

Survive and Thrive

Understanding your obligations with payroll & rostering rules

LIVE WEBINAR



Agenda for today's webinar

- **Housekeeping**
- **In today's webinar you will discover the following:**

Modern Awards – Understanding the General Retail Industry Award and Clerks Private Sector Award (new changes)

National Employment Standards – Why your company needs to comply with NES

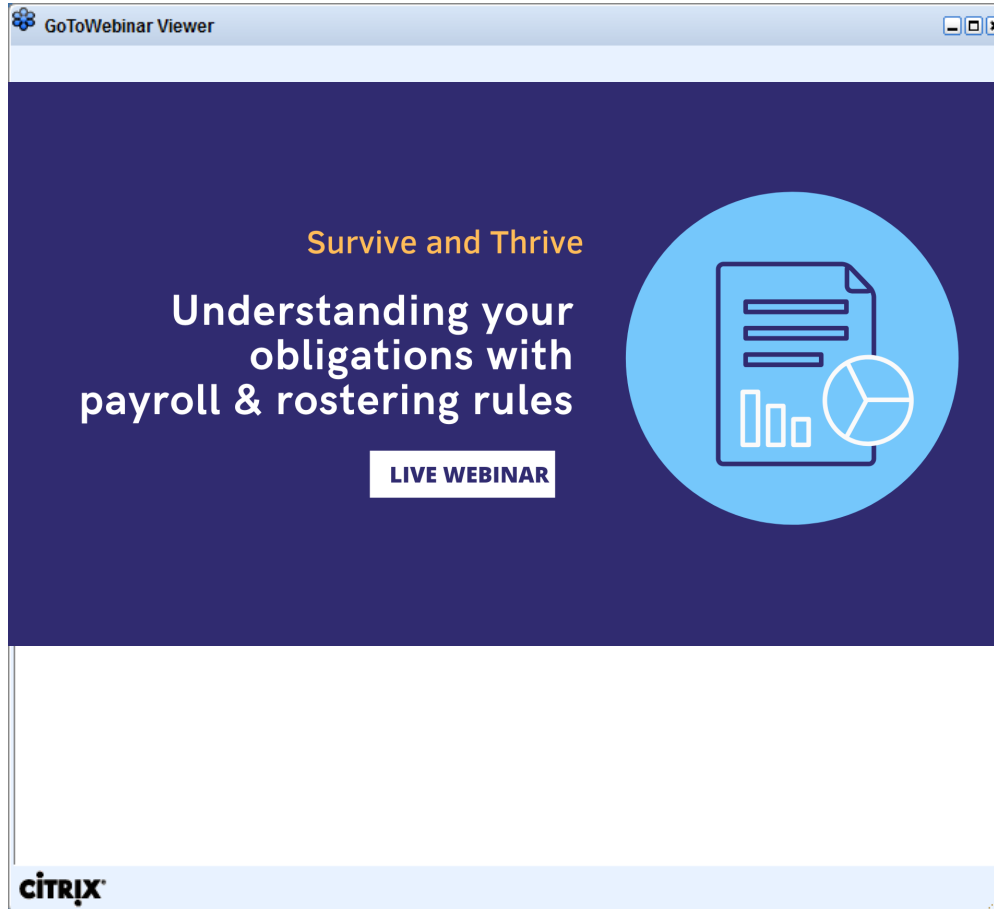
Rostering Rules – How to comply with Rostering Rules

Annualised Salaries – Make sure that you are not underpaying salary staff that is linked to their Industry Award

Your obligations as an employer with Payroll and Rostering under COVID-19 conditions



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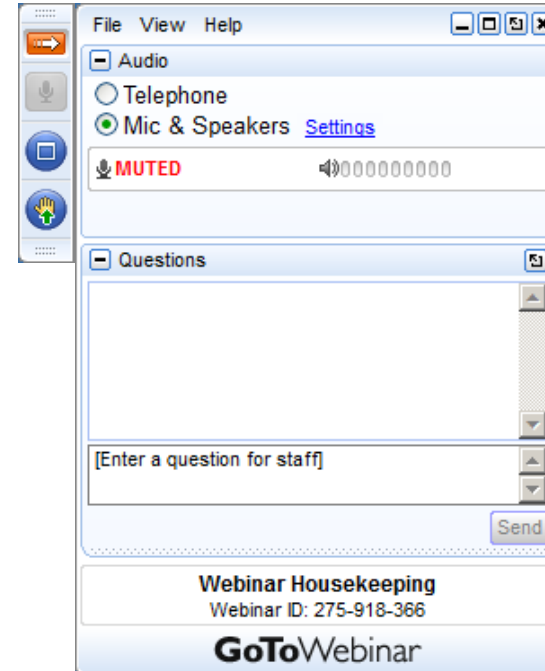
Survive and Thrive

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Questions

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Webinar ID: 275-918-366

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Presenters



Colin Wilson, Director KBA



Allyson Fletcher, HR Advisor KBA



Mission & Purpose

Our **Mission** is to take businesses from Good to Great

Our **Purpose** is to take customers on a journey to help them improve their business through all aspects of employee engagement and performance



A photograph of two women in business attire looking at a laptop screen. The woman in the foreground is leaning over the laptop, and the woman behind her is also looking at the screen. The image is dimly lit and has a dark blue overlay on the left side.

TOPIC 1

Modern Awards – Understanding the General Retail Industry Award and Clerks Private Sector Award (new changes)

General Retail Industry Award 2010



How to read and understand this award

Part 1 – Application and Operation

Part 2 – Consultation and Dispute Resolution

Part 3 – Types of Employment and Termination of Employment

Part 4 – Classifications and Wage Rates

Part 5 – Ordinary Hours of Work

Part 6 - Leave and Public Holidays

Part 7 – Schedules A to H

General Retail Industry Award 2010

How to read and understand this award cont...

Schedule A – Transitional

Schedule B – Classifications

Schedule C – Supported Wage System

Schedule D – National Training Wage

Schedule E – School-based Apprentices

Schedule F – Part-day Public Holidays

Schedule G – Agreement to Take Annual Leave in Advance

Schedule H – Agreement to Cash Out Annual Leave



Clerks Private Sector Award (new changes)

Breaking News: Unprecedented changes to the Clerk-Private Sector Award effective immediately.

The Fair Work Commission has handed down a decision on the 28th March 2020 to include flexibility during the coronavirus outbreak for 1million+ clerical workers in Australia.

The key changes are included in Schedule I of the award and are effective from an employee's full **pay period on or after 28 March 2020 (immediately) until 30 June 2020** (unless extended) and revolve around:

1. Employees' classifications and duties
2. Minimum engagement/pay for part-time and casual employees and span of hours for full-time employees while working at home
3. Full-time and part-time employees' hours of work – temporary reduction of hours
4. Directions to take annual leave.

Clerks Private Sector Award (new changes)

New changes with Clerks Private Sector Award (cont...)

1. Operational flexibility/change of duties
2. Working from home – span of hours and minimum engagement for PT and casuals
3. Temporary reduction of hours
4. Annual Leave

For more information, please refer to our blog posted 30th March 2020

<https://keyba.com.au/breaking-news-unprecedented-changes-to-the-clerk-private-sector-award-effective-immediately/>



TOPIC 2

National Employment Standards – Why your company needs to comply with NES

Understanding National Employment Standards

Employees in Australia have entitlements and protection at work, under:

- Fair Work Laws
- Modern Awards
- Enterprise Agreements
- Employment Contracts
- Pay
- National Employment

You must comply: Fair Work Information Statement





Fair Work

OMBUDSMAN

Understanding The Fair Work Ombudsman

They enforce compliance with the Fair Work Act, related legislation, awards and registered agreements. They help employers and employees by providing advice and education on pay rates and workplace conditions.



FAIR WORK COMMISSION

AUSTRALIA'S NATIONAL WORKPLACE RELATIONS TRIBUNAL

Understanding The Commission

The Commission is the independent national workplace relations tribunal. It is responsible for maintaining a safety net of minimum wages and employment conditions, as well as a range of other workplace functions and regulation.

A photograph of two women in business attire looking at a laptop screen. The woman on the right is leaning over the woman on the left, pointing at the screen. The image is dimly lit and has a dark blue overlay on the left side.

Topic 3

Rostering Rules – How to comply with Rostering Rules

Rostering Rules – How to comply with Rostering Rules

Rostering Rules – as per General Retail Award

Full-time employees are entitled to overtime rates if they work **outside the roster conditions** and if they work **over 152 hours a month**.

Overtime rate is:

- To be paid at the rate of time and a half for the first 3 hours and double time thereafter.
- Calculated daily.

Example: If the employee starts at 11am instead of his normal start time of 9am, the employee can finish work at 7pm without being paid overtime.

Please note: Employees who are starting late for their shift or are absent for part of their shift on unpaid leave will complete their ordinary hours for that day prior to the entitlement to overtime.

Example: If the employee has worked more than 157 hours in a 4 week period, 5 hours overtime will apply. However, the overtime is calculated per day. So the overtime will be calculated each day the employee has done overtime. If they have done one hour extra each day, they will be paid 1h at 1.5 time, and not 5 hours at double time. *Please Note – The contract needs to clearly state over how many weeks the hours are to be averaged, as this will have an impact when calculating the rate.*

Rostering Rules – How to comply with Rostering Rules

Rostering Rules – as per General Retail Award

Rules to follow when rostering:

1. An employee may be rostered to work up to a **maximum of 9 hours on any day**, but can be rostered for 11 hours **one day per week**.
2. An employee **must not** be rostered more than **152 hours per month** (average of 38 hours per week).
3. An employee must have at least **2 consecutive days off each week** or **3 consecutive days off in a two week period** (unless agreed otherwise with the employee in writing).
4. Ordinary hours and any overtime **cannot be worked over more than 6 consecutive days**.
5. An employee must **not be rostered for more than 5 days per week**. If the employee works 6 days in one week, they must not work **more than 4 days the following week**.
6. An employee who **regularly works Sundays** must be rostered so as to have **3 consecutive days off each four weeks** and the consecutive days off must include **Saturday and Sunday** (so at least a week end off per month).
7. The roster period should not exceed 4 weeks.

Please note that for rules number 3 and 6, the employee **can request in writing** another arrangement. If the employer agrees, the arrangement **must be recorded in writing** in the time and wages records.

Rostering Rules – How to comply with Rostering Rules

Rostering Rules – as per General Retail Award

If any of these rules are not followed, employees will be entitled to overtime rate for every hour they work until such time the condition is met.

Example: The employee did not get 3 consecutive days in a fortnight and no agreement is in place, then he should be paid overtime for every hour he worked until such time that the condition is met.

Therefore, it is important that each manager:

1. Keep their team to their roster
2. Be aware and make a note of when your team members work outside the roster arrangements
3. If employees change and swap shifts, be mindful of the roster conditions as above
4. Timesheets need to be completed by employees daily and checked by managers before sending them to payroll
5. Cross check time sheets before sending them to payroll to ensure the hours worked correspond to hours entered on the timesheet

TOPIC 4

Annualised Salaries – Make sure that you are not underpaying salary staff that is linked to their Industry Award

Annualise Salaries – Understanding Annualise Salaries Compliance



In July 2019, the Fair Work Commission handed down a decision that came into effect on the 1st of March 2020 affecting all full-time employees on an annual salary arrangement covered under a selection of modern awards.

This decision was made to protect employees from any underpayment arising from their annualised salary arrangement. Full-time employees are often paid an annual salary to ease the administrative burden and often work reasonable overtime hours without compensation, as it is included in their annual salary. However, underpayments can occur when employees work more hours than those included in their annual salary.

Annualise Salaries – Understanding Annualise Salaries Compliance

To ensure employees are not disadvantaged, as of the 1st March 2020, businesses who employ full-time staff on an annual salary will be required to do the following:

- Inform the employee in writing on the specific provisions (**overtime, allowances, etc**) included in their annual salary.
- Calculate the **employee's annual salary** and notify employees in writing how the calculation was performed.
- Specify in writing the **maximum of ordinary hours** which would attract a penalty payment and any overtime hours not included in the annual salary.
- For each pay cycle, record the employee start times, unpaid breaks and have the employee to sign or acknowledge as **accurate**.
- Each year, or at the end of employment, check that each employee hasn't been underpaid by doing a **reconciliation** (compare the annualised salary the employee received with the actual hours worked) and pay any shortfall within 14 days.
- From the 1st of March 2020, a written agreement will be required to enter **an annualised salary arrangement**, except for employees covered under the awards of Category 1.

Annualise Salaries – Understanding Annualise Salaries Compliance



For more information, please refer to our blog posted 10th February 2020

<https://keyba.com.au/important-changes-in-some-awards-from-1-march-2020/>

A photograph of two women in business attire looking at a laptop screen. The woman on the right is leaning over the woman on the left, both appearing focused on the work. The image is dimly lit and serves as a background for the text overlay.

TOPIC 5

Your obligations – As an employer with
Payroll and Rostering under COVID-19
conditions

As an employer you must comply with today's Payroll and Rostering under COVID-19 conditions

Your obligations as an employer:

- You must understand and follow Modern Award rules (includes EBA's)
- You must comply with NES – National Employment Standards
- You must follow the rules of Rostering and pay staff and comply with the correct pay rates, penalty rates for overtime and any allowances
- With Annualised Salaries, you must ensure that your staff are not disadvantaged
- With COVID-19, if you need to reduce staffs hours, stand staff down or make then redundant, you still need to follow the rules
- In challenging times we are in with COVID-19, it is a good opportunity to have staff stake annual leave or long service leave, and look at the government incentives as they may help you trade through this.





Any Questions?

**Call KBA on 1300 4 ADVICE
OR
EMAIL US AT
INFO@KEYBA.COM.AU**





[Book a Free Chat through Calendly with Allyson or any one from our HR Team Click Here](#)
www.keyba.com.au



[Book a Free Chat through Calendly with Colin Wilson click here](#)
www.keyba.com.au

**BOOK YOUR FREE
15-MIN CHAT**

*Slide deck and the webinar recording will
be emailed to you!*

Next Webinar

Mon, Apr 20, 2020 01:00 PM

Supporting your customers through these challenging times

Topics covered:

- Topic 1. The value of supporting your customers by having good insight
- Topic 2. The opportunities you can create by having foresight
- Topic 3. The importance of re-educating your customers about your products and services
- Topic 4. Being agile and thinking differently to attract new customer opportunities
- Topic 5. Additional tips on how to lead your team through these challenging times

Hosted by Colin Wilson, Director of Key Business Advisors

Survive and Thrive
Supporting your
customers through these
challenging times

LIVE WEBINAR



Survive & Thrive

KBA Initiative



<https://keyba.com.au/survive-and-thrive-a-series-of-webinars/>

Call 1300 4 ADVICE or email info@keyba.com.au for more information



FREE HR Health Check

<https://www.surveymonkey.com/r/HRHealthCheck>



PSA

Protect yourself and your family

Cover your cough and sneeze

- 

1 **COVER** your mouth and nose with a tissue when you cough or sneeze.
- 

2 Put your used tissue in the rubbish **BIN**.
- 

3 If you don't have a tissue, cough or sneeze into your upper sleeve or elbow, **NOT YOUR HANDS**.
- 

4 **WASH** your hands with soap and running water. Dry your hands thoroughly with a disposable paper towel.

Stay germ free and healthy



Stay Safe!

Thank you for attending today's webinar.



Call KBA on 1300 4 ADVICE for any advice or go to
www.keyba.com.au