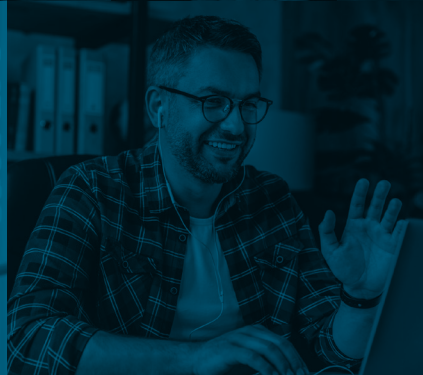


# WORKPLACE FACTS & FIGURES

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:

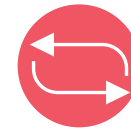
Operative Date	Industries
1 September 2021	Retail industry
1 November 2021	Select COVID impacted industries

## 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).

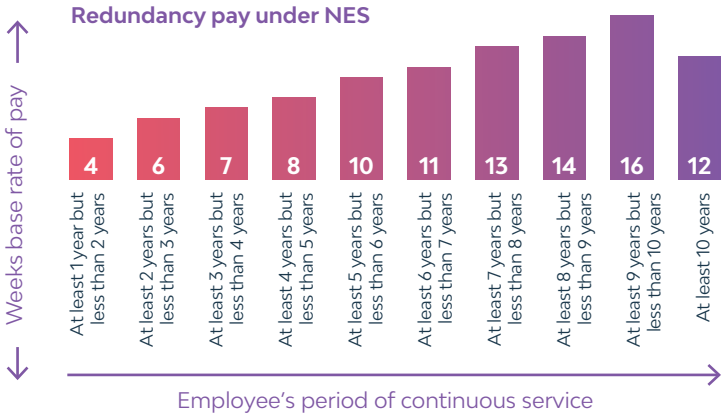
# NOTICE/REDUNDANCY

## 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.



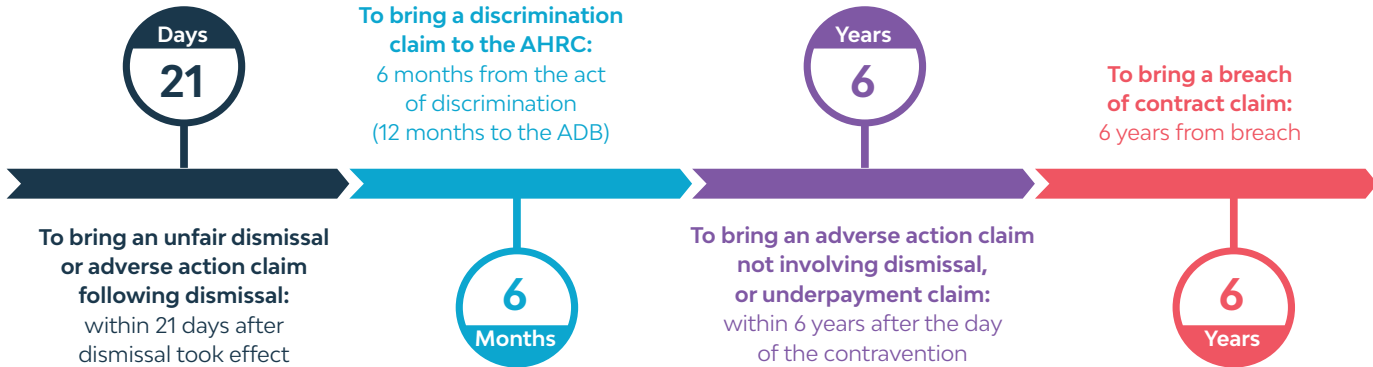
Length of service will be deemed to commence on 1 January 2010 for the purposes of redundancy, unless the employee had an entitlement to redundancy before 1 January 2010.

## Tax treatment for redundancy pay

For **2021/2022**, the tax-free component for genuine redundancy payments is **\$11,341** plus a further **\$5,672** is tax free for each subsequent completed year of service.

# STATUTORY TIME LIMITS

## Time limits for bringing claims



# PENALTIES

## Under the FW Act

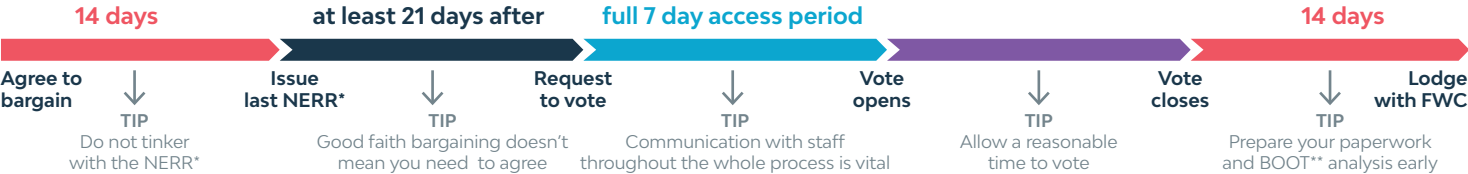
CORPORATION	INDIVIDUAL
up to <b>\$66,600</b> per contravention or <b>\$660,000</b> for serious contraventions	up to <b>\$13,320</b> per contravention or <b>\$132,000</b> for serious contraventions

## 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.

## BARTIER PERRY PTY LTD

Level 10, 77 Castlereagh Street

Sydney NSW 2000

T +61 2 8281 7800

F +61 2 8281 7838

[bartier.com.au](http://bartier.com.au)

ABN 30 124 690 053



Bartier Perry



@BartierPerryLaw



Bartier Perry

To subscribe to our bulletins  
and events please visit

[www.bartier.com.au/subscribe](http://www.bartier.com.au/subscribe)

Bartier Perry Pty Limited is a  
corporation and not a partnership.

# 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.**



## **Darren Gardner**

*Head of Workplace Law  
& Culture*

**P** 02 8281 7806

**M** 0400 988 724  
[dgardner@bartier.com.au](mailto:dgardner@bartier.com.au)



## **James Mattson**

*Partner*

**P** 02 8281 7894

**M** 0414 512 106  
[jmattson@bartier.com.au](mailto:jmattson@bartier.com.au)



## **Linda Mackinlay**

*Partner*

**P** 02 8281 7828

**M** 0457 536 441  
[lmackinlay@bartier.com.au](mailto:lmackinlay@bartier.com.au)



## **Sylvia Moses**

*Special Counsel*

**P** 02 9259 9613

[smoses@bartier.com.au](mailto:smoses@bartier.com.au)



## **Andrew Yahl**

*Senior Associate*

**P** 02 8281 7870

[ayahl@bartier.com.au](mailto:ayahl@bartier.com.au)