

MA000042 PR723988 [Note: a [correction](#) has been issued to this document]

**FAIR WORK COMMISSION**

# **DETERMINATION**

*Fair Work Act 2009*

s.156—4 yearly review of modern awards

**4 yearly review of modern awards—Overtime for casuals**  
(AM2017/51)

**TRANSPORT (CASH IN TRANSIT) AWARD 2020**  
[\[MA000042\]](#)

Road transport industry

VICE PRESIDENT HATCHER  
VICE PRESIDENT CATANZARITI  
DEPUTY PRESIDENT BULL

SYDNEY, 30 OCTOBER 2020

*4 yearly review of modern awards – common issue – overtime for casuals –  
Transport (Cash in Transit) Award 2020.*

A. Further to the decisions issued by the Full Bench of the Fair Work Commission on 18 August 2020 [[\[2020\] FWCFB 4350](#)] and 30 October 2020 [[\[2020\] FWCFB 5636](#)] the above award is varied as follows:

1. By deleting clause 11.4(a) and inserting the following:

**(a)** For each ordinary hour worked, a casual employee must be paid:

**(i)** the ordinary hourly rate and rates payable for shift and weekend work on the same basis as a weekly employee for the classification in which they are employed; and

**(ii)** a loading of **25%** of the ordinary hourly rate.

2. By renumbering clauses 11.5 and 11.6 as clauses 11.6 and 11.7.

3. By inserting a new clause 11.5 as follows:

**11.5** When a casual employee works overtime, they must be paid the overtime rates in clauses 20.1(b), 20.3(c) and 21.13.

4. By renumbering the paragraph at the beginning of clause 20.1 as new clause 20.1(a).

5. By inserting the words “by a full-time or part-time employee” after the words “All work done” and by deleting the words “In computing overtime each day’s work will stand alone, except as otherwise provided in clause 20.” in clause 20.1(a).

6. By inserting clause 20.1(b) as follows:

**(b)** All work by a casual employee done outside ordinary hours will be paid at **187.5%** of the ordinary hourly rate for the first 2 hours and **250%** of the ordinary hourly rate after 2 hours. This **250%** rate will continue until the completion of the overtime work.

NOTE: The overtime rates for casual employees have been calculated by adding the casual loading prescribed by clause 11.4(a)(ii) to the ordinary hourly rate before applying the overtime rates for full-time and part-time employees prescribed by clause 20.1(a).

7. By inserting clause 20.1(c) as follows:

**(c)** In computing overtime each day’s work will stand alone, except as otherwise provided in clause 20.

8. By inserting the words “for a full-time or part-time employee, or at **250%** of the ordinary hourly rate for a casual employee,” after the words “ordinary hourly rate” in clause 20.3(c)(i).

9. By inserting the following note as a paragraph at the end of clause 20.3(c).

NOTE: The overtime rate for casual employees has been calculated by adding the casual loading prescribed by clause 11.4(a)(ii) to the ordinary hourly rate before applying the overtime rates for full-time and part-time employees prescribed by clause 20.3(c)(i).

10. By deleting clause 21.13(a) and inserting the following:

**(a)** For all time worked outside, or in excess of, the ordinary shift hours or on a shift other than rostered shift, full-time and part-time shiftworkers will be paid at **150%** of the ordinary hourly rate for the first 2 hours and **200%** of the ordinary hourly rate after 2 hours (or in the case of casual shiftworkers, the rate of **187.5%** of the ordinary hourly rate for the first 2 hours and **250%** of the ordinary hourly rate after 2 hours), except in circumstances where the time is worked:

11. By deleting clause 21.13(a)(iii) and inserting the following:

**(iii)** where it is due to the fact that the relief employee does not come on duty at the proper time. However, if:

- the relieving employee provides less than 8 hours' notice to the employer that they will be absent from work; and
- the employee who is to be relieved is not relieved,

the unrelieved employee will be paid at a rate of **150%** of the ordinary hourly rate for the first 3 hours and **200%** of the ordinary hourly rate after 3 hours (or in the case of a casual shiftworker, the rate of **187.5%** of the ordinary hourly rate for the first 3 hours and **250%** of the ordinary hourly rate after 3 hours) for all time on duty after the unrelieved employee's ordinary time has finished.

12. By inserting the following note as a paragraph at the end of clause 21.13:

NOTE: The overtime rates for casual employees have been calculated by adding the casual loading prescribed by clause 11.4(a)(ii) to the ordinary hourly rate before applying the overtime rates for full-time and part-time employees prescribed by clause 21.13(a).

13. By updating the cross-references accordingly.

B. This determination comes into operation on 20 November 2020. In accordance with s.165(3) of the *Fair Work Act 2009* this determination does not take effect in relation to a particular employee until the start of the employee's first full pay period that starts on or after 20 November 2020.

VICE PRESIDENT

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