

### PAY AND CONDITIONS GUIDE


#### **Joinery and Building Trades Award 2010 [MA000029]** ('modern award')

replacing terms and conditions in or derived from

#### **Industrial Spraypainting and Sandblasting Award 1991 [AN160180]** ('pre-modern award')

**(WA)**

Effective from 01 July 2012.

Published 24 April 2014 

#### **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 2012. 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 of employees in the joinery and building trades industries and occupations who are covered by the classifications in this award and those employees. However, this award does not cover:

- an employer who is outside the scope of clause 4.8(a) unless such employer employs an employee covered by clause 4.8(b) and the employer is not covered by another modern award containing a classification which is more appropriate to the work performed by the employee;
- an employee excluded from award coverage by the Act;
- employers or employees engaged in the manufacture of glass from raw materials;
- employers or employees covered by the Building and Construction General On-site Award 2010; or
- employers or employees covered by the Vehicle Manufacturing, Repair, Services and Retail Award 2010.

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.

The 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.

This award covers any employer which supplies labour on an on-hire basis in the industry (or industries) set out in clause 4.8(a) 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 (or those industries).

This award covers any employer which supplies on-hire employees in occupations set out in clause 4.8(b) covered by classifications in this award and those on-hire employees, if the employer is not covered by another modern award containing a classification which is more appropriate to the work performed by the employee.

Clauses 4.4 and 4.5 operate subject to the exclusions from coverage in this award.

This award covers employers which provide group training services for apprentices and/or trainees engaged in the industry (or industries), parts of industry and/or occupations set out at clauses 4.8(a) and 4.8(b) and those apprentices and/or 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. Clause 4.7 operates subject to the exclusions from coverage in this award.

**Joinery and building trades industries and occupations** means:

the following industries:

- joinery work

- shopfitting
- prefabricated building
- stonemasonry
- glass and glazing contracting
- glass and glazing work

the following occupations:

- carver
- letter cutter
- carpenter
- joiner
- signwriter
- painter
- stonemason
- plasterer

## **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 2012 until the final pay period before 01 July 2013 only.

## **Full & Part Time**

**Other than joinery, shopfitting, stonemasonry or outside work**

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Level 5	Painter	\$19.02
Level 5	Spray painter	\$19.02
Level 5	Sandblaster	\$19.02
Level 5	Shot blaster	\$19.02

**Casual**

**Other than joinery, shopfitting, stonemasonry or outside work**

<b>Modern award classification</b>	<b>Pre-modern award classification</b>	<b>Base rate of pay (hourly)</b>
Level 5	Painter	\$23.39 (23%)
Level 5	Spray painter	\$23.39 (23%)
Level 5	Sandblaster	\$23.39 (23%)
Level 5	Shot blaster	\$23.39 (23%)

**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](http://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 22 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 Modern award penalty	1/07/2010 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 Pre-modern award penalty	1/07/2010 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%

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

Clause	Allowance Type	Description	Effective Date	Rate
24.1(a)	Leading hand allowance	<p>All purpose allowance expressed as per week.</p> <p>A leading hand in charge of <b>one employee</b> is paid the allowance in addition to the minimum wage for the highest classification supervised or their own minimum wage, whichever is higher.</p> <p>91.2% of the standard rate per week extra. (91.2/38=2.4% per hour rate)</p>	1/07/2012 - 30/06/2013	\$0.4460 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). (2.40%)
24.1(a)	Leading hand allowance	<p>All purpose allowance expressed as per week.</p> <p>A leading hand in charge of <b>two to five employees</b> is paid the allowance in addition to the minimum wage for the highest classification supervised or their own minimum wage, whichever is higher.</p> <p>200.2% of the standard rate per week extra. (200.2/38=5.268421% per hour rate)</p>	1/07/2012 - 30/06/2013	\$0.9790 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). (5.27%)
24.1(a)	Leading hand allowance	<p>All purpose allowance expressed as per week.</p> <p>A leading hand in charge of <b>six to ten employees</b> is paid the allowance in addition to the minimum wage for the highest</p>	1/07/2012 - 30/06/2013	\$1.2533 per hour. This weekly allowance has been converted to an hourly amount. It

Clause	Allowance Type	Description	Effective Date	Rate
		<p>classification supervised or their own minimum wage, whichever is higher.</p> <p>256.30% of the standard rate per week extra. (256.30/38=6.744737% per hour)</p>		<p>should be applied to all ordinary hours of work (up to a maximum of 38 hours per week). (6.74%)</p>
24.1(a)	Leading hand allowance	<p>All purpose allowance expressed as per week.</p> <p>A leading hand in charge of <b>eleven or more employees</b> is paid the allowance in addition to the minimum wage for the highest classification supervised or their own minimum wage, whichever is higher.</p> <p>340.90% of the standard rate per week extra. (340.90/38=8.9710526% per hour rate)</p>	1/07/2012 - 30/06/2013	<p>\$1.6670 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). (8.97%)</p>
24.1(b)(i)	Industry allowance	<p>All purpose allowance expressed as per week.</p> <p>An employee engaged on joinery work, shopfitting, stonemasonry or outside work must be paid the allowance to compensate for the disabilities associated with the industry.</p>	1/07/2012 - 30/06/2013	<p>\$0.6963 per hour (3.75%)</p>
24.1(b)	Industry allowance	<p>All purpose allowance expressed as per hour.</p> <p>A glazier or an apprentice glazier, engaged other than on factory glazing, must be paid 3.8% of the standard rate per hour extra while engaged other than on factory glazing to compensate for the disabilities associated with the industry, provided that:</p> <p>- in respect of public holidays not worked (where payment is otherwise due), paid leave and attendance by apprentices at</p>	1/07/2012 - 30/06/2013	<p>\$0.7061 per hour (3.80%)</p>

Clause	Allowance Type	Description	Effective Date	Rate
		<p>prescribed technical training, the disability allowance must also be paid for each hour the employee would have been engaged other than on factory glazing during such period and</p> <p>- in the case of an employee proceeding on paid leave or receiving payment instead of leave on termination where it cannot be established to what extent they would have been engaged on other than factory glazing during the period, the disability allowance paid is to be pro rata of the disability allowance they were paid in the preceding 12 weeks.</p>		
24.1(c)(i)	Tool allowance	<p>All purpose allowance expressed as per week.</p> <p>An employee employed in the following occupations must be paid an allowance per week for supplying and maintaining tools:</p> <ul style="list-style-type: none"> <li>- carpenter and/or joiner</li> <li>- carver</li> <li>- joiner special class</li> <li>- joiner-setter out</li> <li>- letter cutter</li> <li>- prefab setter</li> <li>- prefab tradesperson</li> <li>- shopfitter</li> <li>- stonemason</li> </ul> <p>(\$28.13 per week/38 = \$0.740263 per hour)</p>	1/07/2012 - 30/06/2013	\$0.7403 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).
24.1(c)(i)	Tool allowance	<p>All purpose allowance expressed as per week.</p> <p>Plasterer must be paid an allowance per week for supplying and maintaining tools.</p> <p>(\$23.23 per week/38 = \$0.611315 per hour)</p>	1/07/2012 - 30/06/2013	\$0.6113 per hour. This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work

Clause	Allowance Type	Description	Effective Date	Rate
				(up to a maximum of 38 hours per week).
24.1(c)(i)	Tool allowance	<p>All purpose allowance expressed as per week.</p> <p>A Glazier must be paid an allowance per week for supplying and maintaining tools.</p> <p>(\$9.87 per week/38 = \$0.259736 per hour)</p>	1/07/2012 - 30/06/2013	\$0.2595 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).
24.1(c)(i)	Tool allowance	<p>All purpose allowance expressed as per week.</p> <p>An employee employed in the occupation of Assembler A must be paid an allowance per week for supplying and maintaining tools.</p> <p>(\$8.40 per week/38 = \$0.221052 per hour)</p>	1/07/2012 - 30/06/2013	\$0.2211 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).
24.1(c)(i)	Tool allowance	<p>All purpose allowance expressed as per week.</p> <p>A Glass worker must be paid an allowance per week for supplying and maintaining tools.</p> <p>(\$6.81 per week/38 = \$0.179210 per hour)</p>	1/07/2012 - 30/06/2013	\$0.1795 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).

Clause	Allowance Type	Description	Effective Date	Rate
24.1(c)(i)	Tool allowance	<p>All purpose allowance expressed as per week.</p> <p>An employee employed as a Painter must be paid an allowance per week for supplying and maintaining tools.</p> <p>(\$6.76 per week/38 = \$0.177894 per hour)</p>	1/07/2012 - 30/06/2013	\$0.1779 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).
24.1(d)	Stonemasons—cutting tools allowance	<p>All purpose allowance expressed as per hour.</p> <p>The tool allowance provided in clause 24.1(c)(i) of the award does not include stonemasonry cutting tools, except mash hammers, squares, pitching tools and straight-edges up to one metre in length.</p> <p>The employer may elect to provide such tools.</p> <p>Where the tools are provided by an employee, the employer must reimburse the employee for the cost of the tools and must pay the employee the allowance of \$0.05 per hour extra.</p>	1/01/2010 - 30/06/2013	\$0.0500 per hour
24.2(a)	First aid allowance	<p>An employee trained to give first aid currently holding recognised first aid qualifications and appointed by the employer to perform first aid duty, will be paid the allowance.</p>	1/07/2012 - 30/06/2013	\$0.3697 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). (1.99%)

Clause	Allowance Type	Description	Effective Date	Rate
24.2(b)	Meal allowance	<p>An employee required to work overtime for at least one and a half hours after working ordinary hours must be paid the allowance to meet the cost of a meal.</p> <p>The allowance is not payable in circumstances covered by the provisions relating to living away from home for a distant job (clause 24.5(a)).</p>	1/07/2012 - 30/06/2013	\$13.4100 per occasion
24.2(e)	Vehicle allowance	<p><b>Motor vehicle allowance</b></p> <p>An employee engaged on glass and glazing work who reaches agreement with their employer to use their own motor vehicle on the employer's business must be paid an allowance.</p>	1/07/2012 - 30/06/2013	\$0.7500 per km
24.3(a)	Asbestos allowance	An employee required to wear protective equipment required by the appropriate occupational health authority when using materials containing asbestos or working in close proximity to an employee using such materials must be paid the allowance while wearing such equipment.	1/07/2012 - 30/06/2013	\$0.7433 per hour (4.00%)
24.3(b)	Other	<p><b>Bagging</b></p> <p>An employee engaged in bagging brick or concrete structures must be paid the allowance.</p>	1/07/2012 - 30/06/2013	\$0.5389 per hour (2.90%)
24.3(c)	Cold work disability allowance	<p>An employee working for more than one hour in a place where the temperature is reduced by artificial means below zero degrees Celsius must be paid the allowance.</p> <p>Where such work continues for more than two hours, the employee is entitled to 20 minutes rest after every two hours work without loss of pay, not including the allowance.</p>	1/07/2012 - 30/06/2013	\$0.5946 per hour or part thereof (3.20%)



Clause	Allowance Type	Description	Effective Date	Rate
24.3(d)	Computing quantities allowance	An employee who is regularly required to compute or estimate quantities of materials in respect to the work performed by other employees must be paid the allowance.  The allowance does not apply to an employee classified and paid as a leading hand or setter-out.	1/07/2012 - 30/06/2013	\$4.3295 per day or part of a day (23.30%)
24.3(e)	Confined spaces allowance	An employee required to work in a confined space must be paid the allowance.	1/07/2012 - 30/06/2013	\$0.7433 per hour or part thereof (4.00%)
24.3(f)	Dirty work allowance	An employee engaged in unusually dirty work must be paid the allowance.	1/07/2012 - 30/06/2013	\$0.5946 per hour (3.20%)
24.3(g)	Explosive powered tools allowance	An operator of explosive powered tools who is required to use them must be paid the allowance for each day on which such a tool is used.	1/07/2012 - 30/06/2013	\$1.4122 per day (7.60%)
24.3(h)	Grindstone allowance	A carpenter and/or joiner must be paid the allowance where a grindstone or wheel is not made available by the employer.	1/07/2012 - 30/06/2013	\$0.1677 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). (0.90%)
24.3(i)	Heavy blocks allowance	An employee handling, lifting and placing blocks weighing <b>over 5.5kg and under 9kg</b> must be paid the allowance.	1/07/2012 - 30/06/2013	\$0.5946 per hour (3.20%)

Clause	Allowance Type	Description	Effective Date	Rate
24.3(i)	Heavy blocks allowance	An employee handling, lifting and placing blocks weighing <b>9kg or over and up to 18kg</b> must be paid the allowance.	1/07/2012 - 30/06/2013	\$1.0777 per hour (5.80%)
24.3(i)	Heavy blocks allowance	An employee handling, lifting and placing blocks weighing <b>over 18kg</b> must be paid the allowance.	1/07/2012 - 30/06/2013	\$1.5237 per hour (8.20%)
24.3(j)	Bitumen work allowance	An employee handling hot bitumen or asphalt or dipping materials in creosote must be paid the allowance.	1/07/2012 - 30/06/2013	\$0.7433 per hour (4.00%)
24.3(k)	Hot work allowance	An employee must be paid the allowance when they work for more than one hour in the shade in places where the temperature is raised by artificial means to between 46 and 54 degrees Celsius.  See note 3	1/07/2012 - 30/06/2013	\$0.5946 per hour or part of an hour (3.20%)
24.3(k)	Hot work allowance	An employee must be paid the allowance when they work for more than one hour in the shade in places where the temperature is raised by artificial means in excess of 54 degrees Celsius.  See note 3	1/07/2012 - 30/06/2013	\$0.7433 per hour or part of an hour (4.00%)
24.3(l)	Insulation allowance	An employee handling charcoal, pumice, granulated cork, silicate of cotton, insulwool, slag wool or other similar recognised insulating material or working in the immediate vicinity so as to be affected by its use must be paid the allowance.	1/07/2012 - 30/06/2013	\$0.7433 per hour or part of an hour (4.00%)
24.3(m)(i)	Wet work allowance	An employee who is working where water is continually dripping on them so that clothing and boots become wet, or where there	1/07/2012 - 30/06/2013	\$0.5946 per hour (3.20%)

Clause	Allowance Type	Description	Effective Date	Rate
		is water underfoot, must be paid the allowance while so engaged.		
24.3(m)(ii)	Wet work allowance	An employee engaged on stonemasonry work in a cemetery who is required to work under unusually muddy or sloppy conditions must be paid the allowance instead of the usual wet work allowance provided in clause 24.3(m)(i) of the award.	1/07/2012 - 30/06/2013	\$0.7061 per hour (3.80%)
24.3(n)	Towers allowance	An employee who is working on a chimney stack, spire tower, radio or television mast or tower, air shaft (other than above ground in a multistorey building), cooling tower, water tower or silo where the construction exceeds 15 metres in height must be paid the allowance for all work above 15 metres. A further payment of the allowance is made for work above each additional 15 metres	1/07/2012 - 30/06/2013	\$0.5946 per hour (3.20%)
24.3(o)	Roof repairs allowance	An employee engaged on roof repairs must be paid the allowance.	1/07/2012 - 30/06/2013	\$0.7433 per hour (4.00%)
24.3(p)	Scaffold allowance	A tradesperson holding a scaffolding certificate or rigging certificate issued by the relevant State or Territory authority who is required to act on that certificate must be paid the allowance.	1/07/2012 - 30/06/2013	\$0.5946 per hour (3.20%)
24.3(q)	Second-hand timber allowance	An employee whose tools are damaged by nails, dumps or other foreign matter on second hand timber the employee is working on must be paid the allowance on each day on which the employee's tools are damaged. The damage must be reported immediately to the employer's representative on the job to prove the claim.	1/07/2012 - 30/06/2013	\$2.3413 per day (12.60%)
24.3(r)	Slushing allowance	An employee engaged on slushing is paid the allowance.	1/07/2012 - 12/06/2013	\$0.5946 per hour (3.20%)

Clause	Allowance Type	Description	Effective Date	Rate
24.3	Spray application—painter's allowance	An employee engaged on all spray applications carried out in other than a properly constructed booth approved by the relevant State authority must be paid the allowance	1/07/2012 - 30/06/2013	\$0.5946 per hour (3.20%)
24.3(t)	Scaffold allowance	<p><b>Swing scaffold</b></p> <p>An employee must be paid the allowance for the first four hours or part thereof, on any day they are employed on any type of swing scaffold or any scaffold suspended by rope or cable, bosun's chair, etc; or on a suspended scaffold requiring the use of steel or iron hooks or angle irons at a height of six metres or more above the nearest horizontal plane.</p> <p>An apprentice with less than two years' experience must not use a swing scaffold or bosun's chair.</p>	1/07/2012 - 30/06/2013	\$4.3109 per hour or part thereof (23.20%)
24.3(t)	Scaffold allowance	<p><b>Swing scaffold</b></p> <p>An employee must be paid the allowance after the first four hours on any day they are employed on any type of swing scaffold or any scaffold suspended by rope or cable, bosun's chair, etc; or on a suspended scaffold requiring the use of steel or iron hooks or angle irons at a height of six metres or more above the nearest horizontal plane.</p> <p>An apprentice with less than two years' experience must not use a swing scaffold or bosun's chair.</p>	1/07/2012 - 30/06/2013	\$0.8919 per hour (4.80%)
24.3(u)	Toxic substance allowance	An employee using toxic substances or similar materials is paid the allowance.	1/07/2012 - 30/06/2013	\$0.7433 per hour (4.00%)

Clause	Allowance Type	Description	Effective Date	Rate
		Toxic substances include epoxy based materials. All materials which include or require the addition of a catalyst hardener and reactive additives or two-pack catalyst systems are deemed to be similar materials.		
24.3(u)	Toxic substance allowance	<p>An employee working in close proximity to an employee using toxic substances or similar materials must be paid the allowance.</p> <p>Toxic substances include epoxy based materials. All materials which include or require the addition of a catalyst hardener and reactive additives or two-pack catalyst systems are deemed to be similar materials.</p>	1/07/2012 - 30/06/2013	\$0.5946 per hour (3.20%)
24.3(v)	Handling money allowance	<p><b>Collection of monies</b></p> <p>An employee engaged on glass and glazing work who in the course of their duties is authorised to collect, and does collect, monies on behalf of the employer must be paid 29.3% of the standard rate per week extra.</p> <p>(29.3% per week / 38 = 0.771053% per hour)</p>	1/07/2012 - 30/06/2013	\$0.1433 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). (0.77%)
24.5(b)	Vehicle allowance	<p>An employee, engaged on stonemasonry work, directed to work on fixing work in a cemetery away from the employer's usual place of business must be reimbursed for any fares in excess of those normally spent in travelling to and from their usual residence to the employer's premises.</p> <p>Alternatively, if the employee is required to use their own car, they must be paid the allowance.</p>	1/07/2012 - 30/06/2013	\$0.7500 per kilometre

Clause	Allowance Type	Description	Effective Date	Rate
		The allowance is paid in respect of the kilometres travelled in excess of those normally travelled to and from their usual residence to the employer's premises.		
24.5(ii)	Away from home/ usual place of employment	An employee who proceeds to a distant job (see note 4) is entitled to either:  - payment of an allowance per full working week (of seven days) <b>or</b> - reimbursement for the expenses outlaid (if greater than the allowance provided) <b>or</b> - reasonable board and lodging provided by the employer: either a single room or twin room if a single room is not available with adequate furnishings, good bedding, good floor coverings, good lighting and good heating/cooling and with hot and cold running water, all in a well kept hotel/motel type establishment, and 3 adequate meals each day.	1/07/2012 - 30/06/2013	\$430.2100 per full working week
24.5(ii)	Away from home/ usual place of employment	An employee who proceeds to a distant job (see note 4) is entitled to either:  - payment of an allowance per day (where the job is for less than a full working week) <b>or</b> - reimbursement for the expenses outlaid (if greater than the allowance provided) <b>or</b> - reasonable board and lodging provided by the employer: either a single room or twin room if a single room is not available with adequate furnishings, good bedding, good floor coverings, good lighting and good heating/cooling and with hot and cold running water, all in a well kept hotel/motel type establishment, and 3 adequate meals each day.	1/07/2012 - 30/06/2013	\$61.5500 per day

Clause	Allowance Type	Description	Effective Date	Rate
24.5(a)(iii)	Away from home/ usual place of employment	An employee who proceeds to a distant job (see note 4) is not required to travel outside their ordinary hours of work each day and is entitled to: - travelling time at their ordinary rate of pay for travelling between their usual residence and the distant job on the forward journey, on the return journey and at the completion of the job on the return journey - be paid an amount to cover the expenses of reaching their residence from the main public transport terminal on the return journey, and - to be paid an allowance per meal for any meals incurred while travelling on either the forward or return journey (see below).	1/07/2012 - 30/06/2013	\$20.0300 to cover expenses
24.5(a)(iii)	Away from home/ usual place of employment	An employee who proceeds to a distant job (see note 4) is not required to travel outside their ordinary hours of work each day and is entitled to: - travelling time at their ordinary rate of pay for travelling between their usual residence and the distant job on the forward journey, on the return journey and at the completion of the job on the return journey - be paid an amount to cover the expenses of reaching their residence from the main public transport terminal on the return journey (see above), and - to be paid an allowance per meal for any meals incurred while travelling on either the forward or return journey.	1/07/2012 - 30/06/2013	\$13.4100 per meal
24.5(a)(xii)	Away from home/ usual place of employment	An employee who is provided with full board and lodging, who - works ordinary hours as required on the day before and the day after a weekend - notifies no later than Tuesday of each week of their intention to return to their usual residence at the weekend and - actually returns to their usual residence on the weekend must be paid an allowance.	1/07/2012 - 30/06/2013	\$36.0700 for each occasion

Clause	Allowance Type	Description	Effective Date	Rate
24.5(b)ii	Travel allowance	<p><b>Stonemasonry work at a cemetery</b>  An employee, engaged on stonemasonry work, directed to work on fixing work in a cemetery away from the employer's usual place of business, must be reimbursed for any fares in excess of those normally spent in travelling to and from their usual residence to the employer's premises.</p> <p>Alternatively, if the employee is required to use their own car, they must be paid the allowance.</p> <p>The allowance is paid in respect of the kilometres travelled in excess of those normally travelled to and from their usual residence to the employer's premises.</p>	1/07/2012 - 30/06/2013	\$0.7500 per kilometre
24.5(c)ii	Travel allowance	<p><b>Performing glass and glazing work away from the usual place of business</b></p> <p>An employee engaged on glass and glazing work who is directed to commence work at the usual starting time at a location other than the employer's usual place of business must be paid at ordinary time rates for the first hour each way and thereafter at overtime rates for any excess travelling time involved and must be:</p> <ul style="list-style-type: none"> <li>- reimbursed for any fares incurred in excess of those normally expended in travelling to and from their usual residence to the employer's usual place of business or</li> <li>- paid the allowance per kilometre travelled in excess of those normally expended in travelling to and from their usual residence to their employer's usual place of business, where an employer requests an employee to use their own motor vehicle and the employee agrees to do so.</li> </ul>	1/07/2012 - 30/06/2013	\$0.7500 per km



**Note 1**

This allowance applies for all purposes of this award.

**Note 2**

The allowance is not payable where an employer provides an employee with all the tools required to perform all the functions of the employee's employment. This does not apply to an employee employed as at 14 January 1993 or an apprentice unless otherwise agreed between the parties.

**Note 3**

Where work continues for more than two hours in temperatures exceeding 54 degrees Celsius the employee is entitled to 20 minutes rest after every two hours work without loss of pay, not including this allowance. The temperature is determined by the employer after consultation with the employee who claims the special rate.

**Note 4**

**Distant job** is one where either the distance from the employee's usual place of residence or the travelling facilities available make it reasonably necessary for the employee to live and sleep away from their usual residence.

**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)	<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"> <li>- arrangements for when work is performed</li> <li>- overtime rates</li> <li>- penalty rates</li> <li>- allowances</li> <li>- leave loading.</li> </ul>

Clause	Conditions Type	Description
		Other conditions concerning award flexibility are contained within the Fair Work Act 2009.
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)	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).
10	Full-time conditions (Instrument)	Any employee not engaged as a part-time or casual employee is for all purposes of this award a full-time employee engaged to work an average of 38 hours per week.
11	Part-time conditions (Instrument)	<p>An employee may be engaged a part-time basis involving a regular pattern of hours which average less than 38 ordinary hours per week.</p> <p>A part-time employee must be engaged for a minimum of three consecutive hours on any day or shift.</p> <p>Before commencing part-time employment, the employee and employer must agree in writing on:</p> <p>(a) the hours to be worked by the employee, the days on which they will be worked and the commencing and finishing times for the work</p> <p>(b) the classification applying to the work in accordance with the classification structure and definitions of the award (Schedule B).</p> <p>The terms of the agreement may be varied by consent in writing.</p> <p>The agreement or any variation to it must be retained by the employer and a copy of the agreement and any variation must be provided to the employee.</p> <p>A part-time employee must be paid for the hours agreed on.</p>

Clause	Conditions Type	Description
		<p>The terms of this award will apply pro rata to part-time employees on the basis that ordinary weekly hours for full-time employees are 38.</p> <p>A part-time employee who works in excess of the hours agreed to must be paid overtime in accordance with the overtime provisions of the award (clause 30).</p> <p>Where the part-time employee's normal paid hours fall on a public holiday prescribed in the NES and work is not performed by the employee, they must not lose pay for the day. Where they work on the public holiday, the part-time employee must be paid in accordance with the public holiday provisions of the award (clauses 28.2(i), 28.3(e)(ii) and 30.7).</p>
12.6	Casual conditions (Instrument)	<p>When engaging a casual employee an employer must inform them in writing that they are to be employed as a casual, stating who they are employed by, the job to be performed, the classification level, the actual or likely number of hours to be worked, and the rate of pay.</p> <p>A casual employee is engaged by the hour with a minimum daily engagement of 7.6 hours.</p> <p>Termination of employment is by:</p> <ul style="list-style-type: none"> <li>- one hour's notice or</li> <li>- the payment or forfeiture of the remainder of the day's wages or</li> <li>- one hour's pay, whichever amount is greater.</li> </ul>
12.7	Casual conditions (Instrument)	<p>The award contains information on the employee's right to have their employment converted to full-time or part-time employment including:</p> <ul style="list-style-type: none"> <li>- Employer's duty to notify the employee of this right</li> <li>- Employer's and Employee's duty to discuss</li> <li>- Employer's duty to provide reasons for refusing conversion.</li> </ul> <p>Further information on casual conversion is outlined in the award.</p>
13	Apprentice conditions (Instrument)	<p>The award contains information on its application to apprentices including:</p> <ul style="list-style-type: none"> <li>- the application of State of Territory statues or regulations</li> <li>- engagement under a training agreement</li> </ul>

Clause	Conditions Type	Description
		<ul style="list-style-type: none"> <li>- the nominal period of the apprenticeship</li> <li>- completion of the apprenticeship in a shorter period</li> <li>- cancellation or suspension of the apprenticeship</li> <li>- the probationary period of the apprenticeship</li> <li>- conditions of employment of apprentices including termination and redundancy</li> <li>- ordinary hours of employment of apprentices</li> <li>- minimum wages applying to apprenticeships</li> <li>- the employer's duty to provide access to training consistent with the training agreement without loss of pay</li> <li>- apprentices attending technical colleges, schools, registered training organisations or TAFE institutions and presenting reports of satisfactory progress must be reimbursed all fees paid by them in respect of their apprentice training.</li> <li>- apprentices working overtime or shiftwork</li> </ul> <p>Further information on the employment of apprentices is outlined in the award.</p>
16.2	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.
16.3	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.
17.2	Redundancy - transitional provisions (Instrument)	<p>An employee whose employment is terminated by an employer is entitled to redundancy pay in accordance with terms of a NAPSA:</p> <ul style="list-style-type: none"> <li>- 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</li> <li>- that would have entitled the employee to redundancy pay in excess of the employee's entitlement to redundancy pay, if any, under the NES.</li> </ul> <p>The employee's entitlement to redundancy pay under the NAPSA is limited to the amount of redundancy pay which exceeds the employee's entitlement to redundancy pay, if any, under the NES.</p>

Clause	Conditions Type	Description
		<p>This clause does not operate to diminish an employee's entitlement to redundancy pay under any other instrument.</p> <p>This clause ceases to operate on 31 December 2014.</p>
17.3	Redundancy (Instrument)	<p><b>Redundancy and employees of a small business employer</b></p> <p><u>Amount of redundancy pay</u></p> <p>The amount of the redundancy pay equals the total amount payable to the employee for the redundancy pay period worked out using the following table at the employee's base rate of pay for his or her ordinary hours of work:</p> <p><u>Redundancy pay period</u></p> <p>Employee's period of continuous service with the employer on termination: Redundancy pay period</p> <p>Less than 1 year: Nil  At least 1 year but less than 2 years: 4 weeks pay  At least 2 years but less than 3 years: 6 weeks pay  At least 3 years but less than 4 years: 7 weeks pay  At least 4 years and over: 8 weeks pay</p> <p>Until 31 December 2014 the redundancy pay transitional provision will apply over the small business redundancy pay entitlement if the amount of redundancy pay the employee is entitled to under the transitional provision and any other instruments exceeds the small business redundancy pay entitlement.</p> <p>See note 1</p>
17.4	Redundancy - transfer to lower paid duties (Instrument)	<p>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.</p>

Clause	Conditions Type	Description
17.5	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.
17.6	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>
24.1(d)	Tools (Instrument)	<p><b>Stonemasonry tools and equipment</b></p> <p>The employer must reimburse an employee for the cost of sharpening all necessary stonemasonry cutting tools. On completion of engagements, all stonemasonry cutting tools provided by the employee must be sharpened by the employer or the employer must pay the employee an allowance equal to the cost of sharpening.</p> <p>The employer must reimburse an employee for the cost of fitting all pneumatic surfacing machines and lathes with jet sprays or other suitable device for keeping the stone wet or provide this device.</p>
24.2(c)	Protective clothing, footwear and covering allowance (Instrument)	<p><b>Employee protection allowance</b></p> <p>An employer must reimburse an employee for the cost of purchasing the following protective equipment or provide this equipment:</p> <ul style="list-style-type: none"> <li>- one apron per year for an employee operating flexible drive polishing machines</li> <li>- suitable protective clothing or footwear for an employee engaged on stonemasonry work and</li> <li>- suitable protective clothing and footwear for an employee engaged on glass and glazing work.</li> </ul>

Clause	Conditions Type	Description
		<p>If the employee requires, an employer must reimburse an employee engaged on stonemasonry work for the cost of an x-ray for silicosis, once every 6 months. This x-ray may be taken during working hours and count as time worked.</p> <p>When an employer requires an employee to wear spectacles with toughened glass lenses, the employer must pay for the cost of the toughening process.</p>
24.2(d)(i)	Clothing, footwear and/ or equipment (Instrument)	The employer must cover the cost for an employee's clothes, spectacles, hearing aids or tools which have been accidentally spoilt by acid, sulphur or other deleterious substances.
24.2(d)(ii)	Clothing, footwear and/ or equipment (Instrument)	<p>The employer must reimburse an employee to a maximum of \$1630.00 for the loss of tools or clothes:</p> <ul style="list-style-type: none"> <li>- by fire or breaking and entering (where the tools or clothes were securely stored at the employer's direction on the employer's premises)</li> <li>- accidentally lost over water</li> <li>- lost or stolen after an employee leaves the job because of injury or illness.</li> </ul> <p>Such reimbursement is subject to the following:</p> <ul style="list-style-type: none"> <li>- an employee transporting their own tools must take all reasonable care to protect those tools and prevent loss or theft</li> <li>- only tools used by the employee in the course of employment are covered</li> <li>- the employee must, if requested to do so, give the employer a list of the tools</li> <li>- reimbursement is at the current replacement value of new tools of the same or comparable quality</li> <li>- the employee must report any theft to the police prior to making a claim on the employer for the replacement of stolen tools.</li> </ul>
24.3(m)(iii)	Inclement weather (Instrument)	Where an employer and an employee engaged on fixing work in a cemetery agree the work cannot be done due to wet weather, the employer must give the employee other work or pay them for the lost time.
24.4	Other (Instrument)	<p>Special rates must be paid when incurred, irrespective of the times when the work is performed and are not subject to any premium or penalty additions.</p> <p>Where the special rates provide payments for disabilities of substantially the same nature then only the highest is payable.</p>

Clause	Conditions Type	Description
		<p>The term “special rates” means the allowances in relation to the following:</p> <ul style="list-style-type: none"> <li>- asbestos allowance</li> <li>- bagging</li> <li>- cold work allowance</li> <li>- computing quantities allowance</li> <li>- confined space allowance</li> <li>- dirty work allowance</li> <li>- explosive powered tools allowance</li> <li>- grindstone allowance</li> <li>- heavy blocks allowance</li> <li>- bitumen work allowance</li> <li>- hot work allowance</li> <li>- insulation allowance</li> <li>- wet work allowance</li> <li>- towers allowance</li> <li>- roof repairs allowance</li> <li>- scaffold allowance</li> <li>- second hand timber allowance</li> <li>- slushing allowance</li> <li>- spray application – painters allowance</li> <li>- swing scaffold allowance</li> <li>- toxic substance allowance</li> </ul>
24.5	Away from home/usual place of employment (Instrument)	An employee directed to a distant job is not required to travel outside their ordinary hours of work each day. They are also entitled to travelling time at their ordinary time rate of pay for the period spent travelling between their usual residence and the distant job on the forward journey, on the return journey and at the completion of the job on the return journey.
24.6	District allowance (Instrument)	An employee in the Northern Territory or Western Australia is entitled to payment of a district allowance in accordance with the terms 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



Clause	Conditions Type	Description
		<p>agreement had applied to the employee, and that would have entitled the employee to payment of a district allowance.</p> <p>This clause ceases to operate on 31 December 2014.</p>
24.7	Accident pay (Instrument)	<p>An employee is entitled to accident pay in accordance with the terms of:</p> <ul style="list-style-type: none"> <li>- 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 prior to 27 March 2006, 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</li> <li>- 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.</li> </ul> <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>
25	Higher duties (Instrument)	<p>An employee engaged for more than two hours during one day on duties carrying a higher minimum wage than their ordinary classification must be paid the higher wage for the day.</p> <p>If they are engaged on higher duties for two hours or less during one day, they must be paid the higher minimum wage for the time worked.</p>
26.2	Method of payment (Instrument)	<p>Wages must be paid by cash, cheque or direct credit to the account at an approved financial institution nominated by the employee, provided that payment other than by cash creates no financial burden to the employee.</p>
26	Payment of wages (Instrument)	<p>All monies due to an employee by the employer in relation to the performance of work must be paid and be available by no later than the time of cessation of ordinary hours of work on Thursday of each working</p>

Clause	Conditions Type	Description
		<p>week. Provided that in any week in which a public holiday falls on a Thursday or a Friday mutually acceptable alternative arrangements must be made.</p> <p>All such monies must be paid by cash, cheque or direct credit to the account at an approved financial institution nominated by the employee, provided that payment other than cash creates no undue financial burden to the employee.</p>
27	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>
28.1	Hours of work (Instrument)	<p>The ordinary hours of work are 38 or an average of 38 hours per week (except as provided elsewhere in the award).</p>
28.2(a)	Span of hours (Instrument)	<p><b>Day workers</b></p> <p>Ordinary hours for a day worker must be worked as eight hours per day, between 6.00 am and 7.00 pm Monday to Friday, over a 20 day four week cycle, with 0.4 of one hour of each day worked accruing as a paid rostered day off in each cycle.</p> <p>These ordinary hours are subject to the award's provisions for alternative working arrangements (clause 31).</p>
28.2	Rostering (Instrument)	<p><b>Day workers</b></p> <p>Where it is agreed between a majority of employees and the employer that a paid rostered day off in each cycle is not practicable then they may agree in writing on an alternative method of implementing ordinary hours.</p> <p>The award contains information on:</p>

Clause	Conditions Type	Description
		<ul style="list-style-type: none"> <li>- the methods of implementing ordinary hours</li> <li>- the methods of implementing the paid rostered day off</li> <li>- paid rostered days off falling on a public holiday.</li> </ul>
28.2(e)	Hours of work (Instrument)	<p><b>Day workers</b></p> <p>Each day of paid leave (except the paid rostered day off) and any public holiday taken during a cycle of four weeks must be regarded as a day worked for accrual purposes.</p>
28.2(f)	Hours of work (Instrument)	<p><b>Day workers</b></p> <p>An employee who has not worked a complete 19 day four week cycle must be paid accrued pro rata entitlements for each day worked on the rostered day off or, in the case of termination of employment, on termination.</p>
28.2(g)	Overtime - other (Instrument)	<p><b>Day workers</b></p> <p>An employee who works on a paid rostered day off, or any substituted day, must be paid the penalty rates and provisions prescribed for Saturday work.</p> <p><b>From 13 June 2013</b>, an employee shall not, in addition to the above payments, be entitled to a day off in lieu of the day worked. Where an alternative day is substituted for a scheduled rostered day off, the penalty payments will only apply to the alternative day worked and not the original rostered day off.</p>
28.3	Shiftwork (Instrument)	<p>(i) <u>Afternoon shift</u> means a shift finishing at or after 9.00 pm and at or before 11.00 pm.</p> <p>(ii) <u>Night shift</u> means a shift finishing after 11.00 pm and at or before 7.00 am.</p> <p>(iii) <u>Early morning shift</u> means a shift finishing after 12.30 pm and before 2.00 pm.</p> <p>(iv) <u>Early afternoon shift</u> means a shift finishing after 7.30 pm and before 9.00 pm.</p>
28.3(b)(i)	Hours of work (Instrument)	<p><b>Shiftworkers</b></p>

Clause	Conditions Type	Description
		<p>The ordinary hours for a shiftworker are eight hours per day, inclusive of meal breaks, Monday to Friday. This is subject to the award's provisions for alternative working arrangements (clause 31)</p> <p>An ordinary night shift commencing before, and extending beyond midnight Friday, is regarded as a Friday shift.</p>
28.3(b)(i)	Crib break (Instrument)	<p><b>Shiftworkers</b></p> <p>Where shiftwork is made up of three continuous and consecutive shifts of eight hours each per day, a paid crib time of 20 minutes must be allowed in each shift. This crib time is instead of any other rest period or ending of work provided elsewhere in this award.</p>
28.3(b)	Shiftwork (Instrument)	<p>An employee on shiftwork accrues 0.4 of one hour for each eight hour shift worked to allow one complete shift to be taken off as a paid shift for every cycle of 20 shifts. The 20th shift must be paid for at the appropriate shift rate.</p> <p>The award contains information on:</p> <ul style="list-style-type: none"> <li>- leave accrual on paid leave and public holidays</li> <li>- accrued pro rata entitlements for shifts worked where the employee has not completed a four week cycle</li> <li>- written agreement between the employer and employees on arrangements for the programmed shift off during the 20 day cycle of the accumulation of the accrued shifts off</li> </ul>
28.3(c)	Shiftwork (Instrument)	<p>Where an employee engaged on stonemasonry work is required to work shiftwork, the hours of duty are between 7.00 am and 11.00 pm. These hours are worked in two shifts with two sets of employees.</p> <p>The first shift must be worked between 7.00am and 3.00pm and be paid at ordinary time rates.</p> <p>The second shift must be worked between 3.00pm and 11.00pm.</p>
28.3(f)	Shiftwork (Instrument)	<p><b>Shift notice</b></p> <p>An employee must be given at least 48 hours notice of a requirement to work shiftwork.</p>

Clause	Conditions Type	Description
		The hours for a shiftworker when fixed, must not be altered except for breakdowns or other causes beyond the control of the employer. Notice of an alteration must be given to the employee before the ending time of the previous shift.
29.1	Breaks - meal (Instrument)	<p>An employee is entitled to a meal break on each day of work of at least 30 minutes.</p> <p>This break is to be taken:</p> <ul style="list-style-type: none"> <li>- no less than four hours and no later than six hours after the commencement of work where the employee is a <u>day worker</u></li> <li>- no less than five hours after the commencement of work where the employee is a <u>shiftworker</u>.</li> </ul>
29.2	Breaks - rest (Instrument)	<p>An employee is entitled to a paid rest period of 10 minutes between 9.30am and 11.30am on each day of work.</p> <p>In addition an employee engaged on glass and glazing work is entitled to a rest period of ten minutes in the afternoon at a time to be selected by the employer, provided that when any spell of duty in ordinary hours is for four hours or more, such rest period must be allowed in the third hour of duty.</p>
29.3	Crib break (Instrument)	Where shiftwork is made up of three continuous and consecutive shifts of eight hours each per day, an employee is entitled to a paid 20 minute crib time instead of any other rest period or ending of work provided elsewhere in this award.
29.4	Other (Instrument)	<p><b>Washing time</b></p> <p>An employee engaged in glass and glazing work as a spray painter operator or stripper of mirrors or using rouge, glacite or substitute material is entitled to five minutes before the meal or crib break and five minutes before the conclusion of work for the day or shift for washing purposes.</p>
30.1	Overtime - other (Instrument)	<p>An employer may require an employee to work reasonable overtime at overtime rates.</p> <p>An employee may refuse to work overtime where it would result in the employee working hours which are unreasonable having regarded to:</p> <ul style="list-style-type: none"> <li>- any risk to the employee's health and safety</li> </ul>

Clause	Conditions Type	Description
		<ul style="list-style-type: none"> <li>- the employee's personal circumstances including any family responsibilities</li> <li>- the needs of the workplace</li> <li>- the notice (if any) given by the employer of the overtime and by the employee of their intention to refuse it</li> <li>- any other relevant matter.</li> </ul> <p>No apprentice under the age of 18 years of age is required to work overtime or shiftwork unless they agree.</p>
30.3	Call-back (Instrument)	<p>An employee recalled to work overtime after leaving the employer's business premises must be paid for a minimum of three hours work at the appropriate rates for each time the employee is recalled. Except in the case of unforeseen circumstances, the employee must not be required to work the full three hours if the job they were recalled to perform is completed within a shorter period.</p> <p>This 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 with the completion or commencement of ordinary hours.</p>
30.4	Rest period after overtime duty (Instrument)	<p><b>Other than shiftworkers</b></p> <p>When overtime work is necessary it must wherever reasonably practicable, be arranged so that employees have at least ten consecutive hours off duty between the work of successive days.</p> <p>An employee (other than a casual employee) who works so much overtime between the finish of their ordinary work on one day and the start of their ordinary work on the next day that they have not had at least ten consecutive hours off duty between those times must be released after completion of this overtime until they have had ten consecutive hours off duty without loss of pay for ordinary working time occurring during such absence.</p> <p><b>Shiftworkers</b></p> <p>This provision for a ten hour rest period applies to shiftworkers as if eight hours were substituted for ten hours when overtime is worked:</p> <ul style="list-style-type: none"> <li>- for the purposes of changing shift rosters</li> </ul>

Clause	Conditions Type	Description
		<ul style="list-style-type: none"> <li>- where a day worker or a shiftworker is required to replace a shiftworker who does not report for duty</li> <li>- where a shift is worked by arrangement between the employees themselves.</li> </ul>
30.4	Rest period after overtime duty (Instrument)	An employee who has worked continuously, except for meal or crib breaks, for 20 hours must not continue or recommence work for at least 12 hours.
30.5	Crib break (Instrument)	<p>An employee who works overtime for two or more hours after the usual ending time for the day or shift is entitled to a paid 20 minute crib break immediately after the ending time or payment at overtime rates for the 20 minute crib break.</p> <p>After each four hours of continuous overtime, the employee is also entitled to a paid 30 minute crib break.</p>
30.6	Saturday and Sunday work (Instrument)	<p>An employee required to work overtime on a <b>Saturday</b> must be given and paid for at least three hours work at the appropriate rate.</p> <p>An employee required to work overtime on a <b>Sunday</b> must be given and paid for at least four hours work at the appropriate rate.</p> <p>An employee working overtime on a Saturday or Sunday must be allowed:</p> <ul style="list-style-type: none"> <li>- a paid 10 minute rest break</li> <li>- a paid 20 minute crib break after four hours work paid at the ordinary rate</li> <li>- a paid 30 minute crib break after a further four hours work paid at the ordinary rate.</li> </ul>
30.8	Transport of employees (Instrument)	An employee who, after working overtime and/or a shift for which they have not been regularly rostered, finishes work when reasonable means of transport are not available must be provided with transport to, or the cost of transport to, the employee's usual residence.
31	Hours of work (Instrument)	<p><b>Alternative working arrangement</b></p> <p>So as to suit the needs of a particular enterprise, factory, workshop or section the employer and the employees by written agreement, may alter the ordinary hours of work from those allowed under the provisions covering:</p> <ul style="list-style-type: none"> <li>- ordinary hours of work and rostering,</li> </ul>

Clause	Conditions Type	Description
		<ul style="list-style-type: none"> <li>- breaks</li> <li>- overtime</li> </ul> <p>Where employees request that the employer consult with their representatives on the proposed alteration, that consultation must take place at least five days prior to the introduction of the alteration.</p> <p>The agreement must be made by at least 60% of employees in the enterprise, factory, workshop or section affected by the alteration.</p> <p>No employee should experience a loss of ordinary time pay or status as a result of the alteration.</p> <p>Section means a clearly identifiable production process.</p>
32.2	Annual leave - payment (Instrument)	<p>An employee, before going on annual leave, must be paid the wages they would have received for the ordinary hours the employee would have worked had they not been on leave.</p> <p>The wages to be paid must be worked out on the basis of what the employee would have been paid under this award for working ordinary hours during the period of annual leave, including applicable allowances, loadings and penalties paid for all purposes of the award, first aid allowance, if applicable, and any other wages payable under the employee's contract of employment including any overaward payment.</p> <p>The employee is not entitled to payments for overtime, special rates or any other payment which might have been payable to the employee as a reimbursement for expenses incurred.</p>
32.3	Annual leave loading (Instrument)	<p>During a period of annual leave an employee must be paid a loading of 17.5% calculated on:</p> <ul style="list-style-type: none"> <li>- adult minimum wages</li> <li>- apprentice minimum wages</li> <li>- adult apprentice minimum wages</li> <li>- trainee minimum wages</li> <li>- supported wage system</li> <li>- industry allowance as applicable</li> <li>- tool allowance as applicable</li> <li>- stonemasonry tools and equipment allowance as applicable</li> <li>- leading hand rates if applicable.</li> </ul>



Clause	Conditions Type	Description
		An employee is also entitled to the 17.5% loading on any proportionate leave on termination.
32.4	Annual leave (Instrument)	<p><b>Commencement of annual leave for distant jobs</b></p> <p>If an employee is engaged on a distant job when annual leave is granted and they return by the first reasonable means of transport to the place of engagement (or, if employed prior to going to the distant job, to the place regarded as the headquarters), their annual leave commences on the first full working day following the employee's return to the place of engagement or headquarters.</p>
32.5	Annual leave - excessive leave (Instrument)	<p>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 at least four weeks notice of the time when the leave is to be taken if:</p> <ul style="list-style-type: none"> <li>- at the time the direction is given, the employee has eight weeks or more of annual leave accrued</li> <li>- 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.</li> </ul>
32.6	Annual leave - paid leave in advance of accrued entitlement (Instrument)	<p>Where the employer and employee agree, a period of annual leave may be taken in advance of the entitlement accruing.</p> <p>If leave is taken in advance and the employment terminates before the entitlement accrues the employer may make a corresponding deduction from any money due to the employee on termination.</p>
32.7	Annual leave - close-down (Instrument)	<p>An employer may close down during the Christmas–New Year period so as to give the whole of the annual leave owing to all or the majority of the employees provided that:</p> <ul style="list-style-type: none"> <li>(a) the employer gives at least two months notice of intention to do so</li> <li>(b) an employee who has accrued sufficient leave to cover the period of the close-down, is allowed leave and also paid for that leave at the appropriate wage</li> <li>(c) an employee who has not accrued sufficient leave to cover part or all of the close-down, is allowed paid leave for the period for which they have accrued sufficient leave and given unpaid leave for the remainder of the close-down</li> </ul>

Clause	Conditions Type	Description
		(d) any leave taken by an employee as a result of a close-down also counts as service by the employee with their employer.
32.8	Annual leave - proportionate leave on termination (Instrument)	On termination of employment, an employee must be paid for annual leave accrued that has not been taken at the appropriate wage, as well as annual leave loading
33.2	Personal/carer's leave (Instrument)	If an employee is terminated and re-engaged by the same employer within six months, the employee's unclaimed balance of paid personal/carer's leave continues from the date of re-engagement.
34.2	Jury service (Instrument)	A full-time employee required to attend for jury service during their ordinary hours of work must be reimbursed by the employer for the difference between the amount paid to the employee for their attendance for jury service and the wages they would have received for the ordinary hours they would have worked.
35.2	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 and be available no later than the time of ending of ordinary hours of work on Thursday of each working week. Provided that in any week in which a public holiday falls on a Thursday or a Friday mutually acceptable alternative arrangements must be made.

**IMPORTANT NOTE: Disclaimer**

The Fair Work Ombudsman is committed to providing advice that you can rely on.

Your situation and the law can change so we encourage you to check back with us by looking at <http://www.fairwork.gov.au/pay/pay-and-conditions-guides/pages/default.aspx>