



Please note - This is a previous WA award summary and does not contain the current rates of pay

Pastrycooks' WA Award Summary

Things to check as an employee or employer include:

- ✓ Pay rates
- ✓ Employment of children
- ✓ Allowances
- ✓ Overtime rates
- ✓ Public holidays
- ✓ Meal breaks
- ✓ Leave entitlements
- ✓ Dismissal laws and entitlements due on termination
- ✓ Time and wages record keeping
- ✓ Laws relating to [taxation](#), [superannuation](#), [workers compensation](#), [discrimination](#) and [occupational health and safety](#)

This award summary outlines only the most common entitlements within the Western Australian state system of industrial relations under the *Pastrycooks' Award No. 24 of 1981*.

It applies only to sole traders and partnerships. If the business is a Pty Ltd company, it does not apply. If you are unsure contact **Wageline** on **1300 655 266**.

To access the full version of the award, which details all entitlements and obligations, please visit www.wairc.wa.gov.au.

Adult wages – apply as of the first pay period on or after 1 July 2015

Adult wages – applicable from the first pay period on or after 1 July 2015 until end of last pay period commenced in June 2016 (new rates applied first pay period on or after 1 July 2016).

Classifications	Weekly	Hourly	Casual 20% loading
Single Hand Pastrycook	\$764.20	\$20.11	\$24.13
Pastrycook	\$761.90	\$20.05	\$24.06
Cake Decorator	\$715.80	\$18.84	\$22.61
Assistant	\$684.40	\$18.01	\$21.61

Apprentice wages – apply as of the first pay period on or after 1 July 2015

Apprentice wages – applicable from the first pay period on or after 1 July 2015 until end of last pay period commenced in June 2016 (new rates applied first pay period on or after 1 July 2016).

3 Year Term	% of Pastrycook	Weekly	Hourly
1st Year	55%	\$419.00	\$11.03
2nd Year	75%	\$571.40	\$15.04
3rd Year	88%	\$670.50	\$17.64

Adult apprentices

Apprentices aged 21 and above receive the minimum adult wage of **\$584.20** per week or the prescribed apprenticeship rate, whichever is the higher, for ordinary hours of work.

Junior wages – apply as of the first pay period on or after 1 July 2015

Junior wages – applicable from the first pay period on or after 1 July 2015 until end of last pay period commenced in June 2016 (new rates applied first pay period on or after 1 July 2016).

Age	% of Assistant	Weekly	Hourly	Casual 20% loading
Under 16 years of age	40%	\$273.80	\$7.21	\$8.65
Between 16 and 17 years	50%	\$342.20	\$9.01	\$10.81
Between 17 and 18 years	60%	\$410.60	\$10.81	\$12.97
Between 18 and 19 years	70%	\$479.10	\$12.61	\$15.13
Between 19 and 20 years	80%	\$547.50	\$14.41	\$17.29
Between 20 and 21 years	90%	\$616.00	\$16.21	\$19.45

Additional rates

All ordinary hours worked before 6:00am Monday to Saturday inclusive, shall be paid for at the rate of time and a half. Provided that employees engaged between 6:00pm and 9:00pm for the purpose of performing cleaning duties shall be paid at the rate of time and one-quarter.

All work performed in ordinary hours between 6:00am and noon on a Saturday shall be paid for at the rate of time and one-quarter. All work performed in ordinary hours on a Sunday shall be paid for at the rate of double time except for doughmakers when such time shall be paid for at the rate of time and one half.

Any worker who is required to work on any rostered day off shall be paid at overtime rates except that where Sunday is a normal rostered day off and a worker is required to work, double time shall be the rate paid.

These additional rates shall not be part of the ordinary rate of pay for the purpose of calculating an entitlement to overtime.

Employment of children

Under the *Children and Community Services Act 2004*, **it is illegal to employ children under the age of 13 in this industry.**

Children aged between 13 and 15 years may be employed in the industry **only where they are considered to be working in a shop, retail outlet or restaurant.** Children aged between 13 and 15 years may not work after 10:00pm or before 6:00am and the employer must have the written permission of the parent or guardian of the child.

Children of any age **may** work as part of school program, in a family business (where the business is carried out by a parent or relative of the child), in a not-for-profit organisation or in a dramatic or musical performance or other form of entertainment or in the making of an advertisement.

School aged children must not be employed during school hours unless the child is participating in a school program or has received an exemption from the Department of Education.

A child under 18 must not be employed in a job that jeopardises their well being.

Please contact **Wageline** on **1300 655 266** or visit the Commerce website at [When Can Children Work?](#) for employers, or [Young Workers](#) for employees for more information.

Allowances

Location allowance

An employee working in a specified regional area is entitled to a weekly location allowance. Please contact **Wageline** on **1300 655 266** or see a full copy of the award at www.wairc.wa.gov.au for details.

Meal allowance

When an employee, without being notified on the previous day or earlier, is required to continue working after the usual knock-off time for more than two hours, they shall be provided with any meal required, or shall be paid **\$11.15**. Provided that this shall not apply in the case of a worker living in the same locality as the place of employment who can reasonably return home for a meal.

Leading hand allowance

In addition to the appropriate total weekly wage prescribed by the award a leading hand shall be paid if placed in charge of:

Less than four other employees	\$16.50
Four or more but less than ten other employees	\$26.10
Ten or more but less than 20 other employees	\$39.90
More than 20 other employees	\$51.50

Hours and overtime

The ordinary hours of work shall be an average of 38 per week to be worked on one of the bases prescribed by the award. Ordinary hours shall be worked over any five days of the week or ten days per fortnight. Two clear days off per week shall be granted to each worker and one shall be either a Saturday or Sunday. On one day of the week, employees may work up to nine ordinary hours.

Except for doughmaking, ordinary hours shall be worked between the hours specified as follows:

- (i) On Monday to Wednesday the starting time shall not be earlier than 12:01am with a finishing time not later than 6:00pm;
- (ii) On Thursday the starting time shall not be earlier than 12:01am with a finishing time not later than 6:00pm with a further starting time of not earlier than 10:00pm on that day, which shall then be counted as time worked on a Friday with a finishing time of not later than 6:00pm on that day.
- (iii) On Saturday the starting time shall not be earlier than 10:00pm on the preceding Friday with a finishing time of not later than 12 noon on that day. Time worked between 10:00pm and midnight shall be counted as time worked on a Saturday.

Workers may be employed in ordinary hours between 6:00pm and 9:00pm daily for the purpose of cleaning duties only.

Notwithstanding the provisions above, the ordinary hours for part-time employees shall not be more than 35 per week. A part-time worker may be employed within ordinary hours for a maximum of nine hours, exclusive of meal breaks, and a minimum of three hours on any day.

All time worked on any day or in any week in excess of or outside the ordinary hours of work shall be overtime and paid for at the rate of time and a half for the first two hours and double time after that. Provided that all overtime worked on Sundays shall be paid for at the rate of double time. In the calculating of overtime rates, each day shall stand alone. Please contact **Wageline** on **1300 655 266** to ensure that correct overtime rates are paid.

Public holidays

Full-time employees are entitled to public holidays (or days substituted for public holidays) without deduction of pay. Part-time employees are entitled to public holidays (or days substituted for public holidays) without deduction of pay if they would ordinarily be required to work on that day if it was not a public holiday.

If a public holiday falls on a Saturday or Sunday, the following Monday will be considered to be the public holiday. However, if Boxing Day falls on a Sunday or Monday, the following Tuesday will be considered to be the public holiday. When a public holiday is substituted with another day, the public holiday itself is no longer considered a public holiday for the purposes of the award.

For public holiday rates of pay please call **Wageline** on **1300 655 266**.

To view public holiday dates please visit www.commerce.wa.gov.au/labourrelations.

Meal breaks

A worker shall be allowed a meal break of between half an hour and an hour every four hours worked. The first meal break shall be taken at such time which is convenient after the completion of three hours and before the completion of five hours' work. A worker called upon to work for more than five hours after commencing work and who has not been granted a meal break shall be paid overtime rates until the meal break is granted, or until the end of the shift, whichever is the earlier. Meal breaks shall not be included as working time.

Leave entitlements

The table below outlines the basic leave entitlements for employees covered by this award. For more information relating to leave entitlements, please contact **Wageline** on **1300 655 266** or access a full copy of the award at www.wairc.wa.gov.au.

Type of leave	Entitlement
Annual leave	Full-time employees accrue 2.923 hours weekly; this amounts to four weeks per year (pro rata for part-time) which is allowed annually after a period of 12 months' continuous service. Leave accumulates year to year. In addition, a loading of 17.5% applies. Provided that where the worker would have received any additional rates for work performed in ordinary hours, had they not been on leave during the relevant period and such additional rates would have entitled them to a greater amount than the loading of 17.5%, then such additional rates shall be added to their ordinary rate of wage in lieu of the 17.5% loading. For the annual leave information page visit www.commerce.wa.gov.au/labourrelations .
Personal leave	Full-time employees accrue 1.461 hours weekly; this amounts to ten days per year (pro rata for part-time). This can be used for sick leave or carer's leave and accumulates year to year. For the personal leave information page visit www.commerce.wa.gov.au/labourrelations .
Bereavement leave	Two days per occasion for any employee (including casuals), applies on the death of a partner, parent, step-parent, grandparent, child, step-child, grandchild, sibling or any other member of the employee's household.
Parental leave	See the parental leave information on the Commerce website or contact Wageline on 1300 655 266 for details.
Long service leave	8.667 weeks after ten years' continuous employment for any employee (including casuals), and a further 4.333 weeks every subsequent five years, with pro-rata payments due on termination any time after seven years' continuous employment. For the long service leave information page please visit www.commerce.wa.gov.au/labourrelations .

Time and wages recordkeeping

Employers must keep time and wages records which demonstrate that employees have been paid all entitlements under the relevant award or legislation.

For information about time and wages record keeping, contact **Wageline** on **1300 655 266** or visit [Record Keeping Requirements](#) on the Commerce website.

Termination

It is recommended that an employer contact **Wageline** on **1300 655 266** before any termination for information about dismissal laws.

Termination by employer

Full-time and part-time employees, except in the case of misconduct justifying instant dismissal, may be terminated with the following period of notice (or payment in lieu):

Period of Continuous Service	Period of Notice *
During the first month	1 week
2 months or more but less than 1 year	1 week
1 year or more but less than 3 years	2 weeks
3 years or more but less than 5 years	3 weeks
5 years and over	4 weeks

An employee who at the time of being given notice is over 45 years of age and who at the date of termination has completed two years' continuous service is entitled to one week's additional notice.

* **For employers** the notice provisions of the award must be read in conjunction with those in the *Fair Work Act 2009*, as a greater period of notice may be required.

Termination by employee

For a full-time or part-time employee to terminate their employment, the following period of notice must be provided:

Period of Continuous Service	Period of Notice
During the first month	1 day
2 months or more but less than 1 year	1 week
1 year or more but less than 3 years	2 weeks
3 years or more but less than 5 years	3 weeks
5 years and over	4 weeks

Termination of casual employee

The contract of service of a casual may be terminated by either party by giving at least one hour's notice.

Employees who do not provide the required notice as prescribed above, may be liable to forfeit certain entitlements. Please contact **Wageline** on **1300 655 266** for more information.

Termination of an apprentice

To terminate an apprentice or trainee an employer must apply in writing to the Department of Training and Workforce Development Apprenticeship Office. For more information, please contact the Department of Training and Workforce Development Apprenticeship Office (formerly the Apprenticentre) on 13 19 54. For information relating to notice periods for apprentices, please contact **Wageline** on **1300 655 266**.

Redundancy

Please contact **Wageline** on **1300 655 266** for information relating to redundancy.

Other entitlements

The Award also includes:

- Payment of wages
- General conditions and limitations – protective clothing, uniforms, laundering
- No reduction
- Performance of higher duties

- Stand downs
- Settlement of disputes
- Right of entry

To access a full copy of the Award please visit www.wairc.wa.gov.au.

This award summary has only included the most common employee entitlements.

To minimise the risk of non-compliance with WA employment laws, please contact Wageline on 1300 655 266 to clarify your understanding of this award summary.

Wageline offers advice and publications to assist employees and employers better understand their rights and obligations in the workplace.

To keep informed and receive practical information on employment issues, please subscribe to Wageline's email newsletters at www.commerce.wa.gov.au/labourrelations.

***Disclaimer:** The Department of Commerce has prepared this WA award summary to provide information on pay rates and major award provisions. It is provided as a general guide only and is not designed to be comprehensive or to provide legal advice. The Department of Commerce does not accept liability for any claim which may arise from any person acting on, or refraining from acting on, this information.*

Not the current wa