



My employer hasn't been paying my superannuation guarantee

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Updated July 2024

In Australia, employers are required to pay a minimum percentage of eligible employees' earnings into a superannuation fund. This is called the 'superannuation guarantee' and is designed to fund retirement. The superannuation guarantee rate from 1 July 2024 is set at 11.5% of earnings. Some employers also make additional contributions. It is acknowledged that a number of employers are not paying the required super guarantee payments which leads us to the question, 'What can you do about unpaid employer contributions of superannuation?'

Am I entitled to superannuation?

Prior to 1 July 2022, employers did not have to pay superannuation guarantee for workers earning less than \$450 a month. This has since been abolished and employers are now required to pay, regardless of the worker's earnings.

Generally, all employees are eligible to receive super guarantee payments. There are some additional rules for eligibility which apply to:

- employees under 18;
- domestic or private workers;
- contractors;
- international workers;
- self-employed workers; and

- high-income earners who opt out of super.

You can learn more about these specific eligibility requirements, on the [federal government website](#).

If your employer is required to make superannuation contributions, your payslip must contain information about any amount that has been paid during the pay period, or the amount that your employer is liable to pay for that period.

When is my employer required to pay my superannuation contributions?

While some employers choose to pay superannuation contributions each pay period, they are not required to do so. Rather, your employer is required to pay your superannuation contributions (at least) once every three months.

The quarterly payment schedule for superannuation contributions is:

1. for the period 1 July – 30 September: by 30 November;
2. for the period 1 October – 31 December: by 28 February;
3. for the period 1 January – 31 March: by 28 May; and
4. for the period 1 April – 30 June: by 28 August.

You should regularly check your superannuation balance and contribution history to ensure that your employer is complying with its legal obligations to pay your superannuation contributions. Regularly checking your superannuation balance will enable you to identify any issue early, and before your employer falls too far behind.

What if my employer hasn't been paying my superannuation contributions?

If you have checked your superannuation account and noticed that your employer hasn't been paying your superannuation guarantee contributions, in full, by the quarterly deadline, the Australian Taxation Office is generally the best place to direct your initial enquiries.

The ATO is the government body responsible for taking complaints about unpaid superannuation contributions and will prioritise the investigation and, if relevant, the recovery of your unpaid superannuation contributions. Where appropriate, the ATO will also require your employer to repay an additional amount to ensure that you are compensated for any lost interest as a result of your money not being available for investment by your superannuation fund.

It is very easy to report unpaid superannuation contributions to the ATO.

- [Completing the ATO online form](#)

•By phone on [13 28 65](tel:132865)

Get help from an employment lawyer

If you believe your employer has not been complying with its legal obligations to pay superannuation guarantee contributions on your behalf, you should get legal advice about the options available to you.

The [employment and industrial relations team](#) at Hall Payne Lawyers is well-equipped to provide you with the advice that you need.

Contacting Hall Payne Lawyers

You can contact us by phone or email to arrange your consultation; either face-to-face at one of our offices, by telephone or by videoconference consultation.

Phone: [1800 659 114](tel:1800659114)

Email: general@hallpayne.com.au

* The superannuation guarantee rate from 1 July 2024 is 11.5%. It is due to increase from July 2025 by 0.5%, to be 12%.

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