

## My pay doesn't seem right

Annual Wage Review – 1 September 2021 changes

From 1 September 2021, minimum wages in the Retail Award are increasing. Updated minimum rates are now available in our pay tools. See our [Annual Wage Review 2021 \(www.fairwork.gov.au/about-us/news-and-media-releases/website-news/annual-wage-review-2021\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/website-news/annual-wage-review-2021) page for more information.

Problems and questions about pay are the most common problems employees experience in the workplace that we hear about. You can solve most problems by following some simple steps.

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### How to solve a pay problem

#### Before you start – information you need

- Information about [Pay \(www.fairwork.gov.au/pay/default\)](http://www.fairwork.gov.au/pay/default) .
- Your award – check [Find my award \(www.fairwork.gov.au/awards-and-agreements/awards/find-my-award\)](http://www.fairwork.gov.au/awards-and-agreements/awards/find-my-award) .
- Your pay rates – check our [Pay and Conditions Tool \(www.fairwork.gov.au/pay/pay-calculator\)](http://www.fairwork.gov.au/pay/pay-calculator) .

#### Steps to take

##### 1. Get ready to talk to your employer

- Check your pay. Use our [Pay and Conditions Tool \(www.fairwork.gov.au/pay/pay-calculator\)](http://www.fairwork.gov.au/pay/pay-calculator) to help you work out your minimum pay rate.
- Have information ready to show your employer, including past pay slips and information from our website. It can help to show your employer:
  - what you think your correct pay rate is
  - how much you estimate that you're owed
  - clear up any misunderstandings about classifications and calculating pay rates.
- Arrange a time to talk to your employer and show them what you've found. Bring a support person along if that helps you. Sometimes this can help you remember the discussion.
- Get ready for the discussion. We have online courses to help you prepare for [difficult conversations \(www.fairwork.gov.au/tools-and-resources/online-learning-centre/difficult-conversations-in-the-workplace-employee-course\)](http://www.fairwork.gov.au/tools-and-resources/online-learning-centre/difficult-conversations-in-the-workplace-employee-course) .

##### 2. Discuss the problem with your employer

- Stay calm and listen. Be open about what you believe your correct pay rate is and what you think you're owed.
- If your employer isn't sure if there has been an underpayment, they can contact us to confirm. You may even wish to contact us together.
- Work out the next steps together. Discussing the issues with your employer and listening to their point of view can help resolve the issue, or provide an opportunity to get further information.
- Write some notes during or after the meeting about what was discussed and agreed to.

### 3. Follow up after the meeting

- Send a follow-up email to your employer and include a summary of the discussion and agreement.
- Give your employer time to respond, for example one week. If the agreed underpayment is a large amount, your employer could ask if it can be paid to you in instalments. You will need to reach an agreement and put it in writing.
- Check that you've received your back pay. If your employer agrees to back pay you, acknowledge the agreement and check the correct money is paid into your bank account.

#### **Example: Claiming back pay**

Luke is a casual salesperson at a shoe store. He works on weekends but isn't paid penalty rates which his award, the Retail Award, outlines that he should. He'd been working weekends for 3 months before he realised the mistake.

Luke arranged to talk to his boss, Steph. He brought along the information and calculations he'd found on our website to show Steph what he should be getting paid. Steph didn't realise that she had to pay Luke penalty rates for working weekends. She discussed with him how she'd back pay the amount owed for Luke's 3 months weekend work.

The money was paid into Luke's bank account the next pay day.

#### **Best practice tip**

Sometimes employers don't keep proper employee records. This can make it difficult for an employee, or us, to address concerns about underpayments. We recommend employees keep a record of their hours, for example in a diary or using our [Record My Hours app \(www.fairwork.gov.au/how-we-will-help/how-we-help-you/record-my-hours-app\)](http://www.fairwork.gov.au/how-we-will-help/how-we-help-you/record-my-hours-app) .

### **If you need more support**

Most workplace problems can be solved without us getting involved, but sometimes this isn't possible.

We have information to help if your employer:

- doesn't respond to your attempts to contact them
- is being unfair or unreasonable
- agrees with you but needs help to fix the underpayment.

Find out how we can help you. Visit [Fixing a workplace problem \(www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/default\)](http://www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/default) .

For more serious problems, you can [contact us \(www.fairwork.gov.au/contact-us/default\)](http://www.fairwork.gov.au/contact-us/default) . These include problems like:

- **Visa holders**  
Your employer bullies you or threatens to cancel your visa. Only the Department of Home Affairs (Home Affairs) can cancel visas, not your boss. We have an arrangement with Home Affairs that supports visa holders when they ask for our help with a workplace problem. Visa holders can ask for our help without fear of visa cancellation, even if they've breached their work-related visa conditions. This arrangement is called the Assurance Protocol. Read more on our [Visa holders and migrants \(www.fairwork.gov.au/find-help-for/visa-holders-migrants/visa-holders-and-migrants\)](http://www.fairwork.gov.au/find-help-for/visa-holders-migrants/visa-holders-and-migrants) page.
- **Dismissal**  
You are dismissed or threatened with dismissal for raising your workplace problem with your employer. Australian laws protect people from being dismissed for discussing a problem at work or asking for correct pay. Read more on our [Unfair dismissal \(www.fairwork.gov.au/ending-employment/unfair-dismissal\)](http://www.fairwork.gov.au/ending-employment/unfair-dismissal) page.

### **Other common workplace problems**

- [I've been fired and I'm not sure what I'm entitled to \(www.fairwork.gov.au/workplace-problems/common-workplace-problems/ive-been-fired-and-im-not-sure-what-im-entitled-to\)](http://www.fairwork.gov.au/workplace-problems/common-workplace-problems/ive-been-fired-and-im-not-sure-what-im-entitled-to)
- [Help with bullying in the workplace \(www.fairwork.gov.au/workplace-problems/common-workplace-problems/help-with-bullying-in-the-workplace\)](http://www.fairwork.gov.au/workplace-problems/common-workplace-problems/help-with-bullying-in-the-workplace)
- [I'm not getting pay slips \(www.fairwork.gov.au/workplace-problems/common-workplace-problems/im-not-getting-pay-slips\)](http://www.fairwork.gov.au/workplace-problems/common-workplace-problems/im-not-getting-pay-slips)
- [I think I could be in a sham contracting arrangement \(www.fairwork.gov.au/workplace-problems/common-workplace-problems/i-think-i-could-be-an-employee-not-a-contractor\)](http://www.fairwork.gov.au/workplace-problems/common-workplace-problems/i-think-i-could-be-an-employee-not-a-contractor)
- [I'm a migrant worker being treated unfairly \(www.fairwork.gov.au/workplace-problems/common-workplace-problems/im-a-migrant-worker-being-treated-unfairly\)](http://www.fairwork.gov.au/workplace-problems/common-workplace-problems/im-a-migrant-worker-being-treated-unfairly)

## Tools and resources

- [An employee's guide to resolving workplace issues \(DOCX 397.2KB\) \(www.fairwork.gov.au/ArticleDocuments/712/an-employees-guide-to-resolving-workplace-issues.docx.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/712/an-employees-guide-to-resolving-workplace-issues.docx.aspx)  [\(PDF 570.8KB\) \(www.fairwork.gov.au/ArticleDocuments/712/an-employees-guide-to-resolving-workplace-issues.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/712/an-employees-guide-to-resolving-workplace-issues.pdf.aspx)
- [Find my award \(www.fairwork.gov.au/awards-and-agreements/awards/find-my-award\)](http://www.fairwork.gov.au/awards-and-agreements/awards/find-my-award)
- [Pay and Conditions Tool \(www.fairwork.gov.au/pay/pay-calculator\)](http://www.fairwork.gov.au/pay/pay-calculator)
- [Difficult conversations in the workplace employee online course \(www.fairwork.gov.au/tools-and-resources/online-learning-centre/difficult-conversations-in-the-workplace-employee-course\)](http://www.fairwork.gov.au/tools-and-resources/online-learning-centre/difficult-conversations-in-the-workplace-employee-course)
- [Record My Hours app \(www.fairwork.gov.au/how-we-will-help/how-we-help-you/record-my-hours-app\)](http://www.fairwork.gov.au/how-we-will-help/how-we-help-you/record-my-hours-app)

## Related information

- [Pay \(www.fairwork.gov.au/pay/default\)](http://www.fairwork.gov.au/pay/default)

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### Contact us

Fair Work Online: [www.fairwork.gov.au](http://www.fairwork.gov.au)

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.