

# Piecework agreement template – Wine industry

For employers hiring pieceworkers under the Wine Industry Award



**IMPORTANT:** Make sure you're using the latest version of this template – download it from our [Pay and piece rates page](https://horticulture.fairwork.gov.au/pay-and-piece-rates) at [horticulture.fairwork.gov.au/pay-and-piece-rates](https://horticulture.fairwork.gov.au/pay-and-piece-rates)

## Who this template is for

Employers can use this template to make a piecework agreement under the Wine Industry Award (**Award**). Under the Award employees have to enter into a written piecework agreement before they can be paid piecework rates.

## Steps for preparing a piecework agreement in the Wine industry



### Step 1: Check the Wine Industry Award

The Wine Industry Award (**Award**) contains special provisions for pieceworkers. You should check clause 17 of the Award to make sure you understand your obligations in relation to pieceworkers.

View the [Award](https://fairwork.gov.au/listofawards) at [fairwork.gov.au/listofawards](https://fairwork.gov.au/listofawards)



### Step 2: Talk to the employee

If you and your employee want to enter into a piecework agreement, you should meet with them and agree to one or more piecework rates.

In deciding on piecework rates, you should consider what work they'll be doing and how much work an 'employee of average capacity' would be able to do per hour.

A piecework rate must:

- enable an 'employee of average capacity' to earn at least 20% more per hour than the minimum hourly rate in the Award for the type of employment and the employee's classification level. The calculation of piecework rates for casual employees will include the casual loading; and
- be paid for all work performed in accordance with the piecework agreement.

The pick rate of an employee of average capacity can change throughout the life of the piecework agreement. It is your responsibility as the employer to ensure the piecework rate paid is compliant at all times.



**You should keep a record of how you calculated the piecework rates.**

For more guidance on identifying an employee of average competency visit our [How to use piecework rates](https://horticulture.fairwork.gov.au/how-to-use-piece-rates#wine-award) page at [horticulture.fairwork.gov.au/how-to-use-piece-rates#wine-award](https://horticulture.fairwork.gov.au/how-to-use-piece-rates#wine-award)



### 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 a piecework rate(s), fill in the template below.

If the employee is under 18 years of age when making a piecework agreement, a parent or guardian's signature is required under the Award.

Use the [Employer checklist](#) to help ensure your new piecework agreement meets the requirements of the Award and other workplace laws.



### 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. You also need to keep a copy as part of your time and wage records.

The Fair Work Ombudsman is committed to providing you with advice that you can rely on. The information contained in this template 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 a workplace relations professional.

# Piecework agreement – Wine Industry Award



## IMPORTANT:

This template has been colour coded to help you to complete it accurately. You simply need to replace the red < > writing with what applies to your pieceworker and situation.

Explanatory information is shown in purple writing to help you and **should be deleted once you've finished.**

**This template is an example only.** It includes additional information that can help your employee better understand their piecework record. You can use other piecework agreement templates so long as they meet the Award requirements.

Date: <insert date>

Private and confidential

## Piecework agreement

Agreement between:

<insert employee name and address>

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(You, the **Employee**)

and

<insert employer name and address>

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(**Employer**)

1. This is a Piecework Agreement (**Agreement**) for the purpose of clause 17.1 of the Wine Industry Award [MA000090] (**Award**).
2. This Agreement starts on: <insert date>.
3. Your employment will be <insert employment status>. You will be employed at <insert grade> under the Award.
4. The work you will do under this Agreement is described below:
  - a. <insert description of work(s)>. (eg. picking/packing/pruning. If the employee also performs work that isn't covered by the piecework agreement, this should not be included here).
5. You will be required to do this work at the following location(s), or elsewhere as reasonably directed by the Employer:
  - a. <insert work location(s)>.






6. The agreed piecework rate(s) for your work is/are set out in the table below.

[Explanatory information – please delete once you have finished the record.]

This template allows you to enter different piecework rates for different circumstances and conditions.

The piecework rates for an 'employee of average capacity' may change depending upon variables such as: the workforce available; the crop involved; the plants involved; terrain; the particular harvest; the picking required; the size and sophistication of the business; the packing shed; harvesting or pick data. Find [more information on piece rates](http://horticulture.fairwork.gov.au/pay-and-piece-rates) at [horticulture.fairwork.gov.au/pay-and-piece-rates](http://horticulture.fairwork.gov.au/pay-and-piece-rates)

Use the 'Conditions/variable' field to specify when each rate applies. For example, you could add 'wet weather rate' or 'selective picking rate'.]

	PIECEWORK TASK	CROP	PIECE RATE	UNIT	CONDITIONS/VARIABLE
	 Describe the task e.g. picking, packing, sorting, grading, pruning.	 Type of crop being worked on e.g. apples, grapes, nuts, berries.	 Amount paid per unit	 How unit is measured e.g. by tray, acre, kilo etc.	 Variables e.g. method of work, weather, condition of crop etc.
<b>Example</b>	Picking	Grapes	\$x.xx	Tray	Wet weather rate
<b>Piece rate 1</b>	<insert>	<insert>	<insert>	<insert>	<insert>
<b>Piece rate 2</b>	<insert>	<insert>	<insert>	<insert>	<insert>
<b>Piece rate 3</b>	<insert>	<insert>	<insert>	<insert>	<insert>

7. The Employer will pay the piecework rate(s) as set out in clause 6 above for all work performed as set out in clause 4 above.
8. The Employer will pay the agreed piecework rates instead of the minimum rates specified in clause 15 of the Award. Your earnings will depend on your productivity. This Agreement does not guarantee you will earn at least the minimum weekly or hourly rate in the Award.
9. The following clauses of the Award do not apply to you as an employee on a piecework rate:
  - a. clause 19.3(c) – Meal allowance
  - b. clause 13 – Ordinary hours of work and rostering
  - c. clause 22 – Overtime and;
  - d. clause 23 - Penalty rates.
10. The Employer may require you to do additional work outside of this Agreement. Any work you do that is not covered by this Agreement will be paid in accordance with the applicable time-based rate under the Award.
11. This Agreement has been made genuinely and without coercion or duress.



## Contact information

You may seek information about minimum employment conditions from the Fair Work Ombudsman.

Find more information on the [Fair Work Ombudsman website](https://www.fairwork.gov.au/horticulture) at [fairwork.gov.au/horticulture](https://www.fairwork.gov.au/horticulture) or by calling 13 13 94. You can also [view the Award](https://www.fairwork.gov.au/listofawards) at [fairwork.gov.au/listofawards](https://www.fairwork.gov.au/listofawards)

If you have any questions or would like to discuss this piecework record further, please contact **<insert name>** on **<insert phone number>** or at **<insert email address>**.



### Employee Signature:

Employee Name: **<insert name>**

Date: **<insert date>**.

[If the employee is under 18 years of age when making the Agreement, the Agreement must also be signed by a parent or guardian. Remove if not required.]



### Parent/Guardian Signature: [Remove if not required]

Parent/Guardian Name: [Remove if not required]

Date: [Remove if not required]



### Employer Signature:

Employer Name: **<insert name>**

Date: **<insert date>**

PLEASE KEEP A COPY FOR YOUR RECORDS

# Employer checklist

Use the checklist below to help ensure your new piecework agreement meets the requirements of the Wine Industry Award (**Award**) and other workplace laws.

## PUT IT IN WRITING

This piecework agreement (**Agreement**) must be in writing and signed by the employer and the employee.

## CHECK THE PIECEWORK RATES ARE OKAY

The Agreement must have an appropriate rate of pay.

The piecework rate(s) paid must enable an 'employee of average capacity' to earn at least 20% more per hour than the minimum hourly rate for ordinary hours of work in the Award for the type of employment and classification level of the employee. For casual employees, this calculation must also include the casual loading.

Keep a record of how the piecework rate(s) was calculated, including details of the average competent employee and their pick rate.

## BE CLEAR ABOUT WHAT WORK IS COVERED BY THE AGREEMENT

If the employee is performing extra work that is not covered by the Agreement, the employee must be paid in accordance with the applicable time-based rate under the Award.

## GET IT SIGNED

The employer and employee must both sign the Agreement. If the employee is under 18 years of age when making the Agreement, the Agreement must also be signed by a parent or guardian.

## TRANSLATE IT (IF REQUIRED)

If an employee's understanding of written English is limited, you have to take steps including translating this Agreement into an appropriate language, to ensure the employee understands this Agreement.

## KEEP A COPY

You must keep the signed Agreement as a time and wages record.

## GIVE A COPY

You must give a copy of this signed Agreement to the employee.

## REVIEW YOUR RATES

It's your responsibility as the employer to ensure the piecework rate paid is compliant at all times. Piecework rates should be reviewed to ensure that the rate allows an employee of average capacity to earn at least 20% more than the relevant minimum hourly rate in the award.

## MAKE ANY CHANGES IN WRITING

Any changes to the employee's piecework rate(s) must be recorded in a new piecework agreement, signed by both parties.