



# DETERMINATION

*Fair Work Act 2009*

s.160—Application to vary a modern award to remove ambiguity or uncertainty or correct error

**Australian Industry Group T/A Ai Group**  
(AM2023/25)

## **TEXTILE, CLOTHING, FOOTWEAR AND ASSOCIATED INDUSTRIES AWARD 2020** [MA000017]

Clothing industry

DEPUTY PRESIDENT EASTON

SYDNEY, 17 JANUARY 2025

*Application to vary the Textile, Clothing, Footwear and Associated Industries Award 2020 – variation to clauses 29.3, C.3.1 and C.5.1 – award varied retrospectively to 1 February 2021 – employees not required to repay wages.*

A. Further to the decision issued on 16 October 2024 ([\[2024\] FWC 2864](#)), the *Textile, Clothing, Footwear and Associated Industries Award 2020* is varied as follows:

1. By deleting clause 29.3 and inserting the following:

### **29.3 Payment for shiftwork**

- (a) A shiftworker working an afternoon or night shift will be paid **115%** of the ordinary hourly rate for each hour worked.
- (b) A shiftworker working a permanent night shift will be paid **130%** of the ordinary hourly rate for each hour worked.

NOTE: See Schedule C —Summary of Hourly Rates of Pay for a summary of hourly rates of pay including overtime and penalty rates.

2. By deleting clause C.3.1 and inserting the following rates that apply retrospectively from 1 February 2021 in accordance with operative clause B of this determination:

**C.3.1 Full-time and part-time employees—shiftworkers other than in the textile industry—ordinary and penalty rates (Rates apply from 1 February 2021 to 30 June 2021)**

	<b>Ordinary hours</b>	<b>Afternoon &amp; night</b>	<b>Permanent night shift</b>	<b>Public holiday</b>
	<b>% ordinary hourly rate<sup>1</sup></b>			
	<b>100%</b>	<b>115%</b>	<b>130%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Trainee	19.84	22.82	25.79	49.60
Skill level 1	20.41	23.47	26.53	51.03
Skill level 2	21.19	24.37	27.55	52.98
Skill level 3	21.92	25.21	28.50	54.80
Skill level 4	23.09	26.55	30.02	57.73
Skill level 5 and thereafter	24.54	28.22	31.90	61.35

<sup>1</sup> Rates in table are calculated based on the minimum hourly rate, see clauses C.1.1 and C.1.2.

3. By deleting clause C.5.1 and inserting the following rates that apply retrospectively from 1 February 2021 in accordance with operative clause B of this determination:

**C.5.1 Casual employees—shiftworkers other than in the textile industry—ordinary and penalty rates (Rates apply from 1 February 2021 to 30 June 2021)**

	<b>Ordinary hours</b>	<b>Afternoon &amp; night</b>	<b>Permanent night shift</b>	<b>Public holiday</b>
	<b>% ordinary hourly rate<sup>1</sup></b>			
	<b>125%</b>	<b>140%</b>	<b>155%</b>	<b>275%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Trainee	24.80	27.78	30.75	54.56
Skill level 1	25.51	28.57	31.64	56.13
Skill level 2	26.49	29.67	32.84	58.27
Skill level 3	27.40	30.69	33.98	60.28
Skill level 4	28.86	32.33	35.79	63.50
Skill level 5 and thereafter	30.68	34.36	38.04	67.49

<sup>1</sup> Rates in table are calculated based on the minimum hourly rate, see clauses C.1.1 and C.1.2.

4. By deleting the amended clause C.3.1 and inserting the following rates that apply retrospectively from 1 July 2021 in accordance with operative clause C of this determination:

**C.3.1 Full-time and part-time employees—shiftworkers other than in the textile industry—ordinary and penalty rates (Rates apply from 1 July 2021 to 30 June 2022)**

	<b>Ordinary hours</b>	<b>Afternoon &amp; night</b>	<b>Permanent night shift</b>	<b>Public holiday</b>
	<b>% ordinary hourly rate<sup>1</sup></b>			
	<b>100%</b>	<b>115%</b>	<b>130%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Trainee	20.33	23.38	26.43	50.83
Skill level 1	20.92	24.06	27.20	52.30
Skill level 2	21.72	24.98	28.24	54.30
Skill level 3	22.46	25.83	29.20	56.15
Skill level 4	23.67	27.22	30.77	59.18
Skill level 5 and thereafter	25.16	28.93	32.71	62.90

<sup>1</sup> Rates in table are calculated based on the minimum hourly rate, see clauses C.1.1 and C.1.2.

5. By deleting the amended clause C.5.1 and inserting the following rates that apply retrospectively from 1 July 2021 in accordance with operative clause C of this determination:

**C.5.1 Casual employees—shiftworkers other than in the textile industry—ordinary and penalty rates (Rates apply from 1 July 2021 to 30 June 2022)**

	<b>Ordinary hours</b>	<b>Afternoon &amp; night</b>	<b>Permanent night shift</b>	<b>Public holiday</b>
	<b>% ordinary hourly rate<sup>1</sup></b>			
	<b>125%</b>	<b>140%</b>	<b>155%</b>	<b>275%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Trainee	25.41	28.46	31.51	55.91
Skill level 1	26.15	29.29	32.43	57.53
Skill level 2	27.15	30.41	33.67	59.73
Skill level 3	28.08	31.44	34.81	61.77
Skill level 4	29.59	33.14	36.69	65.09
Skill level 5 and thereafter	31.45	35.22	39.00	69.19

<sup>1</sup> Rates in table are calculated based on the minimum hourly rate, see clauses C.1.1 and C.1.2.

6. By deleting the amended clause C.3.1 and inserting the following rates that apply retrospectively from 1 July 2022 in accordance with operative clause D of this determination:

**C.3.1 Full-time and part-time employees—shiftworkers other than in the textile industry—ordinary and penalty rates (Rates apply from 1 July 2022 to 30 June 2023)**

	<b>Ordinary hours</b>	<b>Afternoon &amp; night</b>	<b>Permanent night shift</b>	<b>Public holiday</b>
	<b>% ordinary hourly rate<sup>1</sup></b>			
	<b>100%</b>	<b>115%</b>	<b>130%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Trainee	21.38	24.59	27.79	53.45
Skill level 1	21.97	25.27	28.56	54.93
Skill level 2	22.77	26.19	29.60	56.93
Skill level 3	23.52	27.05	30.58	58.8
Skill level 4	24.76	28.47	32.19	61.90
Skill level 5 and thereafter	26.31	30.26	34.20	65.78

<sup>1</sup> Rates in table are calculated based on the minimum hourly rate, see clauses C.1.1 and C.1.2.

7. By deleting the amended clause C.5.1 and inserting the following rates that apply retrospectively from 1 July 2022 in accordance with operative clause D of this determination:

**C.5.1 Casual employees—shiftworkers other than in the textile industry—ordinary and penalty rates (Rates apply from 1 July 2022 to 30 June 2023)**

	<b>Ordinary hours</b>	<b>Afternoon &amp; night</b>	<b>Permanent night shift</b>	<b>Public holiday</b>
	<b>% ordinary hourly rate<sup>1</sup></b>			
	<b>125%</b>	<b>140%</b>	<b>155%</b>	<b>275%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Trainee	26.73	29.93	33.14	58.80
Skill level 1	27.46	30.76	34.05	60.42
Skill level 2	28.46	31.88	35.29	62.62
Skill level 3	29.4	32.93	36.46	64.68
Skill level 4	30.95	34.66	38.38	68.09
Skill level 5 and thereafter	32.89	36.83	40.78	72.35

<sup>1</sup> Rates in table are calculated based on the minimum hourly rate, see clauses C.1.1 and C.1.2.

8. By deleting the amended clause C.3.1 and inserting the following rates that apply retrospectively from 1 July 2023 in accordance with operative clause E of this determination:

**C.3.1 Full-time and part-time employees—shiftworkers other than in the textile industry—ordinary and penalty rates (Rates apply from 1 July 2023 to 30 June 2024)**

	<b>Ordinary hours</b>	<b>Afternoon &amp; night</b>	<b>Permanent night shift</b>	<b>Public holiday</b>
	<b>% ordinary hourly rate<sup>1</sup></b>			
	<b>100%</b>	<b>115%</b>	<b>130%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Trainee	22.61	26.00	29.39	56.53
Skill level 1	23.23	26.71	30.20	58.08
Skill level 2	24.08	27.69	31.30	60.20
Skill level 3	24.87	28.60	32.33	62.18
Skill level 4	26.18	30.11	34.03	65.45
Skill level 5 and thereafter	27.83	32.00	36.18	69.58

<sup>1</sup> Rates in table are calculated based on the minimum hourly rate, see clauses C.1.1 and C.1.2.

9. By deleting the amended clause C.5.1 and inserting the following rates that apply retrospectively from 1 July 2023 in accordance with operative clause E of this determination:

**C.5.1 Casual employees—shiftworkers other than in the textile industry—ordinary and penalty rates (Rates apply from 1 July 2023 to 30 June 2024)**

	<b>Ordinary hours</b>	<b>Afternoon &amp; night</b>	<b>Permanent night shift</b>	<b>Public holiday</b>
	<b>% ordinary hourly rate<sup>1</sup></b>			
	<b>125%</b>	<b>140%</b>	<b>155%</b>	<b>275%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Trainee	28.26	31.65	35.05	62.18
Skill level 1	29.04	32.52	36.01	63.88
Skill level 2	30.1	33.71	37.32	66.22
Skill level 3	31.09	34.82	38.55	68.39
Skill level 4	32.73	36.65	40.58	72.00
Skill level 5 and thereafter	34.79	38.96	43.14	76.53

<sup>1</sup> Rates in table are calculated based on the minimum hourly rate, see clauses C.1.1 and C.1.2.

10. By deleting the amended clause C.3.1 and inserting the following rates that apply retrospectively from 1 July 2024 in accordance with operative clause F of this determination:

**C.3.1 Full-time and part-time employees—shiftworkers other than in the textile industry—ordinary and penalty rates**

	<b>Ordinary hours</b>	<b>Afternoon &amp; night</b>	<b>Permanent night shift</b>	<b>Public holiday</b>
	<b>% ordinary hourly rate<sup>1</sup></b>			
	<b>100%</b>	<b>115%</b>	<b>130%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Trainee	23.46	26.98	30.50	58.65
Skill level 1	24.10	27.72	31.33	60.25
Skill level 2	24.98	28.73	32.47	62.45
Skill level 3	25.80	29.67	33.54	64.50
Skill level 4	27.17	31.25	35.32	67.93
Skill level 5 and thereafter	28.87	33.20	37.53	72.18

<sup>1</sup> Rates in table are calculated based on the minimum hourly rate, see clauses C.1.1 and C.1.2.

11. By deleting the amended clause C.5.1 and inserting the following rates that apply retrospectively from 1 July 2024 in accordance with operative clause F of this determination:

**C.5.1 Casual employees—shiftworkers other than in the textile industry—ordinary and penalty rates**

	<b>Ordinary hours</b>	<b>Afternoon &amp; night</b>	<b>Permanent night shift</b>	<b>Public holiday</b>
	<b>% ordinary hourly rate<sup>1</sup></b>			
	<b>125%</b>	<b>140%</b>	<b>155%</b>	<b>275%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Trainee	29.33	32.84	36.36	64.52
Skill level 1	30.13	33.74	37.36	66.28
Skill level 2	31.23	34.97	38.72	68.70
Skill level 3	32.25	36.12	39.99	70.95
Skill level 4	33.96	38.04	42.11	74.72
Skill level 5 and thereafter	36.09	40.42	44.75	79.39

<sup>1</sup> Rates in table are calculated based on the minimum hourly rate, see clauses C.1.1 and C.1.2.

B. Items 1, 2 and 3 of this determination are made retrospectively and come into operation from 1 February 2021. In accordance with s 165(3) of the *Fair Work Act 2009* (Cth) these items

do not take effect in relation to a particular employee until the start of the employee's first full pay period that starts on or after 1 February 2021.

C. Items 4 and 5 of this determination are made retrospectively and come into operation from 1 July 2021. In accordance with s 165(3) of the *Fair Work Act 2009* (Cth) these items do not take effect in relation to a particular employee until the start of the employee's first full pay period that starts on or after 1 July 2021.

D. Items 6 and 7 of this determination are made retrospectively and come into operation from 1 July 2022. In accordance with s 165(3) of the *Fair Work Act 2009* (Cth) these items do not take effect in relation to a particular employee until the start of the employee's first full pay period that starts on or after 1 July 2022.

E. Items 8 and 9 of this determination are made retrospectively and come into operation from 1 July 2023. In accordance with s 165(3) of the *Fair Work Act 2009* (Cth) these items do not take effect in relation to a particular employee until the start of the employee's first full pay period that starts on or after 1 July 2023.

F. Items 10 and 11 of this determination are made retrospectively and come into operation from 1 July 2024. In accordance with s 165(3) of the *Fair Work Act 2009* (Cth) these items do not take effect in relation to a particular employee until the start of the employee's first full pay period that starts on or after 1 July 2024.

G. This determination shall not take effect so as to require any employee who performed work on a night shift or afternoon shift to repay wages paid in respect of the period from 1 February 2021 to 17 January 2025.



DEPUTY PRESIDENT

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