

## Hours of work

### Coronavirus and Australian workplace laws

If your workplace has been impacted by coronavirus, we have information about your workplace rights and obligations at [Coronavirus and Australian workplace laws \(https://coronavirus.fairwork.gov.au/coronavirus-and-australian-workplace-laws\)](https://coronavirus.fairwork.gov.au/coronavirus-and-australian-workplace-laws) .

A number of temporary changes have been introduced due to coronavirus including:

- [JobKeeper \(https://coronavirus.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/default\)](https://coronavirus.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/default) – changes to the Fair Work Act to support the JobKeeper wage subsidy scheme
- [temporary award changes \(https://coronavirus.fairwork.gov.au/coronavirus-and-australian-workplace-laws/temporary-changes-to-workplace-laws-during-coronavirus\)](https://coronavirus.fairwork.gov.au/coronavirus-and-australian-workplace-laws/temporary-changes-to-workplace-laws-during-coronavirus) – allowing for temporary workplace flexibility in some awards
- [pandemic leave \(https://coronavirus.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/quarantine-self-isolation\)](https://coronavirus.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/quarantine-self-isolation) – unpaid and paid pandemic leave (including worker and disaster payments) during coronavirus.

These changes may affect the information on this page.

Ordinary hours are an employee's normal and regular hours of work, which do not attract overtime rates.

Awards, enterprise agreements and other [registered agreements \(www.fairwork.gov.au/Dictionary.aspx?TermID=2034\)](http://www.fairwork.gov.au/Dictionary.aspx?TermID=2034) set out any:

- maximum ordinary hours in a day, week, fortnight or month,
- minimum ordinary hours in a day,
- times of the day ordinary hours can be worked (eg. between 7am - 7pm).

The ordinary hours can be different for full-time, part-time and casual employees.

### Spread of hours

The time of the day ordinary hours are worked is called the spread of hours (eg. between 7am - 7pm). Time worked outside the spread of ordinary hours can attract overtime rates.

Find more information about maximum and minimum hours of work and the spread of hours in your award by selecting from the list below.

## Temporary Clerks Award flexibility

On 28 March 2020, the Fair Work Commission varied the Clerks Award by adding a new Schedule I. It was initially due to stop operating on 30 June 2020.

On 30 September 2020, the Commission extended Schedule I. It now applies until 30 November 2020.

Schedule I adds award flexibility to the Clerks Award during the impact of coronavirus. It changes entitlements relating to:

- span of hours while working at home
- hours of work for full-time and part-time employees
- annual leave.

Schedule I applies to employers and employees covered by the Clerks Award.

While Schedule I operates, an employee's usual terms and conditions of employment under the Clerks Award continue to apply, unless they've been changed by Schedule I. If they have, Schedule I applies instead.

These changes may affect the information on this page.

Go to [Clerks Award flexibility during coronavirus \(https://coronavirus.fairwork.gov.au/coronavirus-and-australian-workplace-laws/temporary-changes-to-workplace-laws-during-coronavirus/clerks-award-flexibility-during-coronavirus/default\)](https://coronavirus.fairwork.gov.au/coronavirus-and-australian-workplace-laws/temporary-changes-to-workplace-laws-during-coronavirus/clerks-award-flexibility-during-coronavirus/default) for more information about Schedule I and when it applies.

Based on what you've told us, it looks like you're covered by the Clerks - Private Sector Award [MA000002].

## Maximum number of hours

The maximum number of ordinary hours employees can work is:

- 10 hours per day
- 38 hours per week.

## Averaging weekly hours

An employer can average the employee's hours over more than a week.

This means the employee may work more than 38 hours one week, but less in another.

### Options for averaging weekly hours

The table below shows the options for averaging 38 hours per week.

| Hours worked | Averaged over... |
|--------------|------------------|
| 76 hours     | 2 weeks in a row |
| 114 hours    | 3 weeks in a row |
| 152 hours    | 4 weeks in a row |

### Example:

Cindy works full-time and averages her 38 hours a week by working 152 hours over 4 weeks.

She works 42 hours the first week and second week, and 34 hours the third and fourth week.  $42 + 42 + 34 + 34 = 152$  hours.

This means that over 4 weeks she has worked an average of 38 hours per week.

## Spread of hours

The ordinary hours in the Clerks Award can be worked during the following times:

| Monday - Friday | Saturday      |
|-----------------|---------------|
| 7am – 7pm       | 7am – 12.30pm |

When the majority of employees are covered by an award that is not the Clerks Award, the spread of hours from that award will apply to the clerical staff as well.

## Changing the spread of hours

An employer and an employee or the majority of employees can agree to change the spread of hours by:

- adding up to one hour to one or both ends of the spread (such as 6am to 8pm Monday to Friday), or
- shifting the spread of hours up or down by up to an hour (such as 6am to 6pm or 8am to 8pm Monday to Friday).

## Minimum hours

Each time a part-time or casual employee works, they have to be given at least 3 hours of work in a row.

If they aren't given these hours, they still have to be paid a minimum of 3 hours.

The minimum daily hours for a full-time employee will depend on their rostered hours.

Check the Clerks Award for different minimum daily hours on Saturday, Sunday and public holidays.

To find out more about who this award applies to, go to the [Clerks Award summary \(www.fairwork.gov.au/awards-and-agreements/awards/award-summary/ma000002-summary\)](http://www.fairwork.gov.au/awards-and-agreements/awards/award-summary/ma000002-summary) .

Source reference: Clerks - Private Sector Award [MA000002] clauses 13.1-13.7, 10.5 and 11.4 [☞ \(http://awardviewer.fwo.gov.au/award/show/MA000002\)](http://awardviewer.fwo.gov.au/award/show/MA000002)

## Maximum weekly hours

An employee can work a maximum of 38 hours in a week unless an employer asks them to work reasonable extra hours. See our [Maximum weekly hours fact sheet \(https://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/minimum-workplace-entitlements/maximum-weekly-hours\)](https://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/minimum-workplace-entitlements/maximum-weekly-hours) .

Source reference: Fair Work Act 2009 s.62 [☞ \(http://www.comlaw.gov.au/Series/C2009A00028\)](http://www.comlaw.gov.au/Series/C2009A00028)

## Think a mistake might have been made?

Mistakes can happen. The best way to fix them usually starts with talking.

Check out our [Help resolving workplace issues \(www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-resolving-workplace-issues/default\)](http://www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-resolving-workplace-issues/default) section for practical advice on:

- figuring out if a mistake has been made
- talking to your employer or employee about fixing it
- getting help from us if you can't resolve it.

### Help for small business

- Find tools, resources and information you might need on our [Small business page \(www.fairwork.gov.au/Find-help-for/Small-business/default\)](http://www.fairwork.gov.au/Find-help-for/Small-business/default) .

## You might also be interested in

- [When overtime applies \(www.fairwork.gov.au/Employee-entitlements/hours-of-work-breaks-and-rosters/Hours-of-work/when-over-time-applies\)](http://www.fairwork.gov.au/Employee-entitlements/hours-of-work-breaks-and-rosters/Hours-of-work/when-over-time-applies)
- [Breaks \(www.fairwork.gov.au/Employee-entitlements/hours-of-work-breaks-and-rosters/breaks\)](http://www.fairwork.gov.au/Employee-entitlements/hours-of-work-breaks-and-rosters/breaks)
- [Rosters \(www.fairwork.gov.au/Employee-entitlements/hours-of-work-breaks-and-rosters/rosters\)](http://www.fairwork.gov.au/Employee-entitlements/hours-of-work-breaks-and-rosters/rosters)
- [Rostered days off \(www.fairwork.gov.au/Employee-entitlements/hours-of-work-breaks-and-rosters/rostered-days-off\)](http://www.fairwork.gov.au/Employee-entitlements/hours-of-work-breaks-and-rosters/rostered-days-off)
- [Flexibility in the workplace \(www.fairwork.gov.au/Employee-entitlements/Flexibility-in-the-workplace/default\)](http://www.fairwork.gov.au/Employee-entitlements/Flexibility-in-the-workplace/default)
- [Maximum weekly hours fact sheet \(www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/minimum-workplace-entitlements/maximum-weekly-hours\)](https://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/minimum-workplace-entitlements/maximum-weekly-hours)

## Contact us

Fair Work Online: [www.fairwork.gov.au](http://www.fairwork.gov.au)

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

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The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.