

*When calculating your base rate of pay the following rules apply in your circumstances:*

## **16 Meaning of *base rate of pay***

### *General meaning*

- (1) The ***base rate of pay*** of a national system employee is the rate of pay payable to the employee for his or her ordinary hours of work, but not including any of the following:
- (a) incentive-based payments and bonuses;
  - (b) loadings;
  - (c) monetary allowances;
  - (d) overtime or penalty rates;
  - (e) any other separately identifiable amounts.

### *Meaning for pieceworkers in relation to entitlements under National Employment Standards*

- (2) Despite subsection (1), if one of the following paragraphs applies to a national system employee who is a pieceworker, the employee's ***base rate of pay***, in relation to entitlements under the National Employment Standards, is the base rate of pay referred to in that paragraph:
- (b) an enterprise agreement applies to the employee and specifies the employee's base rate of pay for the purposes of the National Employment Standards;

## **Division 6—Base rate of pay under enterprise agreements**

### **206 Base rate of pay under an enterprise agreement must not be less than the modern award rate or the national minimum wage order rate etc.**

#### *If an employee is covered by a modern award that is in operation*

- (1) If:
- (a) an enterprise agreement applies to an employee; and
  - (b) a modern award that is in operation covers the employee;
- the base rate of pay payable to the employee under the agreement (the ***agreement rate***) must not be less than the base rate of pay that would be payable to the employee under the modern award (the ***award rate***) if the modern award applied to the employee.
- (2) If the agreement rate is less than the award rate, the agreement has effect in relation to the employee as if the agreement rate were equal to the award rate.