SOLUTIONS for the WORKPLACE

JOHN TAMPLIN

INDUSTRIAL RELATIONS NEWSLETTER

NEWSLETTER — 24-09-12/7

Remember to call us if you need some help, we do not normally charge for phone advice.

12 hour shifts and an important decision by the Fair Work Australia Tribunal

This matter concerns 12 hour shifts that are worked over 6 days a week with the sixth day being paid at ordinary time.

The current legislation being the Fair Work Act has obliged the Tribunal to apply a "Better Off Overall Test" (BOOT) for employees so that they are better off than the award provisions as to enterprise agreements and the contents and terms of those agreements.

As a result there has been significant concern that existing enterprise agreements that facilitate 12 hour shifts over 6 days per week and over 2 shifts per week would not pass the "better off overall test" as the employees were not paid penalty rates on a Saturday or Sunday.

That would appear to have the outcome that existing enterprise agreements with those provisions may not be renewed and the existing terms rejected and the agreement brought to an end.

That issue appears to have been finalised in a recent case before the Fair Work Tribunal which has accepted the implementation of 12 hour shifts over 6 days a week and that the Saturday work is to be paid at ordinary rate and not penalty rates if it is part of the shift arrangement.

This is a significant decision and would appear to facilitate the renewal of the existing 12 hour shift arrangements of the existing agreements and new agreements.

Who Can I Contact for More Information and Assistance?

If you would like to discuss any concerns you may have in relation to issues of employment or any other employment related issues you may have, please contact:

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Or visit our web-site at www.johntamplinconsulting.com.au

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