

## The FITNESS INDUSTRY AWARD 2010 (MA000094)

### AWARD GUIDE.

*Subsequent to the introduction of the Fair Work Act 2009, employers that are 'constitutional corporations' (ie: are Pty Ltd companies and have an ABN), therefore 'National System Employers', and are regulated by the Federal 'Modern Award' network, one of which is the 'Fitness Industry Award 2010'.  
The minimum rates of pay under this award will be set by Fair Work Australia.*

The rates of pay & conditions, (subject the transitional provisions referred to below), and the Annual Wage Review 2009-10, conducted by the Minimum Wage Panel of Fair Work Australia, have applied since 1<sup>st</sup> January 2010.

### IMPORTANT DISCLAIMER:

This guide is intended to provide a summary only of the *Fitness Industry Award 2010*, and has been prepared by HMT Consulting for the use of Outdoor Council of Australia members. No responsibility is taken for any errors or omissions.

### ABOUT THE AWARD

- The Award came into operation, throughout Australia on 1<sup>st</sup> January 2010, and is legally enforceable.
- A complete copy of the document is available on the Fair Work Australia website:  
<http://www.fairworkaustralia.gov.au>
- **Area of Operation** – The award covers employees in the *Fitness industry*, defined as:
  - **Fitness Centres**
  - **Fitness Services or Classes**
  - **Aquatic Centres**
  - **Aquatic Services or Classes**
  - **Recreational Camps**
  - **Indoor Sports Centres, and other establishments nominated in clause 3.**

The Award **does not cover employees** covered by the:

- Children's Services Award 2010;

- The Cleaning Services Award 2010;
- The Hospitality Industry (General) Award 2010' or;  
 “Employees employed to provide administrative and other operational support outside of a fitness centre.”

## **TRANSITION ARRANGEMENTS**

To facilitate the introduction of the new award *Fair Work Australia* has built in mechanisms that permit some new conditions of employment and wage rates, being phases in between 1.7.10 and 1.7.13, including Casual Loadings, Penalty Rates and Minimum Wages.

Each employer should compare their current workplace arrangements against Schedule ‘A’ of the award. If in doubt in relation to your obligations and your employee’s entitlements, you should contact *Fair Work Australia’s helpline: 1300799675*

## **SIGNIFICANT PROVISIONS.**

**Employment Categories** – The award covers Full-time, Part-time or Casual employees.

*Full-time* – is an employee who is engaged to work an average of 38 hours per week;

*Part-time* – is an employee engaged in writing as such, to work *reasonably predictable hours*, less than 38 per week, in shifts of a minimum of 3 consecutive hours. All time worked in excess of the hours agreed will be paid at overtime rates. They shall receive the entitlements of a fulltime employee on a proportional basis.

*Casuals* – Are employees not classified as ‘part-timers’, paid a loading of 25% on a Monday to Friday basis, and 30% on Weekends and Public Holidays, for a minimum engagement of 3 hours (one hour for instructors, trainers, or students undertaking practical work involvement, at levels 2, 3 or 4).

**Classification Structure** – *Schedule ‘B’* of the award details a 7 level classification structure that has:

Level 1 applying to employees “*working under direct supervision*”.

Level 2 relates to employees with more than 456 hours training at Level1;

Through to Level 7, that covers “*Centre Administrators*”.

**Hours of work** – The ordinary hours of work shall be rostered between 5a.m – 11p.m, Monday to Friday and 6a.m – 9p.m at Weekends.

Weekly employees (full-time and part-time) must not be rostered to work more than 10 hours on any one day.

Shifts must not be broken into more than 2 parts, with the span not to be greater than 12 hours.

Employees must be notified by the employer of their rostered hours at least 7 days in advance.

## OTHER IMPORTANT POINTS

The employers should take particular care to acquaint themselves with the details of the following provisions of the new Award:

<b>National Employment Standards</b>	<b>Clauses 5&amp;6.</b>
<b>Award flexibility</b>	<b>Clause 7.</b>
<b>Consultation regarding major workplace change</b>	<b>8.</b>
<b>Dispute resolution</b>	<b>9.</b>
<b>Termination of Employment &amp; Redundancy</b>	<b>14 &amp;15.</b>
<b>Superannuation</b>	<b>23.</b>
<b>Breaks</b>	<b>25.</b>
<b>Overtime &amp; Penalties (see tables below)</b>	<b>26.</b>
<b>Annual Leave</b>	<b>27.</b>
<b>Schedule 'C'</b>	<b>- Supported Wages System.</b>
<b>Schedule 'D'</b>	<b>- National Training Wage.</b>

## ADDITIONAL PAYMENTS

### Supervisory Allowances:

Staff, up to level 4, required to supervise other staff are to be paid the following additional allowances:

If supervising up to and including 5 employees, an additional 3% of the standard rate

6-10 an additional 4.1% of the standard rate

More than 10 an additional 5.5% of the Standard rate;

**Meal allowance** – payable where an employee is required to work for more than 1.5 hours immediately after their ordinary hours of work, \$9.00 on each occasion.

**First aid** – An employee who is rostered by an employer to be on *first aid duty* at a particular time must be paid per day 0.32% of the standard rate extra.

**Sleepover allowance** – relates to a continuous period of eight hours during which an employee is required to sleep at the workplace and be available to deal with any urgent situation.

The applicable allowance is equal to three hours at the employee's ordinary rate.

**Broken shifts** – An employee working a rostered broken shift must be paid per day 1.7% of the standard rate extra and for excess fares \$1.52 extra. An employee may be rostered a broken shift on any day provided that:

- The shift is not broken into more than two parts;
- The total length of the shift is not less than three hours, exclusive of meal breaks; and
- The span of hours from the start of the first part of the shift to the end of the second part of the shift is more than 12 hours.

**Vehicle Allowances** – an employee who, by agreement with their employer, uses their own motor vehicle shall be paid 74 cents per kilometre, or in the case of motorcycles, 25 cents per kilometre.

## Junior Rates

Where junior rates apply, employees will be paid in accordance with the following scale:

<u>AGE</u>	<u>% OF ADULT RATE.</u>
16 years and under	55
17 years	65
18 years	75
19 years	85
20 years	100

## AWARD RATES

Applicable from the first pay period commencing on or after 1<sup>st</sup> July 2010.

### Weekly Employees

Level	Ordinary Time	Saturday	Sunday	Public Holiday
1	\$15.00	\$18.75	\$22.50	\$37.50
2	\$15.44	\$19.30	\$23.16	\$38.60
3	\$16.58	\$20.73	\$24.87	\$41.45
4	\$18.19	\$22.74	\$27.29	\$45.48
5	\$19.08	\$23.85	\$28.62	\$47.70
6	\$19.37	\$24.21	\$29.06	\$48.43
7	\$19.64	\$24.55	\$29.46	\$49.10

The following table shows hourly rates for all categories of employees reflecting the required adjustment for casual rates, weekend and public holiday penalties rounded off to the nearest one cent. These rates will be adjusted from time to time by Fair Work Australia.

### Casual Employees

Level	Mon-Fri Ordinary Time	Weekends & Public Holidays
1	\$18.75	\$19.50
2	\$19.30	\$20.07
3	\$20.73	\$21.55
4	\$22.74	\$23.65
5	\$23.85	\$24.80
6	\$24.21	\$25.18
7	\$24.55	\$30.80