**Mannequins and Models Award 2010**

This Fair Work Commission consolidated modern award incorporates all amendments up to and including 8 April 2020 ([PR718141](https://www.fwc.gov.au/documents/awardsandorders/html/pr718141.htm)).

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

Schedule X—Additional Measures During the COVID-19 Pandemic

Current review matter(s): [AM2014/47](https://www.fwc.gov.au/awards-agreements/awards/modern-award-reviews/4-yearly-review/common-issues/am201447-annual-leave); [AM2014/190](https://www.fwc.gov.au/awards-agreements/awards/modern-award-reviews/4-yearly-review/common-issues/am2014190-transitional); [AM2014/196](https://www.fwc.gov.au/awards-agreements/awards/modern-award-reviews/4-yearly-review/common-issues/am2014196-part-time); [AM2014/197](https://www.fwc.gov.au/awards-agreements/awards/modern-award-reviews/4-yearly-review/common-issues/am2014197-casual); [AM2014/277](https://www.fwc.gov.au/awards-and-agreements/modern-award-reviews/4-yearly-review/award-stage/award-review-documents/MA000117?m=AM2014/277); [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); [AM2016/15](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); [AM2016/8](https://www.fwc.gov.au/awards-agreements/awards/modern-award-reviews/4-yearly-review/common-issues/am20168-payment-wages); [AM2016/36](https://www.fwc.gov.au/awards-agreements/awards/modern-award-reviews/4-yearly-review/common-issues/am201636-blood-bone)

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1. Application and Operation
2. Title

This award is the *Mannequins and Models Award 2010*.

1. Commencement and transitional

[Varied by [PR542237](http://www.fwc.gov.au/awardsandorders/html/PR542237.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 [PR542237](http://www.fwc.gov.au/awardsandorders/html/PR542237.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 [PR542237](http://www.fwc.gov.au/awardsandorders/html/PR542237.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 [PR542237](http://www.fwc.gov.au/awardsandorders/html/PR542237.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 [PR997772](http://www.fwc.gov.au/awardsandorders/html/PR997772.htm), [PR503652](http://www.fwc.gov.au/awardsandorders/html/PR503652.htm), [PR546122](http://www.fwc.gov.au/awardsandorders/html/PR546122.htm)]

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

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

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

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

**booking** means the period of engagement advised by the employer

**compere** means a person whose work is compering mannequin parades

[Definition of **default fund employee** inserted by [PR546122](http://www.fwc.gov.au/awardsandorders/html/PR546122.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 [PR546122](http://www.fwc.gov.au/awardsandorders/html/PR546122.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 [[PR503652](http://www.fwa.gov.au/awardsandorders/html/PR503652.htm)](http://www.fwc.gov.au/awardsandorders/html/PR503625.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 [[PR503652](http://www.fwa.gov.au/awardsandorders/html/PR503652.htm)](http://www.fwc.gov.au/awardsandorders/html/PR503625.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 [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 [PR997772](http://www.fwc.gov.au/awardsandorders/html/PR997772.htm) from 01Jan10]

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

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

[Definition of **exempt public sector superannuation scheme** inserted by [PR546122](http://www.fwc.gov.au/awardsandorders/html/PR546122.htm) ppc 01Jan14]

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

**foundation garment** means an undergarment, e.g. a bra, underwear, corset, corselet or girdle, worn to give support or contours to the figure

**house mannequin or model** means a full-time or part-time employee engaged to show clothing and accessories or ranges of clothing and accessories and who may be employed at other times in work associated with and incidental thereto

**mannequin** means a casual employee whose work is exhibiting clothes or other fashion articles for the purpose of attracting a commercial interest

**model** means a casual employee who poses or acts as a subject for photographers and/or a person who models for a hairdresser in the process of hair styling for advertising assignments

[Definition of **MySuper product** inserted by [PR546122](http://www.fwc.gov.au/awardsandorders/html/PR546122.htm) ppc 01Jan14]

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

**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)

**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

**paradette** means a mannequin parade where a collection of apparel is shown periodically over a period of a day or days in parades of no longer than 30 minutes’ duration each

**single parade** means a mannequin parade, other than a paradette, which may be either exclusive or open to the public

**small employer** means an employer who employs fewer than 15 employees

**standard rate** means the minimum wage for a house mannequin or model in clause 13.1

**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
   1. This award covers employers throughout Australia who employ mannequins and models to the exclusion of any other modern award.
   2. The award does not cover an employee excluded from award coverage by the Act.
   3. 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. 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.
   5. This award covers any employer which supplies on-hire employees in classifications set out in clause 13—Minimum wages 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. This subclause operates subject to the exclusions from coverage in this award.
   6. Where an employer is covered by more than one award, an employee of that employer is covered by the award classification which is most appropriate to the work performed by the employee and to the environment in which the employee normally performs the work.

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

1. Access to the award and the National Employment Standards

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

1. The National Employment Standards and this award

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

1. Individual flexibility arrangements

[Varied by [PR542237](http://www.fwc.gov.au/awardsandorders/html/PR542237.htm)]; 7—Award flexibility renamed and substituted by [PR716167](https://www.fwc.gov.au/documents/awardsandorders/html/pr716167.htm) ppc 05Feb20]

* 1. Despite anything else in this award, an employer and an individual employee may agree to vary the application of the terms of this award relating to any of the following in order to meet the genuine needs of both the employee and the employer:
     1. arrangements for when work is performed; or
     2. overtime rates; or
     3. penalty rates; or
     4. allowances; or
     5. annual leave loading.
  2. An agreement must be one that is genuinely made by the employer and the individual employee without coercion or duress.
  3. An agreement may only be made after the individual employee has commenced employment with the employer.
  4. An employer who wishes to initiate the making of an agreement must:
     1. give the employee a written proposal; and
     2. if the employer is aware that the employee has, or reasonably should be aware that the employee may have, limited understanding of written English, take reasonable steps (including providing a translation in an appropriate language) to ensure that the employee understands the proposal.
  5. An agreement must result in the employee being better off overall at the time the agreement is made than if the agreement had not been made.
  6. An agreement must do all of the following:
     1. state the names of the employer and the employee; and
     2. identify the award term, or award terms, the application of which is to be varied; and
     3. set out how the application of the award term, or each award term, is varied; and
     4. set out how the agreement results in the employee being better off overall at the time the agreement is made than if the agreement had not been made; and
     5. state the date the agreement is to start.
  7. An agreement must be:
     1. in writing; and
     2. signed by the employer and the employee and, if the employee is under 18 years of age, by the employee’s parent or guardian.
  8. Except as provided in clause 7.7(b), an agreement must not require the approval or consent of a person other than the employer and the employee.
  9. The employer must keep the agreement as a time and wages record and give a copy to the employee.
  10. The employer and the employee must genuinely agree, without duress or coercion to any variation of an award provided for by an agreement.
  11. An agreement may be terminated:
      1. at any time, by written agreement between the employer and the employee; or
      2. by the employer or employee giving 13 weeks’ written notice to the other party (reduced to 4 weeks if the agreement was entered into before the first full pay period starting on or after 4 December 2013).

Note: If an employer and employee agree to an arrangement that purports to be an individual flexibility arrangement under this award term and the arrangement does not meet a requirement set out in s.144 then the employee or the employer may terminate the arrangement by giving written notice of not more than 28 days (see s.145 of the [Act](http://www.legislation.gov.au/Series/C2009A00028)).

* 1. An agreement terminated as mentioned in clause 7.11(b) ceases to have effect at the end of the period of notice required under that clause.
  2. The right to make an agreement under clause 7 is additional to, and does not affect, any other term of this award that provides for an agreement between an employer and an individual employee.

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

[8—Consultation regarding major workplace change renamed and substituted by [PR546288](http://www.fwc.gov.au/awardsandorders/html/pr546288.htm); 8—Consultation renamed and substituted by [PR716167](https://www.fwc.gov.au/documents/awardsandorders/html/pr716167.htm) ppc 05Feb20]

* 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 [PR716167](https://www.fwc.gov.au/documents/awardsandorders/html/pr716167.htm) ppc 05Feb20]

**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 [PR542237](http://www.fwc.gov.au/awardsandorders/html/PR542237.htm); substituted by [PR716167](https://www.fwc.gov.au/documents/awardsandorders/html/pr716167.htm) ppc 05Feb20]

* 1. Clause 9 sets out the procedures to be followed if a dispute arises about a matter under this award or in relation to the [NES](https://www.fwc.gov.au/documents/awardmod/download/nes.pdf).
  2. The parties to the dispute must first try to resolve the dispute at the workplace through discussion between the employee or employees concerned and the relevant supervisor.
  3. If the dispute is not resolved through discussion as mentioned in clause 9.2, the parties to the dispute must then try to resolve it in a timely manner at the workplace through discussion between the employee or employees concerned and more senior levels of management, as appropriate.
  4. If the dispute is unable to be resolved at the workplace and all appropriate steps have been taken under clauses 9.2 and 9.3, a party to the dispute may refer it to the Fair Work Commission.
  5. The parties may agree on the process to be followed by the Fair Work Commission in dealing with the dispute, including mediation, conciliation and consent arbitration.
  6. If the dispute remains unresolved, the Fair Work Commission may use any method of dispute resolution that it is permitted by the [Act](http://www.legislation.gov.au/Series/C2009A00028) to use and that it considers appropriate for resolving the dispute.
  7. A party to the dispute may appoint a person, organisation or association to support and/or represent them in any discussion or process under clause 9.
  8. While procedures are being followed under clause 9 in relation to a dispute:
     1. work must continue in accordance with this award and the [Act](http://www.legislation.gov.au/Series/C2009A00028); and
     2. an employee must not unreasonably fail to comply with any direction given by the employer about performing work, whether at the same or another workplace, that is safe and appropriate for the employee to perform.
  9. Clause 9.8 is subject to any applicable work health and safety legislation.

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

Full-time employees

A full-time employee is an employee who is engaged to work an average of 38 hours per week on not more than five days in any week.

Part-time employees

* + 1. A part-time employee is an employee who:
       1. works less than full-time hours of 38 per week; and
       2. has reasonably predictable hours of work.
    2. At the time of employment, the employer and the part-time employee will agree, in writing, on a regular pattern of work, specifying at least:
       1. the hours worked each day;
       2. which days of the week the employee will work;
       3. the actual starting and finishing times of each day;
       4. that any variation to the agreement must be in writing;
       5. that the minimum daily employment is three hours;
       6. that all time worked in excess of agreed hours is paid at the overtime rate; and
       7. the times of taking and the duration of meal breaks.
    3. Any agreement to vary the regular pattern of work must be made in writing before the variation occurs.
    4. The agreement and variation to it must be retained by the employer and a copy given by the employer to the employee.
    5. A part-time employee employed under the provisions of this clause must be paid for ordinary hours worked at the rate of 1/38th of the weekly rate prescribed for the class of work performed.

Casual employees

* + 1. A casual employee is an employee engaged and paid as such.

General conditions of a written contract

Prior to the commencement of any work by the mannequin or model for any employer, that employer must specify in writing to the mannequin or model all details of the engagement including:

* + - 1. what the employee is to wear or not wear;
      2. where, and under what conditions, the work is to be carried out;
      3. whether the employer requires the employee to work exclusively for the employer for the duration (or part thereof) of the engagement;
      4. whether the employee will at any time be required to hold themselves on call and if so for what period(s) of time;
      5. whether the employee will be required to wear their hair in any particular style or colour;
      6. the way in which the work will be photographed or otherwise recorded; and
      7. the purpose for which the work, photograph, film, tape or other record will be used.

Cancellations and/or postponements

* + - 1. In the case of a person engaged to perform work for less than a day, the following will apply:
* if less than 24 hours’ notice of cancellation and/or postponement is given then the amount for the booking will be paid;
* if at least 24 hours but less than 48 hours’ notice of cancellation and/or postponement is given, half the booking amount will be paid, but if the work is only deferred on such 24 hours’ notice, 10% of the booking amount will be paid for the day on which the work was to have been performed and the full amount of the booking when the work is subsequently completed;
* if at least 48 hours’ notice of cancellation and/or postponement is given no minimum payment is required;
* if work is cancelled on a weather check, no minimum payment is required; or
* if work is cancelled on location, the full amount for the booking is to be paid.

For the purposes of this clause **weather check** means that weather conditions do not permit the satisfactory performance of work.

* + - 1. In the case of engagements of less than one week’s duration but more than a part of a day’s duration:
* if less than 48 hours’ notice of the cancellation is given, the full amount for the booking will be paid; or
* if 48 hours’ or more notice of the cancellation is given, no minimum payment is required.
  + - 1. In the case of engagements of one week’s duration or longer:
* if less than 14 days’ notice of cancellation is given, one week’s casual wages will be paid; or
* if 14 days’ notice or more is given, no minimum payment is required.

Provisions for models

Attendance by models

Where a person is engaged to perform work for part of a day the following will apply:

* the time of work for which the hourly payment is to be made will be from the starting time arranged until the work is finished. The model is expected to arrive to start the work already made up and with hair fixed, or should arrive in sufficient time to prepare themselves and to be ready to start work by the time arranged; or
* if a model arrives late or without reasonable excuse, delays the start or continuation of the work with the result that it is not reasonably practicable to start or complete the work on the same day, their payment or proportionate part of their payment according to the circumstances will be forfeited.
  + - 1. A person engaged for a parade day must arrive at least 15 minutes before the first parade or at the time fixed when the booking was made. If the mannequin or model arrives late they forfeit the amount to be paid for the booking or if at the discretion of the employer or their representatives they are allowed to join in subsequent parades they will only be entitled to proportionate payment based on the number of parades in which they actually participate.

1. Termination of employment

[Substituted by [PR716167](https://www.fwc.gov.au/documents/awardsandorders/html/pr716167.htm) ppc 05Feb20]

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

* + 1. 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.
    2. The time off under clause 11.2 is to be taken at times that are convenient to the employee after consultation with the employer.

1. Redundancy

[Varied by [PR503652](http://www.fwc.gov.au/awardsandorders/html/PR503652.htm), [PR561478](http://www.fwc.gov.au/awardsandorders/html/PR561478.htm); substituted by [PR716167](https://www.fwc.gov.au/documents/awardsandorders/html/pr716167.htm) ppc 05Feb20]

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 12.4 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 12.1 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 clause 12.1(c).
    3. If the employer acts as mentioned in clause 12.1(b)(ii), the employee is entitled to a payment of an amount equal to the difference between the ordinary rate of pay of the employee (inclusive of all-purpose allowances 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 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 12 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 clause 12.3(b).
    4. An employee who fails to produce proof when required under clause 12.3(b) is not entitled to be paid for the time off.
    5. This entitlement applies instead of clause 11.2.

Severance pay—employees of a small employer

* + 1. Clause 12.4 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 (whichever happens first), the employer is a small business employer as defined by section 23 of the Act.
    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. An employee of a small business employer whose employment is terminated by reason of redundancy is entitled to the following amount of redundancy pay in respect of a period of continuous service:

**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](http://www.legislation.gov.au/Series/C2009A00028).
    2. The terms of section 120 of the [Act](http://www.legislation.gov.au/Series/C2009A00028) apply as if section 120 referred to ‘paragraph  (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 12.4.

* + 1. The terms of section 122 of the [Act](http://www.legislation.gov.au/Series/C2009A00028) apply as if section 122 referred to ‘clause 12.4’ rather than ‘this Subdivision’ and to ‘paragraph (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 12.4.

1. Minimum Wages and Related Matters
2. Minimum wages

[Varied by [PR998017](http://www.fwc.gov.au/awardsandorders/html/PR998017.htm), [PR509148](http://www.fwc.gov.au/awardsandorders/html/PR509148.htm), [PR522979](http://www.fwc.gov.au/awardsandorders/html/PR522979.htm), [PR536782](http://www.fwc.gov.au/awardsandorders/html/PR536782.htm), [PR551705](http://www.fwc.gov.au/awardsandorders/html/PR551705.htm), [PR566797](http://www.fwc.gov.au/awardsandorders/html/PR566797.htm), [PR579909](http://www.fwc.gov.au/awardsandorders/html/PR579909.htm), [PR592220](http://www.fwc.gov.au/awardsandorders/html/pr592220.htm), [PR606443](https://www.fwc.gov.au/documents/awardsandorders/html/pr606443.htm), [PR707536](https://www.fwc.gov.au/documents/awardsandorders/html/pr707536.htm)]

Full-time and part-time employees

[13.1 varied by [PR998017](http://www.fwc.gov.au/awardsandorders/html/PR998017.htm), [PR509148](http://www.fwc.gov.au/awardsandorders/html/PR509148.htm), [PR522979](http://www.fwc.gov.au/awardsandorders/html/PR522979.htm), [PR536782](http://www.fwc.gov.au/awardsandorders/html/PR536782.htm), [PR551705](http://www.fwc.gov.au/awardsandorders/html/PR551705.htm), [PR566797](http://www.fwc.gov.au/awardsandorders/html/PR566797.htm), [PR579909](http://www.fwc.gov.au/awardsandorders/html/PR579909.htm), [PR592220](http://www.fwc.gov.au/awardsandorders/html/pr592220.htm), [PR606443](https://www.fwc.gov.au/documents/awardsandorders/html/pr606443.htm), [PR707536](https://www.fwc.gov.au/documents/awardsandorders/html/pr707536.htm) ppc 01Jul19]

House mannequin or model (18 years of age or over)—$817.30 per week.

Casual mannequins and models

These minimum wages apply to all persons (children and adults). The rates specified in this clause are inclusive of all paid leave entitlements under this award or the NES.

Modelling for still photography, TV or movie appearances

[13.2(a) varied by [PR998017](http://www.fwc.gov.au/awardsandorders/html/PR998017.htm), [PR509148](http://www.fwc.gov.au/awardsandorders/html/PR509148.htm), [PR522979](http://www.fwc.gov.au/awardsandorders/html/PR522979.htm), [PR536782](http://www.fwc.gov.au/awardsandorders/html/PR536782.htm), [PR551705](http://www.fwc.gov.au/awardsandorders/html/PR551705.htm), [PR566797](http://www.fwc.gov.au/awardsandorders/html/PR566797.htm), [PR579909](http://www.fwc.gov.au/awardsandorders/html/PR579909.htm), [PR592220](http://www.fwc.gov.au/awardsandorders/html/pr592220.htm), [PR606443](https://www.fwc.gov.au/documents/awardsandorders/html/pr606443.htm), [PR707536](https://www.fwc.gov.au/documents/awardsandorders/html/pr707536.htm) ppc 01Jul19]

| **Duration of engagement** | **$** |
| --- | --- |
| One hour or part thereof | 104.60 |
| Up to two hours | 165.63 |
| Up to four hours | 253.25 |
| Half day rate | 254.39 |
| Full day rate | 507.65 |

* + 1. Trade showings or parades

[13.2(b) varied by [PR998017](http://www.fwc.gov.au/awardsandorders/html/PR998017.htm), [PR509148](http://www.fwc.gov.au/awardsandorders/html/PR509148.htm), [PR522979](http://www.fwc.gov.au/awardsandorders/html/PR522979.htm), [PR536782](http://www.fwc.gov.au/awardsandorders/html/PR536782.htm), [PR551705](http://www.fwc.gov.au/awardsandorders/html/PR551705.htm), [PR566797](http://www.fwc.gov.au/awardsandorders/html/PR566797.htm), [PR579909](http://www.fwc.gov.au/awardsandorders/html/PR579909.htm), [PR592220](http://www.fwc.gov.au/awardsandorders/html/pr592220.htm), [PR606443](https://www.fwc.gov.au/documents/awardsandorders/html/pr606443.htm), [PR707536](https://www.fwc.gov.au/documents/awardsandorders/html/pr707536.htm) ppc 01Jul19]

| **Duration/time of engagement** | **$** |
| --- | --- |
| 9.00 am to 5.30 pm (ready to start at 9.00 am)—per day | 230.82 |
| Day extended beyond 5.30 pm (minimum 1 hour payment)—per hour | 38.95 |
| Half day (maximum 4 consecutive hours)—per half day | 128.87 |
| Single showing (maximum 1 hour) commencing after 5.30 pm—per showing | 87.04 |
| Evening showing (maximum time consecutive hours)—per showing | 173.38 |

Mannequins other than manufacturers’ and agents’ showings exclusively to the trade

[13.2(c) varied by [PR998017](http://www.fwc.gov.au/awardsandorders/html/PR998017.htm), [PR509148](http://www.fwc.gov.au/awardsandorders/html/PR509148.htm), [PR522979](http://www.fwc.gov.au/awardsandorders/html/PR522979.htm), [PR536782](http://www.fwc.gov.au/awardsandorders/html/PR536782.htm), [PR551705](http://www.fwc.gov.au/awardsandorders/html/PR551705.htm), [PR566797](http://www.fwc.gov.au/awardsandorders/html/PR566797.htm), [PR579909](http://www.fwc.gov.au/awardsandorders/html/PR579909.htm), [PR592220](http://www.fwc.gov.au/awardsandorders/html/pr592220.htm), [PR606443](https://www.fwc.gov.au/documents/awardsandorders/html/pr606443.htm), [PR707536](https://www.fwc.gov.au/documents/awardsandorders/html/pr707536.htm) ppc 01Jul19]

| **Duration/time of engagement** | **$** |
| --- | --- |
| Single parade finishing prior to or at 6.00 pm (maximum 2 consecutive hours)—per parade | 201.00 |
| Single parade finishing after 6.00 pm (maximum 2 consecutive hours)—per parade | 227.48 |

Mannequins showing foundation garments

Manufacturers’ or agents’ or showroom work

[13.2(d)(i) varied by [PR998017](http://www.fwc.gov.au/awardsandorders/html/PR998017.htm), [PR509148](http://www.fwc.gov.au/awardsandorders/html/PR509148.htm), [PR522979](http://www.fwc.gov.au/awardsandorders/html/PR522979.htm), [PR536782](http://www.fwc.gov.au/awardsandorders/html/PR536782.htm), [PR551705](http://www.fwc.gov.au/awardsandorders/html/PR551705.htm), [PR566797](http://www.fwc.gov.au/awardsandorders/html/PR566797.htm), [PR579909](http://www.fwc.gov.au/awardsandorders/html/PR579909.htm), [PR592220](http://www.fwc.gov.au/awardsandorders/html/pr592220.htm), [PR606443](https://www.fwc.gov.au/documents/awardsandorders/html/pr606443.htm), [PR707536](https://www.fwc.gov.au/documents/awardsandorders/html/pr707536.htm) ppc 01Jul19]

| **Duration/time of engagement** | **$** |
| --- | --- |
| Full day—9.00 am to 5.30 pm—per day | 256.71 |
| Half day (maximum 4 consecutive hours)—per half day | 128.87 |
| Evening show parade starting after 5.30 pm (maximum 2 consecutive hours)—per parade | 177.44 |

Provided that where a manufacturer’s or agent’s or showroom work showing of foundation garments is an uninterrupted or continuous presentation of showing of a range of foundation garments to more than one retailer simultaneously in the one place and at the same time, such showing will be deemed to be a public parade and be paid as such.

Store or public parades

[13.2(d)(ii) varied by [PR998017](http://www.fwc.gov.au/awardsandorders/html/PR998017.htm), [PR509148](http://www.fwc.gov.au/awardsandorders/html/PR509148.htm), [PR522979](http://www.fwc.gov.au/awardsandorders/html/PR522979.htm), [PR536782](http://www.fwc.gov.au/awardsandorders/html/PR536782.htm), [PR551705](http://www.fwc.gov.au/awardsandorders/html/PR551705.htm), [PR566797](http://www.fwc.gov.au/awardsandorders/html/PR566797.htm), [PR579909](http://www.fwc.gov.au/awardsandorders/html/PR579909.htm), [PR592220](http://www.fwc.gov.au/awardsandorders/html/pr592220.htm), [PR606443](https://www.fwc.gov.au/documents/awardsandorders/html/pr606443.htm), [PR707536](https://www.fwc.gov.au/documents/awardsandorders/html/pr707536.htm) ppc 01Jul19]

Store or public parades (maximum 2 consecutive hours)—$282.85 per parade.

Repetitive parades (paradettes) other than manufacturers’ and agents’ showings exclusive trade

[13.2(e) varied by [PR998017](http://www.fwc.gov.au/awardsandorders/html/PR998017.htm), [PR509148](http://www.fwc.gov.au/awardsandorders/html/PR509148.htm), [PR522979](http://www.fwc.gov.au/awardsandorders/html/PR522979.htm), [PR536782](http://www.fwc.gov.au/awardsandorders/html/PR536782.htm), [PR551705](http://www.fwc.gov.au/awardsandorders/html/PR551705.htm), [PR566797](http://www.fwc.gov.au/awardsandorders/html/PR566797.htm), [PR579909](http://www.fwc.gov.au/awardsandorders/html/PR579909.htm), [PR592220](http://www.fwc.gov.au/awardsandorders/html/pr592220.htm), [PR606443](https://www.fwc.gov.au/docuements/awardsandorders/html/pr606443.htm), [PR707536](https://www.fwc.gov.au/documents/awardsandorders/html/pr707536.htm) ppc 01Jul19]

| **Duration/day of engagement** | **$** |
| --- | --- |
| Engagement of maximum of 2 consecutive hours on 1 or 2 days (Monday to Friday)—per day | 227.48 |
| Engagement of maximum of 2 consecutive hours on 3 or more days (Monday to Friday)—per day | 173.38 |
| Engagement of maximum of 2 consecutive hours on a Saturday—per engagement | 227.48 |
| Hourly rate where work performed continues beyond the 2 hour engagement, per hour | 59.41 |

Rehearsals

Duration/day of engagement

[13.2(f)(i) varied by [PR998017](http://www.fwc.gov.au/awardsandorders/html/PR998017.htm), [PR509148](http://www.fwc.gov.au/awardsandorders/html/PR509148.htm), [PR522979](http://www.fwc.gov.au/awardsandorders/html/PR522979.htm), [PR536782](http://www.fwc.gov.au/awardsandorders/html/PR536782.htm), [PR551705](http://www.fwc.gov.au/awardsandorders/html/PR551705.htm), [PR566797](http://www.fwc.gov.au/awardsandorders/html/PR566797.htm), [PR579909](http://www.fwc.gov.au/awardsandorders/html/PR579909.htm), [PR606443](https://www.fwc.gov.au/documents/awardsandorders/html/pr606443.htm), [PR707536](https://www.fwc.gov.au/documents/awardsandorders/html/pr707536.htm) ppc 01Jul19]

|  | **$** |
| --- | --- |
| Engagement of maximum of 2 consecutive  hours on 3 or more days (Monday to Friday) | 173.38 |
| Engagement of maximum of 2 consecutive  hours on a Saturday | 227.48 |
| Hourly rate where work performed continues  beyond the 2 hour engagement | 59.41 |

Type/duration of rehearsal

[13.2(f)(ii) varied by [PR998017](http://www.fwc.gov.au/awardsandorders/html/PR998017.htm), [PR509148](http://www.fwc.gov.au/awardsandorders/html/PR509148.htm), [PR522979](http://www.fwc.gov.au/awardsandorders/html/PR522979.htm), [PR536782](http://www.fwc.gov.au/awardsandorders/html/PR536782.htm), [PR551705](http://www.fwc.gov.au/awardsandorders/html/PR551705.htm), [PR566797](http://www.fwc.gov.au/awardsandorders/html/PR566797.htm), [PR579909](http://www.fwc.gov.au/awardsandorders/html/PR579909.htm), [PR592220](http://www.fwc.gov.au/awardsandorders/html/pr592220.htm), [PR606443](https://www.fwc.gov.au/documents/awardsandorders/html/pr606443.htm), [PR707536](https://www.fwc.gov.au/documents/awardsandorders/html/pr707536.htm) ppc 01Jul19]

|  | **$** |
| --- | --- |
| Not dress rehearsal, immediately preceding parade—per hour or part thereof | 59.41 |
| Not dress rehearsal, other than immediately preceding parade (maximum 2 consecutive hours)—per rehearsal | 153.04 |
| Full dress (maximum 2 consecutive hours) | Same as for parades |

* + 1. **Fitting payment**

[13.2(g) varied by [PR998017](http://www.fwc.gov.au/awardsandorders/html/PR998017.htm), [PR509148](http://www.fwc.gov.au/awardsandorders/html/PR509148.htm), [PR522979](http://www.fwc.gov.au/awardsandorders/html/PR522979.htm), [PR536782](http://www.fwc.gov.au/awardsandorders/html/PR536782.htm), [PR551705](http://www.fwc.gov.au/awardsandorders/html/PR551705.htm), [PR566797](http://www.fwc.gov.au/awardsandorders/html/PR566797.htm), [PR579909](http://www.fwc.gov.au/awardsandorders/html/PR579909.htm), [PR592220](http://www.fwc.gov.au/awardsandorders/html/pr592220.htm), [PR606443](https://www.fwc.gov.au/documents/awardsandorders/html/pr606443.htm), [PR707536](https://www.fwc.gov.au/documents/awardsandorders/html/pr707536.htm) ppc 01Jul19]

For a fitting requested by the employer—$57.58 per hour or part thereof.

Test shots for models

* + - 1. If a model is to be tested or a new model is to be photographed for test pictures and the model has been notified accordingly, no payment is necessary. Subsequent use of such test shots, however, is to be paid for at the applicable rate. The use of such test shots is to be specified in writing to the model.
      2. Shots for layout purposes (trial shots) are to be paid for at the applicable rate.

Provisions for mannequins

Where a manufacturer’s and/or agent’s showing exclusively to the trade is an uninterrupted or continuous presentation or showing of a range of clothing and/or accessories to more than one retailer simultaneously in the one place and at the same time, such showing will be deemed to be a parade, and be paid as such.

Additional rates

* + - 1. **Trade showings or parades**—an additional 5.33% of the [standard rate](#standard_rate) per showing or parade for an earlier start than 9.00 am.

Freelance comperes—mannequin parades

* Not required to prepare scripts—the applicable amount for mannequins plus an additional 5.01% of the [standard rate](#standard_rate) per engagement.
* Required to prepare script for repetitive parades—the applicable amount for mannequins plus an additional 11.40% of the [standard rate](#standard_rate).
* Comperes required to prepare script for a single parade—the applicable amount for mannequins plus an additional 17.45% of the [standard rate](#standard_rate).
  + 1. **Billboards/posters**—when the photograph(s) taken are used for large billboards or posters (minimum size 20 feet by 10 feet), an additional payment of 27.09% of the [standard rate](#standard_rate) will be paid to each model involved.
    2. **Mannequins other than manufacturers’ and agents’ showings exclusively to the trade**—an additional 7.08% of the [standard rate](#standard_rate) for an exclusive parade where the media is present.

Junior wages—house mannequins and models

|  |  |
| --- | --- |
| **Age** | **% of rate for house mannequin or model** |
| 15 years of age | 60 |
| 16 years of age | 75 |
| 17 years of age | 90 |
| 18 years of age and over | 100 |

Supported wage system

See Schedule B

1. Allowances

To view the current monetary amounts of work-related allowances refer to the [Allowances Sheet](http://www.fwc.gov.au/documents/documents/modern_awards/allowances/MA000117-all.pdf).

[Varied by [PR998155](http://www.fwc.gov.au/awardsandorders/html/PR998155.htm), [PR509269](http://www.fwc.gov.au/awardsandorders/html/PR509269.htm), [PR523099](http://www.fwc.gov.au/awardsandorders/html/PR523099.htm), [PR536902](http://www.fwc.gov.au/awardsandorders/html/PR536902.htm), [[PR551825](http://www.fwc.gov.au/awardsandorders/html/PR551825.htm)](http://www.fwc.gov.au/awardsandorders/html/PR000000.htm), [PR566926](http://www.fwc.gov.au/awardsandorders/html/PR566926.htm), [PR579623](http://www.fwc.gov.au/awardsandorders/html/PR579623.htm), [PR592370](http://www.fwc.gov.au/awardsandorders/html/pr592370.htm), PR606593, [PR704165](http://www.fwc.gov.au/documents/awardsandorders/html/pr704165.htm), [PR707762](https://www.fwc.gov.au/documents/awardsandorders/html/pr707762.htm)]

Clothing and accessories

Where the employer requires clothing or accessories additional to the employee’s personal wardrobe to be worn, the employer must reimburse the employee for the cost of obtaining such additional clothing or accessories. Payment is not required to be made where such clothing and accessories are provided by the employer*.* Itemsprovided by the employer remain the property of the employer.

Full-time and part-time employees

Transport allowances

[14.2(a)(i) varied by [PR523099](http://www.fwc.gov.au/awardsandorders/html/PR523099.htm), [PR536902](http://www.fwc.gov.au/awardsandorders/html/PR536902.htm), [[PR551825](http://www.fwc.gov.au/awardsandorders/html/PR551825.htm)](http://www.fwc.gov.au/awardsandorders/html/PR000000.htm) ppc 01Jul14]

* + - 1. Where an employer occasionally requires an employee to use their own motor vehicle in the performance of their duties, the employee will be paid an allowance of not less than $0.78 per kilometre.
      2. Where an employee is required to:
* start and/or finish work after 10.00 pm on any day or prior to 7.00 am on any day;
* the employee’s regular means of transport is not available; and
* the employee is unable to arrange their own alternative transport,

the employer will reimburse the employee for the cost of providing transport to the employee’s usual place of residence.

Provided that no payment need be made where the employerprovides or arranges proper transportation to and/or from the employee’s usual place of residence. Such transport will be provided at no cost to the employee.

Living away from home allowance

An employee, required by their employer to work temporarily for the employer away from their usual place of employment and who is required to sleep away from their usual place of residence, will be entitled to the following:

* + - 1. reimbursement of fares to and from the place at which the employer requires the employee to work;
      2. reimbursement of all reasonable expenses incurred for board and lodging; and
      3. payment at ordinary rates of pay for all time spent in travelling between the employee’s usual place of employment and the temporary location, such paid time not to exceed eight hours in 24 hours.

Meal allowances

[14.2(c)(i) varied by [PR998155](http://www.fwc.gov.au/awardsandorders/html/PR998155.htm), [PR509269](http://www.fwc.gov.au/awardsandorders/html/PR509269.htm), [PR523099](http://www.fwc.gov.au/awardsandorders/html/PR523099.htm), [PR536902](http://www.fwc.gov.au/awardsandorders/html/PR536902.htm), [[PR551825](http://www.fwc.gov.au/awardsandorders/html/PR551825.htm)](http://www.fwc.gov.au/awardsandorders/html/PR000000.htm), [PR566926](http://www.fwc.gov.au/awardsandorders/html/PR566926.htm), [PR579623](http://www.fwc.gov.au/awardsandorders/html/PR579623.htm), [PR592370](http://www.fwc.gov.au/awardsandorders/html/pr592370.htm), [PR606593](https://www.fwc.gov.au/awardsandorders/html/pr606593.htm), [PR704165](http://www.fwc.gov.au/documents/awardsandorders/html/pr704165.htm), [PR707762](https://www.fwc.gov.au/documents/awardsandorders/html/pr707762.htm) ppc 01Jul19]

* + - 1. **Overtime**—an employee required to work not less than one hour of overtime (Monday to Saturday inclusive) after their ordinary time of ending work will be paid a meal allowance of $13.63. Provided that where such overtime work exceeds four hours a further meal allowance of $12.22 will be paid.

[14.2(c)(ii) varied by [PR998155](http://www.fwc.gov.au/awardsandorders/html/PR998155.htm), [PR509269](http://www.fwc.gov.au/awardsandorders/html/PR509269.htm), [PR523099](http://www.fwc.gov.au/awardsandorders/html/PR523099.htm), [PR536902](http://www.fwc.gov.au/awardsandorders/html/PR536902.htm), [[PR551825](http://www.fwc.gov.au/awardsandorders/html/PR551825.htm)](http://www.fwc.gov.au/awardsandorders/html/PR000000.htm), [PR566926](http://www.fwc.gov.au/awardsandorders/html/PR566926.htm), [PR579623](http://www.fwc.gov.au/awardsandorders/html/PR579623.htm), [PR592370](http://www.fwc.gov.au/awardsandorders/html/pr592370.htm), [PR606593](https://www.fwc.gov.au/awardsandorders/html/pr606593.htm), [PR704165](http://www.fwc.gov.au/documents/awardsandorders/html/pr704165.htm), [PR707762](https://www.fwc.gov.au/documents/awardsandorders/html/pr707762.htm) ppc 01Jul19]

* + - 1. **Late night**—any full-time or part-time employee entitled pursuant to clause 14.2(c)(i) of this award to a second meal break on a weekday will be paid a meal allowance of $13.63.

[14.2(c)(iii) varied by [PR998155](http://www.fwc.gov.au/awardsandorders/html/PR998155.htm), [PR509269](http://www.fwc.gov.au/awardsandorders/html/PR509269.htm), [PR523099](http://www.fwc.gov.au/awardsandorders/html/PR523099.htm), [PR536902](http://www.fwc.gov.au/awardsandorders/html/PR536902.htm), [[PR551825](http://www.fwc.gov.au/awardsandorders/html/PR551825.htm)](http://www.fwc.gov.au/awardsandorders/html/PR000000.htm), [PR566926](http://www.fwc.gov.au/awardsandorders/html/PR566926.htm), [PR579623](http://www.fwc.gov.au/awardsandorders/html/PR579623.htm), [PR592370](http://www.fwc.gov.au/awardsandorders/html/pr592370.htm), [PR606593](https://www.fwc.gov.au/awardsandorders/html/pr606593.htm), [PR704165](https://www.fwc.gov.au/documents/awardsandorders/html/pr704165.htm), [PR707762](https://www.fwc.gov.au/documents/awardsandorders/html/pr707762.htm) ppc 01Jul19]

* + - 1. **Overtime on Sunday**—an employee required to work more than four hours overtime on a Sunday will be paid a meal allowance of $13.63 and a further $12.22 when required to work more than eight hours on such day.
      2. **Meal provided**—the above allowances will not be payable where the employer has their own cooking and dining facilities and by agreement with the employee supplies a substantial meal which will consist of food comprising soup, entree or joint, vegetables and sweets.
      3. **Payment**—meal money must be paid on the same day as the overtime is worked or in the weekly or fortnightly pay.

Casual employees

Travelling allowance (within a distance of 50 km of the capital city GPO)

Where a model is required to travel in connection with an engagement within 50 km of the capital city GPO, the following allowances will be paid:

[14.3(a)(i) varied by [PR523099](http://www.fwc.gov.au/awardsandorders/html/PR523099.htm), [PR536902](http://www.fwc.gov.au/awardsandorders/html/PR536902.htm), [[PR551825](http://www.fwc.gov.au/awardsandorders/html/PR551825.htm)](http://www.fwc.gov.au/awardsandorders/html/PR000000.htm) ppc 01Jul14]

* + - 1. where the work location is 11 km or more but not exceeding 25 km from the capital city GPO—$10.72; or

[14.3(a)(ii) varied by [PR523099](http://www.fwc.gov.au/awardsandorders/html/PR523099.htm), [PR536902](http://www.fwc.gov.au/awardsandorders/html/PR536902.htm), [[PR551825](http://www.fwc.gov.au/awardsandorders/html/PR551825.htm)](http://www.fwc.gov.au/awardsandorders/html/PR000000.htm) ppc 01Jul14]

* + - 1. where the work location is beyond 25 km and up to but not exceeding 50 km from the capital city GPO—$21.50.

Distant work, fares and accommodation

* + - 1. All fares to and from engagements outside of the radius of 50 km from the capital city GPO or outside of the radius of 50 km from the place in which the model resides will be reimbursed by the employer.
      2. Such payment will be sufficient to cover the cost of first class rail travel where it is available. Where the journey exceeds 240 km and normal air transport services are available, and where first class rail travel is not available, the payment must be sufficient to cover at least economy class air fares.
      3. Provided that the employer may provide suitable transport and/or undertake transport arrangements in accordance with the requirements of this subclause instead of the payments prescribed herein.

[14.3(b)(iv) varied by [PR523099](http://www.fwc.gov.au/awardsandorders/html/PR523099.htm), [PR536902](http://www.fwc.gov.au/awardsandorders/html/PR536902.htm), [[PR551825](http://www.fwc.gov.au/awardsandorders/html/PR551825.htm)](http://www.fwc.gov.au/awardsandorders/html/PR000000.htm) ppc 01Jul14]

* + - 1. Provided that where it is mutually agreed that a model will use their own vehicle, the model will be paid a motor vehicle allowance of $0.78 per kilometre for the actual distance travelled by the vehicle in connection with the engagement. For the purpose of this provision, the actual distance travelled will mean and include the distance travelled between the model’s place of residence and the assignment.

Hair treatment

* + - 1. The cost of any hair treatment required by the employer of a mannequin or model for an assignment will be reimbursed by the employer.
      2. Should the model or mannequin require their hair to be returned to its pre-engagement colour and/or style after the assignment, this cost will also be met by the employer provided that such treatment is carried out at a salon mutually acceptable to the employer and the employee and provided that the mannequin or model informs the employer prior to the original hair treatment that they will require their hair to be returned to its pre‑engagement colour and/or style at the conclusion of the said engagement.

Reproduction of photographs or film

Where a photograph or film of a model or mannequin is reproduced for any purpose other than that stated at the time of engagement, the model or mannequin will be paid for each reproduction as if it was a new and separate engagement at the rate specified for a full day.

On call allowance

A mannequin or model required to be on call for any period of time will be paid an on call payment equal to the applicable rate in clause 13.2(a) of this award for all time spent on call.

Adjustment of expense related allowances

* + 1. At the time of any adjustment to the [standard rate](#standard_rate), each expense related allowance will be increased by the relevant adjustment factor. The relevant adjustment factor for this purpose is the percentage movement in the applicable index figure most recently published by the Australian Bureau of Statistics since the allowance was last adjusted.

[14.4(b) varied by [PR523099](http://www.fwc.gov.au/awardsandorders/html/PR523099.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:

| **Allowance** | **Applicable Consumer Price Index figure** |
| --- | --- |
| Motor vehicle allowance | Private motoring sub-group |
| Meal allowances | Take away and fast foods sub-group |
| Travelling allowance | Transport group |

1. District allowances

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

1. Accident pay

[Varied by [PR503652](http://www.fwc.gov.au/awardsandorders/html/PR503652.htm); deleted by [PR561478](http://www.fwc.gov.au/awardsandorders/html/PR561478.htm) ppc 05Mar15; new 16 inserted by [PR571827](http://www.fwc.gov.au/awardsandorders/html/PR571827.htm) ppc 15Oct15]

Definitions

* + 1. **Accident pay** means a weekly payment made to an employee by the employer that is the difference between the weekly amount of compensation the employee is entitled to receive pursuant to the applicable workers’ compensation legislation and the employee’s weekly wage payable under this Award for the classification of work if the employee had been performing their normal duties (not including over award payments, shift loadings or overtime).
    2. **Injury** will be given the same meaning and application as applying under the applicable workers’ compensation legislation covering the employer.

Entitlement to accident pay

The employer must pay accident pay where an employee suffers an injury and weekly payments of compensation are paid to the employee under the applicable workers’ compensation legislation for a maximum period of 26 weeks.

Calculation of the period

* + 1. The 26 week period commences from the date of injury. In the event of more than one absence arising from one injury, such absences are to be cumulative in the assessment of the 26 week period.
    2. The termination by the employer of the employee’s employment within the 26 week period will not affect the employee’s entitlement to accident pay.
    3. For a period of less than one week, accident pay (as defined) will be calculated on a pro rata basis.

When not entitled to payment

An employee will not be entitled to any payment under this clause in respect of any period of paid annual leave or long service leave, or for any paid public holiday.

Return to work

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.

Redemptions

In the event that 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 the employee receives that payment.

Damages independent of the Acts

Where the employee recovers damages from the employer or from a third party in respect of the said injury independently of the applicable workers’ compensation legislation, such employee will be liable to repay to the employer the amount of accident pay which the employer has paid under this clause and the employee will not be entitled to any further accident pay thereafter.

Casual employees

For a casual employee, the weekly payment referred to in clause 16.1(a) 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 or overtime.

1. Payment of wages

[Varied by [PR610154](https://www.fwc.gov.au/documents/awardsandorders/html/PR610154.htm)]

* 1. Wages may be paid in cash, cheque or by electronic funds transfer.
  2. All wages due will be paid no later than Thursday in each pay period and must be paid during working hours. When Friday is a holiday, wages will be paid no later than Wednesday in that week.

Frequency of payment for full-time employees

* + 1. In the case of an employee who works a 38 hour week wages will be paid weekly or fortnightly according to the actual hours worked each week or fortnight.
    2. In the case of an employee whose ordinary hours of work are arranged so that they work an average of 38 ordinary hours each week during a particular work cycle, wages must be paid weekly or fortnightly according to a weekly average of ordinary hours worked even though more or less than 38 ordinary hours may be worked in any particular week of the work cycle.

Frequency of payment for part-time employees

In the case of a part-time employee, wages will be paid weekly or fortnightly according to the actual hours worked each week or fortnight.

Frequency of payment for casual employees

Wages will be paid to the employee no later than 14 days following the completion of the engagement, except in the case of a weekly or longer engagement in which case wages must be paid no later than 14 days after the completion of each week of such engagement.

Payment on termination of employment

[17.6 inserted by [PR610154](https://www.fwc.gov.au/documents/awardsandorders/html/PR610154.htm) ppc 01Nov18]

* + 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](http://www.fwc.gov.au/awardmod/download/nes.pdf).
    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](http://www.legislation.gov.au/Series/C2009A00028).

Note 1: Section 117(2) of the [Act](http://www.legislation.gov.au/Series/C2009A00028) 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](http://www.legislation.gov.au/Series/C2009A00028) for the Commission to reduce the amount of redundancy pay an employee is entitled to under the [NES](http://www.fwc.gov.au/awardmod/download/nes.pdf).

Note 3: State and Territory long service leave laws or long service leave entitlements under s.113 of the [Act](http://www.legislation.gov.au/Series/C2009A00028), 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 [PR530238](http://www.fwc.gov.au/awardsandorders/html/PR530238.htm), [PR546122](http://www.fwc.gov.au/awardsandorders/html/PR546122.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 18.2.
    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 18.3(a) or (b) no later than 28 days after the end of the month in which the deduction authorised under clauses 18.3(a) or (b) was made.

Superannuation fund

Unless, to comply with superannuation legislation, the employer is required to make the superannuation contributions provided for in clause 18.2 to another superannuation fund that is chosen by the employee, the employer must make the superannuation contributions provided for in clause 18.2 and pay the amount authorised under clauses 18.3(a) or (b) to one of the following superannuation funds or its successor:

* + 1. Retail Employees Superannuation Trust (REST);
    2. AustralianSuper;
    3. Tasplan;

[18.4(d) substituted by [PR530238](http://www.fwc.gov.au/awardsandorders/html/PR530238.htm) ppc 26Oct12]

* + 1. CareSuper;
    2. Sunsuper;
    3. Media Super;

[18.4(g) varied by [PR546122](http://www.fwc.gov.au/awardsandorders/html/PR546122.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 or its successor fund is an eligible choice fund and is a fund that offers a MySuper product or is an exempt public sector scheme; or

[18.4(h) inserted by [PR546122](http://www.fwc.gov.au/awardsandorders/html/PR546122.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 18.2 and pay the amount authorised under clauses 18.3(a) or (b):

* + 1. Paid leave—while the employee is on any paid leave;
    2. Work-related injury or illness—for the period of absence from work (subject to a maximum of 52 weeks) of the employee due to work-related injury or work-related illness provided that:
       1. the employee is receiving workers compensation payments or is receiving regular payments directly from the employer in accordance with the statutory requirements; and
       2. the employee remains employed by the employer.

1. Hours of Work and Related Matters
2. Hours of work
   1. Ordinary hours of work for a full-time employee will be an average of 38 per week over 28 days, worked in any of the forms provided for in clause 20—Notification of rosters, or over a longer period by agreement.
   2. Ordinary hours will be worked on not more than five days in any week, within the times set out in clause 19.4.
   3. The maximum number of hours that will constitute a day’s work without the payment of overtime must not exceed nine except on one day in any week when it will not exceed 10.5 hours.

Spread of ordinary hours

The spread of ordinary hours will be as follows:

|  |  |
| --- | --- |
| **Days of the week** | **Spread of hours** |
| Monday to Wednesday | 7.00 am to 9.00 pm |
| Thursday, Friday and Saturday | 7.00 am to 6.00 pm |

1. Notification of rosters
   1. The weekly and daily working hours must be notified in writing by the employer to each full-time employee at least 14 days in advance together with the days on which the employee is to be off duty. In the absence of such notification, it will be deemed that the employee is rostered to work Monday to Friday (inclusive) each week.
   2. Provided that employees must be notified not less than one week in advance of any change in the roster.
   3. Provided that the roster may be changed by mutual agreement between the employer and the employee.
   4. Provided further that in the case of an emergency or other unforeseen circumstance the roster may be changed upon 48 hours’ notice being given by the employer to the employee.
2. Breaks

Rest pauses

* + 1. Where the engagement is for a continuous period of four hours or more a model will be entitled to a rest pause of 15 minutes’ duration.
    2. Such rest pauses will be taken at times that will not interfere with the continuity of work where continuity is necessary.

Meal breaks

* + 1. No employee will be required to work continuously for more than five hours without a break for a meal of not less than 45 minutes.
    2. All employees will be allowed to leave the establishment where the work is being carried out for the whole of their break.
    3. An employee and employer may agree that the meal interval for lunch will be 30 minutes.

1. Additional provisions for models and mannequins

[22 varied by [PR540201](http://www.fwc.gov.au/awardsandorders/html/pr540201.htm), [PR540433](http://www.fwc.gov.au/awardsandorders/html/pr540433.htm)]

* 1. Where a model or mannequin is required to appear in lingerie, foundation garments, semi-nude or nude they will be entitled to have another person of their choosing present at all times during the engagement.
  2. An employer may not use or distribute the photograph, film or other record of the mannequin or model for any purpose other than that which is specified in writing to the mannequin or model at the time of engagement.

[22.3 inserted by [PR540201](http://www.fwc.gov.au/awardsandorders/html/pr540201.htm) ppc 13Aug13; corrected by [PR540433](http://www.fwc.gov.au/awardsandorders/html/pr540433.htm) ppc 13Aug13]

* 1. It shall be a condition of every engagement where photographs are being taken of a model that the employer shall, at the time of booking, inform the model of the details for which the photograph is being taken, in writing.

1. Overtime and penalty rates for full-time or part-time employees

[23 varied by [PR585800](https://www.fwc.gov.au/documents/awardsandorders/html/pr585800.htm)]

Evening and Saturday work

* + 1. **House mannequin or model**
       1. An additional 0.63% of the [standard rate](#standard_rate) per hour will be paid to employees for all time worked within ordinary hours between 6.00 pm and 9.00 pm on a weekday.
       2. An additional 1.30% of the [standard rate](#standard_rate) per hour will be paid to employees for all time worked within ordinary hours between 7.00 am and 6.00 pm on a Saturday.

Juniors

* + - 1. An additional amount will be paid to all employees for all time worked within ordinary hours between 6.00 pm and 9.00 pm on a weekday as follows:

| **Age** | **% of the** [**standard rate**](#standard_rate) |
| --- | --- |
| 15 years of age | 0.38 |
| 16 years of age | 0.47 |
| 17 years of age | 0.57 |
| 18 years of age and over | 0.63 |

* + - 1. An additional amount will be paid to all employees for all time worked within ordinary hours between 7.00 am and 6.00 pm on a Saturday as follows:

| **Age** | **% of the** [**standard rate**](#standard_rate) |
| --- | --- |
| 15 years of age | 0.78 |
| 16 years of age | 0.97 |
| 17 years of age | 1.17 |
| 18 years of age and over | 1.30 |

Sunday work

The rate for all work done on Sunday will be double the employee’s ordinary hourly rate.

Overtime

[23.3 substituted by [PR585800](https://www.fwc.gov.au/documents/awardsandorders/html/pr585800.htm) ppc 14Dec16]

The rate of time and a half for the first three hours and double time thereafter must be paid for all work done:

* + 1. in excess of 38 hours per week; and
    2. outside the times of beginning and ending work.

Time off instead of payment for overtime

[23.4 inserted by [PR585800](https://www.fwc.gov.au/documents/awardsandorders/html/pr585800.htm) ppc 14Dec16]

* + 1. An employee and employer may agree to the employee taking time off instead of being paid for a particular amount of overtime that has been worked by the employee.
    2. The period of time off that an employee is entitled to take is equivalent to the overtime payment that would have been made.

EXAMPLE: By making an agreement under clause 23.4 an employee who worked 2 overtime hours at the rate of time and a half is entitled to 3 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 23.4 but not taken as time off, the employer must pay the employee for the overtime, in the next pay period following the request, at the overtime rate applicable to the overtime when worked.
    3. If time off for overtime that has been worked is not taken within the period of 6 months mentioned in paragraph (c), 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. 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.
    5. 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 23.4 will apply 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 23.4 applies has not been taken, the employer must pay the employee for the overtime at the overtime rate applicable to the overtime when worked.

Note: Under section 345(1) of the Act, a person must not knowingly or recklessly make a false or misleading representation about the workplace rights of another person under clause 23.4.

23A. Requests for flexible working arrangements

[23A inserted by [PR701520](https://www.fwc.gov.au/documents/awardsandorders/html/pr701520.htm) ppc 01Dec18]

23A.1 Employee may request change in working arrangements

Clause 23A 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 23A is an addition to s.65.

23A.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)).

23A.3 What the written response must include if the employer refuses the request

Clause 23A.3 applies if the employer refuses the request and has not reached an agreement with the employee under clause 23A.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 23A.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.

23A.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 23A.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.

23A.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 23A, can be dealt with under clause 9—Dispute resolution.

1. Leave and Public Holidays
2. Annual leave

[Varied by [PR583027](https://www.fwc.gov.au/documents/awardsandorders/html/pr583027.htm)]

* 1. Annual leave is provided for in the NES.

Payment for annual leave

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

Annual leave in advance

[24.3 inserted by [PR583027](https://www.fwc.gov.au/documents/awardsandorders/html/pr583027.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 24.3 is set out at Schedule D. There is no requirement to use the form of agreement set out at Schedule D.

* + 1. The employer must keep a copy of any agreement under clause 24.3 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 24.3, the employer may deduct from any money due to the employee on termination an amount equal to the amount that was paid to the employee in respect of any part of the period of annual leave taken in advance to which an entitlement has not been accrued.

Cashing out of annual leave

[24.4 inserted by [PR583027](https://www.fwc.gov.au/documents/awardsandorders/html/pr583027.htm) ppc 29Jul16]

* + 1. Paid annual leave must not be cashed out except in accordance with an agreement under clause 24.4.
    2. Each cashing out of a particular amount of paid annual leave must be the subject of a separate agreement under clause 24.4.
    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 24.4 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 24.4 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 24.4 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 24.4.

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 24.4.

Note 3: An example of the type of agreement required by clause 24.4 is set out at Schedule E. There is no requirement to use the form of agreement set out at Schedule E.

Excessive leave accruals: general provision

[24.5 inserted by [PR583027](https://www.fwc.gov.au/documents/awardsandorders/html/pr583027.htm) ppc 29Jul16]

Note: Clauses 24.5 to 24.7 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 24.6 sets out how an employer may direct an employee who has an excessive leave accrual to take paid annual leave.
    4. Clause 24.7 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

[24.6 inserted by [PR583027](https://www.fwc.gov.au/documents/awardsandorders/html/pr583027.htm) ppc 29Jul16]

* + 1. If an employer has genuinely tried to reach agreement with an employee under clause 24.5(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 24.5, 24.6 or 24.7 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 24.6(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

[24.7 inserted by [PR583027](https://www.fwc.gov.au/documents/awardsandorders/html/pr583027.htm); substituted by [PR583027](http://www.fwc.gov.au/awardsandorders/html/pr583027.htm) 29Jul17]

* + 1. If an employee has genuinely tried to reach agreement with an employer under clause 24.5(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 24.6(a) that, when any other paid annual leave arrangements (whether made under clause 24.5, 24.6 or 24.7 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 24.5, 24.6 or 24.7 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).

1. Personal/carer’s leave and compassionate leave

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

1. Community service leave

Community service leave is provided for in the NES.

1. Public holidays

[Varied by [PR712287](https://www.fwc.gov.au/documents/awardsandorders/html/pr712287.htm)]

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

[27.2 substituted by [PR712287](https://www.fwc.gov.au/documents/awardsandorders/html/pr712287.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.

[New 27.3 inserted by [PR712287](https://www.fwc.gov.au/documents/awardsandorders/html/pr712287.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.

[27.3 renumbered as 27.4 by [PR712287](https://www.fwc.gov.au/documents/awardsandorders/html/pr712287.htm) ppc 04Oct19]

* 1. In the case of Christmas Day where substitution occurs, work on 25 December will attract an additional loading of half a normal day’s wage for a full day’s work in addition to the Saturday/Sunday rate and the employee will also be entitled to the benefits of the substituted public holiday.

[27.4 renumbered as 27.5 by [PR712287](https://www.fwc.gov.au/documents/awardsandorders/html/pr712287.htm) ppc 04Oct19]

* 1. An employee who works only on a standard Monday to Friday roster will not receive compensation for Easter Saturday or Anzac Day when it occurs on a weekend.

[27.5 renumbered as 27.6 by [PR712287](https://www.fwc.gov.au/documents/awardsandorders/html/pr712287.htm) ppc 04Oct19]

Time off instead of payment for penalty rates

* + 1. Time off instead of payment of the penalty rate prescribed for work on a public holiday pursuant to this clause may be provided if an employee so elects and it is agreed by the employer.
    2. Such time off must be taken at a mutually convenient time and within four weeks of the public holiday or, where agreed between the employee and the employer, may be accumulated and taken as part of annual leave.
    3. Time off instead of payment for penalty rates must equate to the penalty rate, i.e. if the employee works three hours on a public holiday and the additional penalty rate is time and a half and the employee elects to take time of instead of payment the time off would equal 4.5 hours.
    4. All work performed on a public holiday or a substituted day will be paid at the rate of double time and a half.

[Note inserted by [PR712287](https://www.fwc.gov.au/documents/awardsandorders/html/pr712287.htm) ppc 04Oct19]

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

1. Leave to deal with Family and Domestic Violence

[28 inserted by [PR609451](https://www.fwc.gov.au/documents/awardsandorders/html/pr609451.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 28.2(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 28. 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 28 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 28.4.

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 28.6 is treated confidentially, as far as it is reasonably practicable to do so.
    2. Nothing in clause 28 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 28 unless the employee complies with clause 28.

1. —Transitional Provisions

[Varied by [PR503652](http://www.fwc.gov.au/awardsandorders/html/PR503652.htm)]

General

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

Minimum wages – existing minimum wage lower

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

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

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

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

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

Minimum wages – existing minimum wage higher

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

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

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

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

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

Loadings and penalty rates

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

* casual or part-time loading;
* Saturday, Sunday, public holiday, evening or other penalty;
* shift allowance/penalty.

Loadings and penalty rates – existing loading or penalty rate lower

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

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

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

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

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

Loadings and penalty rates – existing loading or penalty rate higher

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

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

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

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

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

Loadings and penalty rates – no existing loading or penalty rate

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

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

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

Former Division 2B employers

[A.8 inserted by [[PR503652](http://www.fwa.gov.au/awardsandorders/html/PR503652.htm)](http://www.fwc.gov.au/awardsandorders/html/PR503625.htm) ppc 01Jan11]

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

1. —Supported Wage System

[Varied by [PR998748](http://www.fwc.gov.au/awardsandorders/html/PR998748.htm), [PR510670](http://www.fwc.gov.au/awardsandorders/html/PR510670.htm), [PR525068](http://www.fwc.gov.au/awardsandorders/html/PR525068.htm), [PR537893](http://www.fwc.gov.au/awardsandorders/html/pr537893.htm), [PR542237](http://www.fwc.gov.au/awardsandorders/html/PR542237.htm), [PR551831](http://www.fwc.gov.au/awardsandorders/html/PR551831.htm), [PR568050](http://www.fwc.gov.au/awardsandorders/html/PR568050.htm), [PR581528](http://www.fwc.gov.au/awardsandorders/html/PR581528.htm), [PR592689](http://www.fwc.gov.au/awardsandorders/html/PR592689.htm), [PR606630](https://www.fwc.gov.au/documents/awardsandorders/html/pr606630.htm), [PR709080](https://www.fwc.gov.au/documents/awardsandorders/html/pr709080.htm)]

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

[B.2 varied by [PR568050](http://www.fwc.gov.au/awardsandorders/html/PR568050.htm) ppc 01Jul15]

* 1. In this schedule:

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

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

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

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

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

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

Eligibility criteria

* + 1. Employees covered by this schedule will be those who are unable to perform the range of duties to the competence level required within the class of work for which the employee is engaged under this award, because of the effects of a disability on their productive capacity and who meet the impairment criteria for receipt of a disability support pension.
    2. This schedule does not apply to any existing employee who has a claim against the employer which is subject to the provisions of workers compensation legislation or any provision of this award relating to the rehabilitation of employees who are injured in the course of their employment.

Supported wage rates

* + 1. Employees to whom this schedule applies will be paid the applicable percentage of the relevant minimum wage according to the following schedule:

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

[B.4.2 varied by [PR998748](http://www.fwc.gov.au/awardsandorders/html/PR998748.htm), [PR510670](http://www.fwc.gov.au/awardsandorders/html/PR510670.htm), [PR525068](http://www.fwc.gov.au/awardsandorders/html/PR525068.htm), [PR537893](http://www.fwc.gov.au/awardsandorders/html/pr537893.htm), [PR551831](http://www.fwc.gov.au/awardsandorders/html/PR551831.htm), [PR568050](http://www.fwc.gov.au/awardsandorders/html/PR568050.htm), [PR581528](http://www.fwc.gov.au/awardsandorders/html/PR581528.htm), [PR592689](http://www.fwc.gov.au/awardsandorders/html/PR592689.htm), [PR606630](https://www.fwc.gov.au/documents/awardsandorders/html/pr606630.htm), [PR709080](https://www.fwc.gov.au/documents/awardsandorders/html/pr709080.htm) ppc 01Jul19]

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

Assessment of capacity

* + 1. For the purpose of establishing the percentage of the relevant minimum wage, the productive capacity of the employee will be assessed in accordance with the Supported Wage System by an approved assessor, having consulted the employer and employee and, if the employee so desires, a union which the employee is eligible to join.
    2. All assessments made under this schedule must be documented in an SWS wage assessment agreement, and retained by the employer as a time and wages record in accordance with the Act.

Lodgement of SWS wage assessment agreement

[B.6.1 varied by [PR542237](http://www.fwc.gov.au/awardsandorders/html/PR542237.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.

[B.6.2 varied by [PR542237](http://www.fwc.gov.au/awardsandorders/html/PR542237.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.

[B.10.3 varied by [PR998748](http://www.fwc.gov.au/awardsandorders/html/PR998748.htm), [PR510670](http://www.fwc.gov.au/awardsandorders/html/PR510670.htm), [PR525068](http://www.fwc.gov.au/awardsandorders/html/PR525068.htm), [PR537893](http://www.fwc.gov.au/awardsandorders/html/pr537893.htm), [PR551831](http://www.fwc.gov.au/awardsandorders/html/PR551831.htm), [PR568050](http://www.fwc.gov.au/awardsandorders/html/PR568050.htm), [PR581528](http://www.fwc.gov.au/awardsandorders/html/PR581528.htm), [PR592689](http://www.fwc.gov.au/awardsandorders/html/PR592689.htm), [PR606630](https://www.fwc.gov.au/documents/awardsandorders/html/pr606630.htm), [PR709080](https://www.fwc.gov.au/documents/awardsandorders/html/pr709080.htm) ppc 01Jul19]

* + 1. The minimum amount payable to the employee during the trial period must be no less than $87 per week.
    2. Work trials should include induction or training as appropriate to the job being trialled.
    3. Where the employer and employee wish to establish a continuing employment relationship following the completion of the trial period, a further contract of employment will be entered into based on the outcome of assessment under clause B.5.

1. —Part-day Public Holidays

[Sched C inserted by [PR532630](http://www.fwc.gov.au/awardsandorders/html/pr532630.htm) ppc 23Nov12; renamed and varied by [PR544519](http://www.fwc.gov.au/awardsandorders/html/pr544519.htm) ppc 21Nov13; renamed and varied by [PR557581](http://www.fwc.gov.au/awardsandorders/html/PR557581.htm), [PR573679](http://www.fwc.gov.au/awardsandorders/html/PR573679.htm), [PR580863](http://www.fwc.gov.au/awardsandorders/html/PR580863.htm), [PR598110](http://www.fwc.gov.au/documents/awardsandorders/html/pr598110.htm), [PR701683](http://www.fwc.gov.au/documents/awardsandorders/html/pr701683.htm) ppc 21Nov18; varied by [PR712287](https://www.fwc.gov.au/documents/awardsandorders/html/pr712287.htm), [PR715140](https://www.fwc.gov.au/documents/awardsandorders/html/pr715140.htm)]

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

[C.1 varied by [PR715140](https://www.fwc.gov.au/documents/awardsandorders/html/pr715140.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.

[C.1(b) varied by [PR715140](https://www.fwc.gov.au/documents/awardsandorders/html/pr715140.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.

[C.1(c) substituted by [PR715140](https://www.fwc.gov.au/documents/awardsandorders/html/pr715140.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.

[C.1(d) varied by [PR715140](https://www.fwc.gov.au/documents/awardsandorders/html/pr715140.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.

[C.1(e) varied by [PR715140](https://www.fwc.gov.au/documents/awardsandorders/html/pr715140.htm) ppc 18Nov19]

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

[C.1(f) varied by [PR715140](https://www.fwc.gov.au/documents/awardsandorders/html/pr715140.htm) ppc 18Nov19]

* + - 1. Where an employee is paid an annualised salary under the provisions of this award and is entitled under this award to time off in lieu or additional annual leave for work on a public holiday, they will be entitled to time off in lieu or pro-rata annual leave equivalent to the time worked on the declared or prescribed part-day public holiday.

[C.1(g) varied by [PR715140](https://www.fwc.gov.au/documents/awardsandorders/html/pr715140.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 C.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.

[C.2 inserted by [PR712287](https://www.fwc.gov.au/documents/awardsandorders/html/pr712287.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 D inserted by [PR583027](https://www.fwc.gov.au/documents/awardsandorders/html/pr583027.htm) ppc 29Jul16]

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

Name of employee: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of employer: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

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

The leave in advance will commence on: \_\_\_/\_\_\_/20\_\_\_

Signature of employee: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date signed: \_\_\_/\_\_\_/20\_\_\_

Name of employer representative: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of employer representative: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date signed: \_\_\_/\_\_\_/20\_\_\_

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| *[If the employee is under 18 years of age - include:]*  **I agree that:**  **if, on termination of the employee’s employment, the employee has not accrued an entitlement to all of a period of paid annual leave already taken under this agreement, then the employer may deduct from any money due to the employee on termination an amount equal to the amount that was paid to the employee in respect of any part of the period of annual leave taken in advance to which an entitlement has not been accrued.**  Name of parent/guardian: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Signature of parent/guardian: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Date signed: \_\_\_/\_\_\_/20\_\_\_ |

1. —Agreement to Cash Out Annual Leave

[Sched E inserted by [PR583027](https://www.fwc.gov.au/documents/awardsandorders/html/pr583027.htm) ppc 29Jul16]

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

Name of employee: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of employer: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

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

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

The payment will be made to the employee on: \_\_\_/\_\_\_/20\_\_\_

Signature of employee: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date signed: \_\_\_/\_\_\_/20\_\_\_

Name of employer representative: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of employer representative: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date signed: \_\_\_/\_\_\_/20\_\_\_

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

1. —Additional Measures During the COVID-19 Pandemic

[Sched X inserted by [PR718141](https://www.fwc.gov.au/documents/awardsandorders/html/pr718141.htm) ppc 08Apr20]

* 1. Subject to clauses X.2.1(d) and X.2.2(c), Schedule X operates from 8 April 2020 until 30 June 2020. The period of operation can be extended on application.
  2. During the operation of Schedule X, the following provisions apply:

Unpaid pandemic leave

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

NOTE: 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.
      3. A period of leave under clause X.2.2(a) must start before 30 June 2020, 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.