

*The way to calculate your earnings:*

(Fair Work Act 2009)

### 332 Earnings

- (1) An employee's ***earnings*** include:
  - (a) the employee's wages; and
  - (b) amounts applied or dealt with in any way on the employee's behalf or as the employee directs; and
  - (c) the agreed money value of non-monetary benefits; and
  - (d) amounts or benefits prescribed by the regulations.
- (2) However, an employee's ***earnings*** do not include the following:
  - (a) payments the amount of which cannot be determined in advance;
  - (b) reimbursements;
  - (c) contributions to a superannuation fund to the extent that they are contributions to which subsection (4) applies;
  - (d) amounts prescribed by the regulations.

Note: Some examples of payments covered by paragraph (a) are commissions, incentive-based payments and bonuses, and overtime (unless the overtime is guaranteed).

- (3) ***Non-monetary benefits*** are benefits other than an entitlement to a payment of money:
  - (a) to which the employee is entitled in return for the performance of work; and
  - (b) for which a reasonable money value has been agreed by the employee and the employer;but does not include a benefit prescribed by the regulations.
- (4) This subsection applies to contributions that the employer makes to a superannuation fund to the extent that one or more of the following applies:
  - (a) the employer would have been liable to pay superannuation guarantee charge under the *Superannuation Guarantee Charge Act 1992* in relation to the person if the amounts had not been so contributed;
  - (b) the employer is required to contribute to the fund for the employee's benefit in relation to a defined benefit interest (within the meaning of section 291-175 of the *Income Tax Assessment Act 1997*) of the employee;
  - (c) the employer is required to contribute to the fund for the employee's benefit under a law of the Commonwealth, a State or a Territory.