



## Guide

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### Applying for a take-home pay order

#### About take-home pay orders

On 1 January 2010 modern awards came into effect in the national workplace relations system establishing minimum pay and conditions in a number of industries.

If you are an employee or outworker and believe your take-home pay has suffered as a result of the introduction of modern awards you may be able to seek a take-home pay order to remedy the situation. Such an order will preserve your existing take-home pay while you remain in the same job.

To obtain such an order you must be eligible and make an application in writing to Fair Work Australia.

#### What is 'take-home pay'?

Take-home pay is the pay an employee or outworker actually receives after tax and certain deductions such as salary sacrificing arrangements.

It includes wages, allowances, overtime payments and any incentive-based payments.

#### Who can apply for a take-home pay order?

An application for a take-home pay order can be made by:

- an employee or outworker who believes they have suffered a reduction in take-home pay as a result of the introduction of a modern award
- a union that is entitled to represent the industrial interests of such an employee or outworker
- a person acting on behalf of an individual employee or outworker or a group of such employees or outworkers who have similar circumstances.

#### How do I apply?

To apply for a take-home pay order you must complete the general Fair Work Australia **form F1** and submit it to Fair Work Australia. There is no time limit for making such an application.

You can submit the form by post, email or in person at any Fair Work Australia office.

A copy of the form is available on the FWA website at:

[http://www.fwa.gov.au/documents/forms/form\\_f1.doc](http://www.fwa.gov.au/documents/forms/form_f1.doc)

FWA contact details are available on the FWA website at:

<http://www.fwa.gov.au/index.cfm?pagename=headercontact>

If you need help filling out the form please contact the FWA Help Line on **1300 799 675**.

## What will Fair Work Australia consider?

In order to make a take-home pay order Fair Work Australia must be satisfied that:

- there has been a reduction in take-home pay and the reduction is related to the introduction of a modern award
- the reduction is not minor or insignificant
- the employee(s) or outworker(s) affected have not been adequately compensated in other ways for such a reduction.

## What happens if an order is made?

If an order is made the employer of the affected employee(s) or outworker(s) must comply with its terms.

The order continues to have effect so long as the modern award continues to cover the relevant employee(s) or outworker(s). This means that it will continue while you remain in the same job and that job is covered by the modern award.

## Further information

For further information and assistance:

- contact the FWA Help Line on **1300 799 675**
- go to the Fair Work Australia website at [www.fwa.gov.au](http://www.fwa.gov.au)
- read the relevant legislation – *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*, Schedule 5, Part 3, Item 9 – Orders remedying reductions in take-home pay.

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This guide is not intended to be comprehensive, but is designed to assist in gaining an understanding of Fair Work Australia and its work. FWA does not provide legal advice.