

PAY AND CONDITIONS GUIDE


Pharmaceutical Industry Award 2010 [MA000069] ('modern award')

replacing terms and conditions in or derived from

Food And Drug Store Employees ' Award - Southern Division (Eastern District) 2003 [AN140118] ('pre-modern award')

(QLD)

Effective from 01 July 2013.

Published 20 June 2013 

Background

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

Transitional arrangements

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

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

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

Transitional arrangements for Division 2B State awards

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

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

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

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

Who should use the guide?

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

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

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

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

The guide contains information from this modern award about:

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

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

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

However, the penalty rates and allowances in the modern award do not apply to agreement-covered employees, unless the agreement is read in conjunction with the modern award (e.g. a pre-reform certified agreement (a type of collective agreement made before 27 March 2006)).

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

Coverage

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

Pharmaceutical industry means:

- the manufacture and production of prescription pharmaceuticals or of both prescription and non-prescription pharmaceuticals; or
- the wholesaling of prescription pharmaceuticals or of both prescription and non-prescription pharmaceuticals; or
- processes and activities that are incidental or ancillary to the manufacture and production of prescription pharmaceuticals or of both prescription and non-prescription pharmaceuticals.

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

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.

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 pharmaceutical 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 subclause operates subject to the exclusions from coverage in this award.

This award covers employers which provide group training services for trainees engaged in the industry and/or parts of industry set out at clause 4.1 and those trainees engaged by a group training service hosted by a company to perform work at a location where the activities described herein are being performed. This subclause operates subject to the exclusions from coverage in this award.

This award does not cover employers and employees covered by the:

- Food, Beverage and Tobacco Manufacturing Award 2010; or
- Manufacturing and Associated Industries and Occupations Award 2010.

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

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

Wages

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

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

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

The base rates of pay in this guide include any applicable industry allowance. The base rates of pay also include any increase from Fair Work Australia's annual wage review. For more information about transitional arrangements for minimum wage entitlements, please visit www.fairwork.gov.au

Casual employees

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

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

*Post 26 March 2006 employer

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

Adult

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

Full & Part Time

Manufacturing/production worker

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Grade 1 - on commencement	Manufacturing production worker, Level 1	\$17.43
Grade 1 - on commencement	Manufacturing production worker, 20 and under 21 years of age	\$16.98

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Grade 1 - after 3 months	Manufacturing production worker, Level 2	\$17.64
Grade 1 - after 3 months	Manufacturing production worker, 20 and under 21 years of age	\$17.16
Grade 1 - after 12 months	Manufacturing production worker, Level 2	\$17.81
Grade 1 - after 12 months	Manufacturing production worker, Level 3	\$17.85
Grade 1 - after 12 months	Manufacturing production worker, 20 and under 21 years of age	\$17.33
Grade 2	Manufacturing production worker, Level 4	\$18.09
Grade 2	Manufacturing production worker, 20 and under 21 years of age	\$17.47
Grade 3	Manufacturing production worker, Level 5	\$18.61
Grade 3	Manufacturing production worker, 20 and under 21 years of age	\$17.91
Grade 4	Manufacturing production worker, 20 and under 21 years of age	\$18.35
Grade 4	Manufacturing production worker, Level 6	\$19.15

Warehouse/distribution worker

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Grade 1 - on commencement	Manufacturing production worker, Level 1	\$17.43
Grade 1 - after 3 months	Manufacturing production worker, Level 2	\$17.64
Grade 1 - after 12 months	Manufacturing production worker, Level 2	\$17.81
Grade 1 - after 12 months	Manufacturing production worker, Level 3	\$17.85
Grade 2	Manufacturing production worker, Level 4	\$18.09
Grade 3	Manufacturing production worker, Level 5	\$18.61
Grade 4	Manufacturing production worker, Level 6	\$19.15

Casual Manufacturing/production worker

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Grade 1 - on commencement	Manufacturing production worker, Level 1	\$21.72 (24.6%)
Grade 1 - on commencement	Manufacturing production worker, 20 and under 21 years of age	\$21.16 (24.6%)
Grade 1 - after 3 months	Manufacturing production worker, Level 2	\$21.98 (24.6%)
Grade 1 - after 3 months	Manufacturing production worker, 20 and under 21 years of age	\$21.38 (24.6%)
Grade 1 - after 12 months	Manufacturing production worker, Level 2	\$22.20 (24.6%)
Grade 1 - after 12 months	Manufacturing production worker, Level 3	\$22.24 (24.6%)
Grade 1 - after 12 months	Manufacturing production worker, 20 and under 21 years of age	\$21.60 (24.6%)
Grade 2	Manufacturing production worker, Level 4	\$22.54 (24.6%)
Grade 2	Manufacturing production worker, 20 and under 21 years of age	\$21.77 (24.6%)
Grade 3	Manufacturing production worker, Level 5	\$23.18 (24.6%)
Grade 3	Manufacturing production worker, 20 and under 21 years of age	\$22.31 (24.6%)
Grade 4	Manufacturing production worker, 20 and under 21 years of age	\$22.86 (24.6%)
Grade 4	Manufacturing production worker, Level 6	\$23.86 (24.6%)

Warehouse/distribution worker

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Grade 1 - on commencement	Manufacturing production worker, Level 1	\$21.72 (24.6%)
Grade 1 - after 3 months	Manufacturing production worker, Level 2	\$21.98 (24.6%)
Grade 1 - after 12 months	Manufacturing production worker, Level 2	\$22.20 (24.6%)
Grade 1 - after 12 months	Manufacturing production worker, Level 3	\$22.24 (24.6%)
Grade 2	Manufacturing production worker, Level 4	\$22.54 (24.6%)
Grade 3	Manufacturing production worker, Level 5	\$23.18 (24.6%)
Grade 4	Manufacturing production worker, Level 6	\$23.86 (24.6%)

Junior

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

Full & Part Time

Grade 1 - on commencement

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
At 19 years of age	Manufacturing production worker, 19 and under 20 years of age	\$16.68
At 18 years of age	Manufacturing production worker, 18 and under 19 years of age	\$13.50
At 17 years of age	Manufacturing production worker, 17 and under 18 years of age	\$10.31
Under 17 years of age	Manufacturing production worker, 15 and under 16 years of age	\$8.57
Under 17 years of age	Manufacturing production worker, 16 and under 17 years of age	\$8.72

Grade 1 - after 3 months

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
At 19 years of age	Manufacturing production worker, 19 and under 20 years of age	\$16.86
At 18 years of age	Manufacturing production worker, 18 and under 19 years of age	\$13.64
At 17 years of age	Manufacturing production worker, 17 and under 18 years of age	\$10.42
Under 17 years of age	Manufacturing production worker, 15 and under 16 years of age	\$8.65
Under 17 years of age	Manufacturing production worker, 16 and under 17 years of age	\$8.81

Grade 1 - after 12 months

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
At 19 years of age	Manufacturing production worker, 19 and under 20 years of age	\$17.03

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
At 18 years of age	Manufacturing production worker, 18 and under 19 years of age	\$13.78
At 17 years of age	Manufacturing production worker, 17 and under 18 years of age	\$10.52
Under 17 years of age	Manufacturing production worker, 15 and under 16 years of age	\$8.74
Under 17 years of age	Manufacturing production worker, 16 and under 17 years of age	\$8.89

Grade 2

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
At 19 years of age	Manufacturing production worker, 19 and under 20 years of age	\$17.17
At 18 years of age	Manufacturing production worker, 18 and under 19 years of age	\$13.89
At 17 years of age	Manufacturing production worker, 17 and under 18 years of age	\$10.60
Under 17 years of age	Manufacturing production worker, 15 and under 16 years of age	\$8.81
Under 17 years of age	Manufacturing production worker, 16 and under 17 years of age	\$8.96

Grade 3

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
At 19 years of age	Manufacturing production worker, 19 and under 20 years of age	\$17.60
At 18 years of age	Manufacturing production worker, 18 and under 19 years of age	\$14.23
At 17 years of age	Manufacturing production worker, 17 and under 18 years of age	\$10.86
Under 17 years of age	Manufacturing production worker, 15 and under 16 years of age	\$9.03
Under 17 years of age	Manufacturing production worker, 16 and under 17 years of age	\$9.18

Grade 4

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
At 19 years of age	Manufacturing production worker, 19 and under 20 years of age	\$18.05
At 18 years of age	Manufacturing production worker, 18 and under 19 years of age	\$14.59
At 17 years of age	Manufacturing production worker, 17 and under 18 years of age	\$11.13
Under 17 years of age	Manufacturing production worker, 15 and under 16 years of age	\$9.25
Under 17 years of age	Manufacturing production worker, 16 and under 17 years of age	\$9.40

Casual

Grade 1 - on commencement

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
At 19 years of age	Manufacturing production worker, 19 and under 20 years of age	\$20.78 (24.6%)
At 18 years of age	Manufacturing production worker, 18 and under 19 years of age	\$16.81 (24.6%)
At 17 years of age	Manufacturing production worker, 17 and under 18 years of age	\$12.85 (24.6%)
Under 17 years of age	Manufacturing production worker, 15 and under 16 years of age	\$10.67 (24.6%)
Under 17 years of age	Manufacturing production worker, 16 and under 17 years of age	\$10.86 (24.6%)

Grade 1 - after 3 months

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
At 19 years of age	Manufacturing production worker, 19 and under 20 years of age	\$21.01 (24.6%)
At 18 years of age	Manufacturing production worker, 18 and under 19 years of age	\$16.99 (24.6%)

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
At 17 years of age	Manufacturing production worker, 17 and under 18 years of age	\$12.98 (24.6%)
Under 17 years of age	Manufacturing production worker, 15 and under 16 years of age	\$10.78 (24.6%)
Under 17 years of age	Manufacturing production worker, 16 and under 17 years of age	\$10.97 (24.6%)

Grade 1 - after 12 months

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
At 19 years of age	Manufacturing production worker, 19 and under 20 years of age	\$21.22 (24.6%)
At 18 years of age	Manufacturing production worker, 18 and under 19 years of age	\$17.17 (24.6%)
At 17 years of age	Manufacturing production worker, 17 and under 18 years of age	\$13.11 (24.6%)
Under 17 years of age	Manufacturing production worker, 15 and under 16 years of age	\$10.89 (24.6%)
Under 17 years of age	Manufacturing production worker, 16 and under 17 years of age	\$11.08 (24.6%)

Grade 2

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
At 19 years of age	Manufacturing production worker, 19 and under 20 years of age	\$21.39 (24.6%)
At 18 years of age	Manufacturing production worker, 18 and under 19 years of age	\$17.30 (24.6%)
At 17 years of age	Manufacturing production worker, 17 and under 18 years of age	\$13.21 (24.6%)
Under 17 years of age	Manufacturing production worker, 15 and under 16 years of age	\$10.98 (24.6%)
Under 17 years of age	Manufacturing production worker, 16 and under 17 years of age	\$11.17 (24.6%)

Grade 3

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
At 19 years of age	Manufacturing production worker, 19 and under 20 years of age	\$21.93 (24.6%)
At 18 years of age	Manufacturing production worker, 18 and under 19 years of age	\$17.74 (24.6%)
At 17 years of age	Manufacturing production worker, 17 and under 18 years of age	\$13.54 (24.6%)
Under 17 years of age	Manufacturing production worker, 15 and under 16 years of age	\$11.25 (24.6%)
Under 17 years of age	Manufacturing production worker, 16 and under 17 years of age	\$11.44 (24.6%)

Grade 4

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
At 19 years of age	Manufacturing production worker, 19 and under 20 years of age	\$22.48 (24.6%)
At 18 years of age	Manufacturing production worker, 18 and under 19 years of age	\$18.18 (24.6%)
At 17 years of age	Manufacturing production worker, 17 and under 18 years of age	\$13.87 (24.6%)
Under 17 years of age	Manufacturing production worker, 15 and under 16 years of age	\$11.52 (24.6%)
Under 17 years of age	Manufacturing production worker, 16 and under 17 years of age	\$11.71 (24.6%)

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 18 of the modern award.

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

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

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

Transitional arrangements

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

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

- A pre-modern award loading/penalty will be "equivalent" to a modern award entitlement where the loading/penalty applies:
 - for the same purpose (e.g. Saturday penalty);
 - for the same time periods; and
 - in the same way#.
 - #A pre-modern award and modern award loading/penalty applies in the same way if the entitlements are both:
 - paid at the same frequency, such as per hour or per shift; and
 - paid as a percentage of the same amount (e.g. both penalties are paid as a percentage of the employee's classification rate, rather than as a percentage of a different amount or paid as a flat dollar amount).

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

Equivalent entitlements

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

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

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

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

Example:

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

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

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

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

Example:

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

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

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

Entitlements that are not equivalent

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

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

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

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

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

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

Example:

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

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

1/01/2014	1/07/2010
Modern award penalty	Penalty rate (phased)
	(20.00%)
10.00%	2.00%
20.00%	4.00%
25.00%	5.00%
50.00%	10.00%
75.00%	15.00%
100.00%	20.00%
120.00%	24.00%
125.00%	25.00%
130.00%	26.00%
150.00%	30.00%

1/01/2010	1/07/2010
Pre-modern award penalty	Penalty rate (phased)
	(80.00%)
10.00%	8.00%
20.00%	16.00%
25.00%	20.00%
50.00%	40.00%
75.00%	60.00%
100.00%	80.00%
120.00%	96.00%
125.00%	100.00%
130.00%	104.00%
150.00%	120.00%

New entitlements

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

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

Example:

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

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

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

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

Allowances

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

All states covered by this instrument Full Time, Part Time, Casual

Clause	Allowance Type	Description	Effective Date	Rate
19.1	Gentian Violet and similar substances allowance	Gentian Violet and similar substances An employee whilst engaged in processing and/or repacking in bulk Gentian Violet, Methylene Blue, Acriflavine or similar substances must be paid an allowance. Minimum payment applies.	1/07/2013	\$0.4791 per hour (2.50%)
19.2	Chlorpromazine hydrochloride allowance	Chlorpromazine hydrochloride An employee whilst engaged in granulating and/or tableting and/or coating chlorpromazine hydrochloride or compounding chlorpromazine hydrochloride solution must be paid an allowance.	1/07/2013	\$0.4025 per hour or part thereof (2.10%)
19.3	Respirator allowance	Respirator An employee whilst required to work in any area which necessitates the wearing of a respirator must be paid an allowance.	1/07/2013	\$0.6900 per hour (3.60%)
19.4	Sterile areas allowance	Sterile areas An employee whilst employed in sterile areas must be paid an allowance.	1/07/2013	\$2.0507 per day or part thereof (10.70%)
19.5	Dust mask allowance	Dust mask An employee whilst employed in areas, other than sterile areas, requiring the continued wearing of a dust mask must be paid an allowance.	1/07/2013	\$2.0507 per day or part thereof (10.70%)

Clause	Allowance Type	Description	Effective Date	Rate
19.6	Meal allowance	An employee required to work overtime for any period in excess of one and a half hours after the usual hour of ceasing duty or after 5.45 pm, whichever is the earlier, must be supplied with an adequate meal from the employer's canteen or paid a meal allowance for each meal. Provided that when an employee is notified the previous day of the intention to work overtime and overtime is not worked they must also be paid the meal allowance.	1/07/2013	\$12.9800 per meal
19.7(a)	First aid allowance	An employer must appoint, where available, an employee holding a current St John Ambulance first aid certificate or a current Red Cross Society first aid certificate to be in charge of first aid in a workplace where no industrial nurse is available. Such certificated employee must be paid, when appointed, an allowance. (75.2 / 38 = 1.978947)	1/07/2013	\$0.3793 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). (1.98%)

Other Conditions

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

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

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

All states covered by this instrument

Clause	Conditions Type	Description
7	Award flexibility (Instrument)	An employer and an individual employee may agree to vary the following terms of this award to meet the genuine needs of the employer and the individual employee with respect to: - arrangements for when work is performed - overtime rates - penalty rates - allowances - leave loading. Other conditions concerning award flexibility are contained within the Fair Work Act 2009.
8	Consultation (Instrument)	The award contains information on the employer's responsibility to consult regarding major workplace change including the: - duty to notify, and - duty to discuss change.
9	Dispute resolution (Instrument)	The award sets out a dispute resolution procedure for dealing with disputes in relation to a matter under the award or the National Employment Standards (NES).
11	Part-time conditions	A part-time employee is an employee who:

Clause	Conditions Type	Description
	(Instrument)	<p>- works less than full-time hours of 38 per week; and - has reasonably predictable hours of work.</p> <p>At the time of engagement the employer and the part-time employee must agree in writing on a regular pattern of work specifying at least the hours worked each day, which days of the week the employee will work and the actual starting and finishing times each day.</p> <p>Any agreed variation to the regular pattern of work will be recorded in writing.</p> <p>All time worked in excess of the hours as mutually arranged will be overtime and paid for at overtime rates.</p> <p>The terms of this award apply pro rata to a part-time employee on the basis that the ordinary weekly hours for a full-time employee are 38.</p> <p>A part-time employee must be engaged for a minimum of three consecutive hours per day or shift.</p>
12	Casual conditions (Instrument)	A casual employee is one engaged and paid as such. A casual employee for working ordinary time must be paid an hourly rate calculated on the basis of 1/38th of the prescribed minimum weekly wage for the work being performed plus a casual loading of 25%.
13.2	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.
13.3	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.
14.2	Redundancy - transitional provisions (Instrument)	An employee is entitled to redundancy pay in accordance with the notional agreement preserving the state award that would have applied 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

Clause	Conditions Type	Description
		<p>redundancy pay in excess of the employee's entitlement under the NES. This includes employees engaged after 1 January 2010.</p> <p>The entitlement to redundancy pay under the notional agreement preserving the state award is limited to the amount which exceeds the entitlement under the NES.</p> <p>This clause does not reduce an employee's entitlement to redundancy pay under any other instrument and ceases to operate on 31 December 2014.</p>
14.3	Redundancy - transfer to lower paid duties (Instrument)	Where an employee is transferred to lower paid duties by reason of redundancy, the same period of notice must be given as the employee would have been entitled to if the employment had been terminated. Alternatively, the employer may choose to pay the employee the difference between the former ordinary time rate of pay and the new ordinary time rate of pay for the number of weeks of notice still owing.
14.4	Redundancy - employee leaving during notice period (Instrument)	An employee given notice of termination in circumstances of redundancy may terminate their employment during the period of notice. The employee is entitled to receive the benefits and payments they would have received had they remained in employment until the expiry of the notice, but is not entitled to payment instead of notice.
14.5	Redundancy - job search entitlement (Instrument)	<p>An employee given notice of termination in circumstances of redundancy must be allowed up to one day's time off without loss of pay during each week of notice for the purpose of seeking other employment.</p> <p>If the employee has been allowed paid leave for more than one day, the employee must, by request, produce proof of attendance at an interview or they will not be entitled to payment for the time absent. For this purpose a statutory declaration is sufficient.</p>
19.7(b)	Expenses (Instrument)	An employee on being requested by the employer to obtain first aid attendant qualifications of St John Ambulance standard or equivalent must, on attaining such qualifications, be reimbursed by the employer for the cost of approved books/manuals and other approved out-of-pocket expenses associated with attending the first aid course and any subsequent approved refresher courses.
19.8	Clothing, footwear and/or equipment (Instrument)	<p>An employer must supply and clean or reimburse an employee for the purchase and/or cleaning of:</p> <ul style="list-style-type: none"> - two sets of overalls or other protective clothing per year;

Clause	Conditions Type	Description
		<ul style="list-style-type: none"> - additional overalls or other protective clothing necessitated by the employee being employed in the handling in bulk of acids or other materials injurious to clothing; - waterproof boots if the employee is required to work in wet places; and - suitable footwear where the material being used by an employee in the process of manufacture comes in contact with and is injurious to footwear or where the employer requires the employee to wear protective footwear for safety reasons. <p>Any clothing or footwear supplied by an employer remains the property of the employer.</p> <p>Where an employee wants to wear safety footwear that is not required under these provisions, the employer must reimburse the employee for 50% of the cost of such safety footwear and the reasonably required replacement of such footwear.</p>
19.9	District allowance (Instrument)	<p>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.</p> <p>This clause ceases to operate on 31 December 2014.</p>
19.10	Accident pay (Instrument)	<p>An employee is entitled to accident pay in accordance with the terms of:</p> <ul style="list-style-type: none"> - a notional agreement preserving a State award 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 - 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>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>

Clause	Conditions Type	Description
		This clause does not reduce an employee's entitlement to accident pay under any other instrument and ceases to operate on 31 December 2014.
20	Higher duties (Instrument)	<p>A full-time employee engaged on duties carrying a higher pay rate than that for their ordinary classification must be paid the higher pay rate as follows:</p> <ul style="list-style-type: none"> - If on higher duties for up to four hours per day or shift, paid four hours at the higher rate. - If on higher duties for over four hours per day or shift, paid for the full day or shift at the higher rate. - If on higher duties for over 20 hours in a week, paid for the full week at the higher rate.
21	Payment of wages (Instrument)	<p><u>Payment of Wages</u> Wages must be paid by cash, cheque or EFT weekly (or fortnightly by agreement with the majority of affected employees or an individual employee), not later than Thursday in each pay week, unless otherwise agreed with the majority of employees. Provided that in any pay week in which a public holiday falls on a Thursday or Friday, wages accrued must be paid on the previous Wednesday.</p> <p>An employee paid by cash or cheque, must be paid in the employer's time and if kept waiting for their wages on pay day for more than 15 minutes after the usual time for ceasing work must be paid at overtime rates after that 15 minutes until payment has been received.</p> <p>On termination of employment the wages due to an employee must be paid on the day of such termination or be forwarded to them within 2 business days after termination.</p>
22	Superannuation (Instrument)	<p>The award contains information on:</p> <ul style="list-style-type: none"> - the employers responsibility to make superannuation contributions to a superannuation fund - the ability for an employee to authorise their employer to pay on their behalf contributions to a superannuation fund - the employers responsibility to make superannuation contributions to another superannuation fund that is chosen by the employee.
23	Hours of work (Instrument)	<p><u>Ordinary hours of work - day workers</u></p> <p>The ordinary hours of work for day workers are an average of 38 per week but not exceeding 152 hours in 28 consecutive days.</p>

Clause	Conditions Type	Description
		<p>The ordinary hours of work for day workers are to be worked continuously, except for meal breaks and rest pauses, between 7.45 am and 5.15 pm, Monday to Friday inclusive. The spread of hours may be altered by up to one hour at either end of the spread by agreement between the employer and the majority of employees in the plant, work section or sections concerned.</p> <p><u>Ordinary hours of work - shiftworkers</u></p> <p>The ordinary hours of work for shiftworkers are an average of 38 per week but not exceeding 152 hours in 28 consecutive days.</p> <p>The ordinary hours for a shiftworker must not exceed eight in any one day, Monday to Friday inclusive.</p> <p>The ordinary hours of work must be worked continuously, except for meal breaks, at the discretion of the employer.</p> <p>Except at changeover of shifts an employee must not be required to work more than one shift in each 24 hours.</p>
24.1	Breaks - meal (Instrument)	<p>The following provisions apply to employees other than employees on continuous shifts:</p> <p>No employee is required to work for a longer period than five hours without an unpaid interval of at least half an hour for a meal.</p> <p>By agreement between the employer and an employee or the majority of employees in the plant, work section or sections concerned, employees may work in excess of five hours but not more than six hours at ordinary time rates without a meal break.</p> <p>If an employer has adopted a system of ordinary working hours in which employees do not work for more than six hours per day or shift, and they do not work in excess of their ordinary hours on that day or shift, then by agreement between the employer and a majority of those employees, those employees need not be provided with a meal break on that day or shift.</p>
24.2	Breaks - rest (Instrument)	Two rest periods of 10 minutes must be allowed to all employees throughout the day and such periods are to count as time worked.

Clause	Conditions Type	Description
24.3	Crib break (Instrument)	<p>An employee working in continuous shifts must be allowed crib time of 20 minutes in each shift at such times as may be fixed by the employer so as not to interfere with the employee's normal duties and such crib time must be counted as time worked.</p> <p>Continuous shifts are where work is carried on with consecutive shifts of employees throughout the 24 hours of each of at least five consecutive days without interruption except for breakdowns or meal breaks or due to unavoidable causes beyond the control of the employer.</p>
26.2	Annual leave (Instrument)	<p>For the purpose of the additional week of annual leave provided for in s.87(1)(b) of the Fair Work Act 2009, a shiftworker is a seven day shiftworker who is regularly rostered to work on Sundays and public holidays.</p> <p>Where an employee with 12 months continuous service is engaged for part of the 12 month period as a seven day shiftworker, that employee must have their annual leave increased by half a day for each month the employee is continuously engaged as a seven day shiftworker.</p>
26.3	Annual leave (Instrument)	<p>Payment for period of annual leave</p> <p>The following provisions apply instead of the provisions of the Fair Work Act 2009 which provides for payment of annual leave at the employees base rate of pay.</p> <p><u>Employees with regular weekly hours of work</u></p> <p>Before going on annual leave, an employee must be paid the wages they would have received in respect of the ordinary hours the employee would have worked had the employee not been on leave during the relevant period. Provided that:</p> <ul style="list-style-type: none"> - 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 allowances, loadings and penalties paid for all purposes of the award, first aid allowance and any other wages payable under the employee's contract of employment including any overaward payment; and - the employee is not entitled to payments in respect of overtime, special rates or any other payment which might have been payable to the employee as a reimbursement for expenses incurred.

Clause	Conditions Type	Description
		<p><u>Employees who do not have regular weekly hours of work</u></p> <p>Before going on annual leave, an employee must be paid the average weekly wages they received in respect of the ordinary hours the employee worked during the period in which they accrued the annual leave. Provided that:</p> <ul style="list-style-type: none"> - the average weekly wages to be paid must be worked out on the basis of what the employee was paid under this award for working ordinary hours during the period in which the annual leave accrued, including allowances, loadings and penalties paid for all purposes of the award, first aid allowance and any other wages payable under the employee's contract of employment including any overaward payment; and - the employee is not entitled to payments in respect of overtime, special rates or any other payment which might have been payable to the employee as a reimbursement for expenses incurred during the period in which the annual leave accrued.
26.4	Annual leave loading (Instrument)	<p>During a period of annual leave an employee must also be paid a loading calculated on the wages prescribed in clause 26.3.</p> <p>The loading must be as follows:</p> <p><u>Day work</u> An employee who would have worked on day work only had they not been on leave must be paid a loading equal to 17.5% of the wages prescribed in clause 26.3.</p> <p><u>Shiftwork</u> An employee who would have worked on shiftwork had they not been on leave must be paid a loading equal to 17.5% of the wages prescribed in clause 26.3 or the shift loading including relevant weekend penalty rates they would have received had they not been on leave, whichever is the greater but not both.</p>
26.5	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 not less than four weeks' notice of the time when such leave is to be taken if:</p> <ul style="list-style-type: none"> - at the time the direction is given, the employee has 12 weeks or more of annual leave accrued; and - the amount of annual leave the employee is directed to take is less than or equal to a third of the amount of leave accrued.

Clause	Conditions Type	Description
26.6	Annual leave - paid leave in advance of accrued entitlement (Instrument)	By agreement between an employer and an employee a period of annual leave may be taken in advance of the entitlement accruing. Provided that if leave is taken in advance and the employment terminates before the entitlement has accrued the employer may make a corresponding deduction from any money due to the employee on termination.
26.7	Annual leave - close-down (Instrument)	An employer may close down an enterprise or part of it for the purpose of allowing annual leave to all or the majority of the employees in the enterprise or part concerned, provided that: <ul style="list-style-type: none"> - the employer gives not less than four weeks' notice of intention to do so; and - 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 in accordance with clauses 26.3 and 26.4; and - an employee who has not accrued sufficient leave to cover part or all of the close-down is allowed paid annual leave for the period for which they have accrued sufficient annual leave and given unpaid leave for the remainder of the close-down; and - any leave taken by an employee as a result of a close-down also counts as service by the employee with their employer; and - the employer may only close down the enterprise or part of it pursuant to this clause for one period in a year.
26.8	Annual leave (Instrument)	Proportionate leave on termination On termination of employment, an employee must be paid for annual leave accrued that has not been taken at the appropriate wage calculated in accordance with clause 26.3.
29.2	Public holidays (Instrument)	By agreement between the employer and the majority of employees in a workplace, an alternative day may be taken as the public holiday instead of the day that would otherwise be the public holiday.

Frequency of Payment

Wages must be paid in the employer's time, not later than Thursday in each week, unless otherwise agreed with the majority of employees. Provided that in any week in which a public holiday falls on a Thursday or Friday, wages accrued must be paid on the previous Wednesday.

An employee kept waiting for their wages on pay day for more than 15 minutes after the usual time for ceasing work must be paid at overtime rates after that 15 minutes.

On termination of the employment the wages due to an employee must be paid on the day of such termination or be forwarded to them on the next working day.

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.