

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.

Based on what you've told us, it looks like you're covered by the Horticulture Award [MA000028].

Maximum number hours

Full-time and part-time employees

The maximum number of ordinary hours full-time and part-time employees can work is:

- 8 hours per day
- 152 hours over 4 weeks (an average of 38 hours per week).

Check clause 22.1(c) of the Horticulture Award for information on how to change the maximum ordinary hours per day.

Casual employees

The maximum number of ordinary hours casual employees can work is:

- 12 hours per engagement or 12 hours in a single day
- 304 hours over an 8 week period.

Averaging weekly hours

An employer and full-time and part-time employees 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.

Casual employees can work up to 304 ordinary hours over an 8 week period.

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
304 hours	8 weeks in a row

Example: Averaging 152 hours over 4 weeks

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, 34 hours the second week, 45 hours in the third week and 31 hours in the fourth week. $42 + 34 + 45 + 31 = 152$ hours.

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

Spread of hours

For full-time and part-time employees (other than shiftworkers) the ordinary hours in the Horticulture Award can be worked during 6am - 6pm on Monday to Friday.

Ordinary hours of work for casual employees can be worked at any time but from 15 April 2019, casuals are entitled a 15% night loading for work between 8.31pm and 4.59am (or 7.31pm and 3.59am - see changing the spread of hours for casual employees). To calculate the night loading, use our [Pay Calculator \(https://calculate.fairwork.gov.au/findyouraward\)](https://calculate.fairwork.gov.au/findyouraward).

Ordinary hours for shiftworkers can be worked anytime on Monday to Friday.

Changing the spread of hours

Full-time and part-time employees (other than shiftworkers)

An employer and the majority of employees in the section/s concerned can agree to change:

- the daily spread of hours
- the days ordinary hours can be worked to include Saturdays
- the maximum number of ordinary hours to be worked in a day.

Casual employees

During daylight saving time, employers and the majority of their affected casual employees in the Northern Territory, Queensland and Western Australia can agree to shift the daily spread of hours forward by one hour. When this occurs the 15% night loading applies between 7.31pm and 3:59am (instead of 8.31pm – 4:59 am).

Minimum hours

Casual employees

Each time a casual employee works, they need to be given at least 2 hours of work in a row.

If they aren't given these hours, they still have to be paid a minimum of 2 hours.

Resources

We've made it easier for you to find information about pay and entitlements under the Horticulture Award. For more tailored information about your award, visit our [Horticulture Showcase \(www.fairwork.gov.au/horticulture-showcase/default\)](http://www.fairwork.gov.au/horticulture-showcase/default).

To find out more about who this award applies to, go to the [Horticulture Award summary \(https://www.fairwork.gov.au/awards-and-agreements/awards/award-summary/ma000028-summary\)](https://www.fairwork.gov.au/awards-and-agreements/awards/award-summary/ma000028-summary).

Source reference: [Horticulture Award \[MA000028\] clauses 23 and 10.4](http://awardviewer.fwo.gov.au/award/show/MA000028)  (http://awardviewer.fwo.gov.au/award/show/MA000028)

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 ³ (<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 \(www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/minimum-workplace-entitlements/maximum-weekly-hours\)](http://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/minimum-workplace-entitlements/maximum-weekly-hours)

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Contact us

Fair Work Online: 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

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.