

ADVISORY NOTICE : GRAPHIC ARTS, PRINTING AND PUBLISHING AWARD 2010



EFFECTIVE FROM THE FIRST FULL PAY PERIOD THAT STARTS ON OR AFTER 9 SEPTEMBER 2020

The Award clause dealing with payment of wages and other monies upon termination of employment has been varied as follows:

Clause 28.6 - Payment of wages upon termination of Employment

a) The employer must pay an employee by the end of the next business day after the day on which the employee's employment terminates:

(i) the employee's wages under this award for any complete or incomplete pay period up to the end of the day of termination; and

(ii) all other monies that are due to the employee under this award.

(b) The employer must pay an employee all amounts due to the employee under the NES no later than 7 days after the day on which the employee's employment terminates.

(c) The requirement to pay wages and other amounts under paragraphs (a) and (b) is subject to further order of the Commission and the employer making deductions authorised by this award or the Act.

This revised term amends the previous Award requirement to pay to an employee all possible monies and entitled amounts upon termination of employment.

CONSIDERATIONS

On an application of the varied clause, related Award provisions, and applying the National Employment Standards ("NES") it can be seen that:

- > Section 117(2) of the Act provides that an employer must not terminate an employee's employment unless the employer has given the employee any required period of notice or "has paid" to the employee a payment in lieu of notice. On that basis, the termination may not necessarily be effective until the payment in lieu has been made. It is therefore recommended that any payment in lieu of notice is provided upon termination.
- > Redundancy pay (the previously named 'severance' component) is determined under the NES. On that basis, this component may be paid to a terminated employee as per clause 28.6(b).
- > Accrued annual leave payable upon termination is an Award term (clause 37.13 of the GAPPA). On that basis, this component may be paid to a terminated employee as per clause 28.6(a).
- > The pre-modern Award long service leave provisions (Graphic Arts General Award 2000 – Appendix E) continue to apply to most production employees. Those terms require an employer to pay any accrued long service leave entitlement upon termination of employment.

Members with any related queries should contact our GM – IR, Policy and Governance, Charles Watson, at charles@thermc.com.au to discuss.

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