

Maximum Hours & Scheduling Limits Policy

For Australian Small & Medium Enterprises

Template Version 1.0 | December 2024

Important Notice

This template reflects National Employment Standards requirements. Specific provisions may vary under different awards and enterprise agreements. Always check your applicable industrial instrument.

1. Purpose

This policy defines maximum working hours, overtime limits and scheduling restrictions at [Company Name]. It ensures compliance with the National Employment Standards (NES), applicable awards and fatigue management requirements.

2. Scope

This policy applies to:

- All employees (full-time, part-time and casual)
- All ordinary and overtime hours
- All locations and departments

3. National Employment Standards

3.1 Maximum Weekly Hours

Under the NES, an employer must not require an employee to work more than:

- 38 hours per week for full-time employees
- Pro-rata for part-time employees
- Plus reasonable additional hours

3.2 Reasonable Additional Hours

Additional hours are reasonable if they take into account:

- Risk to employee health and safety
- Employee personal circumstances including family responsibilities
- Needs of the workplace
- Whether employee is entitled to overtime payments
- Notice given about overtime

- Employee usual patterns of work
- Industry or occupation norms

4. Ordinary Hours

4.1 Full-Time Employees

- 38 ordinary hours per week
- Worked across [4/5/6] days
- Maximum [8/10/12] hours per day

4.2 Part-Time Employees

- Agreed regular hours as per contract
- Consistent with part-time arrangement
- Additional hours by agreement

4.3 Casual Employees

- No guaranteed hours
- Hours as rostered and accepted
- Maximum hours limits still apply

5. Overtime

5.1 When Overtime Applies

- Hours beyond ordinary hours
- Hours beyond daily maximum
- As defined by applicable award

5.2 Overtime Limits

- Must be reasonable
- Requires employee agreement where applicable
- Subject to fatigue management considerations

5.3 Refusing Overtime

- Employees may refuse unreasonable overtime
- Refusal must not result in adverse action
- Reasonableness assessed case by case

6. Daily Limits

6.1 Maximum Shift Length

- Standard shifts: [8/10] hours
- Extended shifts: up to [12] hours with agreement
- Award provisions may apply

6.2 Break Requirements

- Meal breaks as per award
- Rest breaks as required
- Not to be worked through without agreement

7. Weekly Limits

- Ordinary hours: 38 (full-time)
- Maximum including overtime: [48/50] hours recommended
- Excessive hours to be avoided

8. Averaging Arrangements

Where awards permit, hours may be averaged:

- Over a specified period (e.g., 4 weeks)
- Subject to daily and weekly limits
- By agreement with employees

9. Multiple Employment

Employees with multiple jobs:

- Should inform employer of total working hours
- Combined hours considered for fatigue
- Disclosure encouraged but not always required

10. Young Workers

Additional restrictions may apply to workers under 18:

- Reduced maximum hours
- Restrictions on night work
- Check award requirements

11. Fatigue Considerations

- Hours scheduled with fatigue risks in mind
- Rest periods between shifts maintained
- Cumulative hours monitored
- Employees to report fatigue concerns

12. Record Keeping

- All hours worked to be recorded
- Overtime separately identified

- Records maintained as required by law
- Employees to accurately record time

13. Responsibilities

13.1 Managers

- Schedule within limits
- Monitor hours worked
- Not require unreasonable overtime
- Consider individual circumstances

13.2 Employees

- Accurately record hours
- Raise concerns about excessive hours
- Disclose relevant other employment

14. Review

This policy will be reviewed annually or when NES or award requirements change.

Employee Acknowledgement

I acknowledge that I have read and understood [Company Name]'s Maximum Hours & Scheduling Limits Policy.

Employee Name: _____

Signature: _____

Date: _____