**Industrial relations update**

Industrial relations expert CHAS CINI from the Mediation and Employment Relations Service provides an update matters relating to growers who employ people on their farm.

**When was the last pay increase to the Pastoral Award and by how much?**

On 1 July 2018 the award wages increased by 3.5 percent.

**What is Ordinary Time and what should employees who work 40 hours per week be paid?**

Ordinary Time is 152 hours worked over four consecutive weeks or an average of 38 hours per week. An employee who works 40 hours per week must be paid at 100 percent for the first 38 hours and the rest is overtime.

**Can employees be paid a flat rate?**

Yes, but the arrangement must comply with Clause 7 of the Pastoral Award 2010 and meet the Better Off Overall Test.

**What is the amount of superannuation payable by employers?**

Superannuation payable by employers is 9.5 percent of ordinary time earnings. It is not payable on overtime.

**How much is the casual loading and why do casuals receive it?**

Casual loading is 25 percent. The casual loading is paid instead of annual leave, personal/carer’s leave, notice of termination, redundancy benefits and the other attributes of full-time or part-time employment. Casual staff are NOT entitled to any paid leave except long service leave. Casual employees should not be put on probation as they are engaged by the hour.

Employers must notify an employee whether they are full time, part time or casual BEFORE they commence employment and put it in writing.

**Are all employees covered by unfair dismissal protection?**

Yes, but there are two different categories:

1. Employees working for small employers (less than 15) cannot lodge unfair dismissal applications during the first 12 months of employment. Please refer to the *Small Employer Fair Dismissal Code* on the Fair Work Ombudsman website
2. Employees working for large employers can lodge unfair dismissal applications after six months’ employment.

An employee dismissed for unlawful reasons regardless of the size of the employer can at any time lodge a claim.

**Do Penalty Rates apply for weekend work?**

Penalty rates do not apply for employees working in the broadacre, feedlots and dairy industries. There are no Penalty Rates for weekend work in the Pastoral Award 2010. This replaces the old SA Pastoral Industry Award which ceased to operate on 31 December 2009.

Overtime applies on weekends if the employee works more than 152 hours over four consecutive weeks.

**What should employees be paid on public holidays?**

When a farm and livestock hand is required to perform work on a public holiday the rate of pay will be double time. All public holidays are proclaimed under the Holidays Act. For a list of all public holidays go to the SafeWork SA website.

**When is Overtime payable?**

According to Clause 31 of the Pastoral Award 2010 (broadacre farming which includes dairies and feedlots):

1. All employees (including part time and casuals) are eligible for **overtime** which occurs when an employee works more than 152 hours over four weeks (average 38 hours average per week).
2. When overtime occurs, time and a half will always apply except if the employee is not watering or feeding stock on Sundays when it is double time.
3. All time worked on weekends is ordinary rates unless it is more than 38 hours in that week or an average of 38 hours over four consecutive weeks.
4. Overtime for casuals is based on the full-time rate plus the casual loading.

**When will Domestic Violence Leave come into effect?**

Most employees will be able to take unpaid leave to deal with family and domestic violence from 1 August 2018, following a Fair Work Commission decision. Clause 26A in the award now prescribes the new conditions for this type of leave.

**Who does Single Touch Payroll effect and when?**

Single Touch Payroll comes into effect from 1 July 2018 for large employers (20 or more employees).

It is expected to be introduced on 1 July 2019 for other employers but can report earlier if the software is available. For more information go to the Australian Taxation Office website.

**Details:**

This questions and answers above are to be treated as a guide only. You should seek professional advice specific to your situation before relying on this information.

For more information about how to access the Mediation and Employment Relations Service contact the GPSA office on 1300 734 884 and LSA on .