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industrial relations : human resources : employment matters : training

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**CIRCULAR:** GEN/139/NAT/139/21  
**DATE:** 21 May 2021  
**SUBJECT:** FWC Award Variation – *Nurses Award 2010*  
**ATTENTION:** Chief Executive Officer

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The Fair Work Commission (**FWC**) has handed down a revised proposed draft variation to the *Nurses Award 2010* (**Nurses Award**) following a recent decision of the Full Bench.

In its decision, the Full Bench confirmed that ‘overtime, weekend and public holiday rates payable to casual employees under the Nurses Award are calculated on a base hourly rate that includes the casual loading.’

The revised proposed draft variation contains the following provisions:

### **Casual loading**

- For each ordinary hour worked, a casual employee must be paid:
  - the minimum hourly rate applicable to their classification and pay point; and
  - a loading of 25% of the minimum hourly rate applicable to their classification and pay point (the **casual hourly rate**).
- A casual employee will be paid a minimum of 2 hours’ pay for each engagement.
- A casual employee will be paid shift work loadings calculated on the minimum rate of pay applicable to their classification and pay point, excluding the casual loading with the casual loading component then added to the penalty rate of pay.

### **Overtime rates – full and part-time employees**

- Ordinary hours of work are to be paid on the following basis:
  - Monday to Saturday (inclusive) – 150% of the minimum hourly rate applicable to their classification and pay point for the first 2 hours and 200% after 2 hours.
  - Sunday – 200% of the minimum hourly rate applicable to their classification and pay point.
  - Public holidays – 250% of the minimum hourly rate applicable to their classification and pay point.

### **Overtime rates – casual employees**

- Ordinary hours of work are to be paid on the following basis:
  - Monday to Saturday (inclusive) – 150% of the casual hourly rate applicable to their classification and pay point for the first 2 hours and 200% after 2 hours.
  - Sunday – 200% of the casual hourly rate applicable to their classification and pay point.
  - Public holidays – 250% of the casual hourly rate applicable to their classification and pay point.

### **Saturday and Sunday work**

- Employees rostered to work ordinary hours between midnight Friday and midnight Saturday are entitled to 150% of the minimum hourly rate (150% of the casual hourly rate in the case of casual employees).



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- Employees rostered to work ordinary hours between midnight Saturday and midnight Sunday will be paid 175% of the minimum hourly rate (175% of the casual hourly rate in the case of a casual employee).

### **Work on public holidays**

- All work done by an employee during their ordinary shifts on a public holiday will be paid as follows:
  - For a full-time and part-time employee, 200% of the minimum hourly rate applicable to their classification and pay point.
  - For a casual employee, 200% of the casual hourly rate applicable to their classification and pay point.

### **Call for submissions**

Interested parties should file any comments on the revised draft variation before 4.00pm on Tuesday 8 June 2021, and any submissions in reply are due by Tuesday 22 June 2021.

The full decision is available here:

<https://www.fwc.gov.au/documents/decisionssigned/html/2021fwcfb2800.htm>

If you have any questions or if you require further information, please contact the SIAG National Advisory Service on 03 9644 1400 or 1300 (SIAG HR) / 1300 742 447. The Information provided in this email is generic advice. For advice in respect of your specific situation please contact us.

**Brian Cook**  
**Managing Director**

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