

Fair Work Ombudsman (FWO) advice on Award coverage for outdoor leaders

Outdoor sector update

The FWO recently released a statement of advice relevant to outdoor leaders and outdoor business operators who are not covered by an existing industry or occupation-based award.

The advice states that if an employee is not covered by an industry or occupation-based award, they can/may be covered by the Miscellaneous Award. This applies to different occupations the FWO has previously considered may be award-free, including outdoor leaders.

A full summary of this advice can be found at [Award coverage for outdoor leaders](#).

The Australian outdoor sector, represented by each of the state peak bodies – Queensland Outdoor Recreation Federation, Outdoors WA, Outdoors NSW, Outdoors SA, Recreation SA and Outdoors Victoria, the Outdoor Council of Australia and the Australian Camps Association have met via teleconference to discuss our joint response.

In particular, we are interested in the FWO's viewpoint on how the Miscellaneous Award might be best applied to commonly encountered characteristics of outdoor programs, for eg. journey based / multi day programs (including overnights), meal breaks, on call situations, etc.

While there is no inference that outdoor sector employers are currently in breach of their obligations, in light of this latest advice from the Fair Work Ombudsman it may be expedient for outdoor sector employers to check their compliance requirements.

We suggest that outdoor sector employers discuss this advice with their staff, and that staff discuss it with their employers as an initial action. The FWO recommend that all affected parties work together to deliver the best outcomes possible for employers and their staff.

Our intent is to help inform the FWO so that any subsequent information they provide to outdoor sector workers and employers is consistent and practical in its application.

In the meantime, we recommend that any questions or concerns about contracts or Enterprise Bargaining Agreements (EBAs) be directed to an independent expert for advice or to the FWO via engage@fwo.gov.au.