

Briefing Note: Minimum Hours (Updated December 2017)

Clause 10 of the Pastoral Award 2010 specifies that there is a minimum engagement of 3 hours for casual and part time employees and 2 hours for full time secondary school students who are 18 years of age or under.**

For part time employees, the award specifies that the employer **must** roster the employee for a minimum of 3 hours, or 2 hours for full time secondary school students who are 18 years of age or under, on any shift.

For casual employees, the award specifies that on each occasion the casual employee attends for work they are entitled to a minimum payment of 3 hours' work or 2 hours' for full time secondary school students who are 18 years of age or under.

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

You cannot add them together to make up the 3 hour or 2 hour minimum.

Employers should be aware that paying less than the minimum hours is a breach of the award and may render them liable for backpay 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' or 2 hours' work.

The National Farmers Federation (NFF) recently challenged this clause in the Fair Work Commission 4 yearly review of awards but was only partly successful achieving the 2 hour minimum engagement period for full time secondary school students who are 18 years of age or under.

Similar provisions are common in awards and were 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 www.thepeopleindairy.org.au/pastoralaward and further information about the BOOT at www.thepeopleindairy.com.au/eski/ifa.htm#Boot?

**** Note: the minimum engagement period full time secondary school students who are 18 years of age or under applies as of the first pay period on or after 1 January 2018.**