



Australian Government

Fair Work

OMBUDSMAN

PAY AND CONDITIONS GUIDE

Funeral Industry Award 2010 [MA000105] ('modern award')
replacing terms and conditions in or derived from

Funeral Industries (State) Award 2005 [AN120221] ('pre-modern
award')

(NSW)

Effective from 01 July 2013.

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 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 funeral industry and their employees in the classifications listed in this modern award to the exclusion of any other modern award.

The award does not cover employers in the cemetery industry.

The 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 funeral 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 or related temporary employment services for trainees engaged in the funeral industry and/or parts of such industry and those trainees engaged by a group training or related temporary employment service hosted by a company to perform work at a location where the activities described herein are being performed. This subclause operates subject to the exclusions from coverage in this award.

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

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

Wages

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

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

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

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

Casual employees

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

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

*Post 26 March 2006 employer

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

Adult

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

Full & Part Time

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Grade 1	Casket manufacturing, Labourer	\$16.59
Grade 2	Funeral directors, Shop person	\$17.43
Grade 2	Funeral directors, Trainee embalmer, First year	\$17.43
Grade 2	Funeral directors, Trainee embalmer, 2nd year	\$17.47
Grade 2	Funeral directors, Trainee embalmer, 3rd year	\$17.51
Grade 2	Casket manufacturing, Process worker	\$17.23
Grade 2	Funeral directors, Shop person, 18 years and under 19 years	\$15.59
Grade 2	Funeral directors, Shop person, 19 years and under 20 years	\$16.01
Grade 2	Funeral directors, Shop person, 20 years and under 21 years	\$16.44
Grade 2	Funeral directors, Shop person, 21 years and over	\$17.43

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Grade 2	Funeral directors, Trainee embalmer, First year, 18 years and under 19 years	\$15.59
Grade 2	Funeral directors, Trainee embalmer, First year, 19 years and under 20 years	\$16.01
Grade 2	Funeral directors, Trainee embalmer, First year, 20 years and under 21 years	\$16.44
Grade 2	Funeral directors, Trainee embalmer, First year, 21 years and over	\$17.43
Grade 2	Funeral directors, Trainee embalmer, 2nd year, 18 years and under 19 years	\$15.61
Grade 2	Funeral directors, Trainee embalmer, 2nd year, 19 years and under 20 years	\$16.04
Grade 2	Funeral directors, Trainee embalmer, 2nd year, 20 years and under 21 years	\$16.47
Grade 2	Funeral directors, Trainee embalmer, 2nd year, 21 years and over	\$17.47
Grade 2	Funeral directors, Trainee embalmer, 3rd year, 18 years and under 19 years	\$15.63
Grade 2	Funeral directors, Trainee embalmer, 3rd year, 19 years and under 20 years	\$16.07
Grade 2	Funeral directors, Trainee embalmer, 3rd year, 20 years and under 21 years	\$16.50
Grade 2	Funeral directors, Trainee embalmer, 3rd year, 21 years and over	\$17.51
Grade 3	Funeral directors, Non resident officer & duty officer	\$18.02
Grade 3	Funeral directors, Resident arranging officer	\$18.02
Grade 3	Funeral directors, Arranging officer	\$18.00
Grade 3	Funeral directors, Conductor	\$18.02
Grade 3	Funeral directors, Non resident & duty officer, 18 years and under 19 years	\$16.15
Grade 3	Funeral directors, Non resident & duty officer, 19 years and under 20 years	\$16.58

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Grade 3	Funeral directors, Non resident & duty officer, 20 years and under 21 years	\$17.01
Grade 3	Funeral directors, Non resident & duty officer, 21 years and over	\$18.02
Grade 3	Funeral directors, Resident arranging officer, 18 years and under 19 years	\$16.15
Grade 3	Funeral directors, Resident arranging officer, 19 years and under 20 years	\$16.58
Grade 3	Funeral directors, Resident arranging officer, 20 years and under 21 years	\$17.01
Grade 3	Casket manufacturing, Grade 1	\$17.89
Grade 3	Funeral directors, Resident arranging officer, 21 years and over	\$18.02
Grade 3	Funeral directors, Arranging officer, 18 years and under 19 years	\$16.14
Grade 3	Funeral directors, Arranging officer, 19 years and under 20 years	\$16.57
Grade 3	Funeral directors, Arranging officer, 20 years and under 21 years	\$17.00
Grade 3	Funeral directors, Arranging officer, 21 years and over	\$18.00
Grade 3	Funeral directors, Conductor, 18 years and under 19 years	\$16.15
Grade 3	Funeral directors, Conductor, 19 years and under 20 years	\$16.58
Grade 3	Funeral directors, Conductor, 20 years and under 21 years	\$17.01
Grade 3	Funeral directors, Conductor, 21 years and over	\$18.02
Grade 4	Funeral directors, Embalmer, 18 years and under 19 years	\$17.78
Grade 4	Funeral directors, Embalmer, 19 years and under 20 years	\$17.78
Grade 4	Funeral directors, Embalmer, 20 years and under 21 years	\$17.78

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)
Grade 4	Funeral directors, Embalmer, 21 years and over	\$18.57
Grade 5	Casket manufacturing, Grade 1	\$19.07
Grade 5	Casket manufacturing, Grade 2	\$19.24
Grade 5	Casket manufacturing, Grade 2, 17 years and under	\$17.12
Grade 5	Casket manufacturing, Grade 2, 18 years of age	\$17.40
Grade 5	Casket manufacturing, Grade 2, 19 years of age	\$17.94
Grade 5	Casket manufacturing, Grade 2, 20 years of age	\$18.25
Grade 6	Funeral directors, Embalmer	\$19.86

Casual

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
Grade 1	Casket manufacturing, Labourer	\$20.73 (24.92%)	\$20.41 (23%)
Grade 2	Funeral directors, Shop person	\$21.77 (24.92%)	\$21.43 (23%)
Grade 2	Funeral directors, Trainee embalmer, First year	\$21.77 (24.92%)	\$21.43 (23%)
Grade 2	Funeral directors, Trainee embalmer, 2nd year	\$21.82 (24.92%)	\$21.49 (23%)
Grade 2	Funeral directors, Trainee embalmer, 3rd year	\$21.88 (24.92%)	\$21.54 (23%)
Grade 2	Casket manufacturing, Process worker	\$21.53 (24.92%)	\$21.20 (23%)
Grade 2	Funeral directors, Shop person, 18 years and under 19 years	\$19.48 (24.92%)	\$19.18 (23%)
Grade 2	Funeral directors, Shop person, 19 years and under 20 years	\$20.00 (24.92%)	\$19.70 (23%)
Grade 2	Funeral directors, Shop person, 20 years and under 21 years	\$20.53 (24.92%)	\$20.22 (23%)

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
Grade 2	Funeral directors, Shop person, 21 years and over	\$21.77 (24.92%)	\$21.43 (23%)
Grade 2	Funeral directors, Trainee embalmer, First year, 18 years and under 19 years	\$19.48 (24.92%)	\$19.18 (23%)
Grade 2	Funeral directors, Trainee embalmer, First year, 19 years and under 20 years	\$20.00 (24.92%)	\$19.70 (23%)
Grade 2	Funeral directors, Trainee embalmer, First year, 20 years and under 21 years	\$20.53 (24.92%)	\$20.22 (23%)
Grade 2	Funeral directors, Trainee embalmer, First year, 21 years and over	\$21.77 (24.92%)	\$21.43 (23%)
Grade 2	Funeral directors, Trainee embalmer, 2nd year, 18 years and under 19 years	\$19.50 (24.92%)	\$19.20 (23%)
Grade 2	Funeral directors, Trainee embalmer, 2nd year, 19 years and under 20 years	\$20.04 (24.92%)	\$19.73 (23%)
Grade 2	Funeral directors, Trainee embalmer, 2nd year, 20 years and under 21 years	\$20.57 (24.92%)	\$20.26 (23%)
Grade 2	Funeral directors, Trainee embalmer, 2nd year, 21 years and over	\$21.82 (24.92%)	\$21.49 (23%)
Grade 2	Funeral directors, Trainee embalmer, 3rd year, 18 years and under 19 years	\$19.53 (24.92%)	\$19.23 (23%)
Grade 2	Funeral directors, Trainee embalmer, 3rd year, 19 years and under 20 years	\$20.07 (24.92%)	\$19.76 (23%)
Grade 2	Funeral directors, Trainee embalmer, 3rd year, 20 years and under 21 years	\$20.61 (24.92%)	\$20.30 (23%)
Grade 2	Funeral directors, Trainee embalmer, 3rd year, 21 years and over	\$21.88 (24.92%)	\$21.54 (23%)

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
Grade 3	Funeral directors, Non resident officer & duty officer	\$22.51 (24.92%)	\$22.16 (23%)
Grade 3	Funeral directors, Resident arranging officer	\$22.51 (24.92%)	\$22.16 (23%)
Grade 3	Funeral directors, Arranging officer	\$22.49 (24.92%)	\$22.15 (23%)
Grade 3	Funeral directors, Conductor	\$22.51 (24.92%)	\$22.16 (23%)
Grade 3	Funeral directors, Non resident & duty officer, 18 years and under 19 years	\$20.17 (24.92%)	\$19.86 (23%)
Grade 3	Funeral directors, Non resident & duty officer, 19 years and under 20 years	\$20.71 (24.92%)	\$20.40 (23%)
Grade 3	Funeral directors, Non resident & duty officer, 20 years and under 21 years	\$21.25 (24.92%)	\$20.93 (23%)
Grade 3	Funeral directors, Non resident & duty officer, 21 years and over	\$22.51 (24.92%)	\$22.16 (23%)
Grade 3	Funeral directors, Resident arranging officer, 18 years and under 19 years	\$20.17 (24.92%)	\$19.86 (23%)
Grade 3	Funeral directors, Resident arranging officer, 19 years and under 20 years	\$20.71 (24.92%)	\$20.40 (23%)
Grade 3	Funeral directors, Resident arranging officer, 20 years and under 21 years	\$21.25 (24.92%)	\$20.93 (23%)
Grade 3	Casket manufacturing, Grade 1	\$22.35 (24.92%)	\$22.01 (23%)
Grade 3	Funeral directors, Resident arranging officer, 21 years and over	\$22.51 (24.92%)	\$22.16 (23%)
Grade 3	Funeral directors, Arranging officer, 18 years and under 19 years	\$20.17 (24.92%)	\$19.86 (23%)
Grade 3	Funeral directors, Arranging officer, 19	\$20.70 (24.92%)	\$20.38 (23%)

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
	years and under 20 years		
Grade 3	Funeral directors, Arranging officer, 20 years and under 21 years	\$21.24 (24.92%)	\$20.91 (23%)
Grade 3	Funeral directors, Arranging officer, 21 years and over	\$22.49 (24.92%)	\$22.15 (23%)
Grade 3	Funeral directors, Conductor, 18 years and under 19 years	\$20.17 (24.92%)	\$19.86 (23%)
Grade 3	Funeral directors, Conductor, 19 years and under 20 years	\$20.71 (24.92%)	\$20.40 (23%)
Grade 3	Funeral directors, Conductor, 20 years and under 21 years	\$21.25 (24.92%)	\$20.93 (23%)
Grade 3	Funeral directors, Conductor, 21 years and over	\$22.51 (24.92%)	\$22.16 (23%)
Grade 4	Funeral directors, Embalmer, 18 years and under 19 years	\$22.21 (24.92%)	\$21.87 (23%)
Grade 4	Funeral directors, Embalmer, 19 years and under 20 years	\$22.21 (24.92%)	\$21.87 (23%)
Grade 4	Funeral directors, Embalmer, 20 years and under 21 years	\$22.21 (24.92%)	\$21.87 (23%)
Grade 4	Funeral directors, Embalmer, 21 years and over	\$23.20 (24.92%)	\$22.85 (23%)
Grade 5	Casket manufacturing, Grade 1	\$23.82 (24.92%)	\$23.45 (23%)
Grade 5	Casket manufacturing, Grade 2	\$24.03 (24.92%)	\$23.66 (23%)
Grade 5	Casket manufacturing, Grade 2, 17 years and under	\$21.39 (24.92%)	\$21.06 (23%)
Grade 5	Casket manufacturing, Grade 2, 18 years of age	\$21.74 (24.92%)	\$21.41 (23%)
Grade 5	Casket manufacturing, Grade 2, 19 years of age	\$22.41 (24.92%)	\$22.06 (23%)

Modern award classification	Pre-modern award classification	Base rate of pay (hourly)	Post 26 March 2006 employer*
Grade 5	Casket manufacturing, Grade 2, 20 years of age	\$22.80 (24.92%)	\$22.45 (23%)
Grade 6	Funeral directors, Embalmer	\$24.80 (24.92%)	\$24.42 (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.

Trainee

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

Supported Wage

Please refer to clause 14.2 of the modern award.

For detail of 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%
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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%
01 July 2011	40%
01 July 2012	60%
01 July 2013	80%
01 July 2014	100%

Example:

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

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

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

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

Allowances

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

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

Clause	Allowance Type	Description	Effective Date	Rate
15.1	Meal allowance	An employee required to continue working for more than two hours after the normal finishing time, Monday to Friday, without being told on the day before or earlier that they would be required to work, will either be supplied with a meal or paid the following.	1/07/2013	\$11.7300 per meal
15.2(a)	Stand-by allowance	For each period an employee is required to stand-by the employee will be paid the following allowance - between normal finishing and starting time Monday to Friday. (1.5% per week x 38 = 57% per hour)	1/07/2013	\$10.8675 per period (57.00%)
15.2(b)	Stand-by allowance	Stand-by allowance - on a Saturday, Sunday or any public holiday. (3.2% per week x 38 = 121.6% per hour)	1/07/2013	\$23.1840 per period (121.60%)
15.3	Exhumation allowance	Exhumations allowance An employee required to assist in an exhumation will be paid an allowance for each body exhumed. (10.7% per week x 38 = 406.6% per hour)	1/07/2013	\$77.5215 per body (406.60%)
15.4	Meal allowance	Travelling meal allowance	1/07/2013	\$11.7300 per occasion

Clause	Allowance Type	Description	Effective Date	Rate
		Any employee who is required for a funeral or removal, travelling in excess of 80 kilometres each way, who is unable to take their midday meal break at the place normally provided by the employer or at the employee's home, and within the hours prescribed in this award, will be provided with a meal or paid the following.		
15.5(b)	Vehicle allowance	Employees required by their employer to use their own motor vehicle in the performance of their duties will be paid the following.	1/07/2013	\$0.7600 per kilometre
15.6	Tool allowance	Where an employer requires an employee engaged in coffin manufacturing to use their own tools and/or equipment, the employee must be paid a weekly tool allowance, except where: <ul style="list-style-type: none"> - the employer provides an employee with all the tools reasonably required to perform all the functions of the employee's employment or - the employer reimburses the employee the cost of providing the tools and/or equipment. 	1/07/2010	\$0.1308 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).
15.9(a)	Leading hand allowance	An employee appointed by the employer to be in charge of between three and 10 employees, will be paid an additional allowance as follows. (686.2/38 x 4%)	1/07/2013	\$0.7626 per hour. This weekly allowance has been converted to an hourly amount. It should be applied to all ordinary hours of work (up to a maximum of 38 hours per week). (4.00%)

Clause	Allowance Type	Description	Effective Date	Rate
15.9(b)	Leading hand allowance	An employee appointed by the employer to be in charge of 11 or more, but less than 20 employees, will be paid an additional allowance as follows. (686.2/38 x 6%)	1/07/2013	\$1.1439 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). (6.00%)

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

Clause	Conditions Type	Description
		<ul style="list-style-type: none"> - allowances - leave loading. <p>Other conditions concerning award flexibility are contained within the Fair Work Act 2009.</p>
8	Consultation (Instrument)	<p>The award contains information on the employer's responsibility to consult regarding major workplace change including the:</p> <ul style="list-style-type: none"> - duty to notify, and - duty to discuss change.
9	Dispute resolution (Instrument)	<p>The award sets out a dispute resolution procedure for dealing with disputes in relation to a matter under the award or the National Employment Standards (NES).</p>
10.4	Part-time conditions (Instrument)	<p>A part-time employee is an employee who works less than 38 hours per week, has reasonably predictable hours of work, and receives equivalent pay and conditions to full-time employees on a pro rata basis.</p> <p>Upon commencement the employer and the part-time employee will 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>An employer is required to roster a part-time employee for a minimum of three consecutive hours on any shift.</p> <p>An employee who does not meet the definition of a part-time employee and who is not a full-time employee will be paid as a casual employee.</p> <p>All time worked in excess of the hours as mutually arranged will be overtime and paid for at overtime rates.</p> <p>Where a public holiday falls on a day upon which an employee is normally employed, that employee will be paid the appropriate rate for the number of hours normally worked on that day. An employee's regular roster will not be altered to avoid this obligation.</p>

Clause	Conditions Type	Description
10.5	Casual conditions (Instrument)	<p>A casual employee must be engaged for a minimum of four hours per day, and not more than once on each day.</p> <p>From the first full pay period commencing on or after 16 July 2013, on each occasion a casual employee is required to attend work the employee must be paid for a minimum of four hours' work, including when engaged more than once in any day. This minimum payment is made whether the casual employee is required to work the full four hours or not.</p>
11.2	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.
11.3	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.
12.2	Redundancy - transfer to lower paid duties (Instrument)	Where an employee is transferred to lower paid duties by reason of redundancy, the same period of notice must be given as the employee would have been entitled to if the employment had been terminated. Alternatively, the employer may choose to pay the employee the difference between the former ordinary time rate of pay and the new ordinary time rate of pay for the number of weeks of notice still owing.
12.3	Redundancy - employee leaving during notice period (Instrument)	An employee given notice of termination in circumstances of redundancy may terminate their employment during the period of notice. The employee is entitled to receive the benefits and payments they would have received had they remained in employment until the expiry of the notice, but is not entitled to payment instead of notice.
12.4	Redundancy - job search entitlement (Instrument)	<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>

Clause	Conditions Type	Description
12.5	Redundancy - transitional provisions (Instrument)	<p>An employee is entitled to redundancy pay in accordance with the NAPSA that would have applied immediately prior to 1 January 2010 and that would have entitled the employee to redundancy pay in excess of the employee's entitlement under the NES. This includes employees engaged after 1 January 2010.</p> <p>The entitlement to redundancy pay under the NAPSA is limited to the amount which exceeds the entitlement under the NES.</p> <p>This clause does not reduce an employee's entitlement to redundancy pay under any other instrument and ceases to operate on 31 December 2014.</p>
15.5(a)	Other (Instrument)	<p>Vehicle allowance</p> <p>Vehicles (including hearses, mourning cars and transfer vehicles) provided by the employer will be fitted with air conditioning. For the purpose of removals only, vehicles will as far as is reasonable have the front compartment sealed from the rear compartment.</p>
15.7	Other (Instrument)	<p>Innoculations</p> <p>The employer will reimburse the employee for costs of receiving inoculations from a qualified medical practitioner that are necessary for health and safety at work. Inoculations will include but not be limited to injections for Anti-Tetanus and Hepatitis B.</p> <p>The employee must be allowed the necessary time off work without loss of pay but must, if required by the employer, produce a medical certificate from a registered medical practitioner stating that the employee was receiving inoculations, in order to receive payment and reimbursement.</p> <p>Should the employee refuse inoculations on medical or personal grounds, the employer reserves the right to redeploy the employee.</p>
15.8	Uniforms (Instrument)	Where a full-time employee is required to wear a uniform, the employer will reimburse the employee for the cost of purchasing and laundering the uniform.
16	District allowance (Instrument)	An employee in the Northern Territory or Western Australia is entitled to payment of a district allowance in accordance with the provisions of an award or NAPSA under the Workplace Relations Act 1996 that would

Clause	Conditions Type	Description
		<p>have applied to the employee immediately prior to 1 January 2010, providing that employee was not bound by an agreement under that Act.</p> <p>This clause ceases to operate on 31 December 2014.</p>
17	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 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 made under the Workplace Relations Act 1996 (Cth) 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> <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>
18	Higher duties (Instrument)	<p>If an employee works for more than two hours during a day or shift on duties carrying a higher minimum wage than their ordinary classification, they must be paid the higher minimum wage for such day or shift. If they are engaged on such higher duties for two hours or less during a day or shift, they must be paid the higher minimum wage for the time worked.</p>
19	Method of payment (Instrument)	<p>At the option of the employer, the method of payment will be by cash, electronic funds transfer or cheque drawn on an account with a local bank or financial institution.</p>
20	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

Clause	Conditions Type	Description
		<p>- the employers responsibility to make superannuation contributions to another superannuation fund that is chosen by the employee.</p>
21.1	Hours of work (Instrument)	<p>The ordinary hours of work will be an average of 38 per week to be worked on one of the following bases:</p> <ul style="list-style-type: none"> - 38 hours within seven consecutive days - 76 hours within 14 consecutive days - 114 hours within 21 consecutive days - 152 hours within 28 consecutive days.
21.2	Span of hours (Instrument)	<p>The ordinary hours of work may be worked on any or all days Monday to Friday inclusive.</p> <p>The ordinary hours of work will be worked continuously, except for meal breaks, at the discretion of the employer between 7.00am and 7.00pm. The spread of hours may be altered by up to one hour at either end of the spread by agreement between an employer and the majority of employees concerned.</p> <p>The number of ordinary hours worked in a day will not exceed 10 hours. Where the ordinary hours worked in a day exceed eight hours, the arrangement of hours will be subject to the agreement of the employer and a majority of employees concerned.</p>
21.3	Rostered days off (Instrument)	<p>Where an employee is entitled to a rostered day off (RDO) during the work cycle, the employee will be advised of the date they are entitled to take off by the employer at least four weeks in advance.</p> <p>An employer, by agreement with a majority of employees concerned or with an individual employee, may substitute the day an employee is to take as an RDO for another day in the case of a breakdown in machinery, a failure or shortage of electric power, to meet the requirements of the business in the event of rush orders or some other emergency situation.</p> <p>An employer and any or all of the employees in the business may agree to a banking system of RDOs in order to cover peak demand. Employees would therefore work on what would normally have been their RDO and accrue an entitlement to save a RDO (over an agreed period not exceeding 10 months). The saved entitlement is to be taken at a mutually convenient time for both the employee and the employer, provided that at least seven days' notice is given before taking the saved RDO.</p>

Clause	Conditions Type	Description
21.4	Make-up time (Instrument)	An employee may choose with the consent of the employer to work make-up time, where the employee takes time off during ordinary hours and works those hours at a later time, during the spread of ordinary hours at ordinary rates.
22.2	Shiftwork (Instrument)	<p>Ordinary hours of shiftworkers</p> <p>The ordinary hours of shiftworkers will not exceed an average of 38 per week over a cycle of up to four weeks. However, by agreement between the employer and a majority of employees concerned, a roster system may operate on the basis of 38 ordinary hours per week averaged over a longer period than four weeks.</p> <p>The maximum hours worked in a shift will not exceed 10 hours. Where the ordinary working hours are to exceed eight on any shift, the arrangement will be subject agreement between the employer and a majority of employees concerned or between the employer and an individual employee.</p>
22.3	Shiftwork (Instrument)	<p>Rosters</p> <p>Shift rosters will specify the commencing and finishing times of ordinary working hours of the respective shifts.</p>
22.4	Shiftwork (Instrument)	<p>Method of working shifts</p> <p>The method of working shifts may be varied by agreement between the employer and a majority of employees or between the employer and an individual employee.</p> <p>The time of commencing and finishing shifts may be varied by agreement between the employer and a majority of employees to suit the circumstances of the establishment or in the absence of agreement, by seven days' notice of alteration given by the employer to the employees.</p>
22.7	Shiftwork (Instrument)	<p>Rest periods on afternoon shift</p> <p>A shiftworker working on afternoon shift will be entitled to rest periods in accordance with the breaks section of this award.</p>
22.8	Shiftwork	Unpaid meal break

Clause	Conditions Type	Description
	(Instrument)	An employee who works for more than five consecutive hours will be given an unpaid meal break of at least 30 minutes' duration.
22.9	Shiftwork (Instrument)	<p>Public holidays</p> <p>For work performed on a rostered shift on a public holiday, shiftworkers will be paid at the public holiday rate.</p> <p>These rates are in substitution for and not cumulative on any shift allowance.</p>
23.1	Break between work periods (Instrument)	<p>Rest after early morning work</p> <p>An employee who has been employed for a period of four hours or more between midnight and 7.00am will be released after completion of work until the employee has had eight consecutive hours off duty, without loss of pay for ordinary working time occurring during this absence.</p>
23.2	Breaks - rest (Instrument)	<p>Where possible and where rest periods do not interfere with the normal running of funerals, all employees will be allowed two paid rest periods each day as follows:</p> <ul style="list-style-type: none"> - the first period of 10 minutes to be allowed between the start time and the usual meal break - the second period of 10 minutes to be allowed between the usual meal break and the finishing time for the day.
23.3(a)	Breaks - meal (Instrument)	A meal break of between 30 and 60 minutes will be allowed between the hours of 11.00am and 2.30pm.
24.2(b)	Overtime - other (Instrument)	<p>Payment for overtime - other than shiftworkers</p> <p>Where an employee is recalled to work before 7.00am or after 7.00pm for other than arranged overtime, the employee will be paid a minimum of one hour's pay at the appropriate rate of overtime on each occasion the employee is recalled to work overtime.</p>
24.4(c)	Other (Instrument)	Removals

Clause	Conditions Type	Description
		If a removal commences between the starting and finishing times as prescribed in this award, the employee will be paid at the overtime rate. If a subsequent removal is requested after 7.00pm, although the original removal was commenced before that time, the employee will be paid at the removals rate for the subsequent removal.
24.5	Overtime – time off in lieu (Instrument)	<p>An employee may choose with the consent of their employer to take time off instead of payment for overtime at a time or times agreed with the employer.</p> <p>Overtime taken as time off during ordinary time hours will be taken at the ordinary time rate, that is, an hour for each hour worked.</p> <p>An employer will provide payment at the overtime rate for any overtime worked where the time has not been taken within four weeks of accrual and requested by the employee.</p>
25.2	Annual leave loading (Instrument)	During a period of annual leave an employee will receive a loading of 17.5% of the appropriate weekly rate prescribed.

Frequency of Payment

Wages will be paid weekly during ordinary working hours. One day of each pay period will be recognised as pay day.

Subject to agreement between the majority of employees and the employer, fortnightly pay periods may be introduced.

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>