

Information note—*Review of part-time hours clauses in Enterprise Agreements*

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.

1 Introduction

The Fair Work Commission's (the Commission) research section has analysed 'review of part-time hours clauses' currently found in approved enterprise agreements in the health sector.¹

The analysis includes enterprise agreements that were approved by the Commission from 1 January 2019 to 31 March 2021. A total of 731 agreements were approved by the Commission in the health sector during this time period.

Of the 731 approved enterprise agreements, the *Social, Community, Home Care and Disability Services Industry Award 2010* (SCHADS Award) was the relevant modern award for the purposes of the Better Off Overall Test (BOOT)² in 142 agreements (or 19.43 per cent).

Of the 142 enterprise agreements where the SCHADS award was the underpinning modern award, 37 agreements (or 26.01 per cent) contain a 'review of part-time hours' clause or a clause in similar terms.

Attachment A to this information note is a list of the 37 enterprise agreements that contain a 'review of part-time hours' clause or similar and provides an extract of the clause.

2 Review of part-time hours clauses in enterprise agreements

A review of part-time hours clause is used in enterprise agreements as a mechanism for part-time employees to request that their guaranteed minimum hours be reviewed and adjusted to reflect their actual working pattern on a regular basis. In some instances, the clause contains an ability for the employer to refuse any such request on reasonable business grounds.

An example of a review of part-time hours clause is set out below:

'X.X Review of part time hours

- (a) *At the request of an employee, the hours worked by the employee will be reviewed annually. Where the employee is regularly working more than their guaranteed minimum number of hours then such hours shall be adjusted by the employer, and recorded in writing to reflect the hours regularly worked.*
- (i) *The hours worked in the following circumstances will not be incorporated in the adjustment:*

¹ For the purposes of this paper the health sector includes the aged care industry, the health and welfare services industry and the social, community, home care and disability services industry.

² In some circumstances, the *Social, Community, Home Care and Disability Services Industry Award 2010* was not the only modern award used for the BOOT analysis.

(A) if the increase in hours is as a direct result of an employee being absent on leave, such as for example, annual leave, long service leave, parental leave, workers compensation; and

(B) if the increase in hours is due to a temporary increase in hours, for example, due to the specific needs of a resident or client.

(ii) In addition to those matters covered in sub-clause x.x(a)(i) changes to hours for Home Care employees may be affected by:

(A) continuity of funding;

(B) client numbers; and

(C) client preferences for services including their ability to choose particular care workers.

(iii) The employer will not unreasonably refuse to change the hours of a Home Care employee based on the circumstances in subclause x.x(a)(ii) unless there is an imminent change to any of those circumstances.'

An analysis of the clauses listed at Attachment A found that approximately 50 per cent provide for an annual review of part-time hours, whereas approximately 25 per cent provide for a review every six months. The remaining 25 per cent either do not specify a timeframe or provide for a 'regular' review or that a review can occur when the employee has been 'regularly' working additional hours.

As previously mentioned, some clauses contain a provision for employers to reasonably refuse any requests, and over 90 per cent of the clauses analysed allow for circumstances in which the additional hours worked will not be incorporated into the review, for example if the increase is due to an employee being absent on leave, or if it is a temporary increase in hours or will not be sustained for the foreseeable future.

In a very limited number of clauses, the onus is on the employer to conduct the review, but generally the employee has the right to initiate the review of their part-time working hours.

4 out of the 37 clauses analysed (or 10.8per cent) provide that a review will only be accessible to those employees not currently undergoing performance management, or only available to those employees whose performance is satisfactory.

Attachment A —Extracts of ‘review of part-time hours’ provisions found in enterprise agreements approved in the health sector³ between 1 January 2019 and 31 March 2021

Item	Agreement title	Date approved	Review of part-time hours provision
1.	Regis Aged Care Pty Ltd, ANMF & HWU Enterprise Agreement – Victoria 2017	27/03/2019	<p>Clause 13.4:</p> <p>(a) Where a part time Employee is regularly working more than their guaranteed minimum number of hours over at least a continuous 26 week period, the Employee may apply to have their hours reviewed. This application may only be made once every six months.</p> <p>(b) If a review establishes a consistent pattern of greater hours than the Employee's guaranteed hours being worked, the Employee can apply in writing to the Employer for those additional hours to become part of their guaranteed minimum number of hours. Any request will not be unreasonably refused by the Employer.</p> <p>(c) The hours worked in the following circumstances will not be incorporated in any adjustment of an Employee's hours of work:</p> <ul style="list-style-type: none"> (i) If the increase in hours is as a direct result of another employee being absent, on leave, such as for example, annual leave, long service leave, maternity leave, extended leave without pay, workers' compensation; and (ii) If the increase in hours is due to a temporary increase in hours only due, for example, to the specific needs of a resident or client.

³ For the purposes of this paper the health sector includes the aged care industry, the health and welfare services industry and the social, community, home care and disability services industry.

Item	Agreement title	Date approved	Review of part-time hours provision
			(d) Where operational and service delivery needs alter at the Employer's facilities the Employer is able to reduce the working hours of part-time Employees providing the consultation process outlined in clause 41 of this Agreement is adhered to (for the sake of clarity the Employee's hours may reduce to below the Employee's guaranteed hours in this situation).
2.	Uniting AgeWell Victoria ANMF and HWU Enterprise Agreement 2018	30/04/2019	<p>Clause 45:</p> <p>Where an employee is regularly working more than their specified contracted hours the employee, by making a request in writing to UA, may have their contracted hours reviewed. If a review establishes that a consistent patterns of greater hours is being worked, UA will offer the employee those additions hours as a part of their guaranteed minimum number of contracted hours. UA will take into account that the hours worked in the following circumstances will not be incorporated into any adjustment made:</p> <ul style="list-style-type: none"> (a) if the increased hours is as a direct result of an employee being absent on leave, such as annual leave, long services leave, maternity leave, workers compensation or (b) if the increase in hours is due to a temporary increase in hours only due to, for example to the specific needs of a resident or client. (c) any adjusted contracted hours resulting from a review should reflect the existing workplace roster cycles and shift configurations.
3.	St Vincent's Care Services Victoria enterprise Agreement 2018-2021	3/05/2019	<p>Clause 12.5(d) Review of Part-time Hours:</p> <p>The employer will annually review the hours worked by the employee over the preceding 12 month period. Where the hours actually worked consistently exceed the</p>

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			<p>guaranteed minimum hours under the contract of employment, and in the employer's opinion:</p> <p>a) those additional hours are likely to be sustained for the foreseeable future, and</p> <p>b) the employee's performance is satisfactory, then an amendment to the contract in writing will take place. The amendment will state the increased number of guaranteed minimum contracted hours in writing which reflect the hours regularly worked.</p>
4.	Neighbourhood Houses and Adult Community Education Centres Collective Agreement 2018	8/5/2019	<p>CI 12.5(d) Review of Part-time Hours:</p> <p>The employer will annually review the hours worked by the employee over the preceding 12 month period. Where the hours actually worked consistently exceed the guaranteed minimum hours under the contract of employment, and in the employer's opinion a) those additional hours are likely to be sustained for the foreseeable future, and b) the employee's performance is satisfactory, then an amendment to the contract in writing will take place. The amendment will state the increased number of guaranteed minimum contracted hours in writing which reflect the hours regularly worked.</p> <p>(i) The hours worked in the following circumstances will not be incorporated in the adjustment:</p> <p>(A) if the increase in hours is as a direct result of an employee being absent on leave, such as for example, annual leave, long service leave, parental leave, workers compensation; and</p> <p>(B) if the increase in hours is due to a temporary increase in hours, for example, due to the specific needs of a resident or client.</p>

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			<p>(ii) In the event of changed dependency of resident's which makes it necessary for the employer to reduce the working hours of part-time employees, the employer may reduce the working hours of part-time employees provided that the proper notice is given to the employees. That notice period being one week's notice for each year, or part thereof, of completed service by the employee, up to a maximum of 4 weeks' notice. Any such change is to be considered after taking into account the provisions contained in Clauses 32 – Other Provisions and Clause 34 - Redundancy.</p> <p>(iii) In addition to those matters covered in sub-clause 12.5(d) (ii) changes to hours for Home Care employees may be affected by:</p> <ul style="list-style-type: none"> (A) continuity of funding; (B) client numbers; and (C) client preferences for services including their ability to choose particular care workers. <p>(iv) The employer will not unreasonably refuse to change the hours of a Home Care employee based on the circumstances in subclause 12.5(d) (iii) unless there is an imminent change to any of those circumstances.</p> <p>(e) Any adjusted guaranteed minimum number of hours resulting from a review identified in sub-clause 12.5(d) should, however, be such as to readily reflect roster cycles and shift configurations utilised at the workplace.</p>

Item	Agreement title	Date approved	Review of part-time hours provision
5.	Ozcare Enterprise Agreement 2018	10/05/2019	<p>Clause 3.4.8</p> <p>A part time employee who has worked on a regular and systematic basis for a period of 52 weeks, for more hours than their guaranteed minimum hours, has the right to request an increase in their contracted hours.</p> <p>3.4.9 When considering a request made under clause 3.4.8, consideration will be given to:</p> <ul style="list-style-type: none"> • The number of hours previously worked; • Whether the number of hours is capable of fitting within the existing shift and rostering arrangement. <p>Any increased hours worked temporarily due to circumstances that will not continue, will not be incorporated in any adjustment in an employee's contracted hours.</p> <p>3.4.10 Ozcare shall not unreasonably withhold agreement to such a request.</p> <p>3.4.11 Upon commencement, a part time employee shall be advised in their Offer of Appointment that they have the right to apply for a review in line with clause 3.4.8.</p>
6.	Ability Centre Care, Support and Trades Employees Enterprise Agreement (United Voice) 2018	21/05/2019	<p>8.9(b) - In addition to the matters set out in sub-clause 8.9(a), the Employer will also specify for each part-time employee in their written contract of employment the minimum number of hours per fortnight that the employee is contracted to work.</p> <p>8.9(c) - The minimum hours in the contract referred to in sub-clause 8.9(b) above, shall reflect:</p>

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			<p>(i) the actual hours regularly worked by the employee in the previous 12 months; and</p> <p>(ii) will not be less than the hours originally contracted for an employee.</p> <p>clause 8.9(d) - Where a part-time employee's current period of employment with the Employer has started within 12 months of the commencement of this Agreement, the employee's hours worked for the purpose of sub-clause 8.9(c)(i) above will be calculated over the period of employment or as mutually agreed upon</p> <p>clause 8.9 (e) - The Employer will review the contracts on an annual basis and may offer to amend, as is reasonable, the minimum contracted hours worked by an employee, provided that the reviewed contract will not be less than the hours already contracted for the employee.</p> <p>clause 8.9 (f) - The Employer will also review the minimum contracted hours of an employee where that employee so requests provided that such request is not made less than six months after the previous review.</p>
7.	Queen Victoria Home Non-Nursing Enterprise Agreement 2017	27/05/2019	<p>Clause 32(g): Review of part-time hours:</p> <p>At the written request of a part time employee, the hours worked by the employee will be reviewed annually. Where the employee is regularly working more than their agreed hours to be worked then the employee may request in writing for the employer to review the hours and days to be worked. Where agreement occurs, the employment contract shall be adjusted by the employer, and recorded in writing to reflect the hours</p>

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			<p>regularly worked. The hours worked in the following circumstances will not be incorporated in the adjustment:</p> <ul style="list-style-type: none"> (i) if the increase in hours is as a direct result of an employee being absent on leave, such as for example, annual leave, long service leave, maternity leave, workers compensation; and (ii) if the increase in hours is due to a temporary increase in hours only due, for example, to the specific needs of a resident or client.
8.	HammondCare Residential Care and HammondCare at Home Enterprise Agreement 2018	30/05/2019	<p>Clause 11.3.4.1</p> <p>At the request of an Employee, the hours worked by the Employee will be reviewed annually. Where the Employee is regularly working more than their specified contract hours then such contract hours shall be adjusted by HammondCare, to reflect the hours regularly worked. Any adjusted contracted hours resulting from a review, should, however, be such as to readily reflect roster cycles, Employee availability and shift configurations utilized at the workplace.</p> <p>11.3.4.2 The hours worked in the following circumstances will not be incorporated in the adjustment:</p> <ul style="list-style-type: none"> a. If the increase in hours is as a direct result of an Employee being absent on leave, such as for example, Annual Leave, Long Service Leave, Parental Leave, Workers Compensation; and/or b. If the increase in hours is due to a temporary increase in hours only due, for example, to the specific needs of a resident or client.

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			11.3.4.3 Other matters such as continuity of funding, client/resident numbers and client/resident preferences affect hours for Employees.
9.	OneCare Ltd General Staff Agreement 2018	17/07/2019	<p>Clause 10(d)(i):</p> <p>A part-time employee who is able to demonstrate that they have consistently worked additional hours in excess of their contracted hours of work may request to have their hours reviewed once every six (6) months. However, should OneCare initiate the consultation provisions contained in clause 42 (Consultation Clause) of this Agreement then the part-time employee cannot seek a review while the change is being discussed or implemented.</p> <p>(ii) The hours worked in the following circumstances will not be Incorporated into any review of employment if:</p> <ul style="list-style-type: none"> a. The increase in hours is as a direct result of an employee being absent on leave; for example, annual leave, long service leave, parental leave, workers compensation; or b. The increase in hours is due to a temporary increase in hours only due, for example, to the specific needs of a client. (iii) If a review establishes a consistent pattern of greater hours is being worked, the employer may offer the employee those additional hours as part of their contracted minimum number of hours of work. <p>(iv) The employer may consent or refuse the request, but shall not unreasonably withhold agreement to such a request.</p>

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10.	Royal Freemasons' Benevolent Institution Enterprise Agreement 2018	9/08/2019	<p>Clause 11.3(d) Review of Part-time Hours:</p> <p>At the request of an employee, the guaranteed minimum number of hours to be worked by the employee can be reviewed annually. Where the employee is regularly working more than their guaranteed minimum number of hours, then such hours shall be adjusted by RFBI, to reflect the new guaranteed minimum number of hours. RFBI will confirm the new guaranteed minimum number of hours to the employee in writing. Employees who are currently under performance management will not be eligible to have their part- time hours reviewed.</p> <p>(e) Any agreement to adjust an individual employee's guaranteed minimum number of hours will be subject to resident occupancy levels, resident acuity levels and, in home care, client needs.</p> <p>(f) The hours worked in the following circumstances will not be incorporated in the adjustment:</p> <ul style="list-style-type: none"> (i) if the increase in hours is as a direct result of an employee being absent on leave, such as for example, annual leave, long service leave, maternity leave, workers compensation; and (ii) if the increase in hours is as a result of temporary changes to the needs of residents and/or clients. <p>(g) Following any adjustment to an employee's guaranteed minimum number of hours resulting from a review identified in paragraph 11.3(d), RFBI management and the employee will agree in writing to the guaranteed minimum number of hours to be worked by the employee and the rostering arrangements [check the end of this clause]</p>

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11.	The Illaroo Co-operative Aboriginal Corporation, NSWNMA and HSU NSW Enterprise Agreement 2017 - 2020	14/08/2019	<p>Clause 11.3(d) Review of Part-time Hours:</p> <p>At the request of an employee, the hours worked by the employee will be reviewed annually. Where the employee is regularly working more than their guaranteed minimum number of hours then such hours shall be adjusted by the employer, and recorded in writing to reflect the hours regularly worked.</p> <p>(i) The hours worked in the following circumstances will not be incorporated in the adjustment:</p> <p>(A) if the increase in hours is as a direct result of an employee being absent on leave, such as for example, annual leave, long service leave, parental leave, workers compensation; and</p> <p>(B) if the increase in hours is due to a temporary increase in hours, for example, due to the specific needs of a resident or client.</p> <p>(ii) In addition to those matters covered in sub-clause 11.3(d)(i) changes to hours for Home Care employees may be affected by:</p> <p>(A) continuity of funding;</p> <p>(B) client numbers; and</p> <p>(C) client preferences for services including their ability to choose particular care workers.</p> <p>(iii) The employer will not unreasonably refuse to change the hours of a Home Care employee based on the circumstances in subclause 11.3(d)(ii) unless there is an imminent change to any of those circumstances.</p>

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			(e) Any adjusted guaranteed minimum number of hours resulting from a review identified in sub-clause 11.3(d) should, however, be such as to readily reflect roster cycles and shift configurations utilised at the workplace.
12.	Wuchopperen Health Service Limited TA Wuchopperen Health Service Ltd	19/08/2019	<p>Clause 3.1.22 (e)</p> <p>Permanent part-time employees will have the right to request a review of contracted hours and the employer will take all reasonable steps to address the request</p>
13.	Mosaic Support Services & HACSU Enterprise Agreement 2019 - 2022	19/08/2019	<p>7.TYPES OF EMPLOYMENT</p> <p>b. Part Time Employment</p> <p>iii. A part time employee, who has regularly worked more than their specified contracted hours, over a period of 12 months, has the right to request in writing to have their contract amended to reflect an increase in hours.</p> <p>Where a part time employee makes a request in accordance with this clause the employer may agree to that request and if agreed, will have the employee's contract amended to reflect the agreed increased hours. However, the employer may refuse the request on the grounds that:</p> <p>(a) the increased hours worked by the part time employee are as a direct result of another employee being absent on leave, such as annual leave, long service leave, parental leave, workers compensation; or</p> <p>(b) the increased hours are due to a temporary increase in hours only due to the specific needs of a client; or) the increased hours are as a result of the part time employee working overtime.</p>

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14.	Cooinda Village Aged Care Enterprise Agreement 2019	23/08/2019	<p>Clause 24.4 Annual review of part-time hours</p> <p>(a) An employee may request a review of employees contracted hours. Where the employee is regularly working more than the contracted hours then such contract hours may be adjusted by the Employer to reflect the hours regularly worked. No more than one request for review shall be made each year.</p> <p>(b) An Employer may reasonably decline to adjust part time hours in circumstances including:</p> <ul style="list-style-type: none"> (i) the increase in hours worked is a direct result of another employee being absent for any reason; (ii) the increase in hours is temporary due, for example, to the specific needs of a resident; or (iii) the operational requirements or anticipated operation requirements of the Employer. <p>(c) Any adjusted contracted hours resulting from a review should, however, reflect shift configurations utilised at the workplace.</p>
15.	Amana Living Home Care Staff Enterprise Agreement 2018	12/09/2019	<p>7.6. Where a Part-time Employee so requests, the Employer will review and vary the minimum contracted hours of that Employee so that the contract more closely reflects the actual hours the Employee works, provided such request is made no earlier than six months from the previous contract review or date of commencement.</p> <p>7.7. Reviews of Part-time Employees' minimum contracted hours will not take into consideration additional hours worked by an Employee to provide emergency relief</p>

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			cover or cover for annual leave, long service leave, parental leave or workers' compensation.
16.	Cootamundra Nursing Home, NSWNMA and HSU NSW Enterprise Agreement 2017 - 2020	18/09/2019	<p>11.3(d) Review of Part-time Hours:</p> <p>At the request of an employee, the hours worked by the employee will be reviewed annually. Where the employee is regularly working more than their guaranteed minimum number of hours then such hours shall be adjusted by the employer, and recorded in writing to reflect the hours regularly worked.</p> <p>(i) The hours worked in the following circumstances will not be incorporated in the adjustment:</p> <p>(A) if the increase in hours is as a direct result of an employee being absent on leave, such as for example, annual leave, long service leave, parental leave, workers compensation; and</p> <p>(B) if the increase in hours is due to a temporary increase in hours, for example, due to the specific needs of a resident or client.</p> <p>(ii) In addition to those matters covered in sub-clause 11.3(d)(i) changes to hours for Home Care employees may be affected by:</p> <p>(A) continuity of funding;</p> <p>(B) client numbers; and</p> <p>(C) client preferences for services including their ability to choose particular care workers.</p>

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			(iii) The employer will not unreasonably refuse to change the hours of a Home Care employee based on the circumstances in subclause 11.3(d)(ii) unless there is an imminent change to any of those circumstances.
17.	Oak Tasmania Enterprise Agreement 2019	18/09/2019	<p>11(c) - Part-Time employees</p> <p>(vii) Review of Part-time Hours: At the written request of a part time employee who is regularly working more than their contracted hours, the employer will review the hours worked by the employee. Where the employee is regularly working more than their contracted hours then such hours shall be adjusted by the employer, and recorded in writing to reflect the hours regularly worked. Any permanent increase of hours will be based on business requirement. The hours worked in the following circumstances will not be incorporated in the adjustment:</p> <p>a. if the increase in hours is as a direct result of an employee being absent on leave, for example, annual leave, long service leave, maternity leave, personal leave, workers' compensation; or</p> <p>b. if the increase in hours is due to a temporary increase in hours only, for example, to the specific needs of a resident or client.</p>
18.	Wesley Mission Queensland Care and Support Employees Enterprise Agreement 2018	19/09/2019	<p>Clause 5.1.3 (d)</p> <p>A part-time employee who has been rostered on a regular and systematic basis over a period of 52 weeks, for more hours than their contracted hours has the right to request an increase in their contracted hours.</p> <p>Such contract would generally be considered on the basis of the number of hours as previously worked; however the number of hours must be capable of fitting within the existing shift and rostering arrangement. Further, any increased hours worked</p>

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			<p>temporarily due to an employee being absent on leave (such as annual leave, personal leave, long service leave or workers compensation), or to meet specific, short term needs of a client, will not be incorporated in any adjustment.</p> <p>The employer may consent to or refuse the request, but shall not unreasonably withhold agreement to such a request.</p>
19.	Regis Aged Care Northern Territory Enterprise Agreement 2018	2/10/2019	<p>12.3 Annual review of part time hours</p> <p>12.3.1 Where a part time Employee is regularly working more than their guaranteed minimum number of hours over at least a continuous 26 week period, the Employee may apply to have their hours reviewed. This application may only be made twice yearly, and at least 6 months apart.</p> <p>12.3.2 If a review establishes a consistent pattern of greater hours than the Employee's guaranteed hours being worked, the Employee can apply in writing to the Employer for those additional hours to become part of their guaranteed minimum number of hours. Any request will not be unreasonably refused by the Employer.</p> <p>12.3.3 The hours worked in the following circumstances will not be incorporated in any adjustment of an Employee' s hours of work:</p> <p>{a) If the increase in hours is as a direct result of another Employee being absent on leave, such as for example, annual leave, long service leave, maternity leave, extended leave without pay workers' compensation; and</p> <p>{b) If the increase in hours is due to a temporary increase in hours only due, for example, to the specific needs of a resident or client.</p>

Item	Agreement title	Date approved	Review of part-time hours provision
			12.3.4 Where operational and service delivery needs alter at the Employer's facilities the Employer is able to reduce the working hours of part-time Employees providing the consultation process outlined in clause 7 of this Agreement is adhered to. (For the sake of clarity the Employee's hours may reduce to below the Employee's guaranteed ordinary hours in this situation.)
20.	Lutheran Services (Qld) Enterprise Agreement 2019	19/11/2019	<p>Clause 2.3(d)</p> <p>Twelve months after their commencement, and in six month intervals from then on, a part time employee who is regularly working in excess of their regular pattern of work may apply to have their regular pattern of work reviewed to reflect the minimum number of hours they are regularly working. Lutheran Services will only refuse a request on reasonable business grounds. Lutheran Services will provide a written response within 21 days. In instances where Lutheran Services refuses the request the written response will include the reasons for the refusal.</p>
21.	Catholic Healthcare Home & Community Services Enterprise Agreement (NSW/ACT) 2018-2021	26/11/2019	<p>CS. REVIEW OF HOURS FOR PART-TIME AND CASUAL EMPLOYEES</p> <p>a. Where a Part- time Employee has regularly worked more than their specified contract hours over a period of 26 weeks, the Employee or the Employer can request that the contracted hours are reviewed.</p> <p>b. Where a Casual Employee has worked on a regular and systematic basis over a period of 26 weeks, the Employee or the Employer can request conversion to permanent employment:</p> <p>i. On a full-time basis where the Employee has worked on a full-time basis throughout the period of casual employment; or</p>

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			<p>ii. On a permanent part-time basis where the Employee has worked on a part-time basis throughout the period of casual employment. Such contract will be on the basis of the same number of hours as previously worked, unless other arrangements are agreed between the Employer and the Employee.</p> <p>c. In regard to the above sub clauses a. and b. the Employer may consent or refuse such requests, but must not unreasonably withhold agreement to such requests taking into account the following:</p> <ul style="list-style-type: none"> i. the Employee's available work hours; ii. the operational requirements of the Service Line and Employer such as fluctuating client numbers of funding arrangements in Home & Community Services; iii. the pattern of hours; iv. whether the increase in hours is the direct result of an Employee being absent on leave; v. whether the increase in hours is due to a temporary increase in hours, for example because of the specific needs of a service or client.
22.	Scope Enterprise Agreement 2019	3/12/2019	<p>12.5 Right to Request Review of Part Time Hours</p> <p>(a) On employee request, each six months Scope and the employee will review the employee's hours of work.</p> <p>(b) If an employee has regularly worked above their contracted hours, they will be offered a new contract with hours that reflect their regular hours of work in the previous six months. To avoid doubt, regular hours of work do not need to have been performed on the same day or at the same time.</p>

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			<p>(c) Scope does not need to make an offer under clause 12.5(b) if it is not reasonable to expect the hours will continue to be available (for example, if the hours have been to cover leave of another employee or reflect a temporary work demand with no reasonable expectation of being ongoing).</p> <p>(d) The outcome of this review is to be recorded in writing</p>
23.	Australian Regional and Remote Community Services (ARRCS) Enterprise Agreement 2019	12/12/2019	<p>44 How will my contracted part time hours be reviewed?</p> <p>44.1 Review request</p> <p>Where you are regularly working more than your specified contracted hours you, by making a request in writing to ARRCS, may have your contracted hours reviewed. If a review establishes that a consistent pattern of greater hours is being worked, ARRCS will offer you those additional hours as part of your guaranteed minimum number of contracted hours.</p> <p>44.2 Employer consideration</p> <p>ARRCS will take into account that the hours worked in the following circumstances will not be incorporated to any adjustment made:</p> <ul style="list-style-type: none"> (a) If the increased hours are as a direct result of an employee being absent on leave, such as annual leave, long service leave, maternity leave, workers compensation, or (b) If the increase in hours is due to a temporary increase in hours only due to, for example to the specific needs of a resident or client. <p>44.3 Adjustments</p>

Item	Agreement title	Date approved	Review of part-time hours provision
			Any adjusted contracted hours resulting from a review will be consistent with the existing workplace roster cycles and shift configurations.
24.	Victorian Disability Service (NGO) Agreement 2019	24/02/2020	<p>11.4 Flexible Part-time Employment</p> <p>(t) Review of Hours</p> <p>(i) Each six months the employer and the employee will review the employee's hours of work.</p> <p>(ii) If an employee has regularly worked above the maximum number of core hours in their respective band over the preceding six-month period, they will be offered a new contract with a band of minimum core hours that reflect their regular hours of work in the previous six months. To avoid doubt, regular hours of work do not need to have been performed on the same day or at the same time.</p> <p>(iii) The employer does not need to make an offer under clause 11.4(f)(i) if it is not reasonable to expect the flexible hours will continue to be available (for example, if the flexible hours have been to cover leave of another employee or reflect a temporary work demand with no reasonable expectation of being ongoing).</p> <p>(iv) The outcome of this review is to be recorded in writing.</p>
25.	Regis Aged Care Pty Ltd NSW Enterprise Agreement 2018	5/03/2020	<p>12.2.4 At the request of a part-time Employee, the ordinary hours worked by the part-time Employee may be reviewed annually. Where the part-time Employee is regularly working more than their minimum contracted ordinary hours (as set out in clause 12.2.2) then the Employee's ordinary contracted hours may be adjusted by the Employer, to reflect the hours regularly worked by the Employee.</p> <p>12.2.5 Additional hours worked by a part time Employee in the following circumstances will not be incorporated into any adjustment of the part time Employee's ordinary hours in accordance with clause 12.2.4:</p> <p>(a) an increase in hours of work as a direct result of the Employee working additional hours to cover the absence of another Employee who is absent on</p>

Item	Agreement title	Date approved	Review of part-time hours provision
			<p>leave, such as for example, annual leave, long service leave, parental leave, or workers compensation; and/or</p> <p>(b) a temporary increase in hours due to extraordinary circumstances, for example, to meet the specific needs of a resident or client over a particular period.</p> <p>12.2.6 Any adjustment to a part time Employee's contracted hours resulting from a review undertaken in accordance with subclauses 12.2.4 and 12.2.5 should, however, be reflective of and is subject to the roster cycles and shift configurations utilised at the workplace.</p>
26.	St Vincent's Care Services Queensland Enterprise Agreement 2018 – 2021	28/04/2020	<p>Clause 15.5 Review of Part-time Hours</p> <p>(a) The employee can request an annual review of the hours worked by the employee over the preceding 12 month period.</p> <p>(b) Where the hours actually worked consistently exceed the employment contract's guaranteed minimum hours, and those additional hours are likely to be sustained for the foreseeable future and the employee's performance is satisfactory, an amendment to the contract in writing will take place provided the employee is in agreement.</p> <p>(c) For any ground of refusal to be reasonable, it must be based on facts which are known or reasonably foreseeable.</p> <p>(d) Agreement to the change will not be unreasonably withheld by the employer.</p>

Item	Agreement title	Date approved	Review of part-time hours provision
			<p>(e) In the event the review cannot be resolved, Employees may engage the dispute procedure. The amendment will state the increased number of guaranteed minimum contracted hours in writing which reflect the hours regularly worked.</p> <p>(i) The hours worked in the following circumstances will not be incorporated in the adjustment:</p> <p>(A) if the increase in hours is as a direct result of an employee being absent on leave, for example, annual leave, long service leave, parental leave, workers compensation; and</p> <p>(B) if the increase in hours is due to a temporary increase in hours, for example, due to the specific needs of a resident or client.</p> <p>(ii) In addition to those matters covered in sub-clause 15 (e)(i) and (ii) changes to hours for Home Care employees may be affected by:</p> <p>(A) continuity of funding;</p> <p>(B) client numbers; and</p> <p>(C) client preferences for services including their ability to choose particular care workers.</p> <p>(iv) The employer will not unreasonably refuse to change the hours of a Home Care employee based on the circumstances in subclause 15 (e)(iii) unless there is an imminent change to any of those circumstances.</p> <p>(f) Any adjusted guaranteed minimum number of hours resulting from a review ever, be such as to readily reflect roster configurations utilised at the workplace.</p>

Item	Agreement title	Date approved	Review of part-time hours provision
27.	Calvary Home Care Services Limited Support Worker and Administrative and Operational Employees (NSW and ACT) –Enterprise Agreement 2019	18/05/2020	<p>(e) Review of part-time hours</p> <p>Reasonable work-life balance and flexible working arrangements are essential in order to attract and retain Employees. The Employer is committed to managing and systematically reviewing the working hours of part-time Employees. This includes:</p> <p>(i) Where an Employee is regularly working more than their guaranteed minimum number of hours the Employee may request to have their hours reviewed annually.</p> <p>(ii) The hours worked in the following circumstances will not be incorporated in any adjustment:</p> <p>(1) if the increase in hours is as a direct result of an Employee being absent on leave, such as for example, annual leave, long service leave, parental leave, workers compensation, and</p> <p>(2) if the increase in hours is due to a temporary increase in hours only due, for example, to the specific needs of a resident or client.</p> <p>(iii) If a review establishes a consistent pattern of greater hours is being worked, the Employer will offer the Employee those additional hours as part of their guaranteed minimum number of hours</p>
28.	Huon Regional Care General Staff Enterprise Agreement 2019	11/08/2020	<p>Clause 10.3(m) Part-Time employee review of hours</p> <p>(i) Where an Employee is regularly working more than their agreed regular pattern of work the Employee may request to have their hours reviewed annually.</p> <p>(ii) The hours worked in the following circumstances will not be incorporated in any adjustment:</p>

Item	Agreement title	Date approved	Review of part-time hours provision
			<p>(A) If the increase in hours is as a direct result of an Employee being absent on leave, for example annual leave, long service leave, parental leave, workers compensation; and</p> <p>(B) If the increase in hours is due to a temporary increase in hours only due, for example, to the specific needs of a client.</p> <p>(iii) If a review establishes a consistent pattern of greater hours is being worked, Huon Regional Care will offer the Employee those additional hours as part of their agreed regular pattern of work.</p>
29.	May Shaw Health Centre Inc. Non Nursing Agreement – Swansea 2019	16/09/2020	<p>Clause 29(f) Review of part-time hours</p> <p>(i) Where an employee is regularly working more than their guaranteed contracted hours the employee may request to have their hours reviewed annually.</p> <p>(ii) The hours worked in the following circumstances will not be incorporated in any adjustment:</p> <p>(A) If the increase in hours is as a direct result of an employee being absent on leave, for example, annual leave, long service leave, parental leave, workers compensation; and</p> <p>(B) If the increase in hours is due to a temporary increase in hours only due, for example, to the specific needs of a client.</p> <p>(iii) If a review establishes a consistent pattern of greater hours is being worked, and it is operationally viable, the employer will offer the employee those additional hours as part of their guaranteed minimum number of hours.</p>

Item	Agreement title	Date approved	Review of part-time hours provision
			(iv) Any adjusted guaranteed minimum number of hours resulting from an annual review should, however, be such as to readily reflect roster cycles and shift configurations utilised at the workplace.
30.	Royal Freemasons Ltd Home Care Enterprise Agreement 2020	20/10/2020	<p>Clause 21(f) Part time review of hours</p> <p>Where the employee is regularly working more than their specified contract hours, they may request that their contracted hours are reviewed by their Manager. The Manager will formally respond to the request by the employee stating the reasons if the request is not agreed to. The Manager will also take into account that the hours worked in the following circumstances will not be incorporated to any adjustment made:</p> <ul style="list-style-type: none"> i. if the increase in hours is as a direct result of an employee being absent on leave, such as for example, annual leave, long service leave, maternity leave, workers compensation; and ii. if the increase in hours is due to a temporary increase in hours only due, for example, to the specific needs of a client. iii. Any adjusted contracted hours resulting from a review by the employer should, however, be such as to readily reflect roster arrangements.
31.	Regis Aged Care Support Services Staff, Queensland Agreement 2018	30/10/2020	<p>Clause 13.3.3</p> <p>At the request of a part-time Employee, the ordinary hours worked by the part-time Employee may be reviewed annually. Where the part-time Employee is regularly working more than their minimum contracted ordinary hours (as set out in clause 13.3.1) then the Employee's ordinary contracted hours may be adjusted by the Employer, to reflect the hours regularly worked by the Employee.</p>

Item	Agreement title	Date approved	Review of part-time hours provision
			<p>13.3.4 Additional hours worked by a part time Employee in the following circumstances will not be incorporated into any adjustment of the part time Employee's ordinary hours in accordance with clause 13.3.3:</p> <p>(a) an increase in hours of work as a direct result of the Employee working additional hours to cover the absence of another Employee who is absent on leave, such as for example, annual leave, long service leave, parental leave, or workers compensation; and/or</p> <p>(b) a temporary increase in hours due to extraordinary circumstances, for example, to meet the specific needs of a resident or client over a particular period.</p> <p>13.3.5 Any adjustment to a part time Employee's contracted hours resulting from a review undertaken in accordance with subclauses 13.3.3 and 13.3.4 should, however, be reflective of and is subject to the roster cycles and shift configurations utilised at the workplace.</p>
32.	Subee Enterprise Agreement 2020	30/10/2020	<p>Clause 12.3(f) Review of Part-time Hours</p> <p>(i) At the request of the employee, the guaranteed minimum number of hours to be worked by the employee will be reviewed. Such a request cannot be made more than once per financial year. Where the employee is regularly working more than their guaranteed minimum number of hours, then such hours may be adjusted by Subee to reflect the new guaranteed minimum number of hours. Such change shall be confirmed in writing by Subee.</p> <p>(ii) Any agreement to adjust an employee's guaranteed minimum number of hours will be subject to client and operational needs.</p>

Item	Agreement title	Date approved	Review of part-time hours provision
			<p>(iii) The hours worked in the following circumstances will not be incorporated in the adjustment:</p> <p>a. where the increase in hours is as a result of an employee being absent on leave, such as for example, annual leave, long service leave, parental leave or workers compensation; and</p> <p>b. where the increase in hours is as a result of temporary changes to the needs of clients.</p>
33.	Carrington Enterprise Agreement 2020	24/12/2020	<p>12.3 Part-time Employees</p> <p>...</p> <p>(d) Review of Part-time Hours: At the request of an employee, the guaranteed minimum number of hours to be worked by the employee can be reviewed after 26 weeks, where the employee is regularly working more than their guaranteed minimum number of hours.</p> <p>(e) Any agreement to adjust an individual employee's guaranteed minimum number of hours will be subject to resident occupancy levels, resident acuity levels and, in Community Services; client needs.</p> <p>(f) The hours worked in the following circumstances will not be incorporated in the adjustment:</p> <p>(i) if the increase in hours is as a direct result of an employee being absent on leave, such as for example, annual leave, long service leave, maternity leave, workers compensation; and</p>

Item	Agreement title	Date approved	Review of part-time hours provision
			<p>(ii) if the increase in hours is as a result of temporary changes to the needs of residents and/or clients.</p> <p>(g) Following any adjustment to an employee's guaranteed minimum number of hours resulting from a review identified in subclause 12.3(d), Carrington management and the employee will agree in writing to the guaranteed minimum number of hours to be worked by the employee and the rostering arrangements which apply to these hours.</p>
34.	Wintringham Collective Agreement 2020	12/02/2021	<p>15.3.4 A part-time employee employed within a designated residential care facility is entitled to request a regular review of working hours and any regular and systematic additional ordinary hours worked must be incorporated into their contracted hours, unless there is an exceptional reason (e.g. extra hours result from filling in for mat leave).</p>
35.	Central Gippsland Health (CGH) Division of Community Services Community Carers Enterprise Agreement 2019	17/02/2021	<p>9.2 Part time employment</p> <p>...</p> <p>(e) Part-Time Review of Hours</p> <p>(i) Where over a period of 52 weeks or more a part-time Employee regularly and systematically works more than their contracted hours, the Employer or the Employee may request in writing a contract reflecting that the Employee's hours have increased on a permanent basis. Such a request will not be unreasonably refused by either party.</p> <p>(ii) An Employee will not be considered to be regularly and systematically rostered if the shifts the Employee has been working are replacing an absent Employee (for example parental leave, long service leave, workers'</p>

Item	Agreement title	Date approved	Review of part-time hours provision
			compensation or personal/carer's leave) or a temporary flexible work arrangement.
36.	Able Australia (Tasmania) Union Collective Agreement 2021	23/03/2021	<p>(b) Part-Time Employees</p> <p>...</p> <p>(v) REVIEW OF PART-TIME HOURS</p> <p>Where a part-time employee is working more than their specified contracted hours as agreed upon at the commencement of employment on a regular and systematic basis over a period of 26 weeks the employee has the right to request in writing to have their roster fixed and their contract with agreed-upon hours amended to reflect the increased hours.</p> <p>The employer may consent or refuse the request, but shall not unreasonably withhold agreement to such a request.</p> <p>Part-time conversion shall not apply where the temporary increase in hours has covered absences of staff who are expected to return to work.</p>
37.	Community Living Options Inc Enterprise Agreement 2019	25/03/2021	<p>4.3.6 Additional hours</p> <p>Part-time employees who regularly work additional hours beyond their contracted hours, and who have worked those regular hours for at least 12 months, may apply to have those additional hours included in their contract of employment subject to the following:</p> <p>a) The additional hours have been worked for at least 12 months,</p>

Item	Agreement title	Date approved	Review of part-time hours provision
			<p>b) The additional hours are on-going,</p> <p>c) The additional hours may have been with a particular client or are a “line of hours” which means the additional hours are part of an ongoing regular shift arrangement and form part of a roster line,</p> <p>d) Any additional hours of an ad hoc nature that are not regular additional hours as described in parts a, b, c of this clause or that are performed as shift cover for hours contracted to another employee, will not be included as an employee’s additional regular hours in regard to clause 4.3.6.</p> <p>e) The above provisions will not restrict an employee being able to work any additional hours.</p>