

The Miscellaneous Award 2010 (MA000104)

AWARD GUIDE.

*Subsequent to the introduction of the Fair Work Act 2009, employers that are 'constitutional corporations' (ie: are Pty Ltd companies and have an ABN), are therefore 'National System Employers', and are regulated by the Federal 'Modern Award' network, one of which is the 'Miscellaneous Award 2010'.
The minimum rates of pay under this award will be set by Fair Work Australia.*

The rates of pay & conditions, (subject the transitional provisions referred to below), and the Annual Wage Review 2009-10, conducted by the Minimum Wage Panel of Fair Work Australia, have applied since 1st January 2010.

IMPORTANT DISCLAIMER:

This guide is intended to provide a summary only of the *Miscellaneous Award 2010*, and has been prepared by HMT Consulting for the use of Outdoor Council of Australia members. No responsibility is taken for any errors or omissions.

ABOUT THE AWARD

- The Award came into operation, throughout Australia on 1st January 2010, and is legally enforceable.
- A complete copy of the document is available on the Fair Work Australia website:
<http://www.fairworkaustralia.gov.au>

Award coverage:

The award covers employers throughout Australia and their employees in the classifications listed in clause 14 – Minimum wages who are **not covered by any other modern award.**

The Award **does not cover those classes of employees who, because of the nature or seniority of their role, have not traditionally been covered by awards including managerial employees and professional employees such as accountants and finance,**

marketing, legal human resources, public relations and information technology specialists.

Further, this award does not cover employees:

- In an industry covered by a modern award who are not within a classification in that modern award; or
- In a class exempted by a modern award from its operation or employers in relation to those employees;
- Excluded from award coverage by the *Fair Work Act 2009*.

TRANSITION ARRANGEMENTS

To facilitate the introduction of the new award *Fair Work Australia* has built in mechanisms that permit some new conditions of employment and wage rates, being phased in between 1.7.10 and 1.7.13, including casual loadings, minimum wages and piece rates, penalty rates, and other matters (see clause 2.3 of the award).

Each employer should compare their current workplace arrangements against Schedule 'A' of the award. If in doubt in relation to your obligations and your employee's entitlements, you should contact *Fair Work Australia's helpline: 1300799675*

SIGNIFICANT PROVISIONS.

Employment Categories – The award covers Full-time, Part-time or Casual employees.

Full-time – is an employee who is engaged to work an average of 38 hours per week;

Part-time – is an employee engaged in writing as such, to work *a regular pattern of hours*, less than 38 per week. All time worked in excess of the hours agreed will be paid at overtime rates. They shall receive the entitlements of a fulltime employee on a proportional basis.

Casuals – Are employees not classified as 'part-timers', paid a loading of 25% on a Monday to Friday basis, provided that all work performed by a casual outside the hours 7am and 7pm Monday to Friday and on Saturday which is not overtime must be paid at the rate of 145% of the relevant minimum wage;

- For all work performed by a casual on Sundays which is not overtime must be paid at the rate of 175% of the relevant minimum wage;
- All work performed by a casual on a public holiday is to be paid at the rate of 250% of the relevant minimum wage.

Hours of work – The ordinary hours of work shall be rostered between 7a.m – 7p.m, Monday to Friday, and on Saturdays.

Weekly employees (full-time and part-time) must not be rostered to work more than 10 hours on any one day, except by mutual agreement, in which case the maximum shall be 12 ordinary hours.

Employees must be notified by the employer of their rostered hours at least 7 days in advance.

Penalty rates & Overtime (weekly employees)

Saturdays & hours worked outside 7am -7pm Mon – Frid, not overtime, -120% of relevant minimum wage;

Sundays – 150% “ “ “ “ ;

Public holidays – 250% “ “ “ “ “ .

For all work in excess of 38 per week;

The agreed number of hours for a part-timer;

150% of the minimum wage for the first three hours and thereafter, 200%.

OTHER IMPORTANT POINTS

The employers should take particular care to acquaint themselves with the details of the following provisions of the new Award:

	Clause
National Employment Standards	5&6
Award flexibility	7
Consultation regarding major workplace change	8
Dispute resolution	9
Termination of Employment & Redundancy	11 &12
Superannuation	19
Breaks	21
Overtime & Penalties (see tables below)	22
Annual Leave	23
Public Holidays	26
Schedule ‘C’ - Supported Wages System	
Schedule ‘D’ – National Training Wage.	

ADDITIONAL PAYMENTS

Supervisory Allowances:

Staff required to supervise other staff are to be paid the following additional allowances:

If supervising 3- 10 employees, an additional 4.4% of the standard rate

11-20 an additional 6.5% of the standard rate

More than 20 an additional 8.3% of the Standard rate;

Meal allowance – payable where an employee is required to work immediately after their ordinary hours of work, \$14.20 on each occasion, or a further \$12.85 if the overtime exceeds four hours.

First aid – An employee who is rostered by an employer to be on *first aid duty* at a particular time must be paid per day 2% of the standard rate extra.

Vehicle allowance -\$.74 per kilometre, is payable to an employee who agrees to use their own vehicle on the employer’s business.

Junior Rates

Where junior rates apply, employees will be paid in accordance with the following scale:

AGE

% OF ADULT RATE.

Under 16 years of age	36.8
16 years	47.3
17 years	57.8
18 years	68.3
19 years	82.5
20 years of age	97.7

Schedule A - Classification Structure and Definitions

Level 1

An employee at this level has been employed for a period of less than three months and is not carrying out the duties of a level 3 or level 4 employee.

Level 2

An employee at this level has been employed for more than three months and is not carrying out the duties of a level 3 or level 4 employee.

Level 3

An employee at this level has a trade qualification or equivalent and is carrying out duties requiring such qualifications.

Level 4

An employee at this level has advanced trade qualifications and is carrying out duties requiring such qualifications or is a sub-professional employee.

AWARD RATES

(Applying from the first pay period commencing on or after 1st July 2010)

Weekly Employees

Level	Minimum Weekly, Ordinary Time hourly rate.
1	\$15.00
2	\$16.03
3	\$17.47
4	\$20.00

These rates will be varied from time to time by Fair Work Australia.