

From: [Cassie Botha](#)
To: s47F
Bcc: [LEGAL - Buyout and Band 1 Review 2020 - 20130021 Emails](#)
Subject: Band 1 and Buyouts Review - Outcome letters and Media Statement [ABC-PAL.FID37968]
Date: Thursday, 30 September 2021 5:59:57 PM
Attachments: [FAQs - Back payments.pdf](#)
[FAQs - Band 1 review outcome.pdf](#)
[FAQs - Buyout review outcome.pdf](#)
[FAQs - Meal Allowance Compensation review outcome.pdf](#)
[Band 1 - outcome letter - not underpaid.pdf](#)
[Buyout - outcome letter - not underpaid.pdf](#)
[Buyout - outcome letter - underpaid.pdf](#)
[Band 1 - outcome letter - underpaid.pdf](#)

Dear s47F

Further to our recent phone conversation, I'm writing to confirm that employees included in the ABC's Band 1 and Buyouts Review were notified in writing of their individual outcomes today.

As previously discussed, I have attached for your reference copies of the following documents:

- FAQs – Backpayments
- FAQs – Band 1 review outcome
- FAQs – Buyout review outcome
- FAQs – Meal Allowance Compensation review outcome
- Letter template - Band 1 – outcome letter – not underpaid
- Letter template – Band 1 – outcome letter - underpaid
- Letter template – Buyout – outcome letter – not underpaid
- Letter template – Buyout – outcome letter – underpaid

I've also included a link to a media statement published on our website today – [here](#).

Please don't hesitate to give me a call if you have any questions.

In any case, I'll be in further touch tomorrow to send you the list of individual outcomes from the review.

Kind regards,
Cassie



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We acknowledge Aboriginal and Torres Strait Islander peoples as the First Australians and Traditional Custodians of the lands where we live, learn and work.

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if you have incorrectly received this email.



BACK PAYMENTS

FREQUENTLY ASKED QUESTIONS

Last updated:

September 2021

GENERAL

1. When will I be paid my back payment?

The ABC will begin making back payments to impacted employees in the buyout and Band 1 review following a period of consultation. At this stage, the ABC anticipates it will commence making back payments in the 28 October 2021 pay run for Band 1 employees and 11 November 2021 pay run for buyout employees and employees owed a transitional meal allowance entitlement.

If you are a current employee, you do not need to do anything. We will make payment to the bank account and superannuation fund that you have nominated for your fortnightly pay.

If you are a former employee, your payment can only be processed once you have sent your completed Employee Details Form to us at peopleandculture@abc.net.au.

2. I'm happy with my back payment calculation, how do I receive my payment quickly?

a) If you are currently engaged by the ABC:

If you are happy with your back payment calculation and we do not hear back from you within the below consultation period timeframes, your payment will be processed in the next available pay cycle.

- The consultation period is two weeks, up to 15 October 2021, for Band 1 employees and those in the Schedule D Transitional Meal Allowance review. The earliest date payment can be made will be 28 October 2021;
- The consultation period is four weeks, up to 29 October 2021, for employees in the buyout review. The earliest date payment can be made will be 11 November 2021.

b) If you were formerly engaged by the ABC:

If you are a former ABC employee and have not worked for the ABC since 20 June 2021, before we can pay you, you will need to confirm your details by completing the [Employee Details Form](#) provided to you with your letter. Please email it to peopleandculture@abc.net.au as soon as possible.

Once we have received your completed form, your payment will be processed in the next available pay cycle.

3. Have you included the annual ABC Enterprise Agreement increases in the calculations?

Yes, the annual ABC Enterprise Agreement increases have been included in the calculations.

4. My bank details and / or my superannuation account details have changed since I was last paid by the ABC. How do I notify you?

Please complete the Employee Details Form that was provided to you and email it to peopleandculture@abc.net.au.

5. Will I be paid interest on the back payment?

Yes, you will be paid 4.1% simple interest per annum on the back pay amount.

The ABC has determined to pay interest at the current Federal Court pre-judgement interest rate.

6. I took a period of long service leave, or was paid long service leave, during the review period. Has my long service leave been underpaid?

Yes, this has been taken into account in our review.

We have compared the amount of long service leave already paid to you with the amount of long service leave that should have been paid to you based on the applicable enterprise agreement.

If the long service leave pay you should have received is greater than what you have already received, you will be paid the additional long service leave in your back pay.

Any back pay in relation to the long service leave will be included in the total back pay in the financial year in which you took the leave, or the financial year in which you received payment in lieu of long service leave (on termination of employment).

TAX AND SUPERANNUATION

7. Will I receive a back payment for superannuation?

Any superannuation payable on the back payment has been calculated and will be paid into your nominated superannuation fund. Interest on superannuation calculated at 4.1% simple interest per annum will also be paid into your nominated superannuation fund (please note that employees in a defined benefit fund will not receive interest on superannuation).

If you are currently employed by the ABC, we have your current fund details for any superannuation contributions due, and you do not need to take any action.

If you are not currently employed by the ABC, please confirm your details by completing the Employee Details Form provided to you and email it to peopleandculture@abc.net.au as soon as possible, otherwise we are unable to process your back payment.

8. How is the back payment of superannuation calculated?

The ABC has compared the superannuation contributions already paid to your fund with the amount of superannuation due to your fund if you had been paid sufficiently during the review period.

If the superannuation you should have received is greater than what you have already received, you will be paid the additional superannuation.

Please be aware that a back payment of salary does not necessarily mean you are underpaid superannuation contributions. This is because the back payment of your salary may include non-superable income components. For example, superannuation contributions are not paid in relation to overtime.

9. How was tax calculated on my back payment?

The ABC has withheld tax on your back payment in accordance with ATO requirements. If you would like more information, please refer to the [ATO website \(Method A\)](#).

The money you will receive in your bank account will be the amount after related tax deductions and superannuation. Information about how much tax has been deducted and how much superannuation has been paid will be shown on your payslip, once the payment has been processed.

If any of your back payments are in the category of Lump Sum E and are equal to or greater than \$1200 in total you will receive a letter at the end of this financial year that identifies the amounts of back pay for each previous financial year.

When you complete your tax return, you will need to report this at [item 24](#). If your income increases in the current financial year due to the back payment and results in a higher income tax rate, then you should get a tax offset.

The ATO will calculate this tax offset based on the information you include in item 24 of your tax return and based on your prior year tax returns. For more information please refer to the [ATO's website](#) (refer to lump sum payments in arrears).

Following the submission of your tax return, and, depending on your personal tax circumstances in the current year and in the financial years in which you were underpaid, you may receive a refund from the ATO, or you may be required to pay a debt to the ATO.

We are unable to provide personalised financial or taxation advice because we do not know your personal tax circumstances. You may wish to consult a financial advisor or registered tax professional.

10. Will my payslip and Income Statement (Payment Summary) uploaded to MyGov outline the back pay amounts?

Yes. The back pay will appear on your Income Statement. In line with the ATO requirements, there are two back pay categories:

- Back pay that relates to a period within 12 months of your payment date, OR a period greater than 12 months ago, for an amount less than \$1,200;
- Back pay that relates to a period more than 12 months ago and is equal to or greater than \$1,200 in total will appear as Lump Sum E on your Income Statement in accordance with taxation requirements.

If any of your back payments are in the category of Lump Sum E, you will receive a letter at the end of this financial year that identifies the amounts of back pay for each previous financial year.

When you complete your tax return, you will need to report this at [item 24](#). If your income increases in the current financial year due to the back payment and results in a higher income tax rate, then you should get a tax offset.

Following the submission of your tax return and depending on your personal tax circumstances in the current year and in the financial years in which you were underpaid you may receive a refund from the ATO, or you may be required to pay a debt to the ATO.

For more information please refer to the [ATO's website](#) (refer to lump sum payments in arrears).

11. Will I need to pay extra tax to the ATO on the back payment?

We are unable to provide personalised financial or taxation advice because we do not know your personal tax circumstances. Upon submitting your tax return, you may find that you will receive a tax refund, or you will owe a debt. This will depend on a range of factors, including whether you had other sources of income that may affect the rate at which your back payment is taxed by the ATO.

You may wish to consult a financial advisor or registered tax professional.

12. How will my back payment affect other government allowances or payments I receive?

It is possible that your back payment may have an impact on certain tax liabilities and rebates, including:

- liability to pay the Medicare levy (only applicable if your income would otherwise be less than \$29,032);
- government superannuation co-contributions (only applicable if your income would otherwise be less than \$56,112);
- low-income super tax offset and other tax offsets;
- liability for the Medicare levy surcharge (only applicable if the back payment causes your income to exceed \$90,000 for a single or \$180,000 for a family);
- the rate of repayment of Government loans such as HELP and SFSS (repayments commence if income exceeds \$47,014);
- the private health insurance rebate (applicable if the back payment causes your income to exceed \$140,000 for a single or \$280,000 for a family); and
- Div 293 tax (additional tax on superannuation contributions, which is only applicable if the back payment causes your income to exceed \$250,000).

In addition, your back payment can affect:

- child support obligations; and
- eligibility for family assistance payments such as Family Tax Benefits, Child Care subsidies and parental leave payments.

Please note that individual circumstances vary, and we are unable to provide advice in relation to individual circumstances. You should contact the relevant agency if you require more details.

13. Is the ABC providing any financial advice about how my back pay will affect my financial situation?

If your total gross underpayment is greater than \$15,000 (excluding superannuation or interest on superannuation) as set out in the letter you received from the ABC, then you are eligible to be reimbursed for financial advice in relation to your back payment for up to \$500 inclusive of GST.

This is available to you within twelve months of the date you receive your back payment. You must email a copy of your receipt from a registered financial adviser to peopleandculture@abc.net.au to be able to be reimbursed.

FURTHER INFORMATION

If you have any other questions about the review, please email the People & Culture Helpdesk (peopleandculture@abc.net.au).

REFERENCE DOCUMENTS

- [ABC Enterprise Agreement 2013-2016](#)
- [ABC Enterprise Agreement 2016-2019](#)
- [ABC Enterprise Agreement 2019-2022](#)

Disclaimer:

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BAND 1 REVIEW OUTCOME

FREQUENTLY ASKED QUESTIONS

Last updated:

September 2021

GENERAL

1. What is a Band 1 classification?

All employees covered by the ABC Enterprise Agreement must be assigned to a role that is correctly classified and graded according to the Work Level Standards (WLS). The WLS provide a framework for valuing work. They indicate the standards for each of the nine salary bands and provide guidance on the tasks, activities and capabilities required for different functions and roles.

Under the WLS, roles are classified as either:

- Content Maker
- Administrative/Professional
- Technologist

Roles which are classified as Content Maker or Administrative/Professional are graded from Band 1 to Band 9. Technologists are not permitted to be engaged at Band 1 and the ABC has already completed a review of Band 1 Technologists.

2. Why did the ABC review Band 1 classifications for employees engaged in Content Maker or Administrative/Professional roles?

The ABC has recently completed other reviews to ensure compliance with applicable enterprise agreements, and during those reviews, the ABC identified a small number of employees who had been incorrectly classified at Band 1. The ABC then determined it should undertake a broader review of employees classified at Band 1 to check whether they had been classified correctly.

Band 1 is generally the most appropriate classification for an entry level employee with no prior relevant experience. The duties they are assigned are basic and they are closely supervised while they perform the role. Once a Band 1 employee has acquired sufficient experience and new skills, it will often be appropriate for them to be assigned to a higher band classification.

As the WLS do not set a specific time frame when progression to a higher band level must occur, this can result in a Band 1 employee being underpaid if their classification is not reviewed at the correct time.

3. How many Band 1 employees have been reviewed?

We have reviewed approximately 250 current and former employees who are or were classified at Band 1, between 14 July 2014 and 20 June 2021.

4. How did the ABC determine whether Band 1 was the correct classification and if I've been underpaid?

The ABC's process was to:

- Review each period you were engaged at Band 1 and the level of work that you were required to perform during the review period;
- Confirm whether a Band 1 classification was appropriate for the role you were performing during that time by looking at available information on our systems and payroll files and speaking with relevant managers at the ABC, and if applicable, increase your classification from Band 1;
- Calculate the payments you should have received under the applicable enterprise agreements for the hours you worked, compared to the actual payments you received;
- If there was any pay period where you received less than what you should have received under the applicable enterprise agreement, this means there was an underpayment and you are owed backpay.

The ABC engaged Pricewaterhouse Coopers (PwC) to undertake the calculations.

5. Why does the ABC's review only include the period from 14 July 2014 to 20 July 2021 for employees engaged at Band 1?

The ABC reviewed the payments made to Band 1 employees going back to 14 July 2014, which is in excess of the six-year statutory limitation period for underpayment claims.

The review end date is 20 June 2021 because from this date the ABC has introduced additional checks to confirm that employees engaged at Band 1 are classified correctly.

CONSULTATION

6. I have been notified that I was not underpaid but I believe I may have been. What should I do?

If you have been notified that you were not underpaid, this means that the ABC's review has determined that Band 1 was the correct classification for the role and duties you were performing when you were paid at Band 1.

However, if you believe a mistake has been made, please email peopleandculture@abc.net.au or call 1800 975 155 as soon as possible.

7. I have been notified that I was underpaid but I have some questions about how the amount was calculated. What do I do?

If you have any concerns or questions about how the amount of underpayment was calculated, please email peopleandculture@abc.net.au or call 1800 975 155.

8. I would like to receive a copy of my back payment calculation to check that it was calculated correctly. How can I obtain it?

Please contact us by emailing peopleandculture@abc.net.au or calling 1800 975 155.

9. Do I need to be part of the Union to raise any questions or concerns I have?

No, you do not. Whether you are a union member or not, if you have any questions you can contact us at peopleandculture@abc.net.au or call 1800 975 155.

However, if you wish to do so you can contact the MEAA or CPSU at any time.

The ABC will also continue to meet and correspond with both the MEAA and CPSU about the review and its outcomes.

FURTHER INFORMATION

If you have any other questions about the review, please email the People & Culture Helpdesk (peopleandculture@abc.net.au).

REFERENCE DOCUMENTS

- [ABC Enterprise Agreement 2013-2016](#)
- [ABC Enterprise Agreement 2016-2019](#)
- [ABC Enterprise Agreement 2019-2022](#)

- [ABC Work Level Standards for Administrative/Professional](#)
- [ABC Work Level Standards for Content Maker](#)
- [Content Maker – Role Templates](#)
- [Content Maker – Typical Roles and Band Range](#)

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BUYOUT REVIEW OUTCOME

FREQUENTLY ASKED QUESTIONS

Last updated:

September 2021

GENERAL

1. What is a buyout?

The ABC engages some of its employees on annualised salaries, known as 'buyouts'. A buyout arrangement is an annual agreement in which an employee agrees to be paid a fixed loading (a buyout) in lieu of other entitlements for hours of work, rosters and changes to rosters, special rates, shift penalties, overtime and/or allowances. A buyout arrangement includes employees who are on an annual buyout, a buyout for short term distant assignments and special events or a salary package.

An employee on a buyout arrangement must receive at least four free days per fortnight, and they must be better off on the buyout arrangement than they would be if they were paid penalties, overtime and meal allowances under the ABC Enterprise Agreement.

2. Why did the ABC review buyouts?

The appropriate amount of fixed loading (the buyout) is determined through an estimate of the payments an employee would be entitled to, based on the pattern of hours it is expected that they will work for the 12 months ahead. Because a buyout amount is based on estimated hours, if an employee's pattern of hours changes unexpectedly throughout the period of the buyout, their buyout arrangement needs to be reviewed to ensure that the employee is still better off overall for the period.

The ABC has reviewed all buyout arrangements since 14 July 2014 to ensure that this 'better off overall' requirement has been met for each employee paid a buyout.

3. Why does the ABC use buyouts?

Buyouts are permitted under the ABC Enterprise Agreement and in specific circumstances can provide benefits to both the ABC and the relevant employee. A buyout arrangement can provide the ABC with rostering and resourcing flexibility in relation to an employee who experiences large fluctuations in the hours they work throughout the year. The same employee benefits by receiving a consistent salary throughout the year, regardless of the hours they work.

4. How many employees on a buyout have been reviewed?

We have reviewed buyout arrangements for approximately 1800 current and former employees, between 14 July 2014 and 20 June 2021.

5. How did the ABC determine whether the buyout amount was correct and if I've been underpaid?

The ABC's process was to:

- Review each period you were engaged on a buyout arrangement and ensure that the 'better off overall' requirement was met for each period. This looked at the available records and information about the hours you worked during the review period;
- Calculate the payments you should have received under the applicable enterprise agreements if you had been paid the actual penalties, overtime and/or meal allowances that were included in your buyout arrangement;
- If the amount you would have received under the applicable enterprise agreement was more than the amount you were paid on a buyout arrangement, this means there was an underpayment in relation to your buyout arrangement.

The ABC engaged Pricewaterhouse Coopers (PwC) to undertake the calculations.

6. Why does the ABC's review only include the period from 14 July 2014 to 20 July 2021 for employees on a buyout arrangement?

The ABC reviewed the payments made to employees on a buyout arrangement going back to 14 July 2014, which is in excess of the six-year statutory limitation period for underpayment claims.

The review end date is 20 June 2021 because from this date the ABC has implemented compliance monitoring processes to ensure employees on a buyout arrangement meet the 'better off overall' requirement.

7. What are the entitlements under the ABC Enterprise Agreement that the ABC has taken into account in determining whether I was underpaid?

The ABC has carefully reviewed each clause in the current and previous applicable enterprise agreements to ensure that each entitlement has been correctly calculated. This includes penalties, overtime, allowances, and annual leave loading.

For some employees who were engaged in 2014, this also includes an entitlement called Transitional Meal Allowance (also known as meal allowance compensation). For more information on meal allowance compensation, please refer to the relevant section of these FAQs.

CONSULTATION

8. I have been notified that I was underpaid but I have some questions about how the amount was calculated. What do I do?

If you have any concerns or questions about how the amount of underpayment was calculated, please email peopleandculture@abc.net.au or call 1800 975 155.

We can also provide you with a copy of your back payment calculation upon request.

9. What records has the ABC relied on to determine my hours of work, and calculate whether I was paid sufficiently?

Typically, the hours worked by an employee, including employees on a buyout, are recorded in the ABC's payroll system by a rosterer in the department and approved by the relevant manager each pay period. This has occurred for the majority of employees in the review.

Where this information has not been captured in our payroll system, we have worked with PwC on two main approaches to fairly and reasonably determine the hours you worked.

a) 'Like me' analysis

This approach looks at the standard work practices of employees holding similar roles and with similar work patterns. It then applies the most common work schedule to any period where there is a gap in the ABC's records of hours.

The analysis involves identifying all employees holding a similar role to you based on a set of criteria that includes:

- Cost centre
- Position
- Schedule A or Schedule B
- Rostered or non-rostered

Looking at all the employees who are "like" each other, the calculation model identifies the most common start and finish times. These times are then used to fill in gaps in the ABC's records.

b) Typical work schedules

Another approach the ABC has used are "typical work schedules". Under this approach, the ABC has worked with PwC to identify schedules that are typical of the hours worked by particular roles in a particular area of the business.

These typical work schedules have been prepared based on:

- Hours of work records for the period 1 February 2021 to 20 June 2021. All rostered employees, including employees on a buyout, were required to record their actual hours of work (including meal breaks) from the pay cycle commencing 1 February 2021; and
- Feedback provided by managers and rosterers in each affected area regarding the pattern of hours currently and historically worked by employees in the area.

The typical work schedule is then applied to all periods where there are gaps in the ABC's records of hours.

The typical work schedules have been designed to produce an overall uplift in entitlements when compared back to what these employees would have received if they were paid as per the current time and attendance where it is available. This is to ensure that we have reasonably accounted for peak work periods which may not have been captured in the February 2021 to June 2021 period.

This approach was primarily taken for particular areas of the News, Analysis and Investigations division.

10. How do I know which of the above methods the ABC has used to determine my hours of work and calculate my buyout?

For the majority of employees, the ABC has been able to use actual records of hours. Where there have been gaps in the ABC's records, a 'like me' or 'typical work schedule' approach has been applied.

If you would like further information about the approach taken in your case, please contact us by emailing peopleandculture@abc.net.au or calling 1800 975 155.

11. I have information that I think may not have been considered. What do I do?

If you have your own records and information about specific hours you worked that you think may not have been considered as part of the review, you should raise this during the consultation period. Ideally you should provide us with as much detailed information as possible, such as what role you were working in, details of your start and finish times and meal breaks taken, and the period of the review your records apply to.

If you have additional information for us to consider, please email peopleandculture@abc.net.au or call 1800 975 155.

12. I was on a buyout for a short term distant assignment and / or special event. Has the ABC taken this into account in determining whether I was underpaid?

Yes, we have conducted an analysis of payroll data and reviewed employee files to confirm the period/s when an employee was on a buyout for a short term distant assignment or for special events. These distinct periods are checked to make sure that you have been 'better off overall' while on a short term distant assignment or special event, and is separate from your annual buyout arrangement (if applicable).

13. In addition to a buyout, I have also been in receipt of a market allowance. What approach has the ABC taken with my market allowance to calculate whether I was paid sufficiently?

The ABC has used market allowances to set-off against any underpayment of entitlements for the purposes of our review. Amounts paid to an employee in excess of their entitlements can be used to off-set an underpayment of entitlements, where the payment and the entitlements are related. This is consistent with the contractual terms providing for a market allowances (for the performance and duties in your role), and the case law.

14. I have been notified that I was not underpaid but I believe I may have been. What should I do?

If you have been notified that you were not underpaid, this means that the ABC's review has determined that the buyout arrangement you were on has met the 'better off overall' requirement, and you have been paid in excess of the overtime, penalties and/or meal allowances you would otherwise have received under the terms and conditions of the ABC Enterprise Agreement.

However, if you believe a mistake has been made, please email peopleandculture@abc.net.au or call 1800 975 155 as soon as possible.

15. Do I need to be part of the Union to raise any questions or concerns I have?

No, you do not. Whether you are a union member or not, if you have any questions you can contact us at peopleandculture@abc.net.au or call 1800 975 155.

However, if you wish to do so you can contact the MEAA or CPSU at any time.

The ABC will also continue to meet and correspond with both the MEAA and CPSU about the review and its outcomes.

ADDITIONAL INFORMATION FOR CURRENT EMPLOYEES

16. I've received a letter notifying me that additional annual leave hours will be added to my current leave balance. Does this mean I've been underpaid?

This means that the ABC has identified that during the review period you were entitled to additional annual leave accruals as a result of shifts performed on a Sunday. The ABC has calculated the additional leave you were entitled to and will add the equivalent hours to your current leave balance.

17. I am a current employee and have been underpaid – will my buyout be terminated?

It is important that the ABC ensures that employees on buyout arrangements are better off overall on those arrangements than they otherwise would be. In some circumstances employees may be better off if they are no longer on a buyout arrangement. The ABC will notify you individually if it is proposing to make adjustments to your salary arrangements, including ceasing your current buyout arrangement.

If you have questions or concerns about your current buyout arrangement, please contact us by emailing peopleandculture@abc.net.au or calling 1800 975 155 as soon as possible.

18. I am a current employee and the ABC has written to me to let me know it is proposing to cease my buyout arrangement. How will this impact my pay?

If the ABC has notified you that it is proposing to cease your buyout, this is because your buyout has not been calculated correctly, and you have not been better off overall under your current arrangement than if you had been paid under the terms and conditions of the ABC Enterprise Agreement. The ABC is proposing to cease the buyouts of some employees to ensure they are paid their entitlements (including overtime, penalties and meal allowances) in the pay period they fall due.

If your buyout ceases, this will occur from a particular date (as detailed in your letter), and from that date, you will be paid overtime, penalties and meal allowance owing to you each pay period. These amounts will appear on your payslip each fortnight.

Once your buyout ceases, during periods of annual leave, you will be paid annual leave loading. This is calculated as the greater of:

- a) the daily equivalent of 17.5% of your base salary up to the cap (set by the Australian Statistician each calendar year and is currently \$1,537.40); or
- b) the daily equivalent of average shift penalties earning in the previous rolling 52 weeks.

Any leave balance on cessation that is paid in lieu will also have Annual Leave Loading paid in lieu.

19. I have not been underpaid. Will my current buyout arrangement be impacted?

If the review has found that your current buyout has been adequately calculated and you have not been underpaid, this means that we have determined that your buyout arrangement has

met the better off overall requirement under the ABC Enterprise Agreement, based on your current pattern of work in your current buyout arrangement.

Your buyout arrangement will continue and will be reviewed as required in line with the ABC Enterprise Agreement.

The ABC Enterprise Agreement requires the ABC to monitor buyout arrangements so that if an employee's pattern of ordinary hours of work changes during the period of the agreement, the loading is found to be wrongly calculated or extraordinary events have intervened, the buyout arrangement may be reviewed and the rate changed by agreement to reflect the new circumstances, or the buyout will be terminated.

The ABC may in future determine that it is appropriate to adjust your buyout, including increasing or decreasing the buyout amount, or terminating the buyout. If the ABC proposes to change your buyout amount or terminate your buyout, you will be contacted individually in relation to this, and be given adequate notice and time to ask questions and raise any concerns you may have.

FURTHER INFORMATION

If you have any other questions about the review, please email the People & Culture Helpdesk (peopleandculture@abc.net.au).

REFERENCE DOCUMENTS

- [ABC Enterprise Agreement 2013-2016](#)
- [ABC Enterprise Agreement 2016-2019](#)
- [ABC Enterprise Agreement 2019-2022](#)

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MEAL ALLOWANCE COMPENSATION REVIEW

FREQUENTLY ASKED QUESTIONS

Last updated:

September 2021

GENERAL

1. What was the ABC's review into Meal Allowance Transition and Compensation Provisions about?

The ABC has conducted a review in relation to a particular entitlement under the ABC Enterprise Agreement known as "Meal Allowance Compensation". Meal Allowance Compensation was brought into effect in the *ABC Enterprise Agreement 2013-2016* for employees who were impacted by changes to meal allowance entitlements. When the changes came in, the amount was reduced from \$27.10 to \$20, and the eligibility windows were amended, which impacted some employees. These impacted employees became eligible for Meal Allowance Compensation.

The ABC decided to undertake a review to ensure that eligible employees had been correctly paid this entitlement.

For more information about this entitlement and eligibility criteria, please refer to the Schedule D Meal Allowance Transition and Compensation Provisions section of the *ABC Enterprise Agreement 2019-2022*.

2. Why did the ABC review Meal Allowance Transition and Compensation Provisions?

The ABC has recently completed other reviews to ensure compliance with applicable enterprise agreements, and during those reviews, the ABC identified that some employees in the reviews had not received sufficient Meal Allowance Compensation.

The ABC then determined it should undertake a broader review of employees across the ABC to check whether they had been correctly paid this entitlement.

The ABC engaged Pricewaterhouse Coopers (PwC) to check for eligibility and to undertake the calculations.

3. How did the ABC determine whether I was eligible to receive this entitlement and if I've been underpaid?

You are eligible to receive an entitlement to Meal Allowance Compensation if you meet the following criteria:

- you were employed by the ABC and covered by the *ABC Enterprise Agreement 2013-2016* as at 5 November 2013;
- you were paid a meal allowance in the period 5 November 2012 to 4 November 2013; and
- you would have been negatively impacted by the changes which occurred in the *ABC Enterprise Agreement 2013-2016*, whereby from 1 July 2014 the amount of meal allowance was reduced from \$27.10 to \$20 and the eligibility window for receiving meal allowance changed from 12pm to 7pm to 11am to 7pm.

The ABC, with the help of PwC, ran checks to make sure that all employees who met the above criteria were included in the review. The ABC then calculated what you should have been paid for this entitlement since 1 July 2014, and compared it with what you have already been paid over the period. If there was a shortfall, this means you are owed back pay.

4. I have been included in the ABC's review into buyout arrangements. How has my entitlement to Meal Allowance Compensation been taken into account?

If you are included in the ABC's buyout review, the ABC has calculated whether the salary you have received was sufficient to cover all of your entitlements, including Meal Allowance Compensation. If you have any questions about this, you can contact us at peopleandculture@abc.net.au or call 1800 975 155.

5. Does this mean that the ABC has underpaid me in relation to meal allowances?

No. Meal Allowance Compensation under Schedule D of the ABC Enterprise Agreement is completely separate from meal allowances. Meal allowances have been paid correctly.

6. I have been notified that I am entitled to back pay but I have some questions about how the amount was calculated. What do I do?

If you have any concerns or questions about how the amount of back pay was calculated, please email peopleandculture@abc.net.au or call 1800 975 155.

7. I would like to receive a copy of my back payment calculation to check that it was calculated correctly. How can I obtain it?

Our team can provide you with a copy of your back pay calculations. Please contact us by emailing peopleandculture@abc.net.au or calling 1800 975 155.

8. Do I need to be part of the Union to raise any questions or concerns I have?

No, you do not. Whether you are a union member or not, if you have any questions you can contact us at peopleandculture@abc.net.au or call 1800 975 155.

However, if you wish to do so you can contact the MEAA or CPSU at any time.

The ABC will also continue to meet and correspond with both the MEAA and CPSU about the review and its outcomes.

FURTHER INFORMATION

If you have any other questions about the review, please email the People & Culture Helpdesk (peopleandculture@abc.net.au).

REFERENCE DOCUMENTS

- [ABC Enterprise Agreement 2013-2016](#)
- [ABC Enterprise Agreement 2016-2019](#)
- [ABC Enterprise Agreement 2019-2022](#)

Disclaimer:

Please note that this document is for guidance only, does not have contractual force, and does not constitute legal or financial advice. In the event of any inconsistency with an applicable law or industrial instrument, the law or industrial instrument will prevail.



[Day Month 2021]

[First name Surname]

Delivered by email

Dear [First name]

ABC review into payments to employees engaged at Band 1

We contacted you previously to let you know that the ABC was undertaking a review of payments to employees engaged at Band 1 under the ABC's Work Level Standards as Administrative/Professionals and Content Makers, between 14 July 2014 to 20 June 2021.

The purpose of our review was to confirm whether Band 1 was correct for the work performed.

Our process was to:

1. Review each period an employee was engaged at Band 1 and the level of work that the employee was required to perform during the review period;
2. If the employee was found to be incorrectly classified as Band 1 at any time during the review period, to reclassify the employee at an appropriate higher band for the relevant period; and
3. Calculate the payments for the hours worked that the employee should have received when classified correctly under the applicable enterprise agreement and compare them to the actual payments the employee received for those periods.

Any pay period in which an employee was paid less than they should have been paid under the applicable enterprise agreement is identified as an underpayment.

The ABC's review has determined that you have not been underpaid.

The work you performed while engaged at Band 1 has been reviewed against the Work Level Standards and the engagement at Band 1 was correct for your role and responsibilities.

Included in this letter is information about the dates you were engaged at Band 1 (Attachment 1).

The information provided in this letter is for your records and you do not need to take further action. If we do not hear from you, there will be no further action taken by the ABC.

Questions

Please refer to the Frequently Asked Questions (FAQs). You can view and download the FAQs from the links in the email you received from us.

If you have additional questions or information you would like the ABC to consider, please email peopleandculture@abc.net.au or call 1800 975 155 to talk with the ABC's People & Culture team.

We thank you for your patience and understanding during this review.

Yours sincerely



Monica Vagg
a/ Chief People Officer
People & Culture
Australian Broadcasting Corporation

Email: peopleandculture@abc.net.au
Phone: 1800 975 155

REFERENCE DOCUMENTS

- [ABC Enterprise Agreement 2013-2016](#)
- [ABC Enterprise Agreement 2016-2019](#)
- [ABC Enterprise Agreement 2019-2022](#)
- [ABC Work Level Standards for Content Makers](#)
- [ABC Work Level Standards for Administrative/Professionals](#)



Attachment 1

Your Band 1 engagement details

Start of Band 1 engagement	End of Band 1 engagement	Position title	Schedule	Roster cycle	Band and paypoint increased to
					n/a
					n/a
					n/a

Please note that the “Start of Band 1 engagement” and “End of Band 1 engagement” dates provide the overarching dates during which you performed work for the ABC engaged at Band 1. You may not have worked hours in every pay cycle during this period. Your back pay has been calculated based on the hours you actually worked during the period.



[Day Month 2021]

[First name Surname]

Delivered by email

Dear [First name]

ABC review into payments to employees on a Buyout Arrangement

We contacted you previously to let you know that the ABC was undertaking a review of payments to employees on buyout arrangements engaged in the period 14 July 2014 to 20 June 2021. As an employee on buyout during some or all of the review period, you have been included in the review.

The purpose of our review was to determine whether employees were better off overall on a buyout arrangement than if they had been paid penalties, overtime, and meal allowances under the relevant ABC Enterprise Agreement during the review period.

Our process was to:

1. Review each period an employee was engaged on a buyout arrangement and ensure that the 'better off overall' requirement was met for each period.
2. We calculated the payments the employee would have received under the applicable enterprise agreement (ABC EA 2013-2016, ABC EA 2016-2019 and/or ABC EA 2019-2022) if they had been paid the actual penalties, overtime and/or meal allowances when they fell due; and
3. If the amount the employee would have received under the applicable enterprise agreement was more than the amount the employee was paid on a buyout arrangement, this means there was an underpayment.

The ABC's review has determined that you have not been underpaid.

We have calculated the amount you should have received under the applicable enterprise agreement based on available records and information about the hours you worked during the review period.

For more information about the records and information used by the ABC to undertake this calculation, please refer to the Frequently Asked Questions (FAQs). You can view and download the FAQs from the links in the email you received from us.



Your buyout arrangement going forward [applies to active employees who currently receive a buyout]

*** Include for active employees who will continue to receive a buyout** Your current buyout arrangement will continue and will be reviewed as required in line with the ABC Enterprise Agreement. We have calculated you are better off overall on your current buyout arrangement than if you were paid entitlements under the ABC Enterprise Agreement based on your current pattern of work. The ABC may in future determine that it is appropriate to make adjustments to your buyout, including increasing or decreasing the amount, or terminating the buyout, in accordance with the ABC Enterprise Agreement. If you have any questions or concerns, please contact the ABC's People & Culture team. *

The information provided in this letter is for your records and you do not need to take further action. If we do not hear from you, there will be no further action taken by the ABC.

Questions

Please refer to the FAQs. You can view and download the FAQs from the links in the email you received from us.

If you have additional questions or information you would like the ABC to consider, please email peopleandculture@abc.net.au or call 1800 975 155 to talk with the ABC's People & Culture team.

We thank you for your patience and understanding during this review.

This error should not have occurred, and we sincerely apologise for it.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Monica Vagg'.

**Monica Vagg
a/ Chief People Officer
People & Culture
Australian Broadcasting Corporation**

Email: peopleandculture@abc.net.au
Phone: 1800 975 155

REFERENCE DOCUMENTS

- [ABC Enterprise Agreement 2013-2016](#)
- [ABC Enterprise Agreement 2016-2019](#)
- [ABC Enterprise Agreement 2019-2022](#)



[Day Month 2021]

[First name Surname]

Delivered by email

Dear [First name]

ABC review into payments to employees on a Buyout Arrangement

We contacted you previously to let you know that the ABC was undertaking a review of payments to employees on buyout arrangements engaged in the period 14 July 2014 to 20 June 2021. As an employee on a buyout during some or all of the review period, you have been included in the review.

The purpose of our review was to determine whether employees were better off overall on a buyout arrangement than if they had been paid penalties, overtime and meal allowances under the relevant ABC Enterprise Agreement during the review period.

Our process was to:

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2. We calculated the payments the employee would have received under the applicable enterprise agreement (ABC EA 2013-2016, ABC EA 2016-2019 and/or ABC EA 2019-2022) if they had been paid the actual penalties, overtime and/or meal allowances when they fell due; and
3. If the amount the employee would have received under the applicable enterprise agreement was more than the amount the employee was paid on a buyout arrangement, this means there was an underpayment.

The ABC's review has determined that you have been underpaid.

We have calculated the amount you should have received under the applicable enterprise agreements based on available records and information about the hours you worked during the review period.

For more information about the records and information used by the ABC to undertake this calculation, please refer to the Frequently Asked Questions (FAQs). You can view and download the FAQs from the links in the email you received from us.



Your back payment

We have calculated the amount owing to you; your total gross back payment is set out in the table below. The table also shows interest, superannuation, and interest on superannuation on your back payment. This is the amount before tax, superannuation, and any deductions you may have in place.

Your back payment
Gross back payment
Interest
Total gross back payment
Superannuation
Interest on superannuation

Note 1: PAYG tax will be withheld on your back payment (including interest).

Note 2: Your total gross back payment of \$x,xxx.xx is paid in satisfaction of all entitlements that you may have had under any industrial instrument and/or the Fair Work Act 2009 (including, without limitation, minimum hourly rates, overtime, penalties, loadings, special rates and allowances) during your employment with the ABC, whenever those entitlements arose.

Attachment 1 outlines your gross back payment for each financial year (July to June).

Rounding up of gross back payments less than ten dollars

If your total gross back payment is less than \$10, the ABC will round it up and you will receive \$10.

Additional annual leave

Our review has identified that you have accrued [xx] hours of additional annual leave as a result of Sundays worked during the review period. This amount will be added to your current leave balance from November 2021.

Your buyout arrangement going forward [this section applies to active employees only]

*** include for active employees with buyouts being removed** The ABC has reviewed your annual buyout arrangement and has determined that it will not, on balance, result in you being better off overall than you would otherwise be under the terms and conditions of the ABC Enterprise Agreement. To ensure that you receive your minimum entitlements in the pay period in which they are due, the ABC is proposing to cease your annual buyout arrangement in eight weeks from today. Your manager will discuss this



decision further with you. If you have any questions or concerns, please contact the ABC's People & Culture team. *

*** Include for active employees who will continue to receive a buyout** Your current buyout arrangement will continue and will be reviewed as required in line with the ABC Enterprise Agreement. We have calculated you are better off overall on your current buyout arrangement than if you were paid entitlements under the ABC Enterprise Agreement based on your current pattern of work. The ABC may in future determine that it is appropriate to make adjustments to your buyout, including increasing or decreasing the amount, or terminating the buyout, in accordance with the ABC Enterprise Agreement. If you have any questions or concerns, please contact the ABC's People & Culture team. *

What you need to do

Please review the enclosed back pay details.

If you have any queries or concerns, please raise them at the earliest opportunity and by 29 October 2021. We would like to resolve all queries or concerns you may have prior to making payment.

How we will pay you

*** include for active employees** Our intention is that payment will be made to you in the next available pay cycle which is paid on 11 November 2021. *

**** Include for inactive employees** Please confirm your details (home address, bank, and superannuation details) as soon as possible by completing the Employee Details Form included with this letter and returning it to peopleandculture@abc.net.au.

Once we receive confirmation of your details, your payment will be processed in the next available pay cycle. Payment may be made to you as early as 11 November 2021 if we receive your details by 4 November 2021. **

The back pay will appear on your payslip.

Your back payment will be paid to your nominated bank account less applicable tax and deductions. Any superannuation payable on the back pay will be paid into your nominated Superannuation Fund. Any other arrangements that you may have set up (Centrelink, salary sacrifice, etc) will be your responsibility to discuss and agree with the appropriate parties.

Please note that individual circumstances vary, and your back payment may have an impact on any entitlements or benefits you may receive from government agencies and other departments. The FAQs contain further explanation of these impacts.

Reimbursement for financial advice



If your total gross back payment is greater than \$15,000, then you are eligible to be reimbursed for financial advice up to \$500 (inclusive of GST) for use within twelve months of the date you receive your back payment.

You must provide a receipt from a registered financial adviser to be able to be reimbursed. Please email a copy of your receipt to peopleandculture@abc.net.au.

Questions

Please refer to the FAQs. You can view and download the FAQs from the links in the email you received from us.

If you have additional questions or information you would like the ABC to consider, please email peopleandculture@abc.net.au or call 1800 975 155 to talk with the ABC's People & Culture team.

We thank you for your patience and understanding during this review.

This error should not have occurred, and we sincerely apologise for it.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Monica Vagg'.

Monica Vagg
a/ Chief People Officer
People & Culture
Australian Broadcasting Corporation

Email: peopleandculture@abc.net.au
Phone: 1800 975 155

ATTACHMENTS include for inactive employees only ****

- [Employee details form](#)

REFERENCE DOCUMENTS

- [ABC Enterprise Agreement 2013-2016](#)
- [ABC Enterprise Agreement 2016-2019](#)
- [ABC Enterprise Agreement 2019-2022](#)

Attachment 1

Total gross	FY 15 16/06/14-14/6/15	FY 16 15/6/15-26/6/16	FY 17 27/6/16-25/6/17	FY 18 26/6/17-24/6/18	FY 19 25/6/18-23/6/19	FY 20 24/06/19-21/06/20	FY 21 22/06/20-20/06/21	TOTAL
Gross back payment by financial year								



[Day Month 2021]

[First name Surname]

Delivered by email

Dear [First name]

ABC review into payments to employees engaged at Band 1

We contacted you previously to let you know that the ABC was undertaking a review of payments to employees engaged at Band 1 under the ABC's Work Level Standards as Administrative/Professionals and Content Makers, between 14 July 2014 to 20 June 2021.

The purpose of our review was to confirm whether Band 1 was correct for the work performed.

Our process was to:

1. Review each period an employee was engaged at Band 1 and the level of work that the employee was required to perform during the review period;
2. If the employee was found to be incorrectly classified as Band 1 at any time during the review period, to reclassify the employee at an appropriate higher band for the relevant period; and
3. Calculate the payments for the hours worked that the employee should have received when classified correctly under the applicable enterprise agreement and compare them to the actual payments the employee received for those periods.

Any pay period in which an employee was paid less than they should have been paid under the applicable enterprise agreement is identified as an underpayment.

The ABC's review has determined that you have been underpaid.

**** include for casual on-air presenters** We have calculated the amount you should have received under the applicable enterprise agreement based on the hours you worked. As you performed the role of an on-air presenter, from 1 July 2016, we have calculated payment based on a minimum call-out period of 2 hours. This is as per clause 14.6.3 of the *ABC Enterprise Agreement 2016-2019* which states that a casual's minimum call will not be 4 hours:



*"where the casual employee and ABC agree to a shorter minimum call, and the casual employees functions are to 'present an on air program' provided that the minimum call and minimum payment will be two hours." ***

Your back payment

We have calculated the amount owing to you; your total gross back payment is set out in the table below. The table also shows interest, superannuation and interest on superannuation on your back payment. This is the amount before tax, superannuation and any deductions you may have in place.

Attachment 1 outlines your gross back payment for each financial year (July to June).

Also included in this letter is information about the dates you were engaged at Band 1 (Attachment 2).

Your back payment
Gross back payment
Interest
Total gross back payment
Superannuation
Interest on superannuation

Note 1: PAYG tax will be withheld on your back payment (including interest earned).

Note 2: Your total gross back payment of \$x,xxx.xx is paid in satisfaction of all entitlements that you may have had under any industrial instrument and/or the Fair Work Act 2009 (including, without limitation, minimum hourly rates, overtime, penalties, loadings, special rates and allowances) during your employment with the ABC, whenever those entitlements arose.

Rounding up of gross back payments less than ten dollars

If your total gross back payment is less than \$10, the ABC will round it up and you will receive \$10.

What you need to do

Please review the enclosed back pay details.

If you have any queries or concerns, please raise them at the earliest opportunity and by 15 October 2021. We would like to resolve all queries or concerns you may have prior to making payment.



How we will pay you

*** include for active employees** Our intention is that payment will be made to you in the next available pay cycle which is paid on 28 October 2021. *

**** Include for inactive employees** Please confirm your details (home address, bank and superannuation details) as soon as possible by completing the Employee Details Form attached with this letter and returning it to peopleandculture@abc.net.au.

Once we receive confirmation of your details, your payment will be processed in the next available pay cycle. Payment may be made to you as early as 28 October 2021 if we receive your details by 21 October 2021. **

The back pay will appear on your payslip.

Your back payment will be paid to your nominated bank account less applicable tax and deductions. Any superannuation payable on the back pay will be paid into your nominated Superannuation Fund. Any other arrangements that you may have set up (Centrelink, salary sacrifice, etc) will be your responsibility to discuss and agree with the appropriate parties.

Please note that individual circumstances vary, and your back payment may have an impact on any entitlements or benefits you may receive from government agencies and other departments. The Frequently Asked Questions (FAQs) contain further explanation of these impacts.

Reimbursement for financial advice

If your total gross back payment is greater than \$15,000, then you are eligible to be reimbursed for financial advice up to \$500 (inclusive of GST) for use within twelve months of the date you receive your back payment.

You must provide a receipt from a registered financial adviser to be able to be reimbursed. Please email a copy of your receipt to peopleandculture@abc.net.au.

Questions

Please refer to the FAQs. You can view and download the FAQs from the links in the email you received from us.

If you have additional questions or information you would like the ABC to consider, please email peopleandculture@abc.net.au or call 1800 975 155 to talk with the ABC's People & Culture team.

We thank you for your patience and understanding during this review.

This error should not have occurred, and we sincerely apologise for it.

Yours sincerely



Monica Vagg
a/ Chief People Officer
People & Culture
Australian Broadcasting Corporation

Email: peopleandculture@abc.net.au
Phone: 1800 975 155

ATTACHMENTS include for inactive employees ****

- [Employee details form](#)

REFERENCE DOCUMENTS

- [ABC Enterprise Agreement 2013-2016](#)
- [ABC Enterprise Agreement 2016-2019](#)
- [ABC Enterprise Agreement 2019-2022](#)
- [ABC Work Level Standards for Content Makers](#)
- [ABC Work Level Standards for Administrative/Professionals](#)

Attachment 1

Total gross	FY 15 16/06/14-14/6/15	FY 16 15/6/15-26/6/16	FY 17 27/6/16-25/6/17	FY 18 26/6/17-24/6/18	FY 19 25/6/18-23/6/19	FY 20 24/06/19-21/06/20	FY 21 22/06/20-20/06/21	TOTAL
Gross back payment by financial year								



Attachment 2

Your Band 1 engagement details

Start of Band 1 engagement	End of Band 1 engagement	Position title	Schedule	Roster cycle	Band and paypoint increased to

Please note that the “Start of Band 1 engagement” and “End of Band 1 engagement” dates provide the overarching dates during which you performed work for the ABC engaged at Band 1. You may not have worked hours in every pay cycle during this period. Your back pay has been calculated based on the hours you actually worked during the period.