



DRAFT DETERMINATION

Fair Work Act 2009

s.156—4 yearly review of modern awards

4 yearly review of modern awards—Overtime for casuals

(AM2017/51)

FAST FOOD INDUSTRY AWARD 2010

[MA000003]

Fast food industry

VICE PRESIDENT HATCHER
VICE PRESIDENT CATANZARITI
DEPUTY PRESIDENT BULL

SYDNEY, XX MONTH 2020

4 yearly review of modern awards – common issue – overtime for casuals – Fast Food Industry Award 2010.

A. Further to the Full Bench decision issued by the Fair Work Commission on XX Month 2020 [[2020] FWCFB XXX], the above award is varied as follows:

1. By deleting clause 13.2 and inserting the following:

13.2 For each ordinary hour worked, a casual will be paid both the ordinary hourly rate paid to a full-time employee and an additional loading of 25% of the ordinary hourly rate for a full-time employee.

2. By renumbering clauses 13.3 to 13.5 as clauses 13.4 to 13.6.

3. By inserting a new clause 13.3 as follows:

13.3 For each overtime hour worked, a casual employee must be paid the overtime rates prescribed by clauses 26.1(b) and 26.4.

4. By deleting clause 26.1 and inserting the following:

26.1 Rate of overtime

- (a) The rate of overtime for full time and part-time employees shall be **150%** of the ordinary hourly rate for the first two hours on any one day and at the rate of **200%** of the ordinary hourly rate after two hours, except on a Sunday which shall be paid for at the rate of **200%** of the ordinary hourly rate and on a Public Holiday which shall be paid for at the rate of **250%** of the ordinary hourly rate.

- (b) The rate of overtime for casual employees shall be **175%** of the ordinary hourly rate for the first two hours on any one day and **225%** of the ordinary hourly rate after two hours, except on a Sunday which shall be **225%** of the ordinary hourly rate and **275%** on a Public Holiday.

NOTE: The overtime rates for casual employees have been calculated by adding the casual loading prescribed by clause 13.2 to the overtime rates for full-time and part-time employees prescribed by clause 26.1(a).

5. By deleting clause 26.4 and inserting the following:

- 26.4** Where an employee works overtime on a Sunday and that work is not immediately preceding or immediately following ordinary hours, then that employee must be paid **200%** of the ordinary hourly rate with a minimum payment of four hours at such rate. The rate for a casual employee shall be **225%** of the ordinary hourly rate of pay.

NOTE: The overtime rates for casual employees have been calculated by adding the casual loading prescribed by clause 13.2 to the overtime rates for full-time and part-time employees prescribed by clause 26.1(a).

6. By updating the cross-references accordingly.

- B. This determination comes into operation on **XX DATE 2020**. In accordance with s.165(3) of the *Fair Work Act 2009* this determination does not take effect in relation to a particular employee until the start of the employee's first full pay period that starts on or after **XX DATE 2020**.

VICE PRESIDENT

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