

Maximum Weekly Hours of Work

eBook

Commercial-in-confidence. This publication is the copyright of Liquid HR. No part of this publication may be copied, reproduced or communicated to the public by any process, electronic or otherwise, without the express written permission of Liquid HR.

Contents

- Overview3
- Maximum Weekly Hours of Work4
 - Hours of work..... 4
 - Averaging ordinary hours of work 4
 - Reasonable additional hours 4

Overview

This eBook contains an in-depth overview of maximum weekly hours under the Fair Work Act (2009).

Should you have any questions in relation to the information below, please reach out to one of our Employment Relations experts on:

Tel: [1300 887 458](tel:1300887458)

Email: enquiries@liquidhr.com.au

Maximum Weekly Hours of Work

Maximum weekly hours are protected by the National Employment Standards (NES). The NES provides that an employee must not be required or requested by an employer to work more than the following number of hours in a week unless the additional hours are reasonable.

Either:

(a) 38 hours per week for a full-time employee

(b) For an employee who is not a full-time employee – the lesser of 38 hours and the employee’s ordinary hours of work in a week.

Hours of work

The hours worked by an employee include any hours of authorised leave taken by the employee during the week, or during the period.

Averaging ordinary hours of work

A modern award or enterprise agreement may include terms providing for the averaging of hours of work over a specified period.

Award/agreement free employees

An employee and employer may agree in writing for the hours of work to be averaged over a period not exceeding 26 weeks. For example, an employer could specify that the employee’s hours of work are 38 hours per week averaged over each four-week period.

Reasonable additional hours

In determining whether additional hours that an employee is required or requested by an employer to work are “reasonable” additional hours, all relevant factors must be taken into account. Those factors may include, but are not limited to, the following:

- Any risk to the employee’s health and safety that might reasonably be expected to arise if the employee worked the additional hours

- The employee's personal circumstances (including family responsibilities)
- The needs of the workplace, or enterprise, in which the employee is employed
- Whether the employee is entitled to receive overtime payments, penalty rates or other compensation for, or a level of remuneration that reflects an expectation of, working additional hours
- Any notice given by the employer of the requirement or request that the employee work the additional hours
- The usual patterns of work in the industry, or part of an industry, in which the employee works
- The nature of the employee's role, and the employee's level of responsibility
- Whether the additional hours are in accordance with averaging terms
- Any other relevant matter

Note: If additional hours are worked, the employer is responsible for ensuring that the employee is paid at least at the applicable minimum rate of pay (plus casual loading if applicable).



Raising the standard

HR Consulting • HR Outsourcing • Payroll

Call 1300 887 458

Email enquiries@liquidhr.com.au

Visit www.liquidhr.com.au

Level 32, 101 Miller Street,
North Sydney, NSW, 2060

enquiries@liquidhr.com.au