

PAY AND CONDITIONS GUIDE

Poultry Processing Award 2010 [MA000074] ('modern award')
replacing terms and conditions in or derived from

**Food Industry (Food Manufacturing or Processing) Award
[AN160131]** ('pre-modern award')

(WA)

Effective from 01 July 2013.

Published 08 November 2013 

Background

This guide was developed by the Fair Work Ombudsman to assist employers and employees covered by this modern award, pre-modern award and pay scales derived from this pre-modern award to identify minimum wages, penalties, loadings and allowances.

Transitional arrangements

Modern awards commenced operation on 01 January 2010. However, minimum wage, loading and penalty entitlements commence from 01 July 2010. Almost all modern awards include provisions to 'transition' employers and employees from their pre-modern award to the modern award system.

This modern award includes transitional provisions that provide for the 'phasing in' of increases or decreases in minimum wages, penalties and loadings in the modern award in 5 increments over 4 years from 01 July 2010. All other terms and conditions in this modern award apply in full from 01 January 2010.

The rates in this guide are current from the first pay period on or after 01 July 2013. The rates set out in this guide will change from the first full period on or after 01 July each year to take account of Fair Work Australia's annual wage review and transitional arrangements. The rates may also change as a result of a Fair Work Australia decision to vary the modern award or pay and condition entitlements of the modern award from time to time.

Transitional arrangements for Division 2B State awards

Division 2B State awards (other than Division 2B enterprise awards) terminate at the end of 31 December 2010 and, from 1 January 2011, employers and employees are covered by the relevant modern award. However, most modern awards provide that all the terms of Division 2B State awards continue to apply until the end of the full pay period which started before 1 February 2011.

The employers affected include sole traders, partnerships, other unincorporated entities and non-trading corporations in New South Wales, Queensland, South Australia and Tasmania who are covered by a Division 2B State award.

From the first full pay period starting on or after 1 February 2011, an employer who was covered by a Division 2B State award, must comply with all of the terms and conditions contained in their relevant modern award, and any transitional arrangements that apply. Transitional arrangements in most modern awards for Division 2B State award employers provide that from the first full pay period starting on or after 1 February 2011, they must pay at least the same minimum wage rates, penalties and loadings as national system employers who are transitioning from the equivalent NAPSA. There are some exceptions and special transitional arrangements that apply in certain situations. If you require help determining whether these exceptions or special transitional arrangements apply to you, please contact the Fair Work Infoline on 13 13 94.

Note: Modern awards are not intended to reduce an employee's take-home pay. An employee or his/her union can apply to Fair Work Australia for a take-home pay order to remedy any reduction in his/her overall take-home pay.

Who should use the guide?

Employees and employers who were entitled to terms and conditions in or derived from this pre-modern award and who are now covered by this modern award.

A guide that has an AP (Pre-reform award) code typically applies to employees employed by a constitutional corporation. Usually these are companies that engage in trading or financial activities. Private companies are often identified by the 'Pty Ltd' in their name. It applies to employers in those categories who were bound by the award immediately prior to 01 January 2010.

A guide that has an AN (Notional agreement preserving State awards) code also typically applies to employees employed by a constitutional corporation. However, unlike pre-reform awards these are notional federal agreements that were created on 27 March 2006. Generally, they preserved the terms and conditions of employment (not including wage rates) in state awards and/or state legislation that applied immediately before 27 March 2006 to employees of constitutional corporations in NSW, QLD, SA, WA and TAS where State award/laws applied to those employers prior to 27 March 2006.

A guide that has an AT code typically applies to employees employed by non-constitutional corporations immediately before 27 March 2007 where the employer was bound by a Federal award. These will be sole traders, partnerships, other unincorporated entities or non-trading/financial corporations.

The guide contains information from this modern award about:

- who the modern award covers;
- wage rates, including rates for casual employees, junior employees, trainees and apprentices;
- penalty rates for working at particular times or under particular arrangements;
- allowances; and
- other conditions of employment.

What if an agreement applies to employees covered by the modern award?

Minimum wage entitlements in a modern award override lesser wage entitlements in an agreement or contract of employment at all times, including agreements and contracts that were made before the commencement of the *Fair Work Act 2009*. All employees covered by the modern award must not be paid less than the rate of pay in the modern award.

However, the penalty rates and allowances in the modern award do not apply to agreement-covered employees, unless the agreement is read in conjunction with the

modern award (e.g. a pre-reform certified agreement (a type of collective agreement made before 27 March 2006)).

If you require assistance with any provisions of this guide please contact the **Fair Work Infoline** on **13 13 94**.

Coverage

This industry award covers employers throughout Australia in the poultry processing industry and their employees in the classifications in this award to the exclusion of any other modern award.

This award does not cover an employee excluded from award coverage by the Act.

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

This award covers any employer which supplies labour on an on-hire basis in the industry set out in clause 0 in respect of on-hire employees in classifications covered by this award, and those on-hire employees, while engaged in the performance of work for a business in that industry. This subclause operates subject to the exclusions from coverage in this award.

This award covers employers which provide group training services for trainees engaged in the industry and/or parts of industry set out at clause 0 and those trainees engaged by a group training service hosted by a company to perform work at a location where the activities described herein are being performed. This subclause operates subject to the exclusions from coverage in this award.

Where an employer is covered by more than one award, an employee of that employer is covered by the award classification which is most appropriate to the work performed by the employee and to the environment in which the employee normally performs the work.

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

Wages

This modern award includes transitional arrangements that apply to minimum wage entitlements from the first pay period on or after 01 July 2010 until the first pay period on or after 01 July 2014 (when modern award wages commence in full).

The following wage tables set out base rates of pay for classifications under the modern award.

It also sets out how the modern award classification matches up with pre-modern award classification. If there is no classification match the employee may be covered by another pre-modern award, or another modern award, such as a modern award that covers the employee's occupation rather than the industry.

The base rates of pay in this guide include any applicable industry allowance. The base rates of pay also include any increase from Fair Work Australia's annual wage review.

For more information about transitional arrangements for minimum wage entitlements, please visit www.fairwork.gov.au

Casual employees

The rates for casual employees set in the table below are minimum rates for **ordinary hours** only.

Please visit www.fairwork.gov.au for information about penalty entitlements for casual employees.

*Post 26 March 2006 employer

Wage rates for casual employees of employers that became part of the national system after 26 March 2006 do not include annual leave loading because those employees did not have a pre-modern award entitlement to annual leave loading.

Adult

The rates in this guide are current from the first pay period on or after 01 July 2013 until the final pay period before 01 July 2014 only.

Full & Part Time

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Level 1	Level 1	\$16.82
Level 2	Level 2	\$17.30
Level 3	Level 2	\$17.49
Level 3	Level 3	\$17.61
Level 4	Level 3	\$17.81
Level 5	Level 4	\$18.11
Level 5	Level 5	\$18.29
Level 6	Level 5	\$18.60

Casual

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Level 1	Level 1	\$20.86 (24%)
Level 2	Level 2	\$21.45 (24%)
Level 3	Level 2	\$21.69 (24%)
Level 3	Level 3	\$21.84 (24%)
Level 4	Level 3	\$22.09 (24%)
Level 5	Level 4	\$22.46 (24%)
Level 5	Level 5	\$22.68 (24%)
Level 6	Level 5	\$23.06 (24%)

Junior

The rates in this guide are current from the first pay period on or after 01 July 2013 until the final pay period before 01 July 2014 only.

Full & Part Time

Level 1

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
16 years of age or less	Under 16 years of age	\$11.20
16 years of age or less	16 to 17 years of age	\$11.49
17 years	17 to 18 years of age	\$13.17
18 years and over	18 to 19 years of age	\$16.25
18 years and over	19 to 20 years of age	\$16.54

Level 2

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
16 years of age or less	Under 16 years of age	\$11.48
16 years of age or less	16 to 17 years of age	\$11.76
17 years	17 to 18 years of age	\$13.49
18 years and over	18 to 19 years of age	\$16.64
18 years and over	19 to 20 years of age	\$16.93

Level 3

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
16 years of age or less	Under 16 years of age	\$11.61
16 years of age or less	16 to 17 years of age	\$11.90
17 years	17 to 18 years of age	\$13.64
18 years and over	18 to 19 years of age	\$16.83
18 years and over	19 to 20 years of age	\$17.12

Level 4

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
16 years of age or less	Under 16 years of age	\$11.75
16 years of age or less	16 to 17 years of age	\$12.04
17 years	17 to 18 years of age	\$13.80
18 years and over	18 to 19 years of age	\$17.03
18 years and over	19 to 20 years of age	\$17.32

Level 5

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
16 years of age or less	Under 16 years of age	\$11.89
16 years of age or less	16 to 17 years of age	\$12.17
17 years	17 to 18 years of age	\$13.95
18 years and over	18 to 19 years of age	\$17.22
18 years and over	19 to 20 years of age	\$17.51

Level 6

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
16 years of age or less	Under 16 years of age	\$12.16

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
16 years of age or less	16 to 17 years of age	\$12.45
17 years	17 to 18 years of age	\$14.27
18 years and over	18 to 19 years of age	\$17.62
18 years and over	19 to 20 years of age	\$17.90

Casual Level 1

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
16 years of age or less	Under 16 years of age	\$13.89 (24%)
16 years of age or less	16 to 17 years of age	\$14.25 (24%)
17 years	17 to 18 years of age	\$16.33 (24%)
18 years and over	18 to 19 years of age	\$20.15 (24%)
18 years and over	19 to 20 years of age	\$20.50 (24%)

Level 2

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
16 years of age or less	Under 16 years of age	\$14.23 (24%)
16 years of age or less	16 to 17 years of age	\$14.59 (24%)
17 years	17 to 18 years of age	\$16.72 (24%)
18 years and over	18 to 19 years of age	\$20.64 (24%)
18 years and over	19 to 20 years of age	\$20.99 (24%)

Level 3

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
16 years of age or less	Under 16 years of age	\$14.40 (24%)
16 years of age or less	16 to 17 years of age	\$14.76 (24%)
17 years	17 to 18 years of age	\$16.91 (24%)
18 years and over	18 to 19 years of age	\$20.88 (24%)
18 years and over	19 to 20 years of age	\$21.23 (24%)

Level 4

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
16 years of age or less	Under 16 years of age	\$14.57 (24%)
16 years of age or less	16 to 17 years of age	\$14.93 (24%)
17 years	17 to 18 years of age	\$17.11 (24%)
18 years and over	18 to 19 years of age	\$21.12 (24%)
18 years and over	19 to 20 years of age	\$21.48 (24%)

Level 5

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
16 years of age or less	Under 16 years of age	\$14.74 (24%)
16 years of age or less	16 to 17 years of age	\$15.09 (24%)

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
17 years	17 to 18 years of age	\$17.30 (24%)
18 years and over	18 to 19 years of age	\$21.36 (24%)
18 years and over	19 to 20 years of age	\$21.71 (24%)

Level 6

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
16 years of age or less	Under 16 years of age	\$15.08 (24%)
16 years of age or less	16 to 17 years of age	\$15.43 (24%)
17 years	17 to 18 years of age	\$17.69 (24%)
18 years and over	18 to 19 years of age	\$21.84 (24%)
18 years and over	19 to 20 years of age	\$22.20 (24%)

Apprentice

Apprentice employees are not covered by this guide for the modern award and pre-modern award.

Trainee

This modern award incorporates trainee rates derived from the National Training Wage Award 2000 (AP790899), as adjusted from time to time.

Supported Wage

Please refer to clause 19 of the modern award.

For detail of the supported wage provisions see the full version of the modern award.

Penalties and Loadings (other than casual or part-time loadings for ordinary hours)

Where an employee had an entitlement to a loading/penalty rate before 01 January 2010 that is exactly the same as the modern award loading/penalty entitlement the modern award loading/penalty applies in full from 01 January 2010.

Transitional arrangements

This modern award includes transitional arrangements that apply to loading/penalty entitlements where there is a difference in modern award and pre-modern award loading/penalty entitlements. Transitional arrangements apply from the first pay period on or after 01 July 2010 until the first pay period on or after 01 July 2014 (when modern award loadings/penalties apply in full).

Different arrangements apply depending on whether the entitlements are "equivalent" or not.

- A pre-modern award loading/penalty will be "equivalent" to a modern award entitlement where the loading/penalty applies:
 - for the same purpose (e.g. Saturday penalty);
 - for the same time periods; and
 - in the same way#.
 - #A pre-modern award and modern award loading/penalty applies in the same way if the entitlements are both:
 - paid at the same frequency, such as per hour or per shift; and

- paid as a percentage of the same amount (e.g. both penalties are paid as a percentage of the employee's classification rate, rather than as a percentage of a different amount or paid as a flat dollar amount).

Casual loadings and penalties also need to interact with each other in the same way in the pre-modern award and modern award to be equivalent (e.g. the loading and penalty rate are calculated on the base hourly rate in both instruments).

Equivalent entitlements

If the pre-modern award loading/penalty rate is "equivalent" to the modern award loading/penalty rate the penalty rate is calculated as follows:

1. The difference between the two loading/penalty rates is referred to as a "transitional percentage". The transitional percentage stays the same every year.
2. A proportion of the transitional percentage is calculated each year as follows:

First full pay period on or after	Proportion of transitional percentage
01 July 2010	80%
01 July 2011	60%
01 July 2012	40%
01 July 2013	20%
01 July 2014	0%

3. Where the modern award loading/penalty is higher, the penalty rate is obtained by subtracting the proportion of the transitional percentage.

Example:

The table below shows the percentage penalty rates that apply from the first full pay period on or after 01 July 2010 until the last full pay period before 01 July 2011 for common penalty rates.

Please note the below table is a guide **only** and can only be used when the entitlements are equivalent and the modern award penalty is higher.

1/01/2010 Pre-modern award penalty	1/07/2014 Modern award penalty	1/07/2010 Penalty rate (phased)
25%	50%	30%
50%	75%	55%
50%	100%	60%
75%	100%	80%

4. Where the modern award loading/penalty is lower, the penalty rate is obtained by adding the proportion of the transitional percentage.

Example:

The table below shows the percentage penalty rates that apply from the first full pay period on or after 01 July 2010 until the last full pay period before 01 July 2011 for common penalty rates.

Please note the below table is a guide **only** and can only be used when the entitlements are equivalent and the modern award penalty is lower.

1/01/2010	1/07/2014	1/07/2010
Pre-modern award penalty	Modern award penalty	Penalty rate (phased)
50%	25%	45%
75%	50%	70%
100%	50%	90%
100%	75%	95%

Entitlements that are not equivalent

If pre-modern award and modern award penalty rates are not "equivalent", the following approach applies:

1. Loadings/penalty rates from a modern award are phased in from zero in five instalments of 20% by multiplying the penalty rate by the following percentage:

First full pay period on or after	Percent of modern award loading/penalty
01 July 2010	20%
01 July 2011	40%
01 July 2012	60%
01 July 2013	80%
01 July 2014	100%

2. Pre-modern award loadings/penalty rates are phased out to zero in five instalments of 20% by multiplying the penalty rate by the following percentage:

First full pay period on or after	Percent of pre-modern award loading/penalty
01 July 2010	80%
01 July 2011	60%
01 July 2012	40%
01 July 2013	20%
01 July 2014	0%

Please note that a pre-modern award penalty rate can be 'phased out' at the same time that a modern award penalty is 'phasing in' (i.e. where different entitlements apply in the same time period). This means that two different rates may apply for the same time period.

Example:

The table below shows the percentage penalty rates that apply from the first full pay period on or after 01 July 2010 until the last full pay period before 01 July 2011 for common penalty rates.

Please note the below table is a guide **only** and can only be used when the entitlements are not equivalent.

1/01/2014	1/07/2010
Modern award penalty	Penalty rate (phased)
	(20.00%)
10.00%	2.00%
20.00%	4.00%
25.00%	5.00%
50.00%	10.00%
75.00%	15.00%

1/01/2010	1/07/2010
Pre-modern award penalty	Penalty rate (phased)
	(80.00%)
10.00%	8.00%
20.00%	16.00%
25.00%	20.00%
50.00%	40.00%
75.00%	60.00%

1/01/2014	1/07/2010
Modern award penalty	Penalty rate (phased)
	(20.00%)
100.00%	20.00%
120.00%	24.00%
125.00%	25.00%
130.00%	26.00%
150.00%	30.00%

1/01/2010	1/07/2010
Pre-modern award penalty	Penalty rate (phased)
	(80.00%)
100.00%	80.00%
120.00%	96.00%
125.00%	100.00%
130.00%	104.00%
150.00%	120.00%

New entitlements

Where an employee did not have a particular loading/penalty entitlement before 01 January 2010, the modern award loading/penalty is phased in from zero as a new entitlement from the first pay period on or after 01 July 2010 by multiplying the penalty rate by the following percentage:

First full pay period on or after	Percent of modern award loading/penalty
01 July 2010	20%
01 July 2011	40%
01 July 2012	60%
01 July 2013	80%
01 July 2014	100%

Example:

The table below shows the percentage penalty rates that apply from the first full pay period on or after 01 July 2010 until the last full pay period before 01 July 2011 for common penalty rates.

Please note the below table is a guide **only** and can only be used when the entitlements in the modern award are new.

1/07/2014	1/07/2010
Modern award penalty	Penalty rate (phased)
25%	5%
50%	10%
75%	15%
100%	20%

For more information about transitional arrangements for loading/penalty entitlements please visit www.fairwork.gov.au and/or contact the **Fair Work Infoline** on **13 13 94** for advice and assistance.

Allowances

The first aid allowance, meal allowance, cold work allowance and vehicle allowance are not subject to any premium or penalty additions.

Leading hand allowance applies for all purposes of this award.

Allowances in modern awards apply in full from 01 January 2010 (although the rates may change from time to time).

All states covered by this instrument

Full Time, Part Time, Casual

Clause	Allowance Type	Description	Effective Date	Rate
20.1	Leading hand allowance	<p>All purpose allowance expressed as per week.</p> <p>A leading hand in charge of 1 - 19 employees receives the allowance in addition to the minimum wage for the highest classification supervised, or their own minimum wage, whichever is higher.</p> <p>The allowance of 152% of the standard rate per week extra applies for all purposes of this award.</p>	1/07/2013	<p>\$0.6961 per hour.</p> <p>This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work (up to a maximum of 38 hours per week). (4.00%)</p>
20.1	Leading hand allowance	<p>All purpose allowance expressed as per week.</p> <p>A leading hand in charge of 20 or more employees received the allowance in addition to the minimum wage for the highest classification supervised, or their own minimum wage, whichever is higher.</p> <p>The allowance of 254% of the standard rate per week extra applies for all purposes of this award.</p>	1/07/2013	<p>\$1.1632 per hour.</p> <p>This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work (up to a maximum of 38 hours per week). (6.68%)</p>

Clause	Allowance Type	Description	Effective Date	Rate
20.2(a)	First aid allowance	An employee trained to render first aid and who holds a current and appropriate first aid qualification such as a certificate from the St John Ambulance or a similar body, if appointed by their employer to perform first aid duty. This allowance is not subject to any premium or penalty additions.	1/07/2013	\$0.3811 per hour. This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work (up to a maximum of 38 hours per week). (2.19%)
20.2(b)	Meal allowance	An employee required to work overtime for at least one and a half hours after working ordinary hours must be paid by the employer an allowance to meet the cost of a meal, except where a meal is provided by the employer. This allowance is not subject to any premium or penalty additions.	1/07/2013	\$12.9800 per meal
20.2(c)	Cold work disability allowance	An employee working for more than one hour in a place where the temperature is reduced by artificial means to between minus 15.6°C to minus 18.0°C. This allowance is not subject to any premium or penalty additions.	1/07/2013	\$0.6439 per hour or part thereof (3.70%)
20.2(c)	Cold work disability allowance	An employee working for more than one hour in a place where the temperature is reduced by artificial means to between less than minus 18.0°C to minus 23.3°C. This allowance is not subject to any premium or penalty additions.	1/07/2013	\$1.1312 per hour or part thereof (6.50%)
20.2(c)	Cold work disability allowance	An employee working for more than one hour in a place where the temperature is reduced by artificial means to between less than 23.3°C.	1/07/2013	\$1.7751 per hour or part thereof (10.20%)

Clause	Allowance Type	Description	Effective Date	Rate
		This allowance is not subject to any premium or penalty additions.		
20.2(d)	Vehicle allowance	An employee required to use their own motor vehicle for travelling from one place to another during working time. This allowance is not subject to any premium or penalty additions.	1/07/2013	\$0.7600 per kilometre.

Other Conditions

The following conditions in the modern award apply in full from 1 January 2010. Please note that the below table is a summary of commonly applicable entitlements in the modern award, there may be other entitlements in the modern award that are relevant to particular employers or employees. Please refer to the modern award for full details.

Note: The National Employment Standards (**NES**) operate together with modern awards to provide minimum conditions of employment for employers and employees in the national system. The NES sets out ten minimum statutory entitlements that apply to all employees, including leave and termination of employment entitlements.

For more information about the NES, please visit www.fairwork.gov.au

All states covered by this instrument

Clause	Conditions Type	Description
7	Award flexibility (Instrument)	<p>An employer and an individual employee may agree to vary the following terms of this award to meet the genuine needs of the employer and the individual employee with respect to:</p> <ul style="list-style-type: none"> - arrangements for when work is performed - overtime rates - penalty rates - allowances - leave loading. <p>Other conditions concerning award flexibility are contained within the Fair Work Act 2009.</p>

Clause	Conditions Type	Description
8	Consultation (Instrument)	The award contains information on the employer's responsibility to consult regarding major workplace change including the: - duty to notify, and - duty to discuss change.
9	Dispute resolution (Instrument)	The award sets out a dispute resolution procedure for dealing with disputes in relation to a matter under the award or the National Employment Standards (NES).
12	Part-time conditions (Instrument)	A part-time employee is an employee who: - is engaged to work an average of fewer than 38 ordinary hours per week; and - receives, on a pro rata basis, equivalent pay and conditions to those of a full-time employee who does the same kind of work. For each ordinary hour worked, a part-time employee must be paid no less than 1/38th of the minimum weekly wage for the relevant classification in this award. An employer must inform a part-time employee of their ordinary hours of work and starting and finishing times. A part-time employee's rostered hours of work can be altered by a minimum of 48 hours' notice. A part-time employee must be engaged for a minimum of three consecutive hours on any day or shift.
13	Casual conditions (Instrument)	A casual employee is one engaged and paid as such. For each engagement a casual employee must be paid for a minimum of three hours. A casual employee for working ordinary time must be paid an hourly rate calculated on the basis of 1/38th of the minimum weekly wage for the relevant classification in this award plus a casual loading of 25%. Where any other penalty is payable for working ordinary hours the calculation of such penalty must be based on the minimum hourly wage for the classification. The casual loading is not paid for overtime or time worked on Saturday, Sunday or a public holiday.
14.2	Termination of employment - notice of termination by an employee (Instrument)	The notice of termination required to be given by an employee is the same as an employer except there is no requirement to give additional notice based on age. If an employee fails to give the required notice the employer may withhold from any monies due on termination, the difference between the amount of notice required and the amount of notice actually given.

Clause	Conditions Type	Description
14.3	Termination of employment - job search entitlement (Instrument)	Where an employer has given notice of termination to an employee, an employee must be allowed up to one day's time off without loss of pay for the purpose of seeking other employment. The time off is to be taken at times that are convenient to the employee after consultation with the employer.
15.2	Redundancy - transitional provisions (Instrument)	<p>An employee is entitled to redundancy pay in accordance with the NAPSA that would have applied to the employee immediately prior to 1 January 2010, if the employee had at that time been in their current circumstances of employment and no agreement-based transitional instrument or enterprise agreement had applied to the employee and that would have entitled the employee to redundancy pay in excess of the employee's entitlement under the NES. This includes employees engaged after 1 January 2010.</p> <p>The entitlement to redundancy pay under the NAPSA is limited to the amount which exceeds the entitlement under the NES.</p> <p>This clause does not reduce an employee's entitlement to redundancy pay under any other instrument and ceases to operate on 31 December 2014.</p>
15.3	Redundancy - transfer to lower paid duties (Instrument)	Where an employee is transferred to lower paid duties by reason of redundancy, the same period of notice must be given as the employee would have been entitled to if the employment had been terminated. Alternatively, the employer may choose to pay the employee the difference between the former ordinary time rate of pay and the new ordinary time rate of pay for the number of weeks of notice still owing.
15.4	Redundancy - employee leaving during notice period (Instrument)	An employee given notice of termination in circumstances of redundancy may terminate their employment during the period of notice. The employee is entitled to receive the benefits and payments they would have received had they remained in employment until the expiry of the notice, but is not entitled to payment instead of notice.
15.5	Redundancy - job search entitlement (Instrument)	<p>An employee given notice of termination in circumstances of redundancy must be allowed up to one day's time off without loss of pay during each week of notice for the purpose of seeking other employment.</p> <p>If the employee has been allowed paid leave for more than one day, the employee must, by request, produce proof of attendance at an interview or they will not be entitled to payment for the time absent. For this purpose a statutory declaration is sufficient.</p>
20.3	District allowance (Instrument)	An employee in the Northern Territory or Western Australia is entitled to payment of a district allowance in accordance with the provisions of an award or NAPSA under the Workplace Relations Act 1996 that would

Clause	Conditions Type	Description
		<p>have applied to the employee immediately prior to 1 January 2010, if the employee had at that time been in their current circumstances of employment and no agreement-based transitional instrument or enterprise agreement had applied to the employee.</p> <p>This clause ceases to operate on 31 December 2014.</p>
21	Higher duties (Instrument)	<p>An employee engaged for more than four hours during one day on duties carrying a higher minimum wage than the employee's ordinary classification must be paid the higher minimum wage for such day. If engaged for four hours or less during one day, the employee must be paid the higher minimum wage for the time so worked.</p>
23.1	Superannuation (Instrument)	<p>The award contains information on:</p> <ul style="list-style-type: none"> - the employers responsibility to make superannuation contributions to a superannuation fund - the ability for an employee to authorise their employer to pay on behalf of the employee contributions to a superannuation fund - the employers responsibility to make superannuation contributions to another superannuation fund that is chosen by the employee <p>Full details regarding superannuation are outlined within the award.</p>
24.1	Hours of work (Instrument)	<p>Maximum weekly hours and requests for flexible working arrangements are provided for in the NES set out below</p> <p>Maximum weekly hours</p> <p>An employer must not request or require an employee to work more than the following number of hours in a week unless the additional hours are reasonable:</p> <ul style="list-style-type: none"> - for a full-time employee—38 hours; or - for an employee who is not a full-time employee—the lesser of: <ul style="list-style-type: none"> - 38 hours; and - the employee's ordinary hours of work in a week. <p>The employee may refuse to work additional hours they are unreasonable.</p> <p>In determining whether additional hours are reasonable or unreasonable following must be taken into account:</p> <ul style="list-style-type: none"> - any risk to employee health and safety from working the additional hours; - the employee's personal circumstances, including family responsibilities;

Clause	Conditions Type	Description
		<ul style="list-style-type: none"> - the needs of the workplace or enterprise in which the employee is employed; - whether the employee is entitled to receive overtime payments, penalty rates or other compensation for, or a level of remuneration that reflects an expectation of, working additional hours; - any notice given by the employer of any request or requirement to work the additional hours; - any notice given by the employee of his or her intention to refuse to work the additional hours; - the usual patterns of work in the industry, or the part of an industry, in which the employee works; - the nature of the employee's role, and the employee's level of responsibility; - whether the additional hours are in accordance with averaging terms included in a modern award or enterprise agreement that applies to the employee, or with an averaging arrangement agreed to by the employer and employee. - any other relevant matter. <p>The hours an employee works in a week are taken to include any hours of leave, or absence, whether paid or unpaid, that the employee takes in the week and that are authorised:</p> <ul style="list-style-type: none"> - by the employee's employer; or - by or under a term or condition of the employee's employment; or - by or under a law of the Commonwealth, a State or a Territory, or an instrument in force under such a law.
24.2	Hours of work (Instrument)	Except as provided elsewhere in this award, the ordinary hours of work for an employee are an average of 38 hours per week but not more than 10 hours per day or 152 hours over 28 days.
24.3	Hours of work (Instrument)	<p>Day workers</p> <p>The ordinary hours of work for a day worker may be worked on any or all of the days of the week Monday to Friday. The days on which ordinary hours are worked may include Saturday and/or Sunday subject to agreement between the employer and the majority of employees concerned or between an employer and an individual employee.</p> <p>The ordinary hours of work are to be worked continuously, except for meal and rest breaks, at the discretion of the employer between the hours 5.00 am and 5.00 pm. The spread of hours (5.00 am to 5.00 pm) may be altered by up to one hour at either or both ends of the spread, by agreement between an employer and the majority of employees concerned or, in appropriate circumstances, an employer and an individual employee.</p> <p>By agreement between the employer and the majority of employees concerned the ordinary hours for a day worker may be up to 12 hours per day.</p>

Clause	Conditions Type	Description
24.4	Hours of work (Instrument)	<p>Shiftworkers</p> <p>Definitions For the purposes of this award:</p> <p>Early morning shift means a shift of ordinary hours commencing at or after 2.00 am and before 4.00 am; and</p> <p>Afternoon shift means a shift of ordinary hours finishing at or after 5.00 pm or, where the ordinary hours are extended by agreement, 6.00 pm and at or before midnight; and</p> <p>Night shift means a shift finishing after midnight and at or before 8.00 am.</p> <p>Hours of work</p> <p>The ordinary hours for a shiftworker are up to 10 hours per day, inclusive of meal breaks, Monday to Sunday. By agreement between the employer and the majority of employees concerned the ordinary hours for a shiftworker may be up to 12 hours per day, inclusive of meal breaks, Monday to Sunday.</p> <p>Shift notice</p> <p>An employee must be given at least 48 hours' notice of a requirement to work shiftwork and any alteration to their hours of work. By agreement between an employer and an employee, the notice requirement may be waived.</p> <p>The hours for a shiftworker when fixed may be varied for breakdowns or other causes beyond the control of the employer.</p>
24.4(a)	Shiftwork (Instrument)	<p>Early morning shift means a shift of ordinary hours commencing at or after 2.00 am and before 4.00 am.</p> <p>Afternoon shift means a shift of ordinary hours finishing at or after 5.00 pm or, where the ordinary hours are extended by agreement, 6.00 pm and at or before midnight.</p> <p>Night shift means a shift finishing after midnight and at or before 8.00 am.</p>
24.4(b)	Hours of work (Instrument)	<p>The ordinary hours for a shiftworker are up to 10 hours per day, inclusive of meal breaks, Monday to Sunday. By agreement between the employer and the majority of employees concerned the ordinary hours for a shiftworker may be up to 12 hours per day, inclusive of meal breaks, Monday to Sunday.</p>
24.4(e)	Shiftwork (Instrument)	<p>Shift notice</p> <p>An employee must be given at least 48 hours' notice of a requirement to work shiftwork and any alteration to their hours of work. By agreement between an employer and an employee, the notice requirement may be waived.</p>

Clause	Conditions Type	Description
		The hours for a shiftworker when fixed may be varied for breakdowns or other causes beyond the control of the employer.
25.1	Breaks - meal (Instrument)	An employee is entitled to an unpaid meal break on each day of work of not less than 30 minutes or more than 60 minutes to be taken not later than six hours after the commencement of work
25.2	Breaks - rest (Instrument)	<p>An employee is entitled to rest breaks of 10 minutes each in the forenoon and in the afternoon, without deduction of pay.</p> <p>From 23 September 2013, an employee is entitled to one rest break of ten minutes during a period of work with a duration of more than three hours and less than or equal to six hours (excluding any unpaid meal break).</p> <p>An employee is entitled to two rest breaks of 10 minutes each during a period of work with a duration of more than six hours (excluding any unpaid meal break).</p>
25.3	Crib break (Instrument)	Where shiftwork comprises consecutive shifts of at least eight hours each per day, an employee working shiftwork is entitled to a paid 20 minute crib time instead of any other meal break provided in this award.
26.2	Call-back (Instrument)	<p>An employee recalled to work overtime after leaving the employer's business premises (whether notified before or after leaving the premises) must be paid for a minimum of three hours at the overtime rates each time the employee is so recalled.</p> <p>This clause does not apply where it is customary for an employee to return to the employer's premises to perform a specific job outside the employee's ordinary hours or where the overtime is continuous, subject to a reasonable meal break, with the completion or commencement of ordinary hours.</p>
26.3	Break between work periods (Instrument)	<p>When overtime work is necessary it must, wherever reasonably practicable, be arranged so that an employee has at least 10 consecutive hours off duty between the work of successive working days.</p> <p>An employee, other than a casual employee, who works so much overtime between the termination of their ordinary hours on one day and the commencement of their ordinary hours on the next day that the employee has not had at least 10 consecutive hours off duty between those times must, subject to the other provisions of clause 26.3, be released after completion of the overtime until the employee has had 10 consecutive hours off duty without loss of pay for ordinary hours occurring during such absence.</p>

Clause	Conditions Type	Description
		These provisions apply in the case of a shiftworker as if eight hours were substituted for 10 hours when overtime is worked: - for the purpose of changing shift rosters; or - where a shiftworker does not report for duty and a day worker or a shiftworker is required to replace the shiftworker; or - where a shift is worked by arrangement between the employees themselves.
26.4(c)	Overtime - other (Instrument)	An employee required to work overtime on a Saturday or a Sunday must be paid for a minimum of three hours on a Saturday and four hours on a Sunday at the overtime rates.
27.2(a)	Annual leave (Instrument)	Definition of shiftworker For the purpose of the additional week of annual leave provided for in the Act, a shiftworker is a seven day shiftworker who is regularly rostered to work on Sundays and public holidays.
27.2(b)	Annual leave (Instrument)	Where an employee with 12 months' continuous service is engaged for part of the 12 month period as a seven day shiftworker, that employee must have their annual leave increased by half a day for each month the employee is continuously engaged as a seven day shiftworker.
27.3	Annual leave (Instrument)	An employee will be paid annual leave at the base rate of pay as prescribed by the NES.
27.4	Annual leave loading (Instrument)	In addition to the payment of the base rate of pay, during a period of annual leave an employee must be paid a loading of 17.5% calculated on the base rate of pay.
27.4	Annual leave loading (Instrument)	During a period of annual leave , if the employee would have worked shiftwork if the employee had not been on leave the employee must be paid, in addition to the payment of the base rate of pay, the higher]]] of: - a loading of 17.5% calculated on the base rate of pay; or - the shift rate including the relevant weekend penalty rate payments the employee would have received in respect of ordinary hours of work had the employee not been on leave during the relevant period.
27.5	Annual leave - excessive leave (Instrument)	If an employer has genuinely tried to reach agreement with an employee as to the timing of taking annual leave, the employer can require the employee to take annual leave by giving not less than four weeks' notice of the time when such leave is to be taken if:

Clause	Conditions Type	Description
		<ul style="list-style-type: none"> - at the time the direction is given, the employee has eight weeks or more of annual leave accrued; and - the amount of annual leave the employee is directed to take is less than or equal to a quarter of the amount of leave accrued.
27.6	Annual leave - paid leave in advance of accrued entitlement (Instrument)	By agreement between an employer and an employee a period of annual leave may be taken in advance of the entitlement accruing. Provided that if leave is taken in advance and the employment terminates before the entitlement has accrued the employer may make a corresponding deduction from any money due to the employee on termination.
27.7	Annual leave - close-down (Instrument)	<p>An employer may close down an enterprise or part of it during any period of pre-planned maintenance or the installation of machinery, provided that:</p> <ul style="list-style-type: none"> - the employer gives not less than one month's notice of the intention to do so; and - the close-down occurs on not more than one occasion per year, unless otherwise agreed between an employer and the majority of employees concerned; and - an employee who has accrued sufficient annual leave to cover the period of the close-down is allowed annual leave and also paid for that leave at the appropriate wage; and - an employee who has not accrued sufficient annual leave to cover part or all of the close-down is allowed paid annual leave for the period for which they have accrued sufficient leave, and given unpaid leave for the remainder of the close-down; and - any annual leave taken by an employee as a result of a close- also counts as service by the employee with their employer.
27.8	Annual leave (Instrument)	On termination of employment, an employee must be paid for annual leave accrued that has not been taken at the appropriate wage including annual leave loading or shift penalties if applicable.
28.2	Personal/carer's leave (Instrument)	If an employee is terminated by their employer and is re-engaged by the same employer within a period of six months then the employee's unclaimed balance of paid personal/carer's leave continues from the date of re-engagement.
30.2	Public holidays (Instrument)	By agreement between the employer and the majority of employees in the enterprise or part of the enterprise concerned, an alternative day may be taken as the public holiday instead of any of the prescribed days.

Frequency of Payment

Wages must be paid weekly, either:
according to the actual ordinary hours worked each week; or
according to the average number of ordinary hours worked each week.

Method of payment

Wages must be paid by cash, cheque or electronic funds transfer into the employee's bank or other recognised financial institution account.

IMPORTANT NOTE: Disclaimer

The Fair Work Ombudsman (FWO) is committed to providing useful, reliable information to help you understand your rights and obligations under workplace laws. The Pay and Conditions Guides are provided for that purpose.

There are factors that may affect the information contained in these Guides. These include:

- changes to pay rates, allowances, penalties or modern award provisions; eg after FWA's annual wage review which takes effect on 1 July each year
- changes to the Fair Work Act or other relevant legislation
- decisions of courts or Fair Work Australia, in particular regarding the effect of provisions in modern awards and pre-modern awards where those differ from the approach taken by the FWO.

The FWO will consider these matters and where appropriate update the Guides.

It is your responsibility to comply with workplace laws and industrial instruments that apply to you.

The information contained in these Pay and Conditions Guides is:

- general in nature and may not deal with all aspects of the law that are relevant to your specific situation; and
- not legal advice.

Therefore you may wish to seek your own independent professional advice to ensure all the factors relevant to your circumstances are properly considered.