be paid in accordance with clause 20.4. Where the law permits, junior employees may be employed as liquor service employees (being persons employed to sell or dispense liquor in bars and/or bottle departments or shops, as well as cellar employees or other places where liquor is sold) and must be paid at the adult rate of pay in clause 20.1 for the classification for the work being performed.
  2. An employer may at any time demand the production of a birth certificate or other satisfactory proof for the purpose of ascertaining the correct age of a junior employee. If a birth certificate is required, the cost of it must be borne by the employer.
  3. No employee under the age of 18 years will be required to work more than 10 hours in a shift.

1. Termination of employment

[Varied by [PR540249](http://www.fwc.gov.au/awardsandorders/html/PR540249.htm); substituted by [PR610167](https://www.fwc.gov.au/documents/awardsandorders/html/pr610167.htm) ppc 01 Nov18]

Note: The [NES](https://www.fwc.gov.au/documents/awardmod/download/nes.pdf) sets out requirements for notice of termination by an employer. See ss.117 and 123 of the [Act](http://www.legislation.gov.au/Series/C2009A00028).

Notice of termination by an employee

* + 1. This clause applies to all employees except those identified in ss.123(1) and 123(3) of the [Act](http://www.legislation.gov.au/Series/C2009A00028).
    2. An employee must give the employer notice of termination in accordance with **Table 1—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 1—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.

* + 1. In paragraph (b) **continuous service** has the same meaning as in s.117 of the [Act](http://www.legislation.gov.au/Series/C2009A00028).
    2. If an employee who is at least 18 years old does not give the period of notice required under paragraph (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.
    3. If the employer has agreed to a shorter period of notice than that required under paragraph (b), then no deduction can be made under paragraph (d).
    4. Any deduction made under paragraph (d) must not be unreasonable in the circumstances.
    5. If an employee gives notice of termination in accordance with paragraph (b), the employer may, at its discretion, elect to make a payment in lieu 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 s.117 of the Act had the employer terminated the employee’s employment.

Job search entitlement

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.

* 1. The time off under clause 16.2 is to be taken at times that are convenient to the employee after consultation with the employer.

1. Redundancy

[Varied by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm), [PR505248](http://www.fwc.gov.au/awardsandorders/html/PR505248.htm), [PR561478](http://www.fwc.gov.au/awardsandorders/html/PR561478.htm); substituted by [PR706971](https://www.fwc.gov.au/documents/awardsandorders/html/pr706971.htm) ppc 03May19]

NOTE: Redundancy pay is provided for in the [NES](https://www.fwc.gov.au/documents/awardmod/download/nes.pdf). See sections 119–123 of the [Act](http://www.legislation.gov.au/Series/C2009A00028).

Transfer to lower paid duties on redundancy

* + 1. Clause 17.1 applies if, because of redundancy, an employee is transferred to new duties to which a lower ordinary rate of pay applies.
    2. The employer may:
       1. 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](http://www.legislation.gov.au/Series/C2009A00028) as if it were a notice of termination given by the employer; or
       2. 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 paragraph (c).
    3. If the employer acts as mentioned in paragraph (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.

Employee leaving during redundancy notice period

* + 1. 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](http://www.legislation.gov.au/Series/C2009A00028).
    2. The employee is entitled to receive the benefits and payments they would have received under clause 17 or under sections 119–123 of the [Act](http://www.legislation.gov.au/Series/C2009A00028) had they remained in employment until the expiry of the notice.
    3. 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.

Job search entitlement

* + 1. 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](http://www.legislation.gov.au/Series/C2009A00028) for the purpose of seeking other employment.
    2. If an employee is allowed time off without loss of pay of more than one day under paragraph (a), the employee must, at the request of the employer, produce proof of attendance at an interview.
    3. A statutory declaration is sufficient for the purpose of paragraph (b).
    4. An employee who fails to produce proof when required under paragraph (b) is not entitled to be paid for the time off.
    5. This entitlement applies instead of clauses 16.2 and 16.3.

1. Classifications and Minimum Wage Rates
2. Work organisation

Employees must undertake duties as directed within the limits of their competence and may undertake duties across the different streams contained in the classification definitions in Schedule D—Classification Definitions.

1. Classifications

The definitions of the classification levels in clause 20—Minimum wages are contained in Schedule D—Classification Definitions.

1. Minimum wages

[Varied by [PR992056](http://www.fwc.gov.au/alldocuments/PR992056.htm), [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm), [PR997888](http://www.fwc.gov.au/awardsandorders/html/PR997888.htm), [PR509040](http://www.fwc.gov.au/awardsandorders/html/PR509040.htm), [PR514972](http://www.fwc.gov.au/awardsandorders/html/PR514972.htm), [PR522871](http://www.fwc.gov.au/awardsandorders/html/PR522871.htm), [PR536674](http://www.fwc.gov.au/awardsandorders/html/pr536674.htm), [PR540249](http://www.fwc.gov.au/awardsandorders/html/PR540249.htm), [PR540578](http://www.fwc.gov.au/awardsandorders/html/PR540578.htm), [PR544256](http://www.fwc.gov.au/awardsandorders/html/PR544256.htm), [PR551597](http://www.fwc.gov.au/awardsandorders/html/PR551597.htm), [PR566676](https://www.fwc.gov.au/awardsandorders/html/PR566676.htm), [PR579759](http://www.fwc.gov.au/awardsandorders/html/PR579759.htm), [PR592104](http://www.fwc.gov.au/awardsandorders/html/pr592104.htm), [PR606333](https://www.fwc.gov.au/documents/awardsandorders/html/pr606333.htm), [PR707419](https://www.fwc.gov.au/documents/awardsandorders/html/pr707419.htm), [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm)]

General

[20.1 varied by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm) from 01Jan10; [PR997888](http://www.fwc.gov.au/awardsandorders/html/PR997888.htm), [PR509040](http://www.fwc.gov.au/awardsandorders/html/PR509040.htm) , [PR514972](http://www.fwc.gov.au/awardsandorders/html/PR514972.htm), [PR522871](http://www.fwc.gov.au/awardsandorders/html/PR522871.htm), [PR536674](http://www.fwc.gov.au/awardsandorders/html/pr536674.htm), [PR551597](http://www.fwc.gov.au/awardsandorders/html/PR551597.htm), [PR566676](https://www.fwc.gov.au/awardsandorders/html/PR566676.htm), [PR579759](http://www.fwc.gov.au/awardsandorders/html/PR579759.htm), [PR592104](http://www.fwc.gov.au/awardsandorders/html/pr592104.htm), [PR606333](https://www.fwc.gov.au/documents/awardsandorders/html/pr606333.htm), [PR707419](https://www.fwc.gov.au/documents/awardsandorders/html/pr707419.htm) ppc 01Jul19]

An adult employee within a level specified in the following table (other than an apprentice) will be paid not less than the rate per week assigned to the classification, as defined in Schedule D—Classification Definitions, for the area in which such employee is working. An employee’s rate of pay is inclusive of the award rate set out in this clause and the additional allowance for a fork-lift driver set out in clause 21.2(a).

| **Level** | **Classification** | **Minimum weekly wage $** | **Minimum hourly wage $** |
| --- | --- | --- | --- |
| Introductory |  | 740.80 | 19.49 |
| Level 1 | Food and beverage attendant grade 1 | 762.10 | 20.06 |
|  | Guest service grade 1 |  |  |
|  | Kitchen attendant grade 1 |  |  |
| Level 2 | Clerical grade 1 | 791.30 | 20.82 |
|  | Cook grade 1 |  |  |
|  | Door person/security officer grade 1 |  |  |
|  | Food and beverage attendant grade 2 |  |  |
|  | Front office grade 1 |  |  |
|  | Guest service grade 2 |  |  |
|  | Kitchen attendant grade 2 |  |  |
|  | Leisure attendant grade 1 |  |  |
|  | Gardener grade 1 |  |  |
|  | Storeperson grade 1 |  |  |
| Level 3 | Clerical grade 2 | 818.50 | 21.54 |
|  | Cook grade 2 |  |  |
|  | Food and beverage attendant grade 3 |  |  |
|  | Fork-lift driver |  |  |
|  | Front office grade 2 |  |  |
|  | Guest service grade 3 |  |  |
|  | Handyperson |  |  |
|  | Kitchen attendant grade 3 |  |  |
|  | Leisure attendant grade 2 |  |  |
|  | Gardener grade 2 |  |  |
|  | Storeperson grade 2 |  |  |
|  | Timekeeper/security officer grade 2 |  |  |
| Level 4 | Clerical grade 3 | 862.50 | 22.70 |
|  | Cook (tradesperson) grade 3 |  |  |
|  | Food and beverage attendant (tradesperson) grade 4 |  |  |
|  | Front office grade 3 |  |  |
|  | Guest service grade 4 |  |  |
|  | Leisure attendant grade 3 |  |  |
|  | Gardener grade 3 (tradesperson) |  |  |
|  | Storeperson grade 3 |  |  |
| Level 5 | Clerical supervisor | 916.60 | 24.12 |
|  | Cook (tradesperson) grade 4 |  |  |
|  | Food and beverage supervisor |  |  |
|  | Front office supervisor |  |  |
|  | Guest service supervisor |  |  |
|  | Gardener grade 4 (tradesperson) |  |  |
| Level 6 | Cook (tradesperson) grade 5 | 941.10 | 24.77 |

Managerial staff (Hotels)

[20.2 varied by [PR997888](http://www.fwc.gov.au/awardsandorders/html/PR997888.htm), [PR509040](http://www.fwc.gov.au/awardsandorders/html/PR509040.htm), [PR522871](http://www.fwc.gov.au/awardsandorders/html/PR522871.htm), [PR536674](http://www.fwc.gov.au/awardsandorders/html/pr536674.htm); renamed and substituted by [PR540249](http://www.fwc.gov.au/awardsandorders/html/PR540249.htm) ppc 15Aug13; corrected by [PR540578](http://www.fwc.gov.au/awardsandorders/html/PR540578.htm) ppc 15Aug13; varied by [PR551597](http://www.fwc.gov.au/awardsandorders/html/PR551597.htm), [PR566676](https://www.fwc.gov.au/awardsandorders/html/PR566676.htm), [PR579759](http://www.fwc.gov.au/awardsandorders/html/PR579759.htm), [PR592104](http://www.fwc.gov.au/awardsandorders/html/pr592104.htm), [PR606333](https://www.fwc.gov.au/documents/awardsandorders/html/pr606333.htm), [PR707419](https://www.fwc.gov.au/documents/awardsandorders/html/pr707419.htm) ppc 01Jul19]

The minimum annual salary payable to employees within the Managerial Staff (Hotels) classification level within Schedule D, will be $49,025 per annum.

Casino gaming classifications

[20.3 varied by [PR997888](http://www.fwc.gov.au/awardsandorders/html/PR997888.htm), [PR509040](http://www.fwc.gov.au/awardsandorders/html/PR509040.htm), [PR522871](http://www.fwc.gov.au/awardsandorders/html/PR522871.htm), [PR536674](http://www.fwc.gov.au/awardsandorders/html/pr536674.htm), [PR551597](http://www.fwc.gov.au/awardsandorders/html/PR551597.htm); substituted by [PR566676](https://www.fwc.gov.au/awardsandorders/html/PR566676.htm) ppc 01Jul15; varied by [PR579759](http://www.fwc.gov.au/awardsandorders/html/PR579759.htm), [PR592104](http://www.fwc.gov.au/awardsandorders/html/pr592104.htm), [PR606333](https://www.fwc.gov.au/documents/awardsandorders/html/pr606333.htm), [PR707419](https://www.fwc.gov.au/documents/awardsandorders/html/pr707419.htm) ppc 01Jul19]

An adult employee of a classification specified in the table hereunder must be paid not less than the rate per week assigned to the classification, as defined in the Casino Gaming Stream within Schedule D—Classification Definitions, for the work on which the employee is engaged:

|  |  |  |
| --- | --- | --- |
| **Level** | **Classification** | **Minimum weekly rate** |
|  |  | **$** |
| Introductory |  | 762.10 |
| Level 1 | Casino electronic gaming employee grade 1 | 808.20 |
| Level 2 | Casino electronic gaming employee grade 2 | 835.40 |
|  | Casino equipment technician grade 1 |  |
|  | Casino table gaming employee grade 1 |  |
|  | Customer liaison officer |  |
|  | Gaming finance employee grade 1 |  |
| Level 3 | Casino equipment technician grade 2 | 862.50 |
|  | Gaming finance employee grade 2 |  |
|  | Security officer grade 1 |  |
| Level 3A | Casino table gaming employee grade 2 | 903.00 |
| Level 4 | Casino equipment technician grade 3 | 916.60 |
|  | Gaming finance employee grade 3 |  |
|  | Security officer grade 2 |  |
| Level 5 | Casino table gaming employee grade 3 | 943.90 |
|  | Gaming finance employee grade 4 |  |
| Level 6 | Casino table gaming employee grade 4 | 971.00 |
|  | Gaming finance employee grade 5 |  |
|  | Surveillance operator |  |

* 1. **Apprentice wages**

[20.4 substituted by [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm) ppc 23Jan20]

Apprentices other than Waiting apprenticeship

* + - 1. A person who has completed a full apprenticeship for which there is a trade qualified classification provided for in this award, must be paid no less than the standard hourly rate for each hour worked.
      2. Except where clause 20.4(a)(iii) is applicable an employee will be paid the percentage of the standard weekly rate divided by 38 for each hour worked, in accordance with the following table:

| **Year** | **% of standard weekly rate** |
| --- | --- |
| First | 55 |
| Second | 65 |
| Third | 80 |
| Fourth | 95 |

Competency based wage progression

Where the relevant apprenticeship legislation allows competency based progression and the training contract does not specify otherwise, an employee apprenticed in a trade after 23 January 2020 will be paid the percentage of the standard weekly rate divided by 38 for each hour worked, in accordance with the following table:

**(A) Four year apprenticeship (nominal term)**

| **Stage of apprenticeship** | **Minimum training requirements on entry** | **% of the standard weekly rate** |
| --- | --- | --- |
| Stage 1 | On commencement and prior to the attainment of the minimum training requirements specified for Stage 2 | 55 |
| Stage 2 | On attainment of 25% of the total competencies specified in the training plan for the relevant AQF Certificate III qualification; or 12 months after commencing the apprenticeship, whichever is the earlier | 65 |
| Stage 3 | On attainment of 50% of the total competencies specified in the training plan for the relevant AQF Certificate III qualification; or 12 months after commencing Stage 2, whichever is the earlier | 80 |
| Stage 4 | On attainment of 75% of the total competencies specified in the training plan for the relevant AQF Certificate III qualification; or 12 months after commencing Stage 3, whichever is the earlier. | 95 |

**(B) Three year apprenticeship (nominal term)**

| **Stage of apprenticeship** | **Minimum training requirements on entry** | **% of the standard weekly rate** |
| --- | --- | --- |
| Stage 1 | On commencement and prior to the attainment of the minimum training requirements specified for Stage 2 | 55 |
| Stage 2 | On attainment of 25% of the total competencies specified in the training plan for the relevant AQF Certificate III qualification; or 9 months after commencing the apprenticeship, whichever is the earlier. | 65 |
| Stage 3 | On attainment of 50% of the total competencies specified in the training plan for the relevant AQF Certificate III qualification; or 9 months or after commencing Stage 2, whichever is the earlier | 80 |
| Stage 4 | On attainment of 75% of the total competencies specified in the training plan for the relevant AQF Certificate III qualification; or 9 months after commencing Stage 3, whichever is the earlier. | 95 |

Waiting apprenticeship

* + - 1. Any person who has completed a full apprenticeship as a qualified tradesperson must be paid not less than the standard weekly rate divided by 38 for each hour worked.
      2. Except where clause 20.4(b)(iii) is applicable, an employee apprenticed in the waiting trade will be paid the relevant percentage or portion of the standard weekly rate divided by 38 for each hour worked, in accordance with the following table:

|  |  |
| --- | --- |
| First six months | 70% |
| Second six months | 85% |
| Third six months | Midway between the total rate prescribed for food and beverage attendant grade 2 (waiter) in clause 20.1 and the standard hourly rate; and |
| Fourth six months | Midway between the total rate prescribed for third six months, above, and the standard hourly rate. |

* + - 1. Where the relevant apprenticeship legislation allows competency based progression and the training contract does not specify otherwise an employee apprenticed in the waiting trade after 23 January 2020 will be paid the percentage of the standard weekly rate divided by 38 for each hour worked, in accordance with the following table:

**(A) Two year waiting apprenticeship (nominal term)**

| **Stage of apprenticeship** | **Minimum training requirements on entry** | **% of the standard weekly rate** |
| --- | --- | --- |
| Stage 1 | On commencement and prior to the attainment of the minimum training requirements specified for Stage 2 | 70 |
| Stage 2 | On attainment of 25% of the total competencies specified in the training plan for the relevant AQF Certificate III qualification; or 6 months after commencing the apprenticeship, whichever is the earlier. | 85 |
| Stage 3 | On attainment of 50% of the total competencies specified in the training plan for the relevant AQF Certificate III qualification; or 6 months after commencing Stage 2, whichever is the earlier. | Midway between the total rate prescribed for food and beverage attendant grade 2 (waiter) in clause 20.1 and the standard hourly rate. |
| Stage 4 | On attainment of 75% of the total competencies specified in the training plan for the relevant AQF Certificate III qualification; or 6 months after commencing Stage 3, whichever is the earlier. | Midway between the total rate prescribed for stage 3, above, and the standard hourly rate. |

Proficiency payments – cooking trade

Application

Proficiency pay as set out in clause 20.4(c)(ii) will apply to apprentices who have successfully completed their schooling in a given year.

Payments

Apprentices must receive the standard hourly rate during the latter half of the fourth year of the apprenticeship where the standard of proficiency has been attained on one, two or three occasions on the following basis:

**(1)** one occasion only:

* for the first nine months of the fourth year of apprenticeship, the normal fourth year rate of pay;
* thereafter, the standard hourly rate.

**(2)** on two occasions:

* for the first six months of the fourth year of apprenticeship, the normal fourth year rate of pay;
* thereafter, the standard hourly rate.

**(3)** on all three occasions:

* for the entire fourth year, the standard hourly rate.

Proficiency payments – waiting trade

Application

Proficiency pay as set out in clause 20.4(d)(ii) will apply to level 2 apprentices who have successfully completed their schooling in the first year.

Payments

Apprentices who have attained the standard of proficiency in their first year must receive the standard hourly rate for each ordinary hour worked during the latter half of the second year of apprenticeship.

Adult apprentices

* + - 1. The minimum hourly wage for an adult apprentice who commenced on or after 1 January 2014 and is in the first year of their apprenticeship must be 80% of the minimum hourly wage for Level 4 in clause 20.4(a) or 20.4(b), or the rate prescribed by clause 20.4(a) or 20.4(b) for the relevant year or stage of the apprenticeship, whichever is the greater.
      2. The minimum hourly wage for an adult apprentice who commenced on or after 1 January 2014 and is in the second and subsequent years of their apprenticeship must be the rate for the lowest adult classification in clause 20.1, or the rate prescribed by clause 20.4(a) or 20.4(b) for the relevant year or stage of the apprenticeship, whichever is the greater.
      3. A person employed by an employer under this award immediately prior to entering into a training arrangement as an adult apprentice with that employer must not suffer a reduction in their minimum hourly wage by virtue of entering into the training agreement, provided that the person has been an employee in that enterprise for at least six months as a full-time employee or twelve months as a part-time or regular and systematic casual employee immediately prior to commencing the apprenticeship. For the purpose only of fixing a minimum wage, the adult apprentice must continue to receive the minimum wage that applies to the classification specified in clause 20.1 or 20.3 in which the adult apprentice was engaged immediately prior to entering into the training agreement.
  1. **Juniors**

Junior employees (other than office juniors)

The minimum rates of wages for junior employees are the undermentioned percentages of the rates prescribed for the appropriate adult classification for the work performed for the area in which such junior is working:

| **Age** | **% of adult rate** |
| --- | --- |
| 16 years and under | 50 |
| 17 years | 60 |
| 18 years | 70 |
| 19 years | 85 |
| 20 years | 100 |

Junior office employees

The minimum rates of wages for junior office employees are the undermentioned percentages of rates prescribed for the grade in which they are working:

| **Age** | **% of adult rate** |
| --- | --- |
| Under 16 years | 45 |
| 16 years | 55 |
| 17 years | 65 |
| 18 years | 75 |
| 19 years | 90 |
| 20 years | 100 |

1. Allowances

To view the current monetary amounts of work-related allowances refer to the [Allowances Sheet](http://www.fwc.gov.au/documents/documents/modern_awards/allowances/MA000009-all.pdf).

[Varied by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm), [PR998103](http://www.fwc.gov.au/awardsandorders/html/PR998103.htm), [PR505248](http://www.fwc.gov.au/awardsandorders/html/PR505248.htm), [PR509162](http://www.fwc.gov.au/awardsandorders/html/PR509162.htm), [PR522992](http://www.fwc.gov.au/awardsandorders/html/PR522992.htm), [PR536795](http://www.fwc.gov.au/awardsandorders/html/pr536795.htm), [PR540249](http://www.fwc.gov.au/awardsandorders/html/PR540249.htm), [PR540578](http://www.fwc.gov.au/awardsandorders/html/PR540578.htm), [PR551718](http://www.fwc.gov.au/awardsandorders/html/PR551718.htm), [PR561478](http://www.fwc.gov.au/awardsandorders/html/PR561478.htm), [PR566817](http://www.fwc.gov.au/awardsandorders/html/PR566817.htm), [PR579513](http://www.fwc.gov.au/awardsandorders/html/PR579513.htm), [PR592266](http://www.fwc.gov.au/awardsandorders/html/pr592266.htm), [PR606489](http://www.fwc.gov.au/awardsandorders/html/pr606489.htm), [PR704156](https://www.fwc.gov.au/documents/awardsandorders/html/pr704156.htm), [PR707614](https://www.fwc.gov.au/documents/awardsandorders/html/pr707614.htm), [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm)]

Expenses incurred in the course of employment

Meal allowance

[21.1(a)(i) varied by [PR998103](http://www.fwc.gov.au/awardsandorders/html/PR998103.htm), [PR509162](http://www.fwc.gov.au/awardsandorders/html/PR509162.htm), [PR522992](http://www.fwc.gov.au/awardsandorders/html/PR522992.htm), [PR536795](http://www.fwc.gov.au/awardsandorders/html/pr536795.htm), [PR551718](http://www.fwc.gov.au/awardsandorders/html/PR551718.htm), [PR566817](http://www.fwc.gov.au/awardsandorders/html/PR566817.htm), [PR579513](http://www.fwc.gov.au/awardsandorders/html/PR579513.htm), [PR592266](http://www.fwc.gov.au/awardsandorders/html/pr592266.htm), [PR606489](http://www.fwc.gov.au/awardsandorders/html/pr606489.htm), [PR704156](https://www.fwc.gov.au/documents/awardsandorders/html/pr704156.htm), [PR707614](https://www.fwc.gov.au/documents/awardsandorders/html/pr707614.htm) ppc 01Jul19]

* + - 1. An employee required to work overtime for more than two hours without being notified on the previous day or earlier that they will be so required to work must either be supplied with a meal by the employer or be paid an allowance of $13.38.
      2. If an employee who has been given notice of a requirement to work overtime has provided a meal and is not required to work overtime or is required to work less than the amount advised, they must be paid as prescribed above for the meal which they have provided but which is surplus.

Clothing, equipment and tools

[21.1(b)(i) substituted by [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm) ppc 23Jan20]

* + - 1. Where a cook or apprentice cook is required to use their own tools, the employer must pay an allowance of $1.73 per day or part thereof up to a maximum of $8.49 per week.
      2. Where the employer requires an employee to wear any special clothing such as coats, dresses, caps, aprons, cuffs and any other articles of clothing, the employer must reimburse the employee for the cost of purchasing such special clothing. The provisions of this clause do not apply where the special clothing is paid for by the employer.
      3. Where the employee is responsible for laundering the special clothing the employer must reimburse the employee for the demonstrated costs of laundering it.
      4. The employer and the employee may agree on an arrangement under which the employee will wash and iron the special clothing for an agreed sum of money to be paid by the employer to the employee each week.
      5. For the purposes of this clause black and white attire (not being dinner suit or evening dress), shoes, hose and/or socks are not special clothing.
      6. Where it is necessary that an employee wear waterproof or other protective clothing such as waterproof boots, aprons, or gloves, the employer must reimburse the employee for the cost of purchasing such clothing. The provisions of this clause do not apply where the protective clothing is paid for by the employer.
      7. An employer may require an employee on commencing employment to sign a receipt for item/s of uniform and property. This receipt must list the item/s of uniform and property and the value of them. If, when an employee ceases employment, the employee does not return the item/s of uniform and property (or any of them) in accordance with the receipt, the employer will be entitled to deduct the value as stated on the receipt from the employee’s wages.
      8. In the case of genuine wear and tear, damage, loss or theft that is not the employee’s fault the provisions of clause 21.1(b)(vii) will not apply.
      9. Where the employer requires an employee to provide and use any towels, tools, ropes, brushes, knives, choppers, implements, utensils and materials, the employer must reimburse the employee for the cost of purchasing such equipment. The provisions of this clause do not apply where these items are paid for by the employer.

Uniform/laundry allowance—catering employees, including airport catering employees

Where a catering employer requires any employee to wear any special uniform, dress or clothing, the employer must reimburse the employee for the cost of purchasing such special clothing. The provisions of this clause do not apply where the special clothing is paid for by the employer. Unless such uniform, dress or clothing is laundered by the employer, the employee will be paid a laundry allowance of $6.00 per week; and in the case of regular part-time employees and casual employees, $2.05 for each uniform laundered.

For the purposes of this clause, black and white attire (not being dinner suit or evening dress), shoes, hose and/or socks are not special clothing.

Laundry allowance—motel employees

Where any employee is required to wear a special uniform such uniform must be provided and laundered by the employer free of cost to the employee or if mutually agreed that the employee will launder such uniform the employer must pay the employee an allowance of $2.40 per uniform laundered with a maximum of $7.45 per week.

Vehicle allowance

[21.1(e) varied by [PR522992](http://www.fwc.gov.au/awardsandorders/html/PR522992.htm), [PR536795](http://www.fwc.gov.au/awardsandorders/html/pr536795.htm), [PR540249](http://www.fwc.gov.au/awardsandorders/html/PR540249.htm) ppc 15Aug13; corrected by [PR540578](http://www.fwc.gov.au/awardsandorders/html/PR540578.htm) ppc 15Aug13; varied by [PR551718](http://www.fwc.gov.au/awardsandorders/html/PR551718.htm) ppc 01Jul14]

Employees defined as Managerial Staff (Hotels) who are required by their employer to use their own vehicle in or in connection with the official business of the employer must be paid an allowance of $0.78 for each kilometre of authorised travel. An employer may require an employee to record full details of all such official travel requirements in a log book as a pre-condition for the employee qualifying for the allowance.

Working late

When an employer requires an employee to work until it is unreasonable to travel by their normal method of transport home the employer must pay the cost of transport for the employee to get home. This clause does not apply where the employer provides accommodation for the employee for the night free of charge or provides transport for the employee to get home.

Working early

When an employer requires an employee to start work before their normal starting time and before their normal method of transport to work is available the employer must pay the cost of transport for the employee to get to work. This clause does not apply where the employer provides transport for the employee to get to work.

Working away from usual place of work

[21.1(h) substituted by [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm) ppc 23Jan20]

This clause applies where an employer requires an employee other than a casual to work at a place more than 80 kilometres from the employee’s usual place of work. In these circumstances the employer must pay the employee an amount equal to the cost of fares reasonably spent by the employee in travelling from the employee’s usual place of work to the new place of work.

Travel allowance—airport catering employees

[21.1(i) varied by [PR522992](http://www.fwc.gov.au/awardsandorders/html/PR522992.htm), [PR536795](http://www.fwc.gov.au/awardsandorders/html/pr536795.htm), [PR551718](http://www.fwc.gov.au/awardsandorders/html/PR551718.htm) ppc 01Jul14]

All employees engaged by airport catering employers must be paid a travelling allowance of $6.68 for each day the employee attends work.

Adjustment of expense related allowances

[21.1(j) varied by [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm) ppc 23Jan20]

At the time of any adjustment to the [standard rate](#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.

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** |
| --- | --- |
| Meal allowance | Take away and fast foods sub-group |
| Clothing allowance | Clothing and footwear group |
| Equipment and tools allowance | Tools and equipment for house and garden component of the household appliances, utensils and tools sub-group |
| Vehicle/travel allowance | Private motoring sub-group |

Allowances for responsibilities or skills that are not taken into account in rates of pay

Fork-lift driver

[21.2(a) varied by [PR540249](http://www.fwc.gov.au/awardsandorders/html/PR540249.htm) ppc 15Aug13; substituted by [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm) ppc 23Jan20]

* + - 1. In addition to the minimum hourly wage rate set out in clause 20.1, a fork-lift driver must be paid an additional allowance, per hour, equal to 1.5% of the standard hourly rate for all purposes.
      2. A part-time or casual fork-lift driver who was employed immediately prior to 23 January 2020 must, in addition to the minimum hourly wage rate set out in clause 20.1, be paid an additional allowance, per day, equal to 0.3% of the standard weekly rate, to a maximum of 1.5% of the standard weekly rate per week. A part-time or casual employee in receipt of the daily fork-lift driver allowance under this subclause may elect to receive the fork-lift driver allowance under subclause (i).

First aid allowance

[21.2(b) varied by [PR540249](http://www.fwc.gov.au/awardsandorders/html/PR540249.htm) ppc 15Aug13]

A full-time employee who has undertaken a first aid course and who is the holder of a current recognised first aid qualification such as a certificate from the St John Ambulance or similar body must be paid an additional allowance, per week, equal to 1.2% of the [standard weekly rate](#standard_rate) if they are appointed by the employer to perform first aid duty.

A part-time or casual employee so appointed must be paid an additional allowance, per day, equal to 0.24% of the standard weekly rate, to a maximum of 1.2% of the standard weekly rate per week.

Airport catering

The following supervisory allowances are payable for employees of airport catering employers, and are to be treated as part of the wage rate for all award payment calculations:

| **Supervisory allowance** | **% of the** [**standard rate**](#standard_rate) **per week** |
| --- | --- |
| A person required to supervise: |  |
| up to 5 employees | 2.00 |
| 6 to 10 employees | 2.75 |
| 11 to 20 employees | 3.10 |
| more than 20 employees | 5.20 |

Allowance for disabilities associated with the performance of particular tasks or work in particular conditions or locations

Broken periods of work

[21.3(a) substituted by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm) from 01Jan10]

Employees other than casuals who have a broken work day must receive an additional allowance as follows:

* where the time between periods of work is two hours and up to three hours—an allowance per day equal to 0.33% of the [standard weekly rate](#standard_rate); or
* where the time between periods of work is more than three hours—an allowance per day equal to 0.5% of the [standard weekly rate](#standard_rate).

Overnight stay allowance

Where an employee is requested to stay on the employer’s premises for the purpose of providing prompt assistance to guests outside of ordinary business operating hours, the following arrangements will apply:

* + - 1. The employee will be paid an amount equal to 6% of the [standard weekly rate](#standard_rate) per overnight stay period;
      2. This payment will be deemed to provide compensation for the overnight stay and also includes compensation for all work necessarily undertaken by an employee up to an hour’s duration;
      3. Any work necessarily performed during an overnight stay period by an employee in excess of a total of one hour’s duration must be paid for at the rate of 150%; and
      4. Time worked in accordance with this provision will not be taken into account for the purposes of hours of work, overtime, leave accruals and the like.

**21.4 District allowances**

[21.4 varied by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm); deleted by [PR561478](http://www.fwc.gov.au/awardsandorders/html/PR561478.htm) ppc 05Mar15]

**21.5 Accident pay**

[21 varied by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm); substituted by [PR505248](http://www.fwc.gov.au/awardsandorders/html/PR505248.htm); deleted by [PR561478](http://www.fwc.gov.au/awardsandorders/html/PR561478.htm) ppc 05Mar15]

1. Supported wage system

[Varied by [PR992056](http://www.fwc.gov.au/alldocuments/PR992056.htm)]

See Schedule E

1. National training wage

[Varied by [PR992056](http://www.fwc.gov.au/alldocuments/PR992056.htm); substituted by [PR593806](http://www.fwc.gov.au/awardsandorders/html/pr593806.htm) ppc 01Jul17; varied by [PR606333](https://www.fwc.gov.au/documents/awardsandorders/html/pr606333.htm), [PR707419](https://www.fwc.gov.au/documents/awardsandorders/html/pr707419.htm)]

* 1. Schedule E to the *Miscellaneous Award 2010* sets out minimum wage rates and conditions for employees undertaking traineeships.

[23.2 varied by [PR606333](https://www.fwc.gov.au/documents/awardsandorders/html/pr606333.htm), [PR707419](https://www.fwc.gov.au/documents/awardsandorders/html/pr707419.htm) ppc 01Jul19]

* 1. This award incorporates the terms of Schedule E to the *Miscellaneous Award 2010* as at 1 July 2019. Provided that any reference to “this award” in Schedule E to the *Miscellaneous Award 2010* is to be read as referring to the *Hospitality Industry (General) Award 2010* and not the *Miscellaneous Award 2010.*

1. School-based apprenticeship

[Varied by [PR992056](http://www.fwc.gov.au/alldocuments/PR992056.htm)]

See Schedule G

1. Higher duties

[Mixed functions renamed as Higher duties by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm) from 01Jan10]

* 1. Except for Food and beverage attendants grade 2 and 3 as defined in Schedule D—Classification Definitions an employee engaged for two or more hours of one day on duties carrying a higher rate than their ordinary classification must be paid the higher rate for such day. If for less than two hours the employee must be paid the higher rate for the time so worked.
  2. A higher paid employee will, when necessary, temporarily relieve a lower paid employee without loss of pay.

1. Payment of wages

[26 varied by [PR588641](https://www.fwc.gov.au/documents/awardsandorders/html/pr588641.htm), [PR711627](https://www.fwc.gov.au/documents/awardsandorders/html/pr711627.htm), [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm)]

* 1. Except upon the termination of employment, all wages including overtime must be paid on any day other than Friday, Saturday or Sunday in each week. However, by agreement between the employer and the majority of employees in the workplace, in a week where a holiday occurs payment of wages may be made on Friday.
  2. By agreement between the employer and the employee wages may be paid either weekly or fortnightly by one of the following means:
* cash;
* cheque; or
* payment into the employee’s bank account by electronic funds transfer, without cost to the employee.
  1. However, an employer may pay an employee weekly by cash without consultation.

[26.4 substituted by [PR588641](https://www.fwc.gov.au/documents/awardsandorders/html/pr588641.htm) ppc 16Dec16]

* 1. Where an employee is paid their wages by cash or cheque and the employee is left waiting at the workplace to be paid for more than 15 minutes, the employee must be paid overtime rates after that 15 minutes for the duration spent waiting at the workplace.

[26.5 substituted by [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm) ppc 23Jan20]

* 1. Employees who are not paid by electronic transfer and whose rostered day off or accrued day off falls on a pay day must be paid their wages, if they so desire, before going off duty on the working day prior to their day off.

Payment on termination of employment

[26.6 inserted by [PR711627](https://www.fwc.gov.au/documents/awardsandorders/html/pr711627.htm) ppc 06Sep19]

* + 1. Subject to paragraph (b), the employer must pay an employee no later than 7 days after the day on which the employee’s employment terminates:
       1. the employee’s wages under this award for any complete or incomplete pay period up to the end of the day of termination; and
       2. all other amounts that are due to the employee under this award and the NES.
    2. Where a casual employee is paid at the end of each engagement pursuant to clause 13.5 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.
    3. The requirement to pay wages and other amounts under paragraph (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: Paragraph (c) allows the Commission to make an order delaying the requirement to make a payment under clause 26.6 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 s.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.

1. Salary arrangements

[27—Annualised salary arrangements renamed as Salary arrangements and substituted by [PR540249](http://www.fwc.gov.au/awardsandorders/html/PR540249.htm) ppc 15Aug13; corrected by [PR540578](http://www.fwc.gov.au/awardsandorders/html/PR540578.htm) ppc 15Aug13; varied by [PR551597](http://www.fwc.gov.au/awardsandorders/html/PR551597.htm), [PR566676](https://www.fwc.gov.au/awardsandorders/html/PR566676.htm), [PR579759](http://www.fwc.gov.au/awardsandorders/html/PR579759.htm), [PR592104](http://www.fwc.gov.au/awardsandorders/html/pr592104.htm), [PR606333](https://www.fwc.gov.au/documents/awardsandorders/html/pr606333.htm), [PR707419](https://www.fwc.gov.au/documents/awardsandorders/html/pr707419.htm), [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm)]

Annualised Salary (Employees other than Managerial Staff (Hotels))

This clause applies to employees other than those classified as Managerial Staff (Hotels).

* + 1. As an alternative to being paid by the week according to clause 20—Minimum wages, by agreement between the employer and the employee, the employer may pay the employee at a rate equivalent to an annual salary of at least 25% or more above the rate prescribed in clause 20—Minimum wages, times 52 for the work being performed. The employer and the individual employee must genuinely make the agreement without coercion or duress.
    2. An agreement provided for in subclause 27.1(a) will:
       1. have regard to the pattern of work in the employee’s occupation, industry or enterprise but must not disadvantage the employee involved; and
       2. unless the parties otherwise agree, relieve the employer of the requirements under clauses 32—Penalty rates and 33—Overtime (or other award clauses prescribing monetary entitlements, as specified in the agreement) to pay penalty rates and/or overtime (or other specified award-derived monetary entitlements) that the employer would otherwise be obliged to pay in addition to the weekly award wage for the work performed and the hours worked by the employee, provided that the salary paid over a year will be sufficient to cover what the employee would have been entitled to if all award overtime and penalty rate payment obligations (and other monetary entitlements specified in the agreement) had been complied with.
    3. Provided further in the event of termination of employment prior to completion of a year the salary paid during such period of employment will be sufficient to cover what the employee would have been entitled to if all award overtime and penalty rate payment obligations had been complied with.
    4. An employee being paid according to this clause will be entitled to a minimum of eight days off per four week cycle. If such an employee is required to work on a public holiday, they are entitled to paid time off that is of equal length to the time worked on the public holiday or the equal length of time worked to be added to their annual leave entitlement.
    5. Where payment in accordance with this clause is adopted, the employer must keep a daily record of the hours worked by an employee which will show the date and start and finish times of the employee for the day. The record must be countersigned weekly by the employee and must be kept at the place of employment for a period of at least six years.

Salaries absorption (Managerial Staff (Hotels))

This clause applies to those employees classified as Managerial Staff.

[27.2(a) varied by [PR551597](http://www.fwc.gov.au/awardsandorders/html/PR551597.htm), [PR566676](https://www.fwc.gov.au/awardsandorders/html/PR566676.htm), [PR579759](http://www.fwc.gov.au/awardsandorders/html/PR579759.htm), [PR592104](http://www.fwc.gov.au/awardsandorders/html/pr592104.htm), [PR606333](https://www.fwc.gov.au/documents/awardsandorders/html/pr606333.htm), [PR707419](https://www.fwc.gov.au/documents/awardsandorders/html/pr606333.htm) ppc 01Jul19]

* + 1. Managerial Staff who are paid a salary of 25% in excess of the minimum annual salary rate of $49,025 per annum as in clause 20.2 (in receipt of a salary of at least $61,281 per annum), will not be entitled to the benefit of the terms and conditions within the following clauses:
* clause 12—Part-time employment;
* clause 21—Allowances;
* clause 29—Ordinary hours of work (Full-time and part-time employees)
* clause 31—Breaks;
* clause 32—Penalty rates;
* clause 33—Overtime;
* clause 34.2—Payment for annual leave;
* clause 37.1(b)(i)—Additional arrangements for full-time employees (on public holidays);
* clause 39—Provision of employee accommodation and meals.
  + 1. An employee being paid according to clause 27.2(a) will be entitled to a minimum of eight days off per four week cycle.
    2. An employee being paid according to clause 27.2(a) who works on a public holiday will be entitled to paid time off that is of equal length to the time worked on the public holiday. This time is to be taken within 28 days of accruing it.

[New 27.2(d) inserted by [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm) ppc 23Jan20]

* + 1. Despite the requirement to take time off within 28 days of accruing it in clause 27.2(c) an employee and an employer may agree to extend the period for taking the accrued time off to within 6 months of its accrual subject to the following:
       1. The agreement is recorded in writing and retained as an employee record;
       2. The accrued time off is taken at a time or times within the period of 6 months agreed by the employee and the employer;
       3. If the accrued time off is not taken within the period of 6 months, the employer must pay the employee for the accrued time off in the next pay period following those 6 months; and
       4. If, on the termination of the employee’s employment, accrued time off for working on a public holiday has not been taken, the employer must pay the employee for the accrued time off.

[27.2(d) renumbered as 27.2(e) by [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm) ppc 23Jan20]

* + 1. For the purpose of calculating the weekly equivalent of the annual salary rates prescribed by this clause, the divisor of 52 will be used and the resultant amount will be taken to the nearest 10 cents. All calculations required to be made under this award for the purpose of determining hourly amounts payable to an employee will be calculated on the weekly equivalent of the annual salary.

[27.2(e) renumbered as 27.2(f) by [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm) ppc 23Jan20]

* + 1. Managerial Staff will be reimbursed for all monies reasonably expended for and on behalf of the employer subject to hotel policy or approval.

Payment of salaries

In such circumstances and despite clause 26.2, where an employee is being paid in accordance with clause 27.1 or clause 27.2, the employer may elect to pay the employee monthly.

1. Superannuation

[Varied by [PR990534](http://www.fwc.gov.au/alldocuments/PR990534.htm), [PR992056](http://www.fwc.gov.au/alldocuments/PR992056.htm), [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm), [PR530234](http://www.fwc.gov.au/awardsandorders/html/PR530234.htm), [PR533914](http://www.fwc.gov.au/awardsandorders/html/pr533914.htm), [PR545964](http://www.fwc.gov.au/awardsandorders/html/PR545964.htm), [PR549532](http://www.fwc.gov.au/awardsandorders/html/PR549532.htm), [PR561478](http://www.fwc.gov.au/awardsandorders/html/PR561478.htm)]

Superannuation legislation

* + 1. 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.
    2. The rights and obligations in these clauses supplement those in superannuation legislation.

Employer contributions

* + 1. 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.
    2. The employer must make contributions for each employee for such month where the employee earns $350.00 or more in a calendar month.

Voluntary employee contributions

* + 1. 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 28.2.
    2. 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 three months’ written notice to their employer.
    3. The employer must pay the amount authorised under clauses 28.3(a) or (b)no later than 28 days after the end of the month in which the deduction authorised under clauses 28.3(a) or (b) was made.

Superannuation fund

[28.4 varied by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm) from 01Jan10]

Unless, to comply with superannuation legislation, the employer is required to make the superannuation contributions provided for in clause 28.2 to another superannuation fund that is chosen by the employee, the employer must make the superannuation contributions provided for in clause 28.2 and pay the amount authorised under clauses 28.3(a) and (b) to one of the following superannuation funds or its successor:

* + 1. HOST-PLUS;
    2. Sunsuper;
    3. InTrust Super;

[28.4(d) deleted by [PR545964](http://www.fwc.gov.au/awardsandorders/html/PR545964.htm) ppc 01Jan14]

[New 28.4(e) inserted by [PR533914](http://www.fwc.gov.au/awardsandorders/html/pr533914.htm) ppc 11Feb13; renumbered as 28.4(d) by [PR545964](http://www.fwc.gov.au/awardsandorders/html/PR545964.htm) ppc 01Jan14]

* + 1. Club Plus Superannuation Pty Ltd;

[28.4(e) renumbered as 28.4(f) by [PR533914](http://www.fwc.gov.au/awardsandorders/html/pr533914.htm) ppc 11Feb13; deleted by [PR545964](http://www.fwc.gov.au/awardsandorders/html/PR545964.htm) ppc 01Jan14]

[28.4(f) substituted by [PR530234](http://www.fwc.gov.au/awardsandorders/html/PR530234.htm) ppc 26Oct12; renumbered as 28.4(g) by [PR533914](http://www.fwc.gov.au/awardsandorders/html/pr533914.htm); renumbered as 28.4(e) by [PR545964](http://www.fwc.gov.au/awardsandorders/html/PR545964.htm) ppc 01Jan14]

* + 1. CareSuper;

[New 28.4(f) inserted by [PR549532](http://www.fwc.gov.au/awardsandorders/html/PR549532.htm) ppc 01Jan14]

* + 1. Westscheme Superannuation Fund;

[28.4(g) renumbered as 28.4(h) by [PR533914](http://www.fwc.gov.au/awardsandorders/html/pr533914.htm); renumbered as 28.4(f) and varied by [PR545964](http://www.fwc.gov.au/awardsandorders/html/PR545964.htm) ppc 01Jan14; renumbered as 28.4(g) by [PR549532](http://www.fwc.gov.au/awardsandorders/html/PR549532.htm) ppc 01Jan14]

* + 1. 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 scheme; or

[New 28.4(g) inserted by [PR545964](http://www.fwc.gov.au/awardsandorders/html/PR545964.htm) ppc 01Jan14; renumbered as 28.4(h) by [PR549532](http://www.fwc.gov.au/awardsandorders/html/PR549532.htm) ppc 01Jan14]

* + 1. a superannuation fund or scheme which the employee is a defined benefit member of.

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 28.2 and pay the amount authorised under clauses 28.3(a) or (b):

* + 1. **Paid leave**—while the employee is on any paid leave;

[28.5(b) varied by [PR561478](http://www.fwc.gov.au/awardsandorders/html/PR561478.htm) ppc 05Mar15]

* + 1. **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:
       1. the employee is receiving workers compensation payments or is receiving regular payments directly from the employer in accordance with the statutory requirements; and
       2. the employee remains employed by the employer.

1. Hours of Work and Related Matters
2. Ordinary hours of work (Full-time and part-time employees)

[29–Ordinary hours of work renamed as Ordinary hours of work (Full-time and part-time employees) and substituted by [PR540249](http://www.fwc.gov.au/awardsandorders/html/PR540249.htm); corrected by [PR540578](http://www.fwc.gov.au/awardsandorders/html/PR540578.htm); varied by [PR598473](https://www.fwc.gov.au/documents/awardsandorders/html/pr598473.htm), [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm)]

Full-time employees

[29.1(a) substituted by [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm) ppc 23Jan20]

* + 1. The average of 38 hours per week is to be worked in one of the following ways:
* a 19 day month, of eight hours per day;
* four days of eight hours and one day of six hours;
* four days of nine and a half hours per day;
* five days of seven hours and 36 minutes per day;
* 76 hours over a two week period with a minimum of four days off each two week period;
* 152 hours each four week period with a minimum of eight days off each four week period;
* 160 hours each four week period with a minimum of eight days off each four week period plus an accrued day off;
* any combination of the above.
  + 1. The arrangement for working the average of 38 hours per week is to be agreed between the employer and the employee from the alternatives in clause 29.1(a) and must meet the following conditions:
       1. A minimum of six hours and a maximum of 11 and a half hours may be worked on any one day. The daily minimum and maximum hours are exclusive of meal break intervals.
       2. An employee cannot be rostered to work for more than 10 hours per day on more than three consecutive days without a break of at least 48 hours immediately following.
       3. No more than eight days of more than 10 hours may be worked in a four week period.
       4. Where broken shifts are worked the spread of hours can be no greater than 12 hours per day.

[29.1(c) substituted by [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm) ppc 23Jan20]

* + 1. In addition to the conditions set out under clause 29.1(b), where the agreed hours of work arrangement provides for 160 hours per four week period with an accrued day off, the arrangement will be subject to the following:
       1. No employee is to work more than 10 days in a row without a rostered day off.
       2. Where practicable the accrued day off must be contiguous with an employee’s normal days off.
       3. Accrued days may be banked, up to a maximum of five days.
       4. An employee may elect, with the consent of the employer, to take an accrued day off in part day amounts.
       5. If an accrued day off falls on a public holiday then, where practicable, the next day is to be taken as the accrued day off.
       6. The entitlement to an accrued day off at the employee’s ordinary hourly rate is subject to the following:

**(A)** each day of paid leave, except annual leave and long service leave, and any public holiday occurring during the four week cycle must be regarded as a day worked for accrual purposes; and

**(B)** an employee who has not worked a complete four week cycle in order to accrue an accrued day off must be paid a pro rata amount for credits accrued for each day worked in the cycle. The pro rata amount is 24 minutes pay for each eight hour day worked.

* + 1. In addition to the conditions set out under clause 29.1(b), where the agreed hours of work arrangement provides for 152 hours each four week period, the arrangement will be subject to the following:
       1. No employee is to work more than 10 days in a row without a rostered day off;
       2. Where an employee works more than 20 days each four week period, the 21st and any subsequent days worked in the four week period must be paid at the rates prescribed in clause 33—Overtime.

Part-time employees

[29.2 varied by [PR598473](https://www.fwc.gov.au/documents/awardsandorders/html/pr598473.htm) ppc 01Jan18]

A part-time employee’s rostered hours of work under clause 12.5 must meet the following conditions:

* + 1. A minimum of three hours and a maximum of 11 and a half hours may be worked on any one day. The daily minimum and maximum hours are exclusive of meal break intervals.
    2. An employee cannot be rostered to work for more than 10 hours per day on more than three consecutive days without a break of at least 48 hours immediately following.
    3. No more than eight days of more than 10 hours may be worked in a four week period.
    4. Where broken shifts are worked the spread of hours can be no greater than 12 hours per day.

Catering in remote locations

* + 1. Notwithstanding clauses 29.1(a) to 29.1(d) catering employers servicing clients in remote locations, may schedule work over consecutively recurring cycles followed by consecutive non-working days. Such work cycles will only be altered or introduced by agreement between an employer and the majority of their employees.
    2. The total ordinary hours of work during a cycle will not exceed 40 hours multiplied by the number of working and non-working weeks in the cycle.
    3. Overtime rates will be paid for any time in excess of eight hours per day or in excess of the total ordinary hours prescribed in clause 29.3(a)
    4. Wages may be paid according to a weekly average of the ordinary hours worked even though more or less than 40 ordinary hours may be worked in any particular week of the work cycle.
    5. An employee whose hours of duty are worked in accordance with this clause will accrue an entitlement to paid accrued days off in accordance with the provisions of clause 29.1(c).
    6. An employee will have no entitlement to payment for the non-working days.

Make-up time

* + 1. Make-up time means an arrangement under which an employee takes time off during their ordinary hours of work and makes up that time later. The employer and a majority of employees in a workplace may agree to introduce make-up time subject to the following conditions:
       1. An employer who intends to introduce make-up time will consult with its employees and their representatives.
       2. After the employer and a majority of employees have agreed to introduce make-up time an employee may elect, with the consent of their employer, to work make-up time.
    2. Make-up time arrangements must comply with the conditions set out in clauses 31—Breaks and 32—Penalty rates.
    3. The employer must record make-up time arrangements in the time and wages records.

1. Rostering

[Varied by [PR540249](http://www.fwc.gov.au/awardsandorders/html/PR540249.htm), [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm)]

[30.1 substituted by [PR540249](http://www.fwc.gov.au/awardsandorders/html/PR540249.htm) ppc 15Aug13]

* 1. A roster for full-time and part-time employees must be prepared by the employer and must be posted in a conspicuous place accessible to the employees concerned indicating:
     1. The name of each employee concerned and their starting and finishing times; and
     2. A minimum 10 hour break between the finish of ordinary hours on one day and the commencement of ordinary hours on the following day. In the case of changeover of rosters, eight hours will be substituted for 10 hours.

[30.2 substituted by [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm) ppc 23Jan20]

* 1. The roster will be alterable by mutual consent at any time or by amendment of the roster on seven days’ notice. Where practicable two weeks’ notice of rostered day or days off or of accrued day off or days off should be given provided that the days off may be changed by mutual consent or through sickness or other cause over which the employer has no control.

1. Breaks

[31 substituted by [PR540249](http://www.fwc.gov.au/awardsandorders/html/PR540249.htm) ppc 15Aug13; corrected by [PR540578](http://www.fwc.gov.au/awardsandorders/html/PR540578.htm) ppc 15Aug13]

Breaks

An employee (including a casual employee) who is required to work a shift of more than five hours and up to six hours may elect to take an unpaid meal break of up to 30 minutes during the shift and the employer shall not unreasonably refuse the request.

Longer shifts

* + 1. If the employee is required to work a shift of more than six hours and up to eight hours, the employee is entitled to an unpaid meal break of no less than 30 minutes. The unpaid break may be taken no earlier than two hours after starting work and no later than six hours of starting work.
    2. If the employee is required to work a shift of more than eight hours and up to 10 hours, the employee is entitled to an unpaid break of no less than 30 minutes and an additional 20 minute paid break (which may be taken as two 10 minute paid breaks).

The unpaid break may be taken no earlier than 2 hours after starting work and no later than six hours after starting work. Breaks should be spread evenly across the shift.

* + 1. If the employee is required to work a shift exceeding 10 hours, the employee is entitled to an unpaid break of no less than 30 minutes and two 20 minute paid breaks. The unpaid break may be taken no earlier than two hours after starting work and no later than 6 hours after starting work. Breaks should be spread evenly across the shift.

Request for unpaid meal break

* + 1. Where an employee elects to take an unpaid break, the request must be made in writing no later than at the commencement of a shift and the employer shall not unreasonably refuse the request.
    2. The written request will apply to all shifts undertaken by the employee of more than five hours, unless otherwise agreed between the employee and employer. This arrangement may be reviewed at any time.

Break not given

For a shift of more than six hours, if the employer does not release an employee for an unpaid meal break the employee shall be paid at the rate of 50% of the ordinary hourly rate extra for each hour or part of an hour from six hours after the employee started work until the employer gives the employee the unpaid meal break, or until the shift ends.

Entitlement to additional breaks

* + 1. If the employer requires an employee to work more than five continuous hours after an unpaid break, the employer must give the employee an additional 20 minute paid break.

[31.5(b) corrected by [PR540578](http://www.fwc.gov.au/awardsandorders/html/PR540578.htm) ppc 15Aug13]

* + 1. If the employer requires an employee to work more than two hours’ overtime after the employee completes his or her rostered hours, the employer must give the employee an additional 20 minute paid break.

1. Penalty rates

[Varied by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm), [PR540249](http://www.fwc.gov.au/awardsandorders/html/PR540249.htm), [PR540578](http://www.fwc.gov.au/awardsandorders/html/PR540578.htm), [PR593954](http://www.fwc.gov.au/awardsandorders/html/pr593954.htm), [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm)]

[32.1 substituted by [PR593954](http://www.fwc.gov.au/awardsandorders/html/pr593954.htm) ppc 01Jul17]

* 1. An employee performing work on the following days will be paid the following percentage of the minimum wage rate in clause 20—Minimum wages for the relevant classification:

|  | **Full-time and part-time employees %** | **Casual employees (inclusive of 25% loading) %** |
| --- | --- | --- |
| **Monday to Friday** | 100 | 125 |
| **Saturday** | 125 | 150 |
| **Sunday**  1 July 2017 – 30 June 2018 | 170 | 175 |
| 1 July 2018 – 30 June 2019 | 160 | 175 |
| From 1 July 2019 | 150 | 175 |
| **Public holiday** | 225 | 250 |

Public holidays

[32.2 substituted by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm) from 01Jan10]

[32.2(a) varied by [PR540249](http://www.fwc.gov.au/awardsandorders/html/PR540249.htm) ppc 15Aug13; substituted by [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm) ppc 23Jan20]

* + 1. An employee other than a casual working on a public holiday will be paid for a minimum of four hours’ work. A casual employee working on a public holiday will be paid for a minimum of two hours’ work. Hours of work performed on the day immediately before a public holiday, or immediately after a public holiday, and that form part of one continuous shift, are counted as part of the minimum hours worked for the purposes of this clause.

[32.2(b) varied by [PR540249](http://www.fwc.gov.au/awardsandorders/html/PR540249.htm) ppc 15Aug13; corrected by [PR540578](http://www.fwc.gov.au/awardsandorders/html/PR540578.htm) ppc 15Aug13; varied by [PR593954](http://www.fwc.gov.au/awardsandorders/html/pr593954.htm) ppc 01Jul17]

* + 1. Employees (other than casuals) who work on a prescribed holiday may, by agreement, perform such work at their applicable ordinary hourly rate plus 25% additional loading rather than the penalty rate prescribed in clause 32.1, provided that equivalent paid time is added to the employee’s annual leave or one day instead of such public holiday will be allowed to the employee during the week in which such holiday falls. Provided that such holiday may be allowed to the employee within 28 days of such holiday falling due.

[New 32.2(c) inserted by [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm) ppc 23Jan20]

* + 1. Despite the requirement to take time off within 28 days of accruing it in clause 32.2(b) an employee and an employer may agree to extend the period for taking the accrued time off to within 6 months of its accrual subject to the following:
       1. The agreement is recorded in writing and retained as an employee record;
       2. The accrued time off is taken at a time or times within the period of 6 months agreed by the employee and the employer;
       3. If the accrued time off is not taken within the period of 6 months, the employer must pay the employee for the accrued time off in the next pay period following those 6 months; and
       4. If, on the termination of the employee’s employment, accrued time off for working on a public holiday has not been taken, the employer must pay the employee for the accrued time off.

[32.2(c) substituted by [PR540249](http://www.fwc.gov.au/awardsandorders/html/PR540249.htm) ppc 15Aug13; varied by [PR593954](http://www.fwc.gov.au/awardsandorders/html/pr593954.htm) ppc 01Jul17; renumbered as 32.2(d) by [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm) ppc 23Jan20]

* + 1. An employee other than a casual working on Christmas Day when it falls on a weekend, and is not prescribed as a public holiday under the NES will be paid an additional loading of 25% of their applicable ordinary hourly rate for the hours worked on that day and will also be entitled to the benefit of a substitute day.

[32.3 deleted by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm) from 01Jan10]

Other penalty

[32.4 renumbered as 32.3 by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm) from 01Jan10]

Employees will be entitled to the following additional penalty for work performed at the following times:

* + 1. Monday–Friday—7.00 pm to midnight: 10% of the [standard hourly rate](#standard_rate) per hour or any part of an hour for such time worked within the said hours;
    2. Monday–Friday—midnight to 7.00 am: 15% of the [standard hourly rate](#standard_rate) per hour or any part of an hour for such time worked within the said hours.

Penalty rates not cumulative

[32.5 renumbered as 32.4 by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm) from 01Jan10]

Except as provided in clause 31—Breaks, where time worked is required to be paid for at more than the ordinary rate such time will not be subject to more than one penalty, but will be subject to that penalty which is to the employee’s greatest advantage.

1. Overtime

[Varied by [PR584111](http://www.fwc.gov.au/awardsandorders/html/PR584111.htm), [PR598473](https://www.fwc.gov.au/documents/awardsandorders/html/pr598473.htm), [PR710999](https://www.fwc.gov.au/documents/awardsandorders/html/pr710999.htm), [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm)]

Reasonable overtime

[33.1 substituted by [PR710999](https://www.fwc.gov.au/documents/awardsandorders/html/pr710999.htm) ppc 30Aug19]

* + 1. Subject to s.62 of the [Act](http://www.legislation.gov.au/Series/C2009A00028) and this clause, an employer may require an employee to work reasonable overtime hours at overtime rates.
    2. An employee may refuse to work overtime hours if they are unreasonable.
    3. In determining whether overtime hours are reasonable or unreasonable for the purpose of this clause the following must be taken into account:
       1. any risk to employee health and safety from working the additional hours;
       2. the employee’s personal circumstances, including family responsibilities;
       3. the needs of the workplace or enterprise in which the employee is employed;
       4. 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;
       5. any notice given by the employer of any request or requirement to work the additional hours;
       6. any notice given by the employee of his or her intention to refuse to work the additional hours;
       7. the usual patterns of work in the industry, or the part of an industry, in which the employee works;
       8. the nature of the employee’s role, and the employee’s level of responsibility;
       9. whether the additional hours are in accordance with averaging terms of Clause 29 in this award inserted pursuant to s.63 of the [Act](http://www.legislation.gov.au/Series/C2009A00028), that applies to the employee; and
       10. any other relevant matter.

Entitlement to overtime rates

* + 1. A full-time employee is paid at overtime rates for any work done outside of the hours set out in clause 29—Ordinary hours of work.

[33.2(b) substituted by [PR598473](https://www.fwc.gov.au/documents/awardsandorders/html/pr598473.htm) ppc 01Jan18]

* + 1. A part-time employee is paid at overtime rates in the circumstances specified in clause 12.8.

[33.2(c) inserted by [PR598473](https://www.fwc.gov.au/documents/awardsandorders/html/pr598473.htm) ppc 01Jan18]

* + 1. A casual employee is paid at overtime rates in the circumstances specified in clause 13.4.

Overtime rates

[33.3(a) substituted by [PR598473](https://www.fwc.gov.au/documents/awardsandorders/html/pr598473.htm) ppc 01Jan18]

* + 1. The following overtime rates are payable to an employee, depending on the time at which the overtime is worked:
       1. Monday to Friday: 150% of their ordinary hourly rate for the first two hours of overtime; and 200% of their ordinary hourly rate for the rest of the overtime.
       2. Between midnight Friday and midnight Sunday: 200% of their ordinary hourly rate.

[33.3(b) substituted by [PR598473](https://www.fwc.gov.au/documents/awardsandorders/html/pr598473.htm), [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm) ppc 23Jan20]

* + 1. When a full-time or part-time employee works overtime on a rostered day off or an accrued day off the following apply:
       1. Subject to clause 33.3(b)(ii), the employee shall be paid 200% of their ordinary hourly rate for at least four hours even if they work for less than four hours.
       2. The four hour minimum payment does not apply to work which is part of the normal roster which began the day before the rostered day off or accrued day off when overtime worked is continuous from the previous day’s duty.
    2. **Overtime stands alone**

Overtime worked on any day stands alone.

Time off instead of payment for overtime

[33.4 inserted by [PR584111](http://www.fwc.gov.au/documents/awardsandorders/html/pr584111.htm) ppc 22Aug16]

* + 1. 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.
    2. 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 33.4.
    3. An agreement must state each of the following:
       1. the number of overtime hours to which it applies and when those hours were worked;
       2. that the employer and employee agree that the employee may take time off instead of being paid for the overtime;
       3. 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;
       4. that any payment mentioned in subparagraph (iii) must be made in the next pay period following the request.

Note: An example of the type of agreement required by this clause is set out at Schedule K. There is no requirement to use the form of agreement set out at Schedule K. An agreement under clause 33.4 can also be made by an exchange of emails between the employee and employer, or by other electronic means.

* + 1. 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 33.4 an employee who worked 2 overtime hours is entitled to 2 hours’ time off.

* + 1. Time off must be taken:
       1. within the period of 6 months after the overtime is worked; and
       2. at a time or times within that period of 6 months agreed by the employee and employer.
    2. If the employee requests at any time, to be paid for overtime covered by an agreement under clause 33.4 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.
    3. If time off for overtime that has been worked is not taken within the period of 6 months mentioned in paragraph (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.
    4. The employer must keep a copy of any agreement under clause 33.4 as an employee record.
    5. 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.
    6. 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 33.4 will apply, including the requirement for separate written agreements under paragraph (b) for 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).

* + 1. If, on the termination of the employee’s employment, time off for overtime worked by the employee to which clause 33.4 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 33.4.

33A. Requests for flexible working arrangements

[33A inserted by [PR701401](http://www.fwc.gov.au/documents/awardsandorders/html/pr701401.htm) ppc01Dec18]

33A.1 Employee may request change in working arrangements

Clause 33A applies where an employee has made a request for a change in working arrangements under s.65 of the [Act](http://www.legislation.gov.au/Series/C2009A00028).

Note 1: Section 65 of the [Act](http://www.legislation.gov.au/Series/C2009A00028) provides for certain employees to request a change in their working arrangements because of their circumstances, as set out in s.65(1A).

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

Note 3: Clause 33A is an addition to s.65.

33A.2 Responding to the request

Before responding to a request made under s.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:

* + 1. the needs of the employee arising from their circumstances;
    2. the consequences for the employee if changes in working arrangements are not made; and
    3. any reasonable business grounds for refusing the request.

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

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

33A.3 What the written response must include if the employer refuses the request

Clause 33A.3 applies if the employer refuses the request and has not reached an agreement with the employee under clause 33A.2.

* + 1. The written response under s.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.
    2. If the employer and employee could not agree on a change in working arrangements under clause 33A.2, the written response under s.65(4) must:
       1. 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
       2. if the employer can offer the employee such changes in working arrangements, set out those changes in working arrangements.

33A.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 33A.2 on a change in working arrangements that differs from that initially requested by the employee, the employer must provide the employee with a written response to their request setting out the agreed change(s) in working arrangements.

33A.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 33A, can be dealt with under clause 9—Dispute resolution.

1. Leave and Public Holidays
2. Annual leave

[Varied by [PR992056](http://www.fwc.gov.au/alldocuments/PR992056.htm), [PR992195](http://www.fwc.gov.au/alldocuments/PR992195.htm), [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm), [PR583018](http://www.fwc.gov.au/awardsandorders/html/PR583018.htm)]

Leave entitlement

Annual leave is provided for in the NES. It does not apply to casual employees.

For the purpose of the additional week of leave provided by the NES, a **shiftworker** is a seven day shiftworker who is regularly rostered to work on Sundays and public holidays in a business in which shifts are continuously rostered 24 hours a day for seven days a week.

Payment for annual leave

The NES prescribes the basis for payment for annual leave, including payment for untaken leave upon the termination of employment.

In addition to the payment provided for in the NES, an employer is required to pay an additional leave loading of 17.5% of that payment.

Close-down

[34.3 renamed and substituted by [PR583018](http://www.fwc.gov.au/awardsandorders/html/PR583018.htm) ppc 29Jul16]

An employer may require an employee to take annual leave by giving at least four weeks’ notice as part of a close-down of its operations.

Special leave without pay arrangements in respect of catering provided for boarding schools and residential colleges

Where an employee is employed at or in connection with catering functions in primary and secondary boarding schools or residential colleges associated with tertiary educational institutions the following provisions apply:

[34.4(a) varied by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm) from 01Jan10]

* + 1. An employee may be required to take leave without pay during official term breaks, semester breaks and the Christmas/summer vacation (the relevant period) provided that:
* an employee will be given as much notice as is practicable of the start and finish of the relevant period. Such notice must be at least one week. The notice must be provided to the employee in writing. Once the notice is provided to the employee, the period of leave without pay may be varied by agreement between the employee and employer;
* an employee may take accrued annual leave or long service leave during the relevant period;
* all periods of leave without pay will count for the purposes of accruing personal/carer’s leave, annual leave and long service leave;
* if appropriate work is available for the employee to perform during the relevant period, an employee will be offered that work. For the purposes of this subclause, appropriate work is work able to be performed by the employee within the employee’s skills and experience; and
* where an employee performs appropriate work, the employee will be paid at the rate applicable to the work performed.
  + 1. No employee will have their employment terminated by reason of not being able to perform work during the relevant period.

Annual leave in advance

[34.5 inserted by [PR583018](http://www.fwc.gov.au/awardsandorders/html/PR583018.htm) ppc 29Jul16]

* + 1. 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.
    2. An agreement must:
       1. state the amount of leave to be taken in advance and the date on which leave is to commence; and
       2. 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 34.5 is set out at Schedule I. There is no requirement to use the form of agreement set out at Schedule I.

* + 1. The employer must keep a copy of any agreement under clause 34.5 as an employee record.
    2. 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 34.5, 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.

Cashing out of annual leave

[34.6 inserted by [PR583018](http://www.fwc.gov.au/awardsandorders/html/PR583018.htm) ppc 29Jul16]

* + 1. Paid annual leave must not be cashed out except in accordance with an agreement under clause 34.6.
    2. Each cashing out of a particular amount of paid annual leave must be the subject of a separate agreement under clause 34.6.
    3. 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.
    4. An agreement under clause 34.6 must state:
       1. the amount of leave to be cashed out and the payment to be made to the employee for it; and
       2. the date on which the payment is to be made.
    5. An agreement under clause 34.6 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.
    6. 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.
    7. An agreement must not result in the employee’s remaining accrued entitlement to paid annual leave being less than 4 weeks.
    8. The maximum amount of accrued paid annual leave that may be cashed out in any period of 12 months is 2 weeks.
    9. The employer must keep a copy of any agreement under clause 34.6 as an employee record.

Note 1: Under section 344 of the Fair Work Act, an employer must not exert undue influence or undue pressure on an employee to make, or not make, an agreement under clause 34.6.

Note 2: Under section 345(1) of the Fair Work Act, a person must not knowingly or recklessly make a false or misleading representation about the workplace rights of another person under clause 34.6.

Note 3: An example of the type of agreement required by clause 34.6 is set out at Schedule J. There is no requirement to use the form of agreement set out at Schedule J.

Excessive leave accruals: general provision

[34.7 inserted by [PR583018](http://www.fwc.gov.au/awardsandorders/html/PR583018.htm) ppc 29Jul16]

Note: Clauses 34.7 to 34.9 contain provisions, additional to the National Employment Standards, 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 Fair Work Act.

* + 1. 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 34.1).
    2. 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.
    3. Clause 34.8 sets out how an employer may direct an employee who has an excessive leave accrual to take paid annual leave.
    4. Clause 34.9 sets out how an employee who has an excessive leave accrual may require an employer to grant paid annual leave requested by the employee.

Excessive leave accruals: direction by employer that leave be taken

[34.8 inserted by [PR583018](http://www.fwc.gov.au/awardsandorders/html/PR583018.htm) ppc 29Jul16]

* + 1. If an employer has genuinely tried to reach agreement with an employee under clause 34.7(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.
    2. However, a direction by the employer under paragraph (a):
       1. 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 34.7, 34.8 or 34.9 or otherwise agreed by the employer and employee) are taken into account; and
       2. must not require the employee to take any period of paid annual leave of less than one week; and
       3. 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
       4. must not be inconsistent with any leave arrangement agreed by the employer and employee.
    3. The employee must take paid annual leave in accordance with a direction under paragraph (a) that is in effect.
    4. An employee to whom a direction has been given under paragraph (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) may result in the direction ceasing to have effect. See clause 34.8(b)(i).

Note 2: Under section 88(2) of the Fair Work Act, the employer must not unreasonably refuse to agree to a request by the employee to take paid annual leave.

Excessive leave accruals: request by employee for leave

[34.9 inserted by [PR583018](http://www.fwc.gov.au/awardsandorders/html/PR583018.htm) ppc 29Jul16; substituted by [PR583018](http://www.fwc.gov.au/awardsandorders/html/PR583018.htm) ppc 29Jul17]

* + 1. If an employee has genuinely tried to reach agreement with an employer under clause 34.7(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.
    2. However, an employee may only give a notice to the employer under paragraph (a) if:
       1. the employee has had an excessive leave accrual for more than 6 months at the time of giving the notice; and
       2. the employee has not been given a direction under clause 34.8(a) that, when any other paid annual leave arrangements (whether made under clause 34.7, 34.8 or 34.9 or otherwise agreed by the employer and employee) are taken into account, would eliminate the employee’s excessive leave accrual.
    3. A notice given by an employee under paragraph (a) must not:
       1. 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 34.7, 34.8 or 34.9 or otherwise agreed by the employer and employee) are taken into account; or
       2. provide for the employee to take any period of paid annual leave of less than one week; or
       3. 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
       4. be inconsistent with any leave arrangement agreed by the employer and employee.
    4. An employee is not entitled to request by a notice under paragraph (a) more than 4 weeks’ paid annual leave (or 5 weeks’ paid annual leave for a shiftworker, as defined by clause 34.1) in any period of 12 months.
    5. The employer must grant paid annual leave requested by a notice under paragraph (a).

1. Personal/carer’s leave and compassionate leave

Personal/carer’s leave and compassionate leave are provided for in the NES.

1. Community service leave

Community service leave is provided for in the NES.

1. Public holidays

[Varied by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm), [PR997632](http://www.fwc.gov.au/awardsandorders/html/PR997632.htm); [PR598473](https://www.fwc.gov.au/documents/awardsandorders/html/pr598473.htm), [PR712233](https://www.fwc.gov.au/documents/awardsandorders/html/pr712233.htm), [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm)]

National Employment Standards

Public holidays are provided for in the NES

[37.1(a) substituted by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm), [PR712233](https://www.fwc.gov.au/documents/awardsandorders/html/pr712233.htm) ppc 04Oct19]

* + - 1. An employer and employee may agree to substitute another day for a day that would otherwise be a public holiday under the NES.
      2. 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.
    1. Additional arrangements for full-time employees:

[37.1(b)(i) substituted by [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm) ppc 23Jan20]

* + - 1. A full-time employee whose rostered day off or accrued day off falls on a public holiday must, subject to clause 32.2, either:
* be paid an extra day’s pay; or
* be provided with an alternative day off within 28 days; or
* receive an additional day’s annual leave.
  + - 1. A full-time employee who works on a public holiday which is subject to substitution as provided for by the NES will be entitled to the benefit of the substitute day.

Arrangements for part-time employees

[37.1(c) inserted by [PR997632](http://www.fwc.gov.au/awardsandorders/html/PR997632.htm); substituted by [PR598473](https://www.fwc.gov.au/documents/awardsandorders/html/pr598473.htm) ppc 01Jan18]

Part-time employees are entitled to public holidays prescribed in s.115 of the Act without loss of pay if those public holidays fall on days on which hours of work are rostered under clause 12.5. Part-time employees who work on a public holiday must be paid in accordance with clause 32.

[Note inserted by [PR712233](https://www.fwc.gov.au/documents/awardsandorders/html/pr712233.htm) ppc 04Oct19]

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

37A. Leave to deal with Family and Domestic Violence

[37A inserted by [PR609326](https://www.fwc.gov.au/documents/awardsandorders/html/pr609326.htm) ppc 01Aug18]s

**37A.1** This clause applies to all employees, including casuals.

37A.2 Definitions

* + 1. In this clause:

***family and domestic violence*** means violent, threatening or other abusive behaviour by a family member of an employee that seeks to coerce or control the employee and that causes them harm or to be fearful.

***family member*** means:

* + - 1. a spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the employee; or
      2. a child, parent, grandparent, grandchild or sibling of a spouse or de facto partner of the employee; or
      3. a person related to the employee according to Aboriginal or Torres Strait Islander kinship rules.
    1. A reference to a spouse or de facto partner in the definition of family member in clause 37A.2(a) includes a former spouse or de facto partner.

37A.3 Entitlement to unpaid leave

An employee is entitled to 5 days’ unpaid leave to deal with family and domestic violence, as follows:

* + 1. the leave is available in full at the start of each 12 month period of the employee’s employment; and
    2. the leave does not accumulate from year to year; and
    3. is available in full to part-time and casual employees.

Note: 1. A period of leave to deal with family and domestic violence may be less than a day by agreement between the employee and the employer.

2. The employer and employee may agree that the employee may take more than 5 days’ unpaid leave to deal with family and domestic violence.

37A.4 Taking unpaid leave

An employee may take unpaid leave to deal with family and domestic violence if the employee:

* + 1. is experiencing family and domestic violence; and
    2. needs to do something to deal with the impact of the family and domestic violence and it is impractical for the employee to do that thing outside their ordinary hours of work.

Note: The reasons for which an employee may take leave include making arrangements for their safety or the safety of a family member (including relocation), attending urgent court hearings, or accessing police services.

37A.5 Service and continuity

The time an employee is on unpaid leave to deal with family and domestic violence does not count as service but does not break the employee’s continuity of service.

37A.6 Notice and evidence requirements

* + 1. Notice

An employee must give their employer notice of the taking of leave by the employee under clause 37A. The notice:

* + - 1. must be given to the employer as soon as practicable (which may be a time after the leave has started); and
      2. must advise the employer of the period, or expected period, of the leave.

Evidence

An employee who has given their employer notice of the taking of leave under clause 37A must, if required by the employer, give the employer evidence that would satisfy a reasonable person that the leave is taken for the purpose specified in clause 37A.4.

Note: Depending on the circumstances such evidence may include a document issued by the police service, a court or a family violence support service, or a statutory declaration.

37A.7 Confidentiality

* + 1. Employers must take steps to ensure information concerning any notice an employee has given, or evidence an employee has provided under clause 37A.6 is treated confidentially, as far as it is reasonably practicable to do so.
    2. Nothing in clause 37A prevents an employer from disclosing information provided by an employee if the disclosure is required by an Australian law or is necessary to protect the life, health or safety of the employee or another person.

Note: 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.

37A.8 Compliance

An employee is not entitled to take leave under clause 37A unless the employee complies with clause 37A.

1. Industry Specific Provisions
2. Deductions for breakages or cashiering underings

[38 substituted by [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm) ppc 23Jan20]

Right to make deductions

Subject to clauses 38.2 and 38.3, an employer must not deduct any sum from the wages due to an employee under this award in respect of breakages or cashiering underings except in the case of wilful misconduct.

Deductions to be reasonable and proportionate

Any deduction made under clause 38 must be reasonable in the circumstances and proportionate to the loss suffered by the employer.

Deductions for employees under 18 years of age

Deductions must not be made under clause 38 from the wages of an employee who is under 18 years of age unless the deductions have been agreed to in writing by the employee’s parent or guardian.

1. Provision of employee accommodation and meals

[Varied by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm), [PR997888](http://www.fwc.gov.au/awardsandorders/html/PR997888.htm), [PR509040](http://www.fwc.gov.au/awardsandorders/html/PR509040.htm), [PR522871](http://www.fwc.gov.au/awardsandorders/html/PR522871.htm), [PR525469](http://www.fwc.gov.au/awardsandorders/html/PR525469.htm), [PR536674](http://www.fwc.gov.au/awardsandorders/html/pr536674.htm), [PR551597](http://www.fwc.gov.au/awardsandorders/html/PR551597.htm), [PR566676](https://www.fwc.gov.au/awardsandorders/html/PR566676.htm), [PR579759](http://www.fwc.gov.au/awardsandorders/html/PR579759.htm), [PR592104](http://www.fwc.gov.au/awardsandorders/html/pr592104.htm), [PR606333](https://www.fwc.gov.au/documents/awardsandorders/html/pr606333.htm), [PR707419](https://www.fwc.gov.au/documents/awardsandorders/html/pr707419.htm); substituted by [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm) ppc 23Jan20]

Right to make deductions

Subject to clauses 39.2 and 39.3, an employer may deduct an amount from the wages of an employee for the provision of either meals or accommodation or both.

Deductions not to be unreasonable

Any deduction made under clause 39 must not be unreasonable in the circumstances.

Deductions for employees under 18 years of age

Deductions must not be made under clause 39 from the wages of an employee who is under 18 years of age unless the deductions have been agreed to in writing by the employee’s parent or guardian.

Deductions for meals

An employer may only deduct an amount from an employee’s wages for providing the employee with a meal if:

* + 1. the employee does not live in accommodation provided by the employer; and
    2. the meal is provided during the employee’s normal working hours; and
    3. the employee has been informed of the amount that will be deducted from the employee’s wages for the meal and has consented to the meal being provided.

Deductions for accommodation or accommodation and meals—Adult employees

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

**Table 1—Employees on adult rates**

| **Column 1** | **Column 2** |
| --- | --- |
| **Service provided by employer** | **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 |

NOTE: The ‘Single room and 3 meals a day’ amount is calculated at 25% of the standard weekly rate. The following internal relativity is then applied:

|  | **%** |
| --- | --- |
| Single room and 3 meals a day | 100 |
| Shared room and 3 meals a day | 97.5 |
| Single room only, no meals | 95.0 |
| Shared room only, no meals | 92.5 |

Deductions for accommodation or accommodation and meals—Junior rates

An employer may deduct from the wages of a junior employee on junior rates aged as specified in column 2 of **Table 2 – Employees on junior rates**, the amount specified in column 4 for the service specified in column 1 provided by the employer.

**Table 2—Employees on junior rates**

| **Column 1**  **Service provided by employer** | **Column 2**  **Age** | **Column 3**  **Deduction** | **Column 4**  **Deduction per week** |
| --- | --- | --- | --- |
|  |  | **% of adult deduction** | **$** |
| Single room and 3 meals a day | 15 yrs & under | 45 | 97.03 |
|  | 16 yrs | 55 | 118.60 |
|  | 17 yrs | 70 | 150.94 |
|  | 18 yrs | 80 | 172.50 |
|  | 19 yrs | 90 | 194.07 |
| Shared room and 3 meals a day | 15 yrs & under | 45 | 94.61 |
|  | 16 yrs | 55 | 115.63 |
|  | 17 yrs | 70 | 147.17 |
|  | 18 yrs | 80 | 168.19 |
|  | 19 yrs | 90 | 189.22 |
| Single room only; no meals | 15 yrs & under | 45 | 92.18 |
|  | 16 yrs | 55 | 112.67 |
|  | 17 yrs | 70 | 143.40 |
|  | 18 yrs | 80 | 163.88 |
|  | 19 yrs | 90 | 184.37 |
| Shared room only; no meals | 15 yrs & under | 45 | 89.76 |
|  | 16 yrs | 55 | 109.70 |
|  | 17 yrs | 70 | 139.62 |
|  | 18 yrs | 80 | 159.57 |
|  | 19 yrs | 90 | 179.51 |

Amount of deduction for meals

An employer may deduct an amount of $8.21 from an employee’s wages for providing the employee with a meal.

Adjustment of amount of deduction for meals

* + 1. At the time of any adjustment to the standard rate, the amount specified in clause 39.7 (or that amount as increased under this clause) will be increased by an adjustment factor.
    2. The adjustment factor is the percentage movement in the consumer price index figure for the Take away and fast foods expenditure class published by the Australian Bureau of Statistics for the Eight Capitals Consumer Price Index (Cat No. 6401.0):
       1. for the first increase, since 23 January 2020 and
       2. for any subsequent increase, since the amount was last increased under this clause.

[Part 8 deleted by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm) from 01Jan10]

1. —Transitional Provisions

[Varied by [PR992056](http://www.fwc.gov.au/alldocuments/PR992056.htm), [PR505248](http://www.fwc.gov.au/awardsandorders/html/PR505248.htm)]

NOTE: The general transitional provisions in this Schedule operate subject to the special transitional provisions for South Australia in Schedule B and for Western Australia in Schedule C for particular modern award provisions.

A.1 General

* + 1. The provisions of this schedule deal with minimum obligations only.
    2. The provisions of this schedule are to be applied:
       1. when there is a difference, in money or percentage terms, between a provision in a relevant transitional minimum wage instrument (including the transitional default casual loading) or award-based transitional instrument on the one hand and an equivalent provision in this award on the other;
       2. when a loading or penalty in a relevant transitional minimum wage instrument or award-based transitional instrument has no equivalent provision in this award;
       3. when a loading or penalty in this award has no equivalent provision in a relevant transitional minimum wage instrument or award-based transitional instrument; or
       4. when there is a loading or penalty in this award but there is no relevant transitional minimum wage instrument or award-based transitional instrument.

Minimum wages – existing minimum wage lower

* + 1. The following transitional arrangements apply to an employer which, immediately prior to 1 January 2010:
       1. was obliged,
       2. but for the operation of an agreement-based transitional instrument or an enterprise agreement would have been obliged, or
       3. if it had been an employer in the industry or of the occupations covered by this award would have been obliged

by a transitional minimum wage instrument and/or an award-based transitional instrument to pay a minimum wage lower than that in this award for any classification of employee.

* + 1. In this clause minimum wage includes:
       1. a minimum wage for a junior employee, an employee to whom training arrangements apply and an employee with a disability;
       2. a piecework rate; and
       3. any applicable industry allowance.
    2. Prior to the first full pay period on or after 1 July 2010 the employer must pay no less than the minimum wage in the relevant transitional minimum wage instrument and/or award-based transitional instrument for the classification concerned.
    3. The difference between the minimum wage for the classification in this award and the minimum wage in clause A.2.3 is referred to as the transitional amount.
    4. From the following dates the employer must pay no less than the minimum wage for the classification in this award minus the specified proportion of the transitional amount:

| **First full pay period on or after** |  |
| --- | --- |
| 1 July 2010 | 80% |
| 1 July 2011 | 60% |
| 1 July 2012 | 40% |
| 1 July 2013 | 20% |

* + 1. The employer must apply any increase in minimum wages in this award resulting from an annual wage review.
    2. These provisions cease to operate from the beginning of the first full pay period on or after 1 July 2014.

Minimum wages – existing minimum wage higher

* + 1. The following transitional arrangements apply to an employer which, immediately prior to 1 January 2010:
       1. was obliged,
       2. but for the operation of an agreement-based transitional instrument or an enterprise agreement would have been obliged, or
       3. if it had been an employer in the industry or of the occupations covered by this award would have been obliged

by a transitional minimum wage instrument and/or an award-based transitional instrument to pay a minimum wage higher than that in this award for any classification of employee.

* + 1. In this clause minimum wage includes:
       1. a minimum wage for a junior employee, an employee to whom training arrangements apply and an employee with a disability;
       2. a piecework rate; and
       3. any applicable industry allowance.
    2. Prior to the first full pay period on or after 1 July 2010 the employer must pay no less than the minimum wage in the relevant transitional minimum wage instrument and/or award-based transitional instrument for the classification concerned.
    3. The difference between the minimum wage for the classification in this award and the minimum wage in clause A.3.3 is referred to as the transitional amount.
    4. From the following dates the employer must pay no less than the minimum wage for the classification in this award plus the specified proportion of the transitional amount:

|  |  |
| --- | --- |
| **First full pay period on or after** |  |
| 1 July 2010 | 80% |
| 1 July 2011 | 60% |
| 1 July 2012 | 40% |
| 1 July 2013 | 20% |

* + 1. The employer must apply any increase in minimum wages in this award resulting from an annual wage review. If the transitional amount is equal to or less than any increase in minimum wages resulting from the 2010 annual wage review the transitional amount is to be set off against the increase and the other provisions of this clause will not apply.
    2. These provisions cease to operate from the beginning of the first full pay period on or after 1 July 2014.

Loadings and penalty rates

For the purposes of this schedule loading or penalty means a:

 casual or part-time loading;

 Saturday, Sunday, public holiday, evening or other penalty;

 shift allowance/penalty.

Loadings and penalty rates – existing loading or penalty rate lower

* + 1. The following transitional arrangements apply to an employer which, immediately prior to 1 January 2010:
       1. was obliged,
       2. but for the operation of an agreement-based transitional instrument or an enterprise agreement would have been obliged, or
       3. if it had been an employer in the industry or of the occupations covered by this award would have been obliged

by the terms of a transitional minimum wage instrument or an award-based transitional instrument to pay a particular loading or penalty at a lower rate than the equivalent loading or penalty in this award for any classification of employee.

* + 1. Prior to the first full pay period on or after 1 July 2010 the employer must pay no less than the loading or penalty in the relevant transitional minimum wage instrument or award-based transitional instrument for the classification concerned.
    2. The difference between the loading or penalty in this award and the rate in clause A.5.2 is referred to as the transitional percentage.
    3. From the following dates the employer must pay no less than the loading or penalty in this award minus the specified proportion of the transitional percentage:

|  |  |
| --- | --- |
| **First full pay period on or after** |  |
| 1 July 2010 | 80% |
| 1 July 2011 | 60% |
| 1 July 2012 | 40% |
| 1 July 2013 | 20% |

* + 1. These provisions cease to operate from the beginning of the first full pay period on or after 1 July 2014.

Loadings and penalty rates – existing loading or penalty rate higher

* + 1. The following transitional arrangements apply to an employer which, immediately prior to 1 January 2010:
       1. was obliged,
       2. but for the operation of an agreement-based transitional instrument or an enterprise agreement would have been obliged, or
       3. if it had been an employer in the industry or of the occupations covered by this award would have been obliged

by the terms of a transitional minimum wage instrument or an award-based transitional instrument to pay a particular loading or penalty at a higher rate than the equivalent loading or penalty in this award, or to pay a particular loading or penalty and there is no equivalent loading or penalty in this award, for any classification of employee.

* + 1. Prior to the first full pay period on or after 1 July 2010 the employer must pay no less than the loading or penalty in the relevant transitional minimum wage instrument or award-based transitional instrument.
    2. The difference between the loading or penalty in this award and the rate in clause A.6.2 is referred to as the transitional percentage. Where there is no equivalent loading or penalty in this award, the transitional percentage is the rate in A.6.2.
    3. From the following dates the employer must pay no less than the loading or penalty in this award plus the specified proportion of the transitional percentage:

|  |  |
| --- | --- |
| **First full pay period on or after** |  |
| 1 July 2010 | 80% |
| 1 July 2011 | 60% |
| 1 July 2012 | 40% |
| 1 July 2013 | 20% |

* + 1. These provisions cease to operate from the beginning of the first full pay period on or after 1 July 2014.

Loadings and penalty rates – no existing loading or penalty rate

* + 1. The following transitional arrangements apply to an employer not covered by clause A.5 or A.6 in relation to a particular loading or penalty in this award.
    2. Prior to the first full pay period on or after 1 July 2010 the employer need not pay the loading or penalty in this award.
    3. From the following dates the employer must pay no less than the following percentage of the loading or penalty in this award:

|  |  |
| --- | --- |
| **First full pay period on or after** |  |
| 1 July 2010 | 20% |
| 1 July 2011 | 40% |
| 1 July 2012 | 60% |
| 1 July 2013 | 80% |

* + 1. These provisions cease to operate from the beginning of the first full pay period on or after 1 July 2014.

Former Division 2B employers

[A.8 inserted by [PR505248](http://www.fwc.gov.au/awardsandorders/html/PR505248.htm) ppc 01Jan11]

* + 1. This clause applies to an employer which, immediately prior to 1 January 2011, was covered by a Division 2B State award.
    2. All of the terms of a Division 2B State award applying to a Division 2B employer are continued in effect until the end of the full pay period commencing before 1 February 2011.
    3. Subject to this clause, from the first full pay period commencing on or after 1 February 2011 a Division 2B employer must pay no less than the minimum wages, loadings and penalty rates which it would be required to pay under this Schedule if it had been a national system employer immediately prior to 1 January 2010.
    4. Despite clause A.8.3, where a minimum wage, loading or penalty rate in a Division 2B State award immediately prior to 1 February 2011 was lower than the corresponding minimum wage, loading or penalty rate in this award, nothing in this Schedule requires a Division 2B employer to pay more than the minimum wage, loading or penalty rate in this award.
    5. Despite clause A.8.3, where a minimum wage, loading or penalty rate in a Division 2B State award immediately prior to 1 February 2011 was higher than the corresponding minimum wage, loading or penalty rate in this award, nothing in this Schedule requires a Division 2B employer to pay less than the minimum wage, loading or penalty rate in this award.
    6. In relation to a Division 2B employer this Schedule commences to operate from the beginning of the first full pay period on or after 1 January 2011 and ceases to operate from the beginning of the first full pay period on or after 1 July 2014.

1. —Transitional Provisions in respect of South Australia

[Sched B varied by [PR992056](http://www.fwc.gov.au/alldocuments/PR992056.htm), [PR992315](http://www.fwc.gov.au/awardsandorders/html/PR992315.htm), [PR997888](http://www.fwc.gov.au/awardsandorders/html/PR997888.htm), [PR999412](http://www.fwc.gov.au/awardsandorders/html/PR999412.htm), [PR505248](http://www.fwc.gov.au/awardsandorders/html/PR505248.htm), [PR509040](http://www.fwc.gov.au/awardsandorders/html/PR509040.htm), [PR522871](http://www.fwc.gov.au/awardsandorders/html/PR522871.htm), [PR535452](http://www.fwc.gov.au/awardsandorders/html/pr535452.htm), [PR536674](http://www.fwc.gov.au/awardsandorders/html/pr536674.htm), [PR551597](http://www.fwc.gov.au/awardsandorders/html/PR551597.htm), [PR566676](https://www.fwc.gov.au/awardsandorders/html/PR566676.htm)]

[Note substituted by [PR505248](http://www.fwc.gov.au/awardsandorders/html/PR505248.htm) ppc 01Jan11]

NOTE:The transitional provisions in respect of South Australia in this Schedule operate instead of the general transitional provisions in Schedule A in respect of the particular modern award provisions dealt with in this Schedule. The transitional provisions in this Schedule apply to all employers in the hospitality industry who meet the conditions of B.1.1 and B.1.2

This award covers State Referred Employers and State Referred Employees from 1 January 2011 noting that the National Employment Standards have applied since 1 January 2010 (subject to the no detriment rule—Item 37, Schedule 3A of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*).

The award coverage exemptions as listed in subclauses 4.1(a) to (n) also apply to State Referred Employers.

[B.1 substituted by [PR992315](http://www.fwc.gov.au/awardsandorders/html/PR992315.htm), [PR999412](http://www.fwc.gov.au/awardsandorders/html/PR999412.htm) ppc 16Jul10]

[B.1.1 substituted by [PR535452](http://www.fwc.gov.au/awardsandorders/html/pr535452.htm) ppc 28Mar13]

* + 1. Clause B.3.1 of Schedule B applies throughout South Australia to employers in the hospitality industry who hold a Hotel Licence, Entertainment Venue Licence, a Small Venue Licence or a Special Circumstances Licence (including those that previously held a General Facility Licence).

[B.1.2 substituted by [PR535452](http://www.fwc.gov.au/awardsandorders/html/pr535452.htm) ppc 28Mar13]

* + 1. Clause B.3.2 of Schedule B applies throughout South Australia to employers in the hospitality industry who hold a Hotel Licence, a Small Venue Licence, a Special Circumstances Licence or Residential Licence.

Division 2B State Referred Employers and Employees

[B.1.3 inserted by [PR505248](http://www.fwc.gov.au/awardsandorders/html/PR505248.htm) ppc 01Jan11]

All of the terms of a Division 2B State award applying to a Division 2B employer are continued in effect until the end of the full pay period commencing before 1 February 2011.

The other transitional provisions in Schedule B apply to all hospitality industry State Referred Employers who meet the license coverage criteria of B.1.1 and/or B.1.2 from 1 February 2011.

A **State Referred Employer** is a national system employer who becomes such by virtue of s.30N of the *Fair Work Act 2009*.

A **State Referred Employee** is a national system employee who becomes such by virtue of s.30M of the *Fair Work Act 2009*.

[B.2 substituted by [PR992315](http://www.fwc.gov.au/awardsandorders/html/PR992315.htm), [PR505248](http://www.fwc.gov.au/awardsandorders/html/PR505248.htm) ppc 01Jan11]

* 1. Schedule B will apply from 1 January 2010 to employers covered by an award-based transitional instrument immediately prior to 1 January 2010. It will apply from 1 January 2011 to employers covered by a Division 2B State award immediately prior to 1 January 2011. The Schedule will cease to operate from 31 December 2014.
  2. The following clauses outlined below replace the corresponding clause or part thereof in the body of this Modern Award:
     1. **Hotels, Clubs etc Award** [AN150066–SA or RA150066–SA]

[B.3.1 renamed by [PR505248](http://www.fwc.gov.au/awardsandorders/html/PR505248.htm) ppc 01Jan11]

Minimum rates of pay

[New B.3.1(a) inserted by [PR505248](http://www.fwc.gov.au/awardsandorders/html/PR505248.htm) ppc 01Jan11]

The provisions of clause 20, of the award and in particular 20.1—General Minimum Weekly and Hourly Wages, do not apply to State Referred Employers covered by B.3.1 until the first full pay period commencing on or after 1 February 2011.

Refer to clause B.1.3–Division 2B State Referred Employers for more information.

Part-time employment [clause 12 in the award]

[B.3.1(a) renumbered as B.3.1(b) by [PR505248](http://www.fwc.gov.au/awardsandorders/html/PR505248.htm) ppc 01Jan11

* + - * 1. An employer may employ part-time employees in any classification in this award.
        2. A **part-time employee** means an employee who is employed on a regular and systematic basis for a minimum of 15 ordinary hours per week and up to a maximum of 35 ordinary hours per week.
        3. An employer is required to roster a part-time employee for a minimum of two consecutive hours on any shift.
        4. An employee who does not meet the definition of a part-time employee and who is not a full-time employee will be paid as a casual employee in accordance with clause [B.3.1(fa)(ii)](#sch_b_fa_ii)within this Schedule.
        5. All time worked in excess of eight hours per day, outside the spread of hours specified in clause 29.2 of this award or in excess of 35 ordinary hours per week will be overtime and paid for at the rates prescribed in clause B.3.1(g)(ii) of this schedule.

[B.3.1(a)(vi) substituted by [PR999412](http://www.fwc.gov.au/awardsandorders/html/PR999412.htm) ppc 16Jul10]

* + - * 1. A part-time employee who is employed under the provisions of this clause must be paid for ordinary hours at the rate of 1/38th of the weekly rate prescribed in clause 20—Minimum wages, of the award, plus a 10% loading.

The 10% loading is not payable in circumstances where the following loadings apply:

* Saturday (clause [B.3.1(fa)(ii)](#sch_b_fa_ii))
* Sunday (clause [B.3.1(fa)(ii)](#sch_b_fa_ii))
* Public holidays (clause [B.3.1(fa)(ii)](#sch_b_fa_ii))
* Overtime (clause B.3.1(g))

The part-time loading is payable in addition to any allowance payable under clause [B.3.1(fb)](#sch_b_fb).

* + - 1. **Apprentice wages** [clause 20.4 in the award]

[B.3.1(b) renumbered as B.3.1(c) by [PR505248](http://www.fwc.gov.au/awardsandorders/html/PR505248.htm) ppc 01Jan11]

Cooking apprenticeship

* A person who has completed a full apprenticeship for cooking must be paid not less than the [standard rate](#standard_rate).
* An employee apprenticed in the cooking trade will be paid the percentage of the [standard rate](#standard_rate), as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Year** | **2010** | **2011** | **2012** | **2013** |
|  | **%** | **%** | **%** | **%** |
| First year | 55 | 55 | 55 | 55 |
| Second year | 65 | 65 | 65 | 65 |
| Third year | 77.5 | 80 | 80 | 80 |
| Fourth year | 87.5 | 90 | 92.5 | 95 |

Adult apprentices

Any apprentice cook who is 21 years of age or older will receive a minimum rate of pay equal to 95% of the rate for a Level 3 employee.

* + - 1. Junior employees (other than office juniors) [clause 20.5(a) inthe award]

[B.3.1(c) substituted by [PR999412](http://www.fwc.gov.au/awardsandorders/html/PR999412.htm) ppc 16Jul10; renumbered as B.3.1(d) by [PR505248](http://www.fwc.gov.au/awardsandorders/html/PR505248.htm) ppc 01Jan11]

The minimum rates of pay for junior employees are the undermentioned percentages of the rates prescribed for the appropriate adult classification for the work performed for the area in which such junior is working:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Year** | **2010** | **2011** | **2012** | **2013** | **2014** |
|  | % | % | % | % | % |
| 16 years and under | 60 | 57.5 | 55 | 52.5 | 50 |
| 17 years | 60 | 60 | 60 | 60 | 60 |
| 18 years | 70 | 70 | 70 | 70 | 70 |
| 19 years | 85 | 85 | 85 | 85 | 85 |
| 20 years | 95 | 95 | 95 | Adult | Adult |
| 21 years | Adult | Adult | Adult | Adult | Adult |

Allowance for disabilities associated with performance of particular tasks or work in particular conditions or locations

[B.3.1(d) renumbered as B.3.1(e) by [PR505248](http://www.fwc.gov.au/awardsandorders/html/PR505248.htm) ppc 01Jan11]

Broken periods of work [clause 21.3(a) in the award]

* Employees other than casuals who have a broken work day must receive an additional allowance for the spread of hours described in clause 29—Ordinary hours of work, in the award, as follows:

|  | **Rate per day % of** [**standard weekly rate**](#standard_rate) |
| --- | --- |
| Under 10 hours | Nil |
| 10 hours and under 10.5 hours | 0.21 |
| 10.5 hours and under 11.5 hours | 0.41 |
| 11.5 hours or more | 0.62 |

* Provided that where any such broken work period extends into any period for which clause [B.3.1(fb)](#sch_b_fb)—Other penalty, or clause B.3.1(g)—Overtime of this schedule apply, the penalties or allowances will not be cumulative, but the highest applicable penalty or allowance will apply.

Penalty rates [clause 32 in the award]

[B.3.1(e) varied by [PR992315](http://www.fwc.gov.au/awardsandorders/html/PR992315.htm), [PR999412](http://www.fwc.gov.au/awardsandorders/html/PR999412.htm) ppc 16Jul10; renumbered as B.3.1(f) by [PR505248](http://www.fwc.gov.au/awardsandorders/html/PR505248.htm) ppc 01Jan11]

**(fa)(i)** Sub-clauses [B.3.1(fa)(ii)](#sch_b_fa_ii) and [B.3.1(fa)(iii)](#sch_b_fa_iii) outlined below replace sub-clause 32.1 and 32.3—Other penalty, in the award.

Sub-clauses 32.2—Public holidays and 32.4—Penalty rates not cumulative, as contained in clause 32—Penalty rates, of the award will continue to apply as from 1 January 2010.

**(fa)(ii)** A full-timeand part-time employee performing work on the following days will be paid the following percentage of the minimum wage rate in clause 20—Minimum wages for the relevant classification:

**(fa)(ii)(1) Front of house employees**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Monday to Friday** | **Saturday** | **Sunday** | **Public holiday** |
|  | **%** | **%** | **%** | **%** |
| Full-time | 100 | 150 | 200 | 250 |
| Part-time  (inclusive of the 10% loading in clause [B.3.1(b)(vi)](#sch_b_b_vi)) | 110 | 150 | 200 | 250 |

**(fa)(ii)(2) Back of house employees**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Monday to Friday** | **Saturday** | **Sunday** | **Public holiday** |
|  | **%** | **%** | **%** | **%** |
| Full-time | 100 | 150 | 175 | 250 |
| Part-time  (inclusive of the 10% loading in clause [B.3.1(b)(vi)](#sch_b_b_vi)) | 110 | 150 | 175 | 250 |

**(fa)(ii)(3)** In clause [B.3.1(fa)(ii)(1)](#sch_b_fa_ii_1) and [B.3.1(fa)(ii)(2)](#sch_b_fa_ii_2) the following definitions apply:

***Front of house (FOH)*** will mean:

A Food and Beverage Attendant of any level or employee holding approval as a Gaming Employee or Gaming Manager who is engaged in any one of the following:

* Supplying, dispensing or mixing of liquor from a bar or the sale of liquor from the bottle department; or
* Assisting in the cellar or bottle department with or without supervision or having full control of a cellar or liquor store (including the receipt, delivery and recording of goods within the cellar or liquor store).

***Back of House (BOH)*** will mean:

An employee who is engaged in any one of the following classifications as set out in this clause:

* Kitchen
* Guest services
* General
* Food and Beverage Attendant or employee holding approval as a Gaming Employee or Gaming Manager serving but not dispensing alcohol or other beverages.

**(fa)(iii) Rates of pay for casual employees**

* Casual employees must be paid per hour at the rate of 1/38th of the weekly rate prescribed for the work performed plus 50%.
* Casual employees will not be entitled to any loadings for work performed between 7.00 pm and 7.00 am, Monday to Friday, on Saturday or Sunday or for work performed on a public holiday or overtime.
* The allowances contained within 21—Allowances, of the award, will not be payable to casuals employed in accordance with this Schedule.

[‘Front of house’ heading inserted by administrative error; deleted 28Jul11]

**(fb) Other penalty**

* + - * 1. An employee (other than a casual employee) who is required to work any of their ordinary hours between the hours of 7.00 pm and 7.00 am, Monday to Friday inclusive, will be paid an additional amount of 0.25% of the [standard weekly rate](#standard_rate) per hour or part of an hour for such time worked within the said hours.
        2. Provided that:
* in the case of any such employee (other than a casual employee) the minimum payment in respect of any one day will be 0.35% of the [standard weekly rate](#standard_rate);
* an employee (other than a casual employee) who is required to work their total ordinary hours between 7.00 pm and 7.00 am Monday to Friday inclusive will be paid 0.25% of the [standard weekly rate](#standard_rate) per hour, with a minimum payment in the case of a full-time employee only of 1.85% of the [standard weekly rate](#standard_rate) per day; and
* this clause will not apply on any of the public holidays prescribed in the NES.

Overtime [clause 33 in the award]

[B.3.1(f) renumbered as B.3.1(g) by [PR505248](http://www.fwc.gov.au/awardsandorders/html/PR505248.htm) ppc 01Jan11]

Entitlement to overtime rates

* A full-time employee is paid at overtime rates for any work done outside of the hours set out in clause 29—Ordinary hours of work.
* A part-time employee is paid at overtime rates in the circumstances specified in clause B.3.1(b)(v) in this Schedule.

Overtime rates

The following overtime rates are payable to an employee, other than a casual employee, depending on the time at which the overtime is worked:

* Monday to Friday: 150% of their normal rate of pay for the first three hours of overtime, 200% for the rest of the overtime.
* Between midnight Friday and midnight Saturday: 175% of their normal rate of pay for the first three hours of overtime, 200% for the rest of the overtime.
* Between midnight Saturday and midnight Sunday: 200%.
* On a rostered day off falling Monday–Saturday: 150% for the first eight hours, 175% for the next three hours and 200% thereafter.
* On a rostered day off falling on a Sunday: 200%.

Overtime stands alone

Overtime worked on any day stands alone.

* + - 1. **Breaks**

[New B.3.1(g) inserted by [PR999412](http://www.fwc.gov.au/awardsandorders/html/PR999412.htm) ppc 16Jul10; renumbered as B.3.1(h) by [PR505248](http://www.fwc.gov.au/awardsandorders/html/PR505248.htm) ppc 01Jan11]

Clause B.3.1(h) replaces clause 31 of the award.

**(ha)** Each employee (not being a casual employee) will be granted a meal interval of not less than 30 minutes and not more than 60 minutes to be commenced:

* + - * 1. At any time after completion of one and a half hour’s work but no later than five hours after commencement of duty; or
        2. At any time after completion of one hour’s work but no later than six hours after commencement of duty, provided that where an employee is required to work for more than five hours before such a meal break then an employee will be allowed a 20 minute meal break without loss of pay during such work periods at a time suitable to the employer between two and five hours worked.

Where it is not possible to grant an employee such meal breaks, the employee will be paid at the rate of the day plus half time additional at the ordinary weekly rate until released for a meal. Provided further that where an employee is required to work in excess of five hours after their first meal interval the employee will be granted a further meal interval of 20 minutes to be treated as time worked.

**(hb)** Where an employee is required to work overtime and such overtime follows the completion of the employees’ normal hours of work a 20 minute paid meal break will be allowed where such overtime exceeds two hours work.

**(hc)** Notwithstanding the provisions of clause B.3.1(ha), employees rostered to work more than ten ordinary hours in a shift will be entitled to two paid 20 minute meal breaks in addition to an unpaid meal break of at least half an hour. In rostering for these breaks, the employer will make all reasonable efforts to provide these breaks at a time which gives the employees an even mix of work time and breaks.

**(hd) Casual employees—meal times and meals**

A casual employee required to work for a continuous period in excess of six hours, will be granted an unpaid meal interval of 30 minutes to be commenced after completing not less than two hours of duty and will not work in excess of six hours without a meal break. Provided that where it is not possible to grant the meal interval on any day, the employer will pay the casual employee in addition to time worked, 60 minutes at the applicable rate.

Provided further that a casual employee required to work for a continuous period in excess of five hours but no more than six hours will be granted an unpaid meal interval of 20 minutes during such work period at a time suitable to the employer between two and five hours worked. Where it is not possible to grant such break the employer will pay the casual employee in addition to time worked, 20 minutes at the applicable rate.

Classification Definitions [Schedule D in the award]

[B.3.1(g) renumbered as B.3.1(h) by [PR999412](http://www.fwc.gov.au/awardsandorders/html/PR999412.htm); B.3.1(h) renumbered as B.3.1(i) by [PR505248](http://www.fwc.gov.au/awardsandorders/html/PR505248.htm) ppc 01Jan11]

**Food and beverage** [D.2.1 in the award]

* + - * 1. **Food and beverage attendant grade 1** means an employee who is engaged in any of the following:
* picking up glasses;
* emptying ashtrays;
* general assistance to food and beverage attendants of a higher grade not including service to customers;
* removing food plates;
* setting and/or wiping down tables;
* cleaning and tidying of associated areas.
  + - * 1. **Food and beverage attendant grade 2** means an employee who has not achieved the appropriate level of training and who is engaged in any of the following:
* supplying, dispensing or mixing of liquor including the sale of liquor from the bottle department;
* assisting in the cellar or bottle department;
* undertaking general waiting duties of both food and/or beverage including cleaning of tables;
* receipt of monies;
* attending a snack bar;
* engaged on delivery duties.
  + - * 1. **Food and beverage attendant grade 3** means an employee who has the appropriate level of training and is engaged in any of the following:
* supplying, dispensing or mixing of liquor including the sale of liquor from the bottle department;
* assisting in the cellar or bottle department, where duties could include working up to four hours per day (averaged over the relevant work cycle) in the cellar without supervision;
* undertaking general waiting duties of both food and/or beverage including cleaning of tables;
* receipt and dispensing of monies;
* assembly and preparation of ingredients for cooking;
* general pantry duties.

In addition to the tasks performed by a Food and beverage attendant grade 2 the employee is also involved in:

* the operation of a mechanical lifting device;
* operates a TAB or Lotteries Commission Terminal;
* holds an approval as a Gaming Machine Employee pursuant to the *Gaming Machines Act 1992* (SA),

and/or means an employee who is engaged in any of the following:

* mixing a range of sophisticated drinks;
* supervising food and beverage attendants of a lower grade;
* taking reservations, greeting and seating guests;
* training food and beverage attendants of a lower level.
  + - * 1. **Food and beverage attendant (tradesperson) grade 4** means an employee who:
* supervises food and beverage attendants of a lower level;
* has completed an apprenticeship in waiting or who has passed the appropriate trade test and carries out specialised skilled duties in a fine dining room or restaurant;
* full control of a cellar or liquor store (including the receipt, delivery and recording of goods within such an area);
* is a full-time or part-time employee who holds an approval as a Gaming Machine Manager pursuant to the *Gaming Machines Act 1992* (SA);
* is a casual employee who holds an approval as a Gaming Machine Manager pursuant to the *Gaming Machines Act 1992* (SA) and undertakes the duties of a Gaming Machine Manager for any engagement.
  + - * 1. **Food and beverage supervisor Level 5** means:
* An employee who has the appropriate level of training including a supervisory course and has the responsibility for supervision, training and co-ordination of Food and Beverage staff, or stock control for a bar or series of bars;
* Is an employee who holds an approval as a Responsible Person pursuant to the *Liquor Licensing Act 1997* (SA) and is appointed by the employer or Manager to act as a Responsible Person. Where a person has been approved as a Responsible Person, whether full-time, regular part-time or casual, and is performing the duties of a Responsible Person pursuant to a direction given by the employer or manager, they are to be paid at Level 5 for the time actually worked as a Responsible Person only.
  + 1. **Clerks (Clubs, Hotels and Motels) Award** [AN150037–SA or RA150037–SA]

[B.3.2 inserted by [PR992315](http://www.fwc.gov.au/awardsandorders/html/PR992315.htm) from 20Jan10; renamed by [PR505248](http://www.fwc.gov.au/awardsandorders/html/PR505248.htm) ppc 01Jan11]

* + - 1. **Minimum wages** [clause 20 in the award]

[B.3.2(a) varied by [PR997888](http://www.fwc.gov.au/awardsandorders/html/PR997888.htm), [PR509040](http://www.fwc.gov.au/awardsandorders/html/PR509040.htm), [PR522871](http://www.fwc.gov.au/awardsandorders/html/PR522871.htm), [PR536674](http://www.fwc.gov.au/awardsandorders/html/pr536674.htm), [PR551597](http://www.fwc.gov.au/awardsandorders/html/PR551597.htm); substituted by [PR566676](https://www.fwc.gov.au/awardsandorders/html/PR566676.htm) ppc 01Jul15]

In accordance with clause B.2, Schedule Bceases to operate on 31 December 2014. Refer to clause 20 for rates of pay.

* + - 1. **Classification Definitions** [Schedule D in the award]

**(ba) Guest services stream** [D.2.3 in the award]

* + - * 1. **Guest service grade 1** means an employee who performs any of the following:
* laundry and/or linen duties which may include minor repairs to linen or clothing such as buttons, zips, seams, and working with flat materials;
* the collection and delivery of guests’ personal dry cleaning and laundry, linen and associated materials to and from accommodation areas;
* performs general cleaning duties; and
* parking guests’ cars.
  + - * 1. **Guest service grade 2** means an employee who has not achieved the appropriate level of training and who is engaged in any of the following:
* servicing accommodation areas and cleaning thereof;
* 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;
* cleaning duties using specialised equipment and chemicals; and
* providing butler services such as food, beverage and personalised guest service.
  + - * 1. **Guest service grade 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 grade;
* providing butler services such as food, beverage and personalised guest service;
* major repair of linen and/or clothing including basic tailoring and major alterations and refitting; and
* dry cleaning.
  + - * 1. **Guest service grade 4** means an employee who has completed an apprenticeship or who has passed the appropriate trade test or otherwise has the appropriate level of training to perform the work of a tradesperson in dry cleaning, tailoring or as a butler.
        2. **Guest service supervisor** means an employee who has the appropriate level of training including a supervisory course, who supervises, trains and co-ordinates the work of employees engaged in a housekeeping department.

1. **Clerical stream—South Australia** [D.2.4 in the award]
   * + - 1. **Level 1** means an employee who has not achieved the appropriate level of training and who is primarily engaged in one or more of the following:

* front office duties such as receptionist, telephonist, cashier, information services, or reservations;
* performs basic clerical and routine office duties like collating, filing, photocopying and delivering messages;
* general clerical duties like typing, basic data entry and calculation functions;
* accounts; and
* night auditing.
  + - * 1. **Level 2** means an employee who has the appropriate level of training and who is primarily engaged in one or more of the following:
* front office duties such as receptionist, telephonist, cashier, information services, or reservations;
* clerical duties of an advanced nature;
* general clerical duties like typing, basic data entry and calculation functions;
* accounts; and
* night auditing.
  + - * 1. **Level 3** means an employee appointed as such who has the appropriate level of training and who carries out:
* general or secretarial or stenographic duties;
* clerical duties of an advanced nature;
* recognised experience in complex duties;
* may be responsible for guidance of other office personnel and may check and allocate their work; and
* is in the front office engaged in duties including assisting in training and supervision of front office employees of the lower grade(s).
  + - * 1. **Level 4** means an employee appointed as such who has the appropriate level of training including a supervisory course, and trains, co-ordinates and supervises the work of front office and/or clerical employees in motels or clubs, or front office employees in a hotel.
        2. **Level 5** means an employee who has the appropriate level of training including a supervisory course and also trains, co-ordinates and supervises the work of front office or clerical employees in a hotel.

1. —Transitional Provisions in respect of Western Australia

[Sched C varied by [PR992056](http://www.fwc.gov.au/alldocuments/PR992056.htm), [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm)]

NOTE: The transitional provisions in respect of Western Australia in this Schedule operate instead of the general transitional provisions in Schedule A—Transitional Provisions in respect of the particular modern award provisions dealt with in this Schedule.

[C.1 substituted by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm) from 01Jan10]

* 1. Schedule C will apply from 1 January 2010 and will cease to operate on 31 December 2014.

Junior employees [clause 15 of the award]

[C.2.1 varied by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm) from 01Jan10]

* + 1. Junior employees will be paid in accordance with clause 20.4—Apprentice **wages**

[20.4 substituted by PR716109 ppc 23Jan20]

Apprentices other than Waiting apprenticeship

* + - 1. A person who has completed a full apprenticeship for which there is a trade qualified classification provided for in this award, must be paid no less than the standard hourly rate for each hour worked.
      2. Except where clause 20.4(a)(iii) is applicable an employee will be paid the percentage of the standard weekly rate divided by 38 for each hour worked, in accordance with the following table:

| **Year** | **% of standard weekly rate** |
| --- | --- |
| First | 55 |
| Second | 65 |
| Third | 80 |
| Fourth | 95 |

Competency based wage progression

Where the relevant apprenticeship legislation allows competency based progression and the training contract does not specify otherwise, an employee apprenticed in a trade after 23 January 2020 will be paid the percentage of the standard weekly rate divided by 38 for each hour worked, in accordance with the following table:

**(A) Four year apprenticeship (nominal term)**

| **Stage of apprenticeship** | **Minimum training requirements on entry** | **% of the standard weekly rate** |
| --- | --- | --- |
| Stage 1 | On commencement and prior to the attainment of the minimum training requirements specified for Stage 2 | 55 |
| Stage 2 | On attainment of 25% of the total competencies specified in the training plan for the relevant AQF Certificate III qualification; or 12 months after commencing the apprenticeship, whichever is the earlier | 65 |
| Stage 3 | On attainment of 50% of the total competencies specified in the training plan for the relevant AQF Certificate III qualification; or 12 months after commencing Stage 2, whichever is the earlier | 80 |
| Stage 4 | On attainment of 75% of the total competencies specified in the training plan for the relevant AQF Certificate III qualification; or 12 months after commencing Stage 3, whichever is the earlier. | 95 |

**(B) Three year apprenticeship (nominal term)**

| **Stage of apprenticeship** | **Minimum training requirements on entry** | **% of the standard weekly rate** |
| --- | --- | --- |
| Stage 1 | On commencement and prior to the attainment of the minimum training requirements specified for Stage 2 | 55 |
| Stage 2 | On attainment of 25% of the total competencies specified in the training plan for the relevant AQF Certificate III qualification; or 9 months after commencing the apprenticeship, whichever is the earlier. | 65 |
| Stage 3 | On attainment of 50% of the total competencies specified in the training plan for the relevant AQF Certificate III qualification; or 9 months or after commencing Stage 2, whichever is the earlier | 80 |
| Stage 4 | On attainment of 75% of the total competencies specified in the training plan for the relevant AQF Certificate III qualification; or 9 months after commencing Stage 3, whichever is the earlier. | 95 |

Waiting apprenticeship

* + - 1. Any person who has completed a full apprenticeship as a qualified tradesperson must be paid not less than the standard weekly rate divided by 38 for each hour worked.
      2. Except where clause 20.4(b)(iii) is applicable, an employee apprenticed in the waiting trade will be paid the relevant percentage or portion of the standard weekly rate divided by 38 for each hour worked, in accordance with the following table:

|  |  |
| --- | --- |
| First six months | 70% |
| Second six months | 85% |
| Third six months | Midway between the total rate prescribed for food and beverage attendant grade 2 (waiter) in clause 20.1 and the standard hourly rate; and |
| Fourth six months | Midway between the total rate prescribed for third six months, above, and the standard hourly rate. |

* + - 1. Where the relevant apprenticeship legislation allows competency based progression and the training contract does not specify otherwise an employee apprenticed in the waiting trade after 23 January 2020 will be paid the percentage of the standard weekly rate divided by 38 for each hour worked, in accordance with the following table:

**(A) Two year waiting apprenticeship (nominal term)**

| **Stage of apprenticeship** | **Minimum training requirements on entry** | **% of the standard weekly rate** |
| --- | --- | --- |
| Stage 1 | On commencement and prior to the attainment of the minimum training requirements specified for Stage 2 | 70 |
| Stage 2 | On attainment of 25% of the total competencies specified in the training plan for the relevant AQF Certificate III qualification; or 6 months after commencing the apprenticeship, whichever is the earlier. | 85 |
| Stage 3 | On attainment of 50% of the total competencies specified in the training plan for the relevant AQF Certificate III qualification; or 6 months after commencing Stage 2, whichever is the earlier. | Midway between the total rate prescribed for food and beverage attendant grade 2 (waiter) in clause 20.1 and the standard hourly rate. |
| Stage 4 | On attainment of 75% of the total competencies specified in the training plan for the relevant AQF Certificate III qualification; or 6 months after commencing Stage 3, whichever is the earlier. | Midway between the total rate prescribed for stage 3, above, and the standard hourly rate. |

Proficiency payments – cooking trade

Application

Proficiency pay as set out in clause 20.4(c)(ii) will apply to apprentices who have successfully completed their schooling in a given year.

Payments

Apprentices must receive the standard hourly rate during the latter half of the fourth year of the apprenticeship where the standard of proficiency has been attained on one, two or three occasions on the following basis:

**(1)** one occasion only:

* for the first nine months of the fourth year of apprenticeship, the normal fourth year rate of pay;
* thereafter, the standard hourly rate.

**(2)** on two occasions:

* for the first six months of the fourth year of apprenticeship, the normal fourth year rate of pay;
* thereafter, the standard hourly rate.

**(3)** on all three occasions:

* for the entire fourth year, the standard hourly rate.

Proficiency payments – waiting trade

Application

Proficiency pay as set out in clause 20.4(d)(ii) will apply to level 2 apprentices who have successfully completed their schooling in the first year.

Payments

Apprentices who have attained the standard of proficiency in their first year must receive the standard hourly rate for each ordinary hour worked during the latter half of the second year of apprenticeship.

Adult apprentices

* + - 1. The minimum hourly wage for an adult apprentice who commenced on or after 1 January 2014 and is in the first year of their apprenticeship must be 80% of the minimum hourly wage for Level 4 in clause 20.4(a) or 20.4(b), or the rate prescribed by clause 20.4(a) or 20.4(b) for the relevant year or stage of the apprenticeship, whichever is the greater.
      2. The minimum hourly wage for an adult apprentice who commenced on or after 1 January 2014 and is in the second and subsequent years of their apprenticeship must be the rate for the lowest adult classification in clause 20.1, or the rate prescribed by clause 20.4(a) or 20.4(b) for the relevant year or stage of the apprenticeship, whichever is the greater.
      3. A person employed by an employer under this award immediately prior to entering into a training arrangement as an adult apprentice with that employer must not suffer a reduction in their minimum hourly wage by virtue of entering into the training agreement, provided that the person has been an employee in that enterprise for at least six months as a full-time employee or twelve months as a part-time or regular and systematic casual employee immediately prior to commencing the apprenticeship. For the purpose only of fixing a minimum wage, the adult apprentice must continue to receive the minimum wage that applies to the classification specified in clause 20.1 or 20.3 in which the adult apprentice was engaged immediately prior to entering into the training agreement.
    1. **Juniors**, on reaching the age of 18 years, may be employed in the bar or other places where liquor is sold.
    2. An employer may at any time demand the production of a birth certificate or other satisfactory proof for the purpose of ascertaining the correct age of a junior employee. If a birth certificate is required, the cost of it must be borne by the employer.
    3. No employee under the age of 18 years will be required to work more than 10 hours in a shift.

Breaks [clause 31 of the award]

* + 1. Every employee will be entitled to a meal break of not less than one half hour nor more than one hour after not more than five hours of work.
    2. Where it is not possible for the employer to grant a meal break on any day, the said meal break will be treated as time worked and the employee will be paid at the rate applicable to the employee at the time such meal break is due, plus 50% of the prescribed ordinary hourly rate applying to such employee, until such time as the employee is released for a meal.
    3. In addition to a break for a meal, there may be one other break of at least one hour during each shift. Such break may be taken in conjunction with the meal break.
    4. Where an employee is required to work five or more consecutive hours in a shift the employee will also be entitled to one only paid break of 10 minutes at a time agreed between the employer and the employee provided that the employer must not require that the break be taken in the first or last hour of any work period and the employee will not work more than five hours before either the paid or unpaid break is taken.

1. —Classification Definitions

[Sched D varied by [PR992056](http://www.fwc.gov.au/alldocuments/PR992056.htm), [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm), [PR514972](http://www.fwc.gov.au/awardsandorders/html/PR514972.htm), [PR540249](http://www.fwc.gov.au/awardsandorders/html/PR540249.htm), [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm)]

Introductory level

In respect of all classification streams, introductory level means the level of an employee who enters the industry and who has not demonstrated the competency requirements of level 1. Such an employee will remain at this level for up to three months while the appropriate training for level 1 is undertaken and assessment made to move from the introductory level to level 1. At the end of three months from entry, an employee will move to level 1 other than where agreement has been reached and recorded between the employee and the employer that further training of up to three months is required for the employee to achieve competence for movement to level 1.

General classification definitions

Food and beverage stream

**Food and beverage attendant grade 1** means an employee who is engaged in any of the following:

* picking up glasses;
* emptying ashtrays;
* general assistance to food and beverage attendants of a higher grade not including service to customers;
* removing food plates;
* setting and/or wiping down tables; and
* cleaning and tidying of associated areas.

[Definition of **Food and beverage attendant grade 2** substituted by [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm) ppc 23Jan20]

**Food and beverage attendant grade 2** means an employee who has not achieved the appropriate level of training and who is engaged in any of the following:

* supplying, dispensing or mixing of liquor including the sale of liquor from the bottle department;
* assisting in the cellar or bottle department;
* undertaking general waiting duties of both food and/or beverage including cleaning of tables
* receipt of monies;
* attending a snack bar;
* engaged on delivery duties; and
* taking reservations, greeting and seating guests.

[Definition of **Food and beverage attendant grade 3** substituted by [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm) ppc 23Jan20]

**Food and beverage attendant grade 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:

* the operation of a mechanical lifting device;
* attending a wagering (e.g. TAB) terminal, electronic gaming terminal or similar terminal;
* full control of a cellar or liquor store (including the receipt, delivery and recording of goods within such an area);
* mixing a range of sophisticated drinks;
* supervising food and beverage attendants of a lower grade; and
* training food and beverage attendants of a lower grade.

**Food and beverage attendant (tradesperson) grade 4** means an employee who has completed an apprenticeship in waiting or who has passed the appropriate trade test and as such carries out specialised skilled duties in a fine dining room or restaurant.

**Food and beverage supervisor** means an employee who has the appropriate level of training including a supervisory course and who has the responsibility for supervision, training and co-ordination of food and beverage staff, or stock control for a bar or series of bars.

Kitchen stream

**Kitchen attendant grade 1** means an employee engaged in any of the following:

* general cleaning duties within a kitchen or food preparation area and scullery, including the cleaning of cooking and general utensils used in a kitchen and restaurant;
* assisting employees who are cooking;
* assembling and preparing ingredients for cooking; and
* general pantry duties.

**Kitchen attendant grade 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 supervision of kitchen attendants.

**Kitchen attendant grade 3** means an employee who has the appropriate level of training including a supervisory course and has the responsibility for the supervision, training and co-ordination of kitchen attendants of a lower grade.

**Cook grade 1** means an employee who carries out cooking of breakfasts and snacks, baking, pastry cooking or butchering.

**Cook grade 2** means an employee who has the appropriate level of training and who performs cooking duties including baking, pastry cooking or butchering.

**Cook (tradesperson) grade 3** means a commi chef or equivalent who has completed an apprenticeship or who has passed the appropriate trade test, and who is engaged in cooking, baking, pastry cooking or butchering duties.

**Cook (tradesperson) grade 4** means a demi chef or equivalent who has completed an apprenticeship or has passed the appropriate trade test and who is engaged to perform general or specialised cooking, butchering, baking or pastry cooking duties and/or supervises and trains other cooks and kitchen employees.

**Cook (tradesperson) grade 5** means a chef de partie or equivalent who has completed an apprenticeship or has passed the appropriate trade test in cooking, butchering, baking or pastry cooking and has completed additional appropriate training and who performs any of the following:

* general and specialised duties including supervision or training of other kitchen staff;
* ordering and stock control; and
* supervising other cooks and other kitchen employees in a single kitchen establishment.

Guest services stream

**Guest service grade 1** means an employee who performs any of the following:

* laundry and/or linen duties which may include minor repairs to linen or clothing such as buttons, zips, seams and working with flat materials;
* the collection and delivery of guests’ personal dry cleaning and laundry, linen and associated materials to and from accommodation areas;
* performs general cleaning duties; and
* parking guests’ cars.

**Guest service grade 2** means an employee who has not achieved the appropriate level of training and who is engaged in any of the following:

* servicing accommodation areas and cleaning thereof;
* 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;
* cleaning duties using specialised equipment and chemicals; and
* providing butler services such as food, beverage and personalised guest service.

**Guest service grade 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 grade;
* providing butler services such as food, beverage and personalised guest service;
* major repair of linen and/or clothing including basic tailoring and major alterations and refitting; and
* dry cleaning.

**Guest service grade 4** means an employee who has completed an apprenticeship or who has passed the appropriate trade test or otherwise has the appropriate level of training to perform the work of a tradesperson in dry cleaning, tailoring or as a butler.

**Guest service supervisor** means an employee with the appropriate level of training including a supervisory course who supervises, trains and co-ordinates the work of employees engaged in a housekeeping department.

**Front office grade 1** means an employee who is engaged as an assistant in front office duties including night auditing, telephonist, receptionist, cashier, information services or reservations.

**Front office grade 2** means an employee who has the appropriate level of training and is in the front office engaged in duties including telephonist, receptionist, cashier, information services or reservations.

**Front office grade 3** means an employee who has the appropriate level of training and is in the front office engaged in duties including assisting in training and supervision of front office employees of a lower grade.

**Front office supervisor** means an employee who has the appropriate level of training including a supervisory course and who supervises, trains and co-ordinates the work of front office employees.

Administration stream

**Clerical grade 1** means an employee who is required to perform basic clerical and routine office duties such as collating, filing, photocopying and delivering messages.

**Clerical grade 2** means an employee who is engaged in general clerical or office duties, such as typing, filing, basic data entry and calculating functions.

**Clerical grade 3** means an employee who has the appropriate level of training and who performs any of the following:

* operates adding machines, switchboard, paging system, telex machine, typewriter or calculator;
* uses knowledge of keyboard and function keys to enter and retrieve data through computer terminal;
* copy types at 25 words per minute with 98% accuracy;
* maintains mail register and records;
* maintains established paper-based filing/records systems in accordance with set procedures including creating and indexing new files, distributing files within the organisation as requested, monitoring file locations;
* transcribes information into records, completes forms, 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, greets visitors;
* keeps appropriate records; and
* sorts, processes and records original source financial documents (e.g. invoices, cheques, 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 personal computer, dictaphone equipment, typewriters;
* produces documents and correspondence using knowledge of standard formats, touch types at 40 words per minute with 98% accuracy, audio types;
* uses one or more software application package(s) developed for a micro/personal computer to operate and populate a database, spreadsheet/worksheet to achieve a desired result; graph previously prepared spreadsheet; use simple menu utilities of personal computer;
* follows standard procedures or template for the preceding functions using existing models/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 and save text documents, e.g. standard correspondence and business documents;
* takes shorthand notes at 70 wpm and transcribes with 95% accuracy;
* arranges travel bookings and itineraries, makes appointments, screens telephone calls, follows visitor protocol procedures, establishes telephone contact on behalf of executive;
* applies a working knowledge of the organisation’s products/services, functions, locations and clients;
* responds to and acts upon most internal/external inquiries in 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, archives files; and
* maintains financial records and journals, collects and prepares time and wage records; prepares accounts queries from debtors; posts transactions to ledger.

**Clerical supervisor** means an employee who has the appropriate level of training including a supervisory course and who co-ordinates other clerical staff.

Security stream

**Doorperson/security officer grade 1** means a person who assists in maintenance of dress standards and good order at an establishment.

**Timekeeper/security officer grade 2** means a person who is responsible for timekeeping of staff, for the security of keys, for the checking in and out of delivery vehicles and/or for the supervision of doorperson/security officer grade 1 personnel.

Leisure activities stream

**Leisure attendant grade 1** means a person who acts as an assistant instructor, pool attendant and/or can be responsible for the setting up, distribution and care of equipment and the taking of bookings.

**Leisure attendant grade 2** means a person who has the appropriate level of training and takes classes and/or directs leisure activities such as sporting areas, health clubs and swimming pools.

**Leisure attendant grade 3** 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.

Stores stream

**Storeperson grade 1** means an employee who receives and stores general and perishable goods and cleans the store area.

**Storeperson grade 2** 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 and/or who may perform duties of a more complex nature.

**Storeperson grade 3** 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/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;
* exercises discretion within the scope of this grade; and who may exercise skills attained through the successful completion of an appropriate warehousing certificate; and 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 in excess of 10 storepersons;
* maintains control registers including inventory control and being responsible for preparation and reconciliation of regular reports or stock movements, dispatches, etc; and
* supervises the receipt and delivery of goods, records, outgoing goods, responsible for the contents of a store.

Maintenance and trades—other than the cooking trade

[D.2.8 substituted by [PR514972](http://www.fwc.gov.au/awardsandorders/html/PR514972.htm) ppc 04Oct11]

**Handyperson** means a person who is not a tradesperson and whose duties include the performance of routine repair work and maintenance in and about the employer’s premises.

**Fork-lift driver** means an employee who has a recognised fork-lift licence and who is engaged solely on the basis of driving a fork-lift vehicle. Those employees who operate a fork-lift as only part of their duties will be paid at the level 3 classification rate in clause 20.1.

**Gardener grade 1** means an employee primarily engaged in the following activities:

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

**Gardener grade 2** means an employee who is engaged in any of the following activities in addition to the work of grade 1:

* operation and minor maintenance of motorised equipment under supervision, other than machinery or equipment requiring the holding of specialised licences;
* assistance in the maintenance, renovation and reconstruction of greens and fairways, and/or maintenance of playing surfaces, including mowing, rolling, top dressing, seeding, turfing and sprigging, fertilising under supervision, planting and maintenance of trees, pruning under supervision;
* applying fertilisers, fungicides, herbicides and insecticides under general supervision;
* gardening duties including the planting and trimming of trees, sowing, planting and cutting of grass, and the watering of plants, gardens, trees, lawns and displays;
* routine maintenance of turf, synthetic, artificial and other play surfaces;
* completion of basic records;
* assistance in the construction and installation of facilities and systems;
* performing tasks incidental to the employee’s work;
* handyperson duties;
* supervising gardeners of a lower grade.

**Gardener grade 3 (tradesperson)** 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):

* operate, maintain and adjust machinery as appropriate;
* clean machinery and inspects machinery after each use, reporting any problems to a management employee;
* applying fertilisers, fungicides, herbicides and insecticides as directed by a management employee;
* preparing turf, synthetic, artificial and other surfaces for play;
* maintenance and repair of vehicles and/or motor engines;
* repair and minor renovation work;
* formation and maintenance of all gardens, lawns and greens;
* the planting, maintenance and care of trees;
* training and supervision of employees of a lower grade, including apprentices.

**Gardener grade 4 (tradesperson)** 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:

* supervision and training of subordinate staff, including tradespersons;
* presentation of written and or verbal reports including budgets,
* general liaison with management;
* activities requiring application of specialist skills.

Managerial staff (Hotels)

[D.2.9 varied by [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm) from 01Jan10; Managerial staff—hotels renamed as Managerial staff (Hotels) by [PR540249](http://www.fwc.gov.au/awardsandorders/html/PR540249.htm) ppc 15Aug13]

For the purpose of this additional 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 services associated therewith.

In this additional classification, **hotel manager** means an employee (however designated) who:

* 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, 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 will have completed an appropriate level of training in business management or have relevant industry experience including the supervision of staff in one or more areas of an hotel. 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:

* Any hotel manager who is an employee of a proprietary or private company (within the meaning of the Corporations Law) where the Hotel Manager holds sufficient number of shares to entitle the Hotel Manager to voting control at general meetings of the company; or
* Any hotel manager who is the senior partner of a partnership or 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.

Definitions for the purposes of the Casino Gaming Stream

General

**Casino** means a gaming establishment holding a casino license under relevant State legislation. The term does not include a gaming facility that is a part or section of a hospitality establishment such as a hotel or tavern operation.

**Casino table game** means a casino game played under the control and direction of a table game employee. It includes 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.

**Appropriate level of training** for casino gaming employees means that a casino gaming employee has:

* completed a relevant training course accredited by the AQF; or
* completed training to a level or standard imposed by a statutory gaming licensing authority; or
* been assessed to have skills at least equivalent to those attained through the suitable training referred to above, such assessment to have been undertaken by a qualified skills assessor; or
* at 1 January 2010, had been doing the work of a particular classification for a period of at least three months.

Casino table gaming

**Casino table gaming employee grade 1** means an employee who has completed the appropriate level of training and has commenced in one major game offered by the casino.

**Casino table gaming employee grade 2** means an employee who has completed the appropriate level of training and has commenced in two major games offered by the casino.

**Casino table gaming employee grade 3** means an employee who has completed the appropriate level of training and has commenced in three major games offered by the casino.

**Casino table gaming employee grade 4** means an employee engaged as such who undertakes table game inspection duties including ensuring that correct procedures and standards are observed by table game employees of a lower grade. This classification does not apply to managerial employees. The provisions of clause 25—Higher duties, will apply to Casino table game employees who have not been appointed to this grade but are required to perform any functions of this position.

Casino electronic gaming

**Casino electronic gaming employee grade 1** means an employee in a casino who has received the appropriate level of training and who 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; and/or
* explaining to patrons the playing of gaming machines.

**Casino electronic gaming employee grade 2** means an employee in a casino who has received the appropriate level of training and who is engaged in any of the following:

* explaining to patrons the playing of gaming machines and providing pay-outs and rectifying minor malfunctions;
* selling and redeeming network gaming games such as Keno, TAB or other network games;
* conducting network games; and
* explaining to patrons the playing of gaming machines.

Casino Finance

**Gaming finance employee grade 1** means an employee engaged to undertake any Count functions including:

* hard and/or soft count;
* shuffling and preparation of playing cards for table games;
* destruction of playing cards, dice, etc. for table games.

**Gaming finance employee grade 2** means an employee engaged to undertake any Change Booth functions including:

* limited supervision of gaming finance grade 1 employees;
* counting of change and associated change booth duties;
* sale and redemption of electronic gaming tickets.

**Gaming finance employee grade 3** means an employee engaged to undertake all grade 2 change functions including supervision of employees of a lower grade when required plus any of the following:

* assisting with the verification of floats and change machines;
* training employees in duties and functions of a lower grade;
* an employee engaged to undertake one cage function.

**Gaming finance employee grade 4** means:

* an employee engaged to undertake two cage cashier functions; or
* gaming finance revenue audit clerk functions.

**Gaming finance employee grade 5** means an employee engaged to undertake more than two cage cashier functions.

For the purposes of the Gaming Finance Stream, **cage function** includes:

* front window cashier duties including exchanging gaming chips for currency, controlling a float, recording transactions and reconciliation duties; or
* 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; or
* Premium Group settlements and buy-in.

For the purposes of the Gaming Finance Stream, **cashier function** includes supervision of employees of a lower grade when required.

Casino equipment technicians

**Casino equipment technician grade 1** 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.

**Casino equipment technician grade 2** 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.

**Casino equipment technician grade 3** 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 and/or check the work of Casino equipment technicians of lower grades.

Casino security

**Customer liaison officer** means an employee in a casino who holds appropriate licenses and who is engaged to work as an area or door attendant to enforce dress, behaviour and entry requirements at the casino.

**Security officer grade 1** means an employee in a casino who holds appropriate licenses and is required to carry out routine security functions throughout the Casino complex, including the duties of securing, watching, guarding and/or protecting the premises including responding to alarm signals and incidents.

**Security officer grade 2** 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 six months of employment as such.

**Surveillance operator** means an employee in a casino required to monitor, observe and report upon 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; and
* co-ordinate, monitor or record the activities of Security officers utilising a verbal communications system.

1. —Supported Wage System

[Varied by [PR992056](http://www.fwc.gov.au/alldocuments/PR992056.htm), [PR998748](http://www.fwc.gov.au/awardsandorders/html/PR998748.htm), [PR510670](http://www.fwc.gov.au/awardsandorders/html/PR510670.htm), [PR525068](http://www.fwc.gov.au/awardsandorders/html/PR525068.htm), [PR537893](http://www.fwc.gov.au/awardsandorders/html/PR537893.htm), [PR542129](http://www.fwc.gov.au/awardsandorders/html/PR542129.htm), [PR551831](http://www.fwc.gov.au/awardsandorders/html/PR551831.htm), [PR568050](http://www.fwc.gov.au/awardsandorders/html/PR568050.htm), [PR581528](http://www.fwc.gov.au/awardsandorders/html/PR581528.htm), [PR592689](http://www.fwc.gov.au/awardsandorders/html/PR592689.htm), [PR606630](https://www.fwc.gov.au/documents/awardsandorders/html/pr606630.htm), [PR709080](https://www.fwc.gov.au/documents/awardsandorders/html/pr709080.htm)]

* 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 varied by [PR568050](http://www.fwc.gov.au/awardsandorders/html/PR568050.htm) ppc 01Jul15]

* 1. 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* (Cth), 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** (SWS) 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](http://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

Eligibility criteria

* + 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.
    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.

Supported wage rates

* + 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 varied by [PR998748](http://www.fwc.gov.au/awardsandorders/html/PR998748.htm), [PR510670](http://www.fwc.gov.au/awardsandorders/html/PR510670.htm), [PR525068](http://www.fwc.gov.au/awardsandorders/html/PR525068.htm), [PR537893](http://www.fwc.gov.au/awardsandorders/html/PR537893.htm), [PR551831](http://www.fwc.gov.au/awardsandorders/html/PR551831.htm), [PR568050](http://www.fwc.gov.au/awardsandorders/html/PR568050.htm), [PR581528](http://www.fwc.gov.au/awardsandorders/html/PR581528.htm), [PR592689](http://www.fwc.gov.au/awardsandorders/html/PR592689.htm), [PR606630](https://www.fwc.gov.au/documents/awardsandorders/html/pr606630.htm), [PR709080](https://www.fwc.gov.au/documents/awardsandorders/html/pr709080.htm) ppc 01Jul19]

* + 1. Provided that the minimum amount payable must be not less than $87 per week.
    2. Where an employee’s assessed capacity is 10%, they must receive a high degree of assistance and support.

Assessment of capacity

* + 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 Supported Wage System 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.
    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.

Lodgement of SWS wage assessment agreement

[E.6.1 varied by [PR542129](http://www.fwc.gov.au/awardsandorders/html/PR542129.htm) ppc 04Dec13]

* + 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 varied by [PR542129](http://www.fwc.gov.au/awardsandorders/html/PR542129.htm) ppc 04Dec13]

* + 1. 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.

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 supported wage system.

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.

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.

Trial period

* + 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 weeks) may be needed.
    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 varied by [PR998748](http://www.fwc.gov.au/awardsandorders/html/PR998748.htm), [PR510670](http://www.fwc.gov.au/awardsandorders/html/PR510670.htm), [PR525068](http://www.fwc.gov.au/awardsandorders/html/PR525068.htm), [PR537893](http://www.fwc.gov.au/awardsandorders/html/PR537893.htm), [PR551831](http://www.fwc.gov.au/awardsandorders/html/PR551831.htm), [PR568050](http://www.fwc.gov.au/awardsandorders/html/PR568050.htm), [PR581528](http://www.fwc.gov.au/awardsandorders/html/PR581528.htm), [PR592689](http://www.fwc.gov.au/awardsandorders/html/PR592689.htm), [PR606630](https://www.fwc.gov.au/documents/awardsandorders/html/pr606630.htm), [PR709080](https://www.fwc.gov.au/documents/awardsandorders/html/pr709080.htm) ppc 01Jul19]

* + 1. The minimum amount payable to the employee during the trial period must be no less than $87 per week.
    2. Work trials should include induction or training as appropriate to the job being trialled.
    3. 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.

1. —National Training Wage

[Varied by [PR992056](http://www.fwc.gov.au/alldocuments/PR992056.htm), [PR997888](http://www.fwc.gov.au/awardsandorders/html/PR997888.htm), [PR509040](http://www.fwc.gov.au/awardsandorders/html/PR509040.htm), [PR522871](http://www.fwc.gov.au/awardsandorders/html/PR522871.htm), [PR536674](http://www.fwc.gov.au/awardsandorders/html/pr536674.htm), [PR545787](http://www.fwc.gov.au/awardsandorders/html/PR545787.htm), [PR551597](http://www.fwc.gov.au/awardsandorders/html/PR551597.htm), [PR566676](https://www.fwc.gov.au/awardsandorders/html/PR566676.htm), [PR579759](http://www.fwc.gov.au/awardsandorders/html/PR579759.htm); deleted by [PR593806](http://www.fwc.gov.au/awardsandorders/html/pr593806.htm) ppc 01Jul17]

1. —School-based Apprenticeship

[Sched G varied by [PR992056](http://www.fwc.gov.au/awardsandorders/html/PR992056.htm), [PR994455](http://www.fwc.gov.au/awardsandorders/html/PR994455.htm), [PR542129](http://www.fwc.gov.au/awardsandorders/html/PR542129.htm); substituted by [PR544256](http://www.fwc.gov.au/awardsandorders/html/PR544256.htm) ppc 01Jan14]

* 1. This schedule applies to school-based apprentices. A school-based apprentice is a person who is undertaking an apprenticeship in accordance with this schedule while also undertaking a course of secondary education.
  2. A school-based apprenticeship may be undertaken in the trades covered by this award under a training agreement or contract of training for an apprentice declared or recognised by the relevant State or Territory authority.
  3. The relevant minimum wages for full-time junior and adult apprentices provided for in this award, calculated hourly, will apply to school-based apprentices for total hours worked including time deemed to be spent in off-the-job training.
  4. For the purposes of clause G.3, 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 training time may be averaged over the semester or year.
  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.
  6. For the purposes of this schedule, 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.
  7. The duration of the apprenticeship must be as specified in the training agreement or contract for each apprentice but must not exceed six years.
  8. School-based apprentices progress through the relevant wage scale at the rate of 12 months progression for each two years of employment as an apprentice or at the rate of competency-based progression if provided for in this award.
  9. The apprentice wage scales are based on a standard full-time apprenticeship of four years (unless the apprenticeship is of three years duration) or stages of competency based progression (if provided for in this award). 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.
  10. 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.
  11. School-based apprentices are entitled pro rata to all of the other conditions in this award.
  12. For the purpose of this clause, a relevant training qualification is:
      1. a qualification from a National Training Package that covers occupations or work which are covered by this award, or is a qualification from an enterprise Training Package listed above; and
      2. an AQF Certificate Level III. A school-based apprenticeship does not include a qualification which can normally be completed through a Training Agreement of a duration of three years or less (such qualifications would generally be covered by traineeship provisions).

1. —Part-day Public Holidays

[Sched H inserted by [PR532630](http://www.fwc.gov.au/awardsandorders/html/pr532630.htm) ppc 23Nov12; renamed and varied by [PR544519](http://www.fwc.gov.au/awardsandorders/html/pr544519.htm) ppc 21Nov13; renamed and varied by [PR557581](http://www.fwc.gov.au/awardsandorders/html/PR557581.htm), [PR573679](http://www.fwc.gov.au/awardsandorders/html/PR573679.htm), [PR580863](http://www.fwc.gov.au/awardsandorders/html/PR580863.htm), [PR598110](http://www.fwc.gov.au/documents/awardsandorders/html/pr598110.htm), [PR701683](http://www.fwc.gov.au/awardsandorders/html/pr701683.htm) ppc 21Nov18; varied by [PR712233](https://www.fwc.gov.au/documents/awardsandorders/html/pr712233.htm), [PR715134](https://www.fwc.gov.au/documents/awardsandorders/html/pr715134.htm), [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm)]

This schedule operates where this award otherwise contains provisions dealing with public holidays that supplement the NES.

[H.1 varied by [PR715134](https://www.fwc.gov.au/documents/awardsandorders/html/pr715134.htm) ppc 18Nov19]

* 1. Where a part-day public holiday is declared or prescribed between 6.00 pm and midnight, or 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:
     + 1. 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.

[H.1(b) varied by [PR715134](https://www.fwc.gov.au/documents/awardsandorders/html/pr715134.htm) ppc 18Nov19]

* + - 1. Where a part-time or full-time employee is usually rostered to work ordinary hours on the declared or prescribed part-day public holiday 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.

[H.1(c) substituted by [PR715134](https://www.fwc.gov.au/documents/awardsandorders/html/pr715134.htm) ppc 18Nov19]

* + - 1. Where a part-time or full-time employee is usually rostered to work ordinary hours on the declared or prescribed part-day public holiday but as a result of being on annual leave does not work, they will be taken not to be on annual leave during the hours of the declared or prescribed part-day public holiday that they would have usually been rostered to work and will be paid their ordinary rate of pay for such hours.

[H.1(d) varied by [PR715134](https://www.fwc.gov.au/documents/awardsandorders/html/pr715134.htm) ppc 18Nov19; substituted by [PR716109](http://www.fwc.gov.au/awardsandorders/html/PR716109.htm) ppc 23Jan20]

* + - 1. 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 or an accrued day off provided in this award, does not work, the employee will be taken to be a on a public holiday for such hours and paid their ordinary rate of pay for those hours.

[H.1(e) varied by [PR715134](https://www.fwc.gov.au/documents/awardsandorders/html/pr715134.htm) ppc 18Nov19]

* + - 1. Excluding annualised salaried employees to whom clause H.1(f) applies, where an employee works any hours on the declared or prescribed part-day public holiday they will be entitled to the appropriate public holiday penalty rate (if any) in this award for those hours worked.

[H.1(f) varied by [PR715134](https://www.fwc.gov.au/documents/awardsandorders/html/pr715134.htm) ppc 18Nov19]

* + - 1. 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 on the declared or prescribed part-day public holiday.

[H.1(g) varied by [PR715134](https://www.fwc.gov.au/documents/awardsandorders/html/pr715134.htm) ppc 18Nov19]

* + - 1. An employee not rostered to work on the declared or prescribed part-day public holiday, other than an employee who has exercised their right in accordance with clause H.1(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.

[H.2 inserted by [PR712233](https://www.fwc.gov.au/documents/awardsandorders/html/pr712233.htm) ppc 04Oct19]

* 1. 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.

This schedule is not intended to detract from or supplement the NES.

1. —Agreement to Take Annual Leave in Advance

[Sched I inserted by [PR583018](http://www.fwc.gov.au/awardsandorders/html/PR583018.htm) ppc 29Jul16]

Link to PDF copy of [Agreement to Take Annual Leave in Advance](http://www.fwc.gov.au/documents/documents/modern_awards/leave-in-advance-agreement.pdf).

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\_\_\_

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| *[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\_\_\_ |

1. —Agreement to Cash Out Annual Leave

[Sched J inserted by [PR583018](http://www.fwc.gov.au/awardsandorders/html/PR583018.htm) ppc 29Jul16]

Link to PDF copy of [Agreement to Cash Out Annual Leave](http://www.fwc.gov.au/documents/documents/modern_awards/cash-out-agreement.pdf).

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\_\_\_

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| --- |
| *Include if the employee is under 18 years of age:*  Name of parent/guardian: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Signature of parent/guardian: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Date signed: \_\_\_/\_\_\_/20\_\_\_ |

1. —Agreement for Time Off Instead of Payment for Overtime

[Sched K inserted by [PR584111](http://www.fwc.gov.au/documents/awardsandorders/html/pr584111.htm) ppc 22Aug16]

Link to PDF copy of [Agreement for Time Off Instead of Payment for Overtime](http://www.fwc.gov.au/documents/documents/modern_awards/toil-agreement.pdf).

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\_\_\_

1. —Award Flexibility During the COVID-19 Pandemic

[Sched L inserted by [PR717757](http://www.fwc.gov.au/documents/awardsandorders/html/pr717757.htm) ppc 24Mar20]

* 1. Schedule L operates from 24 March 2020 until 30 June 2020. The period of operation can be extended on application.
  2. During the operation of Schedule L, the following provisions apply:

Classifications and duties

* + - 1. As directed by their employer, where necessary employees will perform any duties that are within their skill and competency regardless of their classification under clause 19—Classifications and Schedule D—Classification Definitions, provided that the duties are safe and the employee is licensed and qualified to perform them.
      2. Clause 25—Higher duties will apply to employees engaged on duties carrying a higher rate than their ordinary classification.

Hours of Work—Full-time and part-time employees

* + - 1. Subject to clause L.2.2(c), and despite clause 11—Full-time employment and requirements for notice in clause 30.2 (Rostering), an employer may direct a full-time employee to work an average of between 22.8 and 38 ordinary hours per week. The employee will be paid on a pro-rata basis. The arrangements for working ordinary hours in clause 29—Ordinary hours of work (Full-time and part-time employees) will apply on a pro-rata basis.
      2. Subject to clause L.2.2(c), and despite clause 12.3(a) (Part-time employment), and the requirements for notice in clause 30.2 (Rostering), an employer may direct a part-time employee to work an average of between 60% and 100% of their guaranteed hours per week, or an average of between 60% and 100% of the guaranteed hours per week over the roster cycle.
      3. Prior to any employer issuing any direction under clause L.2.2(a) or (b) an employer must:
         1. consult with the affected employee/s in accordance with clause 8A—Consultation about changes to rosters or hours of work and provide as much notice as practicable; and
         2. if the affected employee/s are members of the United Workers Union, notify the United Workers Union of its intention to implement these arrangements.
      4. An employee given a direction under clause L.2.2(c) or (b) will continue to accrue annual leave and personal leave, and any other applicable accruals under this Award, based on each full-time or part-time employee’s ordinary hours of work prior to the commencement of Schedule L.
      5. If an employee given a direction under clause L.2.2(c) or (b) takes a period of paid annual leave or personal leave, the payment for that leave will be based on the full-time or part-time employee’s ordinary hours of work prior to the commencement of Schedule L.

Annual leave

* + - 1. Despite clauses 34.3, 34.7, 34.8 and 34.9 (Annual leave), an employer may, subject to considering an employees’ personal circumstances, direct the employee to take annual leave with 24 hours’ notice.
      2. Clause L.2.3(a) does not prevent an employer and an employee agreeing to the employee taking annual leave at any time.
      3. During the period of operation of Schedule L, instead of taking paid annual leave at the rate of pay required by s.90 of the *Fair Work Act 2009 (Cth)*, an employer and an employee may agree to the employee taking twice as much annual leave at half the rate of pay for all or part of any period of annual leave.

Dispute Resolution

Any dispute regarding the operation of Schedule L may be referred to the Fair Work Commission in accordance with Clause 9—Dispute resolution.

1. —Additional Measures During the COVID-19 Pandemic

[Sched X inserted by [PR718143](https://www.fwc.gov.au/documents/awardsandorders/html/pr718143.htm) ppc 08Apr20]

* 1. Subject to clause X.2.1(d), Schedule X operates from 8 April 2020 until 30 June 2020. The period of operation can be extended on application.
  2. During the operation of Schedule X, the following provisions apply:

Unpaid pandemic leave

* + - 1. Subject to clauses X.2.1(b), (c) and (d), any employee is entitled to take up to 2 weeks’ unpaid leave if the employee is required by government or medical authorities or on the advice of a medical practitioner to self-isolate and is consequently prevented from working, or is otherwise prevented from working by measures taken by government or medical authorities in response to the COVID-19 pandemic.
      2. The employee must give their employer notice of the taking of leave under clause X.2.1(a) and of the reason the employee requires the leave, as soon as practicable (which may be a time after the leave has started).
      3. An employee who has given their employer notice of taking leave under clause X.2.1(a) must, if required by the employer, give the employer evidence that would satisfy a reasonable person that the leave is taken for a reason given in clause X.2.1(a).
      4. A period of leave under clause X.2.1(a) must start before 30 June 2020, but may end after that date.
      5. Leave taken under clause X.2.1(a) does not affect any other paid or unpaid leave entitlement of the employee and counts as service for the purposes of entitlements under this award and the [NES](https://www.fwc.gov.au/documents/awardmod/download/nes.pdf).

NOTE 1: The employer and employee may agree that the employee may take more than 2 weeks’ unpaid pandemic leave.

NOTE 2: A employee covered by this award who is entitled to the benefit of clause X.2.1 has a workplace right under section 341(1)(a) of the[Act](http://www.legislation.gov.au/Series/C2009A00028).

NOTE 3: Under section 340(1) of the[Act](http://www.legislation.gov.au/Series/C2009A00028), an employer must not take adverse action against an employee because the employee has a workplace right, has or has not exercised a workplace right, or proposes or does not propose to exercise a workplace right, or to prevent the employee exercising a workplace right. Under section 342(1) of the[Act](http://www.legislation.gov.au/Series/C2009A00028), an employer takes adverse action against an employee if the employer dismisses the employee, injures the employee in his or her employment, alters the position of the employee to the employee’s prejudice, or discriminates between the employee and other employees of the employer.

NOTE 4: Under section 343(1) of the[Act](http://www.legislation.gov.au/Series/C2009A00028), a person must not organise or take, or threaten to organise or take, action against another person with intent to coerce the person to exercise or not exercise, or propose to exercise or not exercise, a workplace right, or to exercise or propose to exercise a workplace right in a particular way.