



# How to check your pay and get help with underpayments

This guide for Western Australian workers tells you about:

- how to work out the minimum pay rate you should be paid for the work that you are doing; and
- how to seek help if you think that you have not been paid correctly.

STEP  
1

## Work out if you are covered by the state or national industrial relations system

Two different industrial relations systems operate in Western Australia, the state system and the national fair work system. The two systems have different employment rights and obligations. Which of these two systems covers a particular employee depends on the type of business structure of the employer.

The state system covers businesses and organisations (and their employees) that operate as:

- sole traders (e.g. Jane Smith trading as Jane's Café)
- unincorporated partnerships (e.g. Jane and Bob Smith trading as Jane's Café)
- unincorporated trust arrangements (e.g. Jane and Bob Smith as trustees for the Smith Family Trust trading as Jane's Café)
- incorporated associations and other not-for-profit organisations that are not trading or financial corporations.

The national system covers businesses and organisations (and their employees) that operate as:

- Pty Ltd businesses that are trading or financial corporations (e.g. Smith Pty Ltd trading as Jane's Café)
- incorporated partnerships (e.g. Smith Pty Ltd and Bob Smith trading as Jane's Café)
- incorporated trust arrangements (e.g. Smith Pty Ltd as trustee for the Smith Family Trust trading as Jane's Café)
- incorporated associations and other not-for-profit organisations that are trading or financial corporations.

If you are not sure which system covers your work, you can contact Wageline on 1300 655 266 and provide the name of the business or the ABN and Wageline can assist with a business search over the phone.

If you are in the state system follow the steps in the left hand column over the page.

If you are in the national system, follow the steps in the right hand column over the page.

## State industrial relations system employees follow the steps below:

### STEP 2 Start with the right information

Visit the Wageline website at [www.dmirs.wa.gov.au/wageline](http://www.dmirs.wa.gov.au/wageline) for information on your pay, working hours and leave entitlements or call Wageline on 1300 655 265.

Visit [www.dmirs.wa.gov.au/longserviceleave](http://www.dmirs.wa.gov.au/longserviceleave) for long service leave information.

### STEP 3 Find out whether a WA award covers the work you do and the pay rate for your job

Many jobs are covered by a WA award that sets the minimum pay rates for an industry or occupation.

Find out whether a WA award covers your job by visiting [www.dmirs.wa.gov.au/findapayrate](http://www.dmirs.wa.gov.au/findapayrate) or contacting Wageline on 1300 655 266. If no WA award covers your job, you are entitled to the WA minimum rate of pay and leave entitlements in the *Minimum Conditions of Employment Act*.

### STEP 4 Compare the relevant rate of pay with what you are/were earning

It is unlawful for an employer to pay you less than the minimum rate of pay, or if a WA award applies, the WA award rate of pay, even if you agreed to a lower rate of pay when you started work.

### STEP 5 Take action to resolve the underpayment if you believe you have been underpaid

Visit [www.dmirs.wa.gov.au/underpaymentcomplaints](http://www.dmirs.wa.gov.au/underpaymentcomplaints) to lodge an underpayment of wages or entitlements complaint if you believe you have been underpaid wages or leave under a WA award, state registered agreement, or the *Minimum Conditions of Employment Act* or you have not been paid a long service leave entitlement under the state *Long Service Leave Act*.

### Report wage theft anonymously

Visit [www.wagetheft.wa.gov.au](http://www.wagetheft.wa.gov.au) to anonymously report a wage theft issue.

## National industrial relations system employees follow the steps below:

### STEP 2 Start with the right information

Visit the Fair Work Ombudsman website at [www.fairwork.gov.au](http://www.fairwork.gov.au) or call 13 13 94 for information on your pay, working hours and leave, except long service leave.

Visit [www.dmirs.wa.gov.au/longserviceleave](http://www.dmirs.wa.gov.au/longserviceleave) for long service leave information as most national system employees get long service leave under the state *Long Service Leave Act*.

### STEP 3 Find out whether a national award covers the work that you do and the pay rate for your job

Many jobs are covered by a national modern award that sets the minimum pay rates for an industry or occupation.

Find the right award and pay rate for your job using the Fair Work Ombudsman's Pay Calculator at [www.fairwork.gov.au](http://www.fairwork.gov.au)

### STEP 4 Compare the relevant rate of pay with what you are/were earning

It is unlawful for an employer to pay you less than the minimum rate of pay, or if an award applies, the award rate of pay, even if you agreed to a lower rate of pay when you started work.

### STEP 5 Take action to resolve the underpayment if you believe you have been underpaid

Visit [www.fairwork.gov.au](http://www.fairwork.gov.au) or call 13 13 94 to get help from the Fair Work Ombudsman if you believe you have been underpaid wages or leave (except long service leave) under a national modern award, federal agreement or the National Employment Standards in the *Fair Work Act*.

Visit [www.dmirs.wa.gov.au/underpaymentcomplaints](http://www.dmirs.wa.gov.au/underpaymentcomplaints) to lodge an underpayment of wages or entitlements complaint if you believe you have not been paid a long service leave entitlement under the *Long Service Leave Act*.

### Report wage theft anonymously

Visit [www.fairwork.gov.au](http://www.fairwork.gov.au) to anonymously report a wage theft/underpayment issue to the Fair Work Ombudsman.