



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

WA Award Summary

# Animal Welfare Industry Award

**1 July 2017**

## About this Award Summary

This WA Award Summary is a summary of the state Animal Welfare Industry Award and does not include all obligations required by the award. It is important that you also refer to the full Animal Welfare Industry Award that is available on the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au)

Provisions of other employment legislation also apply to employees and have been included in this WA Award Summary where appropriate. You may need to refer to the *Minimum Conditions of Employment Act 1993*, the *Long Service Leave Act 1958*, and the *Industrial Relations Act 1979* for full details.

This document is formatted for viewing on the Wageline website and contains web links to other relevant information. If you are using a printed copy in which links are not visible, all additional information can be found at [www.dmirs.wa.gov.au/wageline](http://www.dmirs.wa.gov.au/wageline) or by contacting Wageline on 1300 655 266.

## How can we help?

- Pay rates
- Leave entitlements
- Long service leave
- Employment arrangements
- Record keeping obligations



## Three Step Check: to make sure this WA Award Summary is relevant to you

<p><b>Step 1</b> - is the business in the state system?</p>	<p>This information applies to businesses in the <b>state industrial relations system</b>. It covers businesses (and their employees) that operate as:</p> <ul style="list-style-type: none"> <li>✓ <b>sole traders</b> (eg Jane Smith trading as Jane’s Veterinary Clinic)</li> <li>✓ <b>unincorporated partnerships</b> (eg Jane and Bob Smith trading as Jane’s Veterinary Clinic)</li> <li>✓ <b>unincorporated trust arrangements</b> (Jane and Bob Smith as trustees for Jane’s Veterinary Clinic)</li> </ul> <p>This information does <b>not</b> cover businesses and organisations in the national ‘fair work’ industrial relations system which operate as:</p> <ul style="list-style-type: none"> <li>✗ <b>Pty Ltd businesses</b> that are trading or financial corporations (eg Smith Pty Ltd trading as Jane’s Veterinary Clinic)</li> <li>✗ <b>incorporated partnerships or incorporated trusts</b></li> <li>✗ <b>incorporated associations and other non-profit bodies</b> (that are trading or financial corporations)</li> </ul> <p>For more information visit the <a href="#">Guide to who is in the WA state system</a> page. If the business or organisation is in the national system visit the Fair Work Ombudsman website <a href="http://www.fairwork.gov.au">www.fairwork.gov.au</a></p>
<p><b>Step 2</b> - is the business covered by the Animal Welfare Industry Award?</p>	<p>The Animal Welfare Industry Award covers businesses in the state industrial relations system. Businesses covered include:</p> <ul style="list-style-type: none"> <li>✓ Veterinary clinics and hospitals</li> <li>✓ Animal refuges and shelters</li> </ul>
<p><b>Step 3</b> - is the employee’s job covered by the Animal Welfare Industry Award?</p>	<p>The Animal Welfare Industry Award sets pay rates, working hours and other employment arrangements for employees working as:</p> <ul style="list-style-type: none"> <li>✓ Veterinary assistants</li> <li>✓ Veterinary nurses</li> <li>✓ Employees in animal shelters</li> </ul>



Employers covered by this WA Award are legally required to keep employment records. Employers can be fined up to \$5,000 for not keeping employment records, for keeping inadequate or fraudulent records, or for not providing records to Industrial Inspectors when required to do so. Page 5 details record keeping requirements.

The Animal Welfare Industry Award is a legal document that outlines the minimum wages and conditions of employment that must be provided to employees who are covered by the award. Employers and employees cannot agree to lesser conditions.

Industrial Inspectors at the Department of Mines, Industry Regulation and Safety have statutory powers to investigate employee complaints about underpayment of wages or leave entitlements under this WA Award and state employment laws. The Department can prosecute employers in the Industrial Magistrates Court for not paying the rates of pay, including overtime, penalty rates and allowances required by this WA Award.



## Rates of pay

All rates of pay are gross rates (before tax). Current rates applied from the first pay period on or after **1 July 2017**.



**Adult rates of pay – applicable from the first pay period on or after 1 July 2017 until end of last pay period commenced in June 2018 (new rates applied first pay period on or after 1 July 2018).**

Classification (see page 9 for classification descriptions)	Weekly	Hourly	Casual (includes 20% loading)
Introductory	\$708.90	\$18.66	\$22.39
Level 1	\$750.10	\$19.74	\$23.69
Level 2	\$762.90	\$20.08	\$24.09
Level 3 (Cert III)	\$810.10	\$21.32	\$25.58
Level 4 (Cert IV)	\$870.80	\$22.92	\$27.50
Level 5 (Diploma)	\$927.80	\$24.42	\$29.30



**Junior rates of pay – applicable from the first pay period on or after 1 July 2017 until end of last pay period commenced in June 2018 (new rates applied first pay period on or after 1 July 2018).**

Junior employees receive a percentage of the minimum rate for the appropriate classification of work:

Age	Percentage of adult
15 or 16 years of age	50%
17 years of age	60%
18 years of age	70%
19 years of age	80%
20 years of age	90%

- Under the *Children and Community Services Act 2004*, it is illegal to employ children under the age of 15 in this industry, except if the child is working as part of a school program or in a family business.



### Trainees

For pay rates for registered trainees working under the Animal Welfare Industry Award, please contact Wageline on 1300 655 266.



To receive email updates when WA Award pay rates change, subscribe to the Wageline Newsletter at [www.dmirs.wa.gov.au/wageline](http://www.dmirs.wa.gov.au/wageline)



### Employment of children

- Under the *Children and Community Services Act 2004*, it is illegal to employ children under the age of 15 in this industry, except if the child is working as part of a school program, in a not for profit organisation or in a family business.
- School aged children must not be employed during school hours, unless participating in a school program.
- The [When children can work in Western Australia](#) page has more information.



## Hours and overtime

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- Ordinary hours are:
  - 38 hours a week
  - worked on not more than 5 consecutive days of the week
  - between 7:00am and 7:00pm
- Part time and casual employees have a minimum shift length of 3 consecutive hours.
- Ordinary hours are to be worked in a 20-day, 4-week cycle with 0.4 of an hour of each day accruing as an entitlement to take the 20th day in each cycle as an Accrued Day Off. The employer and employee may agree that ordinary hours may be worked on a different basis as outlined in the award. View the Animal Welfare Industry Award on the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au)
- The employer must give at least one week's notice (from the first day of a cycle of the standard ordinary hours) of the time at which they require the employee to commence and cease work. If notice is not provided or work is performed outside the hours notified they must be paid for at overtime rates (except in cases of emergency, staff illness or accidents which prevent such notification).
- All ordinary hours of work on Saturdays must be paid at the rate of ordinary time plus 25%. All ordinary hours of work on Sundays must be paid at the rate of ordinary time plus 50%. These penalties apply rather than any night work penalties that may apply on Saturdays and Sundays.
- Employees employed where the ordinary hours of duty extend beyond 7.00 pm must be paid an extra five percent for each shift so worked. Employees employed where the ordinary hours of duty extend beyond midnight must be paid an extra ten per cent for each shift so worked.

### Overtime

- All work performed outside the ordinary hours of duty is overtime and must be paid at the rate of time and a half for the first two hours and double time after that.
- Work done after 12 noon on Saturdays or on Sundays must be paid at the rate of double time.
- Work done on a public holiday must be paid at the rate of double time and a half.
- By agreement between the employee and employer time off in lieu of payment for overtime may be granted proportionate to the payment to which the employee is entitled. This time is to be taken in unbroken periods according to each period of overtime worked (unless otherwise agreed between the employee and employer). The actual period of time off may be accrued and taken at a time agreed between the employer and employee.



## Meal breaks

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- A meal break of not less than half an hour and not more than one hour is to be allowed between the fourth and fifth hour of work unless otherwise agreed by the employer and the employee in times of emergency or staff accident or illness.
- All employees must be allowed a tea break of ten minutes daily between the second and third hour from starting time each day. The tea break will be counted as time worked.
- Employees called upon to work during the ordinary meal break must be paid overtime rates for all such work, except when in the case of emergency it is necessary to work up to 15 minutes into a meal break.



## Deductions from pay

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An employer may deduct from an employee's pay an amount:

- the employer is authorised, in writing, by the employee to deduct and pay on behalf of the employee
- the employer is authorised to deduct and pay on behalf of the employee under the relevant WA Award
- the employer is authorised or required to deduct by law or a court order.



## Public holidays

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- 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.
- Under this award, 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 WA Award.
- If an employee works on a public holiday or substituted public holiday they must be paid at the rate of double time and one half.
- Visit the [Public Holidays in Western Australia](#) page to view the public holiday dates.



## Employment records

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- Employers are legally required to keep employment records which demonstrate that employees have been paid all entitlements under the Animal Welfare Industry Award and relevant legislation.
- Employers must keep all employment records for at least seven years after they are made for both current and past employees. Records relating to long service leave must be kept for seven years from the date employment ends.
- Employers can be fined up to \$5,000 by the Industrial Magistrates Court for not keeping employment records or for keeping inadequate or fraudulent records. A common requirement that employers fail to observe is a lack of detail in keeping employment records.
- Employers must keep records that detail:
  - Employee's name
  - Date of birth if under 21 years of age
  - Date employee commenced with the employer
  - Total number of hours worked each week
  - The gross and net amounts paid to the employee
  - All information required to calculate long service leave entitlements and payment
  - All pay deductions and reasons for them
  - Name of WA Award that applies
  - Daily start and finish time and meal breaks taken
  - Employment status (full time, part time, casual)
  - Employee's classification under the award
  - All leave taken, whether paid, partly paid or unpaid
  - Any other information necessary to prove that the wages received by an employee comply with the requirements of the Animal Welfare Industry Award, such as overtime hours worked and allowances paid. Contact [Wageline](#) or view the full Animal Welfare Industry Award on the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au) for details.
- Employment records can be written or electronic as long as they are in a form that can be printed. Time and wage books can be used to keep employment records, however, it is the employer's responsibility to ensure the time and wage book includes all of the required information.
- The records must be in English.
- Wageline's [record keeping templates](#) help small business employers meet their legal obligations for time and wages record keeping and keep accurate employee leave records.





## Payslips

- Employees must be provided with a payslip for each pay period.
- The payslip should include the rate of pay, the ordinary hours and the overtime hours worked, the gross and net wage, any allowances paid and any deductions made.
- Visit the [Record keeping requirements page](#) for Wageline’s payslip and record keeping templates.



## Allowances

Allowance	When allowance is paid	Rate
Meal Money	When employee is required to work overtime for more than two hours, and not supplied with a meal by the employer. If owing to the amount of overtime worked, a second or subsequent meal is required and a meal is not supplied by the employer, a subsequent meal allowance must be paid. Meal money provisions do not apply: <ul style="list-style-type: none"> <li>○ if the employee was notified the previous day or earlier that he/she is required to work overtime or</li> <li>○ if the employee lives in the same locality as their place of work and can reasonably go home</li> </ul>	<b>\$7.75</b>  <b>\$5.30</b> for a subsequent meal.
Location Allowance	Where working in certain regional towns in Western Australia (paid on a proportionate basis to casual/part time employees and apprentices)	Visit the <a href="#">Location Allowance</a> page for the amount payable for each town or Clause 14 of the award
Motor Vehicle Allowance	See the full award on the WA Industrial Relations Commission website <a href="http://www.wairc.wa.gov.au">www.wairc.wa.gov.au</a> for details on motor vehicle allowance.	



## Leave entitlements

### Quick reference guide

Leave entitlement	Full time	Part time	Casual
Annual leave	✓	✓	✗
Sick and carer’s leave	✓	✓	✗
Unpaid carer’s leave	✓	✓	✓
Bereavement leave	✓	✓	✓
Unpaid parental leave	✓	✓	✓
Long service leave	✓	✓	✓

This WA Award summary covers the basic leave entitlements for employees covered by the Animal Welfare Industry Award but does **not** include all details on leave obligations and entitlements. Full details of conditions are contained in the Animal Welfare Industry Award on the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au), the *Minimum Conditions of Employment Act 1993* and the *Long Service Leave Act 1958*.



## Bereavement leave

- All employees, including casual employees, are entitled to two days paid bereavement leave on the death of a spouse, de facto partner, parent, step-parent, grandparent, child, step-child, grandchild, sibling or any other member of the employee’s household. The two days need not be consecutive. Bereavement leave is a minimum entitlement from the *Minimum Conditions of Employment Act 1993*.



## Sick and carer's leave

- Sick and carer's leave entitles a full time or part time employee to paid time off work due to either illness or injury to themselves (sick leave), or because they have to care for an ill or injured family or household member (carer's leave).
- Full time and part time employees are entitled to paid sick and carer's leave equal to the number of hours they would ordinarily work in a two week period, up to 76 hours per year. Sick and carer's leave is a cumulative entitlement, and any leave not taken in one year can be carried over to the next year.
- Sick and carer's leave accrues on a weekly basis for full and part time employees.
- In the first year of employment, a full time or part time employee can use any paid sick leave that they have accrued to date for caring purposes.
- In the second and subsequent years of employment, a full time employee can only use a maximum of 76 hours of their accrued sick leave entitlement for caring purposes, or a part time employee the relevant proportion of 76 hours based on their ordinary hours of work.
- An employee is entitled to up to two days of unpaid carer's leave per occasion if an employee does not have sufficient paid leave accrued or has exceeded the maximum amount of carer's leave that can be taken in any 12 month period.
- Casual employees are not entitled to paid sick leave or paid carer's leave. Casual employees can access up to two day's unpaid carer's leave per occasion.
- Sick and carer's leave is a minimum entitlement from the *Minimum Conditions of Employment Act 1993*.
- Wageline's [Sick Leave Calculation Guide](#) can assist with calculating sick and carer's leave entitlements.
- Wageline's [record keeping templates](#) include a sick and carer's leave record template.



## Long service leave

- Full time, part time and casual employees are entitled to long service leave (LSL).
- Long service leave is an entitlement from the *Long Service Leave Act 1958*.
- The length of continuous employment for an employee's long service leave entitlement is based on the total time with the business, rather than any one employer. An employer who buys a business or part of a business will take on the long service leave obligations for existing employees if there has been a transmission of business. This applies regardless of anything written in the sale contract.

Amount of continuous employment with same business	Amount of leave
After <b>10 years</b> of continuous employment	8 <sup>2/3</sup> weeks
For every <b>5 years</b> of continuous employment after this initial 10 years	4 <sup>1/3</sup> weeks
When an employee is terminated (except for serious misconduct) or resigns after they have completed <b>between 7 and 10 years</b> continuous employment	The employee is entitled to be paid out for LSL on a proportionate basis. LSL payment is worked out on a pro-rata basis for the entire period of employment, including years, months and days
When an employee is terminated or resigns after they have worked continuously for <b>10 or more years</b>	The employee is entitled to be paid out for LSL. LSL payment is worked out on completed years of service only

- An employee who has completed a full qualifying period of service (e.g. 10 years) is entitled to be paid out their full long service leave entitlement (e.g. 8<sup>2/3</sup> weeks) on termination, regardless of the circumstances of the termination.
- Where an employee has a period of service that is less than the full qualifying period and they were terminated by their employer for serious misconduct, they are not entitled to **pro rata** LSL.
- Visit the [Long Service Leave](#) page for more details and a calculation guide.
- Wageline's [record keeping templates](#) include a long service leave record template.



## Annual leave

- Full time employees are entitled to a minimum of four weeks of paid annual leave for each year of completed service, up to 152 hours. Part time employees are entitled to a minimum of four weeks of paid annual leave per year paid on a pro rata basis according to the number of hours they are required ordinarily to work in a four week period. Casual employees are not entitled to annual leave.
- Annual leave is a minimum entitlement in the *Minimum Conditions of Employment Act 1993* and the Animal Welfare Industry Award sets out additional requirements regarding annual leave and annual leave loading.
- During a period of annual leave an employee must be paid annual leave loading of 17.5%. Annual leave loading is not paid on pro rata leave paid out on termination.
- Annual leave accrues on a weekly basis:
  - A full time employee accrues 2.923 hours of annual leave for each completed week of work.
  - A part time employee accrues the relevant proportion of 2.923 hours annual leave for each completed week of work.
  - Visit Wageline’s [Annual Leave Calculation Guide](#) to work out annual leave entitlements.
  - Wageline’s [record keeping templates](#) include an annual leave record template.



## Parental leave

- Employees, including eligible casual employees, are entitled to the unpaid parental leave entitlements in the National Employment Standards of the *Fair Work Act 2009*, as well as a number of more beneficial conditions contained in the *Minimum Conditions of Employment Act 1993* (a return to work after parental leave on a modified basis and a reversion to pre-parental leave working conditions). Visit the [Parental leave](#) page for more details.



## Resignation, termination and redundancy

### Resignation by the employee

- Full time and part time employees are required to provide:
  - one day’s notice if the employee is on a probationary period of up to 3 months
  - one week’s notice at all other times.
- A casual employee can resign by providing one hour’s notice to the employer.

### Redundancy

- An employee is redundant when their employer has made a definite decision that they no longer wish the job the employee has been doing to be done by anyone.
- An employer has a number of obligations in redundancy situations and may be required to pay severance pay. Visit the [Redundancy](#) page more information on redundancy obligations.

### Termination

- An employer is required to give a casual employee one hours’ notice of termination.
- Except in cases of serious misconduct, an employer is required to give full time and part time employees the following period of notice of termination (or payment in lieu):

Period of continuous service	Notice period
Not more than 1 year	<b>1 week</b>
More than 1 year but not more than 3 years*	<b>2 weeks</b>
More than 3 years but not more than 5 years*	<b>3 weeks</b>
More than 5 years *	<b>4 weeks</b>

\*Employees over 45 years of age with two or more years of continuous service must receive an additional week’s notice.



## Dismissal requirements

- Under State laws, employees cannot be dismissed if to do so would be harsh, unfair or oppressive. There must be a valid and fair reason for dismissal, such as:
  - consistent unsatisfactory work performance (which has been raised with the employee and the employee given further training and an opportunity to improve their work performance)
  - inappropriate behaviour or actions or
  - serious misconduct.
- The [Dismissal information](#) page outlines obligations and requirements when an employee is terminated.



## Classifications

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### Introductory level

An employee who has had no experience in this industry shall initially be engaged at the introductory level for a period not exceeding 3 months. During this period the employer will provide on the job training to assist the employee to gain the appropriate skills.

### Level 1

Employees at this level will perform routine tasks involving adherence to determined procedures and with only minimal scope for deviation from these procedures. An employee at this level will:

- (i) work under direct supervision with regular close checking of their work
- (ii) develop and then apply their knowledge and skills to a limited range of tasks and roles
- (iii) work within a specified range of contexts where the choice of action is clear and restricted
- (iv) normally develop and then use their competencies within established routines, where methods and procedures are predictable.

Typical activities at this level may include:

- (i) assists other employees in their duties
- (ii) appropriate induction to the industry and the routines of the practice
- (iii) basic animal care; grooming, feeding, cleaning and restraint as instructed.

### Level 2

Work at this level will involve the use of limited discretion and initiative. Knowledge relating to the care of animals will be involved. An employee at this level will, in addition to level 1 duties:

- (i) work under direct supervision with routine checking of their work
- (ii) develop and then apply their knowledge and skills to a limited range of tasks and roles
- (iii) work within a specified range of contexts where the choice of action is clear and restricted
- (iv) normally use their competencies within established routines, where methods and procedures are predictable
- (v) exercise discretion and judgment against established criteria.

Typical activities at this level may include:

- (i) basic animal care, animal handling
- (ii) consult duty veterinarian
- (iii) tasks relating to the clinic and surgery including maintaining patient records and compiling patient and client histories
- (iv) ability to undertake basic animal health procedures.

### Level 3

A Level 3 employee will possess the competencies of Certificate III in Companion in Animal Services or other equivalent qualification or possess knowledge and experience which enables them to operate at trade equivalent level. An employee at this level will, in addition to lower level duties:

- (i) generally be working under limited supervision
- (ii) normally use their competencies within established routines, where methods and procedures are predictable
- (iii) exercise discretion and judgment against established criteria.

Typical activities at this level may include:

- (i) assist with animal care under limited supervision
- (ii) limited Staff Supervision of introductory and Level 1
- (iii) undertake daily clinic routines and routine monitoring of patient care
- (iv) ability to follow clinic procedures for hazard identification and risk control
- (v) ability to provide grief support to clients/animal owners
- (vi) work in the companion animal industry
- (vii) provide basic first aid for animals.

#### **Level 4**

A Level 4 employee will possess the competencies of AQF Level 4, or other equivalent qualification such as the ACVN. The attainment of these competencies by an individual employee will be determined through a formal assessment process carried out through a Registered Training Organisation. An employee at this level will, in addition to lower level duties:

- (i) use their competencies within established routines, where methods and procedures are predictable
- (ii) exercise discretion and judgment against established criteria.

Typical activities and competencies at this level for a veterinary nurse may include:

- (i) be registered under the Veterinary Surgeons Act 1960. Notwithstanding the above an employee at this level may also be employed to undertake the duties of an Inspector.
- (ii) ability to undertake limited Staff Supervision
- (iii) ability to undertake daily clinic routines and patient care
- (iv) ability to identifying deviation from normal animal behaviour which may suggest illness, and taking appropriate action
- (v) ability to undertake the maintenance of records relating to the physical aspects of the animals
- (vi) can perform clinic pathology procedures
- (vii) can conduct medical and surgical support
- (viii) can identify vital signs of patients and relate these findings to the supervising veterinary surgeon.

#### **Level 5**

A Level 5 employee will possess a Diploma in Veterinary Nursing or recognized equivalent qualification. The attainment of the competencies by an individual employee necessary for the granting of such qualifications, will be determined through a formal assessment process carried out through a Registered Training Organisation.

An employee at this level will, in addition to lower level duties:

- (i) exercise skills, discretion and responsibilities beyond that required at Level 4
- (ii) be registered under the Veterinary Surgeons Act 1960.

#### **Disclaimer**

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The Department of Mines, Industry Regulation and Safety 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 does not accept liability for any claim which may arise from any person acting on, or refraining from acting on, this information.