

Enquiry

2702696

Enquiry No.
2702696

Status
Resolved

Status Reason
Advice Provided

Total Time Open (days)
1

ENQUIRY

No of employees 1,000

Channel Inbound Phone

Enquiry Type Level 1 Entitlements

State Vic

Enquiry Type Level 2 Meal Breaks

Matter Number (Nexus)

Matter ID number (Titan)

Awaiting Accept/Decline No

Related Enquiry

Created On 27/05/2022 12:04 PM

EMPLOYEE DETAILS

Occupation

Main Duties -

Employee Status

Is apprentice or trainee? Neither

Employment start date

Employment end date

CUSTOMER/ORGANISATION

Customer

Legal Name

Enquirer Type Employer

EMPLOYEE LOCATION

Suburb

Postcode

State

Documents released by the Fair Work Ombudsman Under the Freedom of Information Act

ORGANISATION DETAILS

NOMINATED TO ACT ON CUSTOMER'S BEHALF

Full Name

Phone

Email

ATTEND FWO OFFICE

Can attend FWO office (if required) No

Interpreter Required

No

FWO Office

Language

ATIS Phone number: s.22

Infoline: Account

s.22

Access number

s.22

Customer Solutions: Account number s.22 Access number s.22

Industry Level 1

Information Media and Telecommunications

Industry Level 2

Publishing (except Internet and Music Publishing)

Industry Level 3

Software Publishing

Industry Level 4

Software Publishing

Instrument Type

Modern Award

Employer Association

Pre-Post Reform

Bound To Award

ENQUIRY DETAILS

DESCRIPTION

Background information:

- Does a paid break between ordinary hours of work and overtime count towards the calculation of ordinary hours of work?
- Non- vehicle manufacturing

ROP:

LOS:

Required qualifications/relevant experience:

Main nature of the organisation:

ACTIONS & SOLUTIONS

Award/EBA: MA000010: Manufacturing and Associated Industries and Occupations Award 2020

Advice provided:

32.11 - rest breaks in overtime:

(d) Where overtime is to be worked immediately after the completion of ordinary hours on a day or shift and the period of overtime is to be more than 1.5 hours,an employee,before starting the overtime,is entitled to a rest break of 20 minutes to be paid at the rate of pay applying to the employee immediately prior to the scheduled meal break.

--> the 20 mins counts towards ordinary hours (L2).

ENQUIRY TREATMENT & SUMMARY

Team Treatment

Recommended Treatment

Assessment Summary

s.22 Irrelevant Information

Mediation Conducted No

Forward Reason

FWO Outcome Advice Provided

DETAILS FOR KNOWLEDGE TEAM

DETAILS FOR KNOWLEDGE TEAM

Background Information

Specific questions/issue to be addressed

Recommending Team Lead

Legislation/ Industrial instruments considered

Quality Coach/TL Opinion

MONIES RECOVERED

Total (all non-confidential payments)

Total employees paid relating to enquiry

Payment Type	Confidential	Amount	Created On	Created By	Payment Date	No. of Employee
No Money Recovered records are available in this view.						
0 - 0 of 0 (0 selected)						Page 1

RELATED OBJECTS

Customer	Link Type	URL	Record Knowledge Object Title	Link
No Link records are available in this view.				
0 - 0 of 0 (0 selected)				Page 1
No Linked Knowledge Object records are available in this view.				
0 - 0 of 0 (0 selected)				Page 1

NOTES AND INTERACTIONS

NOTES AND ACTIVITIES

SPECIAL CATEGORIES

Name	Owner
EMAIL ADDRESSES	
No Special Category records are available in this view.	
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No Enquiry Email Link records are available in this view.	
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REQUEST FOR ASSISTANCE

ADDITIONAL EMPLOYEE DETAILS

Employee Received Paid Leave

Employee's Date of Birth

Is Employee an Intern

Working as an Independent Contractor

Contractor or Employee

PERMISSION TO CONTACT THE EMPLOYER

Privacy Consent

Confidential No

Permission to Contact Employer

Full Name

Phone

Issue discussed with the Employer

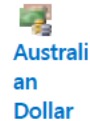
Reason for not discussing the issue

Employer's Response

Are Other Employees affected

Pay Rate (Before tax)

Currency



Name	Description	Created
No Supporting Evidence records are available in this view.		
0 - 0 of 0 (0 selected)		Page 1

Name	COI Type
Category	Topic
No Classification of Issues records are available in this view.	
No Topic records are available in this view.	
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Documents released by the Fair Work Ombudsman Under the Freedom of Information Act

Email

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Page 1

CASE DETAILS

MESSAGES

Is Suitable For Case Study No

Case Study Reason

Is Suitable For Follow Up No

CONSENT TO MEDIATION

Employer/Employee Contacted

Consent to Mediation

OFFICE ADDRESS

Office

Name
No Memorandum Of Understanding records are available in this view.
0 - 0 of 0 (0 selected) Page 1

Name	Official Name	Alpha..
No Country/Region records are available in this view.		
0 - 0 of 0 (0 selected)		Page 1

Name
No Educational Assistance records are available in this view.
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MEDIATION

Non-Monetary Outcomes

TOS

Total Time Spent (minutes)

120

Subject	Status Reason	Date Created	Confirmed Date	Closed Date	Booking Type	Employee I
No Booking Activity records are available in this view.						
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Title	Owner	Created On
You do not have permission to access these records. Contact your Microsoft Dynamics CRM administrator.		
0 - 0 (0 selected)		Page 1

LEGAL ADVICE PROGRAM

What is the issue that requires tailored legal advice (as per the assessment criteria)?

For current assessment criteria, see the following PACSR link [Workplace Legal Advice Program](#)

Referral Contact

Legal Advice ID number

EMPLOYER ADVISORY SERVICE

Eligible for EAS?

EAS Source

EAS Request Details

EAS Assessment

Documents released by the Fair Work Ombudsman
Under the Freedom of Information

Suitable for EAS Case Study No

TLO Advice

EAS Case Study Reason

FWO Legal Advice

Document Name	Document ID	Document Ref No	Legal Firm	Status
No Document Link records are available in this view.		No ELP Request records are available in this view.		
0 - 0 of 0 (0 selected)		Page 1		0 - 0 of 0 (0 selected)
		Page 1		

INTRINSICS

Avaya Contact ID

Skillset

Medium to Large Business

Enquirer ABN

PureCloud ID

s.22 Irrelevant Information

Intrinsic Phone

[Redacted]

Documents released by the Fair Work Ombudsman Under the Freedom of Information

Enquiry

2794846

Enquiry No.
2794846

Status
Resolved

Status Reason
Advice Provided

Total Time Open (days)
10

ENQUIRY

No of employees 1,000

Channel Inbound Phone

Enquiry Type Level 1 Entitlements

State Vic

Enquiry Type Level 2 Hours of Work

Matter Number (Nexus)

Matter ID number (Titan)

Awaiting Accept/Decline No

Related Enquiry

Created On 24/08/2022 9:11 AM

EMPLOYEE DETAILS

Occupation

Main Duties

Employee Status

Is apprentice or trainee? Neither

Employment start date

Employment end date

CUSTOMER/ORGANISATION

Customer

Legal Name

Enquirer Type

Employer representative

EMPLOYEE LOCATION

Suburb

Postcode

State

Documents released by the Fair Work Ombudsman Under the Freedom of Information Act

ORGANISATION DETAILS

NOMINATED TO ACT ON CUSTOMER'S BEHALF

Full Name

Phone

Email

ATTEND FWO OFFICE

Can attend FWO office (if required) No

Interpreter Required No

FWO Office

ATIS Phone number s.22

Infoline: Account number s.22 Access number s.

Customer Solutions: Account number s.22 Access number s.

Industry Level 1 Information Media and Telecommunications

Industry Level 2 Publishing (except Internet and Music Publishing)

Industry Level 3 Software Publishing

Industry Level 4 Software Publishing

Instrument Type Modern Award

Employer Association

Pre-Post Reform

Bound To Award

ENQUIRY DETAILS

DESCRIPTION

OBO employer

Qs about Retail Award MA04 Concerned about grey area, clause 15.6 (i) If I choose the option of 5 days of 7.6 hrs. If the ees are f-t, 20 days in a month. But if larger org, only 19 days in a months. e.g. If I have rotating day off in 4 weeks. If I give them the 7.6 hours,

ACTIONS & SOLUTIONS

L2 took over: MA 04

s.22 Irrel is looking for clarification around hours in clause 15.6 (i), (j) -called regarding 15.6 in its entirety previously, was advised that the 20th day is actually paid as its banked-RDO -has no option for a fixed day off, has been previously advised by FWO that if 15.6 (i) applies and EE works on the 20th day then OT applies because EE working on RDO -discussed 15.6 (j) applying as an agreement contrary to (i), customer deemed this insufficient. Discussed potentially entering IFA with an EE to vary arrangements for when work is performed, however customer believes award interpretation makes it impossible for

If rostered as per 15.6 (i) then they wouldn't be able to provide 38 hours per week and that EE would then not be FT? You would have to roster the 20th day in order to provide the hours

ER's in Aus to EE FT EE's

-someone previously explained how that clause operates but customer believes has been given incorrect advice by FWO and that interpretations of the award are incorrect

I think she was saying that she strictly wanted them to work 7.6 hours/ 20 days and that (i) would mean that they would have to work more over the 19 days to have the 20th day off. That's when she said that the business actually would want them to work on the accrued RDO and because it would be considered OT, or they would then to pay OT for the extra on the other 19 days and she didn't want to trigger OT and pay OT.

Mediation Conducted No

Forward Reason Callback to Client Required

FWO Outcome Advice Provided

ENQUIRY TREATMENT & SUMMARY

Team Treatment

Recommended Treatment

Assessment Summary

s.22 Irrelevant Information

DETAILS FOR KNOWLEDGE TEAM

DETAILS FOR KNOWLEDGE TEAM

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Total employees paid relating to enquiry

Payment Type	Confidential	Amount	Created On	Created By	Payment Date	No. of Employee
No Money Recovered records are available in this view.						

0 - 0 of 0 (0 selected)

Page 1

RELATED OBJECTS

Customer	Link Type	URL	Record Knowledge Object Title	Link
No Link records are available in this view.				
0 - 0 of 0 (0 selected)		Page 1		

NOTES AND INTERACTIONS

NOTES AND ACTIVITIES

Title: Your reference : KNO-039910

Executive Description : OHOW and O/T under MA004

Outcome Details : Hi s.22

Cl 15.6 of MA004 says:

(h) The options are:

(i) working 5 days of 7 hours and 36 minutes each per week ...

(j) In an establishment at which at least 15 employees are employed per week on a regular basis, the employer must not roster an employee to work ordinary hours on more than 19 days per 4 week cycle.

(j) Clause 15.6(i) is subject to ANY AGREEMENT to the contrary between the employer and an individual employee.

Because clause 15.6(j) provides that ordinary hours cannot be worked on more than 19 days in each four-week cycle, if the employer required the employee to work hours on more than 19 days in each four-week cycle (without 'any agreement' referred to in para (j)) those hours could not be characterised as 'ordinary' hours for the purpose of the award.

Therefore, in our view hours worked on more than 19 days in each four-week cycle (without 'any agreement') are in excess of/outside the roster conditions in clause 15.6.

Consequently, such hours would be overtime and paid as overtime as per cl.21.2(a) if an employee was to work on any days beyond the 19th day in a four-week cycle.

Thanks s.22

2/09/2022 11:27 AM

SPECIAL CATEGORIES

Name	Owner	
No Special Category records are available in this view.		
0 - 0 of 0 (0 selected)		
Page 1		

EMAIL ADDRESSES

Email Source Type	Name	
No Enquiry Email Link records are available in this view.		
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Page 1		

REQUEST FOR ASSISTANCE

ADDITIONAL EMPLOYEE DETAILS

Employee Received Paid Leave

Employee's Date of Birth

Is Employee an Intern

Working as an Independent Contractor

Contractor or Employee

PERMISSION TO CONTACT THE EMPLOYER

Privacy Consent

Confidential No

Permission to Contact Employer

Full Name

Phone

Email

MESSAGES

Issue discussed with the Employer

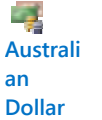
Reason for not discussing the issue

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Pay Rate (Before tax)

Currency



Name	Description	Created
No Supporting Evidence records are available in this view.		
0 - 0 of 0 (0 selected)		Page 1

Name	COI Type
No Classification of Issues records are available in this view.	
0 - 0 of 0 (0 selected)	Page 1

Category	Topic
No Topic records are available in this view.	
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CASE DETAILS

Is Suitable For Case Study No

Documents released by the Fair Work Ombudsman Under the Freedom of Information

Case Study Reason

Is Suitable For Follow Up No

CONSENT TO MEDIATION

Employer/Employee Contacted

Consent to Mediation

OFFICE ADDRESS

Office

Name
No Memorandum Of Understanding records are available in this view.
0 - 0 of 0 (0 selected) Page 1

Name	Official Name	Alpha...
No Country/Region records are available in this view.		
0 - 0 of 0 (0 selected)		Page 1

Name
No Educational Assistance records are available in this view.
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MEDIATION

Non-Monetary Outcomes

TOS

s.22 irrelevant information

Subject	Status Reason	Date Created	Confirmed Date	Closed Date	Booking Type	Employee T
No Booking Activity records are available in this view.						

0 - 0 of 0 (0 selected)			Page 1
Title	Owner	Created On	
You do not have permission to access these records. Contact your Microsoft Dynamics CRM administrator.			
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LEGAL ADVICE PROGRAM

What is the issue that requires tailored legal advice (as per the assessment criteria)?

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Referral Contact

Legal Advice ID number

EMPLOYER ADVISORY SERVICE

Eligible for EAS?

EAS Source

EAS Request Details

EAS Assessment

Documents released by the Fair Work Ombudsman
Under the Freedom of Information

Suitable for EAS Case Study No

TLO Advice

EAS Case Study Reason

FWO Legal Advice

Document Name	Document ID	Document Ref ID	Legal Firm	Status I
No Document Link records are available in this view.		No ELP Request records are available in this view.		
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		Page 1		

INTRINSICS

Avaya Contact ID

Skillset

Medium to Large Business

Enquirer ABN

PureCloud ID

s.22 Irrelevant Information

Intrinsic Phone

[Redacted]

-
- [View Customer](#)
 - [Search Customer](#)
 - [Edit Customer](#)
 - [Register Customer](#)
 - [Reset Password](#)
 - [View Organisation](#)
 - [Search Organisation](#)
 - [Search Employer](#)
 - [View Employer](#)

Documents released by the Fair Work Ombudsman Under the Freedom of Information

Task

Contacted TLO for clarification - 11:30...

Priority
Normal

Due

Activity Status
Completed

Owner

 s.22

TASK

Subject

Contacted TLO for clarification - 11:30 AM

Created On

26/08/2022 11:35 AM

Description

Awaiting further response.

Regarding

 [2794846](#)

Duration

Documents released by the Fair Work Ombudsman
Under the Freedom of Information

Task

Your reference : KNO-039792

Priority
Normal

Due

Activity Status
Completed

Owner
 s.22 Irrelevant information

TASK

Subject Your reference : KNO-039792

Created On 31/08/2022 2:44 PM

Description

Executive Description: Retail Award - whether under clause 15.6 (i) a paid RDO is provided, if worked O/T payable
Outcome Details: As discussed overtime would be payable on the basis of clause 21.2 (a) which states:
'An employer must pay a full-time employee for hours worked in excess of the ordinary hours of work or outside the span of hours (excluding shiftwork) or outside the roster conditions prescribed in clause 15'.
Noting that the relevant obligations are contained in clause 15.6(i).
(PACT provides some scenarios for when O/T applies but indicates that this is not not exhaustive).
Knowledge Record
Fair Work Ombudsman

Regarding  [2794846](#)

Duration

Documents released under the Freedom of Information Act
Under the Freedom of Information Act

Task

Text message sent - 3:25 PM AEST

Priority
Normal

Due

Activity Status
Completed

Owner

 s.22

TASK

Subject

Text message sent - 3:25 PM AEST

Created On

31/08/2022 3:25 PM

Description

The Fair Work Ombudsman will be calling soon regarding your enquiry.

Regarding

 [2794846](#)

Duration

Documents released by the Fair Work Ombudsman
Under the Freedom of Information

Task

Called customer, please refer to detaile...

Priority
Normal

Due

Activity Status
Completed

Owner



s.22

TASK

Subject Called customer, please refer to detailed notes below.

Created On 31/08/2022 4:28 PM

Description

Contacted customer to discuss enquiry. Went through previous response from TLO, confirmed if EE was to work more than the 19 days in 4 week cycle under Clause 15.6(h) then overtime would apply. This is because the OT clause specifies that it applies for time worked outside the rostering conditions in Clause 15.6.

Customer provided feedback about previous call and believed there was misunderstanding about what her actual question was.

Went through customer's question with her again to confirm understanding:

- When you look at Clause 15.6, this sets out different methods of arranging ordinary hours for full-time employees. In Clause 15.6(f) it sets out that you may adopt any of the options mentioned in clause 15.6(h) for working the average of 38 hours per week.
- Clause 15.6(h)(i) says that one of the options is:
 - (i) working 5 days of 7 hours and 36 minutes each per week;
- Further in this clause – 15.6(i) states: In an establishment at which at least 15 employees are employed per week on a regular basis, the employer must not roster an employee to work ordinary hours on more than 19 days per 4 week cycle.
- The customer wants to clarify whether 15.6(i) only operates or applies where the business has arranged ordinary hours to be averaged over a 4 week cycle (i.e. where they are being rostered to have the rostered day off). It would make sense that this is intended only to apply for situations where averaging is being utilised.
- If not, then this conflicts with Clause 15.6(h)(i) which specifically says that EE's can be rostered to work 5-day weeks with 7 hours and 36 mins worked each day.
- If Clause 15.6(i) is intended to apply broadly, then how can EE's be rostered in the manner outlined in 15.6(h)(i).
- If the business is simply operating a weekly roster system, with NO averaging of hours (e.g. standard 'office hours' M-F etc)

then can the employees be rostered to work 5 days per week, 7 hours 36 mins per day, without Clause 15.6(i) applying?

Advised customer we would need to confirm advice after clarifying her enquiry, this will need to be checked with TLO again. Confirmed we would conduct further research and contact her as soon as we have a response.

Regarding  [2794846](#)

Duration

Documents released by the Fair Work Ombudsman
Under the Freedom of Information

Task

Text message sent to customer at 11:2...

Priority	Due	Activity Status	Owner
Normal		Completed	 s.22

TASK

Subject Text message sent to customer at 11:23am

Created On 2/09/2022 11:25 AM

Description

The Fair Work Ombudsman will be calling soon regarding your recent enquiry.

Regarding  [2794846](#)

Duration

Documents released by the Fair Work Ombudsman
Under the Freedom of Information

Phone Call

Called customer at 11:28am AEST. Advi...

Priority	Due	Status	Owner
Normal		Completed	s.22

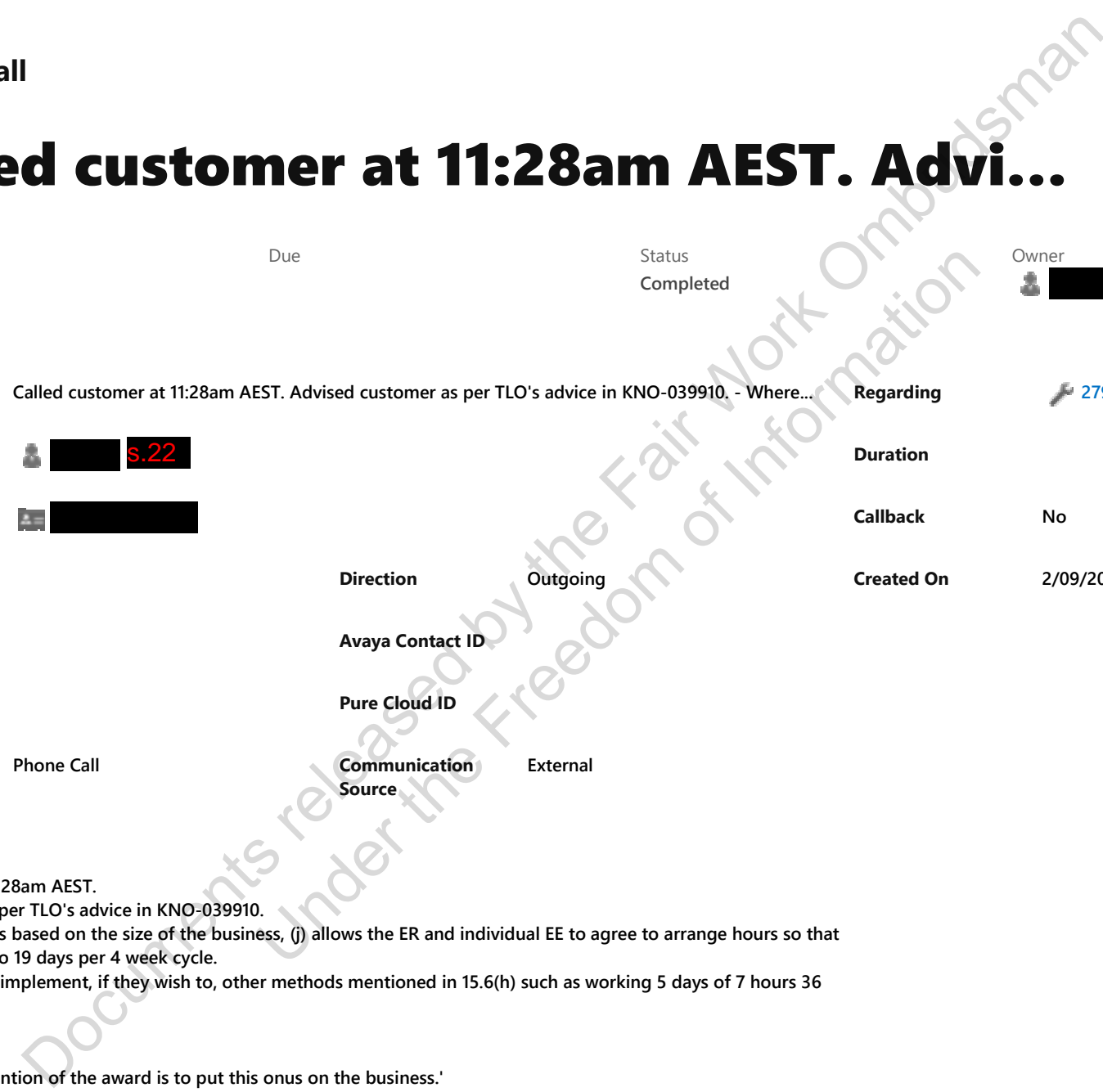
Phone Call

Subject	Called customer at 11:28am AEST. Advised customer as per TLO's advice in KNO-039910. - Where...		Regarding	2794846	
Call From	s.22		Duration		
Call To			Callback	No	
Skillset		Direction	Outgoing	Created On	2/09/2022 11:50 AM
Phone Number		Avaya Contact ID			
		Pure Cloud ID			
Communication Type	Phone Call	Communication Source	External		

Description

Called customer at 11:28am AEST.
 Advised customer as per TLO's advice in KNO-039910.
 - Where 15.6(i) applies based on the size of the business, (j) allows the ER and individual EE to agree to arrange hours so that the EE is not limited to 19 days per 4 week cycle.
 - This allows them to implement, if they wish to, other methods mentioned in 15.6(h) such as working 5 days of 7 hours 36 minutes.

The customer stated:
 "I don't think the intention of the award is to put this onus on the business."



The customer also stated there is an "over reliance on the agreement clauses by Fair Work.'

I explained that FWO can only advise on the award as it is, we cannot alter it. The FWC has that role.

The customer stated they understood.

Documents released by the Fair Work Ombudsman
Under the Freedom of Information

Email



Priority
Normal

Due

Status Reason
Sent

Owner
[REDACTED] s.22

Email

From Fair Work Ombudsman (Do Not Reply email)

To

Cc

Bcc

Subject [REDACTED]

Communication Source External

Created On 24/10/2022 12:57 PM

Attachments

File Name	File Size (Bytes)
No Email Attachment records are available in this view.	
0 - 0 of 0 (0 selected)	

Dear [REDACTED]

Documents released by the Fair Work Ombudsman Under the Freedom of Information



Thank you for your patience with your enquiry regarding what, "without loss of pay" means for a shiftworker not working on a public holiday under the Retail Award.

We have reviewed our web content and will update it so that it is consistent with the FWC decision, [2021] FWCA 3785, which includes the following at paragraph 30 in relation to the Retail Award: "An employee is entitled to payment of public holiday penalties if they work the public holiday, and shift penalties if they do not. Shift work is performed during ordinary hours of work and shift penalties form part of a shiftworkers' ordinary rate of pay."

I trust this information is of assistance.

Kind regards,


Fair Work Ombudsman

Regarding  [2546407](#)

Duration

Documents released by the Fair Work Ombudsman
Under the Freedom of Information

Enquiry

2861584

Enquiry No.
2861584

Status
Resolved

Status Reason
Advice Provided

Total Time Open (days)
1

ENQUIRY

No of employees 1,000

Channel My Account

Enquiry Type Level 1 Entitlements

State Multi-state

Enquiry Type Level 2 Overtime

Matter Number (Nexus)

Matter ID number (Titan)

Awaiting Accept/Decline No

Related Enquiry

Created On 2/11/2022 10:46 AM

EMPLOYEE DETAILS

Occupation

Main Duties NA

Employee Status

Is apprentice or trainee? Neither

Employment start date

Employment end date

CUSTOMER/ORGANISATION

Customer

Legal Name

Enquirer Type Employer representative

EMPLOYEE LOCATION

Suburb

Postcode

State



ORGANISATION DETAILS

NOMINATED TO ACT ON CUSTOMER'S BEHALF

Full Name

Phone

Email

ATTEND FWO OFFICE

Can attend FWO office (if required) No

Interpreter Required No

FWO Office

Language

ATIS Phone number: s.22

Infoline: Account number s.22 Access number s.

Customer Solutions: Account number s.22 Access number s.

Industry Level 1 Information Media and Telecommunications

Industry Level 2 Publishing (except Internet and Music Publishing)

Industry Level 3 Software Publishing

Industry Level 4 Software Publishing

Instrument Type Modern Award

Employer Association

Pre-Post Reform

Bound To Award

ENQUIRY DETAILS

DESCRIPTION

What payment is required when an employee (full time or part time or casual) works overtime on a public holiday under the hospitality award NA

ACTIONS & SOLUTIONS

Hi

Thank you for your enquiry.

ENQUIRY TREATMENT & SUMMARY

It appears you are seeking information on overtime.

Team Treatment

From the information provided, you are looking at the Hospitality Industry (General) Award. Please find this award linked here: https://awardviewer.fwo.gov.au/award/show/MA000009

Recommended Advice Treatment

As per Clause 29.3 of the award, in the situation where more than one penalty rate would be payable for hours worked at a particular time, the employer must pay the employee the

Assessment Summary Automated Assessment conducted on Wednesday, 2 November 2022. (ver. 18.11.29)

s.22
Irrelevant
Information

Level 2 - s.22

(b) Subject to clause 29.3(c), where more than one penalty rate would be payable for hours worked at a particular time, the employer must pay the employee the highest applicable penalty rate, but no other applicable penalty rate is payable.

if public holiday rate is higher than overtime rate then that rate would apply.

highest applicable penalty rate, but no other applicable penalty rate is payable. This means that if the public holiday rate is higher than what the overtime rate would have been on this day, only the public holiday rate will apply.

If you have any follow up questions, please call us on 13 13 94 between the hours of Monday to Friday 8am to 5:30pm, or submit a new My Account enquiry where one of our team will be very happy to discuss further.

Regards,

Fair Work Ombudsman

Mediation Conducted No

Forward Reason

FWO Outcome Advice Provided

DETAILS FOR KNOWLEDGE TEAM

DETAILS FOR KNOWLEDGE TEAM

Background Information

Specific questions/issue to be addressed

Recommending Team Lead

Legislation/ Industrial instruments considered

Quality Coach/TL Opinion


MONIES RECOVERED

Total (all non-confidential payments)

Total employees paid relating to enquiry

Payment Type	Confidential	Amount	Created On	Created By	Payment Date	No. of Employees
No Money Recovered records are available in this view.						
0 - 0 of 0 (0 selected)						Page 1

RELATED OBJECTS

Customer	Link Type	URL	Record Knowledge Object Title	Link
	External	https://www.fairwork.gov...	2/11/2022 10:46 AM	No Linked Knowledge Object records are available in this view.
	External	https://www.fairwork.gov...	2/11/2022 10:46 AM	
	External	https://www.fairwork.gov...	2/11/2022 10:48 AM	
1 - 3 of 4 (0 selected)			Page 1	

NOTES AND INTERACTIONS

NOTES AND ACTIVITIES

Title: Incomplete MyAccount Enquiry has been set to Draft

Incomplete MyAccount Enquiry has been set to Draft
 Created On: 2/11/2022 10:46 AM
 Modified On: 2/11/2022 10:46 AM
 Service [CSSWebUser](#) 2/11/2022 10:46 AM

SPECIAL CATEGORIES

Name	Owner
No Special Category records are available in this view.	
0 - 0 of 0 (0 selected)	
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EMAIL ADDRESSES

Email Source Type	Name
No Enquiry Email Link records are available in this view.	
0 - 0 of 0 (0 selected)	
Page 1	

REQUEST FOR ASSISTANCE

ADDITIONAL EMPLOYEE DETAILS

Employee Received Paid Leave No

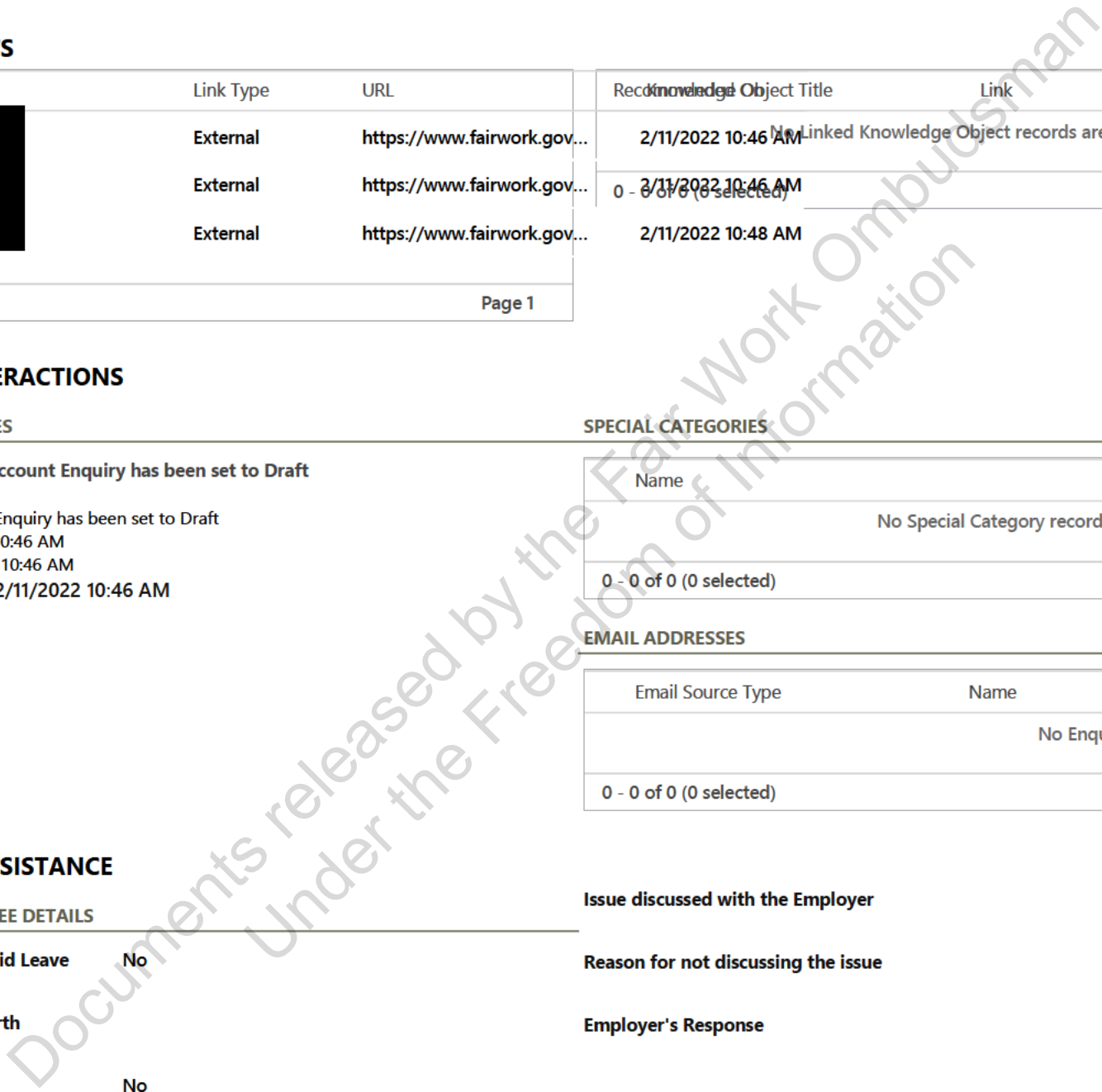
Employee's Date of Birth

Is Employee an Intern No

Issue discussed with the Employer

Reason for not discussing the issue

Employer's Response



Working as an Independent Contractor No

Contractor or Employee

Are Other Employees affected

Pay Rate (Before tax)

Currency

PERMISSION TO CONTACT THE EMPLOYER

Privacy Consent

Confidential No

Permission to Contact Employer

Full Name

Phone

Email

MESSAGES

Name	Description	Created
No Supporting Evidence records are available in this view.		
0 - 0 of 0 (0 selected)		Page 1

Name	COI Type
No Classification of Issues records are available in this view.	
0 - 0 of 0 (0 selected)	
Page 1	

Category	Topic
No Topic records are available in this view.	
0 - 0 of 0 (0 selected)	
Page 1	

CASE DETAILS

Is Suitable For Case Study No

Case Study Reason

Is Suitable For Follow Up No

OFFICE ADDRESS

Office



CONSENT TO MEDIATION

Employer/Employee Contacted

Consent to Mediation

Documents released by the Fair Work Ombudsman Under the Freedom of Information Act

Name
No Memorandum Of Understanding records are available in this view.
0 - 0 of 0 (0 selected) Page 1

Name	Official Name	Alpha...
Name	No Country/Region records are available in this view.	
No Educational Assistance records are available in this view.		
0 - 0 of 0 (0 selected)		Page 1
Non-Monetary Outcomes	TOS	Page 1

Total Time Spent (minutes) 120

Subject	Status Reason	Date Created	Confirmed Date	Closed Date	Booking Type	Employee I
No Booking Activity records are available in this view.						
0 - 0 of 0 (0 selected)						Page 1

Title	Owner	Created On
You do not have permission to access these records. Contact your Microsoft Dynamics CRM administrator.		
0 - 0 (0 selected)		Page 1

LEGAL ADVICE PROGRAM

What is the issue that requires tailored legal advice (as per the assessment criteria)?

For current assessment criteria, see the following PACSR link [Workplace Legal Advice Program](#)

Referral Contact

Legal Advice ID number



EMPLOYER ADVISORY SERVICE

Eligible for EAS?

EAS Source

EAS Request Details

EAS Assessment

Suitable for EAS Case Study No

TLO Advice

EAS Case Study Reason

FWO Legal Advice

Document Name	Document ID	Document Information	Legal Firm	Status
No Document Link records are available in this view.		No ELP Request records are available in this view.		
0 - 0 of 0 (0 selected) Page 1		0 - 0 of 0 (0 selected) Page 1		

INTRINSICS

Documents released by the Fair Work Ombudsman Under the Freedom of Information

Avaya Contact ID

Skillset

MyAccount

Enquirer ABN

PureCloud ID

s.22 Irrelevant Information

Intrinsic Phone

-
- [View Customer](#)
 - [Search Customer](#)
 - [Edit Customer](#)
 - [Register Customer](#)
 - [Reset Password](#)
 - [View Organisation](#)
 - [Search Organisation](#)
 - [Search Employer](#)
 - [View Employer](#)

Documents released by the Fair Work Ombudsman
Under the Freedom of Information

Enquiry

2861602

Enquiry No. 2861602	Status Resolved	Status Reason Advice Provided	Total Time Open (days) 1
------------------------	--------------------	----------------------------------	-----------------------------

ENQUIRY

No of employees 1,000

Channel My Account

Enquiry Type Level 1 Entitlements

State Multi-state

Enquiry Type Level 2 Penalty Rates

Matter Number (Nexus)

Matter ID number (Titan)

Awaiting Accept/Decline No

Related Enquiry

Created On 2/11/2022 10:51 AM

EMPLOYEE DETAILS

Occupation

Main Duties NA

Employee Status Unsure

Is apprentice or trainee? Neither

Employment start date

Employment end date

CUSTOMER/ORGANISATION

Customer

Legal Name

Enquirer Type Employer representative

EMPLOYEE LOCATION

Suburb

Postcode

State

Documents released by the Fair Work Ombudsman Under the Freedom of Information Act

ORGANISATION DETAILS

NOMINATED TO ACT ON CUSTOMER'S BEHALF

Full Name

Phone

Email

ATTEND FWO OFFICE

Can attend FWO office (if required) No

Interpreter Required

No

FWO Office

Language

ATIS Phone number: s.22

Infoline: Account number s.22 Access number s.

Customer Solutions: Account number s.22 Access number s.

Industry Level 1

Information Media and Telecommunications

Industry Level 2

Publishing (except Internet and Music Publishing)

Industry Level 3

Software Publishing

Industry Level 4

Software Publishing

Instrument Type

Modern Award

Employer Association

Pre-Post Reform

Bound To Award

ENQUIRY DETAILS

DESCRIPTION

what rate is paid for the hours of work immediately before or after a public holiday but is one continuous shift under the hospitality award NA

ACTIONS & SOLUTIONS

Hi

Thank you for your enquiry. Based on the information that you have provided, it seems you are asking about a continuous shift crossing over 2 days, where 1 of these days is a Public Holiday.

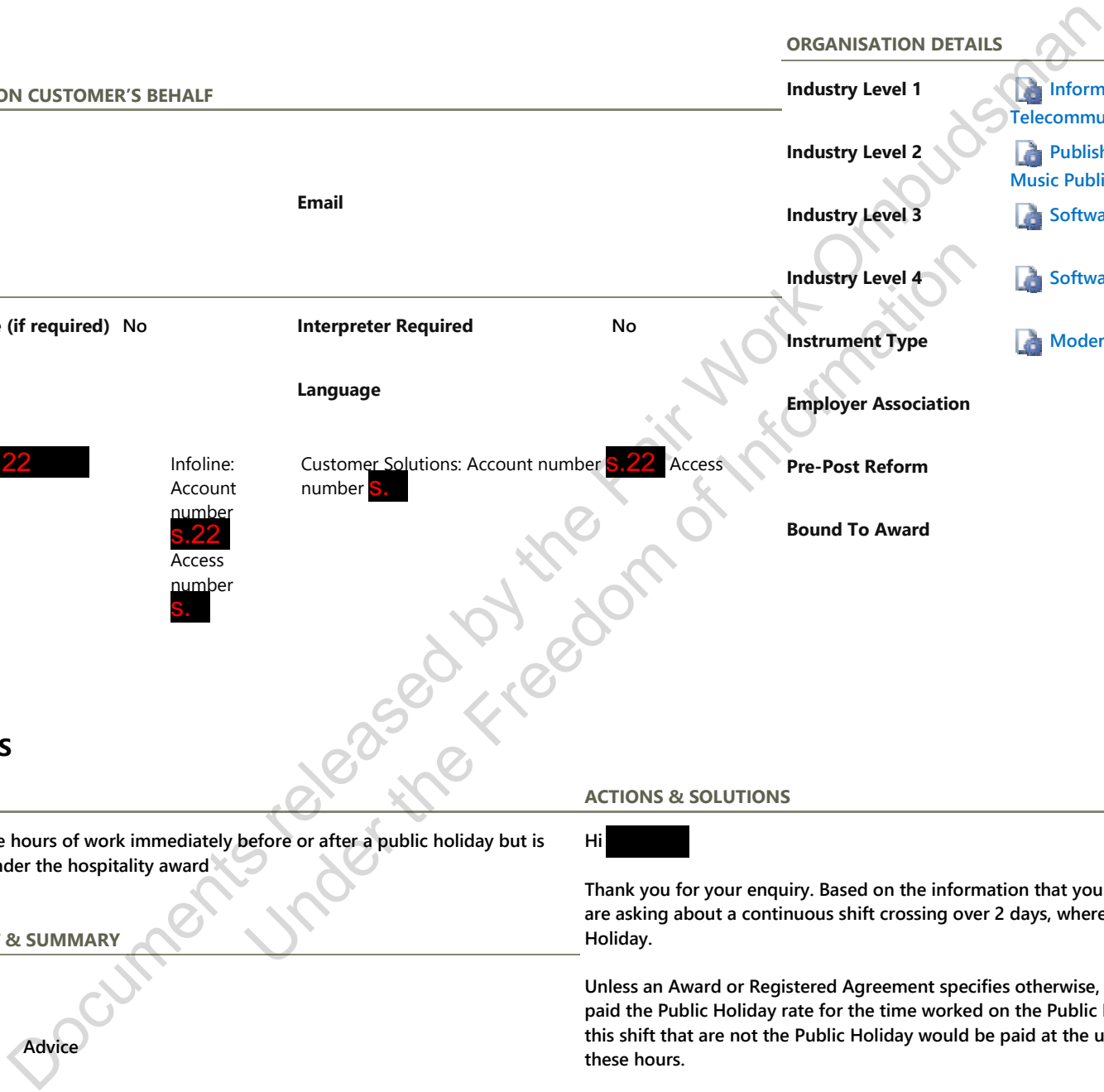
ENQUIRY TREATMENT & SUMMARY

Team Treatment

Unless an Award or Registered Agreement specifies otherwise, Employees would only be paid the Public Holiday rate for the time worked on the Public Holiday itself. The hours of this shift that are not the Public Holiday would be paid at the usual rate that would apply for these hours.

Recommended Treatment

Advice



Assessment Summary

Automated Assessment conducted on Wednesday, 2 November 2022. (ver. 18.11.29)
User ID: s.22
Vulnerability identified.

s.22
Irrelevant Information

This means that under the Hospitality Industry Award, a shift that crosses over Midnight that is 4 hours both days would be paid as:

- The applicable night or weekend rate for the 4 hours not on the public holiday and;
- The applicable Public Holiday rate for the 4 hours that were on the Public Holiday.

I have attached an article from our Library to your recommended links that details this. If you require further clarification in regards to this, you can give us a call back on 13 13 94 or lodge another MyAccount enquiry.

Regards,
Fair Work Ombudsman

Mediation Conducted No

Forward Reason

FWO Outcome Advice Provided

DETAILS FOR KNOWLEDGE TEAM

DETAILS FOR KNOWLEDGE TEAM

Background Information

Specific questions/issue to be addressed

Recommending Team Lead

Legislation/ Industrial instruments considered

Quality Coach/TL Opinion

MONIES RECOVERED

Total (all non-confidential payments)

Total employees paid relating to enquiry

Payment Type	Confidential	Amount	Created On	Created By	Payment Date	No. of Employees
No Money Recovered records are available in this view.						
0 - 0 of 0 (0 selected)						Page 1

RELATED OBJECTS

Customer	Link Type	URL	Record Knowledge Object Title	Link
[REDACTED]	External	https://www.fairwork.gov...	2/11/2022 7:15 PM	No Linked Knowledge Object records are available in this view.
1 - 1 of 1 (0 selected)			Page 1	

NOTES AND INTERACTIONS

NOTES AND ACTIVITIES

Title: Incomplete MyAccount Enquiry has been set to Draft

Incomplete MyAccount Enquiry has been set to Draft
 Created On: 2/11/2022 10:51 AM
 Modified On: 2/11/2022 10:51 AM
 Service [CSSWebUser](#) 2/11/2022 10:51 AM

SPECIAL CATEGORIES

Name	Owner
No Special Category records are available in this view.	
0 - 0 of 0 (0 selected)	
Page 1	

EMAIL ADDRESSES

Email Source Type	Name
No Enquiry Email Link records are available in this view.	
0 - 0 of 0 (0 selected)	
Page 1	

REQUEST FOR ASSISTANCE

ADDITIONAL EMPLOYEE DETAILS

Employee Received Paid Leave No

Employee's Date of Birth

Is Employee an Intern No

No

Issue discussed with the Employer

Reason for not discussing the issue

Employer's Response

Are Other Employees affected



Working as an Independent Contractor

Contractor or Employee

PERMISSION TO CONTACT THE EMPLOYER

Privacy Consent

Confidential **No**

Permission to Contact Employer

Full Name

Phone

Email

MESSAGES

Name	Description	Created
No Supporting Evidence records are available in this view.		
0 - 0 of 0 (0 selected)		Page 1

Name	COI Type
No Classification of Issues records are available in this view.	
0 - 0 of 0 (0 selected)	Page 1

Category	Topic
No Topic records are available in this view.	
0 - 0 of 0 (0 selected)	Page 1

CASE DETAILS

Is Suitable For Case Study **No**

Case Study Reason

Is Suitable For Follow Up **No**

CONSENT TO MEDIATION

Employer/Employee Contacted

Consent to Mediation

OFFICE ADDRESS

Office



Name

Documents released by the Fair Work Ombudsman Under the Freedom of Information Act

No Memorandum Of Understanding records are available in this view.	
0 - 0 of 0 (0 selected)	Page 1

Name	Official Name	Alpha...
Name	No Country/Region records are available in this view.	
No Educational Assistance records are available in this view.		
0 - 0 of 0 (0 selected)		Page 1
Non-Monetary Outcomes	TOS	Page 1

Total Time Spent (minutes) 120

Subject	Status Reason	Date Created	Confirmed Date	Closed Date	Booking Type	Employee I
No Booking Activity records are available in this view.						
0 - 0 of 0 (0 selected)						Page 1

Title	Owner	Created On
You do not have permission to access these records. Contact your Microsoft Dynamics CRM administrator.		
0 - 0 (0 selected)		Page 1

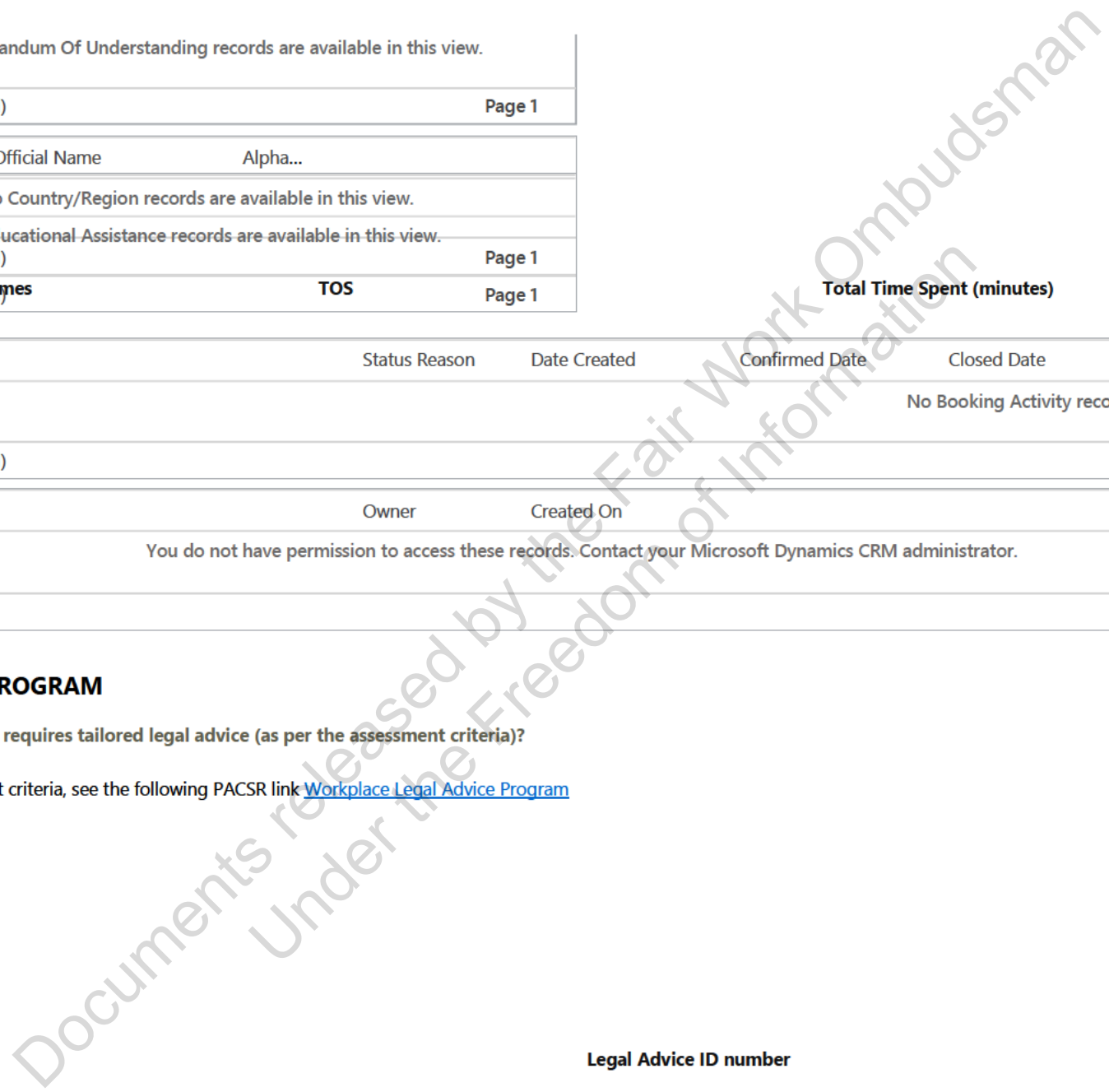
LEGAL ADVICE PROGRAM

What is the issue that requires tailored legal advice (as per the assessment criteria)?

For current assessment criteria, see the following PACSR link [Workplace Legal Advice Program](#)

Referral Contact

Legal Advice ID number



EMPLOYER ADVISORY SERVICE

Eligible for EAS?

EAS Source

EAS Request Details

EAS Assessment

Suitable for EAS Case Study No

TLO Advice

EAS Case Study Reason

FWO Legal Advice

Document Name	Document ID	Document Title	Legal Firm	Status
No Document Link records are available in this view.		No ELP Request records are available in this view.		
0 - 0 of 0 (0 selected) Page 1		0 - 0 of 0 (0 selected) Page 1		

INTRINSICS

Avaya Contact ID

Skillset

MyAccount

Enquirer ABN

Documents released by the Fair Work Ombudsman Under the Freedom of Information

PureCloud ID

s.22 Irrelevant Information

Intrinsic Phone

-
- [View Customer](#)
 - [Search Customer](#)
 - [Edit Customer](#)
 - [Register Customer](#)
 - [Reset Password](#)
 - [View Organisation](#)
 - [Search Organisation](#)
 - [Search Employer](#)
 - [View Employer](#)

Documents released by the Fair Work Ombudsman
Under the Freedom of Information

Enquiry

2863214

Enquiry No. 2863214	Status Resolved	Status Reason Advice Provided	Total Time Open (days) 1
------------------------	--------------------	----------------------------------	-----------------------------

ENQUIRY

No of employees

Channel

My Account

EMPLOYEE DETAILS

Enquiry Type Level 1 Entitlements

State

Multi-state

Occupation

Enquiry Type Level 2 Overtime

Matter Number (Nexus)

Main Duties

NA

Matter ID number (Titan)

Employee Status

Unsure

Awaiting Accept/Decline No

Related Enquiry

Is apprentice or trainee?

Neither

Created On 3/11/2022 12:48 PM

Employment start date



CUSTOMER/ORGANISATION

Customer



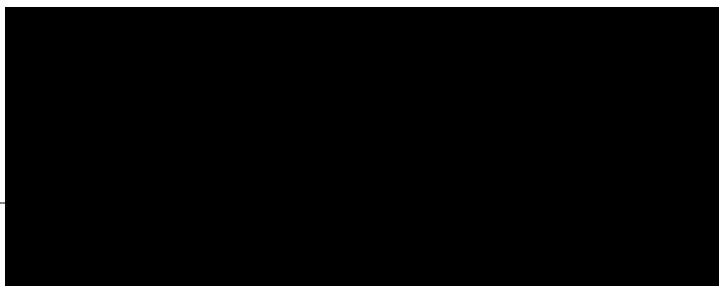
Legal Name



Employment end date

Enquirer Type

Employer representative



EMPLOYEE LOCATION

Suburb

Postcode

State

Documents released by the Fair Work Ombudsman Under the Freedom of Information Act 1984

ORGANISATION DETAILS

NOMINATED TO ACT ON CUSTOMER'S BEHALF

Full Name

Phone

Email

ATTEND FWO OFFICE

Can attend FWO office (if required) No

Interpreter Required No

FWO Office

Language

ATIS Phone number: s.22

Infoline:
Account number s.22
Access number s.

Customer Solutions: Account number s.22 Access number s.

Industry Level 1 Information Media and Telecommunications

Industry Level 2 Publishing (except Internet and Music Publishing)

Industry Level 3 Software Publishing

Industry Level 4 Software Publishing

Instrument Type Modern Award

Employer Association

Pre-Post Reform

Bound To Award

ENQUIRY DETAILS

DESCRIPTION

Clerks Award - Overtime

Full time employees - do employers need to agree to a agreed hours of work arrangement (contracted days/times) and as such pay overtime for any hours that are performed outside of the work arrangement. Or is it appropriate to have a work arrangement that is different from pay cycle to pay cycle that falls below 38 hours thus no overtime paid.
NA

ENQUIRY TREATMENT & SUMMARY

Team Treatment

ACTIONS & SOLUTIONS

Dear [REDACTED]

Thank you for your enquiry.

You have asked if it's appropriate to change a full-time employee's work arrangement each pay cycle & how this affects when overtime is paid.

Under the Clerks - Private Sector Award 2020, there is nothing to say that you can't change a full-time employee's roster week to week.

Overtime is paid a few different ways under the award. It's paid when an employee works:

Recommended Treatment

Advice

Assessment Summary

Automated Assessment conducted on Thursday, 3 November 2022. (ver. 18.11.29)

**s.22
Irrelevant
Information**

- more than the maximum number of ordinary hours of work (over 10 hours per day or 38 hours per week)
- outside the spread of ordinary hours (Mon - Fri 7am - 7pm & Sat 7am - 12pm).

Please see below for further information. Select 'Clerical' under Industry

<https://www.fairwork.gov.au/employment-conditions/hours-of-work-breaks-and-rosters/hours-of-work/when-overtime-applies>

If you have any follow up questions, please call us back on 13 13 94 between the hours of 8:00 am to 5:30 pm Monday through Friday, or you can submit an enquiry to us online via My account.

Regards

Fair Work Ombudsman

Mediation Conducted No

Forward Reason

FWO Outcome Advice Provided

DETAILS FOR KNOWLEDGE TEAM

DETAILS FOR KNOWLEDGE TEAM

Background Information

Specific questions/issue to be addressed

Recommending Team Lead

Legislation/ Industrial instruments considered

Quality Coach/TL Opinion

MONIES RECOVERED

Total (all non-confidential payments)

Total employees paid relating to enquiry


Payment Type	Confidential	Amount	Created On	Created By	Payment Date	No. of Employee
--------------	--------------	--------	------------	------------	--------------	-----------------

No Money Recovered records are available in this view.

0 - 0 of 0 (0 selected)

Page 1

RELATED OBJECTS

Customer	Link Type	URL	Record Knowledge Object Title	Link
	External	https://www.fairwork.gov...	3/11/2022 12:51 PM	Linked Knowledge Object records are available in this view.
	External	https://www.fairwork.gov...	3/11/2022 12:48 PM	
	External	https://www.fairwork.gov...	3/11/2022 12:48 PM	

1 - 3 of 4 (0 selected)

Page 1

NOTES AND INTERACTIONS

NOTES AND ACTIVITIES

Title: Incomplete MyAccount Enquiry has been set to Draft

Incomplete MyAccount Enquiry has been set to Draft

Created On: 3/11/2022 12:48 PM

Modified On: 3/11/2022 12:48 PM

Service [CSSWebUser](#) 3/11/2022 12:48 PM

SPECIAL CATEGORIES

Name	Owner
No Special Category records are available in this view.	

0 - 0 of 0 (0 selected)

Page 1

EMAIL ADDRESSES

Email Source Type	Name
No Enquiry Email Link records are available in this view.	

0 - 0 of 0 (0 selected)

Page 1

REQUEST FOR ASSISTANCE

ADDITIONAL EMPLOYEE DETAILS

Employee Received Paid Leave No

Issue discussed with the Employer

Reason for not discussing the issue

Employee's Date of Birth

Is Employee an Intern No

Working as an Independent Contractor No

Contractor or Employee

PERMISSION TO CONTACT THE EMPLOYER

Privacy Consent

Confidential No

Permission to Contact Employer

Full Name

Phone

Email

MESSAGES

Employer's Response

Are Other Employees affected

Pay Rate (Before tax)

Currency

Name	Description	Created
No Supporting Evidence records are available in this view.		
0 - 0 of 0 (0 selected)		Page 1

Name	COI Type
No Classification of Issues records are available in this view.	
0 - 0 of 0 (0 selected)	Page 1

Category	Topic
No Topic records are available in this view.	
0 - 0 of 0 (0 selected)	Page 1

CASE DETAILS

Is Suitable For Case Study No

Case Study Reason

Is Suitable For Follow Up No

CONSENT TO MEDIATION

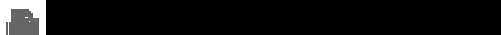
Employer/Employee Contacted

Documents released by the Fair Work Ombudsman Under the Freedom of Information

OFFICE ADDRESS

Consent to Mediation

Office



Name
No Memorandum Of Understanding records are available in this view.
0 - 0 of 0 (0 selected) Page 1

Name	Official Name	Alpha...
No Country/Region records are available in this view.		
0 - 0 of 0 (0 selected) Page 1		

Name
No Educational Assistance records are available in this view.
0 - 0 of 0 (0 selected) Page 1

MEDIATION

Non-Monetary Outcomes

TOS

s.22 irrelevant information

Subject	Status Reason	Date Created	Confirmed Date	Closed Date	Booking Type	Employee I
No Booking Activity records are available in this view.						
0 - 0 of 0 (0 selected) Page 1						

Title	Owner	Created On
You do not have permission to access these records. Contact your Microsoft Dynamics CRM administrator.		
0 - 0 (0 selected) Page 1		

LEGAL ADVICE PROGRAM



What is the issue that requires tailored legal advice (as per the assessment criteria)?

For current assessment criteria, see the following PACSR link [Workplace Legal Advice Program](#)

Referral Contact

Legal Advice ID number

EMPLOYER ADVISORY SERVICE

Eligible for EAS?

EAS Source

EAS Request Details

EAS Assessment

Suitable for EAS Case Study No

TLO Advice

Documents released by the Fair Work Ombudsman
Under the Freedom of Information

Document Name	Document ID	Document Ref No	Legal Firm	Status
No Document Link records are available in this view.		No ELP Request records are available in this view.		
0 - 0 of 0 (0 selected) Page 1		0 - 0 of 0 (0 selected) Page 1		

INTRINSICS

Avaya Contact ID

Skillset

MyAccount

Enquirer ABN

PureCloud ID

s.22 Irrelevant Information

Intrinsic Phone

-
- [View Customer](#)
 - [Search Customer](#)
 - [Edit Customer](#)
 - [Register Customer](#)
 - [Reset Password](#)
 - [View Organisation](#)
 - [Search Organisation](#)
 - [Search Employer](#)
 - [View Employer](#)

Documents released by the Fair Work Ombudsman
Under the Freedom of Information

Enquiry

2864254

Enquiry No.
2864254

Status
Resolved

Status Reason
Advice Provided

Total Time Open (days)
3

ENQUIRY

No of employees

Channel

My Account

EMPLOYEE DETAILS

Enquiry Type Level 1

Entitlements

State

Multi-state

Occupation

Enquiry Type Level 2

Overtime

Matter Number (Nexus)

Main Duties

NA

Matter ID number (Titan)

Employee Status

Unsure

Awaiting Accept/Decline No

Related Enquiry

Is apprentice or trainee?

Neither

Created On

4/11/2022 11:09 AM

Employment start date



CUSTOMER/ORGANISATION

Customer



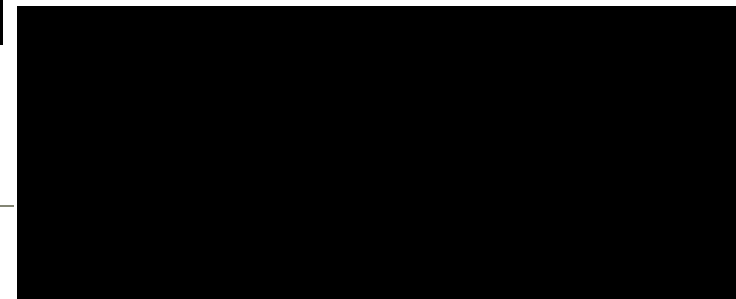
Legal Name



Enquirer Type

Employer representative

Employment end date



EMPLOYEE LOCATION

Suburb

Postcode

State

Documents released by the Fair Work Ombudsman Under the Freedom of Information Act 2009

ORGANISATION DETAILS

NOMINATED TO ACT ON CUSTOMER'S BEHALF

Full Name

Phone

Email

ATTEND FWO OFFICE

Can attend FWO office (if required) No

Interpreter Required

No

FWO Office

Language

ATIS Phone number: s.22


Infoline:
Account number s.22
Access number s.

Customer Solutions: Account number s.22 Access number s.

Industry Level 1

 [Information Media and Telecommunications](#)

Industry Level 2

 [Publishing \(except Internet and Music Publishing\)](#)

Industry Level 3

 [Software Publishing](#)

Industry Level 4

 [Software Publishing](#)

Instrument Type

 [Modern Award](#)

Employer Association

Pre-Post Reform

Bound To Award

ENQUIRY DETAILS

DESCRIPTION

Retail Award

15.4 Subject to clause 15.5, the maximum number of ordinary hours that can be worked on any day is 9.

15.5 An employer may roster an employee to work up to 11 ordinary hours on one day per week.

Are the maximum hours inclusive or exclusive of meal and rest breaks

ENQUIRY TREATMENT & SUMMARY

ACTIONS & SOLUTIONS

Hi s.22

Thank you for your enquiry. I understand you are seeking information on breaks and hours of work under the Retail Award. I've attached a copy of the award in your suggested links.

Clause 16 of the award stipulates the provisions for break entitlements. Under the award, there are two types of breaks:

- A rest break is a 10 minute paid break that counts as time worked
- A meal break is a 30-60 minute unpaid break that doesn't count as time worked, except for shiftworkers.

Team Treatment

Recommended Treatment

Advice

Assessment Summary

Automated Assessment conducted on Friday, 4 November 2022.
(ver. 18.11.29)

s.22 Irrelevant Information

Meal breaks for shiftworkers are paid and count as time worked.

This means, that for the purposes of calculating hours worked, it will depend on the type of break or breaks an employee has during their shift - that is, whether there break is paid and counts as time worked, or an unpaid break that doesn't count as time worked.

You can find further information about breaks under the award on our website here: <https://www.fairwork.gov.au/employment-conditions/hours-of-work-breaks-and-rosters/breaks>

You can apply the 'retail' filter for tailored information under the award.

If you have any follow up questions, please call us on 13 13 94 between the hours of Monday to Friday 8am to 5:30pm, where one of our team will be very happy to discuss further.

Regards,



Fair Work Ombudsman

Mediation Conducted No

Forward Reason

FWO Outcome Advice Provided

DETAILS FOR KNOWLEDGE TEAM

DETAILS FOR KNOWLEDGE TEAM

Background Information

Specific questions/issue to be addressed

Recommending Team Lead

Legislation/ Industrial instruments considered

Quality Coach/TL Opinion

MONIES RECOVERED

Total (all non-confidential payments)

Total employees paid relating to enquiry

Documents released by the Fair Work Ombudsman Under the Freedom of Information Act 1982

Payment Type	Confidential	Amount	Created On	Created By	Payment Date	No. of Employees
No Money Recovered records are available in this view.						
0 - 0 of 0 (0 selected)						Page 1

RELATED OBJECTS

Customer	Link Type	URL	Record Knowledge Object Title	Link
Loading Link records...				
No Linked Knowledge Object records are available in this view.				
0 - 0 of 0 (0 selected)				Page 1

NOTES AND INTERACTIONS

NOTES AND ACTIVITIES

Title: Incomplete MyAccount Enquiry has been set to Draft

Incomplete MyAccount Enquiry has been set to Draft

Created On: 4/11/2022 11:09 AM

Modified On: 4/11/2022 11:09 AM

Service [CSSWebUser](#) 4/11/2022 11:09 AM

SPECIAL CATEGORIES

Name	Owner
No Special Category records are available in this view.	
0 - 0 of 0 (0 selected)	Page 1

EMAIL ADDRESSES

Email Source Type	Name
No Enquiry Email Link records are available in this view.	
0 - 0 of 0 (0 selected)	Page 1

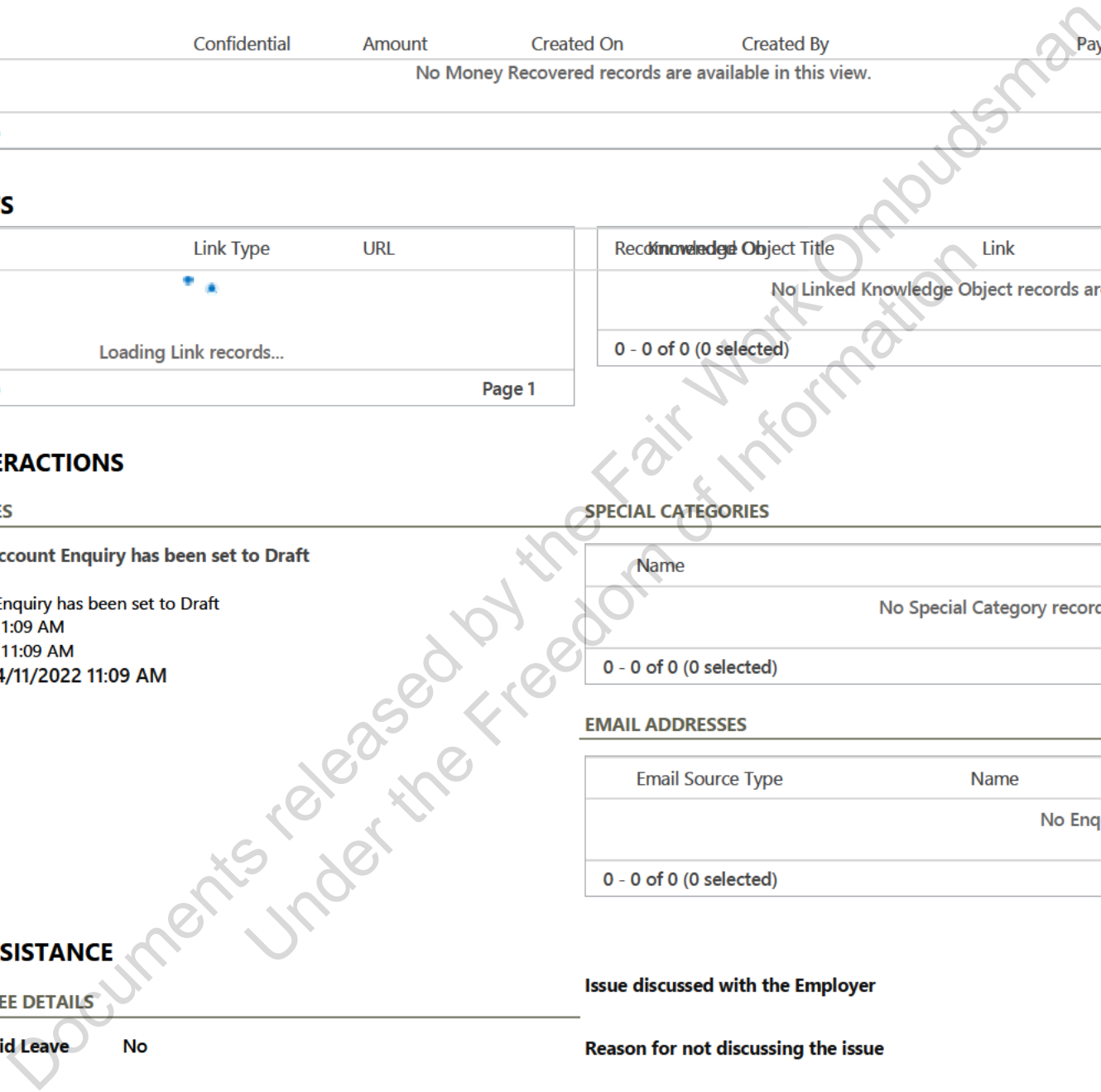
REQUEST FOR ASSISTANCE

ADDITIONAL EMPLOYEE DETAILS

Employee Received Paid Leave No

Issue discussed with the Employer

Reason for not discussing the issue



Employee's Date of Birth

Is Employee an Intern No

Working as an Independent Contractor No

Contractor or Employee

Employer's Response

Are Other Employees affected

Pay Rate (Before tax) Currency

PERMISSION TO CONTACT THE EMPLOYER

Privacy Consent

Confidential No

Permission to Contact Employer

Full Name

Phone

Email

MESSAGES

Name	Description	Created
No Supporting Evidence records are available in this view.		
0 - 0 of 0 (0 selected)		Page 1

Name	COI Type
No Classification of Issues records are available in this view.	
0 - 0 of 0 (0 selected)	

Category	Topic
No Topic records are available in this view.	
0 - 0 of 0 (0 selected)	

CASE DETAILS

Is Suitable For Case Study No

Case Study Reason

Is Suitable For Follow Up No

OFFICE ADDRESS

CONSENT TO MEDIATION

Documents released by the Fair Work Ombudsman Under the Freedom of Information Act 1984

Office



Employer/Employee Contacted

Name	
No Memorandum Of Understanding records are available in this view.	
0 - 0 of 0 (0 selected)	Page 1

Name	Official Name	Alpha...
No Country/Region records are available in this view.		
0 - 0 of 0 (0 selected)	Page 1	

Name	
No Educational Assistance records are available in this view.	
0 - 0 of 0 (0 selected)	Page 1

Consent to Mediation

MEDIATION

Non-Monetary Outcomes

TOS

s.22 irrelevant information

Subject	Status Reason	Date Created	Confirmed Date	Closed Date	Booking Type	Employee I
No Booking Activity records are available in this view.						
0 - 0 of 0 (0 selected)						Page 1

Title	Owner	Created On
You do not have permission to access these records. Contact your Microsoft Dynamics CRM administrator.		
0 - 0 (0 selected)		Page 1

LEGAL ADVICE PROGRAM

What is the issue that requires tailored legal advice (as per the assessment criteria)?



For current assessment criteria, see the following PACSR link [Workplace Legal Advice Program](#)

Referral Contact

Legal Advice ID number

EMPLOYER ADVISORY SERVICE

Eligible for EAS?

EAS Source

EAS Request Details

EAS Assessment

Suitable for EAS Case Study No

TLO Advice

EAS Case Study Reason

FWO Legal Advice

Documents released by the Fair Work Ombudsman
Under the Freedom of Information

Document Name	Document ID	Document Ref No	Legal Firm	Status I
No Document Link records are available in this view.		No ELP Request records are available in this view.		
0 - 0 of 0 (0 selected) Page 1		0 - 0 of 0 (0 selected) Page 1		

INTRINSICS

Avaya Contact ID

Skillset

MyAccount

Enquirer ABN

PureCloud ID

Intrinsic Phone

-
- [View Customer](#)
 - [Search Customer](#)
 - [Edit Customer](#)
 - [Register Customer](#)
 - [Reset Password](#)
 - [View Organisation](#)
 - [Search Organisation](#)
 - [Search Employer](#)
 - [View Employer](#)

Documents released by the Fair Work Ombudsman
Under the Freedom of Information

Enquiry

2949716

Enquiry No. 2949716	Status Active	Status Reason Referred to Knowledge Team	Total Time Open (days) 29
------------------------	------------------	---	------------------------------

ENQUIRY

No of employees 1,000

Enquiry Type Level 1 Entitlements

Enquiry Type Level 2 Overtime

Channel

Inbound Phone

State Vic

EMPLOYEE DETAILS

Occupation

Main Duties

Awaiting Accept/Decline No

Created On 14/02/2023 9:06 AM

Matter Number (Nexus)

Matter ID number (Titan)

Related Enquiry

Employee Status Full-time

Is apprentice or trainee? Neither

Employment start date

Employment end date

CUSTOMER/ORGANISATION

Customer Legal Name

Enquirer Type Employer

EMPLOYEE LOCATION

Suburb

Postcode

State

Documents released by the Fair Work Ombudsman Under the Freedom of Information Act 2009

ORGANISATION DETAILS

NOMINATED TO ACT ON CUSTOMER'S BEHALF

Full Name

Phone

Email

ATTEND FWO OFFICE

Can attend FWO office (if required) No

Interpreter Required

No

FWO Office

Language

ATIS Phone number: s.22

Infoline:
Account
number
s.22
Access
number
s.

Customer Solutions: Account number s.22 Access
number s.

Industry Level 1

Information Media and
Telecommunications

Industry Level 2

Publishing (except Internet and
Music Publishing)

Industry Level 3

Software Publishing

Industry Level 4

Software Publishing

Instrument Type

Modern Award

Employer Association

Pre-Post Reform

Bound To Award

ENQUIRY DETAILS

DESCRIPTION

- Does OT apply if the EE does not get a minimum break of 10 hours between shifts? What does changeover in roster entail?
- If EE is rostered to work more than 10 ordinary hours on more than 3 consecutive days but does not receive a 48 hour break after the last consecutive day, do they receive OT?
- Split shifts: If 3rd shift goes outside of 12 hours, is the whole shift OT or just the hours outside of 12 hours, OT?

ACTIONS & SOLUTIONS

User ID: s.22

Have answered in note section.

*escalating due to risk. ER said thousands of EEs could be using this system to calculate OT so wanting to make sure advice is accurate

MA000009

- (e) An employee must have a minimum break of 10 hours between when the employee

ENQUIRY TREATMENT & SUMMARY

Team Treatment

Recommended Treatment

Assessment Summary

s.22
s.22
Irrelevant

User ID: s.22

s.22 Irrelevant Information

finishes ordinary hours on one day and starts ordinary hours on the next and a minimum break of 8 hours for a changeover of rosters.

2. (iii) an employee who is rostered to work more than 10 ordinary hours on more than 3 consecutive days is entitled to a break of at least 48 hours after the last consecutive day on which the employee works more than 10 ordinary hours;and

Mediation Conducted No

Forward Reason Referred to Knowledge Team

FWO Outcome

DETAILS FOR KNOWLEDGE TEAM

DETAILS FOR KNOWLEDGE TEAM

Background Information

Covered a lot of questions for ER in the notes section re OB call

[Redacted]

MA09

Legislation/ Industrial instruments considered

MA000009: Hospitality Industry (General) Award 2020

Similar history -
KNO-028536
KNO-035967

Specific questions/issue to be addressed

2. If EE is rostered to work more than 10 ordinary hours on more than 3 consecutive days but does not receive a 48 hour break after the last consecutive day, do they receive OT?

2.A does Overtime apply re question 2 - for

- a. Before 30 hours
- b. After 30 hours
- c. until they receive 48 hour break ?

3. Split shifts: If 3rd shift goes outside of 12 hours, is the whole shift OT or just the hours outside of 12 hours, OT?

Recommending Team Lead

s.22

Quality Coach/TL Opinion

[Redacted]

Documents released by the Fair Work Ombudsman Under the Freedom of Information

MONIES RECOVERED

Total (all non-confidential payments)

Total employees paid relating to enquiry

Payment Type	Confidential	Amount	Created On	Created By	Payment Date	No. of Employees
No Money Recovered records are available in this view.						
0 - 0 of 0 (0 selected)						Page 1

RELATED OBJECTS

Customer	Link Type	URL	Record Knowledge Object Title	Link
No Link records are available in this view.			No Linked Knowledge Object records are available in this view.	
0 - 0 of 0 (0 selected)		Page 1	0 - 0 of 0 (0 selected) Page 1	

NOTES AND INTERACTIONS

NOTES AND ACTIVITIES

Title:

Additional questions ER wants answered from 21/02 OB call

2. If EE is rostered to work more than 10 ordinary hours on more than 3 consecutive days but does not receive a 48 hour break after the last consecutive day, do they receive OT?

2.A does Overtime apply re question 2 - for

- a. Before 30 hours
- b. After 30 hours
- c. until they receive 48 hour break ?

3. Split shifts: If 3rd shift goes outside of 12 hours, is the whole shift OT or just the hours outside of 12 hours OT?

s.22 Irrelevant 21/02/2023 2:43 PM

Title:

SPECIAL CATEGORIES

Name	Owner
No Special Category records are available in this view.	
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EMAIL ADDRESSES

Email Source Type	Name
No Enquiry Email Link records are available in this view.	
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SMS prompt sent 9:54am 21/02/23
1st call attempt 9:56am 21/02/23 successful

1. Does OT apply if the EE does not get a minimum break of 10 hours between shifts? What does changeover in roster entail?

28.3 In calculating overtime payments,
overtime worked on any day stands alone from overtime worked on any other day.

= The award is silent re OT being applicable if there is no 10 hour break provided between shifts
= The award is silent on definition of changeover in roster

2. If EE is rostered to work more than 10 ordinary hours on more than 3 consecutive days but does not receive a 48 hour break after the last consecutive day, do they receive OT?

= Potentially yes due to technical reasons under Clause -

28.2 Payment of overtime

(a) An employer must pay a full-time employee at the overtime rate for any time worked in excess of their ordinary hours.

As Clause states -

15. Ordinary hours of work and rostering arrangements

15.1 Full-time employees

(c) The arrangement agreed must adopt one of the options mentioned in clause 15.1(b) and must satisfy the following conditions:

(iii) an employee who is rostered to work more than 10 ordinary hours on more than 3 consecutive days is entitled to a break of at least 48 hours after the last consecutive day on which the employee works more than 10 ordinary hours; and

3. Split shifts: If 3rd shift goes outside of 12 hours, is the whole shift OT or just the hours outside of 12 hours, OT?

Not complete

=

15. Ordinary hours of work and rostering arrangements

15.1 Full-time employees

(c) The arrangement agreed must adopt one of the options mentioned in clause 15.1(b) and must satisfy the following conditions:

(v) the maximum spread of hours for an employee who works split shifts is 12; and

s.22 Irrelevant 21/02/2023 10:42 AM

REQUEST FOR ASSISTANCE

ADDITIONAL EMPLOYEE DETAILS

Employee Received Paid Leave

Employee's Date of Birth

Is Employee an Intern

Working as an Independent Contractor

Contractor or Employee

PERMISSION TO CONTACT THE EMPLOYER

Privacy Consent

Confidential No

Permission to Contact Employer

Full Name

Phone

Email

MESSAGES

Issue discussed with the Employer

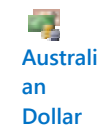
Reason for not discussing the issue

Employer's Response

Are Other Employees affected

Pay Rate (Before tax)

Currency



Name	Description	Created
No Supporting Evidence records are available in this view.		
0 - 0 of 0 (0 selected)		Page 1

Name	COI Type
No Classification of Issues records are available in this view.	
0 - 0 of 0 (0 selected)	
Page 1	

Category	Topic
No Topic records are available in this view.	
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Page 1	

CASE DETAILS

Is Suitable For Case Study No

Documents released by the Fair Work Ombudsman Under the Freedom of Information

Case Study Reason

Is Suitable For Follow Up No

CONSENT TO MEDIATION

Employer/Employee Contacted

Consent to Mediation

OFFICE ADDRESS

Office

Name
No Memorandum Of Understanding records are available in this view.
0 - 0 of 0 (0 selected) Page 1

Name	Official Name	Alpha...
No Country/Region records are available in this view.		
0 - 0 of 0 (0 selected) Page 1		

Name
No Educational Assistance records are available in this view.
0 - 0 of 0 (0 selected) Page 1

MEDIATION

Non-Monetary Outcomes

TOS

s.22 Irrelevant Information

Subject	Status Reason	Date Created	Confirmed Date	Closed Date	Booking Type	Employee T
No Booking Activity records are available in this view.						

Documents released by the Fair Work Ombudsman Under the Freedom of Information

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Title	Owner	Created On	
You do not have permission to access these records. Contact your Microsoft Dynamics CRM administrator.			
0 - 0 (0 selected)			Page 1

LEGAL ADVICE PROGRAM

What is the issue that requires tailored legal advice (as per the assessment criteria)?

For current assessment criteria, see the following PACSR link [Workplace Legal Advice Program](#)

Referral Contact

Legal Advice ID number

EMPLOYER ADVISORY SERVICE

Eligible for EAS?

EAS Source

EAS Request Details

EAS Assessment

Documents released by the Fair Work Ombudsman
Under the Freedom of Information

Suitable for EAS Case Study No

TLO Advice

EAS Case Study Reason

FWO Legal Advice

Document Name	Document ID	Document Ref ID	Legal Firm	Status I
No Document Link records are available in this view.		No ELP Request records are available in this view.		
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		Page 1		

INTRINSICS

Avaya Contact ID

Skillset

Medium to Large Business

Enquirer ABN

PureCloud ID

s.22 Irrelevant Information

Intrinsic Phone

[Redacted]

-
- [View Customer](#)
 - [Search Customer](#)
 - [Edit Customer](#)
 - [Register Customer](#)
 - [Reset Password](#)
 - [View Organisation](#)
 - [Search Organisation](#)
 - [Search Employer](#)
 - [View Employer](#)

Documents released by the Fair Work Ombudsman Under the Freedom of Information

Enquiry

2950337

Enquiry No.
2950337

Status
Resolved

Status Reason
Advice Provided

Total Time Open (days)
2

ENQUIRY

No of employees

Channel

My Account

EMPLOYEE DETAILS

Enquiry Type Level 1

Entitlements

State

Multi-state

Occupation

Enquiry Type Level 2

Overtime

Matter Number (Nexus)

Main Duties

None

Matter ID number (Titan)

Employee Status

Unsure

Awaiting Accept/Decline No

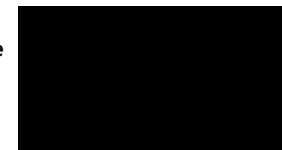
Related Enquiry

Is apprentice or trainee?

Neither

Created On 14/02/2023 1:29 PM

Employment start date



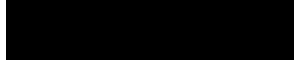
Employment end date

CUSTOMER/ORGANISATION

Customer



Legal Name



Enquirer Type

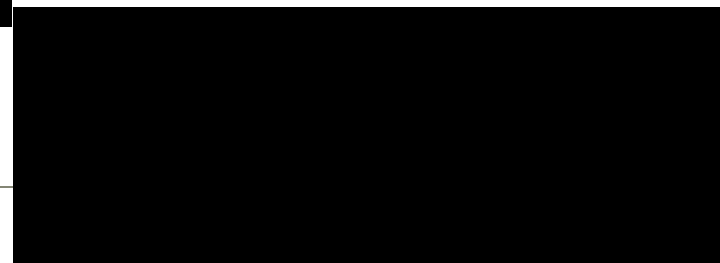
Employer representative

EMPLOYEE LOCATION

Suburb

Postcode

State



Documents released by the Fair Work Ombudsman Under the Freedom of Information

ORGANISATION DETAILS

NOMINATED TO ACT ON CUSTOMER'S BEHALF

Full Name

Phone

Email

ATTEND FWO OFFICE

Can attend FWO office (if required) No

Interpreter Required No

FWO Office

ATIS Phone number: s.22

Infoline:
Account number s.22
Access number s.

Customer Solutions: Account number s.22 Access number s.

Industry Level 1  Information Media and Telecommunications

Industry Level 2  Publishing (except Internet and Music Publishing)

Industry Level 3  Software Publishing

Industry Level 4  Software Publishing

Instrument Type  Modern Award

Employer Association

Pre-Post Reform

Bound To Award

ENQUIRY DETAILS

DESCRIPTION

Hi, are you required to average in the hospitality Award
If so what cycles can you average ie. 4 weeks, 2 weeks 1 weeks
Do you have to average hours in hospitality or can you not average hours
If you have to average what cycles can you average on

ENQUIRY TREATMENT & SUMMARY

Team Treatment

Advice

ACTIONS & SOLUTIONS

Hi

Thank you for your enquiry about averaging of hours under the Hospitality Industry (General) Award 2020.

I can see that you called through to our Infoline on 15/02/2023 and you were provided with advice in enquiry #2951158. As such, this My Account enquiry has been closed.

If you have any further questions, please feel free to submit another online enquiry or call us on 13 13 94 between 8:00am to 5:30pm Monday to Friday.

Recommended Treatment

Assessment Summary Pay & Wages : (OVERTIME)
Automated Assessment conducted on Tuesday, 14 February 2023.
(ver. 18.11.29)

s.22 Irrelevant Information

Regards,

Fair Work Ombudsman

Mediation Conducted No

Forward Reason

FWO Outcome Advice Provided

DETAILS FOR KNOWLEDGE TEAM

DETAILS FOR KNOWLEDGE TEAM

Background Information

Specific questions/issue to be addressed

Recommending Team Lead

Legislation/ Industrial instruments considered

Quality Coach/TL Opinion

MONIES RECOVERED

Total (all non-confidential payments)

Total employees paid relating to enquiry

Payment Type	Confidential	Amount	Created On	Created By	Payment Date	No. of Employees
No Money Recovered records are available in this view.						
0 - 0 of 0 (0 selected)						Page 1

RELATED OBJECTS

Customer	Link Type	URL	Recorded On	Object Title	Link
	External	https://www.fairwork.gov...	14/02/2023 1:29 PM	No Linked Knowledge Object records are available in this view.	
	External	https://www.fairwork.gov...	14/02/2023 1:40 PM		
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	External	https://www.fairwork.gov...	14/02/2023 1:40 PM
1 - 3 of 4 (0 selected)		Page 1	

NOTES AND INTERACTIONS

NOTES AND ACTIVITIES

Title: Incomplete MyAccount Enquiry has been set to Draft

Incomplete MyAccount Enquiry has been set to Draft

Created On: 14/02/2023 1:29 PM

Modified On: 14/02/2023 1:29 PM

Service [CSSWebUser](#) 14/02/2023 1:29 PM

SPECIAL CATEGORIES

Name	Owner
No Special Category records are available in this view.	
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Page 1	

EMAIL ADDRESSES

Email Source Type	Name
No Enquiry Email Link records are available	
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Page 1	

REQUEST FOR ASSISTANCE

ADDITIONAL EMPLOYEE DETAILS

Employee Received Paid Leave No

Employee's Date of Birth

Is Employee an Intern No

Working as an Independent Contractor No

Contractor or Employee

Issue discussed with the Employer

Reason for not discussing the issue

Employer's Response

Are Other Employees affected

Pay Rate (Before tax)

Currency

Documents released by the Fair Work Ombudsman Under the Freedom of Information Act 1984

PERMISSION TO CONTACT THE EMPLOYER

Privacy Consent

Confidential No

Permission to Contact Employer

Full Name

Phone

Email

MESSAGES

Name	Description	Created
No Supporting Evidence records are available in this view.		
0 - 0 of 0 (0 selected)		Page 1
Name	COI Type	
No Classification of Issues records are available in this view.		
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Category	Topic	
Pay and Wages	Overtime	
1 - 1 of 1 (0 selected)		Page 1

CASE DETAILS

Is Suitable For Case Study No

Case Study Reason

Is Suitable For Follow Up No

OFFICE ADDRESS

Office

Name	
Name	No Memorandum of Understanding records are available in this view.
Name	No Country/Region records are available in this view.
0 - 0 of 0 (0 selected)	Page 1
Name	No Educational Assistance records are available in this view.
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CONSENT TO MEDIATION

Employer/Employee Contacted

Consent to Mediation

0 - 0 of 0 (0 selected) Page 1

MEDIATION

Non-Monetary Outcomes

TOS

s.22 irrelevant



Subject	Status Reason	Date Created	Confirmed Date	Closed Date	Booking Type	Employee I
No Booking Activity records are available in this view.						
0 - 0 of 0 (0 selected)						Page 1

Title	Owner	Created On
You do not have permission to access these records. Contact your Microsoft Dynamics CRM administrator.		
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LEGAL ADVICE PROGRAM

What is the issue that requires tailored legal advice (as per the assessment criteria)?

For current assessment criteria, see the following PACSR link [Workplace Legal Advice Program](#)

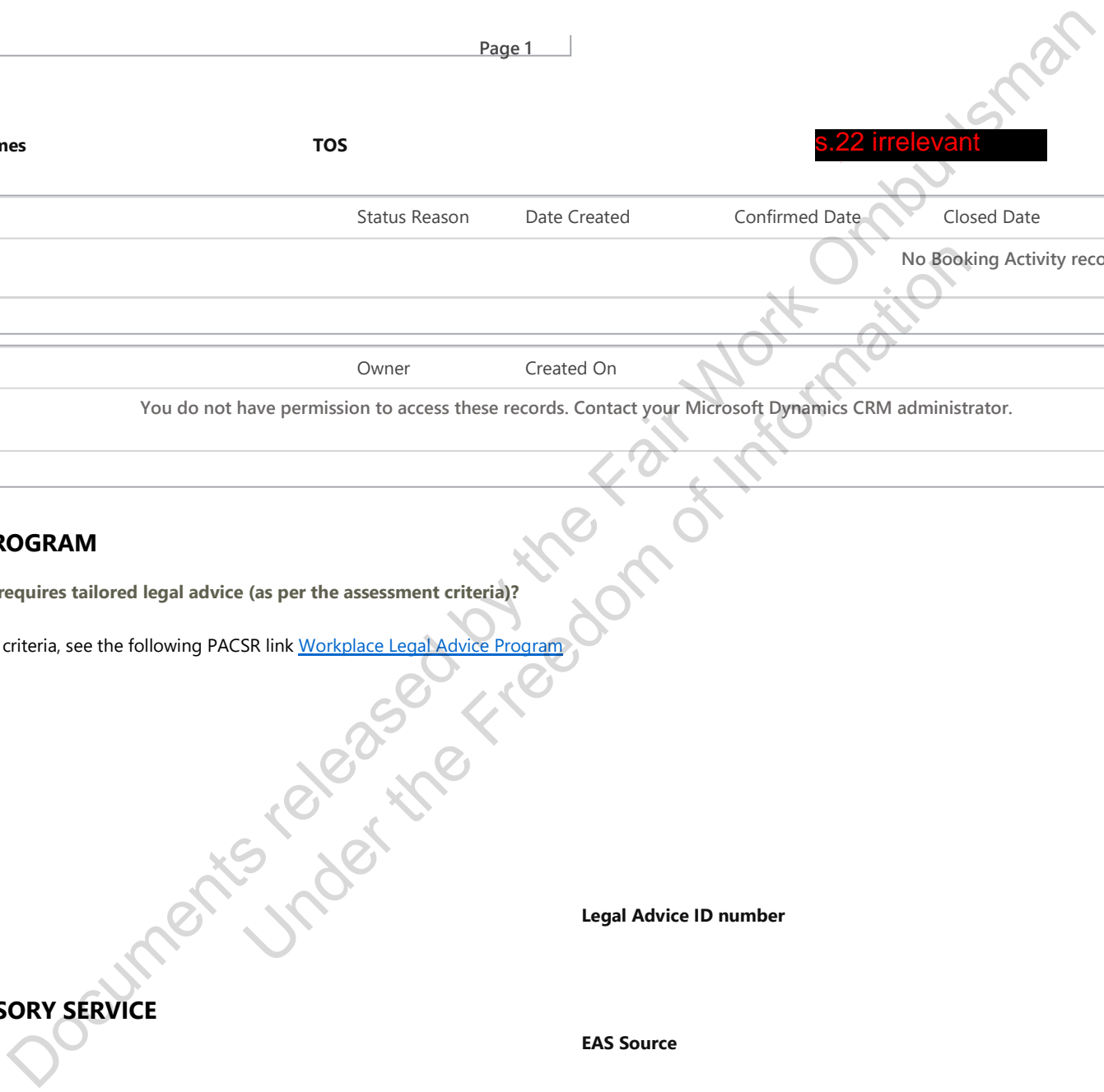
Referral Contact

Legal Advice ID number

EMPLOYER ADVISORY SERVICE

Eligible for EAS?

EAS Source



EAS Request Details

EAS Assessment

Suitable for EAS Case Study No

TLO Advice

EAS Case Study Reason

FWO Legal Advice

Document Name	Document ID	Document Ref No	Legal Firm	Status
No Document Link records are available in this view.		No ELP Request records are available in this view.		
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		0 - 0 of 0 (0 selected)		
		Page 1		

INTRINSICS

Avaya Contact ID

Skillset

MyAccount

Enquirer ABN

PureCloud ID

s.22 Irrelevant Information

Intrinsic Phone

Documents released by the Fair Work Ombudsman Under the Freedom of Information

[View Customer](#) [Search Customer](#) [Edit Customer](#) [Register Customer](#) [Reset Password](#) [View Organisation](#) [Search Organisation](#)
[Search Employer](#) [View Employer](#)

Documents released by the Fair Work Ombudsman
Under the Freedom of Information

Enquiry

2951158

Enquiry No. 2951158	Status Resolved	Status Reason Advice Provided	Total Time Open (days) 1
------------------------	--------------------	----------------------------------	-----------------------------

ENQUIRY

No of employees 1,000

Channel Inbound Phone

Enquiry Type Level 1 Entitlements

State Vic

Enquiry Type Level 2 Overtime

Matter Number (Nexus)

Matter ID number (Titan)

Awaiting Accept/Decline No

Related Enquiry

Created On 15/02/2023 9:25 AM

EMPLOYEE DETAILS

Occupation

Main Duties Retail

Employee Status

Is apprentice or trainee? Neither

Employment start date

Employment end date

CUSTOMER/ORGANISATION

Customer

Legal Name

Enquirer Type Employer

EMPLOYEE LOCATION

Suburb

Postcode

State

Documents released by the Fair Work Ombudsman Under the Freedom of Information Act 1984

ORGANISATION DETAILS

NOMINATED TO ACT ON CUSTOMER'S BEHALF

Full Name

Phone

Email

ATTEND FWO OFFICE

Can attend FWO office (if required) No

Interpreter Required

No

FWO Office

ATIS Phone number: s.22


Infoline:
Account number s.22
Access number s.

Customer Solutions: Account number s.22 Access number s.

Industry Level 1

 [Information Media and Telecommunications](#)

Industry Level 2

 [Publishing \(except Internet and Music Publishing\)](#)

Industry Level 3

 [Software Publishing](#)

Industry Level 4

 [Software Publishing](#)

Instrument Type

 [Modern Award](#)

Employer Association

Pre-Post Reform

Bound To Award

ENQUIRY DETAILS

DESCRIPTION

Retail Award

1- Can the ordinary hours of a FT or PT EE be varied week to week? Does it matter if EEs hours vary if they are still getting guaranteed hours?

Hospitality Award

2 -
-Is it averaged over a week or month?
-Does ER need to average 38 hours per week or month

ENQUIRY TREATMENT & SUMMARY

ACTIONS & SOLUTIONS

1- The employer and the employee may agree to vary the regular pattern of work agreed under clause 10.5 on a temporary or ongoing basis, with effect from a future date or time. Any such agreement must be recorded in writing:
(a) if the agreement is to vary the employee's regular pattern of work for a particular rostered shift –before the end of the affected shift; and
(b) otherwise –before the variation takes effect.
NOTE 1:An agreement under clause 10.6 could be recorded in writing including through an exchange of emails, text messages or by other electronic means.

--- s.22 call transferred ---

Team Treatment

Recommended Treatment

Assessment Summary

s.22
Irrelevant

MA000009: Hospitality Industry (General) Award 2020

CI 15 hours of work can averaged over a week, fortnight or month. Or can not average and just do 38 hours per week

Mediation Conducted No

Forward Reason

FWO Outcome Advice Provided

DETAILS FOR KNOWLEDGE TEAM

DETAILS FOR KNOWLEDGE TEAM

Background Information

Specific questions/issue to be addressed

Recommending Team Lead

Legislation/ Industrial instruments considered

Quality Coach/TL Opinion

MONIES RECOVERED

Total (all non-confidential payments)

Total employees paid relating to enquiry

Payment Type	Confidential	Amount	Created On	Created By	Payment Date	No. of Employees
Loading Money Recovered records...						
0 - 0 of 0 (0 selected)						Page 1

RELATED OBJECTS

Customer	Link Type	URL	Record Knowledge Object Title	Link

Loading Link records...	
0 - 0 of 0 (0 selected)	Page 1

Loading Linked Knowledge Object records...	
0 - 0 of 0 (0 selected)	Page 1

NOTES AND INTERACTIONS

NOTES AND ACTIVITIES

SPECIAL CATEGORIES

Name	Owner
Loading Special Category records...	
0 - 0 of 0 (0 selected)	Page 1

EMAIL ADDRESSES

Email Source Type	Name
Loading Enquiry Email Link records...	
0 - 0 of 0 (0 selected)	Page 1

REQUEST FOR ASSISTANCE

ADDITIONAL EMPLOYEE DETAILS

Employee Received Paid Leave

Employee's Date of Birth

Is Employee an Intern

Working as an Independent Contractor

Issue discussed with the Employer

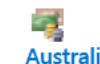
Reason for not discussing the issue

Employer's Response

Are Other Employees affected

Pay Rate (Before tax)

Currency



Documents released by the Fair Work Ombudsman Under the Freedom of Information Act

Contractor or Employee

an
Dollar

PERMISSION TO CONTACT THE EMPLOYER

Privacy Consent

Confidential No

Permission to Contact Employer

Full Name

Phone

Email

MESSAGES

Name	Description	Created
Loading Supporting Evidence records...		
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Name	COI Type
Loading Classification of Issues records...	
0 - 0 of 0 (0 selected)	Page 1

Category	Topic
Loading Topic records...	
0 - 0 of 0 (0 selected)	Page 1

CASE DETAILS

Is Suitable For Case Study No

Case Study Reason

Is Suitable For Follow Up No

CONSENT TO MEDIATION

Employer/Employee Contacted

Consent to Mediation

OFFICE ADDRESS

Office

Name

Documents released by the Fair Work Ombudsman Under the Freedom of Information Act

Loading Memorandum Of Understanding records...	
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Name	Official Name	Alpha...
Loading Country/Region records...		
0 - 0 of 0 (0 selected)		
Page 1		
Loading Educational Assistance records...		
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Page 1		

MEDIATION

Non-Monetary Outcomes

s.22 Irrelevant Information

Subject	Status Reason	Date Created	Confirmed Date	Closed Date	Booking Type	Employee I
Loading Activity records...						
0 - 0 of 0 (0 selected)						Page 1
Title	Owner	Created On				
Loading Notes and Interaction records...						
0 - 0 of 0 (0 selected)						Page 1

LEGAL ADVICE PROGRAM

What is the issue that requires tailored legal advice (as per the assessment criteria)?

Documents released by the Fair Work Ombudsman Under the Freedom of Information Act

For current assessment criteria, see the following PACSR link [Workplace Legal Advice Program](#)

Referral Contact

Legal Advice ID number

EMPLOYER ADVISORY SERVICE

Eligible for EAS?

EAS Source

EAS Request Details

EAS Assessment

Suitable for EAS Case Study No

TLO Advice

EAS Case Study Reason

FWO Legal Advice

Documents released by the Fair Work Ombudsman
Under the Freedom of Information

Document Name	Document ID	Document Ref No	Legal Firm	Status
Loading Document Link records...		Loading ELP Request records...		
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0 - 0 of 0 (0 selected)		Page 1		

INTRINSICS

Avaya Contact ID

Skillset

Medium to Large Business

Enquirer ABN

PureCloud ID

s.22 Irrelevant Information

Intrinsic Phone

[Redacted]

-
- [View Customer](#)
 - [Search Customer](#)
 - [Edit Customer](#)
 - [Register Customer](#)
 - [Reset Password](#)
 - [View Organisation](#)
 - [Search Organisation](#)
 - [Search Employer](#)
 - [View Employer](#)

Documents released by the Fair Work Ombudsman
Under the Freedom of Information

Enquiry

2956612

Enquiry No. 2956612	Status Resolved	Status Reason Advice Provided	Total Time Open (days) 3
------------------------	--------------------	----------------------------------	-----------------------------

ENQUIRY

No of employees 1,000

Channel My Account

Enquiry Type Level 1 Entitlements

State Multi-state

Enquiry Type Level 2 Overtime

Matter Number (Nexus)

Matter ID number (Titan)

Awaiting Accept/Decline No

Related Enquiry

Created On 20/02/2023 4:31 PM

EMPLOYEE DETAILS

Occupation

Main Duties

Employee Status

Is apprentice or trainee? Neither

Employment start date 1/01/2023

Employment end date

CUSTOMER/ORGANISATION

Customer

Legal Name

Enquirer Type Employer representative

EMPLOYEE LOCATION

Suburb

Postcode

State

Documents released by the Fair Work Ombudsman Under the Freedom of Information Act 1982

ORGANISATION DETAILS

NOMINATED TO ACT ON CUSTOMER'S BEHALF

Full Name

Phone

Email

ATTEND FWO OFFICE

Can attend FWO office (if required) Yes

Interpreter Required

No

FWO Office

VIC - Melbourne

Language

ATIS Phone number: s.22


Infoline:
Account
number
s.22
Access
number
s.

Customer Solutions: Account number 102263 s.22
number s.

Industry Level 1

 [Information Media and Telecommunications](#)

Industry Level 2

 [Publishing \(except Internet and Music Publishing\)](#)

Industry Level 3

 [Software Publishing](#)

Industry Level 4

 [Software Publishing](#)

Instrument Type

 [Fair Work Act](#)

Employer Association

Pre-Post Reform

Bound To Award

ENQUIRY DETAILS

DESCRIPTION

Under the general retail industry award - do full time and part time employee need to have start and finish times either agreed as per the contract or agreed as per a roster? If there is no agreement to vary said start and end times does overtime apply?
If there is an agreement to start and end times as per a roster, how often can rosters change? what notice do you need to give employees of such roster? or is it okay to change the roster ie. weekly with a full time employee having different shifts that previously, for example one week the employee has penalty payments and need week they don't?
OR Do i only need to maintain guaranteed hours and not start and end times which means I can change the hours at anytime
No

ACTIONS & SOLUTIONS

Dear [redacted]

Thanks for your enquiry.

You've asked about agreed hours & rostering requirements under the General Retail Industry Award 2020. I've attached a link to the award under the Related objects.

Please refer to the following clauses:

Clause 9 - Full-time employees

ENQUIRY TREATMENT & SUMMARY

Team Treatment

Recommended Treatment Advice

Assessment Summary Pay & Wages : (OVERTIME)

s.22 Irrelevant Information

Clause 10 - Part-time employees
 10.5 - written agreement required on regular pattern of work
 10.6 - changes to pattern of work by agreement
 10.10 - changes to pattern of work by employer
 10.8 - overtime

Clause 15.9 - Notification of rosters

If you have any follow up questions, please call us back on +61 2 6120 8989 between the hours of 8:00 am to 5:30 pm Monday through Friday AEST, or you can submit an enquiry to us online via My account.

Regards
 Fair Work Ombudsman

Mediation Conducted No

Forward Reason

FWO Outcome Advice Provided

DETAILS FOR KNOWLEDGE TEAM

DETAILS FOR KNOWLEDGE TEAM

Background Information
 Specific questions/issue to be addressed
 Recommending Team Lead

Legislation/ Industrial instruments considered
 Quality Coach/TL Opinion

MONIES RECOVERED

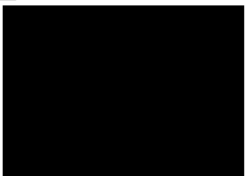
Total (all non-confidential payments)

Total employees paid relating to enquiry

Payment Type	Confidential	Amount	Created On	Created By	Payment Date	No. of Employee
No Money Recovered records are available in this view.						

0 - 0 of 0 (0 selected) Page 1

RELATED OBJECTS

Customer	Link Type	URL	Record Knowledge Object Title	Link
	External	https://awardviewer.fwo...	23/02/2023 10:40 AM	No Linked Knowledge Object records are available in this view.
	External	https://www.fairwork.gov...	20/02/2023 4:33 PM	
	External	https://www.fairwork.gov...	20/02/2023 4:31 PM	

1 - 3 of 5 (0 selected) Page 1

NOTES AND INTERACTIONS

NOTES AND ACTIVITIES

Title: Incomplete MyAccount Enquiry has been set to Draft

Incomplete MyAccount Enquiry has been set to Draft
 Created On: 20/02/2023 4:31 PM
 Modified On: 20/02/2023 4:31 PM
 Service [CSSWebUser](#) 20/02/2023 4:31 PM

SPECIAL CATEGORIES

Name	Owner
No Special Category records are available in this view.	

0 - 0 of 0 (0 selected) Page 1

EMAIL ADDRESSES

Email Source Type	Name
No Enquiry Email Link records are available in this view.	

0 - 0 of 0 (0 selected) Page 1

REQUEST FOR ASSISTANCE

ADDITIONAL EMPLOYEE DETAILS

Employee Received Paid Leave No

Issue discussed with the Employer

Reason for not discussing the issue

Employee's Date of Birth

Is Employee an Intern No

Working as an Independent Contractor No

Contractor or Employee

PERMISSION TO CONTACT THE EMPLOYER

Privacy Consent

Confidential No

Permission to Contact Employer

Full Name

Phone

Email

MESSAGES

OFFICE ADDRESS

Employer's Response

Are Other Employees affected

Pay Rate (Before tax)

Currency

Name	Description	Created
No Supporting Evidence records are available in this view.		
0 - 0 of 0 (0 selected)		Page 1

Name	COI Type
No Classification of Issues records are available in this view.	
0 - 0 of 0 (0 selected)	Page 1

Category	Topic
Pay and Wages	Overtime
1 - 1 of 1 (0 selected)	Page 1

CASE DETAILS

Is Suitable For Case Study No

Case Study Reason

Is Suitable For Follow Up No

CONSENT TO MEDIATION

Documents released by the Fair Work Ombudsman Under the Freedom of Information Act 1984

Office [Redacted]

Employer/Employee Contacted

Name
No Memorandum Of Understanding records are available in this view.
0 - 0 of 0 (0 selected) Page 1

Consent to Mediation

Name	Official Name	Alpha...
No Country/Region records are available in this view.		
0 - 0 of 0 (0 selected) Page 1		

Name
No Educational Assistance records are available in this view.
0 - 0 of 0 (0 selected) Page 1

MEDIATION

Non-Monetary Outcomes

TOS

s.22 irrelevant information [Redacted]

Subject	Status Reason	Date Created	Confirmed Date	Closed Date	Booking Type	Employee I
No Booking Activity records are available in this view.						
0 - 0 of 0 (0 selected) Page 1						

Title	Owner	Created On
You do not have permission to access these records. Contact your Microsoft Dynamics CRM administrator.		
0 - 0 (0 selected) Page 1		

LEGAL ADVICE PROGRAM

What is the issue that requires tailored legal advice (as per the assessment criteria)?



For current assessment criteria, see the following PACSR link [Workplace Legal Advice Program](#)

Referral Contact

Legal Advice ID number

EMPLOYER ADVISORY SERVICE

Eligible for EAS?

EAS Source

EAS Request Details

EAS Assessment

Suitable for EAS Case Study No

TLO Advice

EAS Case Study Reason

FWO Legal Advice

Documents released by the Fair Work Ombudsman
Under the Freedom of Information

Document Name	Document ID	Document Ref No	Legal Firm	Status I
No Document Link records are available in this view.		No ELP Request records are available in this view.		
0 - 0 of 0 (0 selected) Page 1		0 - 0 of 0 (0 selected) Page 1		

INTRINSICS

Avaya Contact ID

Skillset

MyAccount

Enquirer ABN

PureCloud ID

s.22 Irrelevant Information

Intrinsic Phone

-
- [View Customer](#)
 - [Search Customer](#)
 - [Edit Customer](#)
 - [Register Customer](#)
 - [Reset Password](#)
 - [View Organisation](#)
 - [Search Organisation](#)
 - [Search Employer](#)
 - [View Employer](#)

Documents released by the Fair Work Ombudsman Under the Freedom of Information

Enquiry

2957095

Enquiry No. 2957095	Status Resolved	Status Reason Advice Provided	Total Time Open (days) 3
------------------------	--------------------	----------------------------------	-----------------------------

ENQUIRY

No of employees 1,000

Channel My Account

Enquiry Type Level 1 Entitlements

State Multi-state

Enquiry Type Level 2 Overtime

Matter Number (Nexus)

Matter ID number (Titan)

Awaiting Accept/Decline No

Related Enquiry

Created On 21/02/2023 9:50 AM

EMPLOYEE DETAILS

Occupation

Main Duties Not applicable

Employee Status

Is apprentice or trainee? Neither

Employment start date

Employment end date

CUSTOMER/ORGANISATION

Customer

Legal Name

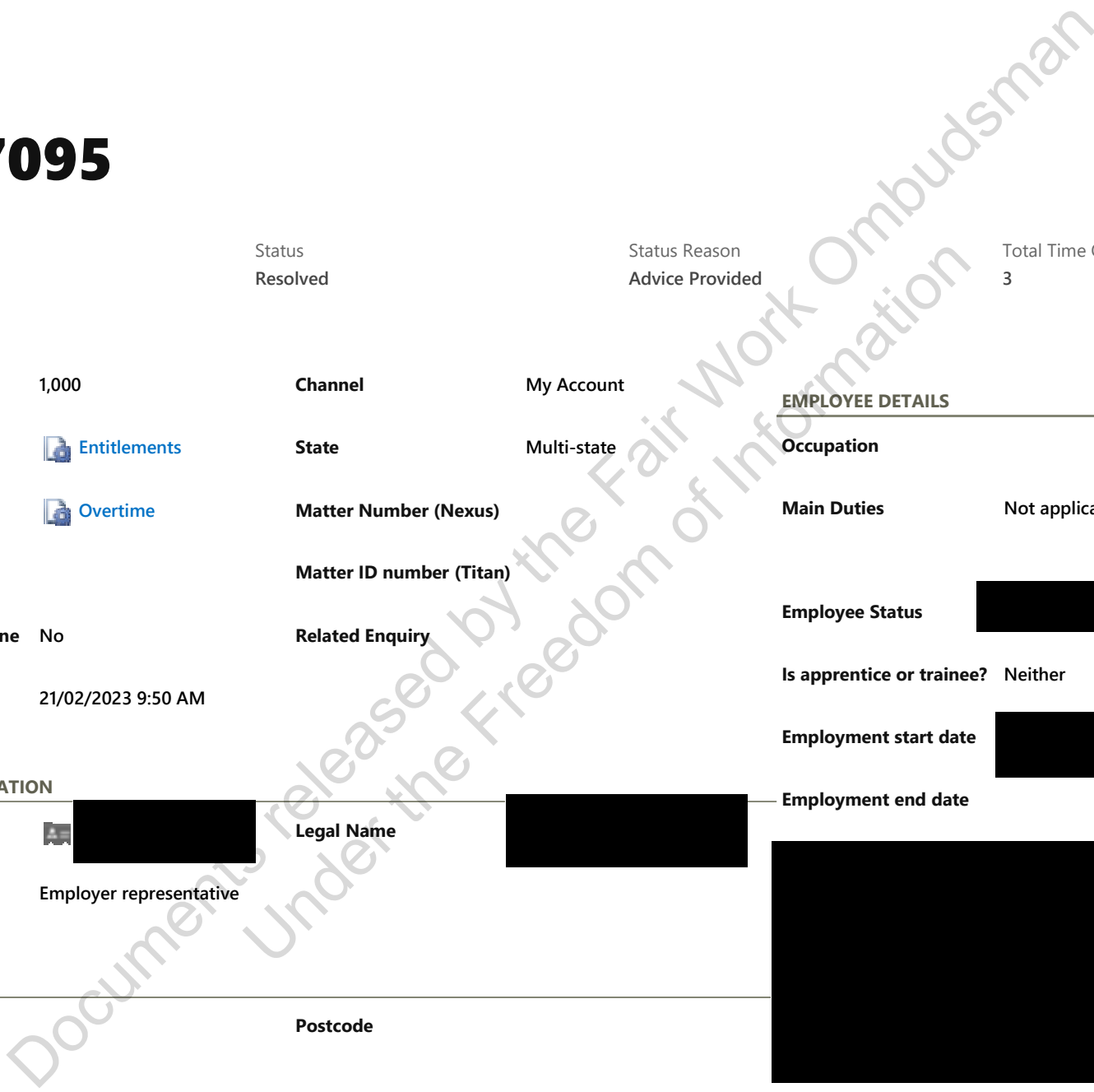
Enquirer Type Employer representative



EMPLOYEE LOCATION

Suburb Postcode

State



ORGANISATION DETAILS

NOMINATED TO ACT ON CUSTOMER'S BEHALF

Full Name

Phone

Email

ATTEND FWO OFFICE

Can attend FWO office (if required) No

Interpreter Required

No

FWO Office

Language

ATIS Phone number: s.22

Infoline:
Account number s.22
Access number s.

Customer Solutions: Account number s.22 Access number s.

Industry Level 1

Information Media and Telecommunications

Industry Level 2

Publishing (except Internet and Music Publishing)

Industry Level 3

Software Publishing

Industry Level 4

Software Publishing

Instrument Type

Modern Award

Employer Association

Pre-Post Reform

Bound To Award

ENQUIRY DETAILS

DESCRIPTION

If an employee works through their meal break under the retail award where does the overtime trigger.
Employee guaranteed hours are 7.6 hours - 5 days a week - 9am to 5.06pm. Employee usually has a 30 minute lunch break.
If an employee works through their lunch break on a Monday and takes no lunch break-where does overtime trigger?
Is it at 4.36pm on Monday - triggered by in excess of daily guaranteed hours or at 4.36pm Friday outside of 38 hours per week
None

ENQUIRY TREATMENT & SUMMARY

ACTIONS & SOLUTIONS

Hi

Thank you for your My Account enquiry regarding overtime.

Under the General Retail Award 2020 overtime for a full-time employee applies when the employee works,

- more than the maximum number of ordinary hours of work (per day or per week)
- outside the spread of ordinary hours
- outside the roster conditions.

Overtime is calculated on a daily basis (21.2 (d)) Therefore if the employee worked in excess

Team Treatment

Recommended Treatment Advice

Assessment Summary s.22 Irrelevant Information
 [Redacted]

of her ordinary hours on the day, overtime is calculated on that day.

Please note that clause 16 Breaks, provides the entitlements and employee has to both rest and unpaid break. The timing and duration of rest & meal break need to be included in a roster and the employer must seek to ensure the employee has meaningful breaks.

I trust this information is of assistance.

If you have any further questions, please feel free to contact the Fair Work Ombudsman on 13 13 94.

Regards,
 [Redacted]
 Fair Work Ombudsman

Mediation Conducted No

Forward Reason

FWO Outcome Advice Provided

DETAILS FOR KNOWLEDGE TEAM

DETAILS FOR KNOWLEDGE TEAM

Background Information
 Specific questions/issue to be addressed
 Recommending Team Lead

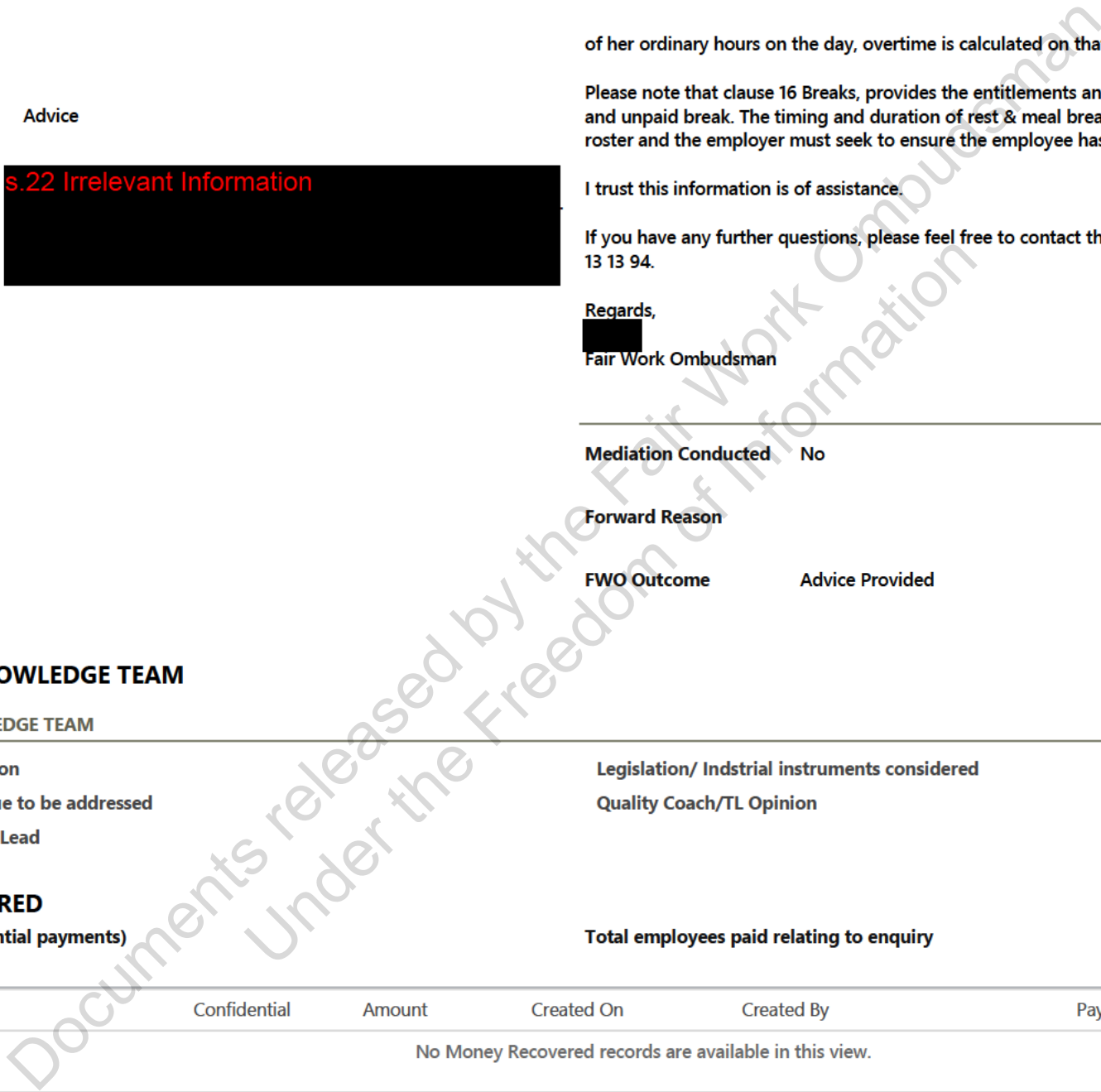
Legislation/ Industrial instruments considered
 Quality Coach/TL Opinion

MONIES RECOVERED

Total (all non-confidential payments)

Total employees paid relating to enquiry

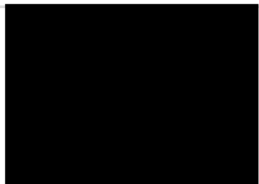
Payment Type	Confidential	Amount	Created On	Created By	Payment Date	No. of Employee
No Money Recovered records are available in this view.						



0 - 0 of 0 (0 selected)

Page 1

RELATED OBJECTS

Customer	Link Type	URL	Record Knowledge Object Title	Link
	External	https://www.fairwork.gov...	21/02/2023 9:50 AM	Linked Knowledge Object records are available in this view.
	External	https://www.fairwork.gov...	21/02/2023 9:50 AM	
	External	https://www.fairwork.gov...	21/02/2023 9:52 AM	

0 - 0 of 0 (0 selected) Page 1

1 - 3 of 4 (0 selected) Page 1

NOTES AND INTERACTIONS

NOTES AND ACTIVITIES

Title: Incomplete MyAccount Enquiry has been set to Draft

Incomplete MyAccount Enquiry has been set to Draft

Created On: 21/02/2023 9:50 AM

Modified On: 21/02/2023 9:50 AM

Service [CSSWebUser](#) 21/02/2023 9:50 AM

SPECIAL CATEGORIES

Name	Owner
No Special Category records are available in this view.	

0 - 0 of 0 (0 selected) Page 1

EMAIL ADDRESSES

Email Source Type	Name
No Enquiry Email Link records are available in this view.	

0 - 0 of 0 (0 selected) Page 1

REQUEST FOR ASSISTANCE

ADDITIONAL EMPLOYEE DETAILS

Employee Received Paid Leave No

Employee's Date of Birth

Issue discussed with the Employer

Reason for not discussing the issue

Employer's Response

Documents released by the Fair Work Ombudsman Under the Freedom of Information Act

Is Employee an Intern No

Working as an Independent Contractor No

Contractor or Employee

PERMISSION TO CONTACT THE EMPLOYER

Privacy Consent

Confidential No

Permission to Contact Employer

Full Name

Phone

Email

MESSAGES

Are Other Employees affected

Pay Rate (Before tax)

Currency

Name	Description	Created
No Supporting Evidence records are available in this view.		
0 - 0 of 0 (0 selected)		Page 1

Name	COI Type
No Classification of Issues records are available in this view.	
0 - 0 of 0 (0 selected)	
Page 1	

Category	Topic
Pay and Wages	Overtime
1 - 1 of 1 (0 selected)	
Page 1	

CASE DETAILS

Is Suitable For Case Study No

Case Study Reason

Is Suitable For Follow Up No

OFFICE ADDRESS

Office



CONSENT TO MEDIATION

Documents released by the Fair Work Ombudsman Under the Freedom of Information Act 1984

Employer/Employee Contacted

Name
No Memorandum Of Understanding records are available in this view.
0 - 0 of 0 (0 selected) Page 1

Consent to Mediation

Name	Official Name	Alpha...
No Country/Region records are available in this view.		
0 - 0 of 0 (0 selected)		Page 1

Name
No Educational Assistance records are available in this view.
0 - 0 of 0 (0 selected) Page 1

MEDIATION

Non-Monetary Outcomes

TOS

s.22 irrelevant information

Subject	Status Reason	Date Created	Confirmed Date	Closed Date	Booking Type	Employee
No Booking Activity records are available in this view.						
0 - 0 of 0 (0 selected)						Page 1

Title	Owner	Created On
You do not have permission to access these records. Contact your Microsoft Dynamics CRM administrator.		
0 - 0 (0 selected)		Page 1

LEGAL ADVICE PROGRAM

What is the issue that requires tailored legal advice (as per the assessment criteria)?



For current assessment criteria, see the following PACSR link [Workplace Legal Advice Program](#)

Referral Contact

Legal Advice ID number

EMPLOYER ADVISORY SERVICE

Eligible for EAS?

EAS Source

EAS Request Details

EAS Assessment

Suitable for EAS Case Study No

TLO Advice

EAS Case Study Reason

FWO Legal Advice

Documents released by the Fair Work Ombudsman
Under the Freedom of Information

Document Name	Document ID	Document Ref No	Legal Firm	Status
No Document Link records are available in this view.		No ELP Request records are available in this view.		
0 - 0 of 0 (0 selected) Page 1		0 - 0 of 0 (0 selected) Page 1		

INTRINSICS

Avaya Contact ID

Skillset

MyAccount

Enquirer ABN

PureCloud ID

s.22 Irrelevant Information

Intrinsic Phone

-
- [View Customer](#)
 - [Search Customer](#)
 - [Edit Customer](#)
 - [Register Customer](#)
 - [Reset Password](#)
 - [View Organisation](#)
 - [Search Organisation](#)
 - [Search Employer](#)
 - [View Employer](#)

Documents released by the Fair Work Ombudsman
Under the Freedom of Information

Phone Call

Call made yesterday the 22.2.23 to the...

Priority	Due	Status	Owner
Normal		Completed	

Phone Call

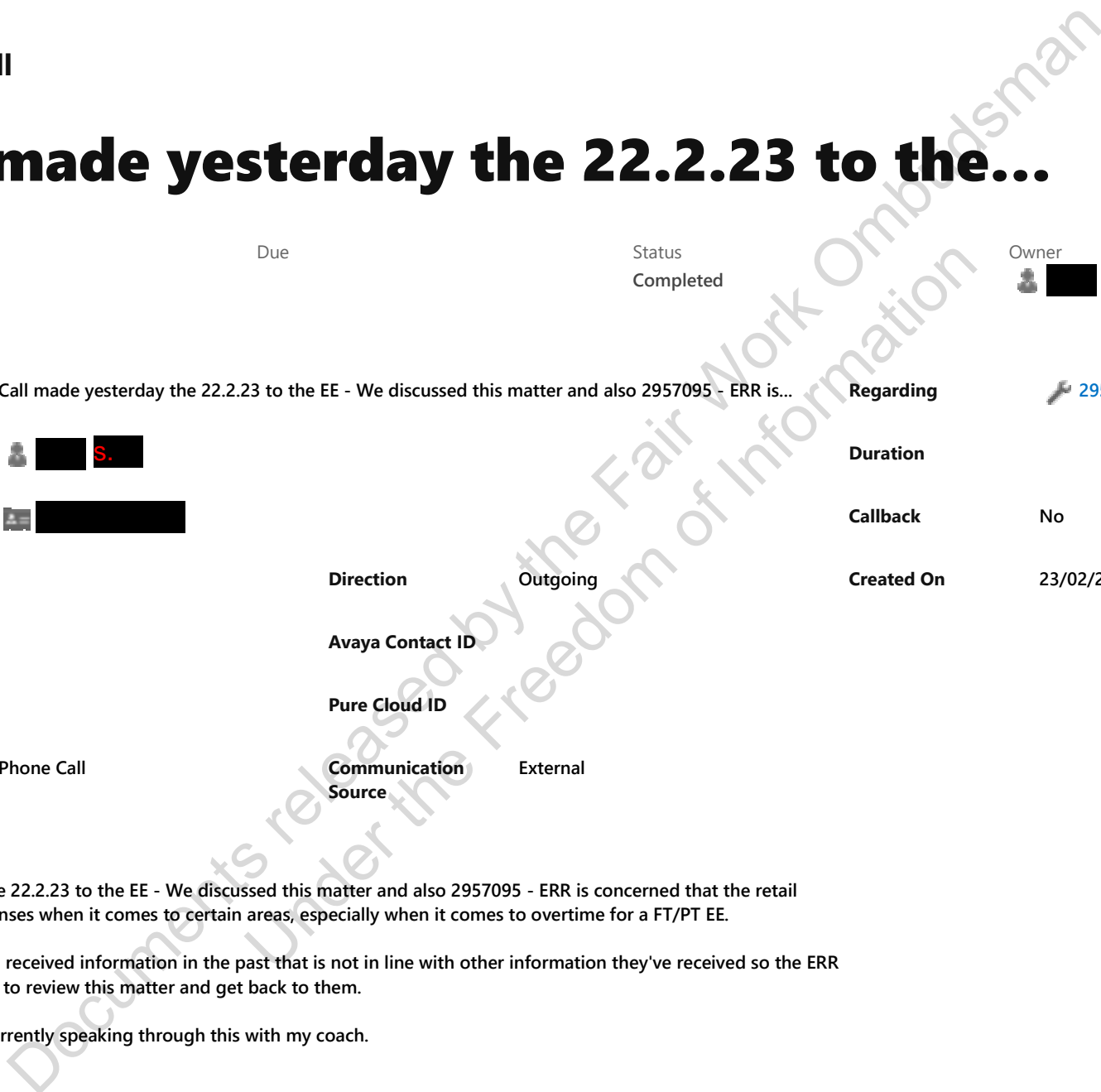
Subject	Call made yesterday the 22.2.23 to the EE - We discussed this matter and also 2957095 - ERR is...	Regarding	2956612
Call From		Duration	
Call To		Callback	No
Skillset		Direction	Outgoing
Phone Number		Created On	23/02/2023 11:03 AM
Avaya Contact ID			
Pure Cloud ID			
Communication Type	Phone Call	Communication Source	External

Description

Call made yesterday the 22.2.23 to the EE - We discussed this matter and also 2957095 - ERR is concerned that the retail award is not making senses when it comes to certain areas, especially when it comes to overtime for a FT/PT EE.

ERR is saying they have received information in the past that is not in line with other information they've received so the ERR has asked again for me to review this matter and get back to them.

I'm in the process of currently speaking through this with my coach.



Phone Call

Call made yesterday the 22.2.23 to the...

Priority	Due	Status	Owner
Normal		Completed	

Phone Call

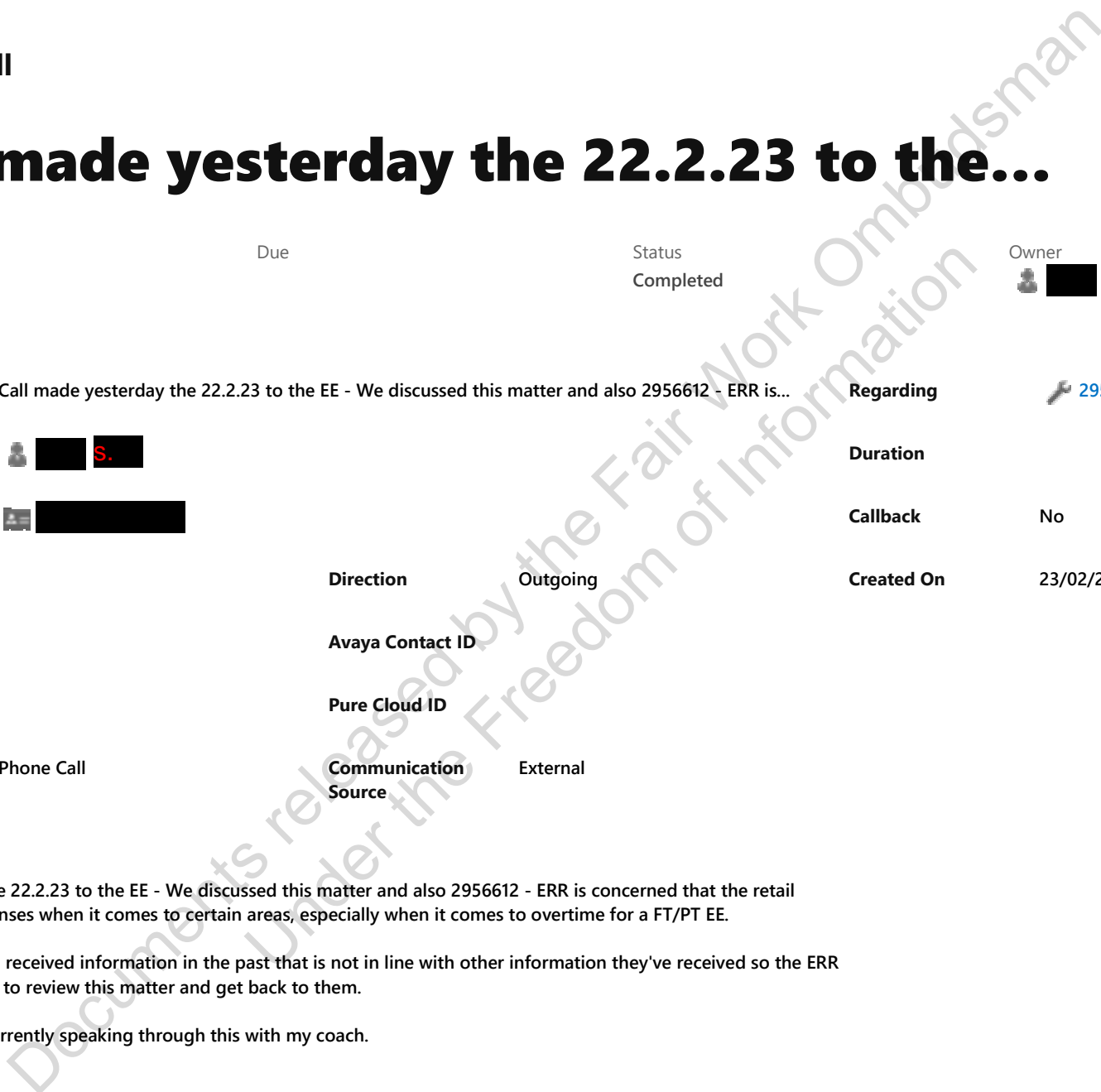
Subject	Call made yesterday the 22.2.23 to the EE - We discussed this matter and also 2956612 - ERR is...	Regarding	2957095
Call From		Duration	
Call To		Callback	No
Skillset	Direction	Created On	23/02/2023 11:02 AM
Phone Number	Avaya Contact ID		
	Pure Cloud ID		
Communication Type	Phone Call	Communication Source	External

Description

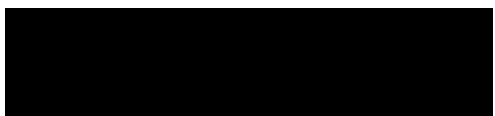
Call made yesterday the 22.2.23 to the EE - We discussed this matter and also 2956612 - ERR is concerned that the retail award is not making senses when it comes to certain areas, especially when it comes to overtime for a FT/PT EE.

ERR is saying they have received information in the past that is not in line with other information they've received so the ERR has asked again for me to review this matter and get back to them.

I'm in the process of currently speaking through this with my coach.



Email



Priority
Normal

Due

Status Reason
Sent

Owner



Email

From Fair Work Ombudsman (Do Not Reply email)

To

Cc

Bcc

Subject [REDACTED]

Communication Source External

Created On 24/02/2023 8:32 AM

Attachments

File Name	File Size (Bytes)
No Email Attachment records are available in this view.	
0 - 0 of 0 (0 selected)	

Morning [REDACTED]

Thank you for your time on Wednesday.



I can see that both your enquires were closed and a response was made, apologise that this happened and not by myself, there was a technical issue that saw these enquires assigned to the other advisors, hence why they responded.

However, to follow on from our conversation about the retail award and clause 15.6 Full-time employees and then 15.6 (h) in particular, I can confirm that after reviewing this matter if the employee, did work more than 7 hours and 36 minutes over that 5 days it would not automatically mean they receive overtime payments.

As we discussed, as per clause 21 (overtime) and employee will be paid overtime if: <https://www.fairwork.gov.au/employment-conditions/hours-of-work-breaks-and-rosters/hours-of-work/when-overtime-applies>

Full-time

more than the maximum number of ordinary hours of work (per day or per week)

outside the spread of ordinary hours

<https://www.fairwork.gov.au/employment-conditions/hours-of-work-breaks-and-rosters/hours-of-work>

outside the roster conditions.

Outside the roster conditions includes:

for employees who don't regularly work Sundays

working more than 6 days in a row (unless they only work 4 days in a row the next week)

not getting 2 days off in a row each week (unless they agree not to)

not getting 3 days off in a row in a fortnight (unless they agree not to)

for employees who regularly work Sundays, not getting 3 days off in a row, that includes a Saturday and Sunday, over 4 weeks (unless they agree not to).

Part-time

Part-time employees get overtime rates if they work more than their agreed 'guaranteed hours' (the agreed number of hours to be worked on each day of the week).

An employer and employee can agree to vary the employee's guaranteed hours on a temporary or ongoing basis. Learn more about the rules for guaranteed hours at [Part-time employees](#). Select the retail industry to check entitlements that apply for the Retail Award.

I hope this helps with this question, I'll send a separate email in regards to your other question.

Regards

[REDACTED] - Fair Work Ombudsman

Regarding

 [2956612](#)

Duration

Documents released by the Fair Work Ombudsman
Under the Freedom of Information

Email



Priority
Normal

Due

Status Reason
Sent

Owner



Email

From Fair Work Ombudsman (Do Not Reply email)

To

Cc

Bcc

Subject [REDACTED]

Communication Source External

Created On 24/02/2023 9:44 AM

Attachments

File Name	File Size (Bytes)
No Email Attachment records are available in this view.	
0 - 0 of 0 (0 selected)	

Morning again [REDACTED]

In relation to your enquiry relating to meal breaks under the retail award.



<https://www.fairwork.gov.au/employment-conditions/hours-of-work-breaks-and-rosters/breaks>

When a meal break isn't given

There is no extra payment (eg. penalty rate) for not getting a meal break.

As per the above information, if an employee isn't given a meal break, there is no penalty rate or overtime that applies under the retail award. However, this may be of concern for worksafe that this employee isn't receiving a break but also from a fair work ombudsman point of view, this may lead to a technical breach of the award.

As a meal break is unpaid, if this is not given the hours worked would be for the whole time, for example - 9am to 5pm (Monday to Friday) = 8hrs worked, if an employee takes their unpaid meal break, they would have worked 7.5hrs, however as there was no unpaid period, the day would be seen as 8hrs worked. So, if this were to happen over a 5 day week, the employee would have worked 40 hrs and as per overtime, an employee who works more than 38 hours per week (on average) would be paid overtime.

<https://www.fairwork.gov.au/employment-conditions/hours-of-work-breaks-and-rosters/hours-of-work>

<https://www.fairwork.gov.au/employment-conditions/hours-of-work-breaks-and-rosters/hours-of-work/when-overtime-applies>

I hope this helps answer the question but for further clarity, if required, please call us back for further assistance.

Regards

[REDACTED] - Fair Work Ombudsman

Regarding

2957095

Duration

Documents released by the Fair Work Ombudsman
Under the Freedom of Information

Enquiry

2968545

Enquiry No. 2968545	Status Resolved	Status Reason Advice Provided	Total Time Open (days) 6
------------------------	--------------------	----------------------------------	-----------------------------

ENQUIRY

No of employees 1,000

Channel My Account

Enquiry Type Level 1 Entitlements

State Multi-state

Enquiry Type Level 2 Meal Breaks

Matter Number (Nexus)

Matter ID number (Titan)

Awaiting Accept/Decline No

Related Enquiry

Created On 3/03/2023 1:22 PM

EMPLOYEE DETAILS

Occupation

Main Duties N/A

Employee Status Unsure

Is apprentice or trainee? Neither

Employment start date

Employment end date

CUSTOMER/ORGANISATION

Customer

Legal Name

Enquirer Type Employer representative

EMPLOYEE LOCATION

Suburb

Postcode

State

Documents released by the Fair Work Ombudsman Under the Freedom of Information Act 1982



ORGANISATION DETAILS

NOMINATED TO ACT ON CUSTOMER'S BEHALF

Full Name

Phone

Email

ATTEND FWO OFFICE

Can attend FWO office (if required) No

Interpreter Required No

FWO Office

Language

ATIS Phone number: s.22

Infoline:
Account number s.22
Access number s.

Customer Solutions: Account number s.22 Access number s.

Industry Level 1 Information Media and Telecommunications

Industry Level 2 Publishing (except Internet and Music Publishing)

Industry Level 3 Software Publishing

Industry Level 4 Software Publishing

Instrument Type Modern Award

Employer Association

Pre-Post Reform

Bound To Award

ENQUIRY DETAILS

DESCRIPTION

No other issues

I am questioning the information within this link <https://www.fairwork.gov.au/employment-conditions/hours-of-work-breaks-and-rosters/breaks>

Specifically the statement An employee gets the following number of breaks, depending on the hours they actually work (not their rostered hours).

Do i interpret this as an employee needs to be rostered for 5 hours and 30 minutes before the are entitled to a meal break of 30 minutes ?

Or are the rostered for 5 hours, work 5 hours and are entitled to the meal break and thus are paid for 4.5 hours

ACTIONS & SOLUTIONS

Hi

Thank you for your My Account enquiry and for supplying the requested additional information.

It appears that you are wondering when an employee is entitled to a meal break under the General Retail Industry Award. See link to Award attached.

As per clause 16, an employee is not entitled to an unpaid meal break unless their hours worked on a given shift exceed 5 hours. This depends on the hours they actually work (not their rostered hours).

ENQUIRY TREATMENT & SUMMARY

Team Treatment

Recommended Treatment Advice

Assessment Summary

s.22 Irrelevant Information

If an employee works 5 hours (or less), they are not entitled to an unpaid meal break. If an employee works any more than 5 hours (e.g. 5 hours and 30 minutes), they are entitled to an unpaid meal break.

For example, an employee is rostered between 12pm - 6pm. The employee works 5 hours and 30 minutes and is provided a 30 minute unpaid meal break.

If you have any further questions, feel free to contact us on 13 13 94 (Monday-Friday 8am-5:30pm AEST).

Kind regards,
 Fair Work Ombudsman

Mediation Conducted No

Forward Reason Response to Request for Information Received

FWO Outcome Advice Provided

DETAILS FOR KNOWLEDGE TEAM

DETAILS FOR KNOWLEDGE TEAM

Background Information
 Specific questions/issue to be addressed
 Recommending Team Lead

Legislation/ Industrial instruments considered
 Quality Coach/TL Opinion

MONIES RECOVERED

Total (all non-confidential payments)

Total employees paid relating to enquiry

Payment Type	Confidential	Amount	Created On	Created By	Payment Date	No. of Employee
No Money Recovered records are available in this view.						

0 - 0 of 0 (0 selected)

Page 1

RELATED OBJECTS

Customer	Link Type	URL	Record Knowledge Object Title	Link
[REDACTED]	External	https://awardviewer.fwo...	9/03/2023 9:28 AM	Linked Knowledge Object records are available in this view.
	External	https://www.fairwork.gov...	4/03/2023 9:05 AM	
	External	https://www.fairwork.gov...	4/03/2023 9:05 AM	

0 - 0 of 0 (0 selected) Page 1

NOTES AND INTERACTIONS

NOTES AND ACTIVITIES

Title: Incomplete MyAccount Enquiry has been set to Draft

Incomplete MyAccount Enquiry has been set to Draft

Created On: 3/03/2023 1:22 PM

Modified On: 3/03/2023 1:22 PM

Service [CSSWebUser](#) 3/03/2023 1:22 PM

SPECIAL CATEGORIES

Name	Owner
No Special Category records are available in this view.	

0 - 0 of 0 (0 selected) Page 1

EMAIL ADDRESSES

Email Source Type	Name
No Enquiry Email Link records are available in this view.	

0 - 0 of 0 (0 selected) Page 1

REQUEST FOR ASSISTANCE

ADDITIONAL EMPLOYEE DETAILS

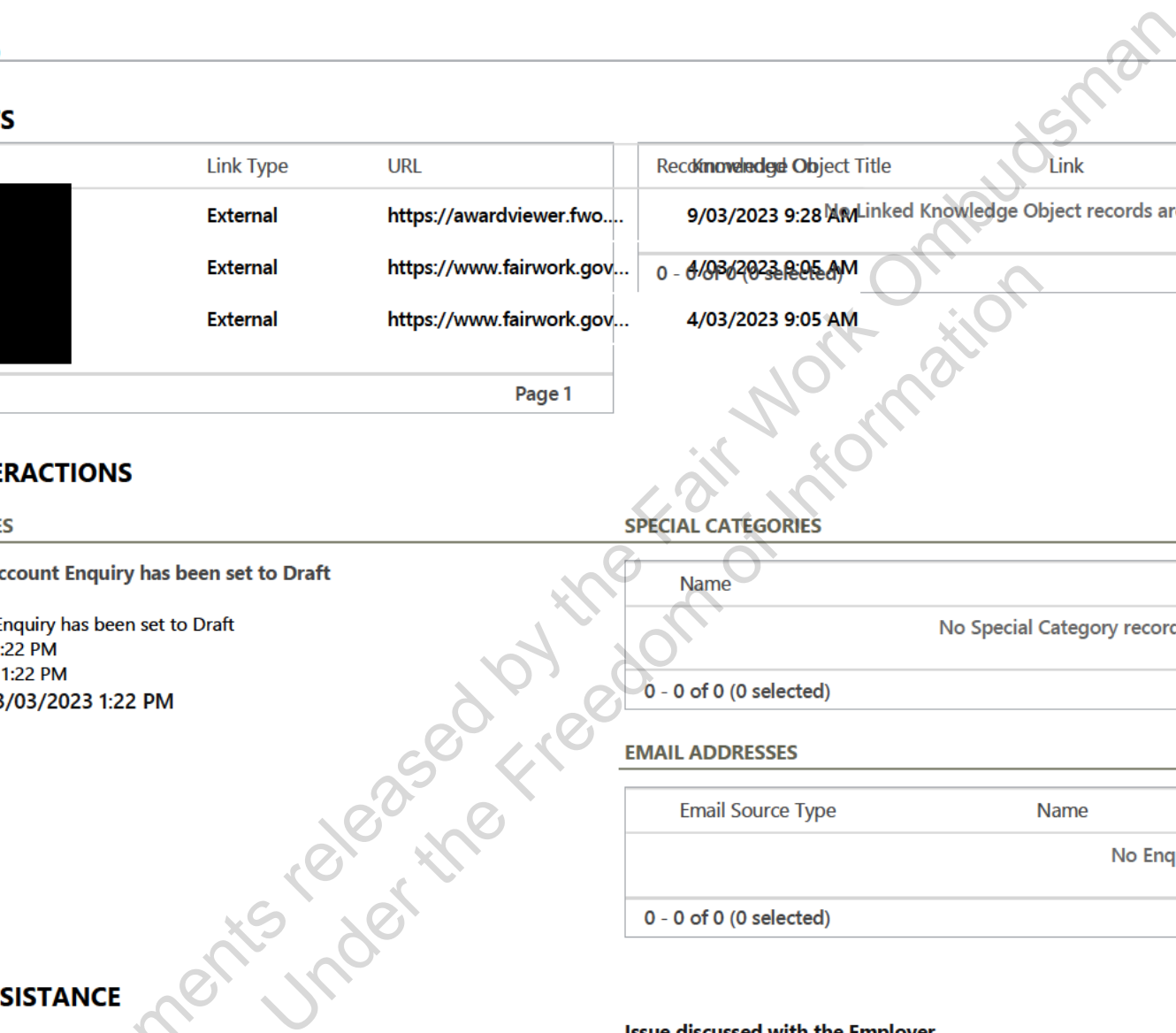
Employee Received Paid Leave No

Employee's Date of Birth

Issue discussed with the Employer

Reason for not discussing the issue

Employer's Response



Is Employee an Intern No

Working as an Independent Contractor No

Contractor or Employee

Are Other Employees affected

Pay Rate (Before tax)

Currency

PERMISSION TO CONTACT THE EMPLOYER

Privacy Consent

Confidential No

Permission to Contact Employer

Full Name

Phone

Email

MESSAGES

Name	Description	Created
No Supporting Evidence records are available in this view.		
0 - 0 of 0 (0 selected)		Page 1

Name	COI Type
No Classification of Issues records are available in this view.	
0 - 0 of 0 (0 selected)	
Page 1	

Category	Topic
Conditions	Breaks
1 - 1 of 1 (0 selected)	
Page 1	

CASE DETAILS

Is Suitable For Case Study No

Case Study Reason

Is Suitable For Follow Up No

OFFICE ADDRESS

Office



CONSENT TO MEDIATION

Documents released by the Fair Work Ombudsman Under the Freedom of Information Act 1982



Employer/Employee Contacted

Name
No Memorandum Of Understanding records are available in this view.
0 - 0 of 0 (0 selected) Page 1

Consent to Mediation

Name	Official Name	Alpha...
No Country/Region records are available in this view.		
0 - 0 of 0 (0 selected) Page 1		

Name
No Educational Assistance records are available in this view.
0 - 0 of 0 (0 selected) Page 1

MEDIATION

Non-Monetary Outcomes

TOS

s.22 irrelevant information

Subject	Status Reason	Date Created	Confirmed Date	Closed Date	Booking Type	Employee
No Booking Activity records are available in this view.						
0 - 0 of 0 (0 selected) Page 1						

Title	Owner	Created On
You do not have permission to access these records. Contact your Microsoft Dynamics CRM administrator.		
0 - 0 (0 selected) Page 1		

LEGAL ADVICE PROGRAM

What is the issue that requires tailored legal advice (as per the assessment criteria)?



For current assessment criteria, see the following PACSR link [Workplace Legal Advice Program](#)

Referral Contact

Legal Advice ID number

EMPLOYER ADVISORY SERVICE

Eligible for EAS?

EAS Source

EAS Request Details

EAS Assessment

Suitable for EAS Case Study No

TLO Advice

EAS Case Study Reason

FWO Legal Advice

Documents released by the Fair Work Ombudsman
Under the Freedom of Information

Document Name	Document ID	Document Ref No	Legal Firm	Status I
No Document Link records are available in this view.		No ELP Request records are available in this view.		
0 - 0 of 0 (0 selected) Page 1		0 - 0 of 0 (0 selected) Page 1		

INTRINSICS

Avaya Contact ID

Skillset

MyAccount

Enquirer ABN

PureCloud ID

s.22 Irrelevant Information

Intrinsic Phone

-
- [View Customer](#)
 - [Search Customer](#)
 - [Edit Customer](#)
 - [Register Customer](#)
 - [Reset Password](#)
 - [View Organisation](#)
 - [Search Organisation](#)
 - [Search Employer](#)
 - [View Employer](#)






Documents released by the Fair Work Ombudsman
Under the Freedom of Information

Phone Call

11:20am 07/03/2023 - outbound custo...

Priority	Due	Status	Owner
Normal		Completed	  s.22

Phone Call

Subject	11:20am 07/03/2023 - outbound customer 1st attempt, no answer.		Regarding	 2968545	
Call From	  s.22		Duration		
Call To	 		Callback	No	
Skillset		Direction	Outgoing	Created On	7/03/2023 11:21 AM
Phone Number		Avaya Contact ID			
		Pure Cloud ID			
Communication Type	Phone Call	Communication Source	External		
Description	11:20am 07/03/2023 - outbound customer 1st attempt, no answer.				

Documents released by the Fair Work Ombudsman Under the Freedom of Information



Request for Additional Information

Your enquiry 2968545 - Request for ad...

Activity Status
Completed

GENERAL

Subject

Your enquiry 2968545 - Request for additional information

Date Created

7/03/2023 11:22 AM

Regarding

2968545

Owner

s.22

Request

Hi

Thank you for your My Account enquiry. I tried to call you but was unable to reach you.

In order to respond to your enquiry, I will require the below additional information:

1. What Award are you referring to?

Please be advised that if I do not receive a response in the next 48 hours, I will answer your enquiry with the limited information provided. I will attempt to contact you again in 2 days.

Kind regards,

Fair Work Ombudsman

Response

General Retail Industry Award - apologies

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Under the Freedom of Information

NOTES

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Under the Freedom of Information