

PIECEWORK AGREEMENT – WINE INDUSTRY

Steps for preparing a piecework agreement in the Wine Industry Award 2010

Step 1: Check the Wine Industry Award 2010

The Wine Industry Award contains special provisions for pieceworkers. You should check clause 23 of the award to make sure you understand your obligations in relation to pieceworkers.

Step 2: Talk to the employee

If you and your employee want the employee to work as a pieceworker, you should meet with them and agree to one or more piece rates. In deciding on piecework rates you should consider what work they'll be doing and how much work an 'average competent employee' would be able to do per hour. A piecework rate must:

- enable the 'employee of average capacity' to earn at least 20% more per hour than the relevant minimum hourly rate in the Wine Industry Award
- be paid for all work performed in accordance with the piecework agreement.

Step 3: Create your agreement

Piecework agreements must be in writing and be signed by you and your employee. Once you and your employee have agreed to piecework rates, fill in the template below.

Step 4: Provide the agreement to the employee and keep a copy for your records

Once you've signed the agreement, provide a copy to the employee and keep a copy as part of your time and wage records.

PIECEWORK AGREEMENT

THIS PIECEWORK AGREEMENT is made on { INSERT DATE } [**“the Agreement”**]

BETWEEN: { INSERT LEGAL ENTITY AND TRADING NAME } of { INSERT ADDRESS } [**“the Employer”**]

AND: { INSERT NAME } of { INSERT ADDRESS } [**“the Employee”**]

TOGETHER REFERRED TO as [**“the Parties”**]

THE PARTIES MUTUALLY AGREE as follows:

The Employer and the Employee agree to enter into the Agreement under clause 23 (Piecework rates) of the *Wine Industry Award 2010 [MA000090]* [**“the Award”**].

1. The work to be performed under the Agreement is as described below [**“the Work”**]:
 - { INSERT ADD DESCRIPTION OF WORK EG PICKING/PACKING/PRUNING }
2. The minimum piecework rate/s which must be paid by the Employer to the Employee for performing the Work is as specified in **Schedule A** to the Agreement.
3. The Employee is employed as a { INSERT FULL-TIME, PART-TIME OR CASUAL } employee.
4. The following clauses of the Award do not apply to the employee as the employee is on a piecework rate:
 - clause 24.3—Meal allowance; and
 - clause 28—Ordinary hours of work and rostering; and
 - clause 30—Overtime and penalty rates.
5. The date this agreement starts is { INSERT DATE }.

Employer signature:

Employee/Parent/Guardian signature:

Print name:

Print name:

Date:

Date:

Position:

SCHEDULE A

Piecework rates

Starting date: _____

Property name: _____

Property address: _____

	Piecework rate 1:	Piecework rate 2:	Piecework rate 3:	Piecework rate 4:
\$ per unit <i>e.g. Kg, punnet, box, bin, item etc.</i>	\$0.00 per <unit>	\$0.00 per <unit>	\$0.00 per <unit>	\$0.00 per <unit>
(Where relevant) Grape Variety:	<Grape Variety>	<Grape Variety>	<Grape Variety>	<Grape Variety>
Variable(s)*	<variable>	<variable>	<variable>	<variable>

** List the variables considered in arriving at the piecework rate. Variables can include things like weather conditions; ripening process; type of bin; type of picking (e.g. selective or stripping), packing or pruning; size of trees/plants; density of trees/plants.*

Important notes:

- The piecework rate/s must enable an 'employee of average capacity' to earn at least 20% more per hour than the minimum hourly rate in the Award for their type of employment and classification level.
- The piecework rate for an 'employee of average capacity' may change from day-to-day depending upon variables like weather conditions; ripening process; type of bin; type of picking (e.g. selective or stripping), pruning or packing; size of trees/plants; density of trees/plants. The Agreement can include a number of piecework rates for these variable situations or you can agree to vary the Agreement or make a new Agreement for each change.
- The piecework rate/s should be reviewed in light of any changes in the Award rate.
- If the piecework rate/s is varied, it must be agreed between the Employee and Employer, put in writing and signed by both.
- The piecework rate/s must be paid for all work performed in accordance with the Agreement. The piecework rate/s will be paid instead of the hourly or weekly wages specified in clause 16 of the Award.
- A casual employee must also be paid the casual loading. The casual loading is paid based on the base weekly or hourly rate of pay, not on the calculated piecework rate.
- The following clauses of the Award do not apply to an employee on a piecework rate:
clause 24.3—Meal allowance; and
clause 28—Ordinary hours of work and rostering; and
clause 30—Overtime and penalty rates.
- The Employee's earnings will depend on their productivity. The Agreement does not guarantee that the Employee will earn at least the minimum weekly or hourly wage in the Award for the type of employment and the classification level of the Employee.
- The Employer must give the Employee a copy of the piecework agreement and the Employer must keep it as an employment record.
- The Employer should keep a record of how they calculated the piecework rates.