

A collection of fitness equipment is arranged around the central text on a solid blue background. In the top left, there is a clear plastic water bottle with a black cap. Next to it is a green resistance band with a metal ring. To the right, two yellow dumbbells are visible. In the bottom left, there are folded towels in yellow and light blue. In the bottom right, a green resistance band is partially visible. At the very bottom center, another green resistance band with a metal ring is shown.

"KNOW YOUR RIGHTS"

FOR EMPLOYEES AND CONTRACTORS WITHIN THE
AUSTRALIAN FITNESS INDUSTRY.

Your legal rights under the fitness industry award 2020

Your legal rights under the fair work act

Your legal rights under enterprise bargaining

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THE FITNESS INDUSTRY AWARD 2020

This award covers employers throughout Australia engaged in the fitness industry and their employees.

Section 4.1 of the award

- (a) fitness centres;
- (b) fitness services or classes;
- (c) group fitness organisations;
- (d) weight loss/control centres;
- (e) aquatic centres;
- (f) aquatic services or classes;
- (g) indoor sports centres;
- (h) golf driving ranges;
- (i) dance centres;
- (j) martial arts centres;
- (k) recreational camps;
- (l) tennis clubs and centres;
- (m) tennis coaching or classes; and
- (n) gymnastic services, activities or classes.

This information has been taken from the Fitness Industry Award 2020:
https://awardviewer.fwo.gov.au/award/show/MA000094#P218_14684



THE FITNESS INDUSTRY AWARD 2020

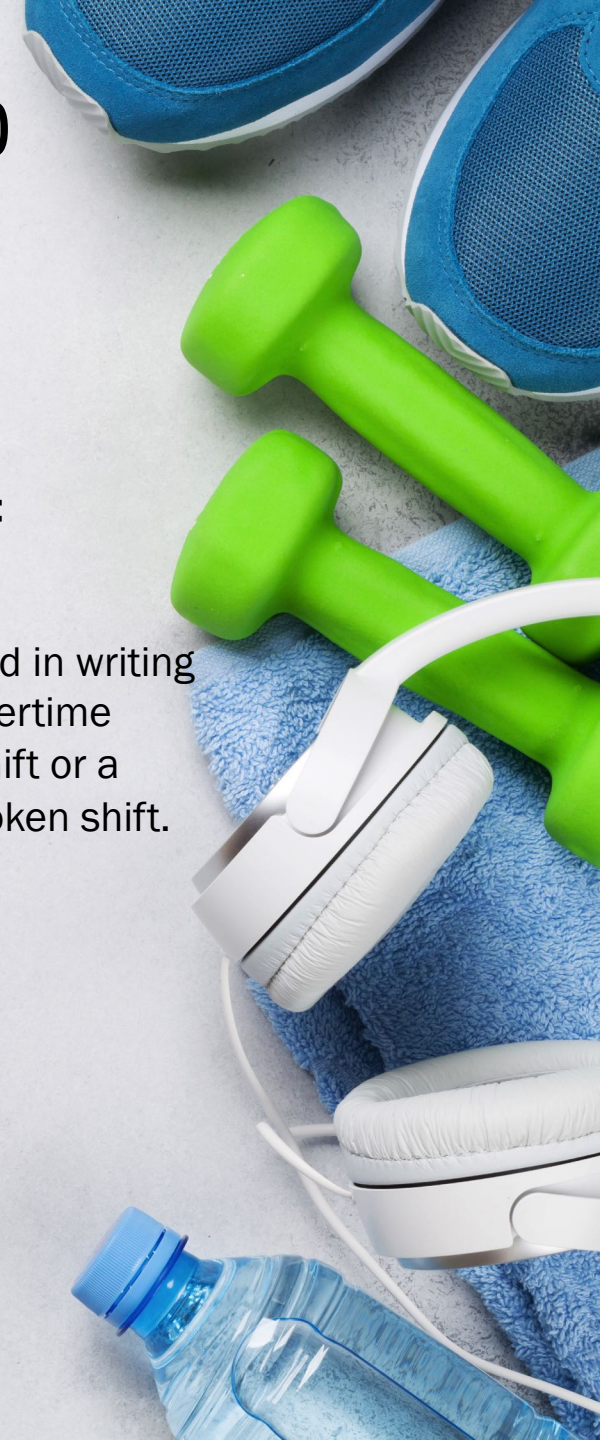
Clause 10

A Full-time employee works an average of 38 hours per week

Clause 11

A Part-time employee works less than 38 hours per week but has:

- 11.1 Reasonably predictable hours of work
Equivalent pay (pro-rata) and conditions
- 11.2 Regular pattern of work and any variations to it is agreed in writing
- 11.3 All time worked in excess of the hours agreed will be overtime
- 11.4 Rostered for a minimum of 3 consecutive hours on a shift or a minimum of 3 hours, exclusive of meal breaks, on a broken shift.



Clause 12

A Casual employee accepts an offer for a job from an employer knowing that there is no firm advance commitment to ongoing work with an agreed pattern of work.

Clause 12.2 They do not receive any paid-leave. Instead, 25% loading of the minimum hourly rate (Mon-Fri) and 30% is applied on weekends and public holidays. Casual loading is not paid on overtime hours.

Clause 12.3B A casual employee who is classified as a Level 2, 3, 3A, 4, 4A or 5 may be engaged for a minimum period of **one hour's** work

They do not receive any notice of termination.

A long-term casual can still file unfair dismissal.

Clause 12.4 Has the right to request conversion to full-time or part-time employee



THE FITNESS INDUSTRY AWARD 2020

MINIMUM RATES OF PAY – SCHEDULE B OF THE AWARD

Employee classification level	Minimum weekly rate (full-time employee)	Minimum hourly rate
	\$	\$
Level 1	753.80	19.84
Level 2	775.40	20.41
Level 3	832.80	21.92
Level 3A	877.60	23.09
Level 4	913.70	24.04
Level 4A	957.60	25.20
Level 5	1009.30	26.56
Level 6	1000.50	26.33
Level 7	1039.50	27.36

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THE FITNESS INDUSTRY AWARD 2020

Clause 13.1

a) Ordinary hours may be worked over any 5 days of the week, between the hours of:

5.00 am and 11.00 pm Mon – Fri

b) 6.00 am and 9.00 pm Sat – Sun

Clause 13.2 Hours must not exceed 38/week average over 4 weeks

Clause 13.3 Hours must not exceed 10 hours per day

Clause 13.4 **SPLIT SHIFTS**

cannot be broken into more than 2 parts

cannot be less than 3 hours in total

the start of the first part of the shift to the end of the second part

cannot exceed 12 hours

Clause 13.5 You must be given 7 days notice of your rostered hours (except in emergencies)



Breaks, Overtime and Penalty Rates

Clause 14.1

- a) You must get an unpaid 30-60min break no later than 5 hours after commencing work
- b) An employee required to work through a meal break must be paid 200% of the minimum hourly rate for all time so worked until a meal break is allowed.

Clause 19.3

An employee must have a break of at least 10 hours between shifts. 200% is applied if an employee does not get a 10 hour break for all hours worked until this break is applied.

- 19.1
- a) Overtime is applied when someone has worked outside the normal spread of hours, more than 38hours in a week or more than 10 hours in a day.
 - b) For part-time employees, all hours worked outside their agreed roster are overtime.

19.2 Overtime Rates are 150% of the minimum rate for the first 2 hours and 200% thereafter. 200% on Sundays. 250% on Public holidays for F/T P/T. 30% Loading for Casuals.

Clause 21.2 During a period of annual leave an employee must also be paid an annual leave loading of **17.5%** of their minimum rate of pay.



THE FITNESS INDUSTRY AWARD 2020

INDIVIDUAL FLEXIBILITY AGREEMENTS – CLAUSE 5

An employer and employee may agree to vary the application of the award via an IFA in order to meet the genuine needs of both the employee and the employer:

An agreement must be one that is genuinely without coercion or duress.

An agreement may only be made after the individual employee has commenced employment

An agreement must result in the employee being better off overall
It must set out how the application of the award term, or each award term, is varied and how the agreement results in the employee being better off overall

An IFA can be terminated by either party by giving 13 weeks' written notice to the other party, OR 28 days if the IFA does not meet the requirements of the award.



FITNESS INDUSTRY REGULATION

There is no official regulatory body for the fitness industry in Australia.

The only state in Australia where Fitness Registration is required is the ACT, it is regulated by the Government via AccessCanberra.



THE FAIR WORK ACT

The Fair Work Act 2009 is an Australian law passed in 2007 to reform the industrial relations system in Australia.

The Fair Work Act is a **national system that sets minimum standards and conditions for employees** and provides the legal framework for employer-employee relations.

<https://www.fairwork.gov.au/about-us/legislation/the-fair-work-system>

<https://www.fairwork.gov.au/about-us/compliance-and-enforcement>

<https://www.fairwork.gov.au/employee-entitlements>



THE FAIR WORK ACT

Rules surrounding workplace trainings and expenses.



THE FAIR WORK ACT

Casual Employee Information Statement, rights and conversions.

<https://www.fairwork.gov.au/employment-conditions/national-employment-standards/casual-employment-information-statement>

Download the CEIS here:

<https://www.fairwork.gov.au/sites/default/files/migration/724/casual-employment-information-statement.pdf>



THE FAIR WORK ACT

What is a Contractor?

The difference between a Contractor and an Employee

What is Sham Contracting?

Should you ever question a clause in your Employment Contract?



ENTERPRISE BARGAINING

What is an EBA?

How long does last for?

EBA's negate the fitness award

How is it negotiated?

How to find your EBA

What to do if your EBA needs to be terminated

What is your company doesn't have an EBA?



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THANK YOU

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