


PAY AND CONDITIONS GUIDE

Salt Industry Award 2010 [MA000107] ('modern award')
replacing terms and conditions in or derived from

**Shark Bay Salt and Gypsum (Production and Processing)
Useless Loop Award 1989 [AN160288]** ('pre-modern award')

(WA)

Effective from 01 July 2013.

Published 20 June 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 who are engaged in the salt industry in respect of work by their employees engaged in the classifications listed in Schedule B—Classification and Structure, to the exclusion of any other modern award.

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 - Introductory	Group 5, Unskilled site duties	\$17.55
Level 1 - Introductory	Group 5, Cleaning	\$17.55
Level 1 - Introductory	Group 5, Gardener	\$17.55
Level 1 - Introductory	Group 5, Mess attendant	\$17.55
Level 1 - Introductory	Group 5, Janitor	\$17.55
Level 2 - Basic	Group 4, Sandblaster	\$18.08
Level 2 - Basic	Group 4, Backhoe/bobcat & light equipment operator	\$18.08
Level 2 - Basic	Group 4, Gardener able to carry out all horticultural work unsupervised	\$18.08
Level 2 - Basic	Group 4, Fixed plant assistant - washery & ship loader	\$18.08
Level 2 - Basic	Group 4, Plant maintenance unsupervised	\$18.08
Level 3 - Intermediate	Group 3, Mobile plant operator	\$18.79
Level 3 - Intermediate	Group 3, Welder - 2nd class	\$18.79
Level 3 - Intermediate	Group 3, Sandblaster/ painter, competent in airless/conventional spray painting without formal qualifications	\$18.79
Level 3 - Intermediate	Group 3, Employee able to carry out work on mobile & fixed plant unsupervised but lacking formal apprenticeship qualifications	\$18.79
Level 3 - Intermediate	Group 3, Store person competent in all stores work	\$18.79
Level 3 - Intermediate	Group 3, Person in charge of fixed plant	\$18.79
Level 3 - Intermediate	Group 3, Truck driver (not otherwise categorised)	\$18.79
Level 4 - Competent	Group 2, Plant operator	\$19.47
Level 4 - Competent	Group 2, Experienced Cook	\$19.47
Level 4 - Competent	Group 2, Mobile crane driver	\$19.47
Level 4 - Competent	Group 2, Driller	\$19.47
Level 4 - Competent	Group 2, Store person	\$19.47
Level 4 - Competent	Group 2, Haul truck driver	\$19.47
Level 4 - Competent	Group 2, Licensed rigger/ scaffolder	\$19.47
Level 5 - Advanced	Group 1, Automotive electrical fitter	\$20.31
Level 5 - Advanced	Group 1, Electrical fitter	\$20.31
Level 5 - Advanced	Group 1, Boilermaker	\$20.31
Level 5 - Advanced	Group 1, Plumber	\$20.31
Level 5 - Advanced	Group 1, Carpenter	\$20.31
Level 5 - Advanced	Group 1, Motor mechanic	\$20.31

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Level 5 - Advanced	Group 1, Sandblaster/Spray painter with trade qualifications	\$20.31
Level 5 - Advanced	Group 1, Qualified cook	\$20.31
Level 5 - Advanced	Group 1, Engine driver (power house)	\$20.15
Level 5 - Advanced	Group 1, Electrician	\$20.31
Level 5 - Advanced	Group 1, Advanced truck driver	\$20.31
Level 5 - Advanced	Group 1, Plant operator	\$20.31
Level 5 - Advanced	Group 1, Horticulturist	\$20.31

Casual

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Level 1 - Introductory	Not applicable	\$21.56 (24%)
Level 2 - Basic	Not applicable	\$22.08 (24%)
Level 3 - Intermediate	Not applicable	\$22.81 (24%)
Level 4 - Competent	Not applicable	\$23.52 (24%)
Level 5 - Advanced	Not applicable	\$24.29 (24%)

NOTE: Although an employee's occupation type or classification may be covered by both the modern award and the pre-modern award, in some circumstances casual employees are covered by the modern award only. Where the table above states 'Not applicable', the pre-modern award did not provide a casual employment category for that classification. Where this is the case, wage rates for these employees will phase from the Federal Minimum Wage (\$14.31 per hour) and the default casual loading (20%) as at 01 January 2010.

Junior

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

Apprentice

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

Please note: This modern award contains special provisions for school based apprentices; these rates are not set out in this guide. For information about transitional rates for these employees please visit www.fairwork.gov.au and/or contact the **Fair Work Infoline** on **13 13 94**.

Trainee

This modern award incorporates trainee rates derived from the National Training Wage Schedule (NTW Sch.), as adjusted from time to time.

Supported Wage

Please refer to clause 14.5 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	1/07/2014	1/07/2010
Pre-modern award penalty	Modern award penalty	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%
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%)
10.00%	8.00%
20.00%	16.00%
25.00%	20.00%
50.00%	40.00%
75.00%	60.00%
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

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
15.2(a)	Leading hand allowance	A leading hand must be paid an allowance if in charge of 3 to 10 employees. (686.2/38 x 2.35%)	1/07/2013	\$0.4480 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). (2.35%)
15.2(a)	Leading hand allowance	A leading hand must be paid an allowance if in charge of 11 to 20 employees. (686.2/38 x 3.92%)	1/07/2013	\$0.7474 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). (3.92%)
15.2(a)	Leading hand allowance	A leading hand must be paid an allowance if in charge of more than 20 employees.	1/07/2013	\$0.8980 per hour.

Clause	Allowance Type	Description	Effective Date	Rate
		(686.2/38 x 4.71%)		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). (4.71%)
15.2(c)	First aid allowance	An employee who holds first aid qualifications from St Johns ambulance or equivalent, and is appointed by the employer to take part in the emergency response team or to perform first aid duty will be paid an allowance. (686.2/38 x 2%)	1/07/2013	\$0.3813 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). (2.00%)
15.3	Industry allowance	All purpose allowance expressed as per week. The industry allowance of 2.5% of the standard rate per week is an all purpose payment for all aspects of work in the industry including the location and nature of salt industry operations, salt and chemical particles in the air, dust, glare from bulk salt and heat.	1/07/2013	\$0.4766 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). (2.50%)

Clause	Allowance Type	Description	Effective Date	Rate
15.4(a)	Vehicle allowance	An employee who uses their own motor vehicle by agreement with the employer will be paid an allowance.	1/07/2013	\$0.7600 per kilometre
15.4(b)	Meal allowance	An employee required to work more than two hours overtime will be paid a meal allowance. This allowance is not paid if the employer provides a meal or the facilities to make a meal or if the employee is notified no later than the previous day or shift that overtime is required on the next shift.	1/07/2013	\$12.9800 per meal

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)	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: - arrangements for when work is performed - overtime rates - penalty rates - allowances

Clause	Conditions Type	Description
		<p>- leave loading.</p> <p>Other conditions concerning award flexibility are contained within the Fair Work Act 2009.</p>
8	Consultation (Instrument)	<p>The award contains information on the employer's responsibility to consult regarding major workplace change including the:</p> <ul style="list-style-type: none"> - duty to notify, and - duty to discuss change.
10.2	Part-time conditions (Instrument)	<p>A part-time employee will 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 full-time employees who do the same kind of work.</p> <p>An employer must inform a part-time employee of the ordinary hours of work and starting and finishing times. All time worked in excess of these hours will be paid at the appropriate overtime rate.</p>
9	Dispute resolution (Instrument)	<p>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).</p>
10.3	Casual conditions (Instrument)	<p>A casual employee's minimum hours per shift will be four hours.</p> <p>The casual rate of pay is an all purpose rate of pay.</p> <p>A casual loading is paid instead of annual leave, personal / carer's leave, notice of termination, redundancy benefits and the other attributes of full time or part time employment.</p>
11.2	Termination of employment - notice of termination by an employee (Instrument)	<p>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.</p>
11.3	Termination of employment - job search entitlement	<p>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.</p>

Clause	Conditions Type	Description
	(Instrument)	
12.2	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.
12.3	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.
12.4	Redundancy - job search entitlement (Instrument)	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. 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.
12.5	Redundancy - transitional provisions (Instrument)	An employee is entitled to redundancy pay in accordance with the NAPSA that would have applied immediately prior to 1 January 2010 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. The entitlement to redundancy pay under the NAPSA is limited to the amount which exceeds the entitlement under the NES. This clause does not reduce an employee's entitlement to redundancy pay under any other instrument and ceases to operate on 31 December 2014.
15.2(b)	Higher duties (Instrument)	An employee required to work at a higher level for more or less than two hours on any day will be paid at the higher rate for all time worked on the day.
16	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, providing that employee was not bound by an agreement under that Act.</p> <p>This clause ceases to operate on 31 December 2014.</p>
17.2	Payment of wages (Instrument)	An employer may deduct from any amount required to be paid to an employee under this clause the amount of any overpayment of wages or allowances.
18.1	Annualised salary arrangements (Instrument)	<p>An employer may pay an employee an annual salary in lieu of any or all of the following provisions including minimum wages, allowances, overtime and penalty rates, and annual leave loading.</p> <p>Where an annual salary is paid the employer must advise the employee in writing of the annual salary that is payable and which of the above provisions of this award the annual salary is in lieu of.</p> <p>Annual salary should not disadvantage employees.</p> <p>The annual salary must be no less than the amount the employee would have received under this award for the work performed over the year for which the salary is paid (or if the employment ceases earlier over such lesser period as has been worked).</p> <p>The annual salary of the employee must be reviewed by the employer at least annually to ensure that the compensation is appropriate.</p>
19	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 their behalf contributions to a superannuation fund - the employers responsibility to make superannuation contributions to another superannuation fund that is chosen by the employee.
20	Hours of work (Instrument)	<p>A full-time employee's ordinary hours of work will be an average of 38 hours per week.</p> <p>Employees other than shift workers</p>

Clause	Conditions Type	Description
		<p>An may be required to work up to 10 ordinary hours per day, between the hours of 6.00 am and 6.00 pm, Monday to Friday.</p> <p>By agreement with majority of affected employees, the spread of hours may be altered and the maximum daily ordinary hours may be altered up to 12 hours.</p> <p>Where employees were required and rostered to work 12 hour shifts before 1 January 2010 these may continue for both existing and new employees.</p> <p>Shiftworkers</p> <p>Shiftworkers may be required to work a shift of up to 10 ordinary hours (including meal breaks) in a row. Shiftwork may be worked on any or all days of the week.</p> <p>By agreement with majority of affected employees, the maximum daily ordinary hours may be altered up to 12 hours.</p> <p>Where shiftworkers were required and rostered to work 12 hour shifts before 1 January 2010 these may continue for both existing and new employees.</p> <p>Cycle work</p> <p>Employees may work on a work cycle made up of working and non-working days. The total ordinary hours of work must not exceed 38 hours multiplied by the total number of working (on-duty period) and non-working (off-duty period) days in the cycle, divided by seven.</p> <p>The on-duty period commences at the beginning of work at the workplace. The off-duty period commences when work ends.</p> <p>Summer time</p> <p>Where, by reason of legislation, daylight savings is in operation, the length of any shift:</p> <ul style="list-style-type: none"> - beginning before the time prescribed by the relevant legislation for the beginning of daylight savings; and

Clause	Conditions Type	Description
		<p>- beginning on or before the time prescribed by such legislation for the end of daylight savings, will be deemed to be the number of hours represented by the differences between the time recorded by the clock at the beginning of the shift and the time so recorded at the end of the shift, the time of the clock in each case to be set to the time fixed by relevant legislation.</p>
21	Hours of work (Instrument)	An employee's weekly hours may be averaged over a period of up to 26 weeks.
22.1	Breaks (Instrument)	<p>An employee, other than a shiftworker, is entitled to an unpaid meal break of at least 30 minutes after every five hours worked.</p> <p>A shiftworker working for 10 hours or less will be entitled to a paid meal break of 20 minutes per shift. If working longer than 10 hours, the shiftworker will be entitled to a paid meal break of 40 minutes per shift.</p> <p>Breaks will be scheduled by the employer to provide continuity of service, the employer will not normally require an employee work five hours without a meal break.</p> <p>Employees may be required to attend a breakdown during a regular meal break at ordinary rates of pay for the purposes of repairing a breakdown, or conducting routine maintenance that can only be done while the plant is idle.</p>
22.2	Breaks (Instrument)	<p>An employee may take a paid rest break of 20 minutes after each four hours of overtime worked, if the employee is required to continue work after the rest break.</p> <p>The employer and an employee may agree to vary this to meet the workplace needs, provided that the employer is not required to pay more or less than what this entitlement provides.</p>
22.3	Break between work periods (Instrument)	<p>Employees other than shiftworkers</p> <p>When overtime work is done it must, wherever reasonably practicable, be arranged so that employees have at least 10 consecutive hours off work between work.</p> <p>An employee (other than a casual employee) who works so much overtime between work that they have not had at least 10 hours off work they must be released for 10 hours off work without loss of pay.</p> <p>Shiftworkers</p>

Clause	Conditions Type	Description
		Shift workers are required an 8 hour break between shifts as above.
23.1(b)	Recall (Instrument)	An employee recalled to work overtime after leaving the employer's premises (whether notified before or after leaving the premises) will be engaged to work for a minimum of four hours or will be paid for a minimum of four hours work.
23.4	Overtime – time off in lieu (Instrument)	<p>An employee may elect, by agreement with the employer, to take time off instead of payment for overtime at a time or times agreed with the employer.</p> <p>The employee may take one hour of time off for each hour of overtime, paid at the employee's ordinary hourly base rate of pay.</p>
24	Rostering (Instrument)	<p>An employer may vary an employee's or shiftworker's days of work or start and finish times to meet the needs of the business by giving at least 48 hours' notice, or such shorter period as is agreed between the employer and the employee or shiftworker.</p> <p>Aside from these provisions, an employer may vary or suspend any roster arrangement immediately in the case of an emergency.</p>
25.3	Annual leave - payment (Instrument)	<p>The amount to be paid to an employee prior to going on leave must be worked out on the basis of what the employee would have been paid for working ordinary hours during the period of annual leave, including loadings, penalties and allowances paid for all purposes.</p> <p>The employee is not entitled to payments in respect of overtime, or any other payment which might have been payable to the employee as a reimbursement for expenses incurred.</p>
25.4	Annual leave loading (Instrument)	When an employee takes a period of paid annual leave, the employee will be paid an annual leave loading of 17.5% in addition to the payment provided under 'Annual leave - payment' within the 'Other conditions' section.
25.5	Annual leave - close-down (Instrument)	An employer may direct an employee to take paid annual leave during all or part of a period where the employer shuts down the business or part of the business where the employee works. If an employee does not have enough accrued annual leave for the period of the shut-down, then the employee may be required to take leave without pay.

Clause	Conditions Type	Description
25.6	Annual leave - excessive leave (Instrument)	<p>An employer may direct an employee to take paid annual leave if the employee has accrued more than eight weeks or, for a continuous shiftworker 10 weeks, paid annual leave, and the employer and employee are unable to reach agreement on the taking of the leave.</p> <p>An employer must give an employee at least 28 days' notice prior to the date the employee is required to commence the leave.</p>
25.7	Annual leave (Instrument)	An employer and employee may agree that the employee can take a longer period of paid leave by reducing the amount of payment. For example, it may be agreed that the leave period is doubled and taken on half pay.
25.8	Annual leave - paid leave in advance of accrued entitlement (Instrument)	<p>An employee may agree with their employer to take annual leave in advance of accruing such entitlement. Where this occurs, the employee's leave balance will be reduced by the amount of leave taken in advance as the employee's entitlement to paid annual leave accrues.</p> <p>The employer may deduct from the employee's termination payments, leave taken in advance where the entitlement to that leave has not accrued as at the date of termination.</p>
28.2	Substitution of public holidays (Instrument)	An employer and a majority of affected employees or an individual employee may reach agreement in writing to substitute a day or part-day for a day or part-day that would otherwise be a public holiday under terms of the National Employment Standards.
Schedule E	Other (Instrument)	<p>This schedule provides information regarding school based apprentices, in particular:</p> <ul style="list-style-type: none"> - minimum wages; - off-the-job training; - duration; and - other relevant information <p>Further information can be found in Schedule E of the current version of the award.</p>

Frequency of Payment

The employer will pay wages, penalties and allowances at a frequency of not longer than monthly by electronic funds transfer into the employee's bank (or other recognised financial institution) account nominated by the employee.

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.