

WORKPLACE FACTS & FIGURES 2021/2022



Bartier
Perry
LAWYERS

ABOUT BARTIER PERRY

At Bartier Perry, we believe in helping workplaces work and business and people prosper. We understand that giving you the best advice and guidance to navigate the challenges of employment and industrial relations is important to your success.

This booklet is a small step in giving you ready access to some of the key facts and figures you may need when dealing with employment matters.

The Partners in our Workplace Law & Culture team are pictured at the back of this booklet. We'd love to hear from you.

MINIMUM WAGE



\$772.20 (\$20.33/hr)

The national minimum wage for non-award employees, or those who are not covered by an enterprise agreement, increased on 1 July 2021 from \$753.80 to **\$772.20 a week** (based on 38 ordinary hours worked), or from \$19.84 to **\$20.33 an hour**.

The **casual loading** remains at 25%.



2.50%

Modern award minimum wage rates increased by 2.50% for most modern awards payable in the first full pay period after following operative dates:

| Operative Date | Industries |
|------------------|----------------------------------|
| 1 September 2021 | Retail industry |
| 1 November 2021 | Select COVID impacted industries |

UNFAIR DISMISSAL CAP



\$158,500

The **"high income threshold"**, which is relevant for access to the Federal unfair dismissal jurisdiction for non-award or enterprise agreement covered employees, increases from \$153,600 to **\$158,500 a year**.



\$79,250

The **compensation cap** on compensation for unfair dismissal increases from \$76,800 to **\$79,250**.

SUPERANNUATION



10.0%

The minimum superannuation guarantee rate is up from 9.5% to **10%**. An increase to 10.5% is scheduled for 1 July 2022.



\$58,920

The **maximum contributions base** for superannuation has risen from \$57,090 to **\$58,920 per quarter** (or \$228,360 to \$235,680 a year).

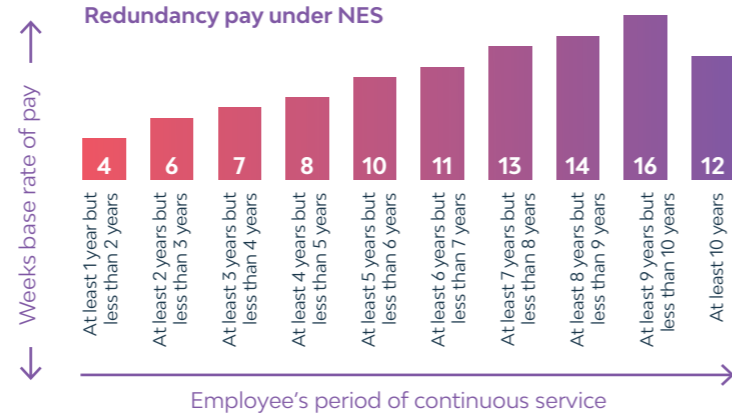
NOTICE/REDUNDANCY

Minimum NES notice scale

Minimum statutory notice based on employee's period of continuous service with the employer:



Increase the period by 1 week if the employee is over 45 years old and has completed at least 2 years of continuous service.



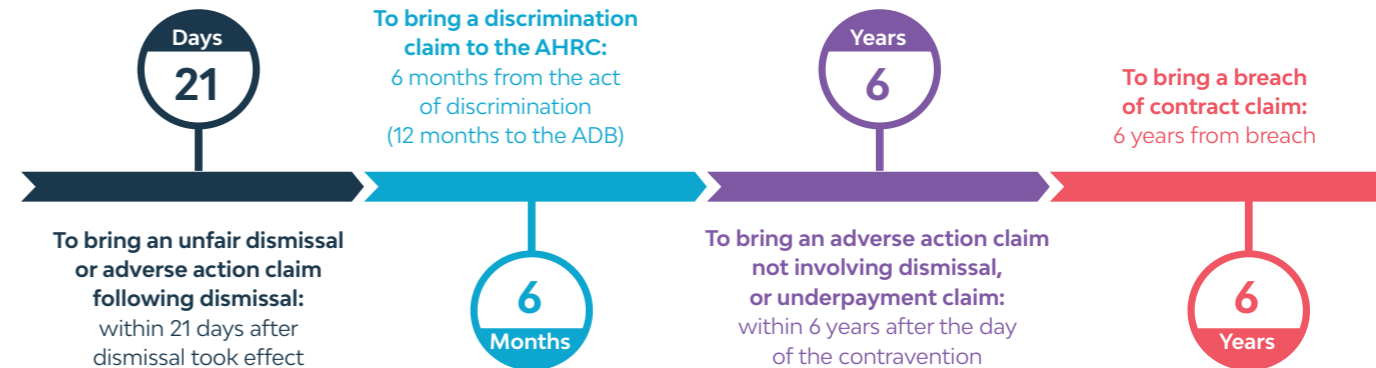
Length of service will be deemed to commence on 1 January 2010 for the purposes of redundancy, unless the employee had an entitlement to redundancy before 1 January 2010.

Tax treatment for redundancy pay

For **2020/2021**, the tax-free component for genuine redundancy payments is **\$11,341** plus a further **\$6,672** is tax free for each subsequent completed year of service.

STATUTORY TIME LIMITS

Time limits for bringing claims



PENALTIES

Under the FW Act

CORPORATION
up to **\$66,600** per contravention or **\$660,000** for serious contraventions

INDIVIDUAL
up to **\$13,320** per contravention or **\$132,000** for serious contraventions

Under the WHS Act (NSW) (as at July 2021)

| | CATEGORY 1: Reckless and risk of death/serious injury | CATEGORY 2: Risk of death/serious injury | CATEGORY 3: Breach of duty |
|--------------------|---|--|--------------------------------------|
| INDIVIDUAL | \$356,721 or five years prison (or both) | \$178,104 | \$59,196 |
| OFFICER | \$712,928 or five years prison (or both) | \$356,721 | \$118,907 |
| CORPORATION | \$3,565,159 | \$1,782,579 | \$594,022 |

A 'serious contravention' requires the person to knowingly contravene the provision with conduct that is part of a systematic pattern of conduct relating to one or more persons.

ENTERPRISE AGREEMENT TIME FRAMES



*NERR is Notice of Employee Representational Rights. **BOOT is Better Off Overall Test.

LEAVE ENTITLEMENTS

| | |
|--------------------------------------|--|
| Annual leave | 4 weeks paid per year (or 5 weeks for some shiftworkers) (or pro rata for part-time employees) |
| Personal/carers leave | 10 days paid per year (or pro rata for part-time employees) |
| Compassionate (or bereavement) leave | 2 days paid for each permissible occasion (or unpaid for casual employees) |
| Community service leave | Unpaid for voluntary emergency management activity e.g. SES |
| Jury service leave | 10 days paid (less the court's pay); unpaid leave for the remainder of jury service |
| Family and domestic violence leave | 5 days unpaid in a 12-month period |
| Long service leave (NSW)* | 2 months paid leave after 10 years continuous service with 1 month's leave each subsequent 5 years |

*Long service leave entitlements vary from state to state.

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WORKPLACE LAW & CULTURE TEAM

With Accredited Specialists in Employment and Industrial law, the Workplace Law & Culture Team provides expert support for your business and HR personnel.

Helping workplaces work and people and business prosper.



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