

GETTING PAID & PAY SLIPS

All Victorian employees are entitled to a minimum rate of pay.

Most Victorian employees will now have their minimum wages and casual loadings set and adjusted by Fair Work Australia (FWA). FWA has the power to set and adjust:

- the Federal Minimum Wage (for employees not covered by a modern award or agreements)
- rates of pay for employees covered by modern awards
- Special federal minimum wages for junior employees, apprentices and trainees and employees with disabilities.

You may be paid a higher rate of pay under your common law employment contract but it is unlawful to be paid at a rate below the applicable minimum rate for your work.

Your minimum wage could also be set by an enterprise agreement which is a collective agreement made between an employer and a number of its employees.



Job Watch Inc is

an independent, not for profit, employment rights legal centre. It provides a free, confidential telephone information and referral service and other assistance to Victorian workers.

Hours:- Monday – Friday 9am-5pm
(Except Tuesday 12-2pm)

**Phone: (03) 9662 1933 or
1800 331 617**

Website: www.jobwatch.org.au

For more information about minimum wages and casual loadings applicable to your work, contact the Fair Work Infoline on 13 13 94.

Things that can affect your rate of pay

If you are covered by a modern award, your minimum rate of pay will depend on your 'classification' within the modern award.

Below is a list of some of the factors that may affect your classification. This is the kind of information to give the Fair Work Infoline when you contact them to find out your minimum wage rate.

Factors that can affect pay rates

- whether your employment is full time or part time;
- whether you are a permanent or casual employee;
- the kind of job being performed;
- your seniority;
- whether you supervise or train other workers;
- whether you open and close the business;
- what kind of qualifications are required;
- if long shifts are required;
- if overtime is worked;
- if you are a trainee or apprentice;
- what industry you work in;
- your age; and/or
- whether you have a disability and are employed under a Disability Support Wage.

You can also contact your union to find out about correct pay rates.

When should the rate of pay go up?

Your minimum pay rates *may* go up:

- when you get a promotion;
- If you are a junior (15 to 17 years old) and turn a year older or you become an adult (usually 18 or 21 years of age);
- if you are an apprentice, when you shift from one year to the next;

- when an enterprise agreement says so; and
- if and when a pay increase is awarded by FWA.

Some jobs in professional or semi-professional areas (especially when people are being paid more than the minimum rate) have salary or performance reviews where pay increases may be awarded. These types of increases are often a percentage of the employee's annual wage and can occur periodically (eg, yearly).

If you have not received a pay increase to which you are entitled under a modern award or enterprise agreement, you have been underpaid. Contact your union or the Fair Work Infoline for assistance.

Superannuation (Super)

Superannuation is calculated on your gross rate of pay, therefore when your pay goes up so should your employer's contribution to your superannuation fund.

If your super is not being paid at the correct rate, or is not being paid at all, contact your super fund or the Superannuation Infoline on 131 020.

Unauthorised deductions

Generally, an employer **should not** deduct amounts from your wages **without** your prior written consent. A tax declaration gives your employer permission to take income tax from your wages and pay it to the Australian Taxation Office. Paying tax in this way is **not** an unauthorised deduction.

For more information about unauthorised deductions, contact JobWatch, your union or a solicitor.

When should I be paid?

Most employees are paid monthly, fortnightly or weekly. Check the applicable modern award, enterprise agreement or your common law employment contract to see whether it stipulates how frequently you should be paid.

Before you start a job, always check what the pay rate is and how often you will be paid.

How should I be paid?

Victorian employees are usually paid by electronic funds transfer (cash deposited electronically into your bank account), in cash or by cheque. Check the applicable modern award, enterprise agreement or your common law employment contract to see whether it says how you should be paid.

Pay Slips

Every time you are paid, you should also receive a pay slip. There is certain information that **must** be included on every pay slip:

- the name of the employer and employee;
- the classification of the employee;
- 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 or penalty rates;
- amounts deducted from your gross pay, and the name of the fund or account into which the deduction was paid;
- the amount of any superannuation contributions made on your behalf, and the name of the superannuation fund.

If you are covered by an enterprise agreement, more information than the above may be required.

If you **do not** receive pay slips or if they are incorrect or insufficient, you may contact JobWatch, your union or the Fair Work Infoline.

Underpayment

When you are paid less than the minimum rate, this is called **underpayment**. If you are being

underpaid, or not paid at all, you can take steps to recover the money that is owed to you.

If you have not succeeded in having your employer pay the correct entitlements, the most cost-effective and straightforward way to recover those entitlements is by lodging a claim with the Fair Work Ombudsman.

For more information about recovering underpayments, see the Job Watch publication "Recovery of Wages."

Victimisation

If you are dismissed because you lodged a formal complaint with the Fair Work Ombudsman about payslips or an underpayment, you may have grounds to lodge an unfair dismissal claim (which must be filed within **14 days** of your dismissal) or a General Protections Dispute - adverse action claim (which must be filed within **60** days of your dismissal) with Fair Work Australia.

In addition, if your terms and conditions of employment are altered to your detriment as a result of having raised these issues with your employer you may have grounds to make a General Protections Dispute non-termination claim. You should contact the Fair Work Ombudsman for further advice about this.

You may also have grounds to make an Employment Activity discrimination complaint to the Victorian Equal Opportunity and Human Rights Commission which must be made within **1 year** of the discrimination occurring.

Time limits

Time limits apply to anyone seeking to recover underpaid or unpaid wages. **You have 6 years, from when the payment became due, to sue for the amount owed to you. You have 14 days from the date of your dismissal to make an unfair dismissal claim and 60 days from the date of your dismissal to make a General Protections Dispute adverse action termination claim. You have 1 year to make an Employment Activity discrimination claim.**

Where to get help

Job Watch Inc:

(03) 9662 1933 (metro);
1800 331 617 (rural)

Fair Work Infoline

(Office of the Fair Work Ombudsman)
13 13 94

Fair Work Australia Helpline

1300 799 675

Victoria Equal Opportunity and Human Rights Commission:

(03) 9281 7111
1800 134 142

ACTU Worker Information line

(for referral to a union): 1300 362 223

Law Institute of Victoria

(for referral to a lawyer): (03) 9607 9550

Important disclaimer

The information in this brochure is of a general nature only. It is not a substitute for professional legal advice. Readers should not act on the basis of any information contained here without first obtaining legal advice relevant to their particular employment situation. Job Watch Inc disclaims any liability in respect of any action taken or not taken in reliance on the contents of this publication. This information is current at the time of printing April 2010.