

*Your answers suggest that you may be entitled to the agreed earnings for the entire guarantee period.*

### **328 Employer obligations in relation to guarantee of annual earnings**

*Employer must comply with guarantee for period before termination*

(2) If:

- (a) the employment of a high income employee is terminated before the end of the guaranteed period; and
- (b) either or both of the following apply:
  - (i) the employer terminates the employment;
  - (ii) the employee becomes a transferring employee in relation to a transfer of business from the employer to a new employer, and the guarantee of annual earnings has effect under subsection 316(2) as if it had been given to the employee by the new employer; and
- (c) the employee is covered by a modern award that is in operation at the time of the termination;

the employer must pay earnings to the employee in relation to the part of the guaranteed period before the termination at the annual rate of the guarantee of annual earnings.