

Need more information?

WorkChoices Infoline - Phone
1300 363 264

WorkChoices - provides comprehensive information on the new national workplace relations reform, including information products you can download.

Office of the Employment Advocate - gives free support and information to employers and employees on agreement making.

Office of Workplace Services - provides advice and assistance to workers, employers and organisations about compliance under the Workplace Relations Act.

Australian Fair Pay Commission - sets and adjusts the federal minimum wage under the WorkChoices legislation.

Workplace - employment and workplace relations services for Australians.

Pay rates

Under WorkChoices, certain conditions of employment are guaranteed by law including minimum rates of pay, maximum ordinary hours of work, annual leave, personal/carers leave (including sick leave) and parental leave (including maternity leave) entitlements.

This article will focus on the Australian minimum wage rates and Australian Pay and Classification Scales (pay scales).

Most adult employees are paid at the federal minimum wage rate (currently \$12.75 per hour) or under the Australian Pay and Classification Scales. The minimum wage and pay scales are set and adjusted by the Australian Fair Pay Commission.

Employees can be paid at a higher rate than the minimum wage by negotiating a workplace agreement with their employer.

Pay scales allocate a basic rate of pay to a particular job with consideration to a range of factors including skill level, duties and qualifications required. The basic rate of pay can be an hourly rate or allocated for an amount produced (e.g. for commission-only rates).

The basic rate of pay for a particular job, as set out in a pay scale, determines the minimum wage that an employee in that job must receive. This rate may be higher than the federal minimum wage and can apply to any employee who is covered by the pay scale – for example, if an industry award specifies a particular pay scale for all employees under that award.

The basic rate of pay does not include incentive-based payments and bonuses, loadings, monetary allowances, penalty rates or any other similar entitlements.

Awards or agreements, as well as common law contracts, may provide for the payment of penalty rates, overtime loadings or other payments in addition to the basic rate of pay determined by pay scales.

An employee's guaranteed basic rate of pay cannot fall below the rate that employee would have been entitled to under an award or other applicable instrument (such as state minimum wage legislation) immediately before the commencement of WorkChoices on 27 March 2006.

Pay conditions for employees in the federal system who are not covered by WorkChoices (e.g. their employers are not constitutional corporations) are now determined by 'transitional' awards. Transitional awards operate for five years from the commencement of WorkChoices.

Employees and employers from the state systems who are entering the new federal system for the first time are now covered by a 'Notional Agreement Preserving a State Award' (NAPSA).

For more information visit www.workchoices.gov.au or call the WorkChoices Infoline on 1300 363 264.

WorkChoices publications

Do you know someone from a Non English Speaking Background who would benefit from knowing about WorkChoices?

Up-to-date fact sheets are now available in 13 different languages and can be downloaded from the WorkChoices Website www.workchoices.gov.au or ordered through the WorkChoices Infoline: 1300 363 264.



WorkChoices fact sheets

Fact sheets are currently available in the following languages:

- Arabic
- Khmer (Cambodian)
- Chinese
- Croatian
- Greek
- Italian
- Korean
- Polish
- Portuguese
- Serbian
- Spanish
- Turkish
- Vietnamese

The seminar questions you asked

Before the introduction of WorkChoices, my employees were paid under a state award. What are my employees covered by now?

A business and its employees are now covered by WorkChoices if the business is:

- a trading or financial corporation; or
- a foreign corporation doing business in Australia; or
- an employer in Victoria or the Northern Territory or Australian Capital Territory.

Employees covered by a state award before 27 March 2006, but not a state employment agreement, are now bound by a Notional Agreement Preserving a State Award (NAPSA).

A NAPSA generally includes the same terms and conditions as a state award except for:

- terms that relate to wages or wage and classification structures, which will now form part of a scale to be adjusted by the Fair Pay Commission; and
- terms that are prohibited content under the WR Act, which are void.

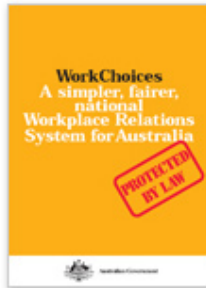
A NAPSA can also include some entitlements derived from state or territory legislation when they applied to the employees immediately before 27 March 2006.

A NAPSA may operate for a period of up to three years but will cease to operate when it:

- is replaced by a workplace agreement or federal award; or
- expires on 27 March 2009, after which employees will be covered by the appropriate federal award for their industry.

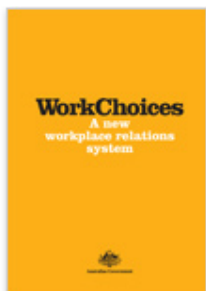
For more details on NAPSAs visit www.workchoices.gov.au or call the WorkChoices Infoline on 1300 363 264.





WorkChoices booklet

Limited stock is available in audio, braille, large-print format and in 13 languages other than English. To order copies call the WorkChoices Infoline on 1300 363 264 and specify the format or language you require.



WorkChoices information kit

Keeping records

Under WorkChoices, employers are required to keep employee records and issue pay slips to all their employees.

Employee records must be accurate and legible and must be kept for at least seven years from the date the record was created.

All employees and previous employees have the right to access their own records.

The Workplace Relations Regulations 2006 state that employee records must include:

- the name of the instrument covering the employee's entitlements (e.g. the name of the award that an employee is covered under);
- employee earnings, including the hourly rate of pay, allowances (or other separately identifiable entitlement), and pay period;
- the total number of hours required to be worked by an employee, when their base annual salary (i.e. excluding employer superannuation contributions, bonuses, loadings etc) is less than \$55,000 (indexed);
- the employee's daily starting and finishing times (if the employee is entitled to overtime loadings);
- the accrued amount of annual, personal or other forms of leave; and
- the amount of superannuation contributions and the fund to which they were paid.

For more information on record keeping visit www.workchoices.gov.au or call the WorkChoices Infoline on 1300 363 264 or visit the Office of Workplace Services.

