

what are reasonable additional hours?

It is common for full-time farm employees to work more than 38 hours per week. This is considered normal within the agricultural industry. In fact, the 2018 Rural Directions Salary Survey reported the average hours worked per week for an Assistant Manager was 47 hours.

The National Employment Standards state:

“An employer must not request or require an employee to work more than the following hours of work in a week, unless the additional hours are reasonable:

- *for a full-time employee, 38 hours, or*
- *for an employee other than a full-time employee, the lesser of:*
 - *38 hours*
 - *the employee’s ordinary hours of work in a week.*

The hours an employee works in a week must be taken to include any hours of leave or absence (paid or unpaid) that is authorised:

- *by the employer, or*
- *by or under a term of the employee’s employment, or*
- *by or under a Commonwealth, State or Territory law, or an instrument in force under such a law.*

An employee may refuse to work additional hours if they are unreasonable.”

The key word in the previous statement is ‘reasonable’. Fair Work provides additional definition around what is reasonable. This includes:

- Any risk to employee health and safety
- The employee’s personal circumstances, including family responsibilities
- The needs of the workplace or enterprise
- 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 to work the additional hours
- Any notice given by the employee of his or her intention to refuse to work the additional hours
- The usual patterns of work in the industry
- The nature of the employee’s role and the employee’s level of responsibility
- Whether the additional hours are in accordance with averaging provisions included in an award or agreement that is applicable to the employee, or an averaging arrangement agreed to by an employer and an award/agreement-free employee
- Any other relevant matter.

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principles of managing reasonable additional hours

- Understand the risks
- Have a plan for 'normal' work hours and what is expected in peak times
 - Roster and manage peak periods
 - Proactively manage time worked in the 'normal' period
- Record and review time worked for all employees, and retain these records
- Communicate, communicate, communicate
- Ensure additional hours are rewarded (overtime, time off in lieu, etc.)

Managing hours of work requires year-round effort.

To maximise production, peak hours of work are required to ensure timeliness of key operations in tight windows to achieve optimum sowing or harvesting time.

Quieter periods of work are essential to ensure the team and business is sustainable.

Ensure there is balance of both throughout the year.

Modern Pastoral Award

The Modern Pastoral Award refers to 'reasonable additional hours', please ensure you are familiar and compliant the Award conditions.

Key areas of the award to review and discuss with your team, include:

- Section 30 - Ordinary hours of work and rostering
 - 30.1 Averaging over a 4 week period
- Section 31 – Overtime
- Section 32 – Payment for public holidays
- Section 15 – Breaks
- Section 7 - Individual flexibility arrangements

A useful resource is the Farm Salary Survey results, available here www.pinionadvisory.com/fss

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