

Overtime pay

Overtime is work performed outside the ordinary hours listed in an award or agreement. Overtime is usually paid at a higher rate.

The details about when overtime applies are different under each award and [registered agreement \(www.fairwork.gov.au/Dictionary.aspx?TermID=2034\)](http://www.fairwork.gov.au/Dictionary.aspx?TermID=2034) . To find out when overtime applies in your industry see [When overtime applies \(www.fairwork.gov.au/Employee-entitlements/hours-of-work-breaks-and-rosters/Hours-of-work/when-overtime-applies\)](http://www.fairwork.gov.au/Employee-entitlements/hours-of-work-breaks-and-rosters/Hours-of-work/when-overtime-applies) .

To calculate overtime rates use our [Pay Calculator \(http://calculate.fairwork.gov.au/FindYourAward\)](http://calculate.fairwork.gov.au/FindYourAward) .

You can also find information about pay under your relevant award by visiting our [Pay guides \(www.fairwork.gov.au/pay/minimum-wages/pay-guides\)](http://www.fairwork.gov.au/pay/minimum-wages/pay-guides) page.

Time off instead of overtime pay

Some awards and registered agreements allow an employee to take paid time off instead of being paid overtime pay. This is also known as 'time in lieu', 'time off in lieu' or 'TOIL'.

Find more information about taking time off instead of overtime pay in your award by selecting from the list below.

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

With the written agreement of their employer, an employee can choose to take paid time off instead of being paid for overtime.

An employer can't force or pressure an employee to take time off instead of being paid for overtime.

Agreeing in writing

For each pay period, employers and employees need to make a separate written agreement for any overtime the employee has worked and wants to take time off for.

An email exchange can count as a written agreement.

Example: Separate agreements

Bob is paid weekly and his pay period goes from Monday - Sunday. Bob works 5 hours of overtime on Tuesday and wants to take paid time off instead of being paid overtime for it. Bob makes an agreement with his employer to take time off for the 5 hours. The next pay period, Bob works 4 hours of overtime on Wednesday and also wants to take it as time off instead of being paid overtime. Bob makes another, separate written agreement with this employer for the 4 hours he wants to take off.

The agreement has to say:

- how many hours of overtime the employee worked and when they worked them
- that the employer and employee agree for the employee to take time off instead of being paid overtime
- that at any point before the time off is taken, the employee may request to be paid the overtime instead and the employer has to pay it in the next pay period.

Employers have to keep this agreement for the employee's [records. \(www.fairwork.gov.au/pay/pay-slips-and-record-keeping/record-keeping\)](http://www.fairwork.gov.au/pay/pay-slips-and-record-keeping/record-keeping)

Taking the time off

An employee gets an hour of paid time off for each hour of overtime they've worked.

The time off has to be taken within 6 months of working the overtime and at a time (or at more than one time) that the employer and employee agree to.

If the employee doesn't take the time off within 6 months of working the overtime, their employer has to pay them the overtime that would have applied in their next pay cycle.

Ending employment

If an employee has accumulated time off instead of being paid overtime and their employment ends before they take it, the employer has to pay them the overtime that would have applied.

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 \[MA000002\] clause 23 !\[\]\(3dfb8d66e81160ad61421a3452093d1b_img.jpg\) \(http://awardviewer.fwo.gov.au/award/show/MA000002\)](http://awardviewer.fwo.gov.au/award/show/MA000002)

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

- [Uniforms, vehicle and travel entitlements \(www.fairwork.gov.au/employee-entitlements/uniforms-vehicle-and-travel-entitlements\)](http://www.fairwork.gov.au/employee-entitlements/uniforms-vehicle-and-travel-entitlements)
- [Pay slips and record-keeping \(www.fairwork.gov.au/Pay/pay-slips-and-record-keeping/default\)](http://www.fairwork.gov.au/Pay/pay-slips-and-record-keeping/default)
- [Paying wages \(www.fairwork.gov.au/Pay/paying-wages\)](http://www.fairwork.gov.au/Pay/paying-wages)

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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.