



Maximum Hours of Work

Under “Workchoices” basic employment rights were slashed to a handful of minimum conditions.

Many employees were forced into dodgy agreements which meant they could work excessive hours without penalty or overtime rates.

The Fair Work Act has introduced new statutory protections about working hours.

Overview

The NES sets the minimum average weekly hours for you as the employee, as well as the circumstances in which you may be able to refuse a request or requirement to work additional hours if the hours are unreasonable.

The NES establishes arrangements for the averaging of hours of work under an award or agreement that applies to your particular industry.

Maximum weekly hours of work

Your employer must not require you to work more than the following weekly hours unless the additional hours are reasonable:

- For a full-time employee, 38 hours or
- For an employee other than a full-time employee, the lesser of:
 - 38 hours
 - The employee’s ordinary hours of work in a week

An employee may refuse to work additional hours if they are unreasonable.

What is reasonable?

In deciding whether a request and/or refusal to work is reasonable or not, the following things may be considered:

- Risk to your health and safety

- Your personal circumstances, including family responsibilities
- The needs of your workplace or enterprise, including trends and patterns in your industry (peak periods)
- Whether you are entitled to receive overtime and penalty rates for working additional hours
- Whether you have been provided with sufficient notice, or whether you have provided your employer with sufficient notice of your intention to refuse work
- The nature of your role and level of responsibility
- Other relevant matters.



Contact us

For more information on any of these topics, please see the other United Voice fact sheets. If you are unsure or require further advice, please contact your union delegate or call United Voice Member Assist on 3291 4600 or 1800 065 885 outside of the Brisbane area. Alternatively you can now lodge a request for information or assistance at www.memberassist.org.au

