



Australian Government

WorkChoices

Protecting minimum wages

Under WorkChoices, minimum and classification wages for apprentices and trainees are protected at the level set after the increase from the Australian Industrial Relations Commission's 2005 Safety Net Review (2005 SNR).

The Australian Fair Pay Commission (Fair Pay Commission) sets and adjusts minimum wages, including those for apprentices and trainees, through Australian Pay and Classification Scales (APCSs). The wage provisions of awards and state minimum wages have been preserved in APCSs on the commencement of WorkChoices.

Establishing minimum wages

In setting and adjusting minimum wages for apprentices and trainees, the Fair Pay Commission must have regard to providing minimum wages that ensure apprentices and trainees are 'competitive in the labour market'.

The Fair Pay Commission may also determine one or more special Federal Minimum Wages (special FMWs) for apprentices and trainees.

Removing award barriers

Before WorkChoices commenced, many federal and state awards did not contain appropriate wages and conditions for apprentices and trainees. This restricted the take-up of new training opportunities such as part-time and school-based apprenticeships and traineeships.

In its first wage-setting decision, the Fair Pay Commission will consider whether it is appropriate to 'fill the gaps' in current minimum wage provisions for apprentices and trainees. Any new minimum wages established will become



WorkChoices and apprentices and trainees

part of the guaranteed safety net of minimum wages included in the Australian Fair Pay and Conditions Standard.

Under WorkChoices, award provisions that restrict the range or duration of apprenticeships or traineeships are non-allowable award matters and therefore void. For example, award provisions that state that 'the duration of apprenticeships under the award shall be four years' are not allowable.

This means that provisions that previously restricted the operation of part-time or school-based apprenticeships or traineeships, or that prevented the introduction of shorter apprenticeships or traineeships (including competency based training arrangements) no longer have effect.

For more information about provisions under existing federal awards, see the 'WorkChoices and federal awards and agreements' fact sheet.

School-based apprentice and trainee provisions

WorkChoices has made minimum wages available to all school-based apprentices and trainees covered by an industrial instrument (e.g. award) since 14 December 2005.

If an APCS does not specifically provide rates of pay for school-based apprentices or trainees, the minimum rates that apply under WorkChoices are:

- for school-based trainees – the school-based trainee rates under the National Training Wage Award 2000 following the 2005 SNR adjustment; and
- for school based apprentices – the formula in the standard clause approved by a Full Bench of the Australian Industrial Relations Commission in March 2000.

Under WorkChoices these school-based apprentices or trainees also receive full-time conditions, adjusted as necessary according to the hours worked on-the-job.

WorkChoices is a new system of workplace relations legislation that covers up to 85 per cent of Australian employees. This series of fact sheets is available to assist workers and employers to understand their rights and obligations under the legislation.

For more information call the **WorkChoices Infoline** on **1300 363 264** or visit the **WorkChoices** website **www.workchoices.gov.au**

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