



DETERMINATION

Fair Work Act 2009

s.156—4 yearly review of modern awards

4 yearly review of modern awards—Payment of wages (AM2016/8)

ROAD TRANSPORT AND DISTRIBUTION AWARD 2020 [MA000038]

Road transport industry

JUSTICE ROSS, PRESIDENT
DEPUTY PRESIDENT GOSTENCNIK
DEPUTY PRESIDENT CLANCY
COMMISSIONER LEE
COMMISSIONER HUNT

MELBOURNE, 4 JUNE 2020

4 yearly review of modern awards – common issue – payment of wages – payments on termination – Road Transport and Distribution Award 2020.

A. Further to the Full Bench decision issued by the Fair Work Commission on 20 May 2020 [[\[2020\] FWCFB 1131](#)], the above award is varied as follows:

1. By deleting clause 18.4
2. By renumbering clause 18.5 as 18.4.
3. By inserting a new clause 18.5 as follows:

18.5 Payment on termination of employment

- (a) The employer must pay an employee no later than 7 days after the day on which the employee's employment terminates:
 - (i) the employee's wages under this award for any complete or incomplete pay period up to the end of the day of termination; and
 - (ii) all other amounts that are due to the employee under this award and the [NES](#).

- (b) The requirement to pay wages and other amounts under clause 18.5(a) is subject to further order of the Commission and the employer making deductions authorised by this award or the [Act](#).

NOTE 1: Section 117(2) of the [Act](#) provides that an employer must not terminate an employee's employment unless the employer has given the employee the required minimum period of notice or "has paid" to the employee payment instead of giving notice.

NOTE 2: Clause 18.5(b) allows the Commission to make an order delaying the requirement to make a payment under clause 18.5. For example, the Commission could make an order delaying the requirement to pay redundancy pay if an employer makes an application under section 120 of the [Act](#) for the Commission to reduce the amount of redundancy pay an employee is entitled to under the [NES](#).

NOTE 3: State and Territory long service leave laws or long service leave entitlements under section 113 of the [Act](#), may require an employer to pay an employee for accrued long service leave on the day on which the employee's employment terminates or shortly after.

4. By updating the table of contents and cross-references accordingly.

B. This determination comes into operation from 11 June 2020. In accordance with s.165(3) of the *Fair Work Act 2009* this determination does not take effect until the start of the first full pay period that starts on or after 11 June 2020.

PRESIDENT

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