

Your employer has a legal obligation to notify you at the start of the guarantee that the modern award which covers your employment would not apply for the period of guarantee.

328 Employer obligations in relation to guarantee of annual earnings

Employer must give notice of consequences

- (3) Before or at the time of giving a guarantee of annual earnings to an employee covered by a modern award that is in operation, an employer must notify the employee in writing that a modern award will not apply to the employee during any period during which the annual rate of the guarantee of annual earnings exceeds the high income threshold.

47 When a modern award *applies* to an employer, employee, organisation or outworker entity

Modern awards do not apply to high income employees

- (2) However, a modern award does not apply to an employee (or to an employer, or an employee organisation, in relation to the employee) at a time when the employee is a high income employee.