

*The rules of calculating your ordinary hours of work.*

## **20 Meaning of *ordinary hours of work* for award/agreement free employees**

*Agreed ordinary hours of work*

- (1) The ***ordinary hours of work*** of an award/agreement free employee are the hours agreed by the employee and his or her national system employer as the employee's ordinary hours of work.

*If the agreed hours are less than usual weekly hours*

- (3) If, for an award/agreement free employee who is not a full-time employee, there is an agreement under subsection (1) between the employee and his or her national system employer, but the agreed ordinary hours of work are less than the employee's usual weekly hours of work, the ***ordinary hours of work*** of the employee in a week are the lesser of:
- (a) 38 hours; and
  - (b) the employee's usual weekly hours of work.

*Regulations may prescribe usual weekly hours*

- (4) For an award/agreement free employee who is not a full-time employee and who does not have usual weekly hours of work, the regulations may prescribe, or provide for the determination of, hours that are taken to be the employee's usual weekly hours of work for the purposes of subsections (2) and (3).

(Fair Work Regulation 2009)

### **1.11 Meaning of *ordinary hours of work* for award/agreement free employees**

- (1) For subsection 20(4) of the Act, this regulation provides for the determination of hours that are taken to be the usual weekly hours of work of an award/agreement free employee who:
- (a) is not a full-time employee; and
  - (b) does not have usual weekly hours of work.

Note: Under section 20 of the Act, the usual weekly hours of work of an award/agreement free employee are relevant to establishing the employee's ordinary hours of work.

- (2) To work out the usual weekly hours of work for an employee who has been employed by the employer for at least 4 weeks:
- (a) identify the total number of hours that the employee has worked during the previous 4 completed weeks; and
  - (b) divide the result by 4.
- (3) To work out the usual weekly hours of work for an employee who has been employed by the employer for less than 4 weeks:
- (a) identify the total number of hours that the employee has worked during the period; and

	(b) divide the result by the number of completed weeks for which the employee has been employed by the employer.
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