

31 March 2015

**REVIEW OF THE PHARMACY INDUSTRY AWARD 2010  
[AM 000012] (GROUP 2B) - PLAIN ENGLISH DRAFT**

We act for The Pharmacy Guild of Australia (The Guild).

It is the Guild's position that a modern award should be written in a way that is appropriate for the audience. If employers and employees cannot understand their rights and obligations, both parties lose.

In submissions filed on 25 November 2014, 28 January and 4 March 2015, the Guild noted that it had commissioned the Plain English Foundation to review the exposure draft and provide a plain English draft of the Award.

A copy of the plain English draft of the Award is attached (Attachment A).

It is not intended that the meaning of any Award condition be altered by the plain English draft. To assist the parties to review the plain English draft the Guild has prepared a Comparison Tool (Attachment B). The Comparison Tool sets out the clause number in the plain English draft and the equivalent clause number in the current Award and enables the parties to indicate if they think the meaning of the clause has inadvertently been altered and to record other comments.

The plain English draft includes examples setting out how some Award clauses operate. The parties have all supported the inclusion of relevant examples in an annotated version of the Award.

At the last mention of this matter on 27 March 2015, The Guild and other parties asked the Commission to convene a conference before Commissioner Bisset in order to progress the review. The Guild is hopeful that the union parties will use the Comparison Tool, consider the merits of the plain English draft and engage in a positive discussion about it at the conference.

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## ATTACHMENT A – PLAIN ENGLISH DRAFT

### Part 1: Application and operation of award

#### 1 Title and commencement

- 1.1 This is the *Pharmacy Industry Award 2014*.
- 1.2 It replaces the *Pharmacy Industry Award 2010*, but does not affect any right, privilege, obligation or liability under that award.
- 1.3 **Terms in bold** are defined in Schedule G, which sets out the definitions that apply.
- 1.4 This award imposes monetary obligations on employers, which can be absorbed into overaward payments. Nothing in this award requires an employer to maintain or increase overaward payments.

#### 2 The National Employment Standards and this award

- 2.1 The **National Employment Standards** (NES) and this award contain the minimum conditions of employment for the employees they cover.
- 2.2 Where this award refers to a condition in the NES, the NES definition applies.
- 2.3 Employers must make copies of this award and the NES available to all employees they apply to.  
→ [Hyperlinks](#) provide direct links to relevant clauses.

#### 3 Coverage

- 3.1 This award covers Australian **national system employers** in the **community pharmacy** industry, and their **employees** in the classifications listed in Schedule A, to the exclusion of any other modern award.
- 3.2 It does not cover employment in pharmacies that do not retail goods or services to the public, and that:
  - (a) hospitals or other public institutions own
  - (b) the government runs.
- 3.3 This award covers employers that supply **on-hire** labour to pharmacies, and the on-hire employees while they are working. However, any exclusions from coverage in this award apply to this clause.
- 3.4 It also covers employers that provide group-training services for industry trainees, and trainees during this training. However, any exclusions from coverage in this award apply to this clause.
- 3.5 This award does not cover:
  - (a) employees that the **Fair Work Act 2009** (Cth) (the Act) excludes from coverage
  - (b) employees covered by a modern enterprise award or instrument, in the meaning of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth) (the Transitional Act), and their employers relating to those employees
  - (c) employees covered by a state reference public sector modern or transitional award (within the meaning of the Transitional Act) and their employers.

- 3.6 If employers are covered by more than one award, each employee is covered by the award that is most appropriate to the work they do and the environment in which they normally work.  
 → [143\(7\)](#) [part of] Coverage terms of modern awards other than modern enterprise awards and State reference public sector modern awards
- 3.7 If there is no classification for an employee in this award, they and their employer could fall under another award with occupational coverage.
- 3.8 The *General Retail Industry Award 2014* does not apply to employers covered by this award.

**Example: pharmacy bookkeeper covered by clerical award**

If there is no classification for an employee in this award, the employer and employee could be covered by another award.

Mary works at Riverside Pharmacy as a bookkeeper. She does not have any other duties in the pharmacy. Mary is not covered by the *Pharmacy Industry Award 2010*, but instead the *Clerks Private Sector Award 2010*.

## 4 Award flexibility

- 4.1 Despite any provision of this award, employers and employees can agree to vary the following terms, to meet a genuine individual need:
- hours of work
  - overtime rates
  - penalty rates
  - allowances
  - leave loading.
- 4.2 Employers and employees must genuinely agree to the variation without duress.
- 4.3 **Individual flexibility agreements** (IFAs) cannot replace a contract or be offered as a condition of employment. They can only be agreed after the employee has started work.
- 4.4 These IFAs must:
- only vary terms as in clause 4.1
  - list each term that is varied and explain in which way
  - explain how the employee is better off, based on their employment terms and conditions, when the IFA is made
  - be in writing
  - be signed by the employer and employee, or a parent or guardian if the employee is under 18, but not need anyone else's approval
  - state when the IFA begins.
- 4.5 Employers must give employees a copy of their IFA and keep a copy as a time and wages record.
- 4.6 Employers must offer IFAs as a written proposal. If employees have limited understanding of written English, employers must ensure they understand it, providing translations if needed.
- 4.7 To end an IFA (but not employment):
- either party can give 13 weeks' notice in writing
  - at any time, without notice, both parties must agree in writing.
- 4.8 IFAs started before the first full pay period on or after 4 December 2013 can be ended with four weeks' written notice.

- 4.9 If any part of section 144(4) of the Act is not met, either party can end the IFA by giving 4 weeks' written notice (see section 145).  
 → [144\(4\)](#) [part of] Flexibility terms  
 → [145\(4\)](#) [part of] Effect of individual flexibility arrangement that does not meet requirements of flexibility term
- 4.10 The right to make an IFA is on top of any other arrangements allowed by this award.

**Example: employee negotiates an individual flexibility agreement**

Mathew works at Smiths Pharmacy full time. The pharmacy opens at 7.30 am.

Mathew would like to leave work at 3 pm to pick up his children after school. To work his 38 hours per week, he would need to start at 7 am. Mathew is happy to forgo the penalty rate of 150% between 7 and 8 am, because it suits him to start at 7 am. This also suits his employer, who needs someone to start then.

Mathew and his employer formalise this arrangement with an individual flexibility agreement. However, it is not a condition of Mathew's employment.

## 5 Facilitative provisions

- 5.1 Facilitative provisions allow the award's standard approach to be changed by agreement. An employer can agree to these with:
- (a) an individual employee, where the provisions will only affect that individual
  - (b) most employees, where the provisions will affect all employees, not just those who agree.
- 5.2 These provisions must not be used to avoid award obligations, or be unfair to an employee.
- 5.3 The following clauses have facilitative provisions:

Clauses	Provision	Arrangement between
14.7–11	Time off instead of payment	An employer and an individual
19.4	Substitution of public holidays by arrangement	An employer and an individual or most employees

## Part 2: Types of employment and classifications

### 6 Types of employment

- 6.1 Under this award, employees will be engaged as full-time, part-time or casual.
- 6.2 Employers must tell employees if they are full-time, part-time or casual when they hire them.
- 6.3 Employers cannot transfer full-time or casual employees to part-time work without their written consent.
- 6.4 When employees are transferred to part-time work, their accrued leave entitlements continue.

#### Full-time employees

- 6.5 Full-time employees work an average of 38 hours per week.
- 6.6 Full-time employees can ask for part-time work. If approved, they can go back to full-time work on a date they agree with their employer. This arrangement must be recorded in writing.

#### Part-time employees

- 6.7 Part-time employees:
  - (a) work less than 38 hours per week
  - (b) have reasonably predictable hours
  - (c) receive pro-rata pay and conditions equivalent to full-time employees who do the same kind of work, unless this award states otherwise.
- 6.8 When they start, part-time employees and employers must agree in writing to a regular pattern of work. This arrangement must specify at least:
  - (a) the days the employee will work
  - (b) the number of hours each day
  - (c) daily start and finish times
  - (d) the length of meal breaks and meal break times
  - (e) that the minimum work shift is three hours
  - (f) that if the employee works more than the agreed hours, the overtime rate applies to those extra hours
  - (g) that any variation to this arrangement will be in writing.

#### Varying the regular pattern of work

- 6.9 The employer and employee can agree to vary the regular pattern of work temporarily or permanently, but:
  - (a) the variation must be made in writing, before it begins
  - (b) employers must give employees a copy of the variation and keep one themselves
  - (c) variations will be considered as 'agreed hours' (see clause 6.8(g)).

#### Example: employer temporarily varies a roster

Pharmacy manager Peter asks Julie, a part-time employee, to extend her normal shift the next day. Julie agrees to the temporary variation and initials this change on the weekly roster, which becomes part of her employment record. Peter gives Julie a copy of the variation and keeps a copy for his records.

- 6.10 Employers must pay part-time employees the minimum hourly rate for their classification (see clause 10.1) for each ordinary hour they work.
- 6.11 Employers must roster part-time employees for at least three hours in any shift. If rostered for less, employers must still pay them for the full three hours.
- 6.12 Part-time employees' rosters, but not the agreed number of hours, can be altered:
  - (a) by employers giving seven days' written notice
  - (b) in an emergency, by employers giving 48 hours' written notice
  - (c) at any time, if employers and employees both agree.
- 6.13 Rosters must not be changed from week to week or fortnight to fortnight. They can rotate through cycles, such as a four-week cycle, as long as employees agree, in line with clause 6.8.
- 6.14 Rosters must not be changed to avoid award entitlements.
- 6.15 Part-time employees who have worked their agreed hours can agree to work extra hours that are not reasonably predictable. Such hours are limited to the daily, weekly or fortnightly maximum hours for casual employees, and are subject to this award's casual employee provisions.

#### Casual employees

- 6.16 A casual employee is hired and paid as a casual.
- 6.17 Employees who do not meet the definition of part- or full-time work must be employed as casuals.
- 6.18 Casual employees are not entitled to reasonably predictable hours of work.
- 6.19 Casual employees must work at least three hours each day.
- 6.20 For each ordinary hour they work, casual employees must be paid the minimum hourly rate, as per Schedule B, and a casual loading of 25%.
- 6.21 Employers pay this casual loading instead of:
  - (a) annual leave and paid personal/carer's leave
  - (b) notice of termination and redundancy benefits
  - (c) other entitlements of full-time or part-time employment.
- 6.22 Casual employees must be paid at the end of each engagement, or can agree to weekly or fortnightly pay.

## 7 Classifications

- 7.1 All employees must be classified in line with Schedule A.
- 7.2 Employers must advise employees of their classification, and any changes, in writing.
- 7.3 Employers will classify employees based on the skills required by the employer.

## Part 3: Ordinary hours of work

### 8 Ordinary hours of work and rostering

- 8.1 This section does not alter the trading hours set by state or territory laws.
- 8.2 Ordinary hours and roster cycles must meet the following conditions:
  - (a) ordinary hours are between 7 am and midnight every day
  - (b) hours of work on any day will be continuous, except for rest and meal breaks
  - (c) ordinary hours of work must not be more than 12 hours a day
  - (d) ordinary hours of work for full-time employees are 38 hours per week, but can be averaged over two consecutive weeks
  - (e) ordinary hours for part-time and casual employees must be in line with clause 6.
- 8.3 In their rosters, for ordinary hours, permanent employees are entitled to:
  - (a) two consecutive days off weekly, or three consecutive days off fortnightly
  - (b) work no more than five days in a week, unless they work six days in one week and four (or fewer) in the next week
  - (c) work ordinary and extra hours on no more than six consecutive days
  - (d) have three consecutive days off every four weeks, including a Saturday and Sunday, if they regularly work Sundays.
- 8.4 Employees can ask for alternative rostering arrangements in writing. The employer must record this arrangement in their time and wages record.
- 8.5 Employers cannot ask employees to request these arrangements as a condition of employment.
- 8.6 Employees can end alternative rostering arrangements by giving four weeks' notice. They do not need to give notice if the arrangement has an agreed end date or timeframe. However, this provision does not apply to part-time employees' regular pattern of work under clause 6.8.
- 8.7 Clause 8.4(d) does not apply to part-time employees whose agreed hours under clause 6.8(a) require them to:
  - (a) work on either or both Saturday and Sunday each week, and
  - (b) have at least two consecutive days off each week.

## 9 Breaks

9.1 Employees are entitled to the following breaks:

Ordinary hours per day	Break
More than 4 and up to and including 5 hours	One 10-minute paid rest break
More than 5 and up to 7.6 hours	One 10-minute paid rest break One 30 to 60-minute unpaid meal break
7.6 hours or more	Two 10-minute paid rest breaks One 30 to 60-minute unpaid meal break

9.2 Unpaid meal breaks must be between 30 and 60 minutes long. Employees must take meal breaks after working for between 2.5 and 5 hours.

9.3 Paid rest breaks must be at least 10 minutes long. Employees must not take rest breaks in the first hour of work or the first hour after a meal break.

### Example: pharmacist taking meal break on the premises

Sally is a pharmacist at Winterfel Pharmacy. Monday was a public holiday and Sally was the only pharmacist on duty, so she had to stay in the pharmacy during her meal break. Sally was entitled to an on-premise meal allowance (see clause 12.6–7).

Even if Sally is interrupted while taking her breaks, she is still entitled to them.



## Part 4: Wages and allowances

### 10 Minimum wage

- 10.1 Employers must pay the minimum wage for ordinary hours that employees work between 7 am and midnight, Monday to Sunday. These rates do not include penalties and allowances (see Schedule B).

#### Minimum wage table

Classifications	Weekly \$	Hourly \$	Casual hourly \$
<b>Pharmacy assistant</b>			
Level 1	703.90	18.5237	23.1546
Level 2	720.70	18.9658	23.7072
Level 3	746.20	19.6368	24.5461
Level 4	776.90	20.4447	25.5559
<b>Pharmacy student</b>			
1st year of course	703.90	18.5237	23.1546
2nd year of course	720.70	18.9658	23.7072
3rd year of course	746.20	19.6368	24.5461
4th year of course	776.90	20.4447	25.5559
<b>Pharmacy intern</b>			
First half of training	787.10	20.7132	25.8914
Second half of training	817.00	21.5000	26.8750
<b>Pharmacist</b>	920.90	24.2342	30.2928
<b>Experienced pharmacist</b>	1,008.60	26.5421	33.1776
<b>Pharmacist in charge</b>	1,032.20	27.1632	33.9539
<b>Pharmacist manager</b>	1,150.30	30.2711	37.8388

- 10.2 Pharmacy students move to the next pay point when they start their next academic year, not at the end of the academic year or on 1 January, or on the anniversary of their employment.

#### Example: pharmacy student completing her first year

Suzie is a first year student employed at Gardencity Pharmacy. University finishes in November and she is due to start her second year on 20 February the following year. Suzie will move to the next pay point on 20 February, not in November or on 1 January.

- 10.3 Pharmacy interns move to the next pay point after they have completed the first half of their supervised practice.

## Junior employee wages

- 10.4 Employers must pay junior employees the following percentage of the appropriate rate for their pharmacy assistant classification (see clause 10.1).

Age	% of weekly wage
Under 16	45
16	50
17	60
18	70
19	80
20	90

- 10.5 Junior employees move to the next pay point on their birthday.

### Example: junior employee turning 17

Jack is 16 and works as a junior pharmacy assistant level 1, receiving 50% of the pharmacy assistant level 1 rate. When Jack turns 17 on 30 May, he will move to the next pay point and receive 60% of the pharmacy assistant level 1 rate.

## Paying wages

- 10.6 Employers must pay wages weekly or fortnightly.
- 10.7 In line with section 536 of the Act, employers must give employees pay slips within one working day of paying them. The Act also specifies what information must be on pay slips.  
→ [536](#) Employer obligations in relation to pay slips

### Example: full-time employee working different hours over two weeks

Michael is a full-time employee who gets paid weekly but is rostered fortnightly. In the first week of March, he is only rostered to work for 30 hours. However, he is paid for 38 hours.

In the second week of March, Michael works 46 hours. This is his usual 38 hours, plus the extra 8 ordinary hours from the previous week. Michael is paid 46 hours' at the ordinary rate.

- 10.8 Schedule D explains how to pay employees who are eligible for a supported wage due to a disability. Schedule E explains how to pay trainees.

## 11 Annualised salary (pharmacists only)

- 11.1 Employers can develop annualised salaries for pharmacists to satisfy any or all of the following provisions of this award:
- overtime
  - penalty rates
  - payments for public holidays
  - annual leave
  - annual leave loading
  - meal allowance
  - on-premise meal allowance.

- 11.2 Annual salaries must be no less than the amount employees would have received for work done over the year. If the employment ends before one year, the salary must be no less than what they would have received for this time.
- 11.3 When paying an annual salary, employers must:
- (a) keep a daily record of hours worked, including date, start and finish times
  - (b) ask the employee to countersign this record weekly
  - (c) keep the record at the workplace for at least six years.
- 11.4 When agreeing to this salary, employees can be represented by their union or nominated representative.
- 11.5 Arrangement must be in writing, and the employer must keep a copy.
- 11.6 Annualised salaries are considered as ordinary time, and superannuation is calculated on the full annual amount.

#### Example: calculating an annualised salary

An annualised salary is an arrangement to pay a fixed amount for a year of work. Pharmacists are paid a pre-determined and normally fixed portion of their annual amount weekly or fortnightly.

Annual salaries are calculated by projecting weekly wages, penalty payments and allowances for one year, based on a pre-determined working pattern.

#### Example table: calculating an annualised salary

Minimum requirements	Value	Total
38 hours' ordinary time @ 100%	$38 \times \$36$	1,368.00
2.5 hours' on-premise allowance @ 150% (clauses 12.6–7)	$2.5 \times \$54.00$	135.00
2 hours' overtime @ 150% (clause 14)	$2 \times \$54.00$	108.00
<b>Sub total</b>		<b>1,611.00</b>
4 weeks' annual leave (not included in package)	$4 \times 1,611.00$	6,444.00
Leave loading @ 17.5% (clauses 16.3–5)	$6,444.00 \times 17.5\%$	1,127.70
	$1,127.70 \div 52 \text{ weeks}$	21.69
	$21.69 + 1,611.00$	1,632.69
<b>Annualised weekly salary</b>		<b>1,632.69</b>
<b>Annualised salary</b>		<b>84,899.70</b>
Superannuation of 9.5% on annualised salary	$84,899.70 \times 9.5\%$	8,065.49
<b>Total packaged salary</b>	$84,899.70 + 8,065.49$	<b>92,965.19</b>
<b>Hourly rate</b>	$1,787.79 \div 40 \text{ hours}$	<b>44.6948</b>

## 12 Allowances

- 12.1 Employers must pay employees allowances in line with this clause. See Schedule C for a summary of financial allowances and methods of adjustment.

### Meal allowances

- 12.2 Employees are entitled to a meal allowance when they:
- (a) have worked six or more ordinary hours, and

- (b) then must consecutively work 1.5 hours or more overtime or past the end of their normal shift.
- 12.3 Employers can choose to:
  - (a) give employees an adequate meal, or
  - (b) pay them a meal allowance of \$17.10.
- 12.4 Where the overtime is over four hours, employers must pay a further meal allowance of \$15.32.
- 12.5 Employees are not entitled to meal allowances if:
  - (a) an employer tells an employee they need to work overtime on the previous day
  - (b) the employee could reasonably return home for a meal within the allowed time
  - (c) the extra hours are agreed as per clause 6.8.

#### On-premise meal allowances

- 12.6 Pharmacists are entitled to an on-premise meal allowance if they have to take their meal break on the premises, due to urgent matters that need a qualified pharmacist.
- 12.7 If clause 12.6 applies, pharmacists will be paid time and a half (150%) of the minimum hourly rate for the meal break, regardless of other penalties on that day.

#### Example: on-premise meal allowance for a permanent employee

Frank is a permanent pharmacist paid \$24.23 per hour. He is the only pharmacist on duty, so he must stay on site for his 30-minute meal break for any urgent matters that arise. Frank is entitled to an on-premise meal allowance.

During the 30-minute meal break Frank is paid  $\$24.23 \times 150\% = \$36.34$ .

#### Special clothing allowances

- 12.8 If employers require employees to wear protective or special clothing, like a uniform, they must reimburse them for the cost of buying it or replacing it due to normal wear and tear.
- 12.9 This does not apply if employers supply the clothing.
- 12.10 If employees must launder the clothing, the employer can choose to:
  - (a) arrange to clean the clothes
  - (b) pay \$6.25 per week to full-time employees
  - (c) pay \$1.25 per shift to part-time or casual employees.

#### Transfer of employee expenses

- 12.11 If employers transfer employees from one township to another, they must pay the transfer expenses for the employees and their family. This includes related moving expenses, such as fares and transport charges.

#### Transport allowances

- 12.12 If employers ask employees to use their own vehicle to do their work, employees are entitled to an allowance of \$0.78 cents per kilometre travelled.

#### Transport of employee reimbursements

- 12.13 Employers must reimburse employees' taxi fares between the workplace and home when:
  - (a) employees start or finish work before 7 am or after 10 pm
  - (b) their regular means of transport are not available, and
  - (c) they cannot arrange their own transport.

- 12.14 Employers do not have to reimburse taxi fares if they arrange suitable transport to or from employees' homes, at no cost.

## 13 Superannuation

- 13.1 Under superannuation law, employees generally can choose their own fund. If they do not, any fund named in the employees' award can be used.
- 13.2 The relevant laws include the:
- (a) *Superannuation Guarantee (Administration) Act 1992* (Cth)
  - (b) *Superannuation Guarantee Charge Act 1992* (Cth)
  - (c) *Superannuation Industry (Supervision) Act 1993* (Cth)
  - (d) *Superannuation (Resolution of Complaints) Act 1993* (Cth).
- 13.3 This award supplements these laws.

### Employer contributions

- 13.4 The *Superannuation Guarantee* is the compulsory scheme that requires employers to make super contributions for employees.
- 13.5 From July 2014, the compulsory super rate was 9.5% of employees' wages.
- 13.6 Employers must contribute to super funds for their employees, to avoid paying the superannuation guarantee charge.
- 13.7 If employees do not choose another fund, employers must contribute super into one of these funds, or their successors:
- (a) Retail Employees Superannuation Trust (REST)
  - (b) Guildsuper
  - (c) a super fund the employer was paying into for the benefit of their employees before 12 September 2008, if this fund is an eligible choice fund with a **MySuper product** or is an **exempt public sector superannuation scheme**
  - (d) a super fund of which the employee is a **defined benefit member**.

### Superannuation while absent from work

- 13.8 Subject to the fund's rules, the employer must also make the contributions in line with clauses 13.4–6 while employees are:
- (a) on any paid leave
  - (b) absent from work due to work-related illness or injury, provided they are receiving workers compensation or regular payments from the employer in line with statutory requirements, and are still employed by the employer, for up to 52 weeks.

### Voluntary employee contributions

- 13.9 If the fund allows it, employees can authorise their employer to pay, on behalf of the employee, a specified amount from their post-tax wages. Employees must put this in writing, and the payment must be made to the same fund as their employer contribution superannuation payments.
- 13.10 Employees can adjust the amount the employer is authorised to pay by giving three months' written notice. The change will begin on the first of the month.
- 13.11 Employers must pay the amount no later than 28 days after the end of the month that the employee authorises the deduction.

## Part 5: Penalties and overtime

### 14 Overtime

- 14.1 Employers can require full or part-time employees to work reasonable overtime at the applicable overtime rate (see Schedule B).
- 14.2 Employees can refuse to work overtime if it would require them to work unreasonable hours, based on:
- (a) any risk to health and safety
  - (b) the employee's personal circumstances, including family responsibilities
  - (c) the needs of the workplace or enterprise
  - (d) the amount of notice the employer gave of the required overtime (if any)
  - (e) the amount of notice the employee gave about their intent to refuse (if any)
  - (f) any other relevant matter.

#### Definition of overtime

- 14.3 Overtime means extra hours that employers direct employees to work:
- (a) For full-time employees, this means any hours above their ordinary hours, in line with clauses 8.2(c)–(d).
  - (b) For part-time employees, overtime is payable in line with clause 6.8(a)–(c).

#### Payment of overtime

- 14.4 Employers must pay the following overtime rates for these periods:

For overtime worked on	Overtime rate
Monday to Saturday: first 2 hours	150%
Monday to Saturday: after 2 hours	200%
Sunday all day	200%
Public holiday all day	250%

- 14.5 If employees work overtime, the penalty rates in clause 15 do not apply.

#### Example: employee working overtime on a Wednesday evening

Wendy worked overtime on a Wednesday evening. Because penalty rates in clause 15 are not cumulative, she is entitled to the overtime penalty only, not the Wednesday evening penalty rate.

- 14.6 Casual employees who work overtime will not receive the casual loading on these hours.

## Time off instead of payment

- 14.7 If the employer agrees, employees can choose to take time off instead of receiving payment for overtime.
- 14.8 Employees must take time off in lieu of overtime when mutually convenient and within four weeks of working the overtime.
- 14.9 Despite clause 14.8, employees can accumulate time off in lieu of overtime and take it as part of annual leave if both parties agree.
- 14.10 For each hour of overtime they work, employees will be entitled to take an hour off, multiplied by the overtime rate.
- 14.11 Time off instead of payment can only be offered for overtime rates, not for any other penalties.

### Example: employee takes time off instead of payment for overtime

Melissa worked eight hours overtime in a fortnight. The first two hours would normally be paid at 150% and the remaining six hours at 200%.

Melissa chose and her employer agreed to take time off instead of payment for this overtime. She is entitled to 15 hours time off instead of payment: (2 hours x 150%) + (6 hours x 200%).

Melissa only has this option for overtime. She cannot choose to take time off in lieu of payment for any other penalties she has earned, such as the Saturday penalty rate.

## 15 Penalty rates

- 15.1 Employers must pay the following penalty rates for ordinary hours worked during these times:

### Penalty rates table

Day	Period	Penalty rate	Casual penalty rate (including casual loading)
Monday to Friday	7 am to 8 am	150%	175%
	8 am to 7 pm	Ordinary time (100%)	Ordinary time (125%)
	7 pm to 9 pm	125%	150%
	9 pm to midnight	150%	175%
Saturday	7 am to 8 am	200%	225%
	8 am to 6 pm	125%	150%
	6 pm to 9 pm	150%	175%
	9 pm to midnight	175%	200%
Sunday	7 am to midnight	200%	225%
Public holiday	7 am to midnight	250%	275%

- 15.2 See Schedule B for a summary of rates of pay including penalties.
- 15.3 Pharmacists who must attend to urgent matters during their meal break may also be entitled to payment in line with clauses 12.6–7.

## Part 6: Entitlements under the National Employment Standards

### 16 Annual leave

16.1 The NES provides four weeks' paid leave each year of service, except for casual employees.

For more on NES entitlements, please see:

- [87](#) Entitlement to annual leave
- [88](#) Taking paid annual leave
- [89](#) Employee not taken to be on annual leave at certain times
- [90](#) Payment for annual leave
- [91](#) Transfer of employment situations that affect entitlement to payment for period of untaken paid annual leave
- [92](#) Paid annual leave must not be cashed out except in accordance with permitted cashing out terms
- [93](#) Modern awards and enterprise agreements may include terms relating to cashing out and taking paid annual leave
- [94](#) Cashing out and taking paid annual leave for award/agreement free employees

16.2 Employees are entitled to an extra week of annual leave if they are:

- (a) seven-day shift workers, and
- (b) regularly rostered on Sundays and public holidays, and
- (c) employed in a business where shifts are continuously rostered 24 hours, seven days a week.

#### Annual leave loading

16.3 During annual leave, employees are entitled to a loading based on the minimum hourly rates of pay.

16.4 Annual leave loading is payable on accrued leave, whether this leave is taken or paid out when employment ends.

16.5 The loading is calculated as follows:

Employee	Definition	Entitlement
Day workers	Employees who would have done day work if they were not on leave, unless on an IFA or annualised salary	Leave loading of 17.5% or the relevant weekend penalty rates, whichever is greater
Shift workers	Employees who would have done shift work if they were not on leave	Leave loading of 17.5% or the shift loading (including relevant weekend penalty rates), whichever is greater



### Example 1: annual leave loading for a full-time employee

Hanna works a regular roster of 38 hours per week, Tuesday to Saturday. Her ordinary rate is \$28 per hour, and six of her ordinary hours attract a loading of 25% for working on Saturday. She is taking one week's annual leave.

17.5% leave loading = \$1,250.20

38 hours x \$28 + 17.5% leave loading

Penalty rates = \$1,106.00

38 hours x \$28 + Saturday loading (25% x 6 hours)

Leave loading is greater than penalty rates, so Hanna is entitled to 17.5% leave loading while on leave.

### Example 2: annual leave loading for a part-time employee

Alan works a regular roster of 22 hours per week, Friday to Sunday. His ordinary rate is \$25 per hour. Eight of his ordinary hours attract a loading of 25% for working on Saturday, and six attract a loading of 100% for working on a Sunday. He is taking one week's annual leave.

17.5% leave loading = \$646.25

22 hours x \$25 + 17.5% leave loading

Penalty rates = \$750.00

22 hours x \$25 + Saturday loading (25% x 8 hours) + Sunday loading (100% x 6 hours)

Penalty rates are greater than leave loading, so Alan is entitled to penalty rates while on leave.

## Paid leave before accrued entitlement

- 16.6 Employers can allow employees to take annual leave wholly or partly before the leave has accrued.
- 16.7 If the employment ends before the employee works enough to account for leave they take, employers can deduct the leave paid in advance from any remuneration they owe the employee.

## 17 Personal/carer's leave and compassionate leave

17.1 The NES includes the following personal/carer's leave and compassionate leave:

- (a) 10 days' paid personal/carer's leave per year of service
- (b) 2 days' unpaid carer's leave, as needed
- (c) 2 days' paid (unpaid for casuals) compassionate leave, as needed.

For more on NES entitlements, please see:

- [95](#) Subdivision applies to employees other than casual employees
- [96](#) Entitlement to paid personal/carer's leave
- [97](#) Taking paid personal/carer's leave
- [98](#) Employee taken not to be on paid personal/carer's leave on public holiday
- [99](#) Payment for paid personal/carer's leave
- [100](#) Paid personal/carer's leave must not be cashed out except in accordance with permitted cashing out terms
- [101](#) Modern awards and enterprise agreements may include terms relating to cashing out paid personal/carer's leave
- [102](#) Entitlement to unpaid carer's leave
- [103](#) Taking unpaid carer's leave
- [104](#) Entitlement to compassionate leave
- [105](#) Taking compassionate leave

- [106](#) Payment for compassionate leave (other than for casual employees)
- [107](#) Notice and evidence requirements
- 17.2 Personal/carer's leave and compassionate leave are not paid out when employment ends.
- 17.3 Employees can take up to one day of personal/carer's leave a year because they are unfit for work due to personal illness or injury, without having to provide a statutory declaration about the reason for their absence, in line with section 107(3) of the Act.
  - [107](#) Notice and evidence requirements
- 17.4 If this type of absence is more than three consecutive days of work, whether or not these days are separated by non-working days or other paid leave, employers can require employees to provide a medical certificate.
- 17.5 Casual employees are entitled to be unavailable for work or leave work to care for someone who:
  - (a) is sick and needs care and support
  - (b) needs care due to an emergency.
- 17.6 Casual employees are entitled to 48 hours' absence, for the reasons in clause 17.5, with further absence as arranged with their employer.
- 17.7 Employers cannot refuse to re-engage casual employees who take personal/carer's leave in line with clauses 17.5–6.

## 18 Parental leave and related entitlements

- 18.1 The NES includes the following parental leave entitlements:
    - (a) up to 12 months' unpaid leave for each employee
    - (b) the right to ask for another 12 months' unpaid leave
    - (c) other forms of maternity, paternity and adoption related leave
    - (d) flexible working arrangements.
- For more on NES entitlements, please see:
- [67](#) General rule--employee must have completed at least 12 months of service
  - [68](#) General rule for adoption-related leave--child must be under 16 etc.
  - [69](#) Transfer of employment situations in which employee is entitled to continue on leave etc.
  - [70](#) Entitlement to unpaid parental leave
  - [71](#) The period of leave--other than for members of an employee couple who each intend to take leave
  - [72](#) The period of leave--members of an employee couple who each intend to take leave
  - [73](#) Pregnant employee may be required to take unpaid parental leave within 6 weeks before the birth
  - [74](#) Notice and evidence requirements
  - [75](#) Extending period of unpaid parental leave--extending to use more of available parental leave period
  - [76](#) Extending period of unpaid parental leave--extending for up to 12 months beyond available parental leave period
  - [77](#) Reducing period of unpaid parental leave
  - [77A](#) Pregnancy ends (other than by birth of a living child) or child born alive dies
  - [78](#) Employee who ceases to have responsibility for care of child
  - [79](#) Interaction with paid leave
  - [79A](#) Keeping in touch days
  - [79B](#) Unpaid parental leave not extended by paid leave or keeping in touch days
  - [80](#) Unpaid special maternity leave
  - [81](#) Transfer to a safe job

- [81A](#) Paid no safe job leave
- [82](#) Employee on paid no safe job leave may be asked to provide a further medical certificate
- [82A](#) Unpaid no safe job leave
- [83](#) Consultation with employee on unpaid parental leave
- [84](#) Return to work guarantee
- [84A](#) Replacement employees
- [85](#) Unpaid pre-adoption leave

## 19 Public holidays

19.1 The NES includes an entitlement for a paid day off on each public holiday, except where an employee is reasonably asked to work.

For more on NES entitlements, please see:

- [114](#) Entitlement to be absent from employment on public holiday
- [115](#) Meaning of public holiday
- [116](#) Payment for absence on public holiday

19.2 Casual employees who do not work on a public holiday are not entitled to a paid day off.

19.3 Employees who work on a public holiday must be paid in line with clause 15.1.

19.4 Employers and employees can agree to substitute another day off for a public holiday. If there is no agreement, employers can substitute another day, as long as this does not give employees less time off than for the public holiday.

### Example: payment for a public holiday

Paid leave for public holidays is included in employees' ordinary hours of work.

Simone normally works 10 ordinary hours on Mondays. This year Australia Day falls on a Monday, and Simone is not asked to work. She is entitled to be paid 10 ordinary hours at her base rate.

## 20 Community service leave

20.1 The NES includes the following community service leave entitlements:

- (a) leave for voluntary emergency activities
- (b) up to 10 days' make-up pay for jury service (with unpaid leave after 10 days).

For more on NES entitlements, please see:

- [108](#) Entitlement to be absent from employment for engaging in eligible community service activity
- [109](#) Meaning of eligible community service activity
- [110](#) Notice and evidence requirements
- [111](#) Payment to employees (other than casuals) on jury service
- [112](#) State and Territory laws that are not excluded

## 21 Termination

### Notice by employers

- 21.1 The NES requires employers to give the following notice of termination:
- (a) between one and four weeks' notice, based on the length of service
  - (b) an extra week's notice for employees over 45 years old who have been with the employer for at least two years.

For more on NES entitlements, please see:

- [117](#) Requirement for notice of termination or payment in lieu
- [118](#) Modern awards and enterprise agreements may provide for notice of termination by employees

Years of continuous employment, at the end of the day the notice is given	Notice period	
	Employees under 45	Employees over 45*
Less than 1 year	1 week	1 week
More than 1 but less than 2 years	2 weeks	2 weeks
More than 2 but less than 3 years	2 weeks	3 weeks
More than 3 but less than 5 years	3 weeks	4 weeks
More than 5 years	4 weeks	5 weeks

\*If the employer ends the employment.

- 21.2 Employers do not have to give notice:
- (a) if employees are guilty of serious misconduct
  - (b) to casual employees.

### Notice by employees

- 21.3 Employees must give the same amount of notice as employers, except that no further notice is needed if the employee is over 45.

Years of continuous employment, at the end of the day the notice is given	Notice period
Less than 1 year	1 week
More than 1 but less than 2 years	2 weeks
More than 2 but less than 3 years	2 weeks
More than 3 but less than 5 years	3 weeks
More than 5 years	4 weeks

- 21.4 If employees do not give the required notice, employers can withhold money from any payments due to them. This can be as much as the employee would have been paid if they had given the required notice, less any notice they did give.

### Job search entitlement

- 21.5 When employers give notice of termination, employees are entitled to up to one day off, without losing pay, to look for other work.
- 21.6 They can take time off when it is convenient for them, and after consulting with their employer.

## 22 Redundancy

- 22.1 The NES includes an entitlement for up to 16 weeks' redundancy pay, based on the length of employment.

For more on NES entitlements, please see:

- [119](#) Redundancy pay
- [120](#) Variation of redundancy pay for other employment or incapacity to pay
- [121](#) Exclusions from obligation to pay redundancy pay
- [122](#) Transfer of employment situations that affect the obligation to pay redundancy pay

- 22.2 Small business employers with fewer than 15 employees do not have to pay redundancy entitlements (see section 23 of the Act).

- [23](#) Meaning of small business employer

### Transfer to lower-paid duties

- 22.3 If employees are transferred to lower-paid duties because of redundancy, employers must give them the same amount of notice as for termination.
- 22.4 Instead of giving notice, employers can choose to pay the difference between the old ordinary time rate of pay and the new one, for the number of weeks of notice owing.

### Employees leaving during notice period

- 22.5 Employees given notice of termination due to redundancy can end their employment during the notice period.
- 22.6 Employees who leave employment in line with this clause are entitled to the benefits and payments they would have received under this clause, had they stayed until the notice period ended.
- 22.7 Employees are not entitled to payment instead of notice.

### Job search entitlement

- 22.8 Employees given notice of termination due to redundancy can take up to one day off for each week of notice, without losing pay, to look for other work.
- 22.9 Employers can request proof of attendance at an interview if the employees take more than one day's job search leave each week during the notice period. A statutory declaration is sufficient proof.
- 22.10 If employees cannot provide proof of job search leave, they are not entitled to payment for the time they are absent from work.
- 22.11 This entitlement applies instead of clauses 21.5–6.

## Part 7: Consultation and dispute resolution

### 23 Consultation

#### Consultation about major workplace changes

- 23.1 If employers decide to introduce major changes that are likely to significantly affect employees, they must tell affected employees and any representatives. These changes could be in production, program, organisation, structure or technology.
- 23.2 Significant effects include:
- (a) terminating employment
  - (b) changing the composition, operation or size of the workforce
  - (c) changing the required skills for employees
  - (d) losing or reducing job opportunities, promotion opportunities or job tenure
  - (e) changing hours of work
  - (f) retraining or transferring employees to other work or places
  - (g) restructuring jobs.
- 23.3 If this award provides for any of these changes, the change is not deemed a significant effect.
- 23.4 Employers must discuss the following issues with employees and any representatives:
- (a) the introduction of the changes
  - (b) likely effects
  - (c) measures to avoid or reduce adverse effects.
- 23.5 Employers must promptly consider matters that employees or their representatives raise about the changes.
- 23.6 Employers must start discussions about changes as soon as practical after they have made a definite decision.
- 23.7 Employers must tell employees about the changes in writing, including their nature, expected effects and anything likely to affect employees. Employers do not need to share confidential information if it is against their interests.

#### Consultation about changes to rosters or hours of work

- 23.8 If employers plan to change rosters or hours of work, they must consult with the affected employees and any representatives.
- 23.9 Employers must:
- (a) tell affected employees and representatives about the proposed change and start date
  - (b) invite them to give their views about the proposed change, including any impact on their family or caring responsibilities
  - (c) consider these views.
- 23.10 Employers do not need to consult if employees have irregular or unpredictable working hours.
- 23.11 These provisions must be read with other award provisions about the scheduling of work and notice requirements.

### 24 Dispute resolution

- 24.1 For disputes about issues covered in this award or the NES, the affected employee or employees must try to resolve the problem by speaking with their supervisor. If this does not fix the problem, the parties must involve more senior managers.

- 24.2 If a dispute cannot be resolved in the workplace, and steps under clause 24.1 have been taken, a party can refer the dispute to the Fair Work Commission.
- 24.3 The parties can agree on how the Commission resolves the matter, including by mediation, conciliation and consent arbitration.
- 24.4 If the dispute cannot be resolved in this way, the Commission can use any method of dispute resolution that the Act allows.
- 24.5 Either party can appoint another person, organisation or association to accompany or represent them for dispute resolution.
- 24.6 During dispute resolution, work must continue in line with this award and the Act. Subject to work health and safety laws, employees cannot unreasonably refuse to perform work at the same or another workplace that is safe and appropriate.

## Schedule A: Classification definitions

### A.1 Pharmacy assistant level 1

A1.1 Employees who have started work in a community pharmacy for the first time, or do not have any qualifications in community pharmacy.

### A.2 Pharmacy assistant level 2

A2.1 Employees who have developed the competencies for a Certificate II in Community Pharmacy, as set by the National Quality Council or any successor (NQC).

### A.3 Pharmacy assistant level 3

A3.1 Employees who have developed the competencies for a Certificate III in Community Pharmacy, as set by the NQC, and are required by their employer to work at this level.

A3.2 Employees at this level may need to supervise level 1 and 2 pharmacy assistants.

A3.3 Dispensary assistants.

A3.4 Pharmacy assistants who, for most of their duties, help with extemporaneous preparations in a compounding laboratory or compounding section of a community pharmacy.

### A.4 Pharmacy assistant level 4

A4.1 Employees who have developed the competencies for a Certificate IV in Community Pharmacy and are required by their employer to work at this level.

A4.2 Level 4 pharmacy assistants may need to supervise level 1, 2 and 3 assistants.

### A.5 Pharmacist

A5.1 Employees who are registered as pharmacists under the relevant state or territory law.

### A.6 Experienced pharmacist

A6.1 Pharmacists with at least four years' full-time experience, or the part-time equivalent, as a community pharmacist.

### A.7 Pharmacist in charge

A7.1 Pharmacists who are responsible for the daily supervision and functioning of a community pharmacy (not just the dispensary) and are appointed as pharmacist in charge by their employer.

### A.8 Pharmacist manager

A8.1 Pharmacists responsible to the proprietor for all aspects of the business.

### A.9 Pharmacy student

A9.1 Employees who are studying an accredited course leading to registration as a pharmacist.

### A.10 Pharmacy intern

A10.1 Employees who have passed an accredited course leading to registration as a pharmacist, and are doing statutory pre-registration training.



## Schedule B: Summary of hourly award rates of pay

### B.1 Pharmacy assistants: full-time and part-time employees

	Ordinary rate		Monday to Friday				Saturday			
	Weekly	Hourly	7 am–8 am	8 am–7 pm	7 pm–9 pm	9pm–midnight	7 am–8 am	8 am–7 pm	7 pm–9 pm	9 pm–midnight
		100%	150%	100%	125%	150%	150%	100%	125%	150%
<b>Pharmacy assistant level 1</b>										
Adult	703.9	18.5237	27.7855	18.5237	23.1546	27.7855	37.0474	23.1546	27.7855	32.4164
20 years old	633.51	16.6713	25.0070	16.6713	20.8391	25.0070	33.3426	20.8391	25.0070	29.1748
19 years old	563.12	14.8189	22.2284	14.8189	18.5237	22.2284	29.6379	18.5237	22.2284	25.9332
18 years old	492.73	12.9666	19.4499	12.9666	16.2082	19.4499	25.9332	16.2082	19.4499	22.6915
17 years old	422.34	11.1142	16.6713	11.1142	13.8928	16.6713	22.2284	13.8928	16.6713	19.4499
16 years old	351.95	9.2618	13.8928	9.2618	11.5773	13.8928	18.5237	11.5773	13.8928	16.2082
Under 16 years	316.76	8.3358	12.5037	8.3358	10.4197	12.5037	16.6716	10.4197	12.5037	14.5876
<b>Pharmacy assistant level 2</b>										
Adult	720.70	18.9658	28.4487	18.9658	23.7072	28.4487	37.9316	23.7072	28.4487	33.1901
20 years old	648.63	17.0692	25.6038	17.0692	21.3365	25.6038	34.1384	21.3365	25.6038	29.8711
19 years old	576.56	15.1726	22.7589	15.1726	18.9658	22.7589	30.3453	18.9658	22.7589	26.5521
18 years old	504.49	13.2761	19.9141	13.2761	16.5951	19.9141	26.5521	16.5951	19.9141	23.2331
17 years old	432.42	11.3795	17.0692	11.3795	14.2243	17.0692	22.7589	14.2243	17.0692	19.9141
16 years old	360.35	9.4829	14.2243	9.4829	11.8536	14.2243	18.9658	11.8536	14.2243	16.5951
Under 16 years	324.32	8.5347	12.8021	8.5347	10.6684	12.8021	17.0695	10.6684	12.8021	14.9358
<b>Pharmacy assistant level 3</b>										
Adult	746.20	19.6368	29.4553	19.6368	24.5461	29.4553	39.2737	24.5461	29.4553	34.3645
20 years old	671.58	17.6732	26.5097	17.6732	22.0914	26.5097	35.3463	22.0914	26.5097	30.9280
19 years old	596.96	15.7095	23.5642	15.7095	19.6368	23.5642	31.4189	19.6368	23.5642	27.4916
18 years old	522.34	13.7458	20.6187	13.7458	17.1822	20.6187	27.4916	17.1822	20.6187	24.0551
17 years old	447.72	11.7821	17.6732	11.7821	14.7276	17.6732	23.5642	14.7276	17.6732	20.6187
16 years old	373.10	9.8184	14.7276	9.8184	12.2730	14.7276	19.6368	12.2730	14.7276	17.1822
Under 16 years	335.79	8.8366	13.2549	8.8366	11.0457	13.2549	17.6732	11.0457	13.2549	15.4640
<b>Pharmacy assistant level 4</b>										
Adult	776.90	20.4447	30.6671	20.4447	25.5559	30.6671	40.8895	25.5559	30.6671	35.7783
20 years old	699.21	18.4003	27.6004	18.4003	23.0003	27.6004	36.8005	23.0003	27.6004	32.2005
19 years old	621.52	16.3558	24.5337	16.3558	20.4447	24.5337	32.7116	20.4447	24.5337	28.6226
18 years old	543.83	14.3113	21.4670	14.3113	17.8891	21.4670	28.6226	17.8891	21.4670	25.0448
17 years old	466.14	12.2668	18.4003	12.2668	15.3336	18.4003	24.5337	15.3336	18.4003	21.4670
16 years old	388.45	10.2224	15.3336	10.2224	12.7780	15.3336	20.4447	12.7780	15.3336	17.8891
Under 16 years	349.61	9.2003	13.8004	9.2003	11.5003	13.8004	18.4005	11.5003	13.8004	16.1005

Pharmacy assistants: full-time and part-time employees continued

Ordinary rate		Sunday		Public holiday		Overtime	
Weekly	Hourly	7 am–midnight	Over-time	7 am–midnight	Over-time	First 2 hours	Extra hours
	100%	200%	125%	150%	175%	225%	250%

**Pharmacy assistant level 1**

Adult	703.9	18.5237	37.0474	46.3092	27.7855	37.0474	27.7855	37.0474
20 years old	633.51	16.6713	33.3426	41.6783	25.0070	33.3426	25.0070	33.3426
19 years old	563.12	14.8189	29.6379	37.0474	22.2284	29.6379	22.2284	29.6379
18 years old	492.73	12.9666	25.9332	32.4164	19.4499	25.9332	19.4499	25.9332
17 years old	422.34	11.1142	22.2284	27.7855	16.6713	22.2284	16.6713	22.2284
16 years old	351.95	9.2618	18.5237	23.1546	13.8928	18.5237	13.8928	18.5237
Under 16 years	316.76	8.3358	16.6716	20.8395	12.5037	16.6716	12.5037	16.6716

**Pharmacy assistant level 2**

Adult	720.70	18.9658	37.9316	47.4145	47.4145	28.4487	37.9316	37.9316
20 years old	648.63	17.0692	34.1384	42.6730	42.6730	25.6038	34.1384	34.1384
19 years old	576.56	15.1726	30.3453	37.9316	37.9316	22.7589	30.3453	30.3453
18 years old	504.49	13.2761	26.5521	33.1901	33.1901	19.9141	26.5521	26.5521
17 years old	432.42	11.3795	22.7589	28.4487	28.4487	17.0692	22.7589	22.7589
16 years old	360.35	9.4829	18.9658	23.7072	23.7072	14.2243	18.9658	18.9658
Under 16 years	324.32	8.5347	17.0695	21.3368	21.3368	12.8021	17.0695	17.0695

**Pharmacy assistant level 3**

Adult	746.20	19.6368	39.2737	49.0921	49.0921	29.4553	39.2737	39.2737
20 years old	671.58	17.6732	35.3463	44.1829	44.1829	26.5097	35.3463	35.3463
19 years old	596.96	15.7095	31.4189	39.2737	39.2737	23.5642	31.4189	31.4189
18 years old	522.34	13.7458	27.4916	34.3645	34.3645	20.6187	27.4916	27.4916
17 years old	447.72	11.7821	23.5642	29.4553	29.4553	17.6732	23.5642	23.5642
16 years old	373.10	9.8184	19.6368	24.5461	24.5461	14.7276	19.6368	19.6368
Under 16 years	335.79	8.8366	17.6732	22.0914	22.0914	13.2549	17.6732	17.6732

**Pharmacy assistant level 4**

Adult	776.90	20.4447	40.8895	51.1118	51.1118	30.6671	40.8895	40.8895
20 years old	699.21	18.4003	36.8005	46.0007	46.0007	27.6004	36.8005	36.8005
19 years old	621.52	16.3558	32.7116	40.8895	40.8895	24.5337	32.7116	32.7116
18 years old	543.83	14.3113	28.6226	35.7783	35.7783	21.4670	28.6226	28.6226
17 years old	466.14	12.2668	24.5337	30.6671	30.6671	18.4003	24.5337	24.5337
16 years old	388.45	10.2224	20.4447	25.5559	25.5559	15.3336	20.4447	20.4447
Under 16 years	349.61	9.2003	18.4005	23.0007	23.0007	13.8004	18.4005	18.4005

## B.2 Pharmacy assistants: casual employees

Ordinary rate		Monday to Friday				Saturday				
Weekly	Hourly	7 am–8 am	8 am–6 pm	6 pm–9 pm	9 pm–midnight	7 am–8 am	8 am–6 pm	6 pm–9 pm	9 pm–midnight	
	125%	225%	150%	175%	200%	225%	150%	175%	200%	
<b>Pharmacy assistant level 1</b>										
Adult	n/a	23.1546	32.4164	23.1546	27.7855	32.4164	41.6783	27.7855	32.4164	37.0474
20 years old	n/a	20.8391	29.1748	20.8391	25.0070	29.1748	37.5105	25.0070	29.1748	33.3426
19 years old	n/a	18.5237	25.9332	18.5237	22.2284	25.9332	33.3426	22.2284	25.9332	29.6379
18 years old	n/a	16.2082	22.6915	16.2082	19.4499	22.6915	29.1748	19.4499	22.6915	25.9332
17 years old	n/a	13.8928	19.4499	13.8928	16.6713	19.4499	25.0070	16.6713	19.4499	22.2284
16 years old	n/a	11.5773	16.2082	11.5773	13.8928	16.2082	20.8391	13.8928	16.2082	18.5237
Under 16 years	n/a	10.4197	14.5876	10.4197	12.5037	14.5876	18.7555	12.5037	14.5876	16.6716
<b>Pharmacy assistant level 2</b>										
Adult	n/a	23.7072	33.1901	23.7072	28.4487	33.1901	42.6730	28.4487	33.1901	37.9316
20 years old	n/a	21.3365	29.8711	21.3365	25.6038	29.8711	38.4057	25.6038	29.8711	34.1384
19 years old	n/a	18.9658	26.5521	18.9658	22.7589	26.5521	34.1384	22.7589	26.5521	30.3453
18 years old	n/a	16.5951	23.2331	16.5951	19.9141	23.2331	29.8711	19.9141	23.2331	26.5521
17 years old	n/a	14.2243	19.9141	14.2243	17.0692	19.9141	25.6038	17.0692	19.9141	22.7589
16 years old	n/a	11.8536	16.5951	11.8536	14.2243	16.5951	21.3365	14.2243	16.5951	18.9658
Under 16 years	n/a	10.6684	14.9358	10.6684	12.8021	14.9358	19.2032	12.8021	14.9358	17.0695
<b>Pharmacy assistant level 3</b>										
Adult	n/a	23.7072	33.1901	23.7072	28.4487	33.1901	42.6730	28.4487	33.1901	37.9316
20 years old	n/a	21.3365	29.8711	21.3365	25.6038	29.8711	38.4057	25.6038	29.8711	34.1384
19 years old	n/a	18.9658	26.5521	18.9658	22.7589	26.5521	34.1384	22.7589	26.5521	30.3453
18 years old	n/a	16.5951	23.2331	16.5951	19.9141	23.2331	29.8711	19.9141	23.2331	26.5521
17 years old	n/a	14.2243	19.9141	14.2243	17.0692	19.9141	25.6038	17.0692	19.9141	22.7589
16 years old	n/a	11.8536	16.5951	11.8536	14.2243	16.5951	21.3365	14.2243	16.5951	18.9658
Under 16 years	n/a	10.6684	14.9358	10.6684	12.8021	14.9358	19.2032	12.8021	14.9358	17.0695
<b>Pharmacy assistant level 4</b>										
Adult	n/a	23.7072	33.1901	23.7072	28.4487	33.1901	42.6730	28.4487	33.1901	37.9316
20 years old	n/a	21.3365	29.8711	21.3365	25.6038	29.8711	38.4057	25.6038	29.8711	34.1384
19 years old	n/a	18.9658	26.5521	18.9658	22.7589	26.5521	34.1384	22.7589	26.5521	30.3453
18 years old	n/a	16.5951	23.2331	16.5951	19.9141	23.2331	29.8711	19.9141	23.2331	26.5521
17 years old	n/a	14.2243	19.9141	14.2243	17.0692	19.9141	25.6038	17.0692	19.9141	22.7589
16 years old	n/a	11.8536	16.5951	11.8536	14.2243	16.5951	21.3365	14.2243	16.5951	18.9658
Under 16 years	n/a	10.6684	14.9358	10.6684	12.8021	14.9358	19.2032	12.8021	14.9358	17.0695

Pharmacy assistants: casual employees continued

	Ordinary rate		Sunday		Public holiday		Overtime	
	Weekly	Hourly	7 am–midnight	Over-time	7 am–midnight	Over-time	First 2 hours	Extra hours
		100%	225%	200%	275%	250%	150%	200%
<b>Pharmacy assistant level 1</b>								
Adult	n/a	23.1546	41.6783	37.0474	50.9401	46.3092	27.7855	37.0474
20 years old	n/a	20.8391	37.5105	33.3426	45.8461	41.6783	25.0070	33.3426
19 years old	n/a	18.5237	33.3426	29.6379	40.7521	37.0474	22.2284	29.6379
18 years old	n/a	16.2082	29.1748	25.9332	35.6581	32.4164	19.4499	25.9332
17 years old	n/a	13.8928	25.0070	22.2284	30.5641	27.7855	16.6713	22.2284
16 years old	n/a	11.5773	20.8391	18.5237	25.4701	23.1546	13.8928	18.5237
Under 16 years	n/a	10.4197	18.7555	16.6716	22.9234	20.8395	12.5037	16.6716
<b>Pharmacy assistant level 2</b>								
Adult	n/a	23.7072	42.6730	37.9316	52.1559	47.4145	28.4487	37.9316
20 years old	n/a	21.3365	38.4057	34.1384	46.9403	42.6730	25.6038	34.1384
19 years old	n/a	18.9658	34.1384	30.3453	41.7247	37.9316	22.7589	30.3453
18 years old	n/a	16.5951	29.8711	26.5521	36.5091	33.1901	19.9141	26.5521
17 years old	n/a	14.2243	25.6038	22.7589	31.2936	28.4487	17.0692	22.7589
16 years old	n/a	11.8536	21.3365	18.9658	26.0780	23.7072	14.2243	18.9658
Under 16 years	n/a	10.6684	19.2032	17.0695	23.4705	21.3368	12.8021	17.0695
<b>Pharmacy assistant level 3</b>								
Adult	n/a	23.7072	42.6730	37.9316	52.1559	47.4145	28.4487	37.9316
20 years old	n/a	21.3365	38.4057	34.1384	46.9403	42.6730	25.6038	34.1384
19 years old	n/a	18.9658	34.1384	30.3453	41.7247	37.9316	22.7589	30.3453
18 years old	n/a	16.5951	29.8711	26.5521	36.5091	33.1901	19.9141	26.5521
17 years old	n/a	14.2243	25.6038	22.7589	31.2936	28.4487	17.0692	22.7589
16 years old	n/a	11.8536	21.3365	18.9658	26.0780	23.7072	14.2243	18.9658
Under 16 years	n/a	10.6684	19.2032	17.0695	23.4705	21.3368	12.8021	17.0695
<b>Pharmacy assistant level 4</b>								
Adult	n/a	23.7072	42.6730	37.9316	52.1559	47.4145	28.4487	37.9316
20 years old	n/a	21.3365	38.4057	34.1384	46.9403	42.6730	25.6038	34.1384
19 years old	n/a	18.9658	34.1384	30.3453	41.7247	37.9316	22.7589	30.3453
18 years old	n/a	16.5951	29.8711	26.5521	36.5091	33.1901	19.9141	26.5521
17 years old	n/a	14.2243	25.6038	22.7589	31.2936	28.4487	17.0692	22.7589
16 years old	n/a	11.8536	21.3365	18.9658	26.0780	23.7072	14.2243	18.9658
Under 16 years	n/a	10.6684	19.2032	17.0695	23.4705	21.3368	12.8021	17.0695

### B.3 Pharmacists: full-time and part-time employees

	Ordinary rate		Monday to Friday				Saturday			
	Weekly	Hourly	7 am– 8 am	8 am– 7 pm	7 pm– 9 pm	9 pm– midnight	7 am– 8 am	8 am– 7 pm	7 pm– 9 pm	9 pm– midnight
		100%	150%	100%	125%	150%	200%	125%	150%	175%
<b>Pharmacist</b>	920.90	24.2342	36.3513	24.2342	30.2928	36.3513	48.4684	30.2928	36.3513	42.4099
<b>Experienced</b>	1008.60	26.5421	39.8132	26.5421	33.1776	39.8132	53.0842	33.1776	39.8132	46.4487
<b>Pharmacist in charge</b>	1032.20	27.1632	40.7447	27.1632	33.9539	40.7447	54.3263	33.9539	40.7447	47.5355
<b>Pharmacist manager</b>	1150.30	30.2711	45.4066	30.2711	37.8388	45.4066	60.5421	37.8388	45.4066	52.9743
<b>Pharmacy intern</b>										
First half	787.10	20.7132	31.0697	20.7132	25.8914	31.0697	41.4263	25.8914	31.0697	36.2480
Second half	814.00	21.4211	32.1316	21.4211	26.7763	32.1316	42.8421	26.7763	32.1316	37.4868
<b>Pharmacy student</b>										
First year	703.90	18.5237	27.7855	18.5237	23.1546	27.7855	37.0474	23.1546	27.7855	32.4164
Second year	720.70	18.9658	28.4487	18.9658	23.7072	28.4487	37.9316	23.7072	28.4487	33.1901
Third year	746.20	19.6368	29.4553	19.6368	24.5461	29.4553	39.2737	24.5461	29.4553	34.3645
Fourth year	776.90	20.4447	30.6671	20.4447	25.5559	30.6671	40.8895	25.5559	30.6671	35.7783

	Ordinary rate		Sunday		Public holiday		Overtime	
	Weekly	Hourly	7 am– midnight	Over- time	7 am– midnight	Over- time	First 2 hours	Extra hours
		100%	200%	200%	250%	250%	150%	200%
<b>Pharmacist</b>	920.90	24.2342	48.4684	48.4684	60.5855	60.5855	36.3513	48.4684
<b>Experienced</b>	1008.60	26.5421	53.0842	53.0842	66.3553	66.3553	39.8132	53.0842
<b>Pharmacist in charge</b>	1032.20	27.1632	54.3263	54.3263	67.9079	67.9079	40.7447	54.3263
<b>Pharmacist manager</b>	1150.30	30.2711	60.5421	60.5421	75.6776	75.6776	45.4066	60.5421
<b>Pharmacy intern</b>								
First half	787.10	20.7132	41.4263	41.4263	51.7829	51.7829	31.0697	41.4263
Second half	814.00	21.4211	42.8421	42.8421	53.5526	53.5526	32.1316	42.8421
<b>Pharmacy student</b>								
First year	703.90	18.5237	37.0474	37.0474	46.3092	46.3092	27.7855	37.0474
Second year	720.70	18.9658	37.9316	37.9316	47.4145	47.4145	28.4487	37.9316
Third year	746.20	19.6368	39.2737	39.2737	49.0921	49.0921	29.4553	39.2737
Fourth year	776.90	20.4447	40.8895	40.8895	51.1118	51.1118	30.6671	40.8895

## B.4 Pharmacists: casual employees

	Ordinary rate		Monday to Friday				Saturday			
	Weekly	Hourly	7 am–8 am	8 am–7 pm	7 pm–9 pm	9 pm–midnight	7 am–8 am	8 am–7 pm	7 pm–9 pm	9 pm–midnight
		125%	175%	125%	150%	175%	175%	125%	150%	175%
<b>Pharmacist</b>	n/a	30.2928	42.4099	30.2928	36.3513	42.4099	42.4099	30.2928	36.3513	42.4099
<b>Experienced pharmacist</b>	n/a	33.1776	46.4487	33.1776	39.8132	46.4487	46.4487	33.1776	39.8132	46.4487
<b>Pharmacist in charge</b>	n/a	33.9539	47.5355	33.9539	40.7447	47.5355	47.5355	33.9539	40.7447	47.5355
<b>Pharmacy intern</b>										
First half	n/a	25.8914	36.2480	25.8914	31.0697	36.2480	46.6046	31.0697	36.2480	41.4263
Second half	n/a	26.7763	37.4868	26.7763	32.1316	37.4868	48.1974	32.1316	37.4868	42.8421
<b>Pharmacy student</b>										
First year	n/a	25.8914	36.2480	25.8914	31.0697	36.2480	46.6046	31.0697	36.2480	41.4263
Second year	n/a	26.7763	37.4868	26.7763	32.1316	37.4868	48.1974	32.1316	37.4868	42.8421
Third year	n/a	25.8914	36.2480	25.8914	31.0697	36.2480	46.6046	31.0697	36.2480	41.4263
Fourth year	n/a	26.7763	37.4868	26.7763	32.1316	37.4868	48.1974	32.1316	37.4868	42.8421

	Ordinary rate		Sunday		Public holiday		Overtime	
	Weekly	Hourly	7 am–8 am	8 am–7 pm	7 pm–9 pm	9 pm–midnight	7 am–8 am	8 am–7 pm
		125%	175%	125%	150%	175%	175%	125%
<b>Pharmacist</b>	n/a	30.2928	42.4099	30.2928	36.3513	42.4099	42.4099	30.2928
<b>Experienced pharmacist</b>	n/a	33.1776	46.4487	33.1776	39.8132	46.4487	46.4487	33.1776
<b>Pharmacist in charge</b>	n/a	33.9539	47.5355	33.9539	40.7447	47.5355	47.5355	33.9539
<b>Pharmacy intern</b>								
First half	n/a	41.4263	41.4263	56.9612	51.7829	31.0697	41.4263	41.4263
Second half	n/a	42.8421	42.8421	58.9079	53.5526	32.1316	42.8421	42.8421
<b>Pharmacy student</b>								
First year	n/a	41.4263	41.4263	56.9612	51.7829	31.0697	41.4263	41.4263
Second year	n/a	42.8421	42.8421	58.9079	53.5526	32.1316	42.8421	42.8421
Third year	n/a	41.4263	41.4263	56.9612	51.7829	31.0697	41.4263	41.4263
Fourth year	n/a	42.8421	42.8421	58.9079	53.5526	32.1316	42.8421	42.8421

## Schedule C: Summary of monetary allowances

See clause 12 for full details of allowances under this award.

### C.1 Expense related allowances

C1.1 Employees are entitled to the following allowances, in line with clause 12.1.

Allowance	Clauses	Payable when employees	Entitlement
Meal 1	12.2–3	<ul style="list-style-type: none"> <li>have worked 6 or more ordinary hours</li> <li>must work more than 1.5 hours past the end of their normal shift without notice</li> </ul>	<ul style="list-style-type: none"> <li>an adequate meal <b>or</b></li> <li>\$17.10 each time</li> </ul>
Meal 2	12.4	<ul style="list-style-type: none"> <li>have worked 6 or more ordinary hours</li> <li>must work more than 4 hours past the end of their normal shift without notice</li> </ul>	an extra 15.32 each time
Transport	12.12	must use their own vehicle for work	\$0.78 per kilometre
Special clothing	12.8–10	must launder any protective or special clothing such as a uniform	<ul style="list-style-type: none"> <li>full-time employees: \$6.25 per week if they have worked that week</li> <li>part-time or casual employees: \$ 1.25 per shift</li> </ul>
Transfer of employee expenses	12.11	are transferred from one township to another	the full moving cost for the employee and their family, including fares and transport charges
Transport of employee reimbursement	12.13	<ul style="list-style-type: none"> <li>start or finish work before 7 am or after 10 pm</li> <li>their regular means of transport is not available</li> <li>cannot arrange their own transport</li> </ul>	reimbursement of the taxi fare between the workplace and home
On-premise meal allowance (Pharmacist only)	12.6–7	must take their meal break on the premises for urgent matters requiring a pharmacist	time and a half (150%) of the minimum hourly rate for whole break, regardless of other penalties on that day

## C.2 Adjustment of expense related allowances

C2.1 Allowances for meals, special clothing and transport will be adjusted when the standard rate changes.

C2.2 Allowances will change by the percentage movement in the most recent Eight Capitals Consumer Price Index (Cat No. 6401.0), from the Australian Bureau of Statistics:

<b>Allowance</b>	<b>Applicable CPI figure</b>
Meal allowance	Take away and fast foods sub-group
Special clothing allowance	Clothing and footwear group
Transport allowance	Private motoring sub-group



## Schedule D: The Supported Wage System

This schedule defines conditions for employees who are eligible for a supported wage under the Supported Wage System (SWS) because of a disability.

### D.1 SWS conditions

#### Eligibility criteria

- D1.1 This schedule covers employees who cannot complete their duties to the level required for their classification due to a disability. These employees must also be eligible for a disability support pension.
- D1.2 This schedule does not apply to existing employees who have workers compensation claims against their employers, or any claim for rehabilitation for work-related injuries.

#### Supported wage rates

- D1.3 Employees must receive a percentage of the relevant minimum wage that matches their assessed capacity.

Assessed capacity %	Relevant minimum wage %
10	10
20	20
30	30
40	40
50	50
60	60
70	70
80	80
90	90

- D1.4 The minimum rate is not less than \$80 per week.
- D1.5 Employees with an assessed capacity of 10% must receive a high level of help and support.
- D1.6 The applicable percentage will apply to the relevant minimum wage only. Employees covered by this schedule will be entitled to the same conditions of employment as other workers under this award, on a pro-rata basis.

#### Assessment of capacity

- D1.7 To work out what percentage of the minimum wage employees receive, an approved assessor will assess their productive capacity. Before this assessment, the assessor must consult the employer, employee and any union the employee is eligible to join, if the employee wants the union consulted.
- D1.8 Any assessments must be recorded in an SWS wage assessment agreement and kept by the employer as a time and wages record.
- D1.9 The assessment should be reviewed annually or more often, based on reasonable requests. The review must be in line with the SWS assessing procedures.

## Lodgement of SWS wage assessment agreement

- D1.10 Employers must lodge all SWS wage assessment agreements, including the percentage of the minimum wage they will pay, with the Fair Work Commission.
- D1.11 All agreements must be agreed and signed by the employer, employee and other parties to the assessment. If a union has an interest in the award but is not party to the assessment, the Commission will refer the agreement to the union by certified mail. The agreement will take effect unless the union objects to the Commission within 10 working days.

## Workplace adjustment

- D1.12 Employers wanting to employ someone under the SWS must take reasonable steps to change the workplace to help the employee do the job. Changes may involve re-design of job duties, working time arrangements and work organisation, in consultation with other employees.

## Trial period

- D1.13 To assess employees' capacity, employers can hire an employee under this schedule for a trial period of up to 12 weeks. In some cases, further adjustment time not more than four weeks may be needed.
- D1.14 During that trial, an approved assessor will assess the employee's capacity for work and work out the percentage of minimum wage the employee is entitled to if the employment continues after the trial.
- D1.15 Employers must pay employees at least \$80 per week during the trial.
- D1.16 Work trials should include induction or training as appropriate.
- D1.17 When employers and employees wish to continue employment after a trial, they must enter into a further contract of employment based on the assessment in clauses D1.7–9.

## D.2 Definitions for the SWS

Term	Definition
Approved assessor	A person accredited by the SWS to assess employees' productive capacity.
Assessment instrument	The tool used to record the assessment of employees' productive capacity.
Disability support pension	The Commonwealth pension scheme that provides income security for people with a disability, in line with the <i>Social Security Act 1991</i> (Cth), including any amendments to or successors of the scheme.
Relevant minimum wage	The minimum wage set out in this award for the class of work that the employee is engaged to perform.
Supported Wage System (SWS)	A Commonwealth system that promotes employment for people who cannot work at full award wages because of a disability. See the SWS Handbook: <a href="http://www.jobaccess.gov.au/publications-list">www.jobaccess.gov.au/publications-list</a> .
Supported wage assessment agreement	The document that records employees' productive capacity and agreed wage rate.

## Schedule E: The National Training Wage

### E.1 Coverage

- E1.1 Subject to clauses E1.2–5, this schedule applies to employees:
- covered by this award
  - doing a traineeship
  - whose training package and AQF certificate level is allocated a wage level by clauses E5 or E2.11.
- E1.2 This schedule only applies to AQF Certificate Level IV traineeships for which clause E5 lists a relevant AQF Certificate Level III traineeship.
- E1.3 This schedule does not apply to:
- the apprenticeship system
  - qualifications not identified in training packages
  - qualifications in training packages which are not identified as appropriate for a traineeship.
- E1.4 Where the terms and conditions of this schedule conflict with other terms of this award, the other terms prevail.
- E1.5 At the end of any traineeship, this schedule no longer applies.

#### Types of traineeship

- E1.6 The following types of traineeship are available under this schedule:
- full-time traineeships, based on 38 ordinary hours per week, with 20% of ordinary hours being approved training
  - part-time traineeships, based on less than 38 ordinary hours per week, with 20% of ordinary hours being approved training.
- E1.7 Approved training can be on-the-job, partly on-the-job or fully off-the-job.

### E.2 NTW minimum wages

#### Minimum wage tables

- E2.1 Subject to clause E2.8–10, the full-time wage levels for trainees completing an AQF Certificate Level I–III traineeship are set out below. Clause E5 defines levels A, B and C.

	Schooling completed					
	Year 10		Year 11		Year 11	
	Full-time weekly	Part-time hourly	Full-time weekly	Part-time hourly	Full-time weekly	Part-time hourly
<b>Wage level A</b>						
School leaver	287.90	9.47	317.10	10.44	377.80	12.43
1 year out of school	317.10	10.44	377.80	12.43	439.60	14.47
2 years out of school	377.80	12.43	439.60	14.47	511.60	16.83
3 years out of school	439.60	14.47	511.60	16.83	585.80	19.26
4 years out of school	511.60	16.83	585.80	19.26		
5+ years out of school	585.80	19.26				
<b>Wage level B</b>						
School leaver	287.90	9.47	317.10	10.44	367.60	12.10
1 year out of school	317.10	10.44	367.60	12.10	422.80	13.91

	Schooling completed					
	Year 10		Year 11		Year 11	
	Full-time weekly	Part-time hourly	Full-time weekly	Part-time hourly	Full-time weekly	Part-time hourly
2 years out of school	367.60	12.10	422.80	13.91	495.80	16.32
3 years out of school	422.80	13.91	495.80	16.32	565.60	18.61
4 years out of school	495.80	16.32	565.60	18.61		
5+ years out of school	565.60	18.61				
<b>Wage level C</b>						
School leaver	287.90	9.47	317.10	10.44	367.60	12.10
1 year out of school	317.10	10.44	367.60	12.10	413.80	13.61
2 years out of school	367.60	12.10	413.80	13.61	462.20	15.20
3 years out of school	413.80	13.61	462.20	15.20	515.00	16.94
4 years out of school	462.20	15.20	515.00	16.94		
5+ years out of school	515.00	16.94				

### School-based traineeships

- E2.2 Subject to clauses E2.5–7 and E2.8–10, the minimum wages for trainees in a school-based AQF Certificate Level I-III traineeship, allocated to wage levels A, B, or C, are:
- Year 11 or lower: \$9.47 per hour worked for ordinary hours
  - Year 12: \$10.44 per hour worked for ordinary hours.

### AQF Certificate Level IV traineeships

- E2.3 Subject to clauses E2.5–7 and E2.8–10, the minimum wages for these trainees are the minimum wages for the relevant Level III traineeship, plus 3.8%.
- E2.4 Subject to clauses E2.5–7 and E2.8–10, the minimum wages for adult trainees doing an AQF Certificate Level IV are as follows, provided that the wage level is for the relevant AQF Certificate Level III traineeship:

	First year of traineeship		Second and later years	
	Full-time weekly	Part-time hourly	Full-time weekly	Part-time hourly
Wage level A	608.30	20.01	631.90	20.79
Wage level B	586.90	19.29	609.50	20.04
Wage level C	534.10	17.57	554.30	18.24

### Calculating the actual minimum wage

- E2.5 To calculate the actual minimum wage if the full-time, ordinary hours of work are not 38 or an average of 38 hours per week:
- multiply the relevant hourly wage in clauses E2.1 by 38
  - divide by the full-time ordinary hours of work per week.
- E2.6 If a registered training organisation provides the approved training fully off-the-job, for example at school or TAFE, trainees are entitled to the relevant minimum wage in clauses E2.1 (part-time hourly) for each ordinary hour they work.

E2.7 If the approved training for a part-time traineeship is solely or partly on-the-job, trainees are entitled to the relevant minimum wage in clauses E2.1 (part-time hourly) minus 20% for each ordinary hour they work.

#### Other minimum wage provisions

E2.8 Trainees who were already engaged by an employer before starting a traineeship must not have their minimum weekly or hourly wage reduced because they became trainees.

E2.9 Casual loadings are not included when determining if employees have had their minimum wage reduced in this case.

E2.10 If a qualification is converted from an AQF Certificate Level II to III, or III to IV, the trainees must be paid the next highest minimum wage in this schedule, where the new AQF Level has a higher minimum wage.

#### Default wage rate

E2.11 The minimum wage for trainees doing an AQF Certificate Level I–III traineeship, whose training package and AQF certificate level are not allocated to a wage level by clause E5, is the relevant minimum wage for an AQF Certificate to Level I–III traineeship allocated to Wage Level B.

### E.3 Employment conditions

E3.1 If trainees in a school-based traineeship agree, employers can pay them an extra loading of 25% on all ordinary hours they work. This loading is instead of paid annual or personal/carer's leave and paid absences on public holidays, provided that if trainees work on a public holiday, the public holiday provisions of this award apply.

E3.2 Trainees are entitled to be released from work to attend any training and assessment in the training contract without losing continuity of employment.

E3.3 Employers must regard this time as time worked, when calculating wages and determining employment conditions. This does not apply to trainees doing school-based training.

E3.4 Time included for calculating wages for part-time trainees, whose approved training is fully off-the-job, is set by clause E2.6 and not by this clause.

E3.5 Subject to clause E1.4, all other terms of this award apply to trainees unless this schedule varies them.

## E.4 Definitions for the NTW schedule

Term	Definition
Adult trainee	Trainees who would qualify for the highest minimum wage in wage level A, B or C, if covered by that wage level.
Approved training	The training specified in the training contract.
Australian Qualifications Framework (AQF)	A national framework for qualifications in post-compulsory education and training.
Out of school	Time out of school beyond Year 10, as at the first of January every year: <ul style="list-style-type: none"> <li>including any schooling beyond Year 10 that was not part of a completed year of school</li> <li>including any period when trainees repeat a whole or partial year of school beyond Year 10</li> <li>excluding any time during a calendar year in which a year of school is completed.</li> </ul>
Relevant state or territory training authority	The bodies that can approve traineeships and register training contracts, under vocational education or training laws.
Relevant state or territory vocational education and training legislation	The following laws, and any successors: <ul style="list-style-type: none"> <li>Australian Capital Territory: <i>Training and Tertiary Education Act 2003</i></li> <li>New South Wales: <i>Apprenticeship and Traineeship Act 2001</i></li> <li>Northern Territory: <i>Northern Territory Employment and Training Act 1991</i></li> <li>Queensland: <i>Vocational Education, Training and Employment Act 2000</i></li> <li>South Australia: <i>Training and Skills Development Act 2008</i></li> <li>Tasmania: <i>Vocational Education and Training Act 1994</i></li> <li>Victoria: <i>Education and Training Reform Act 2006</i></li> <li>Western Australia: <i>Vocational Education and Training Act 1996</i>.</li> </ul>
Trainees	Employees doing a traineeship under a training contract.
Traineeship	A system of training that: <ul style="list-style-type: none"> <li>has been approved by the relevant state or territory training authority</li> <li>meets the requirements of a training package the NQC has endorsed</li> <li>leads to an AQF certificate level qualification.</li> </ul>
Training contract	A traineeship agreement made between employers and employees and registered with the relevant training authority.
Training package	The competency standards and associated assessment guidelines for an AQF certificate level qualification, which have been: <ul style="list-style-type: none"> <li>endorsed by the NQC</li> <li>placed on the National Training Information Service</li> <li>approved by the relevant national, state and territory ministers.</li> </ul>
Year 10	The tenth year of schooling, including any year before Year 10.

## E.5 Allocation of traineeships to wage levels

The relevant wage levels applying to training packages under this award and AQF certificate levels are listed below.

### Wage level A

Training package	AQF certificate level
Aeroskills	II
Aviation	I, II, III
Beauty	III
Business Services	I, II, III
Chemical, Hydrocarbons and Refining	I, II, III
Civil Construction	III
Coal Training Package	II, III
Community Services	II, III
Construction, Plumbing and Services Integrated Framework	I, II, III
Correctional Services	II, III
Drilling	II, III
Electricity Supply Industry—Generation Sector	II, III (III in Western Australia only)
Electricity Supply Industry—Transmission, Distribution and Rail Sector	II
Electrotechnology	I, II, III (III in Western Australia only)
Financial Services	I, II, III
Floristry	III
Food Processing Industry	III
Gas Industry	III
Information and Communications Technology	I, II, III
Laboratory Operations	II, III
Local Government (other than Operational Works Cert I and II)	I, II, III
Manufactured Mineral Products	III
Manufacturing	I, II, III
Maritime	I, II, III
Metal and Engineering (Technical)	II, III
Metalliferous Mining	II, III
Museum, Library and Library/Information Services	II, III
Plastics, Rubber and Cablemaking	III
Public Safety	III
Public Sector	II, III
Pulp and Paper Manufacturing Industries	III
<b>Retail Services (including wholesale and Community pharmacy)</b>	<b>III</b>
Telecommunications	II, III
Textiles, Clothing and Footwear	III
Tourism, Hospitality and Events	I, II, III
Training and Assessment	III
Transport and Distribution	III
Water Industry (Utilities)	III

## Wage level B

Training package	AQF certificate level
Animal Care and Management	I, II, III
Asset Maintenance	I, II, III
Australian Meat Industry	I, II, III
Automotive Industry Manufacturing	II, III
Automotive Industry Retail, Service and Repair	I, II, III
Beauty	II
Caravan Industry	II, III
Civil Construction	I
Community Recreation Industry	III
Entertainment	I, II, III
Extractive Industries	II, III
Fitness Industry	III
Floristry	II
Food Processing Industry	I, II
Forest and Forest Products Industry	I, II, III
Furnishing	I, II, III
Furnishing	I, II, III
Gas Industry	III
Health	II, III
Local Government (Operational Works)	I, II
Manufactured Mineral Products	I, II
Metal and Engineering (Production)	II, III
Outdoor Recreation Industry	I, II, III
Plastics, Rubber and Cablemaking	II
Printing and Graphic Arts	II, III
Property Services	I, II, III
Public Safety	I, II
Pulp and Paper Manufacturing Industries	I, II
Retail Services	I, II
Screen and Media	I, II, III
Sport Industry	II, III
Sugar Milling	I, II, III
Textiles, Clothing and Footwear	I, II
Transport and Logistics	I, II
Visual Arts, Craft and Design	I, II, III
Water Industry	I, II



## Wage level C

<b>Training package</b>	<b>AQF certificate level</b>
Agri-Food	I
Amenity Horticulture	I, II, III
Conservation and Land Management	I, II, III
Funeral Services	I, II, III
Music	I, II, III
Racing Industry	I, II, III
Rural Production	I, II, III
Seafood Industry	I, II, III

## Schedule F: 2014 part-day public holidays

This schedule deals with public holidays where this award supplements the NES.

- F1.1 When a part-day public holiday is declared between 7 pm and midnight on Christmas Eve (24 December) or New Year's Eve (31 December), the following clauses will override any provision in this award relating to public holidays.
- F1.2 This schedule does not detract from or supplement the NES.
- F1.3 This schedule is an interim provision and subject to further review.

### Employees who do not work

- F1.4 Employees have the right to refuse to work on these part-day public holidays, if the request to work is not reasonable or the refusal is reasonable in line with the NES.
- F1.5 Part-time or full-time employees who are usually rostered to work ordinary hours between 7 pm and midnight, but refuse to work in line with the NES, must be paid their ordinary rate for their usual hours.
- F1.6 Part-time or full-time employees who are usually rostered to work ordinary hours between 7 pm and midnight, but are on annual leave or a rostered day off (RDO), must be paid their ordinary rate for their usual hours. They are not considered to be on annual leave or on an RDO on these part-day public holidays.
- F1.7 Employees who are not rostered to work between 7 pm and midnight on these part-day public holidays, and do not work, are not entitled to extra pay or leave.

### Employees who work

- F1.8 Part-time or full-time employees who work on these part-day public holidays must be paid the public holiday penalty rate (if any) for the hours worked.
- F1.9 Annualised salaried employees who work between 7 pm and midnight on these part-day public holidays are entitled to time off in lieu or extra annual leave for the time worked, in line with their annualised arrangement.

## Schedule G: Definitions

Term	Definition
The Act	The <i>Fair Work Act 2009</i> (Cth).
Community pharmacy	Any business run by employers in premises: <ul style="list-style-type: none"> <li>• registered under the relevant state or territory legislation for the regulation of pharmacies or</li> <li>• in a state or territory where registration is not required, established wholly or partly to compound or dispense prescriptions or sell any medicines or drugs, where other goods are retailed.</li> </ul>
Defined benefit member	An employee defined by the <i>Superannuation Guarantee (Administration) Act 1992</i> (Cth).
Employee	A national system employee within the meaning of the Act.
Exempt public sector superannuation scheme	A superannuation scheme defined by the <i>Superannuation Guarantee (Administration) Act 1992</i> (Cth).
Exempt	A condition defined by the <i>Superannuation Guarantee (Administration) Act 1992</i> (Cth).
Individual flexibility agreement	A written agreement between an employee and employer that varies some terms of this award to suit their needs, in line with clause 4.
MySuper product	A superannuation scheme defined by the <i>Superannuation Guarantee (Administration) Act 1992</i> (Cth).
National system employer or Employer	An employer covered under the Act, which is a Commonwealth law. Employers and employees not covered under the Act are covered under state or territory laws. See NES section <a href="#">14</a> .
National Employment Standards (NES)	The National Employment Standards as contained in sections 59–131 of the Act.
On-hire	The hiring out of an employee by their employer to a client, where the employee works under the general instruction of the client or their representative.
Small business employer	Employers who employ less than 15 employees, based on the calculations set out in section 23 of the Act.
Standard rate	The minimum weekly wage for a Pharmacy Assistant Level 3 in clause 10.

## ATTACHMENT B – COMPARISON TOOL

Clause in redrafted PIA	Clause in PIA2010	Meaning Changed Yes/No (please circle)	Comments
1 – Title and commencement	1 – Title 2 - Commencement	Yes / No	
2 - The NES and this award	5 – Access to the award and NES 6 – The NES and this award	Yes / No	
3 - Coverage	4 - Coverage	Yes / No	
4 – Award flexibility	7 – Award flexibility	Yes / No	
5 – Facilitative provisions	n/a new clause	Yes / No	
6 – Types of employment	10 – Employment categories 11 – Full time 12 – Part time 13 - Casual	Yes / No	
7 – Classifications	16 - Classifications	Yes / No	
8 – Ordinary hours of work and rostering	25 – Hours of work	Yes / No	
9 - Breaks	28 - Breaks	Yes / No	
10 – Minimum wage	17 – Minimum weekly wages 18 – Junior rates 22 – Payment of wages 23 – Supported wage system 24 – National Training wage	Yes / No	
11 – Annualised salary	27 – Annualised salary	Yes / No	
12 – Allowances	19 - Allowances	Yes / No	

13 – Superannuation	21-Superannuation	Yes / No	
14 – Overtime	26 - Overtime	Yes / No	
15 - Penalty Rates	26 - Overtime	Yes / No	
16 – Annual leave	29 – Annual leave	Yes / No	
17 – Personal/carer’s leave and compassionate leave	30 – Personal/carer’s leave and compassionate leave	Yes / No	
18 – Parental leave and related entitlements	n/a new clause	Yes / No	
19 – Public holidays	31 – Public holidays	Yes / No	
20 – Community service leave	32 - Community service leave	Yes / No	
21 – Termination	14 – Termination of employment	Yes / No	
22 - Redundancy	15 - Redundancy	Yes / No	
23 – Consultation	8 - Consultation	Yes / No	
24 – Dispute resolution	9 - Dispute resolution	Yes / No	
Schedule A – Classification definitions	Schedule B - Classification Definitions	Yes / No	
Schedule B – Summary of hourly award rates of pay	n/a new schedule	Yes / No	
Schedule C – Summary of monetary allowances	n/a new schedule	Yes / No	

Schedule D – The supported wage system	Schedule C – The supported wage system	Yes / No	
Schedule E – The National Training Wage	Schedule D – The National Training Wage	Yes / No	
Schedule F – 2014 part-day public holidays	Schedule E – 2014 part-day public holidays	Yes / No	
Schedule G – Definitions	3 – Definitions and interpretation	Yes / No	