**Joinery and Building Trades Award 2010**

This Fair Work Commission consolidated modern award incorporates all amendments up to and including 20 November 2020 ([PR723913](https://www.fwc.gov.au/documents/awardsandorders/html/pr723913.htm)).

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

12—Casual employment

30—Overtime

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); [AM2014/274](https://www.fwc.gov.au/awards-and-agreements/modern-award-reviews/4-yearly-review/award-stage/award-review-documents/MA000029?m=AM2014/274); [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); [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); [AM2016/15](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); [AM2016/23](https://www.fwc.gov.au/awards-and-agreements/modern-award-reviews/4-yearly-review/award-stage/award-review-documents/MA000029?m=AM2014/274)

**Table of Contents**

[Varied by [PR988412](http://www.fwc.gov.au/awardsandorders/html/PR988412.htm), [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm), [PR532628](http://www.fwc.gov.au/awardsandorders/html/pr532628.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), [PR583021](http://www.fwc.gov.au/awardsandorders/html/PR583021.htm), [PR609346](https://www.fwc.gov.au/documents/awardsandorders/html/pr609346.htm), [PR701425](https://www.fwc.gov.au/documents/awardsandorders/html/pr701425.htm), [PR715726](https://www.fwc.gov.au/documents/awardsandorders/html/pr715726.htm), [PR721490](https://www.fwc.gov.au/documents/awardsandorders/html/pr721490.htm)]

[Part 1— Application and Operation 3](#_Toc56084256)

[1. Title 3](#_Toc56084257)

[2. Commencement and transitional 3](#_Toc56084258)

[3. Definitions and interpretation 4](#_Toc56084259)

[4. Coverage 7](#_Toc56084260)

[5. Access to the award and the National Employment Standards 9](#_Toc56084261)

[6. The National Employment Standards and this award 9](#_Toc56084262)

[7. Individual flexibility arrangements 9](#_Toc56084263)

[Part 2— Consultation and Dispute Resolution 11](#_Toc56084264)

[8. Consultation about major workplace change 11](#_Toc56084265)

[8A. Consultation about changes to rosters or hours of work 12](#_Toc56084266)

[9. Dispute resolution 13](#_Toc56084267)

[Part 3— Types of Employment and Termination of Employment 13](#_Toc56084268)

[10. Full-time employment 13](#_Toc56084269)

[11. Part-time employment 13](#_Toc56084270)

[12. Casual employment 14](#_Toc56084271)

[13. Apprentices 16](#_Toc56084272)

[14. School-based apprentices 20](#_Toc56084273)

[15. Trainees 20](#_Toc56084274)

[16. Termination of employment 21](#_Toc56084275)

[17. Redundancy 22](#_Toc56084276)

[Part 4— Minimum Wages and Related Matters 24](#_Toc56084277)

[18. Classifications and minimum wages 24](#_Toc56084278)

[19. Apprentice minimum wages 25](#_Toc56084279)

[20. Adult apprentice minimum wages 27](#_Toc56084280)

[21. Trainee minimum wages 29](#_Toc56084281)

[22. Supported wage system 29](#_Toc56084282)

[23. Employer and employee duties 29](#_Toc56084283)

[24. Allowances and special rates 29](#_Toc56084284)

[25. Higher duties 41](#_Toc56084285)

[26. Payment of wages 41](#_Toc56084286)

[27. Superannuation 42](#_Toc56084287)

[Part 5— Hours of Work and Related Matters 44](#_Toc56084288)

[28. Ordinary hours of work and rostering 44](#_Toc56084289)

[29. Breaks 47](#_Toc56084290)

[30. Overtime 48](#_Toc56084291)

[31. Alternative working arrangement 53](#_Toc56084292)

[31A. Requests for flexible working arrangements 53](#_Toc56084293)

[Part 6— Leave and Public Holidays 55](#_Toc56084294)

[32. Annual leave 55](#_Toc56084295)

[33. Personal/carer’s leave and compassionate leave 60](#_Toc56084296)

[34. Community service leave 60](#_Toc56084297)

[35. Public holidays 60](#_Toc56084298)

[36. Leave to deal with Family and Domestic Violence 60](#_Toc56084299)

[Schedule A —Transitional Provisions 63](#_Toc56084300)

[Schedule B —Classification Structure and Definitions 69](#_Toc56084301)

[Schedule C —School-Based Apprentices 78](#_Toc56084302)

[Schedule D —National Training Wage 79](#_Toc56084303)

[Schedule E —Supported Wage System 89](#_Toc56084304)

[Schedule F —Part-day Public Holidays 92](#_Toc56084305)

[Schedule G —Agreement to Take Annual Leave in Advance 94](#_Toc56084306)

[Schedule H —Agreement to Cash Out Annual Leave 95](#_Toc56084307)

[Schedule I —Agreement for Time Off Instead of Payment for Overtime 96](#_Toc56084308)

[Schedule X —Additional Measures During the COVID-19 Pandemic 97](#_Toc56084309)

1. Application and Operation
2. Title

This award is the *Joinery and Building Trades Award 2010*.

1. Commencement and transitional

[Varied by [PR988412](http://www.fwc.gov.au/awardsandorders/html/PR988412.htm), [PR542149](http://www.fwc.gov.au/awardsandorders/html/PR542149.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. The arrangements in Schedule A 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 [PR542149](http://www.fwc.gov.au/awardsandorders/html/PR542149.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 [PR542149](http://www.fwc.gov.au/awardsandorders/html/PR542149.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 [PR542149](http://www.fwc.gov.au/awardsandorders/html/PR542149.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 [PR992150](http://www.fwc.gov.au/alldocuments/PR992150.htm), [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm), [PR995189](http://www.fwc.gov.au/awardsandorders/html/PR995189.htm), [PR997772](http://www.fwc.gov.au/awardsandorders/html/PR997772.htm), [PR503636](http://www.fwc.gov.au/awardsandorders/html/PR503636.htm), [PR545996](http://www.fwc.gov.au/awardsandorders/html/PR545996.htm), [PR571825](http://www.fwc.gov.au/awardsandorders/html/PR571825.htm)]

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

[Definition of **accident pay** inserted by [PR571825](http://www.fwc.gov.au/awardsandorders/html/PR571825.htm) ppc 15Oct15]

**accident pay** means a weekly payment made to an employee by the employer that is the difference between the amount of workers’ compensation received by the employee and the employee’s appropriate 38 hour award rate. Where the incapacity caused by the injury which leads to workers’ compensation becoming payable is for a period less than one week, the payment is the difference between the amount of compensation and the award rate for that period. The award rate does not include over award payments, shift loadings or overtime

[Definition of **Act** substituted by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 01Jan10]

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

**adult apprentice** means an employee who is 21 years of age or over on the date they enter into an apprenticeship training agreement.

[Definition of **agreement-based transitional instrument** inserted by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 01Jan10]

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

[Definition of **award-based transitional instrument** inserted by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 01Jan10]

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

**carver** means an employee who carves any kind of stonework which does not come within the definition of a stonemason, for the decoration of buildings or other stonework, from a model or freehand design.

[Definition of **Commission** deleted by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 01Jan10]

[Definition of **default fund employee** inserted by [PR545996](http://www.fwc.gov.au/awardsandorders/html/PR545996.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 [PR545996](http://www.fwc.gov.au/awardsandorders/html/PR545996.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 [PR503636](http://www.fwc.gov.au/awardsandorders/html/PR503636.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 [PR503636](http://www.fwc.gov.au/awardsandorders/html/PR503636.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 [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.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 [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.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 [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 01Jan10]

[Definition of **enterprise award-based instrument** inserted by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 01Jan10]

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

[Definition of **enterprise NAPSA** deleted by [PR995189](http://www.fwc.gov.au/awardsandorders/html/PR995189.htm) from 01Jan10]

[Definition of **exempt public sector superannuation scheme** inserted by [PR545996](http://www.fwc.gov.au/awardsandorders/html/PR545996.htm) ppc 01Jan14]

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

**glass and glazing contracting** means the business of principally providing glass and glazing work on a contract basis.

**glass and glazing work** means:

* + - 1. the designing, bevelling, cutting, embossing or glazing by hand or machine, painting, silvering, sand-blasting, bending or otherwise working of all types of glass used in the trade, as well as leadlights, spandrel panels, clear plastic, sheet acrylic or any substitute therefor, glass lenses or prisms;
      2. the fitting and/or fixing in position of all types of glass used in the trade, as well as louvres, spandrel panels, glazing bars, clear plastic, or glass lenses or prisms in domestic on site situations;
      3. the packing and delivery of all types of glass used in the trade, as well as louvres, spandrel panels, leadlights, glazing bars, fibreglass, clear plastic, sheet acrylic or any substitute therefor, glass lenses or prisms including any labouring work in connection with any such operations;

[Definition of **glass and glazing work** (d) substituted by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 01Jan10]

* + - 1. the toughening, heat treating or laminating of glass or safety glass;
      2. the fabrication, assembly, glazing and installation of Insulation Glass units;
      3. every operation, process, duty and function carried on or performed in or in connection with or incidental to any of the foregoing.

[Definition of **injury** inserted by [PR571825](http://www.fwc.gov.au/awardsandorders/html/PR571825.htm) ppc 15Oct15]

**injury**, for the purposes of clause 24.7—Accident pay, has the same meaning as that contained in the applicable workers’ compensation legislation covering the employer in respect of a claim made by the employee.

**joinery work** means work performed by the classifications contained in this award in a joinery shop, provided such establishment is not located on an ‘on-site’ construction project, and includes the preparation, decoration and assembling of joinery or building components principally in timber or similar material.

**leading hand** means an employee who is given by the employer, or their agent, the responsibility for directing and/or supervising the work of other persons.

**letter cutter** means an employee who marks out, sandblasts, cuts or finishes letters or decoration in any kind of stone.

[Definition of **MySuper product** inserted by [PR545996](http://www.fwc.gov.au/awardsandorders/html/PR545996.htm) ppc 01Jan14]

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

[Definition of **NAPSA** deleted by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 01Jan10]

[Definition of **NES** substituted by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 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 [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 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.

**outside work** means erection or assembly work performed at the employer’s premises but outside of enclosed factory buildings on the prefabricated sections, modules or panels of any building principally made out of timber or similar material.

**prefabricated building** means prefabrication of the sections, modules or panels of any building principally made out of timber or similar material, including buildings or sections supplied in kit form, where the prefabrication is done at a factory or yard prior to erection or siting in a permanent or semi-permanent position, or outside work.

**shopfitting** means the manufacture, installation, alteration and/or repair of shopfronts, showcases, partitions involving wrap around glazing, partitions (including the insertion of glass panels where the glass is 6.35 millimetres or less in thickness, by beads or moulds or other dry glazing methods) and exhibitors’ stands, and the installation or alteration of interior fittings and fixtures in or on buildings.

**signwriter** means an employee who does any of the following work:

* + - 1. signwriting, designing and/or lettering of price tickets and showcards;
      2. pictorial and scenic paintings, or production of signs and posters by means of stencils, screens, computers or like methods, or any other work incidental thereto; and
      3. without limiting the generality of the foregoing includes:
      4. lettering of every description, size or shape applied by brush on any surface or material;
      5. designing for windows, posters, show window and theatre displays, honour rolls, illuminated addresses, neon signs, stencils, display banners;
      6. gilding (i.e. the application of gold, silver, aluminium or any metal leaf to any surface);
      7. designing and laying out of cutout displays of all descriptions, either pictorial, scenic or lettering;
      8. the designing, setting up and the operation for duplication of signs on any material; and
      9. the making of stencils and stencilling by screens or any other method and the making and/or fixing of transfers.

**stonemason** means an employee engaged in the dressing or setting of any kind of stonework that has to be cut to a mould or template or which has to be proven by a square or straight edge or set to a line or a level.

**stonemasonry** means any work performed in a stonemason’s yard or factory, and/or similar work performed in a cemetery.

**standard rate** means the minimum hourly wage prescribed for Level 5 in clause 18.1 of this award.

[Definition of **transitional minimum wage instrument** inserted by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 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 [PR992150](http://www.fwc.gov.au/alldocuments/PR992150.htm), [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm), [PR995189](http://www.fwc.gov.au/awardsandorders/html/PR995189.htm)]

* 1. This award covers employers throughout Australia of employees in the joinery and building trades industries and occupations who are covered by the classifications in this award and those employees. However, this award does not cover:
     1. an employer who is outside the scope of clause 4.8(a) unless such employer employs an employee covered by clause 4.8(b) and the employer is not covered by another modern award containing a classification which is more appropriate to the work performed by the employee;
     2. an employee excluded from award coverage by the Act;

[4.1(c) deleted by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 01Jan10]

[4.1(d) renumbered as 4.1(c) by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 01Jan10]

* + 1. employers or employees engaged in the manufacture of glass from raw materials;

[4.1(e) renumbered as 4.1(d) by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 01Jan10]

* + 1. employers or employees covered by the *Building and Construction General On-site Award 2010*; or

[4.1(f) as 4.1(e) by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 01Jan10]

* + 1. employers or employees covered by the *Vehicle Manufacturing, Repair, Services and Retail Award 2010*.

[New 4.2 inserted by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 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.

[4.3 inserted by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 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 inserted by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 01Jan10; varied by [PR995189](http://www.fwc.gov.au/awardsandorders/html/PR995189.htm) from 01Jan10]

* 1. This award covers any employer which supplies labour on an on-hire basis in the industry (or industries) set out in clause 4.8(a) 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 (or those industries).

[4.5 inserted by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 01Jan10; varied by [PR995189](http://www.fwc.gov.au/awardsandorders/html/PR995189.htm) from 01Jan10]

* 1. This award covers any employer which supplies on-hire employees in occupations set out in clause 4.8(b) covered by classifications in this award and those on-hire employees, if the employer is not covered by another modern award containing a classification which is more appropriate to the work performed by the employee.

[4.6 inserted by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 01Jan10]

* 1. Clauses 4.4 and 4.5 operate subject to the exclusions from coverage in this award.

[4.7 inserted by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 01Jan10]

* 1. This award covers employers which provide group training services for apprentices and/or trainees engaged in the industry (or industries), parts of industry and/or occupations set out at clauses 4.8(a) and 4.8(b) 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. Clause 4.7 operates subject to the exclusions from coverage in this award.
  2. **Joinery and building trades industries and occupations** means:

[4.2 renumbered as 4.8 by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 01Jan10]

* + 1. the following industries:
       1. joinery work.
       2. shopfitting.
       3. prefabricated building.
       4. stonemasonry.
       5. glass and glazing contracting.
       6. glass and glazing work.
    2. the following occupations:
       1. carver.
       2. letter cutter.
       3. carpenter.
       4. joiner.
       5. signwriter.
       6. painter.
       7. stonemason.
       8. plasterer.

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 contain the minimum conditions of employment for employees covered by this award.

1. Individual flexibility arrangements

[Varied by [PR542149](http://www.fwc.gov.au/awardsandorders/html/PR542149.htm); 7—Award flexibility renamed and substituted by [PR713075](https://www.fwc.gov.au/documents/awardsandorders/html/pr713075.htm) ppc 24Oct19]

* 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 section 144 then the employee or the employer may terminate the arrangement by giving written notice of not more than 28 days (see section 145 of the [Act](https://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 [PR713075](https://www.fwc.gov.au/documents/awardsandorders/html/pr713075.htm) ppc 24Oct19]

* 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 [PR713075](https://www.fwc.gov.au/documents/awardsandorders/html/pr713075.htm) ppc 24Oct19]

**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 [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm), [PR542149](http://www.fwc.gov.au/awardsandorders/html/PR542149.htm)]; substituted by [PR713075](https://www.fwc.gov.au/documents/awardsandorders/html/pr713075.htm) ppc 24Oct19]

* 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](http://www.fwc.gov.au/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](https://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](https://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. Full-time employment

Any employee not specifically engaged as a part-time or casual employee is for all purposes of this award a full-time employee engaged to work an average of 38 hours per week.

1. Part-time employment

[Varied by [PR988412](http://www.fwc.gov.au/awardsandorders/html/PR988412.htm)]

* 1. An employee may be engaged to work on a part-time basis involving a regular pattern of hours which average less than 38 ordinary hours per week.
  2. A part-time employee must be engaged for a minimum of three consecutive hours on any day or shift.
  3. Before commencing part-time employment, the employee and employer must agree in writing:
     1. on the hours to be worked by the employee, the days on which they will be worked and the commencing and finishing times for the work; and
     2. on the classification applying to the work to be performed in accordance with Schedule B—Classification Structure and Definitions.
  4. The terms of the agreement in clause 11.3 may be varied by consent in writing.
  5. The agreement under clause 11.3 or any variation to it under clause 11.4 must be retained by the employer and a copy of the agreement and any variation to it must be provided to the employee by the employer.
  6. Except as otherwise provided in this award, a part-time employee must be paid for the hours agreed on in accordance with clauses 11.3 and 11.4.
  7. The terms of this award will apply pro rata to part-time employees on the basis that ordinary weekly hours for full-time employees are 38.
  8. A part-time employee who is required by the employer to work in excess of the hours agreed under clauses 11.3 and 11.4 must be paid overtime in accordance with clause 30—Overtime.
  9. Where the part-time employee’s normal paid hours fall on a public holiday prescribed in the NES and work is not performed by the employee, such employee must not lose pay for the day. Where the part-time employee works on the public holiday, the part-time employee must be paid in accordance with clauses 28.2(i), 28.3(e)(ii) and 30.7.

1. Casual employment

[Varied by [PR723913](https://www.fwc.gov.au/documents/awardsandorders/html/pr723913.htm)]

* 1. A casual employee is one engaged and paid in accordance with the provisions of clause 12—Casual employment.
  2. An employer when engaging a person for casual employment must inform the employee in writing that the employee is to be employed as a casual, stating by whom the employee is employed, the job to be performed, the classification level, the actual or likely number of hours to be worked and the relevant rate of pay.
  3. A casual employee is engaged by the hour with a minimum daily engagement of 7.6 hours.
  4. Termination of employment is by one hour’s notice or by the payment or forfeiture, as the case may be, of the remainder of the day’s wages or one hour’s pay, whichever amount is greater.
  5. A casual employee for working ordinary time must be paid an hourly rate calculated on the basis of 1/38th of the minimum weekly wage prescribed in clause 18—Classifications and minimum wages, for the employee’s classification plus a casual loading of 25%.

[12.6 varied by [PR723913](https://www.fwc.gov.au/documents/awardsandorders/html/pr723913.htm) ppc 20Nov20]

* 1. A casual employee required to work overtime or on a public holiday is entitled to the relevant penalty rates prescribed by clauses 28.2(h) and (i), 28.3(e)(i) and (ii) and clause 30—Overtime, provided that:
     1. where the relevant penalty is 150%, the employee is to be paid at the rate of 175% of the hourly equivalent of the minimum weekly wage prescribed in clause 18—Classifications and minimum wages for the employee’s classification;
     2. where the relevant penalty is 200%, the employee is to be paid at the rate of 225% of the hourly equivalent of the minimum weekly wage prescribed in clause 18—Classifications and minimum wages for the employee’s classification; and
     3. where the relevant penalty is 250%, the employee is to be paid at the rate of 275% of the hourly equivalent of the minimum weekly wage prescribed in clause 18—Classifications and minimum wages for the employee’s classification.

NOTE: The overtime and public holiday penalty rates for casual employees have been calculated by adding the casual loading prescribed by clause 12.5 to the relevant penalty rates for full-time and part-time employees prescribed by clauses 28.2(h), 28.2(i), 28.3(e)(i), 28.3(e)(ii) and 30—Overtime.

* 1. **Casual conversion to full-time or part-time employment**
     1. A casual employee, other than an **irregular casual employee**, who has been engaged by a particular employer for a sequence of periods of employment under this award during a period of six months, thereafter has the right to elect to have their contract of employment converted to full-time or part-time employment if the employment is to continue beyond the conversion process.
     2. Every employer of such an employee must give the employee notice in writing of the provisions of clause 12.7 within four weeks of the employee having attained such period of six months. The employee retains their right of election under clause 12.7 if the employer fails to comply with clause 12.7(b).
     3. Any such casual employee who does not within four weeks of receiving written notice elect to convert their contract of employment to full-time or part-time employment is deemed to have elected against any such conversion.
     4. Any casual employee who has a right to elect under clause 12.7(a), on receiving notice under clause 12.7(b) or after the expiry of the time for giving such notice, may give four weeks’ notice in writing to the employer that they seek to elect to convert their contract of employment to full-time or part-time employment, and within four weeks of receiving such notice the employer must consent to or refuse the election but must not unreasonably so refuse.
     5. Once a casual employee has elected to become and been converted to a full‑time or part-time employee, the employee may only revert to casual employment by written agreement with the employer.
     6. If a casual employee has elected to have their contract of employment converted to full-time or part-time employment in accordance with clause 12.7(d), the employer and employee must, subject to clause 12.7(d), discuss and agree on:
        1. which form of employment the employee will convert to, being full-time or part-time; and
        2. if it is agreed that the employee will become a part-time employee, the number of hours and the pattern of hours that will be worked, as set out in clause 11—Part-time employment.
     7. An employee who has worked on a full-time basis throughout the period of casual employment has the right to elect to convert their contract of employment to full-time employment and an employee who has worked on a part-time basis during the period of casual employment has the right to elect to convert their contract of employment to part-time employment, on the basis of the same number of hours and times of work as previously worked, unless other arrangements are agreed between the employer and employee.
     8. Following such agreement being reached, the employee converts to full-time or part-time employment.
     9. Where, in accordance with clause 12.7(d), an employer refuses an election to convert, the reasons for doing so must be fully stated to and discussed with the employee concerned and a genuine attempt made to reach agreement.
     10. By agreement between the employer and the majority of the employees in the relevant workplace or a section or sections of it, or with the casual employee concerned, the employer may apply clause 12.7(a) as if the reference to six months is a reference to 12 months, but only in respect of a currently engaged individual employee or group of employees. Any such agreement reached must be kept by the employer as a time and wages record. Any such agreement reached with an individual employee may only be reached within the two months prior to the period of six months referred to in clause 12.7(a).
     11. For the purposes of clause 12.7, an **irregular casual employee** is one who has been engaged to perform work on an occasional or non-systematic or irregular basis.
  2. An employee must not be engaged and re-engaged to avoid any obligation under this award.

1. Apprentices

[Varied by [PR992198](http://www.fwc.gov.au/alldocuments/PR992198.htm), [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm), [PR544644](http://www.fwc.gov.au/awardsandorders/html/PR544644.htm), [PR545520](http://www.fwc.gov.au/awardsandorders/html/PR545520.htm)]

* 1. The terms of this award apply to apprentices, including adult apprentices, except where otherwise stated.

[13.2 varied by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) from 01Jan10]

* 1. In any State or Territory in which any statute or regulation relating to apprentices is in force, that statute or regulation will operate in that State or Territory provided that the provisions of the statute or regulation are not inconsistent with this award in which case the provisions of this award will apply.
  2. An apprentice may be engaged under a training agreement approved by the State or Territory training authority with the responsibility for the apprenticeship.
  3. The nominal period of the apprenticeship may be varied as follows:
     1. to make up for lost time as set out in clause 13.14; and/or
     2. with the approval of the relevant State or Territory training authority with the responsibility for the apprenticeship, to recognise prior learning including vocational education and training in school, pre-apprenticeship programs and other prior learning, the nominal period may be shortened to reflect the proportion of the competencies already acquired.

[13.5 substituted by [PR545520](http://www.fwc.gov.au/awardsandorders/html/PR545520.htm) ppc 01Jan14]

* 1. Notwithstanding the nominal period, the apprenticeship is completed in a shorter period when:
     1. the qualification specified in the contract of training is successfully completed; and
     2. the apprentice has the necessary practical experience to achieve competency in the skills covered by the contract of training, provided that the determination as to whether this condition has been met must be by agreement between the registered training organisation, the employer and the apprentice and where there is a disagreement concerning this matter the matter may be referred to the relevant State/Territory apprenticeship authority for determination; and
     3. the requirements of the relevant State/Territory apprenticeship authority and any requirements of the Construction and Property Services Industry Skills Council with respect to demonstration of competency and any minimum necessary work experience requirements are met; and
     4. with respect to trades where there are additional licensing or regulatory requirements under State legislation, when these requirements are met.
  2. An apprenticeship may be cancelled or suspended only in accordance with the requirements of the training agreement and the requirements of State or Territory legislation and the State or Territory training authority with responsibility for the apprenticeship.
  3. The probationary period of an apprentice is as set out in the training agreement or contract of apprenticeship consistent with the requirement of the apprenticeship authority and with State or Territory legislation, but must not exceed three months.

Apprentice conditions of employment

[13.8 substituted by [PR544644](http://www.fwc.gov.au/awardsandorders/html/PR544644.htm) ppc 01Jan14]

* + 1. Except as provided in clause 13—Apprentices, or where otherwise stated, all conditions of employment specified in this award apply to apprentices.
    2. Except as provided in 13.8(d) below redundancy provisions do not apply to apprentices.
    3. The notice of termination provisions of the NES shall apply to apprentices.
    4. Where the employment of an apprentice by an employer is continued after the completion of the apprenticeship, the period of the apprenticeship will be counted as service for the purposes of the award and long service leave entitlements and in the event that an apprentice is terminated at the end of their apprenticeship and is re-engaged by the same employer within six months of such termination, the period of the apprenticeship will be counted as service in determining any future termination entitlements.
  1. The ordinary hours of employment of apprentices in each enterprise are not to exceed those of the relevant tradesperson.
  2. The minimum wages applying to apprenticeships are dealt with in clause 19—Apprentice minimum wages and clause 20—Adult apprentice minimum wages.

Training

[13.11 substituted by [PR544644](http://www.fwc.gov.au/awardsandorders/html/PR544644.htm) ppc 01Jan14]

* + 1. The employer must provide training and/or access to training consistent with the training agreement without loss of pay.
       - 1. Time spent by an apprentice in attending any training and 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 clause is subject to Schedule C—School-Based Apprentices.

Training costs – fees and textbooks

[13.12 substituted by [PR544644](http://www.fwc.gov.au/awardsandorders/html/PR544644.htm) ppc 01Jan14]

* + 1. All fees charged by a Registered Training Organisation (RTO) and the cost of all prescribed textbooks for the apprenticeship, which are paid by an apprentice, shall be reimbursed by the employer within six months of commencement of the apprenticeship or a stage of the apprenticeship, or within 3 months of the commencement of training provided by the RTO, whichever is the later, unless there is unsatisfactory progress.
    2. An employer may meet its obligations under this clause by paying any fees and/or cost of textbooks directly to the RTO. Apprentices attending technical colleges, schools, registered training organisations or TAFE institutions and presenting reports of satisfactory progress must be reimbursed all fees paid by them in respect of their apprentice training.
  1. An apprentice under the age of 18 years is not required to work overtime or shiftwork unless such an apprentice so desires. No apprentice, except in an emergency, is to work or be required to work overtime or shiftwork at times which would prevent their attendance in training consistent with their training agreement.
  2. Apprentices are required to serve an additional day for each day of absence during each year of their apprenticeship, except in respect of absences due to annual leave or long service leave. The following year of their apprenticeship does not commence until the additional days have been worked. However, any time that has been worked by the apprentice in excess of their ordinary hours must be credited to the apprentice when calculating the amount of additional time that needs to be worked in the relevant year.
  3. Any person engaged as an apprentice as at 1 January 2010 is deemed to be an apprentice for all purposes of this award until the completion or cancellation of their apprenticeship training agreement.

Attendance at block release training

[13.16 inserted by [PR544644](http://www.fwc.gov.au/awardsandorders/html/PR544644.htm) ppc 01Jan14]

* + 1. 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 alternate Registered Training Organisation (RTO) closer to the apprentice’s usual place of work and the use of the more distant RTO is not agreed between the employer and the apprentice.
    2. For the purposes of this clause excess reasonable travel costs include the total cost 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 clause excess travel costs do not include payment for travelling time or expenses incurred while not in transit.
    3. The amount payable by an employer under this clause 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.
    4. This clause applies in lieu of the provisions contained in clause 24.5(a)—Living away from home for a distant job.

[13.17 inserted by [PR545520](http://www.fwc.gov.au/awardsandorders/html/PR545520.htm) ppc 01Jan14]

Competency based progression

* + 1. For the purpose of competency based wage progression in clauses 19 and 20 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 19.1 or 20.2 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 13.17(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 13.17(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 13.17(a)(iii) or on a date as determined under the dispute resolution process in clause 13.17(b).

1. School-based apprentices

[Varied by [PR988412](http://www.fwc.gov.au/awardsandorders/html/PR988412.htm)]

See Schedule C—School-Based Apprentices

1. Trainees

[Varied by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 01Jan10]

The terms of this award apply to a trainee covered by the provisions in Schedule D—National Training Wage except where otherwise stated in this award.

1. Termination of employment

[16 substituted by [PR713075](https://www.fwc.gov.au/documents/awardsandorders/html/pr713075.htm) ppc 24Oct19]

NOTE: The [NES](https://www.fwc.gov.au/documents/awardmod/download/nes.pdf) sets out requirements for notice of termination by an employer. See sections 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 sections 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 section 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.

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 [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm), [PR995189](http://www.fwc.gov.au/awardsandorders/html/PR995189.htm), [PR503636](http://www.fwc.gov.au/awardsandorders/html/PR503636.htm), [PR561478](http://www.fwc.gov.au/awardsandorders/html/PR561478.htm); substituted by [PR713075](https://www.fwc.gov.au/documents/awardsandorders/html/pr713075.htm) ppc 24Oct19]

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). Clause 17.4 supplements the [NES](https://www.fwc.gov.au/documents/awardmod/download/nes.pdf) by providing redundancy pay for employees of a small business employer.

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.

Redundancy pay for employee of small business employer

* + 1. Clause 17.4 applies to an employee of a small business employer except for an employee who is excluded from redundancy pay under the [NES](https://www.fwc.gov.au/documents/awardmod/download/nes.pdf) by sections 121(1)(a), 123(1), 123(4)(a) or 123(4)(d) of the [Act](http://www.legislation.gov.au/Series/C2009A00028).
    2. In paragraph (a) an employee is an employee of a small business employer if, immediately before the time the employee’s employment is terminated, or at the time when the employee is given notice of termination as described in section 117(1) of the [Act](http://www.legislation.gov.au/Series/C2009A00028) (whichever happens first), the employer is a small business employer as defined by section 23 of the [Act](http://www.legislation.gov.au/Series/C2009A00028).
    3. Subject to paragraphs (f) and (g), an employee is entitled to be paid redundancy pay by the employer if the employee’s employment is terminated:
       1. at the employer’s initiative because the employer no longer requires the job done by the employee to be done by anyone, except where this is due to the ordinary and customary turnover of labour; or
       2. because of the insolvency or bankruptcy of the employer.
    4. The amount of the redundancy pay in paragraph (c) equals the total amount payable to the employee for the redundancy pay period specified in column 2 of Table 2—Redundancy pay period according to the period of continuous service of the employee specified in column 1, worked out at the employee’s base rate of pay for his or her ordinary hours of work.

**Table 2—Redundancy pay period**

| **Column 1 Employee’s period of continuous service with the employer on termination** | **Column 2 Redundancy pay period** |
| --- | --- |
| Less than 1 year | Nil |
| At least 1 year but less than 2 years | 4 weeks |
| At least 2 years but less than 3 years | 6 weeks |
| At least 3 years but less than 4 years | 7 weeks |
| At least 4 years and over | 8 weeks |

* + 1. In paragraph (d) continuous service has the same meaning as in section 119 of the Act.
    2. The terms of section 120 of the [Act](http://www.legislation.gov.au/Series/C2009A00028) apply as if section 120 referred to ‘paragraph 17.4(c) above’ rather than ‘section 119’.

NOTE: Under section 120 of the [Act](http://www.legislation.gov.au/Series/C2009A00028) the Fair Work Commission can determine that the amount of redundancy pay under the [NES](https://www.fwc.gov.au/documents/awardmod/download/nes.pdf) is to be reduced if the employer obtains other acceptable employment for the employee or cannot pay that amount. Paragraph (f) applies these arrangements also to redundancy pay under clause 17.4.

* + 1. The terms of section 122 of the [Act](http://www.legislation.gov.au/Series/C2009A00028) apply as if section 122 referred to ‘clause 17.4’ rather than ‘this Subdivision’ and to ‘paragraph 17.4(c) above’ rather than ‘section 119’.

NOTE: Under section 122 of the [Act](http://www.legislation.gov.au/Series/C2009A00028) transfer of employment situations can affect the obligation to pay redundancy pay under the [NES](https://www.fwc.gov.au/documents/awardmod/download/nes.pdf) and the Fair Work Commission can make orders affecting redundancy pay. Paragraph (g) applies these arrangements also to redundancy pay under clause 17.4.

1. Minimum Wages and Related Matters
2. Classifications and minimum wages

[Varied by [PR988412](http://www.fwc.gov.au/awardsandorders/html/pr988412.htm), [PR997909](http://www.fwc.gov.au/awardsandorders/html/pr997909.htm), [PR509060](http://www.fwc.gov.au/awardsandorders/html/pr509060.htm), [PR522891](http://www.fwc.gov.au/awardsandorders/html/pr522891.htm), [PR536694](http://www.fwc.gov.au/awardsandorders/html/pr536694.htm), [PR551617](http://www.fwc.gov.au/awardsandorders/html/PR551617.htm), [PR566698](https://www.fwc.gov.au/awardsandorders/html/PR566698.htm), [PR579791](http://www.fwc.gov.au/awardsandorders/html/PR579791.htm), [PR592125](http://www.fwc.gov.au/awardsandorders/html/pr592125.htm), [PR606353](https://www.fwc.gov.au/documents/awardsandorders/html/pr606353.htm), [PR707439](https://www.fwc.gov.au/documents/awardsandorders/html/pr707439.htm), [PR718846](https://www.fwc.gov.au/documents/awardsandorders/html/pr718846.htm)]

* 1. The classifications and minimum wages for an employee, other than one specified in clause 18.4, are set out in the following table:

[18.1 varied by [PR997909](http://www.fwc.gov.au/awardsandorders/html/PR997909.htm), [PR509060](http://www.fwc.gov.au/awardsandorders/html/PR509060.htm), [PR522891](http://www.fwc.gov.au/awardsandorders/html/PR522891.htm), [PR536694](http://www.fwc.gov.au/awardsandorders/html/PR536694.htm), [PR551617](http://www.fwc.gov.au/awardsandorders/html/PR551617.htm), [PR566698](https://www.fwc.gov.au/awardsandorders/html/PR566698.htm), [PR579791](http://www.fwc.gov.au/awardsandorders/html/PR579791.htm), [PR592125](http://www.fwc.gov.au/awardsandorders/html/pr592125.htm), [PR606353](https://www.fwc.gov.au/documents/awardsandorders/html/pr606353.htm), [PR707439](https://www.fwc.gov.au/documents/awardsandorders/html/pr707439.htm), [PR718846](https://www.fwc.gov.au/documents/awardsandorders/html/pr718846.htm) ppc 01Nov20]

| **Classifications** | **Minimum weekly wage $** | **Minimum hourly wage $** |
| --- | --- | --- |
| Level 1 | 753.80 | 19.84 |
| Level 2 | 775.40 | 20.41 |
| Level 3 | 805.10 | 21.19 |
| Level 4 | 832.80 | 21.92 |
| Level 5 | 877.60 | 23.09 |
| Level 6 | 905.10 | 23.82 |
| Level 7 | 932.60 | 24.54 |

* 1. For the purposes of clause 18.1, any entitlement to a minimum wage expressed to be by the week means any entitlement which an employee would receive for performing 38 hours of work.
  2. The classification definitions are set out in Schedule B—Classification Structure and Definitions.
  3. The following employees are not entitled to the minimum wages set out in the table in clause 18.1:
     1. an apprentice (see clause 19—Apprentice minimum wages and clause 20—Adult apprentice minimum wages);
     2. a trainee (see clause 21—Trainee minimum wages); and
     3. an employee receiving a supported wage (see clause 22—Supported wage system and Schedule E—Supported Wage System).

1. Apprentice minimum wages

[Varied by [PR544644](http://www.fwc.gov.au/awardsandorders/html/PR544644.htm), [PR566698](https://www.fwc.gov.au/awardsandorders/html/PR566698.htm)]

Minimum wages

[19.1 substituted by [PR544644](http://www.fwc.gov.au/awardsandorders/html/PR544644.htm), [PR545520](http://www.fwc.gov.au/awardsandorders/html/PR545520.htm) ppc 01Jul14]

Apprentices who commence a contract of training on or after 1 January 2014

An apprentice shall be paid a minimum rate of pay calculated on the total of the percentage of the level 5 classification minimum weekly wage in clause 18.1 determined in accordance with the following tables (calculated to the nearest $0.10, less than $0.05 to be disregarded), and the allowances prescribed in clause 24.1 (where applicable):

Four year apprenticeship (nominal term)

[19.1(a)(i) substituted by [PR566698](https://www.fwc.gov.au/awardsandorders/html/PR566698.htm) ppc 01Jul15]

| **Stage of apprenticeship** | **Minimum training requirements on entry** | **Has not completed year 12** | **Has completed year 12** |
| --- | --- | --- | --- |
|  |  | **% of the level 5 minimum weekly wage set out in clause 18.1** | |
| Stage 1 | On commencement and prior to the attainment of the minimum training requirements specified for Stage 2 | 50 | 55 |
| Stage 2 | * On attainment of 25% of the total competencies specified in the training plan for the relevant AQF Certificate III qualifications; or * 12 months after commencing the apprenticeship   whichever is the earlier. | 60 | 65 |
| Stage 3 | * On attainment of 50% of the total competencies specified in the training plan for the relevant AQF Certificate III qualifications; or * 12 months after commencing Stage 2   whichever is the earlier. | 75 | 75 |
| Stage 4 | * On attainment of 75% of the total competencies specified in the training plan for the relevant AQF Certificate III qualifications; or * 12 months after commencing Stage 3   whichever is the earlier. | 90 | 90 |

Three year apprenticeship (nominal term)

From 1 January 2014:

| **Stage of apprenticeship** | **Minimum training requirements on entry** | **% of level 5 minimum weekly wage set out in clause 18.1** |
| --- | --- | --- |
| Stage 1 | On commencement and prior to the attainment of the minimum training requirements specified for Stage 2 | 55 |
| Stage 2 | * On attainment of 50% of the total competencies specified in the training plan for the relevant AQF Certificate III qualifications; or * 12 months after commencing the apprenticeship   whichever is the earlier. | 75 |
| Stage 3 | * On attainment of 75% of the total competencies specified in the training plan for the relevant AQF Certificate III qualifications; or * 12 months after commencing Stage 2   whichever is the earlier. | 90 |

Apprentices who commenced a contract of training prior to 1 January 2014

An apprentice shall be paid a minimum rate of pay calculated on the total of the percentage of the level 5 classification minimum weekly wage in clause 18.1 determined in accordance with the following table (calculated to the nearest $0.10, less than $0.05 to be disregarded), and the allowances prescribed in clause 24.1 (where applicable):

|  |  |
| --- | --- |
| **Four year apprenticeship** | **% of level 5 minimum weekly wage set out in clause 18.1** |
| 1st year | 45 |
| 2nd year | 55 |
| 3rd year | 75 |
| 4th year | 90 |
| **Three year apprenticeship** | **% of level 5 minimum weekly wage set out in clause 18.1** |
| 1st year | 50 |
| 2nd year | 75 |
| 3rd year | 90 |

* 1. Where an apprenticeship is shortened in accordance with clause 13.4, the apprentice is to be paid the minimum wage corresponding to the stage of the apprenticeship being undertaken.
  2. An employee who is under 21 years of age on the expiration of their apprenticeship and thereafter works as a minor in the occupation to which the employee was apprenticed must be paid at not less than the minimum wage prescribed for the classification.

1. Adult apprentice minimum wages

[Varied by [PR544644](http://www.fwc.gov.au/awardsandorders/html/PR544644.htm)]

* 1. A person employed by an employer under this award immediately prior to entering into a training agreement as an adult apprentice with that employer must not suffer a reduction in their minimum wage by virtue of entering into the training agreement. 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 18.1 in which the adult apprentice was engaged immediately prior to entering into the training agreement.

[20.2 substituted by [PR544644](http://www.fwc.gov.au/awardsandorders/html/PR544644.htm), [PR545520](http://www.fwc.gov.au/awardsandorders/html/PR545520.htm) ppc 01Jan14]

* 1. Subject to clause 20.1, the minimum wages for an adult apprentice are to be calculated in accordance with the percentages set out below (calculated to the nearest $0.10, less than $0.05 to be disregarded) applied to the Level 5 classification minimum weekly wage in clause 18.1:

Four year apprenticeship (nominal term)

| **Stage of apprenticeship** | **Minimum training requirements on entry** | **% of level 5 minimum weekly wage set out in clause 18.1** |
| --- | --- | --- |
| Stage 1 | On commencement and prior to the attainment of the minimum training requirements specified for Stage 2 | 81 |
| Stage 2 | * On attainment of 25% of the total competencies specified in the training plan for the relevant AQF Certificate III qualifications; or * 12 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 qualifications; or * 12 months after commencing Stage 2   whichever is the earlier. | 88 |
| Stage 4 | * On attainment of 75% of the total competencies specified in the training plan for the relevant AQF Certificate III qualifications; or * 12 months after commencing Stage 3   whichever is the earlier. | 94 |

Three year apprenticeship (nominal term)

|  |  |  |
| --- | --- | --- |
| **Stage of apprenticeship** | **Minimum training requirements on entry** | **% of level 5 minimum weekly wage set out in clause 18.1** |
| Stage 1 | On commencement and prior to the attainment of the minimum training requirements specified for Stage 2 | 83 |
| Stage 2 | * On attainment of 50% of the total competencies specified in the training plan for the relevant AQF Certificate III qualifications; or * 12 months after commencing the apprenticeship   whichever is the earlier. | 88 |
| Stage 3 | * On attainment of 75% of the total competencies specified in the training plan for the relevant AQF Certificate III qualifications; or * 12 months after commencing Stage 2   whichever is the earlier. | 94 |

* 1. Subject to clause 20.1, where an adult apprenticeship is shortened in accordance with clause 13.4, the adult apprentice is to be paid the minimum wage corresponding to the stage of the apprenticeship being undertaken.

1. Trainee minimum wages

[Varied by [PR988412](http://www.fwc.gov.au/awardsandorders/html/PR988412.htm)]

National training wage trainee minimum wages

The minimum wages for a trainee covered by the national training wage provisions are set out in Schedule D—National Training Wage.

1. Supported wage system

[Varied by [PR988412](http://www.fwc.gov.au/awardsandorders/html/PR988412.htm)]

See Schedule E—Supported Wage System.

1. Employer and employee duties
   1. An employee may be directed to carry out such duties, and use such tools as may be required, which are within the limits of the employee’s skill, competence and training including, but not limited by, duties which are incidental and peripheral to the employee’s main task or function.
   2. An employee may be directed to transfer to another job or location, or onto or off a building site at the discretion of the employer.
   3. An instruction issued by an employer under clauses 23.1 and 23.2 must be consistent with the employer’s responsibility to provide a safe and healthy working environment.
2. Allowances and special rates

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/MA000029-all.pdf).

[Varied by [PR992150](http://www.fwc.gov.au/alldocuments/PR992150.htm), [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm), [PR998131](http://www.fwc.gov.au/awardsandorders/html/PR998131.htm), [PR503636](http://www.fwc.gov.au/awardsandorders/html/PR503636.htm), [PR509182](http://www.fwc.gov.au/awardsandorders/html/PR509182.htm), [PR523012](http://www.fwc.gov.au/awardsandorders/html/PR523012.htm), [PR535145](http://www.fwc.gov.au/awardsandorders/html/pr535145.htm), [PR536815](http://www.fwc.gov.au/awardsandorders/html/PR536815.htm), [[PR551738](http://www.fwc.gov.au/awardsandorders/html/PR551738.htm)](http://www.fwc.gov.au/awardsandorders/html/PRxxxxxx.htm), [PR561478](http://www.fwc.gov.au/awardsandorders/html/PR561478.htm), [PR566839](http://www.fwc.gov.au/awardsandorders/html/PR566839.htm), [PR571825](http://www.fwc.gov.au/awardsandorders/html/PR571825.htm), [PR579535](http://www.fwc.gov.au/awardsandorders/html/PR579535.htm), [PR592289](http://www.fwc.gov.au/awardsandorders/html/pr592289.htm), [PR606511](http://www.fwc.gov.au/awardsandorders/html/pr606511.htm), [PR704159](http://www.fwc.gov.au/documents/awardsandorders/html/PR704159.htm), [PR707637](https://www.fwc.gov.au/documents/awardsandorders/html/pr707637.htm), [PR715726](https://www.fwc.gov.au/documents/awardsandorders/html/pr715726.htm), [PR719001](https://www.fwc.gov.au/documents/awardsandorders/html/pr719001.htm)]

All-purpose allowances

The following allowances apply for all purposes of this award:

Leading hands

A leading hand in charge of one or more people must be paid the following, in addition to the minimum wage for the highest classification supervised or their own minimum wage, whichever is higher:

|  |  |
| --- | --- |
| **In charge of** | **Amount of the** [**standard rate**](#standard_rate) |
| 1 employee | 91.2% per week extra |
| 2–5 employees | 200.2% per week extra |
| 6–10 employees | 256.3% per week extra |
| 11 or more employees | 340.9% per week extra |

Industry allowance

* + - 1. An employee engaged on joinery work, shopfitting, stonemasonry or outside work must be paid 142.4% of the [standard rate](#standard_rate) per week extra to compensate for the disabilities associated with the industry.
      2. A glazier or an apprentice glazier, engaged other than on factory glazing, must be paid 3.8% of the [standard rate](#standard_rate) per hour extra while engaged other than on factory glazing to compensate for the disabilities associated with the industry, provided that:
* in respect of public holidays not worked (where payment is otherwise due), paid leave and attendance by apprentices at prescribed technical training, the disability allowance must also be paid for each hour the employee would have been engaged other than on factory glazing during such period; and
* in the case of an employee proceeding on paid leave or receiving payment instead of leave on termination where it cannot be established to what extent they would have been engaged on other than factory glazing during the period, the disability allowance paid is to be pro rata of the disability allowance they were paid in the preceding 12 weeks.

Tool allowance

[24.1(c)(i) varied by [PR998131](http://www.fwc.gov.au/awardsandorders/html/PR998131.htm), [PR509182](http://www.fwc.gov.au/awardsandorders/html/PR509182.htm), [PR523012](http://www.fwc.gov.au/awardsandorders/html/PR523012.htm), [PR536815](http://www.fwc.gov.au/awardsandorders/html/PR536815.htm), [[PR551738](http://www.fwc.gov.au/awardsandorders/html/PR551738.htm)](http://www.fwc.gov.au/awardsandorders/html/PR551738.htm), [PR566839](http://www.fwc.gov.au/awardsandorders/html/PR566839.htm), [PR579535](http://www.fwc.gov.au/awardsandorders/html/PR579535.htm), [PR592289](http://www.fwc.gov.au/awardsandorders/html/pr592289.htm), [PR606511](http://www.fwc.gov.au/awardsandorders/html/pr606511.htm), [PR704159](http://www.fwc.gov.au/documents/awardsandorders/html/PR704159.htm), [PR707637](https://www.fwc.gov.au/documents/awardsandorders/html/pr707637.htm), [PR719001](https://www.fwc.gov.au/documents/awardsandorders/html/pr719001.htm) ppc 01Nov20]

* + - 1. An employee must be paid the following allowance per week extra for supplying and maintaining tools:

| **Employee classification** | **$ per week** |
| --- | --- |
| Carpenter and/or joiner | 32.70 |
| Carver | 32.70 |
| Joiner special class | 32.70 |
| Joiner-setter out | 32.70 |
| Letter cutter | 32.70 |
| Prefab setter | 32.70 |
| Prefab tradesperson | 32.70 |
| Shopfitter | 32.70 |
| Stonemason | 32.70 |
| Plasterer | 27.04 |
| Glazier | 11.49 |
| Assembler A | 9.78 |
| Glass worker | 7.93 |
| Painter | 7.85 |

* + - 1. Where an employer provides an employee with all the tools reasonably required to perform all the functions of the employee’s employment then no tool allowance is payable. In such cases:
* the employer must convey the decision to the employee in writing;
* an employee provided with tools of trade by the employer is not responsible for the loss of such tools where the loss is outside the control of the employee; and
* an employee provided with tools of trade by the employer must replace all or any tools of trade lost due to the negligence of the employee, provided that where the tools of trade are locked in a secure location provided by the employer, or at the employer’s premises, the employee must not be held responsible for the loss.
  + - 1. Clause 24.1(c)(ii) does not apply to an employee employed as at 14 January 1993 or an apprentice unless otherwise agreed between the parties.

Stonemasonry tools and equipment

[24.1(d)(i) varied by [PR536815](http://www.fwc.gov.au/awardsandorders/html/PR536815.htm), [PR606511](http://www.fwc.gov.au/awardsandorders/html/pr606511.htm), [PR704159](http://www.fwc.gov.au/documents/awardsandorders/html/PR704159.htm) ppc 04Feb19]

* + - 1. The tool allowance prescribed in clause 24.1(c)(i) does not include the provision of stonemasonry cutting tools, except mash hammers, squares, pitching tools and straight-edges up to one metre in length. The employer may elect to provide such tools. Where the tools are provided by an employee, the employer must reimburse the employee for the cost of the tools and must pay the employee $0.07 per hour extra.
      2. The employer must reimburse an employee for the cost of sharpening all necessary stonemasonry cutting tools. On completion of engagements, all stonemasonry cutting tools provided by the employee must be sharpened by the employer or the employer must pay the employee an allowance equal to the cost of sharpening.
      3. The employer must reimburse an employee for the cost of fitting all pneumatic surfacing machines and lathes with jet sprays or other suitable device for keeping the stone wet or provide such device.

Other allowances

First aid allowance

An employee who has been trained to render first aid and who is the current holder of appropriate first aid qualifications such as a certificate from St John Ambulance or a similar body must be paid 75.6% of the [standard rate](#standard_rate) per week extra if appointed by the employer to perform first aid duty.

Meal allowance

[24.2(b) varied by [PR998131](http://www.fwc.gov.au/awardsandorders/html/PR998131.htm), [PR509182](http://www.fwc.gov.au/awardsandorders/html/PR509182.htm), [PR523012](http://www.fwc.gov.au/awardsandorders/html/PR523012.htm), [PR536815](http://www.fwc.gov.au/awardsandorders/html/PR536815.htm), [[PR551738](http://www.fwc.gov.au/awardsandorders/html/PR551738.htm)](http://www.fwc.gov.au/awardsandorders/html/PR551738.htm), [PR566839](http://www.fwc.gov.au/awardsandorders/html/PR566839.htm), [PR579535](http://www.fwc.gov.au/awardsandorders/html/PR579535.htm), [PR592289](http://www.fwc.gov.au/awardsandorders/html/pr592289.htm), [PR606511](http://www.fwc.gov.au/awardsandorders/html/pr606511.htm), [PR704159](http://www.fwc.gov.au/documents/awardsandorders/html/PR704159.htm), [PR707637](https://www.fwc.gov.au/documents/awardsandorders/html/pr707637.htm), [PR719001](https://www.fwc.gov.au/documents/awardsandorders/html/pr719001.htm) ppc 01Nov20]

An employee required to work overtime for at least one and a half hours after working ordinary hours must be paid by the employer an amount of $15.71 extra to meet the cost of a meal, except as provided for in clause 24.5(a).

Employee protection allowance

* + - 1. An employer must reimburse an employee for the cost of purchasing the following protective equipment or provide such protective equipment:
* one apron per year for an employee operating flexible drive polishing machines;
* suitable protective clothing or footwear for an employee engaged on stonemasonry work; and
* suitable protective clothing and footwear for an employee engaged on glass and glazing work.
  + - 1. An employer must reimburse an employee engaged on stonemasonry work for the cost of an x-ray for silicosis once in each period of six months, if the employee so requires. Such an x-ray may be taken during working hours and count as time worked.
      2. When an employer requires an employee to wear spectacles with toughened glass lenses, the employer must pay for the cost of the toughening process.

Compensation for clothing and tools

* + - 1. An employee whose clothes, spectacles, hearing aids or tools have been accidentally spoilt by acid, sulphur or other deleterious substances must be paid compensation by the employer to the extent necessary to cover the loss.

[24.2(d)(ii) varied by [PR998131](http://www.fwc.gov.au/awardsandorders/html/PR998131.htm), [PR509182](http://www.fwc.gov.au/awardsandorders/html/PR509182.htm), [PR523012](http://www.fwc.gov.au/awardsandorders/html/PR523012.htm), [PR536815](http://www.fwc.gov.au/awardsandorders/html/PR536815.htm), [[PR551738](http://www.fwc.gov.au/awardsandorders/html/PR551738.htm)](http://www.fwc.gov.au/awardsandorders/html/PR551738.htm), [PR566839](http://www.fwc.gov.au/awardsandorders/html/PR566839.htm), [PR579535](http://www.fwc.gov.au/awardsandorders/html/PR579535.htm), [PR592289](http://www.fwc.gov.au/awardsandorders/html/pr592289.htm), [PR606511](http://www.fwc.gov.au/awardsandorders/html/pr606511.htm), [PR704159](http://www.fwc.gov.au/documents/awardsandorders/html/PR704159.htm), [PR707637](https://www.fwc.gov.au/documents/awardsandorders/html/pr707637.htm), [PR719001](https://www.fwc.gov.au/documents/awardsandorders/html/pr719001.htm) ppc 01Nov20]

* + - 1. An employee must be reimbursed by the employer to a maximum of $1896 for the loss of tools or clothes, by fire or breaking and entering, which were securely stored at the employer’s direction in a room or building on the employer’s premises, job or workshop or in a lock-up or if the tools are accidentally lost over water or if the tools are lost or stolen during an employee’s absence after leaving the job because of injury or illness. Such reimbursement is subject to the following:
* an employee transporting their own tools must take all reasonable care to protect those tools and prevent loss or theft;
* only tools used by the employee in the course of employment are covered;
* the employee must, if requested to do so, furnish the employer with a list of the tools so used;
* reimbursement is at the current replacement value of new tools of the same or comparable quality; and
* the employee must report any theft to the police prior to making a claim on the employer for the replacement of stolen tools.

Motor vehicle allowance

[24.2(e) varied by [PR523012](http://www.fwc.gov.au/awardsandorders/html/PR523012.htm), [PR536815](http://www.fwc.gov.au/awardsandorders/html/PR536815.htm), [[PR551738](http://www.fwc.gov.au/awardsandorders/html/PR551738.htm)](http://www.fwc.gov.au/awardsandorders/html/PRxxxxxx.htm) ppc 01Jul14]

An employee engaged on glass and glazing work who reaches agreement with their employer to use their own motor vehicle on the employer’s business must be paid an allowance of $0.78 per kilometre travelled.

Special rates

Subject to clause 24.4, the following extra rates must be paid to an employee:

Asbestos

An employee required to wear protective equipment (i.e. combination overalls and breathing equipment or similar apparatus) required by the appropriate occupational health authority when using materials containing asbestos or working in close proximity to an employee using such materials must be paid 4% of the [standard rate](#standard_rate) per hour extra while wearing such equipment.

Bagging

An employee engaged in bagging brick or concrete structures must be paid 2.9% of the [standard rate](#standard_rate) per hour extra.

Cold work

An employee working for more than one hour in a place where the temperature is reduced by artificial means below zero degrees Celsius must be paid 3.2% of the [standard rate](#standard_rate) per hour or part thereof extra. Where such work continues for more than two hours, the employee is entitled to 20 minutes rest after every two hours work without loss of pay, not including the special rate provided by clause 24.3(c).

Computing quantities

An employee who is regularly required to compute or estimate quantities of materials in respect to the work performed by other employees must be paid 23.3% of the [standard rate](#standard_rate) per day or part thereof extra, provided that such allowance does not apply to an employee classified and paid as a leading hand or setter-out.

Confined space

An employee required to work in a confined space must be paid 4% of the [standard rate](#standard_rate) per hour or part thereof extra.

Dirty work

An employee engaged in unusually dirty work must be paid 3.2% of the [standard rate](#standard_rate) per hour extra.

Explosive powered tools

An operator of explosive powered tools who is required to use an explosive powered tool must be paid 7.6% of the [standard rate](#standard_rate) per day extra for each day on which such a tool is used.

Grindstone allowance

A carpenter and/or joiner must be paid 34.3% of the [standard rate](#standard_rate) per week extra where a grindstone or wheel is not made available by the employer.

Heavy blocks

An employee handling, lifting and placing heavy blocks must be paid:

| **Weight** | **Amount of the** [**standard rate**](#standard_rate) |
| --- | --- |
| Where the blocks weigh over 5.5kg and under 9kg | 3.2% per hour extra |
| Where the blocks weigh 9kg or over and up to 18kg | 5.8% per hour extra |
| Where the blocks weigh over 18kg | 8.2% per hour extra |

Hot bitumen

An employee handling hot bitumen or asphalt or dipping materials in creosote must be paid 4% of the [standard rate](#standard_rate) per hour extra.

Hot places

* + - 1. An employee who works for more than one hour in the shade in places where the temperature is raised by artificial means must be paid:

| **Temperature** | **Amount of the** [**standard rate**](#standard_rate) |
| --- | --- |
| Between 46 and 54 degrees Celsius | 3.2% per hour or part thereof extra |
| In excess of 54 degrees Celsius | 4% per hour or part thereof extra |

* + - 1. In addition, where work continues for more than two hours in temperatures exceeding 54 degrees Celsius, the employee is entitled to 20 minutes rest after every two hours work without loss of pay, not including the special rate in clause 24.3(k)(i).
      2. The temperature is to be determined by the employer after consultation with the employee who claims the special rate.

Insulation

An employee handling charcoal, pumice, granulated cork, silicate of cotton, insulwool, slag wool or other recognised insulating material of a like nature or working in the immediate vicinity so as to be affected by the use of such substance must be paid 4% of the [standard rate](#standard_rate) per hour or part thereof extra.

Wet work

* + - 1. An employee who is working in any place where water is continually dripping on the employee so that clothing and boots become wet, or where there is water underfoot, must be paid 3.2% of the [standard rate](#standard_rate) per hour extra while so engaged.
      2. An employee engaged on stonemasonry work in a cemetery who is required to work under unusually muddy or sloppy conditions must be paid 3.8% of the [standard rate](#standard_rate) per hour extra instead of the allowance in clause 24.3(m)(i).
      3. Where an employer and an employee engaged on fixing work in a cemetery agree that such work cannot be carried out owing to wet weather, the employer must provide the employee with other work or pay the employee for the time so lost.

Tower allowance

An employee who is working on a chimney stack, spire tower, radio or television mast or tower, air shaft (other than above ground in a multistorey building), cooling tower, water tower or silo where the construction exceeds 15 metres in height must be paid 3.2% of the [standard rate](#standard_rate) per hour extra for all work above 15 metres and a further 3.2% of the [standard rate](#standard_rate) per hour extra for work above each additional 15 metres.

Roof repairs

An employee engaged on repairs to roofs must be paid 4% of the [standard rate](#standard_rate) per hour extra.

Scaffolding

A tradesperson who is the holder of a scaffolding certificate or rigging certificate issued by the relevant State or Territory authority and who is required to act on that certificate while engaged on work requiring a certificated person must be paid 3.2% per hour extra.

Second hand timber

An employee whose tools are damaged by nails, dumps or other foreign matter on second hand timber the employee is working on must be paid 12.6% of the [standard rate](#standard_rate) per day extra on each day on which the employee’s tools are damaged, provided that the damage is reported immediately to the employer’s representative on the job in order that the employee may prove the claim.

[24.3(r) deleted by [PR535145](http://www.fwc.gov.au/awardsandorders/html/pr535145.htm) ppc 13Jun13]

Spray application

[24.3(s) renumbered as 24.3(r) by [PR535145](http://www.fwc.gov.au/awardsandorders/html/pr535145.htm) ppc 13Jun13]

An employee engaged on all spray applications carried out in other than a properly constructed booth approved by the relevant State authority must be paid 3.2% of the [standard rate](#standard_rate) per hour extra.

Swing scaffold

[24.3(t) renumbered as 24.3(s) by [PR535145](http://www.fwc.gov.au/awardsandorders/html/pr535145.htm) ppc 13Jun13]

* + - 1. Subject to clause 24.3(s)(ii), an employee must be paid 23.2% of the [standard rate](#standard_rate) for the first four hours or any part thereof extra, and 4.8% of the [standard rate](#standard_rate) for each hour thereafter extra, on any day the employee is employed:
* on any type of swing scaffold or any scaffold suspended by rope or cable, bosun’s chair, etc; or
* on a suspended scaffold requiring the use of steel or iron hooks or angle irons at a height of six metres or more above the nearest horizontal plane.
  + - 1. An apprentice with less than two years’ experience must not use a swing scaffold or bosun’s chair.

Toxic substances

[24.3(u) renumbered as 24.3(t) by [PR535145](http://www.fwc.gov.au/awardsandorders/html/pr535145.htm) ppc 13Jun13]

* + - 1. An employee using toxic substances or materials of a like nature must be paid 4% of the [standard rate](#standard_rate) per hour extra. An employee working in close proximity to an employee so engaged must be paid 3.2% of the [standard rate](#standard_rate) per hour extra.
      2. For the purpose of clause 24.3(t)(i), toxic substances include epoxy based materials and all materials which include or require the addition of a catalyst hardener and reactive additives or two-pack catalyst systems are deemed to be materials of a like nature.

Collection of monies

[24.3(v) renumbered as 24.3(u) by [PR535145](http://www.fwc.gov.au/awardsandorders/html/pr535145.htm) ppc 13Jun13]

An employee engaged on glass and glazing work who in the course of their duties is authorised to collect, and does collect, monies on behalf of the employer must be paid 29.3% of the [standard rate](#standard_rate) per week extra.

Special rates are not cumulative or subject to addition of penalties

* + 1. The special rates in clause 24.3 must be paid when incurred and irrespective of the times at which the work is performed and are not subject to any premium or penalty additions.
    2. Where the special rates in clause 24.3 provide payments for disabilities of substantially the same nature then only the highest of such rates is payable.

Transfers, travelling and working away from usual place of work

Living away from home for a distant job

* + - 1. For the purposes of clause 24.5(a), a **distant job** is one where either the distance from the employee’s usual place of residence or the travelling facilities available make it reasonably necessary for the employee to live and sleep away from their usual residence.

[24.5(a)(ii) substituted by [PR715726](https://www.fwc.gov.au/documents/awardsandorders/html/pr715726.htm) ppc 01Jul20]

* + - 1. Where an employee is directed by their employer to proceed to a distant job and the employee complies with such direction, the employer will:

[24.5(a)(ii)(A) varied by [PR719001](https://www.fwc.gov.au/documents/awardsandorders/html/pr719001.htm) ppc 01Nov20]

**(A)** pay the employee the greater of $73.47 per day or an amount which fully reimburses the employee for all reasonable accommodation and meal expenses incurred; or

**(B)** provide the worker with accommodation and three adequate meals each day; or

**(C)** provide the worker with accommodation and reimburse the employee for all reasonable meal expenses; or

**(D)** where employees are required to live in camp, provide all board and accommodation free of charge.

[New 24.5(a)(iii) inserted by [PR715726](http://www.fwc.gov.au/awardsandorders/html/PR715726.htm) ppc 01Jul20]

* + - 1. Any accommodation provided under clause 24.5(a)(ii) must be in accordance with contemporary living standards taking into account the particular circumstances of the location in which the work is performed and must include reasonable washing, laundry, recreational, kitchen, external lighting, communications and fire protection facilities.

[24.5(a)(iii) varied by [PR998131](http://www.fwc.gov.au/awardsandorders/html/PR998131.htm), [PR509182](http://www.fwc.gov.au/awardsandorders/html/PR509182.htm), [PR523012](http://www.fwc.gov.au/awardsandorders/html/PR523012.htm), [PR536815](http://www.fwc.gov.au/awardsandorders/html/PR536815.htm), [[PR551738](http://www.fwc.gov.au/awardsandorders/html/PR551738.htm)](http://www.fwc.gov.au/awardsandorders/html/PR551738.htm) ppc 01Jul14, [PR566839](http://www.fwc.gov.au/awardsandorders/html/PR566839.htm), [PR579535](http://www.fwc.gov.au/awardsandorders/html/PR579535.htm), [PR592289](http://www.fwc.gov.au/awardsandorders/html/pr592289.htm), [PR606511](http://www.fwc.gov.au/awardsandorders/html/pr606511.htm), [PR704159](http://www.fwc.gov.au/documents/awardsandorders/html/PR704159.htm); [PR707637](https://www.fwc.gov.au/documents/awardsandorders/html/pr707637.htm) ppc 01Jul19; 24.5(a)(iii) renumbered as 24.5(a)(iv) by [PR715726](https://www.fwc.gov.au/documents/awardsandorders/html/pr715726.htm) ppc 01Jul20; varied by [PR719001](https://www.fwc.gov.au/documents/awardsandorders/html/pr719001.htm) ppc 01Nov20]

* + - 1. Subject to clause 24.5(a), an employee who complies with their employer’s direction to proceed to a distant job is not required to travel outside their ordinary hours of work each day and is entitled:
* to travelling time at their ordinary time rate of pay for the period incurred in travelling between their usual residence and the distant job on the forward journey, on the return journey and at the completion of the job on the return journey;
* to be paid an amount of $20.81 to cover the expenses of reaching their residence from the main public transport terminal on the return journey; and
* to be paid $15.71 per meal for any meals incurred while travelling on either the forward or return journey.

[24.5(a)(iv) renumbered as 24.5(a)(v) by [PR715726](https://www.fwc.gov.au/documents/awardsandorders/html/pr715726.htm) ppc 01Jul20]

* + - 1. Subject to clause 24.5(a), an employee who complies with their employer’s direction to proceed to a distant job must be paid the amount of an economy return fare and any excess payment incurred in transporting their tools.

[24.5(a)(v) renumbered as 24.5(a)(vi) by [PR715726](https://www.fwc.gov.au/documents/awardsandorders/html/pr715726.htm) ppc 01Jul20]

* + - 1. An employee dismissed for misconduct or incompetency within one week of commencing work on a distant job, or an employee who terminates or discontinues their work within one month of commencing the distant job, is not entitled to the amount of the return fare prescribed in clause 24.5(a)(v) and the payments prescribed by clause 24.5(a)(iv).

[24.5(a)(vi) renumbered as 24.5(a)(vii) by [PR715726](https://www.fwc.gov.au/documents/awardsandorders/html/pr715726.htm) ppc 01Jul20]

* + - 1. Subject to clause 24.5(a)(viii), after three months’ continuous service on a distant job to which an employee has been directed to attend, and thereafter at four monthly periods of continuous service thereon, an employee may return to their usual residence at a weekend.

[24.5(a)(vii) renumbered as 24.5(a)(viii) by [PR715726](https://www.fwc.gov.au/documents/awardsandorders/html/pr715726.htm) ppc 01Jul20]

* + - 1. Where the location of a distant job is in an area to which air transport is the only practical means of travel, an employee may return to their usual residence after five months’ continuous service and if the employee does so the employee is entitled to two days leave with pay in addition to the weekend. An employee may also return to their usual residence after each further period of five months’ continuous service and in each case if the employee does so the employee is entitled to two days leave, of which one day must be paid.

[24.5(a)(viii) renumbered as 24.5(a)(ix) by [PR715726](https://www.fwc.gov.au/documents/awardsandorders/html/pr715726.htm) ppc 01Jul20]

* + - 1. An employee who returns to their usual residence in accordance with clauses 24.5(a)(vii) and (viii) must be paid the amount of the economy return fare and the paid leave on the pay day which immediately follows the date on which they return to the job, provided no delay not agreed to by the employer takes place in connection with the employee’s commencement of work on the morning of the working day following the weekend.

[24.5(a)(ix) renumbered as 24.5(a)(x) by [PR715726](https://www.fwc.gov.au/documents/awardsandorders/html/pr715726.htm) ppc 01Jul20]

* + - 1. The entitlement in clauses 24.5(a)(vii) and (viii) must be taken as soon as reasonably practicable after it becomes due and lapses after a further period of two months if the employee has been notified in writing by the employer of their entitlement and its expiry date in the week prior to the entitlement becoming due.

[24.5(a)(x) renumbered as 24.5(a)(xi) by [PR715726](https://www.fwc.gov.au/documents/awardsandorders/html/pr715726.htm) ppc 01Jul20]

* + - 1. In special circumstances, and by agreement with the employer, the entitlement in clauses 24.5(a)(vii) and (viii) may be granted earlier or taken later without altering the accrual of the entitlements.

[24.5(a)(xi) renumbered as 24.5(a)(xii) by [PR715726](https://www.fwc.gov.au/documents/awardsandorders/html/pr715726.htm) ppc 01Jul20]

* + - 1. The leave entitlements prescribed in clauses 24.5(a)(vii) and (viii) count as periods of service for all purposes of this award.

[24.5(a)(xii) varied by [PR998131](http://www.fwc.gov.au/awardsandorders/html/PR998131.htm), [PR523012](http://www.fwc.gov.au/awardsandorders/html/PR523012.htm), [PR536815](http://www.fwc.gov.au/awardsandorders/html/PR536815.htm), [[PR551738](http://www.fwc.gov.au/awardsandorders/html/PR551738.htm)](http://www.fwc.gov.au/awardsandorders/html/PR551738.htm), [PR566839](http://www.fwc.gov.au/awardsandorders/html/PR566839.htm), [PR606511](http://www.fwc.gov.au/awardsandorders/html/pr606511.htm), [PR704159](http://www.fwc.gov.au/documents/awardsandorders/html/PR704159.htm), [PR707637](https://www.fwc.gov.au/documents/awardsandorders/html/pr707637.htm) ppc 01Jul19; 24.5(a)(xii) renumbered as 24.5(a)(xiii) by [PR715726](https://www.fwc.gov.au/documents/awardsandorders/html/pr715726.htm) ppc 01Jul20; varied by [PR719001](https://www.fwc.gov.au/documents/awardsandorders/html/pr719001.htm) ppc 01Nov20]

* + - 1. An employee who is provided with full board and lodging in accordance with clause 24.5(a)(ii), who works ordinary hours as required on the day before and the day after a weekend, who notifies the employer or employer’s representative no later than Tuesday of each week of their intention to return to their usual residence at the weekend and who actually returns to their usual residence on the weekend must be paid an allowance of $43.05 for each occasion.

[24.5(a)(xiii) renumbered as 24.5(a)(xiv) by [PR715726](https://www.fwc.gov.au/documents/awardsandorders/html/pr715726.htm) ppc 01Jul20]

* + - 1. If an employer and an employee agree in writing, the paid rostered day or shift off as prescribed in clauses 28.2 and 28.3 may be taken, and paid for, in conjunction with and additional to the return to usual residence leave as prescribed in clauses 24.5(a)(vii) and (viii), or at the end of the work on the distant job, or on termination, whichever comes first.

[24.5(a)(xiv) renumbered as 24.5(a)(xv) and substituted by [PR715726](https://www.fwc.gov.au/documents/awardsandorders/html/pr715726.htm) ppc 01Jul20]

* + - 1. For the purposes of clause 24.5(a), economy return fare means the total cost of the most common method of public transport between the employee’s usual residence and the distant job and return.

Stonemasonry work at a cemetery

An employee engaged on stonemasonry work when directed to work on fixing work in a cemetery away from the employer’s usual place of business is entitled to payment at ordinary time rates for any excess travelling time involved and must be:

* + - 1. reimbursed for any fares incurred in excess of those normally expended in travelling to and from their usual residence to the employer’s premises; or

[24.5(b)(ii) varied by [PR523012](http://www.fwc.gov.au/awardsandorders/html/PR523012.htm), [PR536815](http://www.fwc.gov.au/awardsandorders/html/PR536815.htm), [[PR551738](http://www.fwc.gov.au/awardsandorders/html/PR551738.htm)](http://www.fwc.gov.au/awardsandorders/html/PR551738.htm) ppc 01Jul14]

* + - 1. paid an amount of $0.78 per kilometre travelled in excess of those normally expended in travelling to and from their usual residence to their employer’s premises, where an employer requests an employee to use their own car and the employee agrees to do so.

Performing glass and glazing work away from the usual place of business

An employee engaged on glass and glazing work who is directed to commence work at the usual starting time at a location other than the employer’s usual place of business must be paid at ordinary time rates for the first hour each way and thereafter at overtime rates for any excess travelling time involved and must be:

* + - 1. reimbursed for any fares incurred in excess of those normally expended in travelling to and from their usual residence to the employer’s usual place of business; or

[24.5(c)(ii) varied by [PR523012](http://www.fwc.gov.au/awardsandorders/html/PR523012.htm), [PR536815](http://www.fwc.gov.au/awardsandorders/html/PR536815.htm), [[PR551738](http://www.fwc.gov.au/awardsandorders/html/PR551738.htm)](http://www.fwc.gov.au/awardsandorders/html/PR551738.htm) ppc 01Jul14]

* + - 1. paid an amount of $0.78 per kilometre travelled in excess of those normally expended in travelling to and from their usual residence to their employer’s usual place of business, where an employer requests an employee to use their own motor vehicle and the employee agrees to do so.

**24.6 District allowances**

[24.6 varied by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm); deleted by [PR561478](http://www.fwc.gov.au/awardsandorders/html/PR561478.htm) ppc 05Mar15]

Adjustment of expense related allowances

[24.8 renumbered as 24.6 by [PR561478](http://www.fwc.gov.au/awardsandorders/html/PR561478.htm) ppc 05Mar15]

* + 1. At the time of any adjustment to the [standard rate](#standard_rate), each expense related allowance must 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.

[24.8(b) varied by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 01Jan10; [PR523012](http://www.fwc.gov.au/awardsandorders/html/PR523012.htm) ppc 01Jul12]

* + 1. 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:

| **Type of allowance** | **Applicable Consumer Price Index figure** |
| --- | --- |
| Board and lodging | Domestic holiday travel and accommodation sub-group |
| Compensation for clothing and tools | Eight capitals consumer price index |
| Meal | Meals out and take away foods sub-group |
| Tool | Eight capitals consumer price index |
| Transport | Transport group |
| Vehicle | Transport group |

Accident pay

[24.7(a) varied by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm); substituted by [PR503636](http://www.fwc.gov.au/awardsandorders/html/PR503636.htm); deleted by [PR561478](http://www.fwc.gov.au/awardsandorders/html/PR561478.htm) ppc 05Mar15; new 24.7 inserted by [PR571825](http://www.fwc.gov.au/awardsandorders/html/PR571825.htm) ppc 15Oct15]

* + 1. This clause commences on 15 October 2015.
    2. The employer must pay an employee accident pay.
    3. Subject to the relevant workers’ compensation claim being accepted, accident pay is payable from the time of the injury for which workers’ compensation is paid for a total of 26 weeks in respect to the employee’s incapacity from that injury, regardless of whether the incapacity is in one continuous period or not.
    4. The termination of the employee’s employment for any reason whilst the employee is receiving accident pay will not affect the liability of the employer to pay accident pay in accordance with subclause 24.7(c).
    5. Where an employee receives a lump sum payment in lieu of weekly payments under the applicable workers’ compensation legislation, the liability of the employer to pay accident pay will cease from the date of receipt of the lump sum by the employee.
    6. If an employer has a scheme for the payment of accident pay that contains provisions generally not less favourable to employees than the provisions of this clause, the employer may apply to the Fair Work Commission for that scheme to apply instead of this clause.
    7. For a casual employee the weekly payment as defined in clause 3.1 will be calculated using the employee’s average weekly ordinary hours with the employer over the previous 12 months or, if the employee has been employed for less than 12 months by the employer, the employee’s average weekly ordinary hours over the period of employment with the employer. The weekly payment will include casual loading but will not include over award payments, shift loadings and overtime.
    8. If an employee entitled to accident pay under this clause returns to work on reduced hours or modified duties, the amount of accident pay due will be reduced by any amounts paid for the performance of such work.
    9. For the avoidance of doubt, an employee will not be entitled to any payment under this clause in respect of any period of workers’ compensation where the statutory payment for the period exceeds the amount the employee would have received for working ordinary time hours for the same period.

1. Higher duties

An employee engaged for more than two hours during one day on duties carrying a higher minimum wage than the employee’s ordinary classification must be paid the higher minimum wage for such day. If for two hours or less during one day, the employee must be paid the higher minimum wage for the time so worked.

1. Payment of wages

[Varied by [PR710966](https://www.fwc.gov.au/documents/awardsandorders/html/pr710966.htm)]

* 1. All monies due to an employee by the employer in relation to the performance of work must be paid and be available by no later than the time of cessation of ordinary hours of work on Thursday of each working week. Provided that in any week in which a public holiday falls on a Thursday or a Friday mutually acceptable alternative arrangements must be made.
  2. All such monies must be paid by cash, cheque or direct credit to the account at an approved financial institution nominated by the employee, provided that payment other than by cash creates no undue financial burden to the employee.
  3. Subject to clause 26.1, an employee who due to circumstances within the control of the employer does not receive such monies by the cessation of the ordinary hours of work on the Thursday of each week must be paid waiting time at overtime rates, with a minimum of a quarter of an hour, until such time as the monies due are paid.

Payment on termination of employment

[26.4 varied by [PR710966](https://www.fwc.gov.au/documents/awardsandorders/html/pr710966.htm) ppc 09Aug19]

* + 1. 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. 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 (b) allows the Commission to make an order delaying the requirement to make a payment under this clause. For example, the Commission could make an order delaying the requirement to pay redundancy pay if an employer makes an application under s.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. Superannuation

[Varied by [PR992198](http://www.fwc.gov.au/alldocuments/PR992198.htm), [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm), [PR530235](http://www.fwc.gov.au/awardsandorders/html/PR530235.htm), [PR545996](http://www.fwc.gov.au/awardsandorders/html/PR545996.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

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.

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 27.2.
    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 27.3(a) or (b) no later than 28 days after the end of the month in which the deduction authorised under clauses 27.3(a) or (b) was made.

Superannuation fund

[27.4 varied by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 01Jan10]

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

* + 1. Cbus;

[27.4(b) substituted by [PR530235](http://www.fwc.gov.au/awardsandorders/html/PR530235.htm) ppc 26Oct12]

* + 1. CareSuper;
    2. FIRSTSUPER;
    3. AustralianSuper;
    4. Allied Union Superannuation Trust of Queensland (Aust(Q));
    5. BUSS(Q);

[27.4(g) varied by [PR545996](http://www.fwc.gov.au/awardsandorders/html/PR545996.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

[27.4(g) inserted by [PR545996](http://www.fwc.gov.au/awardsandorders/html/PR545996.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 27.2 and pay the amount authorised under clauses 27.3(a) or (b):

* + 1. **Paid leave**

While the employee is on any paid leave.

* + 1. **Work related injury or illness**

For the period of absence from work (subject to a maximum of 52 weeks in total) 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 statutory requirements; and
      2. the employee remains employed by the employer.

1. Hours of Work and Related Matters
2. Ordinary hours of work and rostering

[Varied by [PR535145](http://www.fwc.gov.au/awardsandorders/html/pr535145.htm)]

* 1. Except as provided elsewhere in this award, the ordinary hours of work for an employee are 38 or an average of 38 hours per week.

Day workers

* + 1. Subject to clause 31—Alternative working arrangement, ordinary hours for a day worker must be worked as eight hours per day, between 6.00 am and 7.00 pm Monday to Friday, over a 20 day four week cycle, with 0.4 of one hour of each day worked accruing as a paid rostered day off in each cycle.
    2. Where it is agreed between a majority of employees and the employer that a paid rostered day off in each cycle is not practicable then agreement may be reached in writing on an alternative method of implementing ordinary hours, including:
       1. 38 hours within a work cycle not exceeding seven consecutive days;
       2. 76 hours within a work cycle not exceeding 14 consecutive days;
       3. 114 hours within a work cycle not exceeding 21 consecutive days;
       4. 152 hours within a work cycle not exceeding 28 consecutive days; or
       5. any other work cycle during which a weekly average of 38 ordinary hours are worked.
    3. The paid rostered days off must be implemented:
       1. by the employer fixing one day in a cycle on which all employees will be off;
       2. by the employer rostering employees off on various days in a cycle so that each employee has a paid rostered day off during the cycle; or
       3. by any other method which is agreed to by the employer and a majority of employees in the affected factory, workshop or section of the enterprise.
    4. Where any paid rostered day off falls on a public holiday, the next working day must be taken instead of the paid rostered day off unless an alternative day is agreed in writing between the employer and an employee.
    5. Each day of paid leave (except the paid rostered day off) and any public holiday taken during a cycle of four weeks must be regarded as a day worked for accrual purposes.
    6. An employee who has not worked a complete 19 day four week cycle must be paid accrued pro rata entitlements for each day worked on the rostered day off or, in the case of termination of employment, on termination.

[28.2(g) substituted by [PR535145](http://www.fwc.gov.au/awardsandorders/html/pr535145.htm) ppc 13Jun13]

* + 1. An employee who works on a paid rostered day off or any substituted day must, in addition to any time credits accumulated for that day during a work cycle, be paid the penalty rates and provisions prescribed for Saturday work in clause 30.6, but shall not, in addition to those payments, be entitled to a day off in lieu of the day worked. Where an alternative day is substituted for a scheduled rostered day off, the penalty payments will only apply to the alternative day worked and not the original rostered day off.
    2. An employee who works overtime must be paid overtime in accordance with clause 30—Overtime.
    3. An employee required to work on a public holiday must be paid for a minimum of four hours work at the rate of 250%.

Shiftworkers

Definitions

For the purposes of clause 28.3:

* + - 1. **Afternoon shift** means a shift finishing at or after 9.00 pm and at or before 11.00 pm.
      2. **Night shift** means a shift finishing after 11.00 pm and at or before 7.00 am.
      3. **Early morning shift** means a shift finishing after 12.30 pm and before 2.00 pm.
      4. **Early afternoon shift** means a shift finishing after 7.30 pm and before 9.00 pm.

Hours of work

* + - 1. Subject to clause 31—Alternative working arrangement, the ordinary hours for a shiftworker are eight hours per day, inclusive of meal breaks, Monday to Friday provided that:
* an ordinary night shift commencing before, and extending beyond, midnight Friday is regarded as a Friday shift; and
* where shiftwork comprises three continuous and consecutive shifts of eight hours each per day, a crib time of 20 minutes duration must be allowed without deduction of pay in each shift, such crib time being instead of any other rest period or cessation of work prescribed elsewhere in this award.
  + - 1. An employee on shiftwork accrues 0.4 of one hour for each eight hour shift worked to allow one complete shift to be taken off as a paid shift for every cycle of 20 shifts. The 20th shift must be paid for at the appropriate shift rate as prescribed by clause 28.3(d).
      2. Paid leave taken and public holidays occurring during any cycle of four weeks must be regarded as shifts worked for accrual purposes.
      3. An employee who has not worked a complete four week cycle must be paid accrued pro rata entitlements for each shift worked on the programmed shift off or, in the case of termination of employment, on termination.
      4. The employer and relevant employees must agree in writing on the arrangements for the programmed shift off during the 20 day cycle or for the accumulation of the accrued shifts off, provided that such accumulation must be limited to no more than five such accrued shifts off and that when taken, the shifts must be regarded as shifts worked for accrual purposes in the particular 20 shift cycle.
      5. Where an employer, for emergency reasons, requires an employee to work on the employee’s paid shift off, the employee must be paid, in addition to the employee’s accrued entitlement, at the rate of 200%.

Stonemasonry work

Where an employee engaged on stonemasonry work is required to work shiftwork, the hours of duty are between 7.00 am and 11.00 pm, provided that such hours are worked in two shifts with two sets of employees. The first shift must be worked between 7.00 am and 3.00 pm and be paid for at ordinary time rates and the second shift must be worked between 3.00 pm and 11.00 pm and be paid for at the rate of 150%. All time worked between 11.00 pm and 7.00 am must be paid at the rate of 200%.

Shift rates

* + - 1. Other than for work on a Saturday, Sunday or public holiday, the rate of pay for afternoon or night shift is 150% and the rate of pay for early morning and early afternoon shift is 125%, provided that the employee is employed continuously for five shifts Monday to Friday in any week. A public holiday in any week is not a break in continuity for the purposes of clause 28.3(d)(i).
      2. An employee who is employed for less than five consecutive shifts Monday to Friday must be paid for each day the employee works on shiftwork at the rate of 150% for the first two hours and 200% thereafter, provided that when a job finishes after proceeding on shiftwork for more than one week, or the employee terminates their services during the week, the employee must be paid at the rate specified in clause 28.3(d)(i) for the time actually worked.

Overtime and public holiday rates

* + - 1. A shiftworker who works overtime must be paid overtime in accordance with clause 30—Overtime.
      2. A shiftworker required to work on a public holiday must be paid for a minimum of four hours work at the rate of 250%.

Shift notice

* + - 1. An employee must be given at least 48 hours’ notice of a requirement to work shiftwork.
      2. The hours for a shiftworker when fixed, must not be altered except for breakdowns or other causes beyond the control of the employer, provided that notice of such alteration must be given to the employee not later than the ceasing time of the previous shift.

1. Breaks

[Varied by [PR992150](http://www.fwc.gov.au/alldocuments/PR992150.htm)]

Meal breaks

An employee is entitled to a meal break on each day of work of not less than 30 minutes to be taken no less than four hours and no later than six hours after the commencement of work where the employee is a day worker and no less than five hours after the commencement of work where the employee is a shiftworker. Except where any alternative arrangement is entered into by agreement between the employer and the employee concerned, the rate of 200% must be paid for all work done during a meal break and thereafter until a meal break is taken.

Rest periods

* + 1. An employee is entitled to a paid rest period of 10 minutes between 9.30 am and 11.30 am on each day of work.
    2. In addition to the rest period in clause 29.2(a), an employee engaged on glass and glazing work is entitled to a rest period of ten minutes in the afternoon at a time to be selected by the employer, provided that when any spell of duty in ordinary hours is for four hours or more, such rest period must be allowed in the third hour of duty.

Crib time

Where shiftwork comprises three continuous and consecutive shifts of eight hours each per day, an employee is entitled to a paid 20 minute crib time instead of any other rest period or cessation of work prescribed elsewhere in this award.

Washing time

An employee engaged in glass and glazing work as a spray painter operator or stripper of mirrors or using rouge, glacite or substitute material is entitled to five minutes before the meal or crib break and five minutes before the conclusion of work for the day or shift for washing purposes.

1. Overtime

[Varied by [PR711000](file:///\\FWAVICSRV05\PCCOMMON\_Award%20Projects_drafts\Modern%20awards\MA000029%20joinery\old\v), [PR715726](https://www.fwc.gov.au/documents/awardsandorders/html/pr715726.htm), [PR723913](https://www.fwc.gov.au/documents/awardsandorders/html/pr723913.htm)]

Reasonable overtime

[30.1 substituted by [PR711000](file:///\\FWAVICSRV05\PCCOMMON\_Award%20Projects_drafts\Modern%20awards\MA000029%20joinery\old\v) 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 28 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.

Payment for working overtime

[30.2 substituted by [PR723913](https://www.fwc.gov.au/documents/awardsandorders/html/pr723913.htm) ppc 20Nov20]

* + 1. Except as provided for in clauses 30.6 and 30.7, all work done outside of ordinary hours by a day worker must be paid at the overtime rate of 150% for the first two hours and 200% after that.
    2. Except as provided for in clauses 30.6 and 30.7, all work done outside of ordinary hours by a shiftworker must be paid at the overtime rate of 200%.
    3. Overtime work performed by a shiftworker employed on the second or third shifts of a day when two or three shifts are worked must be paid for at the rate of 200%.
    4. A casual employee must be paid the overtime penalty rates prescribed by clause 30.2 in accordance with clause 12.6.

Call back

* + 1. An employee recalled to work overtime after leaving the employer’s business premises (whether notified before or after leaving the premises) must be paid for a minimum of three hours work at the appropriate rates for each time the employee is so recalled. Except in the case of unforeseen circumstances arising, the employee must not be required to work the full three hours if the job they were recalled to perform is completed within a shorter period.
    2. Clause 30.3(a) does not apply where it is customary for an employee to return to the employer’s premises to perform a specific job outside the employee’s ordinary hours or where the overtime is continuous, subject to a reasonable meal break, with the completion or commencement of ordinary hours.

Rest period after overtime

* + 1. When overtime work is necessary it must, wherever reasonably practicable, be arranged so that an employee has at least 10 consecutive hours off duty between the work of successive working days.
    2. An employee, other than a casual employee, who works so much overtime between the termination of their ordinary hours on one day and the commencement of their ordinary hours on the next day that the employee has not had at least 10 consecutive hours off duty between those times must, subject to the other provisions of clause 30.4, be released after completion of the overtime until the employee has had 10 consecutive hours off duty without loss of pay for ordinary hours occurring during such absence.
    3. If on the instructions of the employer an employee resumes or continues work without having had the 10 consecutive hours off duty the employee must be paid at the rate of 200% until the employee is released from duty for such period. The employee is then entitled to be absent until the employee has had 10 consecutive hours off duty without loss of pay for ordinary hours occurring during the absence.
    4. The provisions of clause 30.4 apply in the case of a shiftworker as if eight hours were substituted for 10 hours when overtime is worked:
       1. for the purpose of changing shift rosters;
       2. where a shiftworker does not report for duty and a day worker or a shiftworker is required to replace the shiftworker; or
       3. where a shift is worked by arrangement between the employees themselves.
    5. An employee who has worked continuously, except for meal or crib breaks, for 20 hours must not be required to continue at or recommence work for at least 12 hours.

Crib breaks

An employee required to work overtime for two or more hours after the usual ceasing time for the day or shift is entitled to a paid 20 minute crib break immediately after such ceasing time or payment at overtime rates for the 20 minute crib break. After each four hours of continuous overtime, the employee is also entitled to a paid 30 minute crib break.

Weekend work

[30.6(a) varied by [PR723913](https://www.fwc.gov.au/documents/awardsandorders/html/pr723913.htm) ppc 20Nov20]

* + 1. Overtime worked by an employee on a Saturday must be paid for at the rate of 150% for the first two hours and 200% after that, provided that all overtime worked by an employee after 12 noon on a Saturday must be paid for at the rate of 200%.
    2. Overtime worked by an employee on a Sunday must be paid for at the rate of 200%.
    3. An employee required to work overtime on a Saturday or a Sunday must be afforded and paid for at least three hours work on a Saturday or for four hours work on a Sunday at the appropriate rate.
    4. An employee working overtime on a Saturday or a Sunday must be allowed a paid 10 minute rest period.
    5. An employee working overtime on a Saturday or a Sunday must be allowed a paid 20 minute crib break after four hours work and a paid 30 minute crib break after a further four hours work, paid at the ordinary rate of pay.

[30.6(f) inserted by [PR723913](https://www.fwc.gov.au/documents/awardsandorders/html/pr723913.htm) ppc 20Nov20]

* + 1. A casual employee must be paid the overtime penalty rates prescribed by clause 30.6 in accordance with clause 12.6.

Public holiday work

[Paragraph renumbered as 30.7(a) by [PR723913](https://www.fwc.gov.au/documents/awardsandorders/html/pr723913.htm) ppc 20Nov20]

* + 1. An employee required to work overtime on a public holiday must be paid for a minimum of four hours work at the rate of 250%.

[30.7(b) inserted by [PR723913](https://www.fwc.gov.au/documents/awardsandorders/html/pr723913.htm) ppc 20Nov20]

* + 1. A casual employee must be paid the overtime penalty rate prescribed by clause 30.7 in accordance with clause 12.6.

Transport of employees

An employee who, after having worked overtime and/or a shift for which they have not been regularly rostered, finishes work at a time when reasonable means of transport are not available must be provided by the employer with transport to, or the cost of transport to, the employee’s usual residence.

Time off instead of payment for overtime

* + 1. Clause 30.9 does not apply to casual employees.
    2. 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.
    3. 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 30.9.
    4. 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 I. There is no requirement to use the form of agreement set out at Schedule I. An agreement under clause 30.9 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 30.9 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 30.9 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 (f), 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 30.9 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 30.9 will apply, including the requirement for separate written agreements under paragraph (c) 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 30.9 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 30.9.

1. Alternative working arrangement

[Varied by [PR715726](https://www.fwc.gov.au/documents/awardsandorders/html/pr715726.htm)]

* 1. By written agreement between the employer and the employees, the ordinary hours of work may be altered from those allowed under clauses 28—Ordinary hours of work and rostering, 29—Breaks or 30—Overtime to suit the needs of a particular enterprise, factory, workshop or section, provided that:
     1. where employees employed at the enterprise, factory, workshop or section request that the employer consult with their representatives on the proposed alteration, that consultation takes place at least five days prior to the introduction of the proposed alteration;

[31.1(b) varied by [PR715726](https://www.fwc.gov.au/documents/awardsandorders/html/pr715726.htm) ppc 01Jul20]

* + 1. the agreement must be made by a majority of employees in the enterprise, factory, workshop or section affected by the alteration; and
    2. no employee experiences a loss of ordinary time pay or status as a result of the alteration.
  1. For the purposes of clause 31, **section** means a clearly identifiable production process.

31A. Requests for flexible working arrangements

[31A inserted by [PR701425](https://www.fwc.gov.au/documents/awardsandorders/html/pr701425.htm) ppc 01Dec18]

31A.1 Employee may request change in working arrangements

Clause 31A 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 31A is an addition to s.65.

31A.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)).

31A.3 What the written response must include if the employer refuses the request

Clause 31A.3 applies if the employer refuses the request and has not reached an agreement with the employee under clause 31A.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 31A.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.

31A.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 31A.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.

31A.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 31A, can be dealt with under clause 9—Dispute resolution.

1. Leave and Public Holidays
2. Annual leave

[Varied by [PR992198](http://www.fwc.gov.au/alldocuments/PR992198.htm), [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm), [PR995189](http://www.fwc.gov.au/awardsandorders/html/PR995189.htm), [PR583021](http://www.fwc.gov.au/awardsandorders/html/PR583021.htm), [PR588647](https://www.fwc.gov.au/documents/awardsandorders/html/pr588647.htm)]

* 1. Annual leave is provided for in the NES. Annual leave does not apply to a casual employee.

Payment for period of annual leave

[32.2(a) varied by [PR995189](http://www.fwc.gov.au/awardsandorders/html/PR995189.htm) from 01Jan10]

* + 1. Instead of the base rate of pay as referred to in s.90(1) of the Act, an employee under this award, before going on annual leave, must be paid the wages they would have received in respect of the ordinary hours the employee would have worked had the employee not been on leave during the relevant period.
    2. Subject to clause 32.2(c), the wages to be paid must be worked out on the basis of what the employee would have been paid under this award for working ordinary hours during the period of annual leave, including applicable allowances, loadings and penalties paid for all purposes of the award, first aid allowance, if applicable, and any other wages payable under the employee’s contract of employment including any overaward payment.

[32.2(c) substituted by [PR588647](https://www.fwc.gov.au/documents/awardsandorders/html/pr588647.htm) ppc 16Dec16]

* + 1. The employee is not entitled to payments in respect of overtime, shift rates, special rates or any other payment which might have been payable to the employee as a reimbursement for expenses incurred.

Electronic funds transfer (EFT) payment of annual leave

[32.2(d) inserted by [PR583021](http://www.fwc.gov.au/awardsandorders/html/PR583021.htm) ppc 29Jul16]

Despite anything else in this clause, an employee paid by electronic funds transfer (EFT) may be paid in accordance with their usual pay cycle while on paid annual leave.

Annual leave loading

[32.3 substituted by [PR588647](https://www.fwc.gov.au/documents/awardsandorders/html/pr588647.htm) ppc 16Dec16]

* + 1. In addition to the payment prescribed in clause 32.2, during a period of annual leave an employee must be paid a loading of 17.5% calculated on the minimum wages, loadings and allowances by clauses 18—Classifications and minimum wages, 19—Apprentice minimum wages, 20—Adult apprentice minimum wages, 21—Trainee minimum wages, 22—Supported wage system and clauses 24.1(b), (c) and (d) as applicable and the leading hand rates prescribed by clause 24.1(a) if applicable. An employee is also entitled to the 17.5% loading on any proportionate leave on termination.
    2. An employee who would have worked on shiftwork had they not been on leave must be paid a loading equal to that prescribed in clause 32.3(a) or the shift rates prescribed by this award, whichever is the greater but not both.

Commencement of annual leave for distant jobs

If an employee is still engaged on a distant job when annual leave is granted and the employee returns by the first reasonable means of transport to the place of engagement (or, if employed prior to going to the distant job, to the place regarded as the headquarters), the employee’s annual leave commences on the first full working day following the employee’s return to such place of engagement or headquarters as the case may be.

Excessive leave accruals: general provision

[32.5 renamed and substituted by [PR583021](http://www.fwc.gov.au/awardsandorders/html/PR583021.htm) ppc 29Jul16]

Note: Clauses 32.5 to 32.7 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.
    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 32.6 sets out how an employer may direct an employee who has an excessive leave accrual to take paid annual leave.
    4. Clause 32.7 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

[New 32.6 inserted by [PR583021](http://www.fwc.gov.au/awardsandorders/html/PR583021.htm) ppc 29Jul16]

* + 1. If an employer has genuinely tried to reach agreement with an employee under clause 32.5(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 32.5, 32.6 or 32.7 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 32.6(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

[New 32.7 inserted by [PR583021](http://www.fwc.gov.au/awardsandorders/html/PR583021.htm); substituted by [PR583021](http://www.fwc.gov.au/awardsandorders/html/pr583021.htm) ppc 29Jul17]

* + 1. If an employee has genuinely tried to reach agreement with an employer under clause 32.5(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 32.6(a) that, when any other paid annual leave arrangements (whether made under clause 32.5, 32.6 or 32.7 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 32.5, 32.6 or 32.7 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 in any period of 12 months.
    5. The employer must grant paid annual leave requested by a notice under paragraph (a).

Annual leave in advance

[32.6 renumbered as 32.8 by [PR583021](http://www.fwc.gov.au/awardsandorders/html/PR583021.htm) ppc 29Jul16; 32.8 renamed and substituted by [PR583021](http://www.fwc.gov.au/awardsandorders/html/PR583021.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 32.8 is set out at Schedule G. There is no requirement to use the form of agreement set out at Schedule G.

* + 1. The employer must keep a copy of any agreement under clause 32.8 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 32.8, 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.

Annual close-down

[32.7 varied by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 01Jan10; 32.7 renumbered as 32.9 by [PR583021](http://www.fwc.gov.au/awardsandorders/html/PR583021.htm) ppc 29Jul16]

Notwithstanding s.88 of the Act and clause 32.5, an employer may close down an enterprise or part of it during the Christmas–New Year period for the purpose of giving the whole of the annual leave owing to all or the majority of the employees in the enterprise or part concerned, provided that:

* + 1. the employer gives not less than two months’ notice of intention to do so;
    2. an employee who has accrued sufficient leave to cover the period of the close‑down is allowed leave and also paid for that leave at the appropriate wage in accordance with clauses 32.2 and 32.3;
    3. an employee who has not accrued sufficient leave to cover part or all of the close-down is allowed paid leave for the period for which they have accrued sufficient leave and given unpaid leave for the remainder of the close-down; and
    4. any leave taken by an employee as a result of a close-down pursuant to clause 32.9also counts as service by the employee with their employer.

Proportionate leave on termination

[32.8 renumbered as 32.10 by [PR583021](http://www.fwc.gov.au/awardsandorders/html/PR583021.htm) ppc 29Jul16]

On termination of employment, an employee must be paid for annual leave accrued that has not been taken at the appropriate wage calculated in accordance with clauses 32.2 and 32.3.

Cashing out of annual leave

[32.11 inserted by [PR583021](http://www.fwc.gov.au/awardsandorders/html/PR583021.htm)ppc 29Jul16]

* + 1. Paid annual leave must not be cashed out except in accordance with an agreement under clause 32.11.
    2. Each cashing out of a particular amount of paid annual leave must be the subject of a separate agreement under clause 32.11.
    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 32.11 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 32.11 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 32.11 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 32.11.

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 32.11.

Note 3: An example of the type of agreement required by clause 32.11 is set out at Schedule H. There is no requirement to use the form of agreement set out at Schedule H.

1. Personal/carer’s leave and compassionate leave
   1. Personal/carer’s leave and compassionate leave are provided for in the NES.
   2. If an employee is terminated by their employer and is re-engaged by the same employer within a period of six months then the employee’s unclaimed balance of paid personal/carer’s leave continues from the date of re-engagement.
2. Community service leave
   1. Community service leave is provided for in the NES.

Reimbursement for jury service

A full-time employee required to attend for jury service during their ordinary hours of work must be reimbursed by the employer an amount equal to the difference between the amount paid to the employee in respect of the employee’s attendance for such jury service and the wages the employee would have received in respect of the ordinary hours the employee would have worked had the employee not been on jury service.

1. Public holidays

[Varied by [PR712241](https://www.fwc.gov.au/documents/awardsandorders/html/pr712241.htm)]

* 1. Public holidays are provided for in the NES.

Substitution of certain public holidays by agreement at the enterprise

[35.2 substituted by [PR712241](https://www.fwc.gov.au/documents/awardsandorders/html/pr712241.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.

[Note inserted by [PR712241](https://www.fwc.gov.au/documents/awardsandorders/html/pr712241.htm) ppc 04Oct19]

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

1. Leave to deal with Family and Domestic Violence

[36 inserted by [PR609346](https://www.fwc.gov.au/documents/awardsandorders/html/pr609346.htm) ppc 01Aug18]

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

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 36.2(a) includes a former spouse or de facto partner.

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.

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.

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.

Notice and evidence requirements

Notice

An employee must give their employer notice of the taking of leave by the employee under clause 36. 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 36 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 36.4.

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.

Confidentiality

* + 1. Employers must take steps to ensure information concerning any notice an employee has given, or evidence an employee has provided under clause 36.6 is treated confidentially, as far as it is reasonably practicable to do so.
    2. Nothing in clause 36 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.

Compliance

An employee is not entitled to take leave under clause 36 unless the employee complies with clause 36.

1. —Transitional Provisions

[Varied by [PR988412](http://www.fwc.gov.au/awardsandorders/html/PR988412.htm), [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm), [PR503636](http://www.fwc.gov.au/awardsandorders/html/PR503636.htm)]

General

* + 1. The provisions of this schedule deal with minimum obligations only.

[A.1.2 substituted by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 01Jan10]

* + 1. 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,

[A.2.1(b) substituted by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 01Jan10]

* + - 1. but for the operation of an agreement-based transitional instrument or an enterprise agreement would have been obliged, or
      2. 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,

[A.3.1(b) substituted by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 01Jan10]

* + - 1. but for the operation of an agreement-based transitional instrument or an enterprise agreement would have been obliged, or
      2. 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

[A.5.1 substituted by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 01Jan10]

* + 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.

[A.5.2 substituted by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 01Jan10]

* + 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

[A.6.1 substituted by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 01Jan10]

* + 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.

[A.6.2 substituted by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 01Jan10]

* + 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.

[A.6.3 substituted by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 01Jan10]

* + 1. 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.
    2. 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

[A.7.1 substituted by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 01Jan10]

* + 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.

[A.7.3 substituted by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 01Jan10]

* + 1. 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 [PR503636](http://www.fwc.gov.au/awardsandorders/html/PR503636.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. 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. —Classification Structure and Definitions

[Varied by [PR988412](http://www.fwc.gov.au/awardsandorders/html/PR988412.htm), [PR992150](http://www.fwc.gov.au/alldocuments/PR992150.htm), [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm), [PR503860](http://www.fwc.gov.au/awardsandorders/html/PR503860.htm)]

* 1. For the purposes of this award, the classification definitions are as follows:

Level 1 [relativity to Level 5—78%]

* + - 1. An employee at this level will undertake up to 38 hours induction training which may include information on the company, conditions of employment, introduction to supervisors and fellow workers, training and career path opportunities, plant layout, work and documentation procedures, occupational health and safety, equal employment opportunity and quality control/assurance.
      2. An employee at this level performs routine duties essentially of a manual nature and to the level of their training:
         1. performs work as directed;
         2. performs routine duties essentially of a manual and repetitive nature;
         3. is responsible for the quality of their own work subject to direct supervision;
         4. works in a safe manner so as not to injure themselves or other employees;
         5. is able to solve basic problems associated with their work;
         6. while undertaking structured training performs work within the scope of that training subject to safety and training requirements.
      3. Indicative of the tasks which an employee at this level may perform are the following:
         1. general labouring and cleaning duties from written or verbal instructions;
         2. assistance to other employees at this or other skill levels within their level of skill and training;
         3. other tasks as directed in accordance with their level of skill and training.
      4. Level 1 includes the following occupations:
         1. General hand.
         2. Factory hand.

Level 2 [relativity to Level 5—82%]

* + - 1. An employee to be classified at this level will have completed the required training or will have equivalent skills gained through work experience in accordance with the prescribed standards for this level. In all cases the employee will be required to satisfactorily complete a competency assessment to enable the employee to perform work within the scope of this level.
      2. An employee at this level performs work above and beyond the skills of an employee at Level 1 and to the level of their skill and training:
         1. performs work as directed;
         2. exercises limited discretion and utilises basic fault finding skills in the course of their work;
         3. works in a safe manner so as not to injure themselves or other employees;
         4. understands and undertakes basic quality control/assurance procedures subject to supervision;
         5. while undertaking structured training, performs work within the scope of that training subject to safety and training requirements.
      3. Indicative of the tasks which an employee at this level may perform are the following:
         1. repetitive fixing of pre-made components or parts of any article in predetermined ways, using basic written, spoken and/or diagrammatic instructions;

[Sched B.1.2(c)(ii) substituted by [PR503860](http://www.fwc.gov.au/awardsandorders/html/PR503860.htm) ppc 12Nov10; corrected by [PR503969](http://www.fwc.gov.au/awardsandorders/html/PR503969.htm) ppc 12Nov10]

* + - * 1. repetition work (including the feeding and removing of glass) on automatic, semi automatic or single purpose machines or equipment;
        2. use of selected hand tools and hand operated power tools;
        3. maintenance of simple records;
        4. manual handling skills;
        5. use of hand trolleys and pallet trucks;
        6. problem solving skills;

[Sched B.1.2(c)(viii) inserted by [PR503860](http://www.fwc.gov.au/awardsandorders/html/PR503860.htm) ppc 12Nov10]

* + - * 1. handling of glass to and from cases, trucks, benches, pallets, stillages, bins, cages or racks.
      1. Subject to Schedule B.1.2(e), Level 2 includes the following occupations:
         1. Assembler B.
      2. An employee currently classified as an Assembler B who is only required to perform the duties specified in Schedule B.1.2 must be paid in accordance with Level 2. Where such employee performs a wide range of duties including those more complex tasks identified for Level 3, then such employee must be paid in accordance with Level 3.

Level 3 [relativity to Level 5—87.4%]

* + - 1. An employee to be classified at this level will have completed the required training or will have equivalent skills gained through work experience in accordance with the prescribed standards for this level. In all cases the employee will be required to satisfactorily complete a competency assessment to enable the employee to perform work within the scope of this level.
      2. An employee at this level performs work above and beyond the skills of an employee at Level 2 and to the level of their skill and training:
         1. performs work as directed;
         2. exercises limited discretion and utilises basic fault finding skills in the course of their work;
         3. works in a safe manner so as not to injure themselves or other employees;
         4. understands and undertakes basic quality control/assurance procedures subject to supervision;
         5. performs routine duties which may involve the use of machinery or tools;
         6. while undertaking structured training performs work within the scope of that training subject to safety and training requirements.
      3. Indicative of the tasks which an employee at this level may perform are the following:
         1. production of standard components and operation of machinery and equipment requiring the exercise of skill and knowledge beyond that of an employee at Level 2;
         2. an ability to interpret and follow standard procedures;
         3. operation of flexibility between assembly stations;
         4. receipt, dispatch, distribution, sorting, checking, packing, documentation and recording of goods, materials and components;
         5. basic inventory control in the context of a production process;
         6. basic keyboard skills;
         7. operation of mobile equipment including forklifts, hand trolleys, pallet trucks, overhead crane and winch operation;
         8. accurate measurement;
         9. assistance to one or more tradespersons [i.e. Level 5 and above];
         10. problem solving skills.
      4. Subject to Schedule B.1.3(e) and B.1.3(f), Level 3 includes the following occupations:
         1. Assembler A.
         2. Assembler B.
         3. Primer.
         4. Machinist grade 2.
         5. Dispatch worker/glass vehicle driver (other than crane mounted vehicle).
      5. An employee currently classified as an Assembler A who is only required to perform the duties specified in Schedule B.1.3 must be paid in accordance with Level 3. Where such employee performs a wider range of duties including those more complex tasks identified for Level 4, then such employee must be paid in accordance with Level 4.
      6. An employee currently classified as an Assembler B who is only required to perform the duties specified in Schedule B.1.2 must be paid in accordance with Level 2. Where such employee performs a wider range of duties including those more complex tasks identified for Level 3, then such employee must be paid in accordance with Level 3.

Level 4 [relativity to Level 5—92.4%]

* + - 1. An employee to be classified at this level will have completed the required training or will have equivalent skills gained through work experience in accordance with the prescribed standards for this level. In all cases the employee will be required to satisfactorily complete a competency assessment to enable the employee to perform work within the scope of this level.
      2. An employee at this level performs work above and beyond the skills of an employee at Level 3 and to the level of their skill and training:
         1. performs work as directed;
         2. exercises discretion and utilises basic fault finding skills in the course of their work;
         3. works in a safe manner so as not to injure themselves or other employees;
         4. is responsible for the quality of their own work subject to limited supervision;
         5. works from more complex standards and procedures;
         6. while undertaking structured training, performs work within the scope of that training subject to safety and training requirements.
      3. Indicative of the tasks which an employee at this level may perform are the following:
         1. carrying out of tasks from basic plans, sketches and drawings in conjunction with appropriate written or verbal instructions;
         2. operation of materials handling equipment requiring a licence or certificate;
         3. setting up and operation and adjustment of machinery to produce more detailed components to exact specifications and standards;
         4. fixing components or parts in pre-determined ways and simple rectification work to jobs in progress;
         5. assistance to other employees at this and other skill levels within their level of skill and training;
         6. other tasks as directed in accordance with their level of skill and training;
         7. completion of simple clerical tasks;
         8. selection of suitable methods for completing tasks and planning the order in which to complete them;
         9. keyboard skills at a level higher than Level 3;
         10. lubrication of production machinery equipment;
         11. problem solving skills.
      4. Subject to Schedule B.1.4(e), Level 4 includes the following occupations:
         1. Assembler A.
         2. Machinist grade 1.
         3. Computerised automatic glass cutting machine operator.
         4. Automatic edge grinding/polishing machine operator.
         5. Automatic bevelling/polishing machine operator.

[B.1.4(d)(vi) varied by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm) ppc 01Jan10]

* + - * 1. Dispatch worker/glass vehicle driver (crane mounted vehicles).
      1. An employee currently classified as an Assembler A who is only required to perform the duties specified in Schedule B.1.3 must be paid in accordance with Level 3. Where such employee performs a wider range of duties including those more complex tasks identified for Level 4, then such employee must be paid in accordance with Level 4.

Level 5 [relativity to Level 5—100%]

* + - 1. An employee to be classified at this level will hold a trade certificate, Tradesperson’s Rights Certificate, or have completed the required training or will have equivalent skills gained through work experience in accordance with the prescribed standards for this level. In all cases the employee will be required to satisfactorily complete a competency assessment to enable the employee to perform work within the scope of this level.
      2. An employee at this level performs work above and beyond the skills of an employee at Level 4 and to the level of their skill and training:
         1. understands and applies quality control techniques;
         2. inspects products and/or materials for conformity with established operational standards;
         3. exercises good interpersonal communication skills;
         4. exercises discretion and utilises basic fault finding skills in the course of their work;
         5. works in a safe manner so as not to injure themselves or other employees;
         6. performs work under limited supervision either individually or in a team environment;
         7. conducts training in conjunction with a skilled trainer as required;
         8. while undertaking structured training, performs work within the scope of that training subject to safety and training requirements.
      3. Indicative of the tasks which an employee at this level may perform are the following:
         1. carrying out of tasks from basic plans, sketches and drawings in conjunction with appropriate written or verbal instructions;
         2. selection of materials and operation of machinery and/or equipment to produce articles in accordance with trade standards;
         3. identification and initiation of relevant action to obtain materials, tools and machinery requirements for a particular job;
         4. maintenance and use of hand held pneumatic, power and personal tools;
         5. understanding and undertaking of basic quality control/assurance procedures on the work of employees in lower classifications;
         6. assisting in the provision of on-the-job training in conjunction with other tradespersons and supervisors;
         7. keyboard skills at a level higher than Level 4;
         8. operation of all lifting equipment incidental to their work;
         9. performance of non-trade tasks incidental to their work;
         10. performance of work which, while primarily involving the skills of an employee’s trade, is incidental or peripheral to the primary task and facilitates the completion of the whole task and which does not require additional formal technical training;
         11. approval and passing of first-off samples and maintenance of quality of product;
         12. operation, setting up and adjustment of all production machinery in a plant to the extent of their training;
         13. performance of a range of maintenance functions;
         14. understanding and application of computer techniques as they relate to production process operations;
         15. high level stores and inventory responsibility beyond the requirements of an employee at Level 4;
         16. other tasks as directed in accordance with their level of skill and training.
      4. Level 5 includes the following occupations:
         1. Carpenter and/or joiner.
         2. Stonemason.
         3. Prefab tradesperson.
         4. Painter.
         5. Plasterer.
         6. Glazier.

[B.1.5(d)(vii) varied by [PR503860](http://www.fwc.gov.au/awardsandorders/html/PR503860.htm) ppc 12Nov10]

* + - * 1. Glass cutter.
        2. Automatic bevelling/polishing machine setter operator.
        3. Automatic edge grinding/polishing machine setter operator.

Level 6 [relativity to Level 5—105%]

* + - 1. An employee to be classified at this level will have completed the required training or will have equivalent skills gained through work experience in accordance with the prescribed standards for this level. In all cases the employee will be required to satisfactorily complete a competency assessment to enable the employee to perform work within the scope of this level.
      2. An employee at this level performs work above and beyond the skills of an employee at Level 5 and to the level of their skill and training:
         1. performs work under general supervision either individually or in a team environment, and is able to examine, evaluate and develop solutions to problems within the scope of this level;
         2. understands and implements quality control techniques and is responsible for the quality of their work and is able to identify faults in the work of others at this or lower levels;
         3. exercises discretion and utilises fault finding skills in the course of their work;
         4. works in a safe manner so as not to injure themselves or other employees and is able to identify hazards and unsafe work practices which may affect others in the team environment;
         5. exercises good interpersonal skills;
         6. provides guidance and assistance as part of a work team;
         7. while undertaking structured training, performs work within the scope of that training subject to safety and training requirements.
      3. Indicative of the tasks which an employee at this level may perform are the following:
         1. reading, interpreting and calculating information from production drawings, prints or plans;
         2. assisting in the provision of on-the-job training in conjunction with other tradespersons and supervisors;
         3. exercising trade skills relevant to the requirements of the enterprise at a level higher than an employee at Level 5;
         4. operating a wide range of complex machines or equipment in the workplace;
         5. applying relevant legislation to the work of self and others;
         6. other tasks as directed in accordance with their level of skill and training.
      4. Level 6 includes the following occupations:
         1. Letter cutter.
         2. Joiner special class.
         3. Joiner-setter out.
         4. Prefab setter.
         5. Signwriter.
         6. Specialist glass cutter.
         7. Supervisor—toughening plant, laminating plant, silvering plant, insulation unit plant or glass bending plant.

Level 7 [relativity to Level 5—110%]

* + - 1. An employee to be classified at this level will have completed the required training or will have equivalent skills gained through work experience in accordance with the prescribed standards for this level. In all cases the employee will be required to satisfactorily complete a competency assessment to enable the employee to perform work within the scope of this level.
      2. An employee at this level performs work above and beyond the skills of an employee at Level 6 and to the level of their skill and training:
         1. exercises the skills attained through satisfactory completion of the training and standard prescribed for this classification;
         2. provides guidance and assistance as part of a work team;
         3. assists in the provision of training in conjunction with supervisors and trainers;
         4. understands and implements quality control techniques and is responsible for the quality of their work and is able to identify faults in the work of others at this or lower levels;
         5. works in a safe manner so as not to injure themselves or other employees and is able to identify hazards and unsafe work practices which may affect others in the team environment;
         6. exercises excellent interpersonal skills;
         7. performs work under limited supervision either individually or in a team environment;
         8. exercises discretion within their level of training.
      3. Indicative of the tasks which an employee at this level may perform are the following:
         1. exercising of high precision trade skills using various materials and/or specialised techniques;
         2. performance of operations on a CAD/CAM terminal in the performance of routine modifications.
      4. Level 7 includes the following occupations:
         1. Carver.

1. —School-Based Apprentices

[Varied by [PR988412](http://www.fwc.gov.au/awardsandorders/html/PR988412.htm), [PR544644](http://www.fwc.gov.au/awardsandorders/html/PR544644.htm)]

* 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 schedule C.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.

[C.8 substituted by [PR544644](http://www.fwc.gov.au/awardsandorders/html/PR544644.htm) ppc 01Jan14]

* 1. 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 where provided for in this award.

[C.9 substituted by [PR544644](http://www.fwc.gov.au/awardsandorders/html/PR544644.htm) ppc 01Jan14]

* 1. 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 where 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.

[C.10 substituted by [PR544644](http://www.fwc.gov.au/awardsandorders/html/PR544644.htm) ppc 01Jan14]

* 1. If an apprentice converts from school-based to full-time, the successful completion of competencies (where 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.
  2. School-based apprentices are entitled pro rata to all of the other conditions in this award.

1. —National Training Wage

[Varied by [PR988412](http://www.fwc.gov.au/awardsandorders/html/PR988412.htm); substituted by [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm); varied by [PR997909](http://www.fwc.gov.au/awardsandorders/html/PR997909.htm), [PR509060](http://www.fwc.gov.au/awardsandorders/html/PR509060.htm), [PR522891](http://www.fwc.gov.au/awardsandorders/html/PR522891.htm), [PR536694](http://www.fwc.gov.au/awardsandorders/html/PR536694.htm), [PR545787](http://www.fwc.gov.au/awardsandorders/html/PR545787.htm), [PR551617](http://www.fwc.gov.au/awardsandorders/html/PR551617.htm), [PR566698](https://www.fwc.gov.au/awardsandorders/html/PR566698.htm), [PR579791](http://www.fwc.gov.au/awardsandorders/html/PR579791.htm), [PR592125](http://www.fwc.gov.au/awardsandorders/html/pr592125.htm), [PR606353](https://www.fwc.gov.au/documents/awardsandorders/html/pr606353.htm), [PR707439](https://www.fwc.gov.au/documents/awardsandorders/html/pr707439.htm); substituted by [PR719630](https://www.fwc.gov.au/documents/awardsandorders/html/pr719630.htm) ppc 17Sep20; varied by [PR718846](https://www.fwc.gov.au/documents/awardsandorders/html/pr718846.htm); corrected by [PR724006](https://www.fwc.gov.au/documents/awardsandorders/html/pr724006.htm)]

Definitions

* + 1. In this schedule:

**adult trainee** means a trainee who would qualify for the highest minimum wage in wage level A, B or C if covered by that wage level.

**approved training**, in relation to a trainee, means the training specified in the training contract of the trainee.

**Australian Qualifications Framework (AQF)** means the national framework for qualifications in post-compulsory education and training.

**relevant State or Territory training authority** means a body in the relevant State or Territory that has power to approve traineeships, and to register training contracts, under the relevant State or Territory vocational education and training legislation.

**Relevant State or Territory vocational education and training legislation** means the following or any successor legislation:

*Apprenticeship and Traineeship Act 2001 (NSW);*

*Education and Training Reform Act 2006 (Vic);*

*Training and Skills Development Act 2008 (SA);*

*Training and Skills Development Act 2016 (NT);*

*Training and Tertiary Education Act 2003 (ACT);*

*Training and Workforce Development Act 2013 (Tas);*

*Vocational Education and Training Act 1996 (WA);*

*Further Education and Training Act 2014 (Qld).*

**trainee** means an employee undertaking a traineeship under a training contract.

**traineeship** means a system of training that:

* + - 1. has been approved by the relevant State or Territory training authority; and
      2. meets the requirements of a training package developed by the relevant Skills Service Organisation and endorsed by the Australian Industry and Skills Committee; and
      3. leads to an AQF certificate level qualification.

**training contract** means an agreement for a traineeship made between an employer and an employee that is registered by the relevant State or Territory training authority.

**training package** means the competency standards and associated assessment guidelines for an AQFcertificate level qualification that have been endorsed for an industry or enterprise by the Australian Industry and Skills Committee.

**wage level A, B or C**, see clause D.4.

**Year 10** includes any year before Year 10.

* + 1. A reference in this schedule to out of school refers only to periods out of school beyond Year 10 as at 1 January in each year and is taken to:
       1. include any period of schooling beyond Year 10 that was not part of, or did not contribute to, a completed year of schooling; and
       2. include any period during which a trainee repeats, in whole or part, a year of schooling beyond Year 10; and
       3. not include any period during a calendar year after the completion during that year of a year of schooling.

Coverage

* + 1. Subject to clauses D.2.2 to D.2.5, this schedule applies to an employee covered by this award who is undertaking a traineeship and whose training package and AQFcertificate level are allocated to a wage level by clause D.6 or by clause D.4.4.
    2. This schedule only applies to AQFCertificate Level IV traineeships for which a relevant AQFCertificate Level III traineeship is listed in clause D.6.
    3. This schedule does not apply to:
       1. the apprenticeship system; or
       2. qualifications not identified in training packages; or
       3. **(c)** qualifications in training packages that are not identified as appropriate for a traineeship.
    4. If this schedule is inconsistent with other provisions of this award relating to traineeships, the other provisions prevail.
    5. This schedule ceases to apply to an employee at the end of the traineeship.

Types of traineeship

The following types of traineeship are available:

* + 1. A full-time traineeship based on 38 ordinary hours per week, with 20% of those hours being approved training;
    2. A part-time traineeship based on fewer than 38 ordinary hours per week, with 20% of those hours being approved training provided:
       1. wholly on the job; or
       2. partly on the job and partly off the job; or
       3. wholly off the job.

Minimum rates

[D.4 substituted by [PR718846](https://www.fwc.gov.au/documents/awardsandorders/html/pr718846.htm); corrected by [PR724006](https://www.fwc.gov.au/documents/awardsandorders/html/pr724006.htm) ppc 01Nov20]

Minimum weekly rates for full-time traineeships

Wage level A

The minimum rate for a full-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level A by clause D.6.1 is the weekly rate specified in Column 2 of [**Table 1—Wage level A minimum weekly rate for full-time trainees (AQF Certificate Level I–III traineeship)**](https://www.fwc.gov.au/documents/documents/modern_awards/award/ma000104/default.htm) according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in Column 1.

**Table 1—Wage level A minimum weekly rate for full-time trainees (AQF Certificate Level I–III traineeship)**

| **Column 1**  **Experience level of trainee** | **Column 2**  **Highest year of schooling completed** | | |
| --- | --- | --- | --- |
|  | **Year 10** | **Year 11** | **Year 12** |
|  | **per week** | **per week** | **per week** |
|  | **$** | **$** | **$** |
| School leaver | 338.60 | 372.90 | 444.20 |
| Plus 1 year out of school | 372.90 | 444.20 | 517.00 |
| Plus 2 years out of school | 444.20 | 517.00 | 601.60 |
| Plus 3 years out of school | 517.00 | 601.60 | 688.80 |
| Plus 4 years out of school | 601.60 | 688.80 |  |
| Plus 5 or more years out of school | 688.80 |  |  |

NOTE: See clause D.4.3 for other minimum wage provisions that affect clause D.4.1(a).

Wage level B

The minimum rate for a full-time trainee undertaking an AQFCertificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level B by clause D.6.2 or by clause D.4.4 is the weekly rate specified in Column 2 of [**Table 2—Wage level B minimum weekly rate for full-time trainees (AQF Certificate Level I–III traineeship**)](https://www.fwc.gov.au/documents/documents/modern_awards/award/ma000104/ma000104-40.htm#P989_89881) according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in Column 1.

**Table 2—Wage level B minimum weekly rate for full-time trainees (AQF Certificate Level I–III traineeship)**

| **Column 1**  **Experience level of trainee** | **Column 2**  **Highest year of schooling completed** | | |
| --- | --- | --- | --- |
|  | **Year 10** | **Year 11** | **Year 12** |
|  | **per week** | **per week** | **per week** |
|  | **$** | **$** | **$** |
| School leaver | 338.60 | 372.90 | 432.20 |
| Plus 1 year out of school | 372.90 | 432.20 | 497.20 |
| Plus 2 years out of school | 432.20 | 497.20 | 583.10 |
| Plus 3 years out of school | 497.20 | 583.10 | 665.10 |
| Plus 4 years out of school | 583.10 | 665.10 |  |
| Plus 5 or more years out of school | 665.10 |  |  |

NOTE: See clause D.4.3 for other minimum wage provisions that affect clause D.4.1(b).

Wage level C

The minimum rate for a full-time trainee undertaking an AQFCertificate Level I–III traineeship whose training package and AQFcertificate levels are allocated to wage level C by clause D.6.3 is the weekly rate specified in Column 2 of [**Table 3—Wage level C minimum weekly rate for full-time trainees (AQF Certificate Level I–III traineeship)**](https://www.fwc.gov.au/documents/documents/modern_awards/award/ma000104/default.htm) according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in Column 1.

**Table 3—Wage level C minimum weekly rate for full-time trainees (AQF Certificate Level I–III traineeship)**

| **Column 1**  **Experience level of trainee** | **Column 2**  **Highest year of schooling completed** | | |
| --- | --- | --- | --- |
|  | **Year 10** | **Year 11** | **Year 12** |
|  | **per week** | **per week** | **per week** |
|  | **$** | **$** | **$** |
| School leaver | 338.60 | 372.90 | 432.20 |
| Plus 1 year out of school | 372.90 | 432.20 | 486.60 |
| Plus 2 years out of school | 432.20 | 486.60 | 543.70 |
| Plus 3 years out of school | 486.60 | 543.70 | 605.60 |
| Plus 4 years out of school | 543.70 | 605.60 |  |
| Plus 5 or more years out of school | 605.60 |  |  |

NOTE: See clause D.4.3 for other minimum wage provisions that affect clause D.4.1(c).

AQF Certificate Level IV traineeships

* + - * 1. The minimum rate for a full-time trainee undertaking an AQF Certificate Level IV traineeship is the minimum rate for the relevant full-time AQF Certificate Level III traineeship increased by 3.8%.
        2. The minimum rate for a full-time adult trainee undertaking an AQF Certificate Level IV traineeship is the weekly rate specified in Column 2 or 3 of [**Table 4—Minimum weekly rate for full-time adult trainees (AQF Certificate Level IV traineeship)**](https://www.fwc.gov.au/documents/documents/modern_awards/award/ma000104/ma000104-40.htm#P1078_92215) according to the year of the traineeship specified in those columns and the relevant wage level for the relevant AQFCertificate Level III traineeship specified in Column 1.

**Table 4—Minimum weekly rate for full-time adult trainees (AQF Certificate Level IV traineeship)**

| **Column 1**  **Wage level** | **Column 2**  **First year of traineeship** | **Column 3**  **Second and subsequent years of traineeship** |
| --- | --- | --- |
|  | **per week** | **per week** |
|  | **$** | **$** |
| A | 715.50 | 743.20 |
| B | 690.30 | 716.70 |
| C | 628.20 | 651.90 |

NOTE: See clause D.4.3 for other minimum wage provisions that affect clause D.4.1(d).

Minimum hourly rates for part-time traineeships

Wage level A

The minimum hourly rate for a part-time trainee undertaking an AQFCertificate Level I–III traineeship whose training package and AQFcertificate levels are allocated to wage level A by clause D.6.1 is the hourly rate specified in Column 2 of [**Table 5—Wage level A minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship)**](https://www.fwc.gov.au/documents/documents/modern_awards/award/ma000104/ma000104-40.htm#P1103_93139) according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in Column 1.

**Table 5—Wage level A minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship)**

| **Column 1**  **Experience level of trainee** | **Column 2**  **Highest year of schooling completed** | | |
| --- | --- | --- | --- |
|  | **Year 10** | **Year 11** | **Year 12** |
|  | **per hour** | **per hour** | **per hour** |
|  | **$** | **$** | **$** |
| School leaver | 11.14 | 12.28 | 14.62 |
| Plus 1 year out of school | 12.28 | 14.62 | 17.02 |
| Plus 2 years out of school | 14.62 | 17.02 | 19.79 |
| Plus 3 years out of school | 17.02 | 19.79 | 22.65 |
| Plus 4 years out of school | 19.79 | 22.65 |  |
| Plus 5 or more years out of school | 22.65 |  |  |

NOTE: See clause D.4.2(f) for calculating the actual minimum wage. See also clause D.4.3 for other minimum wage provisions that affect clause D.4.2(a).

Wage level B

The minimum hourly rate for a part-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level B by clause D.6.2 or by clause D.4.4 is the hourly rate specified in Column 2 of [**Table 6—Wage level B minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship)**](https://www.fwc.gov.au/documents/documents/modern_awards/award/ma000104/default.htm) according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in Column 1.

**Table 6—Wage level B minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship)**

| **Column 1**  **Experience level of trainee** | **Column 2**  **Highest year of schooling completed** | | |
| --- | --- | --- | --- |
|  | **Year 10** | **Year 11** | **Year 12** |
|  | **per hour** | **per hour** | **per hour** |
|  | **$** | **$** | **$** |
| School leaver | 11.14 | 12.28 | 14.23 |
| Plus 1 year out of school | 12.28 | 14.23 | 16.36 |
| Plus 2 years out of school | 14.23 | 16.36 | 19.20 |
| Plus 3 years out of school | 16.36 | 19.20 | 21.90 |
| Plus 4 years out of school | 19.20 | 21.90 |  |
| Plus 5 or more years out of school | 21.90 |  |  |

NOTE: See clause D.4.2(f) for calculating the actual minimum wage. See also clause D.4.3 for other minimum wage provisions that affect clause D.4.2(b).

Wage level C

The minimum hourly rate for a part-time trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage level C by clause D.6.3 is the hourly rate specified in Column 2 of [**Table 7—Wage level C minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship)**](https://www.fwc.gov.au/documents/documents/modern_awards/award/ma000104/default.htm) according to the highest year of schooling completed by the trainee specified in that column and the experience level of the trainee specified in Column 1.

**Table 7—Wage level C minimum hourly rate for part-time trainees (AQF Certificate Level I–III traineeship)**

| **Column 1**  **Experience level of trainee** | **Column 2**  **Highest year of schooling completed** | | |
| --- | --- | --- | --- |
|  | **Year 10** | **Year 11** | **Year 12** |
|  | **per hour** | **per hour** | **per hour** |
|  | **$** | **$** | **$** |
| School leaver | 11.14 | 12.28 | 14.23 |
| Plus 1 year out of school | 12.28 | 14.23 | 16.01 |
| Plus 2 years out of school | 14.23 | 16.01 | 17.88 |
| Plus 3 years out of school | 16.01 | 17.88 | 19.92 |
| Plus 4 years out of school | 17.88 | 19.92 |  |
| Plus 5 or more years out of school | 19.92 |  |  |

NOTE: See clause D.4.2(f) for calculating the actual minimum wage. See also clause D.4.3 for other minimum wage provisions that affect clause D.4.2(c).

School-based traineeships

The minimum hourly rate for a part-time trainee who works ordinary hours and is undertaking a school-based AQFCertificate Level I–III traineeship whose training package and AQF certificate levels are allocated to wage levels A or B by clause D.6 or by clause D.4.4 is the hourly rate in Column 1 or 2 of [**Table 8—Minimum hourly rate for part-time trainees (school-based AQF Certificate Level I–III traineeship)**](https://www.fwc.gov.au/documents/documents/modern_awards/award/ma000104/ma000104-40.htm#P1235_96579) according to the year of schooling of the trainee.

**Table 8—Minimum hourly rate for part-time trainees (school-based AQF Certificate Level I–III traineeship)**

|  |  |
| --- | --- |
| **Column 1**  **Year 11 or lower** | **Column 2**  **Year 12** |
| **per hour** | **per hour** |
| **$** | **$** |
| 11.14 | 12.28 |

NOTE: See clause D.4.2(f) for calculating the actual minimum wage. See also clause D.4.3 for other minimum wage provisions that affect clause D.4.2(d).

AQF Certificate Level IV traineeships

* + - * 1. The minimum hourly rate for a part-time trainee undertaking an AQF Certificate Level IV traineeship is the minimum hourly rate for the relevant part-time AQFCertificate Level III traineeship increased by 3.8%.
        2. The minimum hourly rate for a part-time adult trainee undertaking an AQF Certificate Level IV traineeship is the hourly rate in Column 2 or 3 of [**Table 9—Minimum hourly rate for part-time adult trainees (AQF Certificate Level IV traineeship)**](https://www.fwc.gov.au/documents/documents/modern_awards/award/ma000104/ma000104-40.htm#P1251_97590) according to the year of the traineeship specified in those columns and the relevant wage level for the relevant AQF Certificate Level III traineeship specified in Column 1.

**Table 9—Minimum hourly rate for part-time adult trainees (AQF Certificate Level IV traineeship)**

|  |  |  |
| --- | --- | --- |
| **Column 1**  **Wage level** | **Column 2**  **First year of traineeship** | **Column 3**  **Second and subsequent years of traineeship** |
|  | **per hour** | **per hour** |
|  | **$** | **$** |
| A | 23.52 | 24.45 |
| B | 22.68 | 23.56 |

NOTE: See clause D.4.2(f) for calculating the actual minimum wage. See also clause D.4.3 for other minimum wage provisions that affect clause D.4.2(e).

Calculating the actual minimum wage

* + - * 1. If fewer than 38 (or an average of 38) ordinary hours of work per week is considered full-time at the workplace by the employer, the appropriate minimum hourly rate for a part-time trainee is obtained by multiplying the relevant minimum hourly rate in clauses D.4.2(a) to (e) by 38 and then dividing the figure obtained by the full-time ordinary hours of work per week.
        2. If the approved training for a part-time traineeship is provided wholly off-the-job by a registered training organisation, for example at school or at TAFE, the relevant minimum hourly rate in clauses D.4.2(a) to (e) applies to each ordinary hour worked by the trainee.
        3. If the approved training for a part-time traineeship is undertaken solely on-the-job or partly on-the-job and partly off-the-job, the relevant minimum hourly rate in clauses D.4.2(a) to (e) minus 20% applies to each ordinary hour worked by the trainee.

Other minimum wage provisions

* + - 1. Clause D.4.3 applies despite anything to the contrary in clause D.4.2 or D.4.4.
      2. An employee who was employed by an employer immediately before becoming a trainee with that employer must not suffer a reduction in their minimum rate of pay because of becoming a trainee.
      3. For the purpose of determining whether a trainee has suffered a reduction as mentioned in clause D.4.3(b), casual loadings are to be disregarded.
      4. If a qualification is converted from an AQF Certificate Level II to an AQFCertificate Level III traineeship, or from an AQF Certificate Level III to an AQF Certificate Level IV traineeship, then the trainee must be paid the next highest minimum wage provided in this schedule, if a higher minimum wage is provided for the new AQF certificate level.

Default wage rate

The minimum wage for a trainee undertaking an AQFCertificate Level I–III traineeship whose training package and AQF certificate level are not allocated to a wage level by clause D.6 is the relevant minimum wage under this schedule for a trainee undertaking an AQF Certificate to Level I–III traineeship whose training package and AQF certificate level are allocated to wage level B.

Employment conditions

* + 1. A trainee undertaking a school-based traineeship may agree to be paid an additional loading of 25% on all ordinary hours worked instead of being paid annual leave, paid personal/carer’s leave, paid compassionate leave and paid absence on public holidays. However, if the trainee works on a public holiday, the public holiday provisions of this award apply.
    2. A trainee is entitled to be released from work without loss of pay and without loss of continuity of employment to attend any training and assessment specified in, or associated with, the training contract.
    3. Time spent by a trainee, other than a trainee undertaking a school-based traineeship, in attending any training and 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 trainee’s wages and determining the trainee’s employment conditions.
    4. The time to be included for the purpose of calculating the wages for part time trainees whose approved training is wholly off-the-job is determined by clauses D.4.2(f)(ii) and (iii) and not by clause D.5.3.
    5. Subject to clause D.2.4, this award applies to a trainee in the same way that it applies to an employee who is not a trainee except as otherwise expressly provided by this schedule.

Allocation of traineeships to wage levels

The wage levels applying to training packages and their AQF certificate levels are:

Wage level A

| **Training package** | **AQF certificate level** |
| --- | --- |
| Construction, Plumbing and Services | I, II, III |
| Manufacturing | I, II, III |
| Transport and Logistics | III |
| Plastics, Rubber and Cablemaking | III |
| Transport and Logistics | III |

NOTE: The above training packages include any relevant replacement training package.

Wage level B

| **Training package** | **AQF certificate level** |
| --- | --- |
| Forest and Wood Products | I, II, III |
| Furnishing | I, II, III |
| Manufacturing and Engineering | II, III |
| Plastics, Rubber and Cablemaking | II |
| Sustainability | II, III |
| Transport and Logistics | I, II |

NOTE: The above training packages include any relevant replacement training package.

Wage level C

| **Training package** | **AQF certificate level** |
| --- | --- |
| Non allocated |  |

1. —Supported Wage System

[Varied by [PR988412](http://www.fwc.gov.au/awardsandorders/html/PR988412.htm), [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.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), [PR542149](http://www.fwc.gov.au/awardsandorders/html/PR542149.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), [PR719661](https://www.fwc.gov.au/documents/awardsandorders/html/pr719661.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*, as amended from time to time, or any successor to that scheme

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

**supported wage system** means the Commonwealth Government system to promote employment for people who cannot work at full award wages because of a disability, as documented in the Supported Wage System Handbook. The Handbook is available from the following website: [www.jobaccess.gov.au](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 [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm), [PR998748](https://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), [PR719661](https://www.fwc.gov.au/documents/awardsandorders/html/pr719661.htm) ppc 01Jul20]

* + 1. Provided that the minimum amount payable must be not less than $89 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 [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm), [PR542149](http://www.fwc.gov.au/awardsandorders/html/PR542149.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 [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.htm), [PR542149](http://www.fwc.gov.au/awardsandorders/html/PR542149.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 [PR994529](http://www.fwc.gov.au/awardsandorders/html/PR994529.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), [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), [PR719661](https://www.fwc.gov.au/documents/awardsandorders/html/pr719661.htm) ppc 01Jul20]

* + 1. The minimum amount payable to the employee during the trial period must be no less than $89 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. —Part-day Public Holidays

[Sched F inserted by [PR532628](http://www.fwc.gov.au/awardsandorders/html/pr532628.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/documents/awardsandorders/html/pr701683.htm) ppc 21Nov18, varied by [PR712241](https://www.fwc.gov.au/documents/awardsandorders/html/pr712241.htm), [PR715084](https://www.fwc.gov.au/documents/awardsandorders/html/pr715084.htm)]

This schedule operates in conjunction with award provisions dealing with public holidays.

[F.1 varied by [PR715084](https://www.fwc.gov.au/documents/awardsandorders/html/pr715084.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.

[F.1(b) varied by [PR715084](https://www.fwc.gov.au/documents/awardsandorders/html/pr715084.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.

[F.1(c) substituted by [PR715084](https://www.fwc.gov.au/documents/awardsandorders/html/pr715084.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.

[F.1(d) varied by [PR715084](https://www.fwc.gov.au/documents/awardsandorders/html/pr715084.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 having a rostered day off (RDO) provided under this award, does not work, the employee will be taken to be on a public holiday for such hours and paid their ordinary rate of pay for those hours.

[F.1(e) varied by [PR715084](https://www.fwc.gov.au/documents/awardsandorders/html/pr715084.htm) ppc 18Nov19]

* + - 1. 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.

[F.1(f) varied by [PR715084](https://www.fwc.gov.au/documents/awardsandorders/html/pr715084.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 F.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.
      2. Nothing in this schedule affects the right of an employee and employer to agree to substitute public holidays.

[F.2 inserted by [PR712241](https://www.fwc.gov.au/documents/awardsandorders/html/pr712241.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 G inserted by [PR583021](http://www.fwc.gov.au/awardsandorders/html/PR583021.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\_\_\_

|  |
| --- |
| *[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 H inserted by [PR583021](http://www.fwc.gov.au/awardsandorders/html/PR583021.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\_\_\_

|  |
| --- |
| *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 I— Agreement for Time Off Instead of Payment for Overtime inserted by [PR715726](https://www.fwc.gov.au/documents/awardsandorders/html/pr715726.htm) ppc 01Jul20]

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. —Additional Measures During the COVID-19 Pandemic

[Sched X inserted by [PR721490](https://www.fwc.gov.au/documents/awardsandorders/html/pr721490.htm) ppc 11Aug20, varied by [PR723048](https://www.fwc.gov.au/documents/awardsandorders/html/pr723048.htm)]

[X.1 varied by [PR723048](https://www.fwc.gov.au/documents/awardsandorders/html/pr723048.htm) ppc 30Sep20]

* 1. Subject to clauses X.2.1(d) and X.2.2(c), Schedule X operates from 11 August 2020 until 29 March 2021. 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).

[X.2.1(d) varied by [PR723048](https://www.fwc.gov.au/documents/awardsandorders/html/pr723048.htm) ppc 30Sep20]

* + - 1. A period of leave under clause X.2.1(a) must start before 29 March 2021, but may end after that date.
      2. 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: The employer and employee may agree that the employee may take more than 2 weeks’ unpaid pandemic leave.

Annual leave at half pay

* + - 1. Instead of an employee taking paid annual leave on full pay, the employee and their employer may agree to the employee taking twice as much leave on half pay.
      2. Any agreement to take twice as much annual leave at half pay must be recorded in writing and retained as an employee record.

[X.2.2(c) varied by [PR723048](https://www.fwc.gov.au/documents/awardsandorders/html/pr723048.htm) ppc 30Sep20]

* + - 1. A period of leave under clause X.2.2(a) must start before 29 March 2021, but may end after that date.

EXAMPLE: Instead of an employee taking one week’s annual leave on full pay, the employee and their employer may agree to the employee taking 2 weeks’ annual leave on half pay. In this example:

* the employee’s pay for the 2 weeks’ leave is the same as the pay the employee would have been entitled to for one week’s leave on full pay (where one week’s full pay includes leave loading under the Annual Leave clause of this award); and
* one week of leave is deducted from the employee’s annual leave accrual.

NOTE 1: A employee covered by this award who is entitled to the benefit of clause X.2.1 or X.2.2 has a workplace right under section 341(1)(a) of the[Act](http://www.legislation.gov.au/Series/C2009A00028).

NOTE 2: 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 3: 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.