

Briefing Note: Minimum Hours

Clause 10 of the Pastoral Award 2010 specifies that there is a minimum engagement of 3 hours for casual and part time employees.

For part time employees, the award specifies that the employer **must** roster the employee for a minimum of 3 hours on any shift.

For casual employees, the award specifies that on each occasion the casual attends for work they are entitled to a minimum payment of 3 hours' work.

This means that if the employee is doing 2 milkings per day, each milking must be paid at a minimum of 3 hours.

You cannot add them together to make up the 3-hour minimum.

Employers should be aware that paying less than the 3 hours would be a breach of the award and render them liable for back pay and penalties for breach of the award.

If employers are paying more than the minimum wage for the relevant classification, then they may be able to enter into an Individual Flexibility Agreement (IFA), with the employee provided the agreement passes the Better Off Overall Test (BOOT test).

Practically, to pass the BOOT test if the milking is less than 3 hours, they should pay at least the minimum wage for 3 hours work.

The National Farmers Federation (NFF) is aware of the issue and is considering options to have the matter reviewed and hopefully changed at least for Farm and Livestock hands.

The clause is common in awards and was contained in some of the awards for the intensive industries, such as pig breeding and raising poultry which were absorbed into the Pastoral Award 2010.

Read about the Pastoral Award 2010 at thepeopleindairy.org.au/engagement-reward/pastoral-award.htm and further information about the BOOT at thepeopleindairy.com.au/eski/ifa.htm#Boot?