

# WORKPLACE FACTS & FIGURES

2023/2024



## 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



**\$882.80** (\$23.23/hr)

The national minimum wage for non-award employees, or those who are not covered by an enterprise agreement, increased on 1 July 2023 from \$812.60 to **\$882.80 a week** (based on 38 ordinary hours worked), or from \$21.38 to **\$23.23 an hour**.

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



**5.75%**

Modern award minimum wages rates increased by 5.75% payable in the first full pay period after 1 July 2023.

## UNFAIR DISMISSAL CAP



**\$167,500**

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 \$162,000 to **\$167,500 a year**.



**\$83,750**

The **compensation cap** on compensation for unfair dismissal increases from \$81,000 to **\$83,750**.

## SUPERANNUATION



**11%**

The minimum superannuation guarantee rate is up from 10.5% to **11%**. An increase to 11.5% is scheduled for 1 July 2024.



**\$62,270**

The **maximum contributions base** for superannuation has risen from \$60,220 to **\$62,270 per quarter** (or \$269,080 per annum).

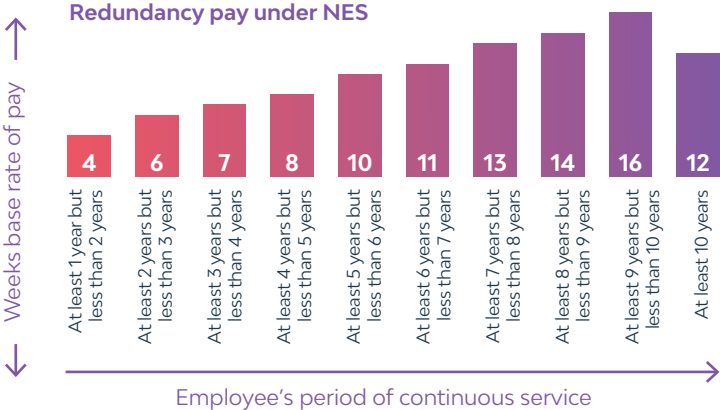
# NOTICE/REDUNDANCY

## 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.



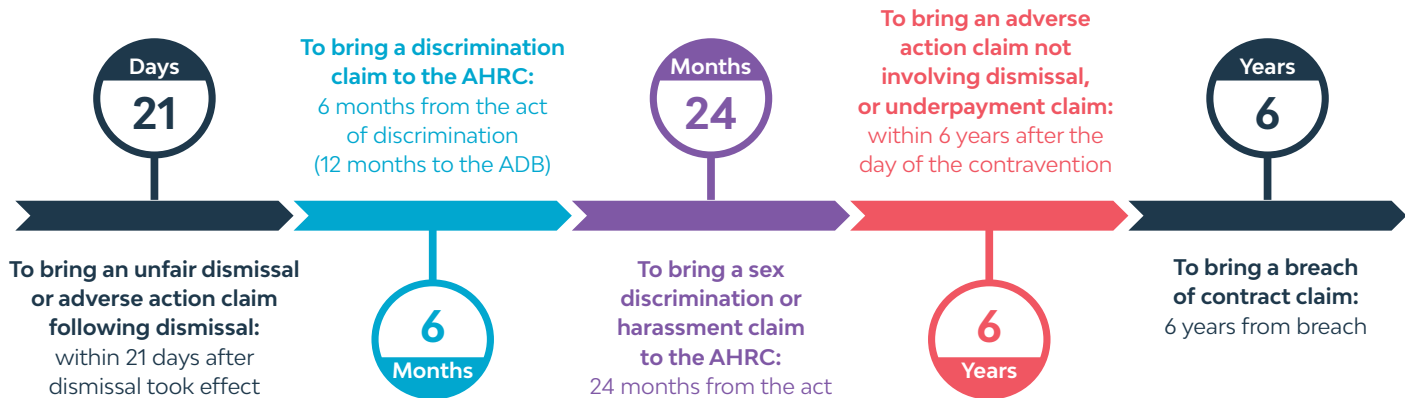
Length of service will be deemed to commence on 1 January 2010 for the purposes of redundancy, unless the employee had an entitlement to redundancy before 1 January 2010.

## Tax treatment for redundancy pay

For **2023/2024**, the tax-free component for genuine redundancy payments is **\$11,985** plus a further **\$5,994** is tax free for each subsequent completed year of service.

# STATUTORY TIME LIMITS

## Time limits for bringing claims



# PENALTIES

## Under the FW Act (as at 1 July 2023)

CORPORATION	INDIVIDUAL
up to <b>\$93,900</b> per contravention or <b>\$939,000</b> for serious contraventions	up to <b>\$18,780</b> per contravention or <b>\$187,800</b> for serious contraventions

## Under the WHS Act (NSW) (as at July 2023)

	CATEGORY 1: Reckless and risk of death/serious injury	CATEGORY 2: Risk of death/serious injury	CATEGORY 3: Breach of duty
INDIVIDUAL	\$399,479 or five years prison (or both)	\$199,451	\$66,291
OFFICER	\$798,383 or five years prison (or both)	\$399,479	\$133,159
CORPORATION	\$3,992,492	\$1,996,246	\$665,223

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.

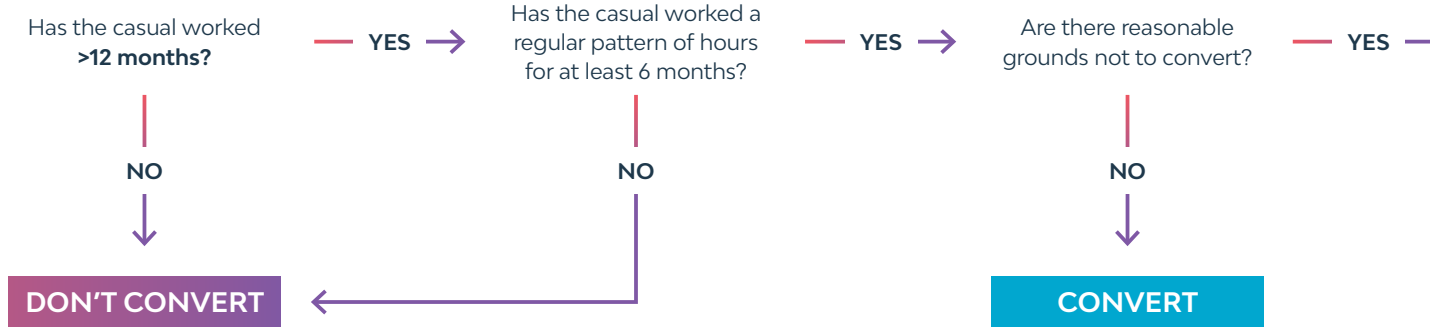
## STATUTORY LEAVE ENTITLEMENTS

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	10 days paid per year
Long service leave (NSW)*	2 months paid leave after 10 years continuous service with 1 month's leave each subsequent 5 years
Maternity and Parental leave	12 months unpaid with ability to request additional 12 months

\*Long service leave entitlements vary from state to state.

# CASUAL CONVERSION

Other than small business employers, employers need to make a written offer to convert casual employees within 21 days of 12 month working anniversary:





### EXAMPLE 1

The employee's position won't exist in the next 12 months.

### EXAMPLE 2

The employee's hours of work will significantly reduce in the next 12 months.

### EXAMPLE 3

The employer would have to make significant adjustments to the employee's work hours.

**DON'T CONVERT**

## BARTIER PERRY PTY LTD

Level 25, 161 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



@bartierperrylawyers

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)



## Shawn Skyring

*Partner*

**P** 02 8281 7970

**M** 0428 304 791

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



## Sylvia Moses

*Special Counsel*

**P** 02 9259 9613

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



## Andrew Yahl

*Special Counsel*

**P** 02 8281 7870

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