



**ARTIO**  
Australian Road Transport  
Industrial Organisation

# MODERN AWARD HANDBOOK

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**Road Transport and Distribution Award 2010**



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## Road Transport and Distribution Award 2010

This Handbook has been specifically designed to assist in the understanding and application of the **Road Transport and Distribution Award 2010** (RTD Award) in conjunction with the **National Employment Standards** under the new workplace relations system.

The Handbook will assist users of the award to become familiar with its structure and content, which is important in giving effect to the terms of the award and achieving a high rate of compliance with the obligations and entitlements set out in the award.

A separate Handbook has been prepared for the **Road Transport (Long Distance Operations) Award 2020** (LDO Award). Where appropriate, references to the LDO Award are noted in the following pages, but users of both awards should consult both Handbooks.

### ***Australian Road Transport Industrial Organisation (ARTIO)***

The Australian Road Transport Industrial Organisation (ARTIO) is an Industrial Organisation of Employers registered under the Fair Work (Registered Organisations) Act 2009. It represents employers and prime contractors in the transport and logistics industry, particularly those engaged in road transport. ARTIO has over 400 members across the country and has been registered under the applicable legislation since 1984.

ARTIO operates as a federation with Branches in all States except South Australia. ARTIO and its Branches operate independently and each has participated directly in the relevant state industrial system prior to the creation of a more uniform national industrial relations framework, as enhanced by the Fair Work Act 2009.

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### **Disclaimer**

The ARTIO is committed to providing useful, reliable information to help you understand your rights and obligations under workplace laws. The information contained in this publication 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 independent professional advice to ensure all the factors relevant to your circumstances have been properly considered.

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## BACKGROUND

### Industrial Relations in Australia

Throughout the greater part of the 20<sup>th</sup> century the Australian industrial relations system had developed a complex web of industrial awards that were the primary source (and the pace setter) for determining the wages and conditions of employees. The terms of such awards were largely drafted by the parties in settlement of an interstate industrial dispute and contained substantial ambiguities consistent with the nature of compromises made in the settlement of disputes.

During the 1990s *enterprise agreements* developed a prominence as the preferred form of industrial instrument, so that awards had reverted to the status of providing a safety net for minimum wages and conditions in particular industries (and subsets of industries) and for an array of occupations or vocations. By 2005 there were over 2,000 federal and state industrial awards in the industrial relations system covering the minimum wages and conditions for employees in the private sector in Australia.

On 13 February 2008<sup>1</sup> the (then) Minister for Education, Employment and Workplace Relations, Ms Julia Gillard, formally announced the award modernisation program. This task was to be undertaken by the Australian Industrial Relations Commission (now known as the Fair Work Commission) under specific directions and consultative mechanisms, with a deadline for completion by 31 December 2009.

On 1 January 2010, around 2,000 old federal and state awards were effectively conflated into 122 modern federal awards, to apply across Australia, regardless of State or Territory boundaries. From Modern awards have a number of aims. One of the main aims was to rationalise the old confusing and complex (federal and state) award system so that employers in Australia do not have to juggle with multiple numbers of complex awards for calculating the pay and conditions of their employees. Conversely, employees should be better placed to know their proper pay and entitlements.

Another aim is that the terms of modern awards have been made less ambiguous so that there is less room for disagreement and dispute over the meaning and particular clauses. That is not to say that all ambiguity has gone, but it has been reduced substantially.

that date, State private sector awards were effectively made redundant so that their coverage (as well as old federal award coverage) has been absorbed into one or more of the 122 modern awards.

### Modern Awards

#### *What are modern awards?*

Modern awards are the industrial instruments that set out the minimum wage rates for employees. Together with the National Employment Standards (NES), they also cover the minimum employment standards. This way, modern awards and the NES form the safety net of wages and conditions of employment, which apply to all national system employers and employees.

National system employers and employees are:

- Trading, financial and foreign corporations and their employees (constitutional corporations);
- Employed in Victoria, the Northern Territory or the Australian Capital Territory
- Employees of the Commonwealth and Territory Governments including its authorities;
- Waterside, maritime and flight crew employed in connection with interstate and overseas trade.
- All other employees in all other States (other than Western Australia)

#### *Modern awards – content and coverage*

Modern Awards all follow a similar pattern, in a structural sense. In addition, all modern awards contain a number of clauses with standard wording.

There are 122 modern awards that cover all of Australia for the private sector. Most, but not all of these 122 modern awards have their coverage framed by reference to the industry of the employer. This is a major change from the past when awards were largely designed by reference to the occupation, trade or profession of the employee.

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<sup>1</sup> Second Reading Speech, Workplace Relations Amendment (Transition To Forward With Fairness) Bill 2008

### **Who are excluded from modern awards?**

Modern awards do not apply to those employees earning a guaranteed annual salary/wage exceeding \$148,700\* per year, nor do they apply to employees of a business that has an enterprise agreement in place. (Sections 47 (2) and 329 of the FW Act)

\* amount from 1 July 2019. Amount is indexed annually

### **Modern Awards and Road transport businesses involved in long distance operations**

For road transport businesses the modern awards, known as the Road Transport and Distribution Award 2020 (**'RTD Award'**) and the Road Transport (Long Distance Operations) Award 2020 (**'LDO Award'**), have been framed to cover respectively, the industry of the employers - that is, the industry of road transport and distribution, and the industry of private road transport that is engaged in long distance operations.

The RTD Award replaces 54 separate awards under the old system. Because the (old) *Transport Workers Award 1998* was regarded as having the most influence and penetration for the road transport industry generally, that award was used as the primary template for creating the RTD Award.

The RTD Award is an award covering the industry of the employer, and this is a significant advantage in ensuring correct award coverage.

Road transport companies (regardless of the location of yards, depots, garages or head office) that operate in long distance operations will apply the RTD Award for ascertaining the minimum wages and conditions of its employee drivers, except when drivers perform long distance operations. Ancillary employees, such as general hands, yardpersons, greasers and cleaners, and radio operators come under the RTD Award.

Road transport companies (regardless of the location of yards, depots, garages or head office) will largely need to refer only to the RTD Award and/or the LDO Award for ascertaining the minimum wages and conditions of its operational employees. For clerical and administrative employees, the relevant award is the Clerks Private Sector Award 2010.

## **The Fair Work Act and the NES**

### **Fair Work Act 2009**

The Fair Work Act 2009 replaced the Workplace Relations Act 1996. It is the law of the federal parliament that contains the NES and establishes the overriding provisions for modern awards, plus all of the discrete modules that comprise the national workplace relations system.

The legislation also includes the Fair Work (Transitional Provisions and Consequential Arrangements) Act 2009, and the Fair Work (Registered Organisations) Act 2009, but the latter statute is not generally relevant to this award Handbook.

### **National Employment Standards**

(sections 59 to 131 of Fair Work Act)

Most of the NES deals with minimum conditions of various types of leave. The NES also covers some issues on termination of employment, plus the approach to be adopted for requiring overtime to be worked, and the approach to be applied if parents of school aged children request flexible working hours.

From 1 January 2010 all modern awards (and enterprise agreements) must be read in conjunction with the NES as they combine to provide the minimum conditions of employment for employees in a particular industry or occupation.

Note that while a modern award can supplement a NES provision, the modern award cannot undercut a NES provision. The NES is not restated in the body of the modern award. This means that readers of the Award will need to refer to the relevant NES in a separate document.

The NES covers the following 10 minimum entitlements -

- Maximum weekly hours
- Requests for flexible working arrangements
- Parental leave and related entitlements
- Annual leave
- Personal/carer's leave, compassionate leave and unpaid family and domestic violence leave
- Community service leave
- Long service leave
- Public holidays
- Notice of termination and redundancy pay
- Fair Work Information Statement

Note that not all of the NES provisions apply to casual employees. Where applicable the relevant NES provisions are identified where they interact with the provisions from the RTD Award. Those that stand alone are contained in Appendix B.

### **Key Dates**

- 1 January 2010 – Road Transport and Distribution Award 2010 took effect.
- 4 May 2020 - The Road Transport and Distribution Award 2020 (**RTD Award**) took effect, replacing the 2010 Award
- 1 July annually– FWC review all minimum wage rates for all award classifications in the modern award system, which leads to wage increases.

## USING THIS HANDBOOK

There is no set way to master your knowledge of an award, but one way is to see it in three parts:

**Part A - Coverage:** these are all the clauses that build the picture that decides to whom the award applies and to whom it does not. In addition to the obviously titled clause headed “coverage”, the “definitions” clause and the “classifications” (the classification descriptors) are relevant in determining the RTD award coverage.

**Part B - Wages and Conditions:** these are the nuts and bolts of the modern award – types of employment, hiring and firing, pay rates, allowances, hours of work, RDO’s, loadings, penalty rates, overtime, leave, redundancy pay

**Part C - Process:** these are clauses that provide award flexibility, and determine the process behind consultation and dispute resolution

This handbook follows this structure.

### **Abbreviations used within this handbook are as follows:**

<b>FW Act</b>	–	Fair Work Act 2009
<b>FWC</b>	–	Fair Work Commission
<b>FWO</b>	–	Fair Work Ombudsman
<b>GCM</b>	–	gross combination mass
<b>GVM</b>	–	gross vehicle mass
<b>IFA</b>	–	Individual Flexibility Agreements
<b>LDO Award</b>	–	Road Transport (Long Distance Operations) Award 2020
<b>NAPSA</b>	–	Notional Agreement Preserving a State Award
<b>NES</b>	–	National Employment Standards
<b>RDO</b>	–	Rostered Day Off
<b>RTD Award</b>	–	Road Transport and Distribution Award 2020



## PART A - COVERAGE

“Award coverage” is the term that describes the category or class of employer and employee that the award applies to. In a legal and structural sense it is the most important part of each modern award. An employer should have a clear understanding as to what modern award/s apply to its respective employees. Applying the wrong award can be costly.

Award coverage is determined by an examination of all of the clauses of a modern award that relate to the coverage.

In the RTD Award, as well as the obvious clause headed “coverage” (clause 4), employers need to refer to a number of other clauses directly or indirectly related to the coverage clause, being

- the relevant terms in the definitions and interpretations clause 2;
- Schedules A and B (the detailed classification descriptors).

### **Coverage clause**

Sub-clause 4.1 of the RTD Award states:

*“This industry award covers employers throughout Australia in the road transport and distribution industry and their employees in the classifications listed in Schedule A – Classification Definitions for Distribution Facility Employees and Schedule B Classifications Structure to the exclusion of any other modern award”*

### **Road Transport and Distribution Industry**

The meaning of the “road transport and distribution industry” is expanded upon in the definitions (clause 3) to constitute any of ten criteria (or 12, when including related labour hire and group training businesses as per sub-clauses 4.4 and 4.65).

A further significant definition concerns the meaning of a “distribution facility” which is a necessary consequence of the integration of the distribution facility classification structure into the RTD Award.

Therefore, there is a wide and comprehensive definition referable to the business operations of the employer.

### **RTD Award classifications**

The business of the employer however, is not enough by itself to establish the RTD Award coverage. It is also necessary to identify the relevant classifications and classification descriptors in order to identify properly the award coverage of the employees of such road transport and distribution companies.

An expanded classification descriptors set out in *Schedule A – Classification Definitions for Distribution Facility Employees and Schedule B Classifications Structure to the exclusion of any other modern award* of the award.

A summary of classification descriptors according to the respective classification Grade or Level is at **Appendix A** of this Handbook.

### **Award overlap principles**

The modern award system, while substantially reducing the degree of award overlap, necessarily recognises circumstances where an employer and its employees (or some of them) are notionally covered by more than one modern award. It deals with such a situation by reference to further provisions in the coverage clause by:

- (a) ranking ‘closely competing’ modern awards (i.e. exclusion provisions); and
- (b) including a “most appropriate environment” provision.

## **Most appropriate environment clause**

Sub clause 4.7 of the RTD Award provides:-

*“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.”*  
(emphasis added)

*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.”*

## **Interaction with Road Transport (Long Distance Operations) Award**

Note that sub-clause 4.3 provides that the RTD Award does not cover employers and employees covered by the LDO Award whilst undertaking long distance operations. In other words, in circumstances where award coverage can be grounded notionally under both the RTD Award and the LDO Award, the latter award prevails.

As its name implies the LDO Award defines a long distance operation. The essential elements of a long distance operation involve either:

- a point to point return journey exceeding 500 kilometres, or
- an interstate operation that must exceed 200 kilometres for any single point to point journey.

In other words, if a road transport journey does not involve one of the above elements, then it will not be a long distance operation as defined, in which case the RTD Award will apply.

The key difference between the two awards is that employees under the RTD Award are paid according to hours worked, whereas employees under the LDO Award can be paid on a trip rate determined either according to notional hours worked or according to the distances travelled (called a cents per kilometre or “cpk” rate).

Given the nature of the industry, there can be some overlap between these 2 awards. In fact, sub-clause 18(c)(i) of the LDO specifically acknowledges this and allows an employee to move from the RTD Award to the LDO Award by the payment of an allowance on each occasion that such employee changes from ‘local’ to long distance work.

When engaged on a long distance operation, drivers can be paid on a trip basis as specified in sub-clauses 16.4 and 16.5 of the LDO Award. These trip payments which can either be “CPK” or hourly based payments at the employer’s discretion only apply to the journeys specified in those sub-clauses. Any other journeys must be paid on an hourly basis for the actual time driven.

Another important difference between the two awards is that a long distance driver must also be paid for any ‘loading/unloading’ work at the mandated rates specified in sub-clause 16.6 of the LDO Award.

## **Other types of employees not covered by the RTD Award**

The coverage clause (at sub clauses 4.3 and 4.6) also identifies those categories of employees not covered by the RTD Award.

Modern awards do not apply to employees who are already covered by covered by an enterprise agreement or an enterprise (i.e. “company”) award, or to employees who are high income employees (section 47 and 329 of the FW Act).

A “high income employee” is an employee who has a guarantee of annual earnings with the employer of a rate that exceeds the high income threshold (section 329).

On 1 July 2019 the high income threshold was set at \$148,700 per annum. This rate is adjusted on 1 July every year.



### ***Other definitions***

The following terms are also defined in the **definitions** clause 2 of the RTD Award:

aerodrome attendant	employee handling money	motor driver's assistant
ancillary vehicles and/or equipment	furniture	offensive material
articulated vehicle	greaser and cleaner	on-hire
courier	gross combination mass	quarried materials
crane chaser/dogger	gross vehicle mass	radio operator
crane offsider	interstate operation	road-train vehicle
dirty material	livestock loader	transport rigger
double-articulated vehicle	long distance operation	truck loading crane
driver-salesperson	low loader	yardperson

The above definitions (as fully explained in clause 2) are important in understanding the classification descriptors in Schedules A and B of the RTD Award and/or in relation to certain allowances.

## PART B - WAGES AND CONDITIONS

### Hiring and employing staff under the RTD Award

#### **Types of Employment**

Clause 8 explains the 3 types of employment - full-time, part-time or casual.

**Full-time** engaged to work an average of 38 ordinary hours per week (underlining added).

**Part-time** engaged to work less than 38 ordinary hours per week. Before commencing part-time employment, the employee and employer must agree upon:

- the hours to be worked by the employee,
- the days upon which they will be worked, and
- the commencing and finishing times for the work; and
- the classification applying to the work to be performed.

The terms of the agreement may be varied by consent. The terms of the agreement or any variation must be in writing and retained by the employer. A copy of the agreement and any variation must be provided to the employee by the employer.

Part-time employees:

- are paid per hour 1/38th of the weekly rate per clause 10.
- must receive a minimum payment of 4 hours for each day engaged.
- are entitled to all award benefits on pro rata basis of full-time employees, and
- are paid at appropriate overtime rates for all time worked in excess of the agreed hours.

**Casual** engaged as such and paid by the hour – the employer must, wherever practicable, notify a casual employee if their services are not required the next working day.

While working ordinary hours, casual employees must be paid on an hourly basis 1/38th of the minimum weekly rate for their classification plus a loading of 25%. This is calculated by dividing the weekly rate by 38 and then multiplying that sum by 1.25 to give a casual hourly rate.

In addition to **normal overtime rates** (time and a half or double time - or 150% or 200% respectively) a casual working overtime or outside the spread of hours is only entitled to a 10% loading (instead of 25%) on the relevant minimum classification rate (sub-clause 11.5). The 10% loading is added to the applicable overtime rate.

A minimum payment of 4 hours is to be paid.

Casual loadings derive from the principle of compensating such employees for other conditions which full-time and part-time employees receive.

A regular casual can, after 12 months employment with the employer, elect to move to full-time or part-time, but must give advance notice of his/her election of such move. The employer cannot unreasonably refuse (sub-clause 11.6(e)),

*Note: the employer must advise the casual employee of their right to elect to convert to full-time or part-time employment within 4 weeks of their 12-month anniversary date.*

#### **Junior employees**

See under Wage rates. Juniors can be engaged in any of the employment categories listed above.

#### **Letters of engagement**

While the RTD Award requires all employees to be informed of the terms of their engagement (sub-clause 8.2), it is recommended that such employees be informed in writing. Template letters of engagement, covering full-time, part-time and casual employment can be obtained from the following website: [www.fairwork.gov.au/how-we-will-help/templates-and-guides/templates](http://www.fairwork.gov.au/how-we-will-help/templates-and-guides/templates)

***Fair Work Information Statement***

As soon as possible after commencement of employment all new employees must be provided with a copy of the Fair Work Information Statement which can be obtained from the following website:

[www.fairwork.gov.au/FWISdocs/Fair-Work-Information-Statement.pdf](http://www.fairwork.gov.au/FWISdocs/Fair-Work-Information-Statement.pdf)

## Paying staff under the RTD Award

Clause 17 sets out the minimum wage rates of pay for full-time adult employees. These rates have been broken down across Transport Workers, Distribution Facility Employees and Oil Distribution Workers.

### Full-time, part-time and casual rates

Employee classification		Minimum weekly rate (full-time employee)	Minimum hourly rate for full and part-time (minimum weekly rate divided by 38)	Wage Rate per hour for casuals* (incorporating 25% loading)	Oil Distribution Workers Minimum hourly rate for full and part-time* (weekly rate divided by 35)
Transport Worker	Grade 1	\$784.60	\$20.65	\$25.81	\$22.42
	Grade 2	\$804.30	\$21.17	\$26.46	\$22.98
	Grade 3	\$814.20	\$21.43	\$26.79	\$23.26
	Grade 4	\$829.20	\$21.82	\$27.28	\$23.69
	Grade 5	\$839.60	\$22.09	\$27.61	\$23.99
	Grade 6	\$849.20	\$22.35	\$27.94	\$24.26
	Grade 7	\$861.60	\$22.67	\$28.34	\$24.62
	Grade 8	\$886.60	\$23.33	\$29.16	\$25.33
	Grade 9	\$901.50	\$23.72	\$29.65	\$25.76
	Grade 10	\$923.80	\$24.31	\$30.39	\$26.39
Distribution Facility Employee	Level 1	\$814.20	\$21.43	\$26.79	
	Level 2	\$829.20	\$21.82	\$27.28	
	Level 3	\$861.60	\$22.67	\$28.34	
	Level 4	\$901.50	\$23.72	\$29.65	

These rates apply from the first pay period to commence on or after 1 July 2019 and will likely be varied from July 2020.

- The above rates are increased by a range of circumstances other than overtime. This includes A special wage loading for employees who start work early in certain circumstances for newspaper, meat, or live poultry deliveries, or drivers employed at a fish, fruit or vegetable store, where the weekly wage of such class of employee is increased by 30%. (sub-clause 22.4(d))
- overtime rates for working outside or beyond ordinary hours of work – discussed in more detail under “Overtime”;
- loadings or premium rates applying to weekend work or work on a public holiday –discussed in more detail under “Penalty rates”;
- working afternoon or night shift – discussed in more detail under “Shiftwork”.

## **Junior employees**

Under the RTD Award junior employees are those under 20 years of age. Sub-clause 17.3 sets out the junior minimum pay rates

<b>Age</b>	<b>% of applicable adult minimum hourly rate</b>
18 years and under	70
19 years	80
20 years	100

Note also that where a junior aged 18 or more is required to drive a motor vehicle and is in charge of that vehicle, the employee must be paid the full adult rate.

## **Payment of wages**

All earnings, including overtime, must be paid in the employer's time on a day fixed by the employer, but not later than Thursday of each week (clause 18). Any employee leaving must be paid all monies due at the time of resignation or termination.

## **Superannuation**

An employer must comply with the Superannuation Guarantee legislation and make a contribution of 9.5% of the employee's ordinary time earnings to a nominated complying superannuation fund. If an employee does not nominate a fund then one of the following funds must be used:

- TWUSUPER
- Tasplan
- Sunsuper
- AustSafe Super
- LUCRF Super
- Any other fund to which the employer was making contributions for the benefit of its employees before 12 September 2008

An employee can authorise in writing the employer to deduct additional voluntary contributions from post-taxation earnings and remit same to a complying superannuation fund. This money must be remitted no later than 28 days after the deductions are made (clause 20.3).

## **Allowances**

### **Background to allowances**

The following is an explanation of the origin and characteristics of allowances generally. In industrial awards, the origin of allowances falls into two broad categories as follows:

- **Wage-related allowances** – allowances based on the performance of certain duties either inherent to driving (special vehicle allowances) or in recognition for work performed above those inherent duties (e.g. leading hand, transporting dangerous goods). Wage-related allowances can be calculated on a per hour, per day, per week or per incidence basis.
- **Expense-related allowances** - allowances based on the notion of a reimbursement to the employee for expenses they outlay in performing their work (eg. housing, travel). These allowances are expressed in dollar amounts and are adjusted annually, according to movements in the Consumer Price Index published by the Australian Bureau of Statistics. Payment of expense related allowances are calculated on a per incidence basis.

## Wage-related Allowances

### Special Vehicle Allowance

- A **Transport Worker Grade 7**, when driving a low loader for each additional complete tonne over 43 tonnes GCM, will be paid an extra \$1.47 per week as part of the weekly rate for all purposes.
- A **Transport Worker Grade 10**, when driving a multi-axle platform trailing equipment with a carrying capacity in excess of 100 tonnes will be paid:
  - for each additional 10 tonnes or part thereof in excess of 100 tonnes and up to 150 tonnes, an extra **\$17.75** per week; and
  - for each additional 10 tonnes or part thereof in excess of 150 tonnes and up to 200 tonnes, an extra **\$17.02** per week; and
  - for each additional 10 tonnes or part thereof in excess of 200 tonnes and up to 300 tonnes, an extra **\$16.61** per week.

The special vehicle Allowance is an **All-Purpose Allowance**, meaning that it is to be included in the employee's rate of pay when calculating any penalties or loadings or payment while they are on annual leave.

### Leading Hand Allowance

An employee appointed as a leading hand in charge of:	\$ per week
3–10 employees	38.43
11–20 employees	57.24
More than 20 employees	72.71

These allowances do not apply to leading loader.

### Other wage-related allowances

Allowance	Payable
Motor vehicle—length in excess of legislated limit	\$3.75 per day
Motor vehicle—truck loading crane mounted on vehicle	\$3.75 per day
Motor vehicle—side-lifter crane mounted on vehicle	\$3.75 per day
Motor vehicle—width (and/or load) in excess of 3.5m	\$3.75 per day
Furniture carter allowance	\$21.09 per week
Livestock carter allowance	\$21.09 per week
Sanitary vehicle allowance	\$23.77 per week
Garbage collection allowance	\$19.46 per week
Driver-salesperson allowance	\$17.83 per week
Carbon black allowance	\$2.28 per day
Offensive material allowance	\$2.93 per day
Dirty material allowance	\$0.49 per hour
Tar handling allowance	\$3.66 per week
Coffin handling allowance	\$3.09 per coffin
Money handling allowance—Up to \$20	\$1.87 per week
Money handling allowance—\$20 but not exceeding \$200	\$3.66 per week
Money handling allowance—Over \$200 but not exceeding \$600	\$6.27 per week
Money handling allowance—Over \$600 but not exceeding \$1000	\$8.14 per week



Money handling allowance—Over \$1000 but not exceeding \$1200	\$11.48 per week
Money handling allowance—Over \$1200 but not exceeding \$1600	\$17.75 per week
Money handling allowance—Over \$1600 but not exceeding \$2000	\$19.62 per week
Money handling allowance—Over \$2000	\$22.31 per week
Bulk dangerous goods allowance	\$19.30 per day
Packaged dangerous goods allowance	\$8.06 per day
First aid allowance	\$13.03 per week

### **Expense-related allowances**

These allowances apply from the first pay period on or after 1 July 2019 and are subject to the annual review by the Fair Work Commission.

#### **Travelling allowance** (sub-clause 19.5(a))

Where unable to return home at night - \$31.66 per day (sub-clause 19.5(a)). This allowance is not payable where an employer provides suitable accommodation and meals.

#### **Meal allowance** (sub-clause 19.5(f))

The meal allowance is \$16.25 per occasion.

- An employee required to commence work two hours or more prior to the normal starting time must be paid the amount specified for a meal allowance.
- An employee required to work overtime for two continuous hours or more must either be supplied with a meal by the employer or paid the amount specified for a meal allowance for each meal required to be taken.

#### **Housing allowance** (sub-clause 19.5(d))

Any employee required by the employer to live at a depot, yard or garage must be paid an allowance equal to the amount of the rental charged by the employer for the accommodation at the depot, yard or garage.

If an employer provides housing accommodation for an employee and the employee's family, and requires the employee to live there and charges rental, the employer must pay the employee an allowance of \$3.15 less than the amount of rental charged by the employer for the accommodation. This would mean that the net rental cost would be \$3.15 per rental period.

#### **Transport allowance** - when finishing overtime (sub-clause 21.8)

When an employee, after having worked overtime, finishes work at a time when reasonable means of transport are not available, the employer must reimburse the employee for the cost of obtaining transport home, or alternatively provide the employee with transport to the employee's home, or pay the employee the current wage for the time reasonably occupied in getting home

#### **Other expense-related allowances**

An employer must reimburse the costs outlaid by an employee in certain circumstances concerning:

- **Gaining their dangerous goods license** - where a weekly employee is required to possess a license to operate a vehicle carrying dangerous goods, then he/she is entitled to be reimbursed for the training and medical costs related to obtaining that license(sub-clause 19.3(f)(iii).
- **Completing first aid training** (sub-clause 19.3(g)).
- **Purchase of a work diary** (sub-clause 19.5(b)).
- **Cost of medical checks** (sub-clause 19.5(e))
- **Articles of clothing** – uniforms, protective clothing (sub-clause 19.5(c)).

***Higher duties***

Where an employee is required by the employer to perform two or more grades of work on any one day the employee is to be paid the minimum wage for the highest grade for the whole day – clause 17.4.

## Engaging staff to work under the RTD

### **Ordinary hours of work - general transport workers**

Ordinary hours of work are an average of 38 per week, worked on one of the following bases -

- 38 hours within work cycle not exceeding 7 consecutive days; or
- 76 hours within work cycle not exceeding 14 consecutive days; or
- 114 hours within work cycle not exceeding 21 consecutive days; or
- 152 hours within work cycle not exceeding 28 consecutive days (sub-clause 13.1)

The ordinary hours of work must not exceed 8 hours per day (where accrued RDO arrangements are in place) or 7 hours 36 mins (where no RDO arrangements apply) and must be worked continuously (except for meal breaks) between the hours of 0530 to 1830, Monday to Friday (sub-clauses 13.4 and 13.6(a)). *Note that reasonable overtime hours are discussed under the heading "Overtime".*

This is a 13 hour window (or spread of hours) however, numerous variations and alternative arrangements are prescribed in the RTD Award, given the nature of the industry.

Further, under sub-clause 13.6(b) the spread of ordinary hours (0530 to 1830) may be altered by one hour at each end, by agreement between the employer and the majority of employees concerned or by agreement between the employer and an individual employee (by flexibility agreement subject to certain safeguards – see clause 5).

Ordinary hours of work may include Saturday and Sunday subject to flexibility agreement as described above. Note that if ordinary hours are worked on those days (or on either day) then the following 'premium' will be payable under the "penalty rates" sub-clause 23.1 as follows:

- Saturday (0001 to 2400) – 150%
- Sunday (0001 to 2400) – 200%

### **Rostered Days Off - general transport workers**

An employee working an 8 hour day Monday to Friday will accrue 24 minutes per day, or 2 hours per week beyond the standard 38 hours. Over a four weekly cycle this accrued total is equivalent to 480 minutes or 8 hours.

Ordinary hours of work may operate in such a way that an employee working an 8 hour day takes a rostered day off (RDO) in accordance with the roster implementing the 1, 2 or 4 week work cycle per sub-clause 13.7 as applicable in the yard, depot or garage. An employee's normal RDO may be changed by agreement, or if no agreement, by 48 hours notice of such proposed change given to the employee. RDO's may be accumulated to a maximum of 10 days (sub-clause 13.7(a)(ii)) and in practice may be paid out in lieu of being taken.

### **Where an RDO does not apply - general transport workers**

Where an employer:

- engages 20 employees or less or operates 15 vehicles or less at a particular yard, depot or garage; or
- has entered into arrangements with a client for transport services over each of 5 days Monday to Friday and where such arrangements would be prejudiced by RDO arrangements; or
- has operations of a kind that it is necessary for particular employees to work each of 5 days per week Monday to Friday; or
- has reached written agreement with the majority of its employees,

it may choose to operate on the basis that its employees ordinary hours of work over 5 days Monday to Friday inclusive are not more than 7 hours 36 minutes continuously (except for meal breaks) per day, in which case RDO arrangements do not apply (sub-clause 13.7(b)). An employee working 7 hrs 36 mins per day Monday to Friday will work exactly a 38 hr week.

### **Ordinary hours of work - oil distribution workers**

Employees engaged in the transport and/or distribution of petroleum products:-

- work a 35 hour week being 5 days per week at 7 hours per day (where no RDO arrangements apply) or 9 days each of 7 hrs 47 mins (where RDO's apply);
- have a spread of ordinary hours from 0630 to 1730 Monday to Friday (an 11 hour window);
- by majority agreement may include Saturday where rural distribution operations apply. (clause 14.5)

### **Rostered Days Off - oil distribution workers**

Employees must work to a fortnightly roster comprising 9 days each of 7 hours 47 minutes and 1 RDO.

Where an employee's RDO falls on a public holiday, the employee is entitled, at the discretion of the employer to either –

- 7 hours pay at ordinary overtime rate; or
- 7 hours extra annual leave; or
- a substituted RDO on an alternative week day.

### **Where RDO does not apply - oil distribution workers**

Where an employer:

- engages 20 employees or less or operates 15 vehicles or less at a particular yard, depot or garage; or
- has entered into arrangements with a client for transport services over each of 5 days Monday to Friday and where such arrangements would be prejudiced by RDO arrangements; or
- has operations of a kind that it is necessary for particular employees to work each of 5 days per week Monday to Friday;

they may choose to operate on the basis that its employees ordinary hours of work are 7 hours per day over 5 days Monday to Friday inclusive, in which case RDO arrangements do not apply (sub-clause 14.6(b)).

### **Start times**

A regular starting time for each employee is to be fixed by the employer. The employer must give the employee one week's notice of any change to the employee's regular starting time (clause 15).

### **Early start times (newspaper, meat, live poultry deliveries, or fish, fruit and vegetable transport)**

Where an employer requires an employee to commence ordinary hours between 0001 and 0600 Monday to Friday, in the case of the sole purpose being newspaper, meat, or live poultry deliveries, or drivers employed at a fish, fruit or vegetable store, the weekly wage of such employee must be increased by 30% for all hours worked (sub-clause 13.6(c)).

### **Breaks**

Sub-clause 16.3 provides an overriding direction that an employee must not be required or permitted to work longer than 5½ hours without a break for a meal.

### ***Meal breaks during ordinary hours***

For day workers, meal breaks during ordinary hours of work are unpaid and do not attract the meal allowance. An employee must be allowed a regular meal break during ordinary hours of work except where unforeseen extraordinary circumstances arise (sub-clause 16.1(a)).

The meal break must be of regular duration. The duration of a meal break is minimum of 30 mins and maximum of 1 hour.

The meal break must commence at a point no earlier than 3½ hours and no later than 5½ hours after an employee's fixed starting time of the ordinary hours of work.

If the meal break is not allowed, all time worked after the commencement time of the regular meal break until a break without pay for a meal time is allowed must be paid for at the rate of ordinary time, the payment to be in addition to any payment due in respect of a weekly or casual wage.

### ***Rest breaks during overtime***

If, after working ordinary hours, an employee is then required to work overtime for 2 hours or more, the employee must be allowed a paid rest break of 20 minutes before that overtime period commences. A further paid rest break of 20 minutes will accrue after each 4 hours of that period of overtime. (sub-clause 16.2) The Paid break in sub-clause 16.2 means paid as if time worked.

### ***Meal allowance entitlements***

The payment of a meal allowance (\$16.2 from 1 July 2019) is triggered in overtime situations.

An employee working overtime for 2 continuous hours or more, or commencing work 2 hours or more prior to normal starting time, must be paid a meal allowance. The exception is where the employer supplies a meal in the overtime period (sub-clause 19.5(f)).

### ***Overtime***

In general terms "overtime" concerns the rate of pay for work done beyond or in addition to the ordinary hours of work (see clause 13 & 14) on any given day of the ordinary working week (Monday to Friday).

"Penalty rates" concerns the rate of pay for work done on a weekend (Saturday and/or Sunday) or on a public holiday.

Each concept is derived from the premise that an employee is entitled to a premium rate, over and above their normal hourly rate, when required to work extended continuous hours of work, or when required to work on days and/or at times which are outside the ordinary hours of work as defined in the RTD Award.

### ***Overtime rates***

Any work outside of the ordinary spread of hours or beyond 7.6 hours (or 8 hours if RDO accruing arrangements apply) should be paid at overtime rates.

The NES (at section 62 of the FW Act) covers the factors to be taken into account by employers and employees concerning the requirement to work reasonable overtime – See appendix E.

Overtime rates are:

- time and a half (i.e. 150% of the hourly rate) for the first 2 hours, and
- double time (i.e. 200% of the hourly rate) thereafter, with such double time to continue until the completion of the overtime work (sub-clause 21.1).

In computing overtime, each day's work will stand alone (sub-clause 21.2).

### **10 consecutive hours rest period after overtime**

Sub-clause 21.4 concerns the principle that employees should have at least 10 consecutive hours off duty between work on successive days. The clause contains firstly a direction for arranging overtime in a way that meets the preferred 10 hour break, and secondly imposes two forms of penalties on the employer (and conversely an extended pay entitlement for the employee) where the employee did not take the 10 hour break at the preferred time.

Sub-clause 21.4 reads -

(a) When overtime work is necessary it must, wherever reasonably practicable, be so arranged that employees have at least 10 consecutive hours off duty between the work of successive days.

(b) An employee (other than a casual employee) who works so much overtime between the termination of ordinary work on one day and the commencement of ordinary work on the next day that the employee has not had at least 10 consecutive hours off duty between those times must, subject to this clause, be released after completion of the overtime until the employee has had 10 consecutive hours off duty without loss of pay for ordinary working time occurring during the absence.

(c) If, on the instruction of the employer, an employee resumes or continues work without having had 10 consecutive hours off duty the employee must be paid at double time rates until released from duty for that period, and the employee will then be entitled to be absent until the employee has had 10 consecutive hours off duty without loss of pay for ordinary working time occurring during such absence (note the words underlined).

### **Call-back**

An employee recalled to work overtime after completing work must be paid a minimum of 4 hours work. This will be 4 hours at overtime rates. Where the actual overtime worked is less than 4 hours on such recall or on each of such recalls, such overtime worked is not regarded as overtime for the purpose of the 10 hour break under sub-clause 21.4 (sub-clause 21.6(c)).

This call-back clause does not apply where it is customary for an employee to return to the workplace to perform a specific job outside ordinary working hours or where overtime is continuous (save for reasonable meal break) with the start or finish of ordinary hours (sub-clause 21.6(b)).

### **Standing –by (or on-call) rates**

Subject to any custom now prevailing under which an employee is required regularly to be available for a call-back, an employee required to be available for work after ordinary hours must, until released, be paid standing-by time at ordinary rates from the time from which the employee is told to be available. (sub-clause 21.6)

### **Paid time off instead of payment for overtime**

Despite the overtime rates in clause 21.1, an employee may choose, with the consent of the employer, to take time off instead of payment for overtime at a time or times agreed with the employer. This agreement must be in writing. The employee must take the time off within four weeks of working overtime. In such a case then the amount of time is taken to be equivalent to the pay the employee would otherwise have received for working overtime (sub-clauses 21.5(a) and (b)).

If requested by an employee an employer must within one week of receiving a request pay the employee for any overtime worked. The employee must be paid at overtime rates (sub-clause 21.5(d)).



## **Penalty Rates**

### **Work on the weekend**

For any ordinary time hours worked between

- midnight on Friday and midnight on Saturday an employee must be paid at the rate of 150%.
- midnight on Saturday and midnight Sunday an employee must be paid at the rate of 200%.

An employee required to work on a Saturday or Sunday must be paid for a minimum of four hours work (sub-clause 23.1(c)).

All time worked on Sunday will stand alone.

### **Shiftwork**

**Shiftwork** means work extending for at least 2 weeks and performed wholly or partly in daily recurrent periods between the hours of 1830 (in the evening) and 0830 (in the morning) or in regular rotating periods (sub-clause 22.1(e)).

Shiftwork therefore has 3 elements –

- the length of time being at least 2 weeks, and
- the regular and recurrent nature of the work, and
- some performance of work occurring in that 12 hour window

A **day** shift or **day** work is a shift commencing at 0530 or later, and finishing at or before 1830.

An **afternoon** shift is one that finishes sometime later than 1830 but not later than 0030 the next day.

A **night** shift is one that finishes sometime after 0030 but not later than 0830.

The distinction between afternoon and night shift therefore dependent upon the finishing time of that shift.

Where a company does not work shiftwork, as defined above, and requires an employee to work until 2200 then overtime rates will apply from normal finishing time.

### **Shift hours and shift rosters**

Businesses operating under shift arrangements are required to use a **shift roster** that must specify starting and finishing times of the ordinary hours of respective shifts, and be posted in a prominent place ( sub-clause 22.2(c)).

Ordinary shift hours of work must be an average of 38 per week not exceeding 8 continuous hours per shift (including meal break) worked on one of the following bases;

- 38 hours within work cycle not exceeding 7 consecutive days; or
- 76 hours within work cycle not exceeding 14 consecutive days; or
- 114 hours within work cycle not exceeding 21 consecutive days; or
- 152 hours within work cycle not exceeding 28 consecutive days (sub-clause 24.2(a))

The ordinary shift hours (and the work cycle) is similar to the standard ordinary hours of non shift work, except that ordinary shift working hours include a paid meal break, known as a crib break, whereas for non shift work, the standard ordinary 8 hours do not (sub-clause 22.9).

A shift roster must also provide for rotation - unless agreed otherwise by consent of majority of employees or by individual flexibility agreement (sub-clause 22.2(b)).

A shift roster must not be altered unless 48 hours notice is given, and a rostered shift means a shift of which the employee concerned has had at least 48 hours notice (sub-clauses 22.2(d) and 22.6).

Failure to provide an employee with 48 hours notice of any change of shift triggers an entitlement to overtime rates.

As well as the 48 hours notice of a change of shift where it is proposed that a day worker is to transferred to an afternoon or night shift, the day worker must be given at least 10 hours off duty before commencing the new shift. The 10 hour break provision may be waived by agreement between the employer and employee (sub-clause 22.7).

### Afternoon and night shift loadings

For ordinary hours, shiftworkers must be paid as follows:

- Afternoon shift – 117.5% of the ordinary time rate
- Night shift – 130% of the ordinary time rate (sub-clause 22.3)

### Casual employees engaged on shift work

Casual employees on shiftwork must be paid the casual loading of 25% in addition to the loading applying to afternoon or night shift as above (sub-clause 22.4).

### Shiftwork overtime

For all time worked outside or in excess of the ordinary shift hours, or on a shift other than a rostered shift, the shiftworker must be paid overtime at 150% for the first 2 hours and at 200% thereafter, such double time to continue until the completion of the overtime work. This is consistent with the overarching overtime rates in the RTD Award discussed earlier in this Handbook.

### Shiftwork on weekend or public holiday

Sub-clause 24.8 provides that for work performed on a rostered shift where the major portion of work occurs on a Saturday, Sunday or public holiday, the following penalty rates apply:

Shift	Full & Part-Time	Casual
Saturday	150%	175%
Sunday	200%	225%
Public Holiday	250%	275%

Note: these penalty rates for shiftworkers apply instead of the shift loadings under sub-clause 22.3.

### Shiftwork meal breaks

All shiftworkers while working day, afternoon or night shift respectively are entitled to a paid meal break of 20 minutes which is counted as time worked. This clause does not attract meal allowance.

An employee on shift work must not be required to work more than 5 hours without a meal break (sub-clause 22.9).

### Rate of pay when less than 5 consecutive afternoon or night shifts are worked

A shiftworker who works on any afternoon or night shift, which does not continue for at least 5 consecutive afternoons or nights, must be paid at the rate of 150% for the first 3 hours and at 200% thereafter for each shift. These amounts are in lieu of the shift loadings prescribed earlier in this Handbook.

### Rate of pay when shift extends beyond midnight

Despite anything contained elsewhere in clause 24, each shift must be paid for at the rate applicable to the day on which the major portion of the shift is worked (sub-clause 22.11).

### **Penalty rates for work on public holiday**

As a general rule, employees who are required to work on a public holiday are entitled to be paid an additional rate to compensate for working unsociable hours or for family dislocation.

If a **full or part time employee** are required to work on a public holiday, then they are entitled to be paid for all time worked (with a minimum payment of 4 hours) at the following rates:

- Good Friday and Christmas Day – 200%
- Any other public holiday – 150%

If an employee works into what normally would be overtime hours, the rates become 300% and 250% respectively.

If a **casual employee** is required to work a public holiday, they are entitled to be paid for all time worked (with a minimum payment for 4 hours) at the following rates:

- Good Friday and Christmas Day – triple plus the 25% casual loading
- Any other public holiday – double time and a half plus the 25% casual loading

The award also contains detailed provisions for rates when working on a Christmas Day that falls on a Saturday or Sunday (sub-clause 23.2(d)).

### **Major portion of a shift falls on a public holiday**

Where the major portion of a shift falls on a public holiday the whole of the shift will be regarded as a public holiday (sub-clause 24.12), which thus attracts the public holiday penalty rate.

## Providing time off to staff under the LDO

### **Public Holidays**

Public holidays are covered by the NES (at sections 114 to 116 of the FW Act) and under clause 25 of the LDO Award.

Generally stated, full-time and part-time employees are entitled to have paid time off from work (at the base rate of pay) on public holidays, if the employee is rostered to work on that particular day and, in the case of a part-time employee, ordinarily work that day. If a business is closed on a public holiday, or if the employees are not required to work, then an employer must pay them at their base rate of pay for that day. The base rate of pay does not include incentive-based payments and bonuses, loadings, monetary allowances, overtime or penalty rates.

Exceptions to the general rule - Employees who would not normally work on the day which coincides with the public holiday are not entitled to paid time off.

Specific public holidays as set out in the NES (at section 115) are:

- 1 January (New Year's Day);
- 26 January (Australia Day);
- Good Friday;
- Easter Monday;
- 25 April (Anzac Day);
- the Queen's birthday holiday
- 25 December (Christmas Day);
- 26 December (Boxing Day); and
- any other day, or part-day, declared or prescribed by or under a law of a State or Territory to be observed generally within the State or Territory, or a region of the State or Territory, as a public holiday, other than a day or part-day, or a kind of day or part-day, that is excluded by the regulations from counting as a public holiday.

Sub-clause 25.2 provides that by agreement between the employer and the majority of affected employees in the relevant enterprise or section of the enterprise, an alternative day may be taken as a public holiday instead of any of days prescribed in the NES. Such agreement must be recorded in writing and be available to every affected employee.

### **Annual leave**

Annual leave is largely covered by Division 5 of the NES and clause 20. Annual leave does not apply to casual employees.

#### **Amount of annual leave**

For each year of service with his or her employer an employee is entitled to 4 weeks paid annual leave;

#### **Accrual of annual leave**

annual leave accrues progressively during a year of service according to the employee's ordinary hours of work, and it accumulates from year to year. If an employee's employment ends before what would otherwise be a year of service, the employee accrues paid annual leave up to when the employment ends. The following website will assist with any annual leave calculations: [www.fairwork.gov.au/leave/annual-leave](http://www.fairwork.gov.au/leave/annual-leave)

#### **Taking paid annual leave**

Annual leave shall be taken as agreed between the employer and employee. Payment shall be made to the employee prior to going on annual leave at the minimum weekly rate determined in sub-clause 16.1, in proportion to the amount of leave being taken; for example 1 day will be 20% of the minimum rate, 2 days 40%, 3 days 60% and so on.

The employer must not unreasonably refuse to agree to a request by the employee to take paid annual leave.

Once an employee has accrued 8 weeks of paid annual leave, the employer can direct the employee to take any amount of the accrued leave of greater than 1 week, so long as the remaining annual leave accrual is at least 6 weeks (sub-clause 20.6).

Annual close down can involve an employee or employees taking a portion of annual leave (sub-clause 20.4) provided that the required notice of at least 1 month is given.

### **Payment for annual leave loading**

Before going on annual leave, an employee must be paid wages calculated for the period of leave the employee will take, being a proportion of the applicable minimum weekly rate under clause 16.1 which corresponds to the amount of leave taken, and an additional loading of 30%.

Note that leave loading is not payable on proportionate leave paid out on termination (sub-clause 20.2(b) (ii)). Please note that the current view of the Fair Work Ombudsman is that annual leave loading is payable on termination.

### **Cashing out annual leave**

The LDO Award provides for the cashing out of annual leave. The maximum amount to be cashed out is 2 weeks in every 12-month period. No amount can be cashed out where there would be less than 4 weeks of annual leave remaining after that amount is cashed out (e.g. maximum amount that could be cashed out is 1 week if the employee has 5 weeks accrued at the time of making the request.)

Specific requirements for reaching an agreement to cash out annual leave are contained at sub-clause 20.10.

**An employee is not taken to be on paid annual leave on a public holiday or other period of leave** if the period during which an employee takes paid annual leave includes a public holiday or includes a period of any other leave (other than unpaid parental leave), or a period of absence from employment covered by community service leave, the employee is taken not to be on paid annual leave for the period of that public holiday or other leave or absence.

### ***Personal/carer's leave***

Personal/carer's leave and compassionate leave are provided for in the NES, sections 95 to 107 of the FW Act. Generally, casual employees are not entitled to paid personal or carer's leave, although a casual employee may be entitled to unpaid carer's leave in specified circumstances.

### **Amount of leave**

For each year of service with his or her employer, an employee is entitled to 10 days of paid personal/carer's leave at his/her minimum (base) rate of pay determined from sub-clause 16.1.

Paid personal carer's leave can be taken in the following situations:

- 1) If an employee is not fit for work because of personal illness or injury
- 2) To provide care or support to a members of the employee's immediate family, or a member of the employee's household who requires care or support because of:
  - a) a personal illness or injury
  - b) an unexpected emergency

Up to 2 days unpaid carer's leave per permissible occasion is available to casual employees and those full time employees who have exhausted their entitlement to paid personal/carer's leave.

An employee must give notice, as soon as practicable, to their employer of the nature of the leave taken and must also advise the employer of the expected period of leave.

The employer is entitled to request evidence that would satisfy a reasonable person that such leave has been properly taken.

### **Accrual of leave**

An employee's entitlement to paid personal/carer's leave **accrues progressively during a year of service** according to the employee's notional ordinary hours of work and accumulates from year to year. The following website will assist with personal/carer's leave calculations: [www.fairwork.gov.au/leave/sick-and-carers-leave/paid-sick-and-carers-leave](http://www.fairwork.gov.au/leave/sick-and-carers-leave/paid-sick-and-carers-leave)

### **Cashing out of personal/carer's leave**

The LDO Award makes no provision for the cashing out of personal carer's leave, therefore it is not allowed unless specifically covered in an enterprise agreement.

### **Compassionate leave**

Employees (other than casual employees) are entitled to two days paid compassionate leave each 'permissible occasion'. Casual employees are entitled to two days unpaid leave.

The entitlement arises when the employee's immediate family or household:

- Contracts or develops a personal illness or sustains an injury that poses a serious threat to his or her life;  
- or -
- Dies

'Immediate family' means spouse, de facto partner (including same sex couples), child, parent, grandparent, grandchild, or sibling of the employee. It also includes a child, parent, grandparent or sibling of the employee's spouse or de facto partner.

The entitlement is paid at the employee's minimum (base) rate of pay from sub-clause 16.1 and is not accrued based on service but available per every permissible occasion. Compassionate leave is a separate entitlement to personal/carers leave and is not deducted from personal/carers leave balances.

The employee must notify the employer of the expected period of absence as soon as practicable and advise the employer of the period or expected period of the leave. The days may be taken as a two-day absence or in single days agreed between employer and employee.

The employer may require the employee to provide evidence that would satisfy a 'reasonable person' which may not necessarily include a medical or death certificate.

### **Parental Leave and Related Entitlements**

Eligible employees may take up to 12 months of **unpaid parental leave** in relation to the birth of a child or adoption of a child below school age (16). The entitlement is available to the primary care provider of the child, which in most cases is the mother, however, the right is available to fathers and/or a combination of both parents over a separate period of time (e.g. 6 months each). Further, the employee may request a further 12 months additional leave, which the employer may only refuse on reasonable business grounds.

An employee is entitled up to 2 days unpaid pre-adoption leave to attend any interviews or examinations required in order to obtain approval for the employee's adoption of a child.

Both parents can take up to 3 weeks concurrent unpaid parental leave (both on parental leave at the same time) thereby reducing their overall entitlement by that 3 weeks. This leave must be taken immediately after the birth or placement of a child or, by agreement with the employer, at any time during an extended period starting before the birth and ending no later than six weeks after the birth or placement.

The NES entitlement is available to permanent employees after 12 months continuous service and for casual employees who work on a regular and systematic basis for more than 12 months.

Unpaid parental leave must be taken in a single continuous period and must start:

- for a pregnant female employee no earlier than 6 weeks before the expected date of birth of the child (unless the employee is eligible for special maternity leave) and no later than the date of the child's birth;
- for an employee other than the pregnant female employee, on the date of the child's birth; and
- for adoption leave, on the day of the child's placement.

Where the employee's spouse or de facto partner has responsibility for the care of the child (and is not also an employee) the employee's leave may start anytime within 12 months after the date of birth or day of placement of the child.



Unless a medical certificate is provided an employer may require a pregnant employee to start unpaid parental leave up to 6 weeks before the expected date of birth of the employee's child if the employer considers (based on medical evidence) that there is a risk to the employee in working in their present circumstances.

Alternatively, if an employee provides evidence that she is fit for work, but it would be inadvisable for her to continue in her present position because of illness or risks arising out of a pregnancy, or hazards connected with her work, the employee must be transferred for that period to an appropriate safe job with no other change to her terms and conditions of employment. The employer must pay the employee at the full rate of pay for the position she was in before the transfer, for the hours that she works in the risk period. If there is no appropriate safe job available, the employee is entitled to take paid 'no safe job' leave for the risk period.

An employee is required to give the employer at least 10 weeks' written notice before starting parental leave or, if that is not practicable, to provide the notice as soon as practicable (which may be a time after the leave has started). Employers may require evidence of the expected date of birth or the day or expected day of placement for adoption.

An employee may request an additional period of unpaid parental leave of up to 12 months. This must be made in writing at least 10 weeks before the expiry of the initial 12 months and must be continuous with the employee's unpaid parental leave. The employer must respond in writing to the written request as soon as practicable, and not later than 21 days after the request is made. A request may only be refused on reasonable business grounds. The employer must give reasons for refusal. Reasonable business grounds may include, for example:

- inability to organise work among existing staff; or
- inability to recruit a replacement employee.

Unpaid special maternity leave may be taken if the employee is not fit to work because of a pregnancy related illness, or because the pregnancy ends otherwise than by the birth of a living child within 28 weeks of the expected date of birth.

During parental leave the employer must consult with the employee about decisions that will have a significant effect on the status, pay or location of an employee's pre-parental leave position, the employer must take all reasonable steps to inform the employee of that decision and give the employee an opportunity to discuss the effect of the decision on his or her position.

When a period of unpaid parental leave ends the employee is entitled to return to their pre-parental leave position. If that position no longer exists, the employee is entitled to return to an available position for which the employee is qualified and suited, that is nearest in status and pay to the employee's pre-parental leave position.

### ***Community service leave***

Community service leave is unpaid leave and is provided for in the NES. Each of the following is an ***eligible community service*** activity and provides an entitlement to community service leave:

- jury service (including attendance for jury selection) that is required by or under a law of the Commonwealth, a State or a Territory; or
- a voluntary emergency management activity or
- an activity prescribed in regulations

Except for non-casual employees engaged in jury service, community service leave is unpaid. The payment for leave for jury service is made at the employee's base rate of pay for ordinary hours of work in the period, capped at 10 days. Any days served on a jury after the 10 days may be leave without pay or paid from annual leave accrual upon application by the employee. The employer may make payment conditional upon the employee taking all necessary steps to obtain jury service pay from the relevant authorities and to provide the employer with evidence of this fact. The employer is entitled to reduce the pay made to the employee for jury service leave by the amount of jury service pay received from the authorities.

Voluntary emergency management activity is a voluntary activity that involves dealing with an emergency or natural disaster. The employee must be a member of a recognised emergency management body such as, for example, a fire fighting, civil defence or rescue body. The emergency management body must request the employee to engage in the activity or, if circumstances do not permit the making of such request, it must be reasonable to expect the employee's absence in those circumstances and that a request would have been likely. Though the activity is voluntary the employee is not precluded from taking community service leave because they may receive an honorarium or gratuity.

The employee must notify the employer of the expected period of absence as soon as practicable and the employer may require the employee to provide reasonable evidence that the absence from work is because the employee is engaging in an eligible community service activity.

The NES does not operate to the exclusion of State and Territory legislation that might have otherwise applied. For example the FW Act would not apply to the exclusion of a State or Territory law where it provided for a casual employee to receive payment for jury service. For specific detail on jury service you should contact your relevant Justice Department in each State or Territory.

### ***Unpaid family and domestic violence leave***

All employees (including part-time and casual employees) are entitled to 5 days unpaid family and domestic violence leave each year. This leave is available in full at the start of each 12 month period of the employee's employment and does not accumulate from year to year

The employee may take unpaid family and domestic violence leave if they are experiencing family and domestic violence and they need to do something to deal with the impact of the family and domestic violence and it is impractical for the employee to do that thing outside the employee's ordinary hours of work.

Family and domestic violence means violent, threatening or other abusive behaviour by an employee's close relative that:

- seeks to coerce or control the employee
- causes them harm or fear.

A close relative is an employee's:

- spouse or former spouse
- de facto partner or former de facto partner
- child
- parent
- grandparent
- grandchild
- sibling
- an employee's current or former spouse or de facto partner's child, parent, grandparent, grandchild or sibling, or
- a person related to the employee according to Aboriginal or Torres Strait Islander kinship rules.

### ***Notice and evidence requirements for all personal carer's leave, unpaid carer's leave, compassionate leave and unpaid family and domestic violence leave.***

The notice to be given by an employee to the employer in respect of notice of leave, and the duration of such leave, is provided under section 107 of the FW Act.

### ***Long Service Leave***

At this time, the NES does not contain a nationally consistent long service leave standard. The aim of the Australian government is to formulate such a standard in consultation with the State and Territory governments that currently have vastly different entitlements in place.

Generally, employees continue to derive long service leave from pre-modernised awards and State or Territory legislation however, should an enterprise agreement contain provisions that exclude long service leave, specific advice should be sought from one ARTIO or one of the Branches listed on page 2 of this Handbook.

Depending on the relevant State or Territory law an employee may be entitled to long service leave after 7 to 15 years continuous service and may be paid out on termination depending on the circumstances and the relevant legislation.

The relevant legislation that should be referred to is as follows;

Australian Capital Territory:	Long Service Leave Act 1976
New South Wales:	Long Service Leave Act 1955
Northern Territory:	Long Service Leave Act 1981
Queensland:	Industrial Relations Act 1999
South Australia:	Long Service Leave Act 1987
Tasmania:	Long Service Leave Act 1976
Victoria:	Long Service Leave Act 1992
Western Australia:	Long Service Leave Act 1958

For further information please contact the FWO or consult the relevant state/territory government website.

#### **Australian Capital Territory**

ACT Leave  
<https://actleave.act.gov.au/>  
(02) 6247 3900

#### **South Australia**

SafeWork SA [🔗](#)  
<https://www.safework.sa.gov.au/workers/wages-and-conditions/long-service-leave>  
1300 365 255

#### **New South Wales**

NSW Industrial Relations [🔗](#)  
[http://www.industrialrelations.nsw.gov.au/Employers/Staff\\_leave/Long\\_service\\_leave.html](http://www.industrialrelations.nsw.gov.au/Employers/Staff_leave/Long_service_leave.html)  
131 628

#### **Tasmania**

Worksafe TAS  
<https://worksafe.tas.gov.au/topics/laws-and-compliance/long-service-leave>  
1300 366 322

#### **Northern Territory**

Office of the Commissioner for Public Employment [🔗](#)  
<https://nt.gov.au/employ/for-employees-in-nt/holidays-and-leave/long-service-leave>  
(08) 8999 5511

#### **Victoria**

Business Victoria  
<https://www.business.vic.gov.au/hiring-and-managing-staff/long-service-leave-victoria>  
1800 287 287

#### **Queensland**

Business Queensland  
<https://www.business.qld.gov.au/running-business/employing/employee-rights/long-service-leave>  
(07) 3406 9999

#### **Western Australia**

WageLine [🔗](#)  
[http://www.commerce.wa.gov.au/labourrelations/Content/Wages%20and%20Leave/Leave%20entitlements/long\\_service.html](http://www.commerce.wa.gov.au/labourrelations/Content/Wages%20and%20Leave/Leave%20entitlements/long_service.html)  
1300 655 266

### ***Dispute resolution training leave***

Clause 33 provides for an eligible employee representative to be entitled to a maximum of 5 days leave per year (paid at ordinary times earning) to attend an approved 'Dispute Resolution Training Course'. Such leave is non-cumulative.

Eligibility to attend such training requires 6 months continuous service. The granting of leave is subject to the employer being able to make adequate staffing arrangements among current employees during period of such leave. The number of employees eligible to attend depends on the number of employees of the employer at a particular yard, depot or garage.

## Terminating employees under the RTD

### ***Employer-initiated termination (e.g. dismissal)***

Where an employer seeks to terminate the services of an employee, written notice must be given before the termination takes effect no later than the last day of work. The notice can be given personally, left at the employee's last known address or sent to the employee's last known address by pre-paid post.

The employer must provide an employee the required period of notice or pay equivalent to the notice period 'at the full rate of pay'. The period is based on the employee's years of service – see table below.

Payment in lieu of notice should be at the 'full rate of pay' for all hours the employee would have worked during the notice period. 'Full rate of pay' is defined in the FW Act to include overtime, allowances, penalty rates and loadings etc.

Employee's period of continuous service with the employer at the end of the day the notice is given	Period
Not more than 1 year	1 week
More than 1 year but not more than 3 years	2 weeks
More than 3 years but not more than 5 years	3 weeks
More than 5 years	4 weeks

NB: An employee is entitled to 1 additional week of notice if the Employee is over 45 years of age at the time of the giving of notice and has completed at least 2 years' continuous service with the Employer.

### **Exceptions to the general rule on notice of termination**

The following types of employees are not entitled to notice of termination:

1. casual employees,
2. an employee dismissed for serious misconduct,
3. an employee under a training arrangement, or
4. an employee under a fixed term contract whose contract expires with the effluxion of time

### **Job search entitlement**

Sub-clause 29.2 of the LDO Award provides that where the employer has given notice of termination, the employee must be allowed up to one day's time off without loss of pay for the purpose of seeking other employment.

### ***Employee-initiated termination (e.g. resignation)***

#### **Notice of termination by an employee**

Where an employee resigns, the notice to be given to the employer is the same period (i.e. between 1 and 4 weeks) as that required by an employer (except for the extra week if over 45 years of age).

If the employee fails to give the required notice on resignation, the employer:

- may withhold from any monies due on termination an amount of money equivalent to the shortfall in required notice; but
- such amount withheld cannot exceed the amount the employee would have been paid in respect of the period of notice required

### **Redundancy**

*Before any definite decision is made regarding redundancy within an organisation, the employer must consider the Consultation and Dispute Resolution – clauses 26, 27 and 28 - provisions of the LDO Award.*

If a dismissal is a genuine redundancy it will not be an unfair dismissal. Under Commonwealth workplace laws, a person's dismissal is a 'genuine redundancy' if:

- your employer no longer needs the person's job to be done by anyone because of changes in the operational requirements of the business, **and**
- your employer followed any consultation requirements in the modern award, enterprise agreement or other industrial instrument that applies.

In addition to the requisite period of notice (or pay in lieu) of an employer instigated termination of employment, the NES (at sections 119 to 123 of the FW Act) stipulates that where the decision to terminate is because –

- the employer no longer requires the subject employee's job to be done by anyone, or
- because of the insolvency or bankruptcy of the employer,

an amount of redundancy pay is also to be paid to an employee. The amount of redundancy pay is established on a scale according to the period of continuous service of the employee.

<b>Employee's period of continuous service with the employer on termination</b>	<b>Redundancy pay period</b>
At least 1 year but less than 2 years	4 weeks
At least 2 years but less than 3 years	6 weeks
At least 3 years but less than 4 years	7 weeks
At least 4 years but less than 5 years	8 weeks
At least 5 years but less than 6 years	10 weeks
At least 6 years but less than 7 years	11 weeks
At least 7 years but less than 8 years	13 weeks
At least 8 years but less than 9 years	14 weeks
At least 9 years but less than 10 years	16 weeks
At least 10 years	12 weeks

Redundancy pay is paid at the employees 'base rate of pay' for ordinary hours of work which does not include:

- Loadings;
- Overtime or penalty rates;
- Allowances;
- Bonuses or incentive based payments.

#### **Exceptions to the general rule on redundancy pay**

Small business employers are excluded from the requirement to pay redundancy (section 121(1)(b) of the FW Act). Small business employers are those with less than 15 employees, which from 1 January 2011 is simply a headcount of employees working for that employer or related business undertakings. If the business is an associated entity of another business, the employees of all the associated entities are counted. The retrenched employee is also counted. Casuals who are regular and systematic basis are counted. Irregular casuals are not included in the headcount.

As with the exclusion for notice of termination, the following employees are not entitled to any redundancy payments:

1. casual employees,
2. an employee dismissed for serious misconduct,
3. an employee under a training arrangement, or
4. an employee under a fixed term contract whose contract expires with the effluxion of time

Employees with less than 12 months continuous service are not entitled to redundancy/severance pay (section 121(1)(a) of the FW Act).

These exceptions apply to employees in the national workplace relations system Australia-wide.

### **Job search entitlement**

Sub-clause 30.3 of the LDO Award provides that where the employer has given notice of termination in circumstances of redundancy, the employee must be allowed up to one day's time off without loss of pay for the purpose of seeking other employment. If the employee has been allowed more than 1 day off as paid leave for job searching, the employee must, upon request, produce proof of attendance at an interview for the extra paid leave.

### **Reasonable alternative employment**

Generally speaking, where an employer finds 'reasonable alternative employment' in a redundancy situation or as a result of transfer of business and where:

- the employee's previous service is recognised by the new employer, or
- the employee rejects an offer of employment on substantially similar terms and conditions,

then such employee may not be entitled to redundancy payments. In this situation, the assistance of Fair Work Australia should be sought – s.122 of the FW Act.

## PART C - PROCESS

### ***Access to Award and National Employment Standards***

The employer must make available copies of the modern award and the NES, either on a noticeboard which is conveniently located at or near the workplace or through electronic means, whichever makes them more accessible to employees. (Clause 3.3)

### ***Award flexibility***

#### **Individual Flexibility Arrangements**

The award flexibility clause is a standard clause developed by the FWC for every modern award. Agreements made under this clause are widely referred to as **Individual Flexibility Arrangements or IFA's** – in order to avoid confusion with other kinds of “Agreements” such as Enterprise Agreements, or Workplace Agreements. (Clause 5)

The terms of the award that an employer and its individual employee may agree to modify are those clauses concerning:

- arrangements for when work is performed;
- overtime rates;
- penalty rates;
- allowances; and
- leave loading.

Any modified arrangements on the above matters must result in the employee being better off overall than the employee would have been if no individual flexibility arrangement had been agreed to.

The IFA must:

- be in writing,
- name the parties to the agreement, and
- be signed by the employer and the individual employee, and
- be signed by the employee's parent or guardian, if the employee is under 18 years of age,

The employer must give the employee a copy of the IFA and keep the IFA as a time and wages record.

The IFA may be terminated:

- by the employer or the individual employee giving 4 weeks', in writing, to the other party. The IFA ceases to operate at the end of the notice period; or
- at any time, by written agreement between the employer and the individual employee.

### ***Flexible Working Arrangements***

All employees, including 'eligible casual employees' that have completed 12 months continuous service have the right to request a change in working arrangements to assist the employee to care for a child under school age or a child under 18 with a disability. An eligible casual employee is one who has worked on a regular and systematic basis for more than 12 months and has an expectation of continuing to work on that basis.

In order to access the entitlement the employee must provide the request in writing outlining the changes sought to working arrangements. The employer must discuss the request with the employee and genuinely try to reach an agreement on a change in working arrangements that will reasonable accommodate the employee's circumstances. The specific set of obligations are set out in sub-clause 6.2.

An employer may only refuse the request on reasonable business grounds. Though reasonable business grounds are not defined in the NES, it is taken that reasonable business grounds might include:

- Effect on the workplace including efficiency, financial, productivity and customer service
- Inability to organise work amongst other staff
- Practicality or inability to recruit replacement staff

### ***Consultation regarding major workplace change***

Every modern award has a standard clause setting out obligations on the employer to consult with its employees where the employer has made a definite decision to introduce major changes in production, program, organisation, structure or technology that are likely to have significant effects on such employees. Significant effects include termination of employment, major changes in composition, operation and size of the employer's workforce or skills required, the transfer of employees to other work locations and the restructuring of jobs. The full list of major changes is at sub-clause 26.5.

The consultation clause requires specific discussions and written notifications to employees and their representatives (if any) at certain points in time when definite decisions have been made by management, with the aim of averting or mitigating adverse affects that may flow from major change. The specific set of obligations on employers for discussion and notification are set out in sub-clause 26.1.

### ***Consultation about changes to rosters or hours of work***

Employees on regular rosters or with ordinary hours are to be consulted with before changes are made to their roster or hours. Employers are obligated to provide employees and their representatives (if any) with information about the proposed change and invite the employee/s and representatives to give their views about the impact. Any views given are to be considered. This does not apply where the employee's work is irregular, sporadic or unpredictable (sub-clause 27.1).

### ***Dispute resolution procedure***

Every modern award contains a standard clause concerning the procedure to be followed where a dispute arises about a matter under the award or under the NES (clause 9).

The dispute resolution procedure involves a staged progression for disputes to be resolved, first by discussion between the employees concerned and the relevant supervisor, then if necessary with senior management, then if necessary and as a last resort, by one of the parties referring the matter to be dealt with by Fair Work Australia (utilising as necessary by consent of the parties) mediation, conciliation and consent arbitration. At any point in the process the employer and the employees may appoint respective representatives.

The clause provides that while the dispute resolution procedure is being conducted, work must continue, subject to health and safety provisions.



## Employee Classification Descriptors under Schedule A & B of the RTD Award

Transport worker Grade 1	General hand: greaser and cleaner, yardperson, vehicle washer and detailer, motor driver's assistant/furniture remover's assistant Loader—other than freight forwarder Courier—foot or bicycle
Transport worker Grade 2	Loader—freight forwarder Tow motor driver Driver of a rigid vehicle (including a motorcycle) not exceeding 4.5 tonnes GVM
Transport worker Grade 3	Driver of a fork-lift up to and including 5 tonnes lifting capacity Driver of a two-axle rigid vehicle on any other rigid vehicle exceeding 4.5 tonnes, but not exceeding 13.9 tonnes GVM unless by special permit or registration such vehicle may be up to 15 tonnes GVM Driver of a concrete mixer up to and including 2 cubic metre bowl Distribution facility employee level 1
Transport worker Grade 4	Driver of a 3-axle rigid vehicle exceeding 13.9 tonnes GVM Driver oil tractor Radio operator Driver of fork-lift with a lifting capacity in excess of 5 tonnes and up to and including 10 tonnes Weighbridge attendant Driver of a straddle truck Driver of a concrete mixer over 2 cubic metre bowl and up to 4.9 cubic metre bowl Crane chaser/dogger Distribution facility employee level 2
Transport worker Grade 5	Driver of a fork-lift with a lifting capacity in excess of 10 tonnes and up to 34 tonnes Driver of a rigid vehicle with 4 or more axles and a GVM exceeding 13.9 tonnes Driver of a rigid vehicle and heavy trailer combination with three axles and a GCM of 22.4 tonnes or less Driver of an articulated vehicle with three axles and a GCM of 22.4 tonnes or less Driver of a concrete mixer with a 5 cubic metre bowl and over
Transport worker Grade 6	Driver of a rigid vehicle and a heavy trailer combination with more than three axles and a GCM greater than 22.4 tonnes up to and including 53.4 tonnes Driver of a mobile crane lifting up to and including 25 tonnes Driver of an articulated vehicle with more than three axles and a GCM greater than 22.4 tonnes Driver of a low loader with a GCM up to and including 43 tonnes Driver of a forklift with a lifting capacity over 34 tonnes Transport rigger
Transport worker Grade 7	Driver of a double articulated vehicle up to and including 53.4 tonnes GCM— including B-Doubles Driver of a low loader with a GCM exceeding 43 tonnes Provided that no load will exceed the limit prescribed by or under any State or Territory legislation Distribution facility employee level 3
Transport worker Grade 8	Driver of a mobile crane with a lifting capacity over 25 tonnes and up to 50 tonnes Driver of a rigid vehicle and trailer(s) or double articulated vehicle exceeding 53.4 tonnes GCM including B-Doubles Driver of a multi-axle platform trailing equipment with a carrying capacity up to and including 70 tonnes
Transport worker Grade 9	Driver of a mobile crane with a lifting capacity over 50 tonnes Driver of a gantry crane Driver of a rigid vehicle with trailer combinations or articulated vehicle with trailer combinations exceeding 94 tonnes GCM Distribution facility employee level 4 Aerodrome attendant
Transport worker Grade 10	Driver of a multi-axle platform trailing equipment with a carrying capacity over 70 tonnes.
Distribution facility employee Level 1	Must be competent to perform one or more of the following tasks/duties: <ul style="list-style-type: none"> <li>• storing and packing of goods and materials in accordance with appropriate procedures and/or regulations;</li> <li>• preparation and receipt of appropriate documentation including liaison with suppliers;</li> <li>• allocating and retrieving goods from specific warehouse areas;</li> <li>• basic visual display unit (VDU) operation;</li> <li>• periodic housekeeping and stock-checks; or</li> <li>• operating company small delivery vehicle.</li> </ul>
Distribution facility employee Level 2	Must be competent to perform one or more of the following tasks/duties: <ul style="list-style-type: none"> <li>• inventory and distribution facility control, including licensed operation of all appropriate materials handling equipment and use of tools and equipment within the warehouse (basic non-trades maintenance);</li> <li>• VDU operation; or</li> <li>• Operation of 3 to 6 tonne truck.</li> </ul>
Distribution facility employee Level 3	Must be competent to perform one or more of the following tasks/duties: <ul style="list-style-type: none"> <li>• use of a VDU for purposes such as the maintenance of a deposit storage system, information input/retrieval, etc;</li> <li>• operation of all materials handling equipment under license, where required;</li> <li>• development and refinement of a distribution facility layout including proper location of goods and their receipt and dispatch; or</li> <li>• operation of a truck with a capacity in excess of 6 tonnes up to and including 13.9 tonnes GVM.</li> </ul>
Distribution facility employee Level 4	Exercises skills attained through the successful completion of an appropriate certificate and must be competent to perform one or more of the following tasks or combination of tasks: <ul style="list-style-type: none"> <li>• liaising with management, suppliers and customers with respect to distribution facility operations;</li> <li>• detailing and co-ordinating activities of other distribution facility workers; or</li> <li>• maintaining control registers including inventory control and being responsible for the preparation and reconciliation of regular reports or stock movement, dispatches, etc.</li> </ul>

# RTD Award Wages and Allowances

## READY RECKONER

This 'ready reckoner' provides the rates and allowances for the RTD Award with effect from 1 July 2019. It is expected that these will be increased by Fair Work Australia from July 2020.

### Permanent Employee – Non-Shiftworkers: ordinary rates and penalties

	Ordinary hours	Early morning	Saturday	Sunday	Public holiday		Ordinary hours	Saturday	Sunday	Public holiday	
					Good Friday & Christmas Day	Any other public holiday				Good Friday & Christmas Day	Any other public holiday
	100%	130%	150%	200%	200%	150%	100%	150%	200%	200%	150%
<b>Transport worker</b>							<b>Oil distribution employee</b>				
<b>Grade 1</b>	\$20.65	\$26.85	\$30.98	\$41.30	\$41.30	\$30.98	\$22.42	\$33.63	\$44.84	\$44.84	\$33.63
<b>Grade 2</b>	\$21.17	\$27.52	\$31.76	\$42.34	\$42.34	\$31.76	\$22.98	\$34.47	\$45.96	\$45.96	\$34.47
<b>Grade 3</b>	\$21.43	\$27.86	\$32.15	\$42.86	\$42.86	\$32.15	\$23.26	\$34.89	\$46.52	\$46.52	\$34.89
<b>Grade 4</b>	\$21.82	\$28.37	\$32.73	\$43.64	\$43.64	\$32.73	\$23.69	\$35.54	\$47.38	\$47.38	\$35.54
<b>Grade 5</b>	\$22.09	\$28.72	\$33.14	\$44.18	\$44.18	\$33.14	\$23.99	\$35.99	\$47.98	\$47.98	\$35.99
<b>Grade 6</b>	\$22.35	\$29.06	\$33.53	\$44.70	\$44.70	\$33.53	\$24.26	\$36.39	\$48.52	\$48.52	\$36.39
<b>Grade 7</b>	\$22.67	\$29.47	\$34.01	\$45.34	\$45.34	\$34.01	\$24.62	\$36.93	\$49.24	\$49.24	\$36.93
<b>Grade 8</b>	\$23.33	\$30.33	\$35.00	\$46.66	\$46.66	\$35.00	\$25.33	\$38.00	\$50.66	\$50.66	\$38.00
<b>Grade 9</b>	\$23.72	\$30.84	\$35.58	\$47.44	\$47.44	\$35.58	\$25.76	\$38.64	\$51.52	\$51.52	\$38.64
<b>Grade 10</b>	\$24.31	\$31.60	\$36.47	\$48.62	\$48.62	\$36.47	\$26.39	\$39.59	\$52.78	\$52.78	\$39.59
<b>Distribution facility employee</b>											
<b>Level 1</b>	\$21.43	n/a	\$32.15	\$42.86	\$42.86	\$32.15					
<b>Level 2</b>	\$21.82	n/a	\$32.73	\$43.64	\$43.64	\$32.73					
<b>Level 3</b>	\$22.67	n/a	\$34.01	\$45.34	\$45.34	\$34.01					
<b>Level 4</b>	\$23.72	n/a	\$35.58	\$47.44	\$47.44	\$35.58					

**Permanent Employee – Non-shiftworkers: Overtime**

	First 2 hours	After 2 hours	Public Holiday	Good Friday & Christmas Day	First 2 hours	After 2 hours	Good Friday & Christmas Day
	150%	200%	250%	300%	150%	200%	300%
	<b>Transport worker</b>				<b>Oil distribution employee</b>		
<b>Grade 1</b>	\$30.98	\$41.30	\$51.63	\$61.95	\$33.63	\$44.84	\$67.26
<b>Grade 2</b>	\$31.76	\$42.34	\$52.93	\$63.51	\$34.47	\$45.96	\$68.94
<b>Grade 3</b>	\$32.15	\$42.86	\$53.58	\$64.29	\$34.89	\$46.52	\$69.78
<b>Grade 4</b>	\$32.73	\$43.64	\$54.55	\$65.46	\$35.54	\$47.38	\$71.07
<b>Grade 5</b>	\$33.14	\$44.18	\$55.23	\$66.27	\$35.99	\$47.98	\$71.97
<b>Grade 6</b>	\$33.53	\$44.70	\$55.88	\$67.05	\$36.39	\$48.52	\$72.78
<b>Grade 7</b>	\$34.01	\$45.34	\$56.68	\$68.01	\$36.93	\$49.24	\$73.86
<b>Grade 8</b>	\$35.00	\$46.66	\$58.33	\$69.99	\$38.00	\$50.66	\$75.99
<b>Grade 9</b>	\$35.58	\$47.44	\$59.30	\$71.16	\$38.64	\$51.52	\$77.28
<b>Grade 10</b>	\$36.47	\$48.62	\$60.78	\$72.93	\$39.59	\$52.78	\$79.17
	<b>Distribution facility employee</b>						
<b>Level 1</b>	\$32.15	\$42.86	\$53.58	\$64.29			
<b>Level 2</b>	\$32.73	\$43.64	\$54.55	\$65.46			
<b>Level 3</b>	\$34.01	\$45.34	\$56.68	\$68.01			
<b>Level 4</b>	\$35.58	\$47.44	\$59.30	\$71.16			

**Permanent Employee – Shiftworkers: Ordinary rates and penalties**

	Day	Afternoon	Night	Non continuous afternoon or night		Saturday	Sunday	Public holiday	Day	Afternoon	Night	Non continuous afternoon or night		Saturday	Sunday	Public holiday
				First 3 hours	After 3 hours							First 3 hours	After 3 hours			
	100%	117.50%	130%	150%	200%	150%	200%	250%	100%	117.50%	130%	150%	200%	150%	200%	250%
	<b>Transport worker</b>								<b>Oil distribution employee</b>							
<b>Grade 1</b>	\$20.65	\$24.26	\$26.85	\$30.98	\$41.30	\$30.98	\$41.30	\$51.63	\$22.42	\$26.34	\$29.15	\$33.63	\$44.84	\$33.63	\$44.84	\$56.05
<b>Grade 2</b>	\$21.17	\$24.87	\$27.52	\$31.76	\$42.34	\$31.76	\$42.34	\$52.93	\$22.98	\$27.00	\$29.87	\$34.47	\$45.96	\$34.47	\$45.96	\$57.45
<b>Grade 3</b>	\$21.43	\$25.18	\$27.86	\$32.15	\$42.86	\$32.15	\$42.86	\$53.58	\$23.26	\$27.33	\$30.24	\$34.89	\$46.52	\$34.89	\$46.52	\$58.15
<b>Grade 4</b>	\$21.82	\$25.64	\$28.37	\$32.73	\$43.64	\$32.73	\$43.64	\$54.55	\$23.69	\$27.84	\$30.80	\$35.54	\$47.38	\$35.54	\$47.38	\$59.23

<b>Grade 5</b>	\$22.09	\$25.96	\$28.72	\$33.14	\$44.18	\$33.14	\$44.18	\$55.23	\$23.99	\$28.19	\$31.19	\$35.99	\$47.98	\$35.99	\$47.98	\$59.98
<b>Grade 6</b>	\$22.35	\$26.26	\$29.06	\$33.53	\$44.70	\$33.53	\$44.70	\$55.88	\$24.26	\$28.51	\$31.54	\$36.39	\$48.52	\$36.39	\$48.52	\$60.65
<b>Grade 7</b>	\$22.67	\$26.64	\$29.47	\$34.01	\$45.34	\$34.01	\$45.34	\$56.68	\$24.62	\$28.93	\$32.01	\$36.93	\$49.24	\$36.93	\$49.24	\$61.55
<b>Grade 8</b>	\$23.33	\$27.41	\$30.33	\$35.00	\$46.66	\$35.00	\$46.66	\$58.33	\$25.33	\$29.76	\$32.93	\$38.00	\$50.66	\$38.00	\$50.66	\$63.33
<b>Grade 9</b>	\$23.72	\$27.87	\$30.84	\$35.58	\$47.44	\$35.58	\$47.44	\$59.30	\$25.76	\$30.27	\$33.49	\$38.64	\$51.52	\$38.64	\$51.52	\$64.40
<b>Grade 10</b>	\$24.31	\$28.56	\$31.60	\$36.47	\$48.62	\$36.47	\$48.62	\$60.78	\$26.39	\$31.01	\$34.31	\$39.59	\$52.78	\$39.59	\$52.78	\$65.98

**Distribution facility employee**

<b>Level 1</b>	\$21.43	\$25.18	\$27.86	\$32.15	\$42.86	\$32.15	\$42.86	\$53.58
<b>Level 2</b>	\$21.82	\$25.64	\$28.37	\$32.73	\$43.64	\$32.73	\$43.64	\$54.55
<b>Level 3</b>	\$22.67	\$26.64	\$29.47	\$34.01	\$45.34	\$34.01	\$45.34	\$56.68
<b>Level 4</b>	\$23.72	\$27.87	\$30.84	\$35.58	\$47.44	\$35.58	\$47.44	\$59.30

**Permanent Employee – Shiftworkers: Ordinary rates and overtime**

	<b>First 2 hours</b>	<b>After 2 hours</b>	<b>First 2 hours</b>	<b>After 2 hours</b>
	<b>150%</b>	<b>200%</b>	<b>150%</b>	<b>200%</b>
	<b>Transport worker</b>		<b>Oil distribution employee</b>	
<b>Grade 1</b>	\$30.98	\$41.30	\$33.63	\$44.84
<b>Grade 2</b>	\$31.76	\$42.34	\$34.47	\$45.96
<b>Grade 3</b>	\$32.15	\$42.86	\$34.89	\$46.52
<b>Grade 4</b>	\$32.73	\$43.64	\$35.54	\$47.38
<b>Grade 5</b>	\$33.14	\$44.18	\$35.99	\$47.98
<b>Grade 6</b>	\$33.53	\$44.70	\$36.39	\$48.52
<b>Grade 7</b>	\$34.01	\$45.34	\$36.93	\$49.24
<b>Grade 8</b>	\$35.00	\$46.66	\$38.00	\$50.66
<b>Grade 9</b>	\$35.58	\$47.44	\$38.64	\$51.52
<b>Grade 10</b>	\$36.47	\$48.62	\$39.59	\$52.78
	<b>Distribution facility employee</b>			
<b>Level 1</b>	\$32.15	\$42.86		
<b>Level 2</b>	\$32.73	\$43.64		
<b>Level 3</b>	\$34.01	\$45.34		
<b>Level 4</b>	\$35.58	\$47.44		

**Casual – Non-Shiftworkers: Ordinary rates and penalties**

	Ordinary hours	Early morning	Saturday	Sunday	Public holiday		Ordinary hours	Saturday	Sunday	Public holiday	
					Good Friday & Christmas Day	Any other public holiday				Good Friday & Christmas Day	Any other public holiday
	125%	155%	175%	225%	325%	275%	125%	175%	225%	325%	275%
<b>Transport worker</b>						<b>Oil distribution employee</b>					
<b>Grade 1</b>	\$25.81	\$32.01	\$36.14	\$46.46	\$67.11	\$56.79	\$28.03	\$39.24	\$50.45	\$72.87	\$61.66
<b>Grade 2</b>	\$26.46	\$32.81	\$37.05	\$47.63	\$68.80	\$58.22	\$28.73	\$40.22	\$51.71	\$74.69	\$63.20
<b>Grade 3</b>	\$26.79	\$33.22	\$37.50	\$48.22	\$69.65	\$58.93	\$29.08	\$40.71	\$52.34	\$75.60	\$63.97
<b>Grade 4</b>	\$27.28	\$33.82	\$38.19	\$49.10	\$70.92	\$60.01	\$29.61	\$41.46	\$53.30	\$76.99	\$65.15
<b>Grade 5</b>	\$27.61	\$34.24	\$38.66	\$49.70	\$71.79	\$60.75	\$29.99	\$41.98	\$53.98	\$77.97	\$65.97
<b>Grade 6</b>	\$27.94	\$34.64	\$39.11	\$50.29	\$72.64	\$61.46	\$30.33	\$42.46	\$54.59	\$78.85	\$66.72
<b>Grade 7</b>	\$28.34	\$35.14	\$39.67	\$51.01	\$73.68	\$62.34	\$30.78	\$43.09	\$55.40	\$80.02	\$67.71
<b>Grade 8</b>	\$29.16	\$36.16	\$40.83	\$52.49	\$75.82	\$64.16	\$31.66	\$44.33	\$56.99	\$82.32	\$69.66
<b>Grade 9</b>	\$29.65	\$36.77	\$41.51	\$53.37	\$77.09	\$65.23	\$32.20	\$45.08	\$57.96	\$83.72	\$70.84
<b>Grade 10</b>	\$30.39	\$37.68	\$42.54	\$54.70	\$79.01	\$66.85	\$32.99	\$46.18	\$59.38	\$85.77	\$72.57
<b>Distribution facility employee</b>											
<b>Level 1</b>	\$26.79	n/a	\$37.50	\$48.22	\$69.65	\$58.93					
<b>Level 2</b>	\$27.28	n/a	\$38.19	\$49.10	\$70.92	\$60.01					
<b>Level 3</b>	\$28.34	n/a	\$39.67	\$51.01	\$73.68	\$62.34					
<b>Level 4</b>	\$29.65	n/a	\$41.51	\$53.37	\$77.09	\$65.23					

**Casual – Shiftworker: Ordinary rates and penalties**

	Day	Afternoon	Night	Non continuous afternoon or night		Saturday	Sunday	Public holiday	Day	Afternoon	Night	Non continuous afternoon or night		Saturday	Sunday	Public holiday
				First 3 hours	After 3 hours							First 3 hours	After 3 hours			
	125%	142.50%	155%	175%	225%	175%	225%	275%	125%	142.50%	155%	175%	225%	175%	225%	275%
<b>Transport worker</b>						<b>Oil distribution employee</b>										
<b>Grade 1</b>	\$25.81	\$29.43	\$32.01	\$36.14	\$46.46	\$36.14	\$46.46	\$56.79	\$28.03	\$31.95	\$34.75	\$39.24	\$50.45	\$39.24	\$50.45	\$61.66
<b>Grade 2</b>	\$26.46	\$30.17	\$32.81	\$37.05	\$47.63	\$37.05	\$47.63	\$58.22	\$28.73	\$32.75	\$35.62	\$40.22	\$51.71	\$40.22	\$51.71	\$63.20

<b>Grade 3</b>	\$26.79	\$30.54	\$33.22	\$37.50	\$48.22	\$37.50	\$48.22	\$58.93	\$29.08	\$33.15	\$36.05	\$40.71	\$52.34	\$40.71	\$52.34	\$63.97
<b>Grade 4</b>	\$27.28	\$31.09	\$33.82	\$38.19	\$49.10	\$38.19	\$49.10	\$60.01	\$29.61	\$33.76	\$36.72	\$41.46	\$53.30	\$41.46	\$53.30	\$65.15
<b>Grade 5</b>	\$27.61	\$31.48	\$34.24	\$38.66	\$49.70	\$38.66	\$49.70	\$60.75	\$29.99	\$34.19	\$37.18	\$41.98	\$53.98	\$41.98	\$53.98	\$65.97
<b>Grade 6</b>	\$27.94	\$31.85	\$34.64	\$39.11	\$50.29	\$39.11	\$50.29	\$61.46	\$30.33	\$34.57	\$37.60	\$42.46	\$54.59	\$42.46	\$54.59	\$66.72
<b>Grade 7</b>	\$28.34	\$32.30	\$35.14	\$39.67	\$51.01	\$39.67	\$51.01	\$62.34	\$30.78	\$35.08	\$38.16	\$43.09	\$55.40	\$43.09	\$55.40	\$67.71
<b>Grade 8</b>	\$29.16	\$33.25	\$36.16	\$40.83	\$52.49	\$40.83	\$52.49	\$64.16	\$31.66	\$36.10	\$39.26	\$44.33	\$56.99	\$44.33	\$56.99	\$69.66
<b>Grade 9</b>	\$29.65	\$33.80	\$36.77	\$41.51	\$53.37	\$41.51	\$53.37	\$65.23	\$32.20	\$36.71	\$39.93	\$45.08	\$57.96	\$45.08	\$57.96	\$70.84
<b>Grade 10</b>	\$30.39	\$34.64	\$37.68	\$42.54	\$54.70	\$42.54	\$54.70	\$66.85	\$32.99	\$37.61	\$40.90	\$46.18	\$59.38	\$46.18	\$59.38	\$72.57

**Distribution facility employee**

<b>Level 1</b>	\$26.79	\$30.54	\$33.22	\$37.50	\$48.22	\$37.50	\$48.22	\$58.93
<b>Level 2</b>	\$27.28	\$31.09	\$33.82	\$38.19	\$49.10	\$38.19	\$49.10	\$60.01
<b>Level 3</b>	\$28.34	\$32.30	\$35.14	\$39.67	\$51.01	\$39.67	\$51.01	\$62.34
<b>Level 4</b>	\$29.65	\$33.80	\$36.77	\$41.51	\$53.37	\$41.51	\$53.37	\$65.23

**Casual Shiftworker and Non-Shiftworker – Overtime**

	<b>First 2 hours</b>	<b>After 2 hours</b>	<b>First 2 hours</b>	<b>After 2 hours</b>
	<b>160%</b>	<b>210%</b>	<b>160%</b>	<b>210%</b>
	<b>Transport worker</b>		<b>Oil distribution employee</b>	
<b>Grade 1</b>	\$33.04	\$43.37	\$35.87	\$47.08
<b>Grade 2</b>	\$33.87	\$44.46	\$36.77	\$48.26
<b>Grade 3</b>	\$34.29	\$45.00	\$37.22	\$48.85
<b>Grade 4</b>	\$34.91	\$45.82	\$37.90	\$49.75
<b>Grade 5</b>	\$35.34	\$46.39	\$38.38	\$50.38
<b>Grade 6</b>	\$35.76	\$46.94	\$38.82	\$50.95
<b>Grade 7</b>	\$36.27	\$47.61	\$39.39	\$51.70
<b>Grade 8</b>	\$37.33	\$48.99	\$40.53	\$53.19
<b>Grade 9</b>	\$37.95	\$49.81	\$41.22	\$54.10
<b>Grade 10</b>	\$38.90	\$51.05	\$42.22	\$55.42

Distribution facility employee		
Level 1	\$34.29	\$45.00
Level 2	\$34.91	\$45.82
Level 3	\$36.27	\$47.61
Level 4	\$37.95	\$49.81

#### Junior Base Rates

Age	% of applicable adult minimum hourly rate
18 years and under	70%
19 years	80%
20 years	100%

#### Allowances

Wage-related allowances	Clause	% of standard rate	\$	Payable
Driver of low loader with GCM over 43 tonnes—for each extra tonne	19.3(b)(i)	0.18	1.47	per week
Driver of multi-axle platform trailing equipment with carrying capacity in excess of 100 tonnes— for each extra 10 tonnes in excess of 100 tonnes and up to 150 tonnes	19.3(b)(ii)	2.18	17.8	per week
Driver of multi-axle platform trailing equipment with carrying capacity in excess of 100 tonnes— for each extra 10 tonnes in excess of 150 tonnes and up to 200 tonnes	19.3(b)(ii)	2.09	17	per week
Driver of multi-axle platform trailing equipment with carrying capacity in excess of 100 tonnes – for each extra 10 tonnes between 200 and 300 tonnes	19.3(b)(ii)	2.04	16.6	per week
Leading hand (except leading loader) in charge of—3-10 employees	19.3(c)	4.72	38.4	per week
Leading hand (except leading loader) in charge of—11-to 20 employees	19.3(c)	7.03	57.2	per week
Leading hand (except leading loader) in charge of—More than 20 employees	19.3(c)	8.93	72.7	per week
Motor vehicle—length in excess of legislated limit	19.3(d)(i)	0.46	3.75	per day
Motor vehicle—truck loading crane mounted on vehicle	19.3(d)(ii)	0.46	3.75	per day
Motor vehicle—side-lifter crane mounted on vehicle	19.3(d)(iii)	0.46	3.75	per day
Motor vehicle—width (and/or load) in excess of 3.5m	19.3(d)(iv)	0.46	3.75	per day
Furniture carter allowance	19.3(d)(v)	2.59	21.09	per week
Livestock carter allowance	19.3(d)(vi)	2.59	21.09	per week
Sanitary vehicle allowance	19.3(d)(vii)	2.92	23.77	per week
Garbage collection allowance	19.3(d)(viii)	2.39	19.46	per week
Driver-salesperson allowance	19.3(d)(ix)	2.19	17.83	per week
Carbon black allowance	19.3(d)(x)	0.28	2.28	per day
Offensive material allowance	19.3(d)(xi)	0.36	2.93	per day
Dirty material allowance	19.3(d)(xii)	0.06	0.49	per hour

Tar handling allowance	19.3(d)(xiii)	0.45	3.66	per week
Coffin handling allowance	19.3(d)(xiv)	0.38	3.09	per coffin
Money handling allowance—Up to \$20	19.3(e)	0.23	1.87	per week
Money handling allowance—\$20 but not exceeding \$200	19.3(e)	0.45	3.66	per week
Money handling allowance—Over \$200 but not exceeding \$600	19.3(e)	0.77	6.27	per week
Money handling allowance—Over \$600 but not exceeding \$1000	19.3(e)	1.00	8.14	per week
Money handling allowance—Over \$1000 but not exceeding \$1200	19.3(e)	1.41	11.48	per week
Money handling allowance—Over \$1200 but not exceeding \$1600	19.3(e)	2.18	17.75	per week
Money handling allowance—Over \$1600 but not exceeding \$2000	19.3(e)	2.41	19.62	per week
Money handling allowance—Over \$2000	19.3(e)	2.74	22.31	per week
Bulk dangerous goods allowance	19.3(f)(i)	2.37	19.30	per day
Packaged dangerous goods allowance	19.3(f)(ii)	0.99	8.06	per day
First aid allowance	19.3(g)	1.60	13.03	per week
<b>Expense-related allowances</b>	<b>Clause</b>	<b>% of standard rate</b>	<b>\$</b>	<b>Payable</b>
Travelling allowance	19.5(a)	n/a	31.66	per day
Housing allowance—this amount less than the amount of rent charged	19.5(d)(ii)	n/a	3.15	-
Meal allowance	19.5(f)	n/a	16.25	per meal