

### PAY AND CONDITIONS GUIDE

**Pharmacy Industry Award 2010 [MA000012]** ('modern award')  
replacing terms and conditions in or derived from

**Community Pharmacy (State) Award 2001 [AN120152]** ('pre-modern award')

**(NSW)**

Effective from 01 July 2013.

Published 24 October 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 award covers employers throughout Australia in the community pharmacy industry, and their employees in the classifications listed in this award to the exclusion of any other modern award. The award does not cover employment in a pharmacy owned by a hospital or other public institution, or operated by government, where their goods or services are not sold by retail to the general public.

**Community pharmacy** means any business conducted by the employer in premises:

- that are registered under the relevant State or Territory legislation for the regulation of pharmacies, or
  - are located in a State or Territory where no legislation operates to provide for the registration of pharmacies,
- and
- that are established either in whole or in part for the compounding or dispensing of prescriptions or vending any medicines or drugs and
  - where other goods may be sold by retail.

The award does not cover:

- an employee excluded from award coverage by the Fair Work Act 2009 (the Act).
- an employee 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 community pharmacy industry 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 award covers employers which provide group training services for trainees engaged in the community pharmacy industry and/or parts of the community pharmacy industry 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.

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 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](http://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](http://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.

### **New South Wales Full & Part Time Pharmacy students**

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
1st year of course	Pharmacy Student, First year of course	\$17.69
2nd year of course	Pharmacy Student, Second year of course	\$18.08
3rd year of course	Pharmacy Student, Third year of course	\$18.84

### **Pharmacy interns**

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
1st half of training	Pharmacist Trainee, First 6 months	\$19.92
2nd half of training	Pharmacist Trainee, 6 months or more	\$20.61

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Pharmacist	Pharmacist	\$23.53
Pharmacist	Pharmacist after first year of experience	\$23.74
Experienced pharmacist	Experienced Pharmacist	\$25.77
Pharmacist in charge	Pharmacist in Charge, Grade 1	\$26.37
Pharmacist in charge	Pharmacist in Charge, Grade 2	\$26.37
Pharmacist in charge	Pharmacist in Charge, Grade 3	\$26.70
Pharmacist manager	Pharmacist Manager, Grade 1	\$29.39
Pharmacist manager	Pharmacist Manager, Grade 2	\$29.61
Pharmacist manager	Pharmacist Manager, Grade 3	\$29.83

### **Casual Pharmacy students**

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
1st year of course	Pharmacy Student, First year of course	\$21.93 (24%)
2nd year of course	Pharmacy Student, Second year of course	\$22.42 (24%)
3rd year of course	Pharmacy Student, Third year of course	\$23.36 (24%)

### **Pharmacy interns**

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
1st half of training	Pharmacist Trainee, First 6 months	\$24.70 (24%)
2nd half of training	Pharmacist Trainee, 6 months or more	\$25.56 (24%)

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Pharmacist	Pharmacist	\$29.17 (24%)

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Pharmacist	Pharmacist after first year of experience	\$29.44 (24%)
Experienced pharmacist	Experienced Pharmacist	\$31.95 (24%)
Pharmacist in charge	Pharmacist in Charge, Grade 1	\$32.70 (24%)
Pharmacist in charge	Pharmacist in Charge, Grade 2	\$32.70 (24%)
Pharmacist in charge	Pharmacist in Charge, Grade 3	\$33.11 (24%)
Pharmacist manager	Pharmacist Manager, Grade 1	\$36.44 (24%)
Pharmacist manager	Pharmacist Manager, Grade 2	\$36.71 (24%)
Pharmacist manager	Pharmacist Manager, Grade 3	\$36.98 (24%)

### **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.

### **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 23 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.

<b>1/01/2010</b>	<b>1/07/2014</b>	<b>1/07/2010</b>
<b>Pre-modern award penalty</b>	<b>Modern award penalty</b>	<b>Penalty rate (phased)</b>
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:

<b>First full pay period on or after</b>	<b>Percent of modern award loading/penalty</b>
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:

<b>First full pay period on or after</b>	<b>Percent of pre-modern award loading/penalty</b>
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.

<b>1/01/2014</b>	<b>1/07/2010</b>
<b>Modern award penalty</b>	<b>Penalty rate (phased)</b>
	<b>(20.00%)</b>
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%

<b>1/01/2010</b>	<b>1/07/2010</b>
<b>Pre-modern award penalty</b>	<b>Penalty rate (phased)</b>
	<b>(80.00%)</b>
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:

<b>First full pay period on or after</b>	<b>Percent of modern award loading/penalty</b>
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.

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

For more information about transitional arrangements for loading/penalty entitlements please visit [www.fairwork.gov.au](http://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**

<b>Clause</b>	<b>Allowance Type</b>	<b>Description</b>	<b>Effective Date</b>	<b>Rate</b>
19.1(a)	Meal allowance	<p>An employee who has worked six hours or more during ordinary time and who is then consecutively required to work overtime, or after the employee's ordinary time of ending work, for more than one and a half hours shall be either supplied with an adequate meal by the employer or paid a meal allowance.</p> <p>This provision shall not apply in circumstances where the employer has advised the employee of the requirement to work overtime on the previous day.</p> <p>No meal allowance will be payable where any employee could reasonably return home for a meal within the period allowed.</p> <p>No meal allowance will be payable where the additional hours are agreed hours as per the provisions relating to part time employees.</p>	1/10/2013	\$16.7800 per meal
19.1(a)	Meal allowance	<p>An employee who has worked six hours or more during ordinary time and who is then consecutively required to work overtime, or after the employee's ordinary time of ending work, for more than one and a half hours shall be either supplied with an adequate meal by the employer or paid a meal allowance.</p> <p>This provision shall not apply in circumstances where the employer has advised the employee of the requirement to work overtime on the previous day.</p>	1/07/2013 - 30/09/2013	\$16.7800 per meal

Clause	Allowance Type	Description	Effective Date	Rate
		No meal allowance will be payable where any employee could reasonably return home for a meal within the period allowed.		
19.1(a)	Meal allowance	Where overtime work exceeds four hours a further meal allowance applies.	1/07/2013	\$15.0300 per meal
19.3(b)	Laundry	Where an employee is required to launder any special uniform, dress or other clothing, the employer will arrange for its cleaning or the employee will be paid an allowance.	1/01/2010 - 30/09/2013	\$6.1000 per week.
19.5	Transport allowance	Where an employer requests an employee to use their own motor vehicle in the performance of their duties	1/07/2013	\$0.7600 per kilometre
19.7(c)	District allowance	An employee in the County of Yancowinna in NSW (Broken Hill) shall in addition to all other payments be paid an allowance for the exigencies of working in Broken Hill of 4.28% of the standard rate.	1/07/2013	\$0.8160 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). (4.28%)

### Full Time

Clause	Allowance Type	Description	Effective Date	Rate
19.3(b)	Laundry	Where an employee is required to launder any special uniform, dress or other clothing, the employer who provided that special	1/10/2013	\$6.2500 per week.

Clause	Allowance Type	Description	Effective Date	Rate
		clothing will arrange for its cleaning or the employee will be paid an allowance.		

### Part Time, Casual

Clause	Allowance Type	Description	Effective Date	Rate
19.3(b)	Laundry	Where an employee is required to launder any special uniform, dress or other clothing, the employer who provided that special clothing will arrange for its cleaning or the employee will be paid an allowance.	1/10/2013	\$1.2500 per shift

### 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](http://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:

Clause	Conditions Type	Description
		<ul style="list-style-type: none"> <li>- arrangements for when work is performed</li> <li>- overtime rates</li> <li>- penalty rates</li> <li>- allowances</li> <li>- leave loading.</li> </ul> <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"> <li>- duty to notify, and</li> <li>- duty to discuss change.</li> </ul>
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>
12	Part-time conditions (Instrument)	<p>At the time of engagement, the employer and the part-time employee will agree, in writing, on a regular pattern of work, specifying at least:</p> <ul style="list-style-type: none"> <li>- the hours worked each day</li> <li>- which days of the week the employee will work</li> <li>- the actual starting and finishing times of each day</li> <li>- that any variation will be in writing</li> <li>- that they minimum daily engagement is 3 hours</li> <li>- all time worked in excess of agreed hours is paid at the overtime rate, and</li> <li>- the times of taking and the duration of meal breaks.</li> </ul> <p>Any agreement to vary the regular pattern of work will be made in writing before the variation occurs. Any agreement to vary the agreed hours may also be either a permanent agreed variation to the pattern of work or may be a temporary agreed variation, eg. a single shift or roster period. Such a variation shall be agreed hours for the purposes of all time worked in excess of agreed hours being paid at the overtime rate.</p>

Clause	Conditions Type	Description
		<p>The agreement and variation to it will be retained by the employer and a copy given by the employer to the employee.</p> <p>An employer is required to roster a part-time employee for a minimum of 3 consecutive hours on any shift.</p> <p>A part-time employee will be entitled to payments in respect of annual leave, public holidays, personal/ carer's leave and compassionate leave arising under the NES, or this award, on a proportionate basis. Subject to the provisions contained in this clause all other provisions of the award relevant to full-time employees will apply to part-time employees.</p> <p><b>Conversion of existing employees</b></p> <p>No full-time or casual employee will be transferred by an employer to part-time employment without the written consent of the employee. Provided that where such transfer occurs all leave entitlements accrued will be deemed to be continuous. A full-time employee who requests part-time work and is given such work may revert to full-time employment on a specified future date by agreement with the employer and recorded in writing.</p> <p><b>Additional hours as casual hours</b></p> <p>A part-time employee who has worked their agreed hours may agree to work additional hours which are not reasonably predictable up to the daily, weekly or fortnightly maximum ordinary hours of work provided by the award, as a casual employee and subject to the casual employee provisions of this award.</p>
12.8	Roster (Instrument)	A part-time employee's roster, but not the agreed number of hours, may be altered by the giving of notice in writing of seven days or in the case of an emergency, 48 hours, by the employer to the employee. The rostered hours of part-time employees may also be altered at any time by mutual agreement between the employer and the employee. Rosters will not be changed from week to week, or fortnight to fortnight, nor will they be changed to avoid any award entitlements.
13	Casual conditions (Instrument)	The minimum daily engagement of a casual is 3 hours.
14.2	Termination of employment - notice of	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

<b>Clause</b>	<b>Conditions Type</b>	<b>Description</b>
	termination by an employee (Instrument)	employer may withhold from any monies due on termination, the difference between the amount of notice required and the amount of notice actually given.
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 - 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.
15.3	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 under this clause had they remained in employment until the expiry of the notice, but is not entitled to payment instead of notice.
15.4	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.
15.5	Redundancy - transitional provisions (Instrument)	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.  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.

Clause	Conditions Type	Description
19.3	Clothing, footwear and/or equipment (Instrument)	Where the employer requires an employee to wear any protective or special clothing such as a uniform dress or other clothing then the employer will reimburse the employee for any cost of purchasing such clothing and the cost of replacement items, when replacement is due to normal wear and tear. This provision will not apply where the special clothing is supplied and/or paid for by the employer.
19.4	Transfer of employee (Instrument)	Where any employer transfers an employee from one township to another, the employer will be responsible for and will pay the whole of the moving expenses, including fares and transport charges, for the employee and the employee's family.
19.6	Transport of employees (Instrument)	Where an employee commences and/or ceases work after 10.00 pm on any day or prior to 7.00 am on any day and the employee's regular means of transport is not available and the employee is unable to arrange their own alternative transport, the employer will reimburse the employee for the cost of a taxi fare from the place of employment to the employee's usual place of residence. This will not apply if the employer provides or arranges proper transportation to and or from the employee's usual place of residence at no cost to the employee.
19.7	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 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 payment of a district allowance.  This clause ceases to operate on 31 December 2014.
20	Accident pay (Instrument)	<b>Accident make-up pay</b>  The award contains provisions in relation to accident make-up pay. These provisions only apply in Victoria and cease to apply on 31 December 2014.
20.12	Accident pay (Instrument)	An employee is entitled to accident pay in accordance with the terms of:  - a NAPSA that would have applied to the employee immediately prior to 1 January 2010 or an award made under the Workplace Relations Act 1996 (Cth) that would have applied to the employee immediately

Clause	Conditions Type	Description
		<p>prior to 27 March 2006, if the employee had at that time been in their current circumstances of employment and no agreement made under the Workplace Relations Act 1996 (Cth) had applied to the employee, and</p> <p>- that would have entitled the employee to accident pay in excess of the employee's entitlement to accident pay, if any, under any other instrument.</p> <p>The employee's entitlement to accident pay under the NAPSA or award is limited to the amount of accident pay which exceeds the employee's entitlement to accident pay, if any, under any other instrument.</p> <p>This clause does not reduce an employee's entitlement to accident pay under any other instrument and ceases to operate on 31 December 2014.</p>
21	Superannuation (Instrument)	<p>The award contains information on:</p> <ul style="list-style-type: none"> <li>- the employers responsibility to make superannuation contributions to a superannuation fund</li> <li>- the ability for an employee to authorise their employer to pay on their behalf contributions to a superannuation fund</li> <li>- the employers responsibility to make superannuation contributions to another superannuation fund that is chosen by the employee</li> </ul> <p>Full details regarding superannuation are outlined within the award.</p>
25	Hours of work (Instrument)	<p>Ordinary hours may be worked from 7.00am to midnight, Monday to Sunday.</p> <p>Hours of work on any day will be continuous, except for rest pauses and meal breaks and must not be more than 12 hours per day.</p> <p>A full-time employee will be rostered for an average of 38 hours per week, worked in any of the following forms:</p> <ul style="list-style-type: none"> <li>(a) 38 hours in one week or</li> <li>(b) 76 hours in two consecutive weeks.</li> </ul>
25.4	Rostering (Instrument)	<p>The following roster requirements shall apply to permanent employees:</p>

Clause	Conditions Type	Description
		<p>- Ordinary hours will be worked so as to provide an employee with two consecutive days off each week or three consecutive days off in a two week period.</p> <p>- Ordinary hours and any reasonable additional hours may not be worked over more than six consecutive days.</p> <p>- Ordinary hours may not be worked over more than five days in a week, provided that ordinary hours may be worked on six days in one week where ordinary hours are worked on no more than four days in the following week.</p> <p>- An employee who regularly works Sundays will be rostered so as to have three consecutive days off each four weeks and the consecutive days off will include Saturday and Sunday.</p> <p>A requirement will not apply where the employee requests in writing and the employer agrees to other arrangements, which are to be recorded in the time and wages records. It cannot be made a condition of employment that an employee make such a request.</p> <p>An employee can terminate the agreement by giving four weeks' notice to the employer. The notice need not be given where the agreement terminates on an agreed date or at the end of an agreed period. For the avoidance of doubt this provision does not apply to part-time employees' agreed pattern of work provision in award.</p> <p>The rostering provision relating to employee who regularly works Sunday does not apply to a part-time employee whose agreed hours provides that the employee will work on either or both Saturday and Sunday each week and where the agreement provides that the employee will have at least two consecutive days off work each week.</p>
26.1	Overtime - other (Instrument)	<p><b>Reasonable overtime</b></p> <p>An employer may require an employee other than a casual to work reasonable overtime at overtime rates in accordance with the provisions of this clause.</p> <p>An employee may refuse to work overtime in circumstances where the working of such overtime would result in the employee working hours which are unreasonable having regard to:</p> <ul style="list-style-type: none"> <li>(i) any risk to employee health and safety;</li> <li>(ii) the employee's personal circumstances including any family responsibilities;</li> </ul>

Clause	Conditions Type	Description
		<p>(iii) the needs of the workplace or enterprise;            (iv) the notice (if any) given by the employer of the overtime and by the employee of their intention to refuse it; and            (v) any other relevant matter.</p>
26.3	Overtime – time off in lieu (Instrument)	<p>Time off instead of payment for overtime may be provided if an employee so elects and it is agreed by the employer.</p> <p>Such time off instead will be taken at a mutually convenient time and within four weeks of the overtime being worked or, where agreed between the employee and the employer, may be accumulated and taken as part of annual leave.</p> <p>Time off instead of payment will equate to the overtime rate i.e. if the employee works one hour overtime and elects to take time off instead of payment the time off would equal one and a half hours or, where the rate of pay for overtime is double time, two hours.</p>
27	Annualised salary arrangements (Instrument)	<p>An annualised salary for pharmacist employees may be developed. Such salary may be inclusive of overtime, penalty rates, payments for public holidays taken, annual leave taken, annual leave loading, meal allowance and meal break on call entitlements. Provided that the annual salary paid over a year was sufficient to cover what the employee would have been entitled to if all award entitlements had been complied with when calculated on an individual basis according to the hours worked.</p> <p>Provided that in the event of termination of employment prior to completion of a year the salary paid during such period of employment will be sufficient to cover what the employee would have been entitled to if all award entitlements had been complied with.</p> <p>The employer shall keep a daily record of hours worked by the employee which shall show the date and start and finish times of the employee for the day. The record shall be countersigned weekly by the employee and shall be kept at the place of employment for a period of at least six years.</p> <p>The employee may be represented in the discussions in relation to the making of an Agreement by either their union or nominated representative, and any agreement reached must be recorded in writing, and a copy retained by the employer.</p>

Clause	Conditions Type	Description
28	Breaks - rest (Instrument)	<p>All employees working four or more ordinary hours on any day will be entitled to a 10 minute paid rest pause.</p> <p>All employees working more than five hours on any day will be entitled to an unpaid meal break of not less than 30 minutes and no greater than one hour duration plus a 10 minute paid rest pause.</p> <p>All employees working 7.6 or more hours on any day will be entitled to an unpaid meal break of not less than 30 minutes and no greater than one hour duration plus two 10 minute paid rest pauses.</p> <p>Provided that:</p> <ul style="list-style-type: none"> <li>- the meal breaks are to be taken after at least 2.5 hours and not later than five hours work:</li> <li>- the rest pauses are not to be taken in the first hour of work or in the first hour after the meal break.</li> </ul>
29.2	Annual leave (Instrument)	<p><b>Definition of shiftworker</b></p> <p>For the purpose of the additional week of annual leave provided for in the NES, a “shiftworker” is a seven day shiftworker who is regularly rostered to work on Sundays and public holidays in a business in which shifts are continuously rostered 24 hours a day for seven days a week.</p>
29.3	Annual leave loading (Instrument)	<p>Annual leave loading payment is payable as follows:</p> <p>Day work: Employees who would have worked on day work only had they not been on leave – 17.5% or the relevant weekend penalty rates, whichever is the greater but not both.</p> <p>Shiftwork: Employees who would have worked on shiftwork had they not been on leave – a loading of 17.5% or the shift loading (including relevant weekend penalty rates) whichever is the greater but not both.</p>
29.4	Annual leave - paid leave in advance of accrued entitlement (Instrument)	<p>The employee may take leave before it has accrued, if the employer agrees. If employment is terminated before the employee has accrued enough leave to make up for what they have already taken then the employer can deduct the relevant amount from any termination payment.</p>

<b>Clause</b>	<b>Conditions Type</b>	<b>Description</b>
30.2	Personal leave (Instrument)	An employee is entitled to a maximum of one single day absence a year for leave as a result of being unfit for work because of personal illness or injury without being required to provide a statutory declaration as to the reasons for such absence. Where any absence exceeds three consecutive days the employer may require the production of a medical certificate of a legally qualified medical practitioner.
30.3	Personal leave (Instrument)	Casual employees are entitled to be not available for work or to leave work to care for a person who is sick and requires care and support or who requires care due to an emergency. Such leave is unpaid. A minimum of 48 hours absence is allowed by right with additional absence by agreement. An employer must not fail to re-engage a casual employee because the employee has accessed the entitlement under this clause.
31.2	Public holidays (Instrument)	An employer and the employees may agree to substitute another day for a public holiday. Where there is no agreement, the employer may substitute another day but not so as to give an employee less time off work than the employee would have had if the employee had received the public holiday.
A.8	Casual conditions (Instrument)	<p><b>Transitional arrangements for casual employees</b></p> <p>Where an employee is engaged as a casual employee and paid as such immediately prior to the commencement of this award on 1 January 2010 they shall be deemed to be a casual employee within the definition of this award until 1 July 2014, notwithstanding that they may have an expectation or entitlement to reasonably predictable hours of work.</p> <p>On 1 July 2010 and each anniversary thereafter, either the employee or the employer may elect to convert such a casual employee, who has an expectation or entitlement to reasonably predictable hours of work, to permanent employment. The consent of the other party is not required.</p> <p>On 1 July 2014, this transitional arrangement will cease and all employees deemed casual by this Award who have an expectation or entitlement to reasonably predictable hours of work shall be converted to permanent employment.</p>

## **Frequency of Payment**

Wages will be paid weekly or fortnightly according to the actual hours worked for each week or fortnight.

**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.