



What about my pay?

How do I know if I'm getting the right pay for my job?

Your rate of pay should be set out in your agreement, award, or contract.

If you are not covered by an agreement, award or contract, your pay is set at the Federal Minimum Wage (see below).

Casual employees are generally entitled to a casual loading on top of their basic hourly rate of pay, although there may be a few exceptions. Casuals should check their award, agreement or contract for their loading. Otherwise, as of 1 July 2010 the minimum casual loading is 21% on top of the basic rate of pay (previous to this it was 20%). This loading will be reviewed annually.

Federal Minimum Wage

If you are not covered by an award, agreement or contract, then the Federal Minimum Wage applies to you as a minimum hourly payment. From the 1 July 2010 the Federal Minimum Wage is set at \$15 per hour, before tax. Previous to this, the Minimum Wage was \$14.31 per hour with a 20% loading for casuals.

Annual Wage Reviews

The Minimum Wage Panel of Fair Work Australia (FWA) conducts annual wage reviews. The first one occurred in June 2010. In each annual wage review, FWA reviews minimum wages in modern awards, the national minimum wage order, the casual loading (for award/agreement free employees) and special national minimum wages.

The pay rates in an agreement cannot fall below the award rate or a national minimum wage order at any time during the life of the agreement. This means that when the annual review takes place, any changes to pay rates in awards or to the national minimum wage flows through to those on agreements.

How is my pay calculated?

The amount you should be paid may be affected by many things, including:

- the type of work you do;
- the hours you work;
- if you work weekends, public holidays, evenings, overtime;
- meal breaks;
- whether you are permanent, casual or a shift worker;
- your age;
- your experience and qualifications;
- how long you have worked with your employer; and
- if you get an allowance, for example - meal, uniform, or tool allowances.

When should my pay go up?

Your minimum pay rates *may* go up:

- when you get a promotion;
- if you are a junior and turn a year older or you become an adult (usually 18 years old, but under some awards an adult is 21 years of age);
- if you are an apprentice, when you shift from one year to the next;
- after each year of service within a particular classification;
- when an agreement says so;
- if and when a pay increase is awarded by FWA; or
- when your contract says you have a salary or performance review where pay increases may be awarded.

If you do not get a pay increase to which you are entitled you have been underpaid. When your pay goes up so should your employer's contribution to your superannuation.

How often should I be paid?

You must be paid at least monthly, although your award, agreement or contract may provide for more frequent payment (eg weekly, or fortnightly). If your wages fall due on a public holiday, you





must be paid before the public holiday.

Most employees are paid by electronic funds transfer (cash deposited electronically into your bank account), in cash or by cheque. Check your award, agreement or contract to see whether it says how you should be paid.

Deductions

Your employer must take money out of your pay for tax – but they must usually get your written permission (including specification of the amount to be deducted) before taking money out for any other reason and the deduction must be primarily for your benefit. There may also be some deductions authorised by your enterprise agreement or modern award, for which your employer does not require further written permission.

Your employer may be able to make some deductions without your permission where authorised to do so by a law; an order made by a Court or Fair Work Australia; your enterprise agreement; or a modern award. For example, sometimes money can be deducted from your termination pay if you leave before working out your notice period. Your employer may also be required by law to take money out for child support or for other purposes if ordered to do so by a court.

Even if the employer is authorized to make the deduction under an enterprise agreement, award or contract of employment, the employer can only deduct money directly or indirectly for the benefit of the employer or a party related to the employer if this is reasonable in the circumstances. A deduction might be reasonable if, for example, you used a corporate credit card for personal use, or made personal calls on a company mobile phone, or used petrol in a company vehicle for private use. This restriction does not apply if the employer is authorized to make the deduction under a law or Court or Fair Work Australia order.

Your employer cannot directly or indirectly require you to spend any part of your pay in a particular way, if the requirement is unreasonable.

Payslips

Every time you are paid, you should also receive a pay slip. Under the Fair Work Act, employers are required to provide payslips to employees within one working day of them receiving their pay. There is certain information that **must** be included on every pay slip:

- your name;
- the name of your employer and from 1 January 2010 their ABN if they have one;
- the date of payment, and the period covered by the payment;
- your ordinary hourly rate, and the number of hours worked and the amount paid at that rate;
- the gross and net amounts paid to you;
- any amounts paid that are bonuses, loadings, allowances, penalty rates or other separately identifiable entitlements;
- amounts deducted from your gross pay (such as tax and superannuation), and the name of the fund or account into which the deduction was paid.

You should also get a Payment Summary (or group certificate) for your tax return after 30 June each year. It's a good idea to keep your own record of pay received and hours worked. Keeping a time book and pay slips, for example, will help if a dispute arises over pay or hours.

Underpayment of wages

If you think you have been underpaid, speak to your employer. If you are not satisfied with the result and need further assistance contact the services below. If you are unable to reach a satisfactory conclusion you may lodge a complaint to the Fair Work Ombudsman within six years.

Under the Fair Work Act, it is against the law for your employer to take or threaten to take 'adverse action' against you because you made a complaint or inquiry about your employment (including your pay). Adverse action includes sacking you, denying you access to training or promotions, demoting you, and changing your hours or status.

Probationary or trial periods

You should be paid for any work you do. Even if you begin as a trainee or on trial, you should still be paid for this time. Make sure you find out when you start whether you will be paid and how





much.

Junior rates

While all workers must receive at least the minimum hourly rate, if you are under 21 years of age, you may receive a junior rate of pay. This is related to your age and is set at a percentage of the relevant adult rate of pay. Junior rates of pay can vary depending on the industry in which you work. The rates can be found in your relevant award, agreement or contract. If there is no mention of a junior rate, then you will be paid the adult rate. The Minimum Wage Panel of FWA reviews junior wages each year for employees who are not covered by an award or agreement.

Trainees and apprentices

Trainees and apprentices are employed under a contract of training for a fixed period of 6 to 48 months (full-time duration), with a probation period of up to 6 months, depending on the vocation. Contracts of training may be part-time, full-time or school based. The employer must allow trainees and apprentices to undertake training, which can be on or off the job and forms part of the contract of training obligations. Trainees and apprentices cannot be employed on a casual basis and unless stated otherwise by an industrial award, are paid for time spent at training.

Wages for people with a disability

In the federal workplace relations system, employees must qualify for the Disability Support Pension from Centrelink to be eligible to be paid 'disability wages'. Disability wages are usually calculated by multiplying the relevant minimum wage with a percentage that reflects the employee's assessed productive capacity. The resulting wage is commonly known as a 'productivity-based wage' or a 'pro-rata disability wage'. The Minimum Wage Panel of FWA reviews disability wages each year for employees who are not covered by an award or agreement.

Where can I get more help?

NT Working Women's Centre
Ph: 8981 0655
Freecall: 1800 817 055
Web: www.ntwwc.com.au

Your Union
Unions NT
Ph: 8941 0001
Web: www.unionsnt.com.au

The Fair Work Ombudsman
Fair Work Infoline: 13 13 94
Web: www.fwo.gov.au

Fair Work Australia
Ph: FWA Helpline (local call) 1300 799 675
Web: www.fwa.gov.au

Telephone Interpreter Service
Ph: 131 450

National Relay Service (for people with a hearing and/or speech impairment)
Ph: 133 677
Freecall: 1800 555 677



The NT Working Women's Centre provides free and confidential information, advice and assistance to women about work related matters.

Contact us on 1800 817 055, or www.ntwwc.com.au

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