



FAIR WORK AUSTRALIA

INFORMATION YOU NEED BEFORE YOU CALL FAIR WORK AUSTRALIA ON 13-13-94

This is a modified version of the checklist that you can find at www.fairwork.gov.au. We have added some extra detail to make this form as comprehensive as possible. The telephone operators at Fair Work are very knowledgeable and will be able to help you determine what your correct rate of pay is.

Before you call, it is important to have all of the below information available.

You can find most of this information in your payslip, contract of employment or by talking to your employer or other people in your workplace. Some details (eg. when the company was registered, whether there is a workplace agreement in place) can be found by online searching and we will give you information about how to do this below.

Start the Checklist overleaf (we recommend you print it off and fill it out by hand). At the end is a summary section which you can give to your employer to facilitate discussions about your pay and conditions. You might also encourage them to contact Fair Work on 13 13 94 themselves if they could like to confirm or question the information you have obtained.

BUSINESS AND OCCUPATION DETAILS

1. What is the trading name, legal name, ABN and address where work is being performed?

This information is important as some awards or agreements are binding on businesses named within the instrument itself, or businesses located in a particular State or Territory. The relevant industrial instrument determines an employee's entitlements. Employees can check their pay slip, group certificate or employment contract for these details.

Trading name:	
ABN:	
Legal name:	
Business name:	
Business address:	
Previous name/address:	

2. What is the industry that the business operates in and what are the typical duties of the occupation you're enquiring about?

This information helps us to determine the award or agreement which covers the business and the staff. Most industrial instruments are either occupation based or industry based and some are both. If your enquiry relates to an apprentice or trainee, please refer to the apprentice/trainee section at the end of this checklist.

Industry:	
Duties & Relevant Qualifications: <i>Note for Qualifications:</i> List the qualifications that are REQUIRED for the role that you're doing, not necessarily the qualifications you personally have.	
Duties:	
Qualifications:	

Employment status: (e.g. casual, permanent, part-time, full-time, fixed term contract)	
3. Does the business or employee have a registered agreement (such as a collective or enterprise agreement, an AWA, or ITEA)? If so, what is the name and/or code of the agreement? If there is an agreement in place it will contain information on pay and conditions. An AWA or ITEA is an individual agreement between an employee and employer. A collective or enterprise agreement is a document containing conditions of employment negotiated at the business level between employers and the majority of their staff. It is then lodged with the Fair Work Commission. Employees do not need to sign these agreements. They may have been in place before the employee started working for the business. You can search for an agreement via https://www.fwc.gov.au/awards-and-agreements/agreements/find-agreement	
Yes, the business has a registered agreement in place <input type="checkbox"/>	
The name & code of the agreement is:	
No, the business doesn't have a registered agreement in place <input type="checkbox"/>	
4. Is the business a Pty Ltd, Inc. or Ltd company? This information helps us to assess whether the business is a "constitutional corporation" and covered by the national workplace relations system. It also helps determine what type of award or agreement applies to the occupation. You can usually find this information by searching for the business name at: www.abr.business.gov.au Employees can also check their pay slips to see if the business name has Pty Ltd, Inc. or Ltd in it.	
Yes, the business is a constitutional corporation (e.g Pty Ltd or Ltd) <input type="checkbox"/>	
No, the business isn't a constitutional corporation (e.g. sole trader or partnership) <input type="checkbox"/>	
5. Did the business employ people before or after 26 March 2006? If a business is established after this date, rates of pay, penalties and loadings may be different to those that apply to businesses established before this date.	
The business employed people before 26 March 2006 <input type="checkbox"/>	
The business employed people after 26 March 2006 <input type="checkbox"/>	

6. Is the business a member of an employer association? If so, what is the name of the association?

An employer association is an industry group that employers join to assist them with their business matters. Examples of employer associations are: Master Builders Association, Housing Industry Association to Victorian Automobile Chamber of Commerce. This information will help us determine what type of award or agreement you are covered by. Employees can ask their employer or work colleagues for this information.

Yes, the business is a member of an employer association

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The name of the association is:

No, the business isn't a member of an employer association

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YOUR ENQUIRY

7. Have you previously contacted the Fair Work Ombudsman with your enquiry? This could be by phone or in writing. If so, did you get a reference number for your enquiry or a matter number for your complaint? Ensure that you quote this to the Adviser who answers your enquiry. We will then ask you some questions to confirm your identity and ensure your privacy.

Yes, I have previously contacted the Fair Work Ombudsman regarding my enquiry

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My reference number / matter number is:

Yes, I have previously contacted the Fair Work Ombudsman regarding my enquiry, but I don't have a reference number and/or matter number

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No, I haven't contacted the Fair Work Ombudsman with my enquiry

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APPRENTICES AND TRAINEES

8. Awards or registered agreements can have special rates of pay and conditions that apply to staff engaged in registered apprenticeships and traineeships. The following information is essential for advisors to be able to determine rates of pay. Please answer these questions if your enquiry relates to an apprentice or trainee:

APPRENTICE

Name of apprenticeship & certificate level:

Stage/year of the apprenticeship:

Was the employee under the age of 21 when they started their apprenticeship?

Yes

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No

☐

Has the employee completed Year 12?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Did the employee start the apprenticeship prior to 1 January 2014?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is the employee an indentured apprentice (intends to stay with the same employer to complete the apprenticeship) or a trainee apprentice (intends to move from business to business)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is the apprenticeship school-based? If yes, what year is the employee in?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Did the business engage an apprentice before 27 March 2006?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Did the business engage an apprentice before 1 January 2010?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
TRAINEE		
Name of traineeship & certificate level:		
Highest level of schooling completed:		
Year that schooling was completed:		
Is the traineeship being completed full time or part time?		
Did the business engage a trainee prior to 27 March 2006?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Did the business engage a trainee before 1 January 2010?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
WORK HISTORY		
The operator may also need to know about the hours you normally work and the length of time you have spent in the position		
Commencement Date:		
Normal Hours of Work:		

QUESTIONS TO ASK THE OPERATOR

The operator will take you through the information above. Then you will have the opportunity to ask questions. Some suggested questions are below. Ask the ones that are relevant to your circumstances.

Please write the answers overleaf in our summary section – this can be given to your employer to inform them of the correct pay conditions.

- What is the award/agreement that I should be paid under?
- What is the level of this award/agreement that I should be paid under?
- What is counted as normal hours *Eg. normal hours will often be Monday to Friday 6am to 6pm with hours outside this counted as shiftwork or overtime. This will vary between awards and agreements.*
- What hours of work would be counted as afternoon or night shift? *Eg. Starting a shift after 2pm in the afternoon, or 6pm in the evening.*
- What loadings are applicable to afternoon or night shift? *Commonly afternoon shift attracts a 15% loading and night shift 30%, but this varies between awards and agreements.*
- What hours would be counted as overtime? *Eg. You may be eligible for overtime if you work more than 7.6 hours in a day, 38 hours in a week, on weekends or in other circumstance. This varies between awards and agreements)*
- What loadings are received for overtime? *Eg. you may get paid at 1.5x for the first 3 hours of overtime and then at 2x after that*
- What is my rate of pay if I work on a public holiday? *Usually it is 2.5x the base rate, but sometimes you can agree to work that day for the normal rate and take a day off in lieu. This varies between awards and agreements?*
- How much notice must they give me of termination or no work?

WHAT TO DO NOW?

Usually the best thing to do is take the information overleaf to your employer and ask them to review it and rectify any issues with underpayment. If you feel that you cannot do this, you are able to make a complaint to Fair Work and engage them to assist you in the mediation process.

SUMMARY OF REQUIRED PAY AND CONDITIONS

The below is a summary of information recently obtained from Fair Work Australia
(Enter N/A as appropriate)

Your Name and Job Title	
Name of Relevant Award/Agreement	
Level of Relevant Award/Agreement	
Minimum pay rate for normal hours (including casual loading)	
Spread of Hours that are counted as normal hours	
Spread of Hours counted as shift work	
Spread of Hours counted as overtime	
Minimum Afternoon Shift Rate	
Minimum Night Shift Rate	
Minimum Overtime 1.5x Rate	
Minimum Overtime 2x Rate	
Minimum Public Holiday Rate	
Required Notice Period	
Other	