

BASE AND ORDINARY RATES OF PAY

Base Rate of Pay

Section 16 of the *Fair Work Act 2009 (Cth)* ('The Act') defines base rate of pay for a national system employee as the rate of pay payable to the employee for his or her ordinary hours or work excluding any of the following:

- (a) incentive-based payments and bonuses;
- (b) loadings;
- (c) monetary allowances;
- (d) overtime or penalty rates;
- (e) any other separately identifiable amounts.

The Act states that annual leave (Section 90) and personal leave (Section 99) are payable at the base rate of pay however a modern award or enterprise agreement may specify a different rate at which such leave is payable.

Always check the relevant modern award or any enterprise agreement to determine the rate at which to pay any form of leave.

Contacting the Victorian Chamber of Commerce and Industry

The Victorian Chamber's team of experienced workplace relations advisors can assist members with a range of employment, human resources and industrial relations issues.

Our experienced workplace relations consultants can also provide assistance to both members and non-members on a range of more complex matters for a fee-for-service. The consultants can, among other things, provide training to employees, conduct investigations and provide representation at proceedings at the Fair Work Commission.

For assistance or more information, please contact the Workplace Relations Advice Line on **(03) 8662 5222**.

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