

Information note—Junior Rates in Modern Awards

This is a background document only and does not purport to be a comprehensive discussion of the issues involved. It does not represent the view of the Commission on any issue.

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1 Introduction

The Fair Work Commission’s Research Section has analysed junior rates clauses across 121 modern awards.¹ It has looked at modern awards that contain a junior rates clause, and whether a clause dealing with junior rates limits the application of those rates. In particular, modern awards that are mapped to the Retail sector have been analysed.

Seventy-five modern awards contain a junior rates clause, while 46 modern awards do not contain a junior rates clause. The **46** modern awards that do not contain a junior rates clause are listed at **Attachment A**.

Of the **75** modern awards that do contain a junior rates clause, **25** modern awards limit the application of junior rates. This means that the junior rate percentage can only apply, for example, to a particular classification level or levels, or when employees are performing specific duties.

The **50** remaining awards that provide for junior rates do not limit the application of these rates (i.e. the rates may apply to all classification levels contained in the award, or to any duty being performed by the employee).

2 Modern awards that contain a junior rates clause

Of the 75 modern awards that contain rates for junior employees, **25** modern awards limit their application, whereas **50** modern awards do not limit their application.

The **50** modern awards that contain junior rates but do not limit the application of junior rates are listed at **Attachment B**.

2.1 Modern awards that limit the application of junior rates

The 25 awards that contain a limitation on the application of junior rates are listed below at Table 1.

¹ This information note does not deal with modern enterprise awards or State reference public sector awards.

Table 1: Modern awards that limit the application of junior rates

Modern award	Junior rates clause
<i>Airline Operations – Ground Staff Award 2020</i>	18.6(a)-(c)
<i>Alpine Resorts Award 2020</i>	18.3(a)
<i>Broadcasting, Recorded Entertainment and Cinemas Award 2010</i>	14.4(a) and (b)
<i>Business Equipment 2020</i>	14.2(b)
<i>Children’s Services Award 2010</i>	14.3(b)
<i>Cleaning Services Award 2020</i>	15.2
<i>Educational Services (Post-Secondary Education) Award 2020</i>	15.3
<i>Educational Services (Schools) General Staff Award 2020</i>	17.3
<i>Health Professionals and Support Services Award 2020</i>	16.3
<i>Higher Education Industry – General Staff – Award 2020</i>	17.3(b)
<i>Hospitality Industry (General) Award 2020</i>	13 and 18.4
<i>Live Performance Award 2010</i>	24.5, 24.6(a) and 24.8(a)(ii)
<i>Mannequins and Models Award 2020</i>	16.1(b)
<i>Manufacturing and Associated Industries and Occupations Award 2020</i>	25.1, 25.3, 52.1
<i>Marine Tourism and Charter Vessels Award 2020</i>	15.3
<i>Passenger Vehicle Transportation Award 2020</i>	15.2
<i>Pharmacy Industry Award 2020</i>	16.2
<i>Racing Clubs Events Award 2010</i>	19.1
<i>Real Estate Industry Award 2020</i>	14.4
<i>Registered and Licensed Clubs Award 2010</i>	17.5
<i>Restaurant Industry Award 2020</i>	18.2
<i>Road Transport and Distribution Award 2020</i>	17.3(a)
<i>Sporting Organisations Award 2020</i>	15.1(b)(i) and 15.2(b)(i)
<i>Sugar Industry Award 2020</i>	17.4 and 19.5(a)

Modern award	Junior rates clause
<i>Waste Management Award 2020</i>	15.2(a)

The type of limitations contained in the **25** awards listed above varies. To highlight the different limitations that can apply, the **25** awards have been divided into the following 3 subcategories:

- **Subcategory 1:** Awards that limit their application to a classification level or levels.
- **Subcategory 2:** Awards that limit their application for reasons such as undertaking a specific task, holding a relevant qualification or length of employment.
- **Subcategory 3:** Awards that limit their application to a stream of employee or are silent on a stream of employee.

It should be noted that within **subcategory 3**, it is likely that some awards are silent on a stream of employee because junior employees in particular streams would simply not exist. An example of this may be the Aviation transport workers stream under the *Airline Operations – Ground Staff Award 2020*.

It should also be noted that the *Higher Education Industry – General Staff – Award 2020*, the *Marine Tourism and Charter Vessels Award 2020* and the *Sugar Industry Award 2020* fall into more than one subcategory.

Discussion of the limitations that are contained within these clauses is set out at Tables 2–4.

Table 2: Subcategory 1: Awards that limit the application of junior rates to a classification level or levels

Modern Award	Clause	Limitation
<i>Children’s Services Award 2010</i>	14.3(b)	Junior rates do not apply to junior employees employed as Children’s Services Employees Level 3, 4 and 5 (see clause 14.3(a)).
<i>Educational Services (Schools) General Staff Award 2020</i>	17.3	Junior rates only apply to junior employees appointed at classification Level 1 or 2 (see clause 17.3).
<i>Higher Education Industry – General Staff – Award 2020</i> *also noted in Table 3- subcategory 2	17.3(b)	Junior rates do not apply to junior employees employed in a position classified higher than HEW 3 (see clause 17.3(a)).
<i>Marine Tourism and Charter Vessels Award 2020</i> *also noted in Table 3- subcategory 2	15.3(a)	Junior rates only apply to junior Crew Hands Levels 1, 2 and 3 (see clause 15.3(a)).
<i>Pharmacy Industry Award</i>	16.2	Junior rates only apply to junior employees classified as a pharmacy assistant level 1 or level 2 (see clause

Modern Award	Clause	Limitation
2020		16.2).
<i>Sugar Industry Award 2020</i> *also noted in Table 4- subcategory 3	19.5(a)	Junior rates do not apply to junior employees appointed to level C13/L3 or above (see clause 19.5l).

Table 3: Subcategory 2: Awards that limit the application of junior rates for reasons such as undertaking a specific task, holding a relevant qualification or length of employment

Modern Award	Clause	Limitation
Alpine Resorts Award 2020	18.3(a)	Junior employees who work in roles that undertake liquor service are excluded from being paid junior rates (see clause 18.3(b)).
<i>Broadcasting, Recorded Entertainment and Cinemas Award 2010</i>	14.4(a) and (b)	Junior employees engaged in the following circumstances are excluded from being paid the junior rate: <ul style="list-style-type: none"> • juniors engaged in putting a television station to air working as the only operator and without supervision. • juniors with three years' full-time experience, or equivalent, in a television station. • juniors who fall within any of the performer classifications (including extras, double bit players). • Juniors or juveniles (being an artist who is less than 16 years of age) who fall within the motion picture production or musician classifications. (see clauses 14.4(c)-(g))
<i>Educational Services (Post-Secondary Education) Award 2020</i>	15.3	Junior rates do not apply to junior employees who are required to hold a trade qualification (see clause 15.3).
<i>Higher Education Industry – General Staff – Award 2020</i> *also noted in Table 2- subcategory 1	17.3(b)	Junior rates do not apply to junior employees who are required to hold a trade qualification (see clause 17.3(a)).
<i>Hospitality Industry (General) Award 2020</i>	18.4	Junior employees who work as liquor service employees are excluded from being paid junior rates. (see clause 13.5)
<i>Live Performance Award 2010</i>	24.5	Junior employees employed as a performer or company dancer on tour are excluded from being paid junior rates (see 24.5(a)(ii) and 24.5(b)(ii)).

Modern Award	Clause	Limitation
<i>Manufacturing and Associated Industries and Occupations Award 2020</i>	25.1; 25.2 and 25.3	<p>Junior employees engaged in the following operations are excluded from being paid junior rates:</p> <ul style="list-style-type: none"> • angle iron cropping where the material weighs more than 5.2 kg per metre and is not clamped (clause 25.4(a)). • assisting a steel furnace ladle operator other than in daubing or repairing ladles (clause 25.4(b)) • assisting a storeperson racking and/or loading and/or unloading off vehicles, heavy steel plates, bars or sections (clause 25.4i) • breaking up pig iron (clause 25.4(d)) • carrying material to or from a cupola forge or electric steel furnace or using the slicer or hanging on to the end of a bloom, except in the case of a junior moulder (clause 25.4l) • cutting out and punching rivets or plates (clause 25.4(f)) • cutting plates by means of a hammer and cold set (clause 25.4(f)) • plate edge planners in structural steel or ship building yards where the operator travels on the machine (clause 25.4(h)) • punching machines handling plates of a mass more than 38 kg (clause 25.4(i)) • shearing machines, other than guillotine plate shearers, handling plates of a mass of more than 38 kg (clause 25.4(j)).
<i>Marine Tourism and Charter Vessels Award 2020</i> *also noted in Table 2- subcategory 1	15.3(a)	Junior rates do not apply to employees under 20 years of age who hold a Master's Certificate and who are employed to perform the duties of a Master (see clause 15.3(b)).
<i>Passenger Vehicle Transportation Award 2020</i>	15.2(a)	Junior rates do not apply to junior employees aged 18 years or over who are required to drive a passenger vehicle and who are in sole charge of that vehicle (see clause 15.2(b)).
<i>Registered and Licensed Clubs Award 2010</i>	17.5(a)	Junior rates do not apply to junior employees employed in the bar or other places where liquor is sold (see clause 12.1).
<i>Restaurant Industry Award 2010</i>	18.2(a)	Junior rates do not apply to junior employees who work as liquor service employees (see clause 13.5)
<i>Road Transport and</i>	17.3(a)	Junior rates do not apply to junior employees aged 18 years or over who are required to drive a motor vehicle

Modern Award	Clause	Limitation
<i>Distribution Award 2020</i>		and who are in sole charge of that vehicle (see clause 17.3(b)).
<i>Sporting Organisations Award 2020</i>	15.1(b)(i) and 15.2(b)(i)	Junior rates do not apply to junior employees who, at the age of 18 or older, have been continuously employed for 12 months (see clauses 15.1(b)(ii) and 15.2(b)(ii)).
<i>Waste Management Award 2020</i>	15.2(a)	Junior rates do not apply to junior employees who, at the age of 18 or older, are required to drive and be in sole charge of a motor vehicle (see clause 15.2(b)).

Table 4: Subcategory 3: Awards that limit the application of junior rates to a stream of employee or are silent on a stream of employee

Modern Award	Clause	Limitation
<i>Airline Operations – Ground Staff Award 2020</i>	18.6	The award is silent as to whether the junior rates apply in relation to the Aviation transport workers stream. Junior rates are expressly provided for in relation to employees in the Clerical, administration and support stream, the Maintenance and engineering stream and the Storepersons and logistics stream (see clauses 18.6(a)-(c)).
<i>Business Equipment Award 2020</i>	14.2(b)	The award is silent as to whether any junior rates apply in relation to the commercial travellers stream. Junior rates are expressly provided for in relation to the Technical and Clerical streams (see clauses 14.2(b)(i) and (ii)).
<i>Cleaning Services Award 2020</i>	15.2	The award limits the application of junior rates to junior employees of shopping trolley collection contractors (clause 15.2).
<i>Health Professionals and Support Services Award 2020</i>	16.3	The award is silent as to whether any junior rates apply in relation to the Health Professional classifications. Junior rates are expressly provided for in relation to junior employees employed in the Support Services classifications (clause 16.3).
<i>Mannequins and Models Award 2020</i>	16.1(b)	The award limits the application of junior rates in clause 16.1(b) to junior house mannequins or models (clause 16.1(b)).
<i>Racing Clubs Events Award 2010</i>	19.1	Junior rates in clause 19.1 only applies to the classifications in clause 17 according to clause 19.1 (clause 13 according to clause 17.2). Junior rates do not apply to liquor employees in clause 18 in the award (and clause 14 in the future award).
<i>Real Estate Industry Award</i>	14.4(a)	The award limits the application of junior rates contained in clause 14.4(a) to juniors who are not employed on a

Modern Award	Clause	Limitation
2020		commission-only basis (clause 14.4(b)).
<i>Sugar Industry Award 2020</i> *also noted in Table 2- subcategory 1	19.5(a)	The award is silent as to whether any junior rates apply in relation to Bulk Terminal Operations. Junior rates are expressly provided for in relation to the following streams: Field Sector (Cultivation/Cane Production) and Milling, Distillery, Refinery and Maintenance (clauses 17.4 and 19.5(a)).

3 Modern awards ‘mapped’ to Retail trade

In 2012, the Fair Work Commission (the Commission) undertook a project that ‘mapped’ modern awards to the industries categorised by the Australian and New Zealand Standard Industrial Classification (ANZSIC) to assist with statistical analysis of modern awards.²

On 30 March 2020, the Commission published an [Information note](#) setting out modern awards and their corresponding industries, as determined by the ANZSIC. Table 7 of that Information Note provides a list of modern awards that are mapped to the Retail trade industry. The awards are:

- *Vehicle Repair, Services and Retail Award 2020*
- *General Retail Industry Award 2020*
- *Meat Industry Award 2020*
- *Seafood Processing Award 2020*
- *Hospitality Industry (General) Award 2020*
- *Business Equipment Award 2020*
- *Nursery Award 2020*
- *Pharmacy Industry Award 2020*
- *Commercial Sales Award 2020*

The Information Note published on 30 March 2020 outlined that ‘most modern awards are only mapped to one industry, however, there are some instances where certain modern awards are mapped to multiple industries. This is because the modern awards and ANZSIC industries do not have a direct correlation, and some overlap exists. It highlights that the relationships between ANZSIC and modern awards is not perfect.’³

For the purposes of this paper, three additional awards will be added to the list of awards mapped to the retail trade industry. In the Annual Wage Review Decision 2019-20⁴ the Expert Panel listed modern awards that could broadly be characterised as relating to Retail trade.⁵ The Expert Panel

² Preston M, Pung A, Leung E, Casey C, Dunn A and Richter O (2012) ‘Analysing modern award coverage using the Australian and New Zealand Industrial Classification 2006: Phase 1 report’, Research Report 2/2012, Fair Work Australia

³ Fair Work Commission (2020), [Information note—Modern awards and industries](#), p. 2.

⁴ [2020] FWCFB 3500

⁵ [2020] FWCFB 3500 at [77]

identified the *Dry Cleaning and Laundry Industry Award 2020*, the *Mannequins and Models Award 2020* and the *Hair and Beauty Industry Award 2020* as relating to Retail trade.

Table 5 outlines the **12** awards that are 'mapped' to Retail trade (for the purposes of this paper) all of which contain a junior rates clause. Of these, **8** awards contain a junior rates clause with no limitations to the application of the clause, whereas **4** awards contain a limitation.

Table 5: Modern awards mapped to Retail trade industry

Award title	Junior rates clause	Limitation
<i>Business Equipment Award 2020</i>	14.2(b)	The award is silent as to whether any junior rates apply in relation to the commercial travellers stream. Junior rates are expressly provided for in relation to the Technical and Clerical streams (see clauses 14.2(b)(i) and (ii)).
<i>Commercial Sales Award 2020</i>	15.3	N/A
<i>Dry Cleaning and Laundry Industry Award 2020</i>	18.2 and 18.3	N/A
<i>General Retail Industry Award 2020</i>	17.2	N/A
<i>Hair and Beauty Industry Award 2020</i>	18	N/A
<i>Hospitality Industry (General) Award 2020</i>	18.4	Junior employees who work as liquor service employees are excluded from being paid junior rates. (see clause 13.5)
<i>Mannequins and Models Award 2020</i>	16.1(b)	The award limits the application of junior rates in clause 16.1(b) to junior house mannequins or models (clause 16.1(b)).
<i>Meat Industry Award 2020</i>	16.2	N/A
<i>Nursery Award 2020</i>	15.2	N/A
<i>Pharmacy Industry Award 2020</i>	16.2	Junior rates only apply to junior employees classified as a pharmacy assistant level 1 or level 2 (see clause 16.2).

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Award title	Junior rates clause	Limitation
<i>Seafood Processing Award 2020</i>	15.2	N/A
<i>Vehicle Repair, Services and Retail Award 2020</i>	16.6(a); 16.6(c); 16.7; 27; 28.2(b)	N/A

ATTACHMENT A – Modern awards that do not contain junior rates
<i>Aged Care Award 2010</i>
<i>Aircraft Cabin Crew Award 2020</i>
<i>Air Pilots Award 2020</i>
<i>Ambulance and Patient Transport Industry Award 2020</i>
<i>Architects Award 2020⁶</i>
<i>Asphalt Industry Award 2020</i>
<i>Book Industry Award 2020</i>
<i>Building and Construction General On-site Award 2010</i>
<i>Car Parking Award 2020</i>
<i>Cement, Lime and Quarrying Award 2020</i>
<i>Coal Export Terminals Award 2020</i>
<i>Concrete Products Award 2020</i>
<i>Corrections and Detention (Private Sector) Award 2020</i>
<i>Cotton Ginning Award 2020</i>
<i>Dredging Industry Award 2020</i>
<i>Educational Services (Teachers) Award 2020</i>
<i>Electrical, Electronic and Communications Contracting Award 2010 (future award from 13 November 2020)</i>
<i>Fire Fighting Industry Award 2020</i>
<i>Funeral Industry Award 2020 (future award from 13 November 2020)</i>
<i>Gas Industry Award 2020</i>
<i>Higher Education Industry – Academic Staff – Award 2020</i>
<i>Hydrocarbons Field Geologists Award 2020</i>
<i>Joinery and Building Trades Award 2010</i>

⁶ Clause 13.5 of the *Architects Award 2020* provides for 'students of architecture' under 21 years of age. This has not been characterised as a junior rate for the purposes of this information note.

ATTACHMENT A – Modern awards that do not contain junior rates
<i>Journalists Published Media Award 2020</i>
<i>Labour Market Assistance Industry Award 2020</i>
<i>Marine Towage Award 2020</i>
<i>Market and Social Research Award 2020</i>
<i>Medical Practitioners Award 2020</i>
<i>Mobile Crane Hiring Award 2010</i>
<i>Nurses Award 2010</i>
<i>Pest Control Industry Award 2020</i>
<i>Plumbing and Fire Sprinklers Award 2010</i>
<i>Ports, Harbours and Enclosed Water Vessels Award 2020</i>
<i>Premixed Concrete Award 2020</i>
<i>Professional Diving Industry (Industrial) Award 2020</i>
<i>Professional Diving Industry (Recreational) Award 2020</i>
<i>Professional Employees Award 2020</i>
<i>Road Transport (Long Distance Operations) Award 2020</i>
<i>Seagoing Industry Award 2020</i>
<i>Security Services Industry Award 2020</i>
<i>Silviculture Award 2020</i>
<i>Social, Community, Home Care and Disability Services Industry Award 2010</i>
<i>State Government Agencies Award 2020</i>
<i>Stevedoring Industry Award 2020</i>
<i>Supported Employment Services Award 2020</i>
<i>Transport (Cash in Transit) Award 2020</i>

ATTACHMENT B– Modern awards that contain junior rates with no limitations	
Award Title	Junior rates clause
<i>Aboriginal Community Controlled Health Services Award 2020</i>	16.2
<i>Airport Employees Award 2020</i>	19.5
<i>Aluminium Industry Award 2020</i>	16.2
<i>Amusement, Events and Recreation Award 2020</i>	16.2
<i>Animal Care and Veterinary Services Award 2020</i>	15.4
<i>Aquaculture Industry Award 2020</i>	16.2
<i>Banking, Finance and Insurance Award 2020</i>	15.2
<i>Black Coal Mining Industry Award 2020</i>	A.7 and B.2.2
<i>Cemetery Industry Award 2020</i>	14.5
<i>Clerks – Private Sector Award 2020</i>	16.4
<i>Commercial Sales Award 2020</i>	15.3
<i>Contract Call Centres Award 2020</i>	15.2
<i>Dry Cleaning and Laundry Industry Award 2020</i>	18.2 and 18.3
<i>Electrical Power Industry Award 2020</i>	15.3
<i>Fast Food Industry Award 2020</i>	18
<i>Fitness Industry Award 2010 (future award from 13 Nov)</i>	Current award: 17.2 Future award: 15.2
<i>Food, Beverage and Tobacco Manufacturing Award 2010</i>	24
<i>Gardening and Landscaping Services Award 2020</i>	15.2
<i>General Retail Industry Award 2020</i>	17.2

ATTACHMENT B– Modern awards that contain junior rates with no limitations	
Award Title	Junior rates clause
<i>Graphic Arts, Printing and Publishing Award 2010⁷</i>	18
<i>Hair and Beauty Industry Award 2010</i>	18
<i>Horse and Greyhound Training Award 2020</i>	13.3
<i>Horticulture Award 2010 (future award from 13 Nov)</i>	Current award: 17 Future award: 15.4
<i>Hydrocarbons Industry (Upstream) Award 2020</i>	16.2
<i>Legal Services Award 2020</i>	15.2
<i>Local Government Industry Award 2020</i>	16.2
<i>Maritime Offshore Oil and Gas Award 2020</i>	13.1(c)
<i>Meat Industry Award 2020</i>	16.2
<i>Mining Industry Award 2020</i>	15.2
<i>Miscellaneous Award 2020</i>	15.4
<i>Nursery Award 2020</i>	15.2
<i>Oil Refining and Manufacturing Award 2020</i>	16.2
<i>Pastoral Award 2010 (future award 6 November)</i>	Current award: 28.2; 34.2; 40.2; 45.3(c) Future award: 32.2; 37.2; 47.2; 51.4(c)
<i>Pharmaceutical Industry Award 2010 (future award 6 November)</i>	Current award: 17 Future award 15.2
<i>Port Authorities Award 2020</i>	15.2
<i>Poultry Processing Award 2020</i>	15.4
<i>Racing Industry Ground Maintenance Award 2020</i>	15.2

⁷ Clause 18.5, 18.6, 18.7 and 18.8 of the *Graphic Arts, Printing and Publishing Award 2010* sets out particular duties that junior employees are not to undertake, however this does not affect the rates at clause 18.

ATTACHMENT B– Modern awards that contain junior rates with no limitations	
Award Title	Junior rates clause
<i>Rail Industry Award 2020</i>	15.2
<i>Salt Industry Award 2010</i>	14.2
<i>Seafood Processing Award 2020</i>	15.2
<i>Storage Services and Wholesale Award 2020</i>	15.2
<i>Surveying Award 2020</i>	17.2
<i>Telecommunications Services Award 2010 (future award from 13 Nov)</i>	Current award: 14.2 Future award: 15.2
<i>Textile, Clothing, Footwear and Associated Industries Award 2010</i>	20.1
<i>Timber Industry Award 2020 (future award from 13 Nov)</i>	Current award 17.7 ⁸ Future award 15.2
<i>Travelling Shows Award 2020</i>	16.2
<i>Vehicle Repair, Services and Retail Award 2020</i>	16.6(a); 16.6(c); 16.7; 27; 28.2(b)
<i>Water Industry Award 2020</i>	15.2
<i>Wine Industry Award 2010 (future award from 13 Nov)</i>	Current award: 21 Future award: 15.5
<i>Wool Storage, Sampling and Testing Award 2010</i>	13.2

⁸ The *Timber Industry Award 2010* sets out rates for unapprenticed juniors at clause 17.7. This clause states the unapprenticed junior rates is for a 'Level 2'. The *Timber Industry Award 2020* comes into operation on 13 November 2020 and deals with unapprenticed juniors at clause 15.2. There is no limitation contained in clause 15.2. For the purposes of this information note the *Timber Industry Award 2020* has been categorised as a modern award that does not contain a limitation. Clause 12.6 of the current award (clause 13.2 of the future award) deals with payment by results for the Wood and Timber Furniture Stream. It states that all employees working under a system of payment by results will be paid the same by results rate whether they are adults, apprentices or juniors.