

Fair Work | Template



Guarantee of Annual Earnings

(s 330 of Fair Work Act)

- | | |
|---------------------------|--|
| 1. Date undertaking given | [insert date undertaking signed by employer] |
| Employer | [insert name/trading name and ABN/ACN of employer]
[insert address of employer] |
| Employee | [insert name and address of employee] |

To the Employee

The Employer undertakes to pay you an amount of earnings stipulated in item 2 below in relation to the performance of work during a period stipulated in item 3 below. If you agree to accept the undertaking and agree with the amount of the earnings, no award, notional agreement preserving State award or modern award will apply to you during any period that the annual rate of earnings covered by this undertaking exceeds the high income threshold (during the year ending 30 June 2010 the high income threshold is \$108,300).

- | | |
|----------------------------------|--|
| 2. Guaranteed amount of earnings | [insert amount – includes wages, salary sacrifice amounts and value of agreed non-monetary amounts, but excludes SGC contributions and discretionary amounts e.g. bonuses, that cannot be determined in advance] |
| 3. Period of undertaking | [insert the period – must not be less than 12 months, unless the employee is engaged under a contract for a fixed term or specific task or seasonal contract for less than 12 months e.g. “12 months commencing 1 August 2009” or “for the duration of the ski season commencing 5 June 2010”] |

Signed on behalf of the Employer:

Signature

Name of person authorised to sign on behalf of the Employer

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I agree:

1. to accept the undertaking and agree with the amount of the earnings stipulated in Item 2 above;
2. that I am covered by an award, notional agreement preserving State award or modern award that is in operation;
3. that this undertaking does not affect the employer’s right to terminate my employment under my employment contract;
4. that no enterprise agreement, certified agreement, ITEA or AWA applies to my employment at the start of the period of undertaking stipulated in item 3 above;
5. that no more than 14 days has elapsed from the date this undertaking has been given as stipulated in item 1 above and:
 - a) the day I commenced employment with the employer; or
 - b) a day on which I agreed with the employer to vary the terms and conditions of my employment by the employer.

N.B. A guarantee may be given by a prospective employer and accepted by a prospective employee prior to the commencement of employment.

Signed:

By the Employee:

Signature of Employee

Name of Employee

Or

Signature of Employee’s parent or guardian (if the Employee is under 18 years of age)

Name parent or guardian and relationship to Employee

Note:

An employer that has given a guarantee of annual earnings to an employee must comply with the guarantee during any period that the employee’s annual rate of earnings covered by this undertaking exceeds the high income threshold (during the year ending 30 June 2010 the high income threshold is \$108,300) and the employee is covered by an award, notional agreement preserving State award or modern award that is in operation. Non-compliance will expose the employer to liability under the Fair Work Act 2009 (Cth).