

## I'm not sure which award covers my business

Finding out which award applies to your business is essential to understanding your obligations and paying your employees their correct entitlements.

Not knowing the law can create problems for your workplace and lead to serious penalties.

### On this page:

- [How to find the right award](#)
- [Before you start - information you need](#)
- [Steps to take](#)
- [Example: Which award applies?](#)
- [Best practice tip](#)
- [If you need more support](#)
- [Other common workplace problems](#)
- [Tools and resources](#)
- [Related information](#)

### How to find the right award

#### Before you start - information you need

- Information about the main industry of your business.
- Details of the duties your staff perform.

#### Steps to take

1. Work out if the business is covered by an award

- Awards won't apply to a business covered by a [registered agreement](http://www.fairwork.gov.au/awards-and-agreements/agreements/default). ([www.fairwork.gov.au/awards-and-agreements/agreements/default](http://www.fairwork.gov.au/awards-and-agreements/agreements/default))
- Awards ([www.fairwork.gov.au/awards-and-agreements/awards/default](http://www.fairwork.gov.au/awards-and-agreements/awards/default)) apply to employees and employers depending on the industry they work in and the job they do.

2. Read the award in more detail for clarification

- In some cases awards may be similar and it can be difficult deciding which one applies.
- For example, there are three awards that could apply to a business in the hospitality, restaurant or takeaway industry. The Hospitality Award, the Restaurant Award, and the Fast Food Award. You can use Find my award ([www.fairwork.gov.au/awards-and-agreements/awards/find-my-award/](http://www.fairwork.gov.au/awards-and-agreements/awards/find-my-award/)) to help you work out which award applies to each employee based on the work they do.
- To read an award in more detail visit [List of awards](http://www.fairwork.gov.au/awards-and-agreements/awards/list-of-awards/) ([www.fairwork.gov.au/awards-and-agreements/awards/list-of-awards/](http://www.fairwork.gov.au/awards-and-agreements/awards/list-of-awards/)). To work out if an award applies you should read:
  - the coverage clause (usually clause 4)
  - the job classifications (check in a schedule at the bottom of the award).
- We also have award specific information you can search for in our [Library](http://www.fairwork.gov.au/tools-and-resources/library/) ([www.fairwork.gov.au/tools-and-resources/library/](http://www.fairwork.gov.au/tools-and-resources/library/)).

3. If your business is covered by more than one award

- A business may be covered by more than one award. Depending on the type of work your business and employees do, different awards could apply to different employees.
- For example, a construction business that is covered by the Building and Construction Award for their qualified carpenters may also be covered by the Clerks Award for their office staff.
- The award that applies will depend on the following:
  - the primary industry of the employer
  - the classification most appropriate to the work performed by the employee and the industry in which they work
  - where there is no award covering the industry, consider an award providing coverage for the specific occupation

- any exclusions listed in the award.

#### 4. Check our website for information if no award applies

- There may be some instances where there is no coverage under either an industry or occupation award. In this case it may be relevant to consider coverage under the [Miscellaneous Award \(www.fairwork.gov.au/awards-and-agreements/awards/list-of-awards\)](http://www.fairwork.gov.au/awards-and-agreements/awards/list-of-awards).
- If a job or industry has no award coverage ([www.fairwork.gov.au/awards-and-agreements/award-and-agreement-free-wages-and-conditions](http://www.fairwork.gov.au/awards-and-agreements/award-and-agreement-free-wages-and-conditions)) an employee is covered by the [National Minimum Wage \(www.fairwork.gov.au/pay/minimum-wages\)](http://www.fairwork.gov.au/pay/minimum-wages) and the [National Employment Standards. \(www.fairwork.gov.au/employee-entitlements/national-employment-standards/default\)](http://www.fairwork.gov.au/employee-entitlements/national-employment-standards/default)
- Awards cover most businesses and employees. If you think an award may not apply to your business it's best to [check with us. \(www.fairwork.gov.au/contact-us/default\)](http://www.fairwork.gov.au/contact-us/default)

#### **Example: Which award applies?**

Gerard runs a café that has seating for customers but also provides take away service. He's not sure if he's covered by the Restaurant Award or the Fast Food Award.

Gerard reads the coverage (clause 4) and definitions (clause 3) sections of both awards.

The Fast Food Award says it covers businesses that sell food that is primarily consumed away from the point of sale. While Gerard does do some take away, most of his business is made up of customers who sit and eat at his café.

He reads the Restaurant Award and can see that the definition of 'restaurant industry' includes cafés. Gerard is confident his business is covered by the Restaurant Award.

#### **Best practice tip**

Award rates generally change every year and the Fair Work Commission may vary an award at any time. Subscribe to our [email updates \(www.fairwork.gov.au/website-information/staying-up-to-date/subscribe-to-email-updates\)](http://www.fairwork.gov.au/website-information/staying-up-to-date/subscribe-to-email-updates) to keep informed about significant changes that affect you.

### **If you need more support**

If you are still unable to work out which award applies you can [contact us \(www.fairwork.gov.au/contact-us/default\)](http://www.fairwork.gov.au/contact-us/default) for further assistance.

If you are a member of an [employer association \(www.fairwork.gov.au/website-information/related-sites\)](http://www.fairwork.gov.au/website-information/related-sites) you can also seek assistance from them directly.

#### **Employer Advisory Service**

Our Employer Advisory Service (EAS) gives eligible [small businesses \(www.fairwork.gov.au/Dictionary.aspx?TermID=2157\)](http://www.fairwork.gov.au/Dictionary.aspx?TermID=2157) free tailored written advice on pay and entitlement issues.

The service assists employers in understanding and complying with pay and entitlement obligations under awards and the Fair Work Act.

If you're a small business employer, learn more about the service, to see if you're eligible and find out how to access it at [Employer Advisory Service – overview \(www.fairwork.gov.au/small-business-showcase/employer-advisory-service/employer-advisory-service\)](http://www.fairwork.gov.au/small-business-showcase/employer-advisory-service/employer-advisory-service).

### **Other common workplace problems**

- [I'm not sure what to pay my employees \(www.fairwork.gov.au/workplace-problems/common-workplace-problems/im-not-sure-what-to-pay-my-employees\)](http://www.fairwork.gov.au/workplace-problems/common-workplace-problems/im-not-sure-what-to-pay-my-employees)
- [My employee isn't doing their job properly \(www.fairwork.gov.au/workplace-problems/common-workplace-problems/my-employee-isnt-doing-their-job-properly\)](http://www.fairwork.gov.au/workplace-problems/common-workplace-problems/my-employee-isnt-doing-their-job-properly)
- [I think I've underpaid my employee \(www.fairwork.gov.au/workplace-problems/common-workplace-problems/i-think-ive-underpaid-my-employee\)](http://www.fairwork.gov.au/workplace-problems/common-workplace-problems/i-think-ive-underpaid-my-employee)
- [My employee left without giving notice \(www.fairwork.gov.au/workplace-problems/common-workplace-problems/my-employee-left-without-giving-notice\)](http://www.fairwork.gov.au/workplace-problems/common-workplace-problems/my-employee-left-without-giving-notice)

### **Tools and resources**

- [An employer's guide to resolving workplace issues \(DOCX 397.1KB\) \(www.fairwork.gov.au/ArticleDocuments/712/an-employers-](http://www.fairwork.gov.au/ArticleDocuments/712/an-employers-)

[guide-to-resolving-workplace-issues.docx.aspx](#) (PDF 470.3KB) ([www.fairwork.gov.au/ArticleDocuments/712/an-employers-guide-to-resolving-workplace-issues.pdf.aspx](http://www.fairwork.gov.au/ArticleDocuments/712/an-employers-guide-to-resolving-workplace-issues.pdf.aspx))

- [Find my award \(www.fairwork.gov.au/awards-and-agreements/awards/find-my-award\)](http://www.fairwork.gov.au/awards-and-agreements/awards/find-my-award)
- [My account \(www.fairwork.gov.au/my-account/register.aspx\)](http://www.fairwork.gov.au/my-account/register.aspx)

## Related information

- [Agreements \(www.fairwork.gov.au/awards-and-agreements/agreements/default\)](http://www.fairwork.gov.au/awards-and-agreements/agreements/default)
- [Awards \(www.fairwork.gov.au/awards-and-agreements/awards/default\)](http://www.fairwork.gov.au/awards-and-agreements/awards/default)
- [Award and agreement free wages and conditions \(www.fairwork.gov.au/awards-and-agreements/award-and-agreement-free-wages-and-conditions\)](http://www.fairwork.gov.au/awards-and-agreements/award-and-agreement-free-wages-and-conditions)

Page reference No: 9955

### 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

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.