



WA award summary

# Aboriginal Communities and Organisations Western Australian Interim Award

1 July 2022

## About this award summary

This document is a summary of the state Aboriginal Communities and Organisations Western Australian Interim Award. WA awards are legal documents that outline the pay rates, allowances, working hours, and leave entitlements for employees in a particular industry or type of work.

**Complying with the provisions of a WA award is compulsory** and all employers who are covered by this WA award must provide employees with the pay rates and employment entitlements in the WA award, as outlined in this award summary and in the full award as a minimum. Potential penalties for employers who do not meet WA award requirements are detailed on page 2.

This WA award summary is a summary only and does not include all obligations required by the award. It is important to also refer to the full Aboriginal Communities and Organisations Western Australian Interim Award that is available on the Western Australian 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. Reference should also be made to the *Minimum Conditions of Employment Act 1993* (MCE Act), the *Long Service Leave Act 1958* (LSL Act), and the *Industrial Relations Act 1979* (IR Act) for full details.

This document is formatted for viewing on the Wageline website and contains web links to other relevant information. If 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.

This WA award summary includes information on new employer obligations and employee entitlements introduced by the *Industrial Relations Legislation Amendment Act 2021* which commenced on 20 June 2022.

## Disclaimer

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.

## Three Step Check: to make sure this WA award summary is relevant to you

<p><b>Step 1</b> Is the organisation in the state system?</p>	<p>This WA award summary applies to businesses and organisations in the <b>state industrial relations system</b>. The state system covers organisations and businesses (and their employees) that operate as:</p> <ul style="list-style-type: none"> <li>✓ <b>sole traders</b></li> <li>✓ <b>unincorporated partnerships</b></li> <li>✓ <b>unincorporated trust arrangements</b></li> <li>✓ <b>incorporated associations and other non-profit bodies</b> that are not trading or financial corporations</li> </ul> <p>This summary does <b>not</b> apply to businesses and organisations in the national 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</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.</p> <p>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 organisation covered by the Aboriginal Communities and Organisations Award?</p>	<p>This award applies to Aboriginal communities and organisations throughout Western Australia including corporations, associations and regional councils, and Aboriginal community support organisations.</p>
<p><b>Step 3</b> Is the employee's job covered by the Aboriginal Communities and Organisations Award?</p>	<p>The Aboriginal Communities and Organisations Award sets pay rates, working hours and other employment arrangements for employees:</p> <ul style="list-style-type: none"> <li>✓ working in the classifications of the award in Aboriginal communities and organisations</li> </ul> <p>The Aboriginal Communities and Organisations Award does <b>not</b> apply to employees who are:</p> <ul style="list-style-type: none"> <li>✗ working in the aged care or disability accommodation sector</li> <li>✗ working in Aboriginal medical services sector, including nursing</li> <li>✗ child care workers</li> <li>✗ working in independent day or boarding schools, as education assistants or other support workers.</li> </ul>

Industrial inspectors at the Department of Mines, Industry Regulation and Safety have powers under the IR Act to investigate employee complaints about underpayments of pay rates and leave entitlements under this WA award and state employment laws. Industrial inspectors also undertake regular proactive compliance audits in particular industries to determine if employers are paying correct wages and keeping correct employment records.

The penalty for contravening a provision of a WA award or not complying with a requirement relating to employment records is up to \$13,000 for individuals and \$65,000 for bodies corporate. Higher penalties apply for serious contraventions of up to \$130,000 for individuals and \$650,000 for bodies corporate. An industrial inspector is also able to give a person a civil infringement notice, similar to an 'on-the-spot fine', for not complying with employment record-related requirements. Record keeping requirements are outlined in the Employment Records section of this summary.

Employees who believe that they have been underpaid, or who wish to make an anonymous report of wage theft, should visit the [Making a complaint about underpayment of wages or entitlements](#) page.

Stay informed when WA award pay rates change, subscribe to [Wageline News](#) or follow [Wageline on social media](#).

## Rates of pay

All rates of pay are gross rates (before tax). The tables below provide the rates that apply from the first pay period on or after **1 July 2022**.

For the classification definitions see the separate Classifications publication on the [Aboriginal Communities and Organisations Award summary](#) page of the Wageline website.

Classification	Yearly	Weekly	Hourly	Casual (includes 20% loading)
<b>Level 1</b> 1 <sup>st</sup> year, 2 <sup>nd</sup> year, 3 <sup>rd</sup> year and 4 <sup>th</sup> year	\$42,772	\$819.90	\$21.58	\$25.89
5 <sup>th</sup> year	\$43,088	\$826.00	\$21.74	\$26.08
<b>Level 2</b>	\$48,665	\$932.90	\$24.55	\$29.46
<b>Level 3</b>	\$52,493	\$1,006.30	\$26.48	\$31.78
<b>Level 4</b>	\$57,109	\$1,094.70	\$28.81	\$34.57
<b>Level 5</b> 1 <sup>st</sup> year, 2 <sup>nd</sup> year and 3 <sup>rd</sup> year	\$60,938	\$1,168.10	\$30.74	\$36.89
4 <sup>th</sup> year	\$61,617	\$1,181.20	\$31.08	\$37.30
<b>Level 6</b>	\$66,083	\$1,266.80	\$33.34	\$40.00
<b>Level 7 – Management (band A)</b>	\$71,355	\$1,367.80	\$35.99	\$43.19
<b>Level 8 – Management (band B)</b>	\$76,231	\$1,461.30	\$38.46	\$46.15
<b>Level 9 – Executive (band A)</b>	\$81,898	\$1,569.90	\$41.31	\$49.58
<b>Level 10 – Executive (band B)</b> 1 <sup>st</sup> year	\$90,072	\$1,726.60	\$45.44	\$54.52
2 <sup>nd</sup> year	\$92,369	\$1,770.70	\$46.60	\$55.92
3 <sup>rd</sup> year	\$99,027	\$1,898.30	\$49.96	\$59.95

- Some of the pay rates in the Aboriginal Communities and Organisations Award fall below the minimum wages set by the 2022 State Wage Order. In such instances, the rates listed here are the legal minimum rate.
- Existing employees who were employed by an employer on or before 27 March 2011 were entitled to advance to the maximum of the appropriate classification level by annual increments. New employees employed after this date are only entitled to be paid the first year rate of the appropriate classification level. However, an employer and individual employee may agree to allow the employee to advance by annual increments to the maximum of the appropriate classification level.

### Registered trainees

- Registered trainees are employees who are undertaking a traineeship registered with the [Apprenticeship Office](#) at the Department of Training and Workforce Development. Traineeships can be undertaken on a full time, part time or school-based basis.
- Registered trainees under the Aboriginal Communities and Organisations Award must be paid the minimum adult or junior rates for registered trainees and are covered by all other provisions of the Aboriginal Communities and Organisations Award including working hours, penalty rates, allowances and leave entitlements.
- The pay rates that apply to registered trainees under this WA award are listed in the minimum pay rates for registered trainees section of the [Pay rates for trainees](#) page.
- An employer is required to pay a registered trainee for time spent at TAFE (or other off the job training) as normal working hours. An employer is not required to pay TAFE fees on behalf of the registered trainee.

### 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 (e.g. work experience placement) or in a family business.
- School aged children must not be employed during school hours, unless participating in a school program.
- Visit the [When children can work in Western Australia](#) page for more information.

## Allowances

### District allowance

Employees are entitled to district allowance based on the district or town where the employee's headquarters are located. Part time and casual employees are entitled to district allowance on a proportionate basis according to the number of hours that they work.

Location of employees headquarters	Amount of district allowance
District 1	Nil
District 2	\$730 per year
District 3	\$1,020 per year
District 4	\$1,610 per year
District 5	\$3,199 per year
District 6	\$3,907 per year

### District boundaries

- District 1 means the area within a line commencing on the coast; then east along latitude 28 degrees to a point north of Talling Peak; then due south to Talling Peak; then southeast to Mount Gibson and Burracoppin; then to a point southeast at the junction of latitude 32 degrees and longitude 119 degrees; then south along latitude 119 degrees to the coast.
- District 2 means the area within a line commencing on the south coast at longitude 119 degrees; then east along the coast to longitude 123 degrees; then north along longitude 123 degrees to a point on latitude 30 degrees; then west along latitude 30 degrees to the boundary of District 1.
- District 3 means the area within a line commencing on the coast at latitude 26 degrees; then along latitude 26 degrees to longitude 123 degrees; then south along longitude 123 degrees to the boundary of District 2.
- District 4 means the area within a line commencing on the coast at latitude 24 degrees; then east to the South Australian border; then south to the coast; then along the coast to longitude 123 degrees; then north to the intersection of latitude 26 degrees; then west along latitude 26 degrees to the coast.
- District 5 means the area of Western Australia situated between latitude 24 degrees and a line running east from Carnot Bay to the Northern Territory border.
- District 6 means the area of Western Australia north of a line running east from Carnot Bay to the Northern Territory border.

If an employee's headquarters are located in a town or place mentioned below, the employee is entitled to district allowance at the following rates instead of the rates mentioned in the table above:

Location of employees headquarters	Amount of district allowance
Kalgoorlie, Boulder	\$243 per year
Ravensthorpe, Norseman, Salmon Gums, Marvel Loch, Esperance	\$960 per year
Carnarvon	\$1,519 per year
Meekatharra, Mount Magnet, Wiluna, Laverton, Leonora, Cue	\$1,610 per year
Port Hedland	\$3,502 per year
Karratha	\$3,765 per year
Liveringa (Camballin), Marble Bar	\$4,000 per year
Fitzroy Crossing, Halls Creek, Turner River Camp, Nullagine	\$4,305 per year
Warburton Mission	\$4,333 per year

- An employee who has a dependant is entitled to district allowance at double the above rates.
- A dependent is one of the following, who does not receive a district allowance or location allowance of any kind:
  - a spouse (including a de facto spouse/partner);
  - if there is no spouse, a child under 18 years of age who lives in WA and who relies on the employee for their main financial support; or
  - if there is no spouse, any relative of the employee who lives in WA and who relies on the employee for their main financial support.
- If an employee has a 'partial dependant' (a dependant who receives a district or location allowance of any kind which is less than the district allowance for an employee without dependants under this award), the employee is entitled to the relevant district allowance plus an amount equal to the difference between the amount of district or location allowance that the partial dependant receives and the amount the partial dependant would receive if they were employed full time.

## Airfare allowance

- Full time and part time employees are entitled to an airfare allowance after every 12 months of continuous service if they are stationed in any of the following localities:
  - north of the 26th parallel of south latitude; or
  - within the local government boundaries of the Shires of Carnarvon, Cue, Dundas, Esperance, Laverton, Leonora, Meekatharra, Menzies, Mount Magnet, Murchison, Ngaanyatjarraku, Sandstone, Shark Bay, Upper Gascoyne, Wiluna or Yalgoo; or
  - at any location 150 kilometres east of Kalgoorlie.
- The amount of the airfare allowance is equal to the equivalent in value of one return economy class airfare to Perth.

## Availability allowance

An employee who has written instruction to remain contactable outside normal hours of duty and available and in a fit state for recall to duty the employee is to be paid **\$3.93 per hour**.

## Bilingual qualification allowance

An employee who is competently bilingual and who is required to use English as well as any of the other Aboriginal or Torres Strait Islander Languages in the course of their employment is entitled to a bilingual qualification allowance.

- Level 1 (appropriate for employees who are capable of using minimal knowledge of a language for simple communication) are to be paid **\$1,583 per year**.
- Level 2 (a level of ability for the ordinary purposes of general business, conversation, reading and writing) are to be paid **\$3,168 per year**.

## First aid allowance

If an employee is required by an employer to perform first aid duties and holds a current first aid certificate the employee is to be paid **\$10.42 per week**.

## Travelling and camping allowance

Employees who are required to be away from home overnight on business approved by the employer are entitled to an allowance to compensate for expenditure on meals and accommodation. An employee required to stay overnight:

- on the Lands at a place that is away from the employee's normal place of residence, the employee is to be paid **\$51.34 per night**.
- at a regional centre, the employee is to be paid **\$132.02 per night**.
- at a capital city, the employee is to be paid **\$175.99 per night**.

## Other allowances

A variety of other allowances are also payable under the award. Clause 19 of the award provides information on all of the allowances that are payable.

## Deductions from pay

- An employer may **only** make a deduction from an employee's pay if:
  - the employer is required by a court or a state or federal law to make the deduction (e.g. tax that must be withheld from the employee's pay);
  - the employee has authorised the deduction in writing (as part of a written employment contract or otherwise) and the deduction is paid on behalf of the employee; or
  - the employer is authorised by the WA award to make the deduction and the deduction is paid on behalf of the employee.
- Deductions or requirements to pay an amount of money to the employer or another person in relation to an employee under the age of 18 are not permitted unless the deduction or payment is agreed to in writing by the employee's parent or guardian.
- A term of a WA award or employment contract providing for a deduction from an employee's pay will be of no effect if it is for the benefit of the employer or a party related to the employer and is unreasonable in the circumstances.
- An employer cannot directly or indirectly compel an employee to accept goods, accommodation or other services instead of money as part of the employee's pay.

## Hours and overtime

### Ordinary hours

- The ordinary hours of work are up to 8 hours per day and up to 38 hours per week, excluding breaks taken.
- Standard ordinary hours are worked between 7.00am and 6.00pm, Monday to Friday.
- The employer and a majority of employees in a workplace may agree to alter the ordinary hours if they enter into an 'alternative ordinary hours of work' agreement (see Clause 22.2 of the Aboriginal Communities and Organisations Award for details). If such a roster is in place, the following loadings must be paid:
  - a 20% loading for all hours worked between 6pm and 12 midnight Monday to Friday;
  - a 35% loading for all hours worked between 12 midnight and 7am Monday to Friday;<sup>1</sup>
  - a 75% loading for all hours worked on Saturday; and
  - a 100% loading for all hours worked on Sunday.

### Overtime

- For employees working standard ordinary hours, overtime rates of time and a half for the first 2 hours of overtime and double time thereafter must be paid for hours worked where:
  - the employee works in excess of 8 hours per day; or
  - the employee works in excess of 38 hours per week.
- Overtime rates must also be paid for work done outside the hours agreed to under any 'alternative ordinary hours of work' agreement made under Clause 22 of the award.
- Except for casuals, an employer and employee may mutually agree for the employee to accrue time off in lieu (TOIL) instead of receiving payment for overtime at overtime rates. TOIL accrues at overtime rates – i.e. 1.5 hours of TOIL for the first two hours of overtime and 2 hours of TOIL for each hour of overtime after that.

#### Note:

Employees working for certain Ngaanyatjarra Communities are not entitled to claim overtime, and are instead entitled to additional leave each year. Further details are contained in Schedule D of the Aboriginal Communities and Organisations Award.

### Casual employees

- Casual employees must be engaged for a minimum period of 2 consecutive hours for each period of engagement.
- Casual employees receive a 20% loading on the applicable rate for their classification. When a casual employee works overtime, or outside the span of ordinary hours, the employee's rate of pay is calculated by multiplying the employee's base hourly rate (which excludes the 20% casual loading) by the applicable overtime multiplier or penalty rate, and then adding an amount equal to 20% of the employee's base hourly rate.

#### Example:

A casual employee working ordinary hours on a Saturday would receive **195%** of the base hourly rate (the base hourly rate + a 75% loading on the base hourly rate + a 20% casual loading on the base hourly rate).

## Meal breaks

- Hours must be worked continuously except that within each 5 hour period an employee is entitled to an unpaid break of between 30 minutes and one hour.
- If an employee is required to work overtime of more than 2 hours and the overtime directly follows the employee's ordinary finishing time, the employee is entitled to a paid 20 minute meal break before starting the overtime.
- Employees who are working overtime are entitled to a paid tea break of at least 20 minutes after each 4 hours of overtime. An exception is that employees are not entitled to a paid tea break if they are not required to continue working overtime after the break.

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<sup>1</sup> Employees working between 12.01am and 7.00am on Monday morning are entitled to a 35% loading.

## 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.
- This award lists 11 public holidays. These are New Year's Day, Good Friday, Easter Saturday, Easter Monday, Christmas Day, Boxing Day, Australia Day, Anzac Day, Queen's Birthday, Labour Day, and National Aboriginal Day as determined by the NAIDOC Committee. Western Australia Day and Easter Sunday are also public holidays in Western Australia and recognised as public holidays for the purposes of this award.
- The Easter Sunday public holiday is observed on the actual day, and it is not substituted to another day solely because it falls on a weekend. Visit the [Easter Sunday public holiday](#) page for more information.
- Visit the [Public Holidays in Western Australia](#) page to view the public holiday dates.

## Leave entitlements

Quick reference guide

Leave entitlement	Full time	Part time	Casual
Annual leave	✓	✓	✗
Personal leave	✓	✓	✗
Unpaid personal leave for caring purposes	✓	✓	✓
Bereavement leave	✓	✓	✓
Unpaid parental leave	✓	✓	✓
Long service leave	✓	✓	✓
Ceremonial leave	✓	✓	✗
Unpaid family and domestic violence leave	✓	✓	✓

This WA award summary covers the basic leave entitlements for employees covered by the Aboriginal Communities and Organisations Award but does **not** include all details on leave obligations and entitlements. Full details of conditions are contained in the Aboriginal Communities and Organisations 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*.

### Ceremonial leave

- Full time and part time employees are entitled to 10 days paid ceremonial leave per year.
- To access ceremonial leave:
  - the employee must be legitimately required by Aboriginal custom or by traditional law to be absent from work to participate in ceremonial activities; and
  - the leave may only be granted with the authority of the employer's senior Aboriginal management.
- Unused ceremonial leave does not accumulate from year to year and is not payable on termination of employment.
- Individual employees may be allowed to extend ceremonial leave by taking other accrued paid leave or unpaid leave, but any extension must be legitimately required by Aboriginal custom or by traditional law.

### Bereavement leave and funeral leave

- Bereavement leave is a minimum entitlement from the *Minimum Conditions of Employment Act 1993*. 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.
- Under the Aboriginal Communities and Organisations Award, full time and part time employees are entitled to five days paid funeral leave upon the death of a person with whom the employee has a close family relationship. Casual employees are not entitled to paid funeral leave. An employer has discretion to allow employees to take additional paid funeral leave. If an organisation closes because of the funeral of a prominent Community member, the time that the organisation is closed will count as paid leave for full time and part time employees. The time that the organisation is closed counts towards the five-day funeral leave entitlement.

## 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 Aboriginal Communities and Organisations 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%. There is a maximum amount of annual leave loading. For full time employees this maximum amount is 17.5% of an amount equal to 152 hours pay calculated on the average male weekly earnings for the August quarter of the previous calendar year, as determined by the Australian Bureau of Statistics. For part time employees, the maximum amount is an amount equivalent to that of full time employees, calculated on a proportionate basis according to the actual hours that the employee works each week.
- 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 of annual leave for each completed week of work.
  - Wageline's [Annual leave calculation guide](#) can assist with calculating annual leave entitlements.
- Visit Wageline's [Annual leave](#) page for more information.

## Employees working on Sundays and/or public holidays

Employees who work ordinary hours under an 'alternative ordinary hours of work' agreement in accordance with a roster system are entitled to an additional one day of annual leave for every five shifts that the employee works on Sundays or public holidays.

## Remote leave

- Full time and part time employees are entitled to one additional week of paid annual leave after every 12 months of continuous service if they are working in any of the following localities:
  - north of the 26th parallel of south latitude; or
  - local government boundaries of the Shires of Carnarvon, Cue, Dundas, Esperance, Laverton, Leonora, Meekatharra, Menzies, Mount Magnet, Murchison, Ngaanyatjarraku, Sandstone, Shark Bay, Upper Gascoyne, Wiluna or Yalgoo; or
  - at any location 150 kilometres east of Kalgoorlie.
- Part time employees are entitled to payment for a period of remote leave calculated on the average weekly number of hours the employee worked over the 12 months immediately before going on leave.

## Annual leave travel time

Full time employees and part time employees are entitled to two days paid annual leave travel time per year, with the following conditions:

- employees are only entitled to paid annual leave travel time if they travel to a capital city while they are on annual leave and they travel there by motor vehicle;
- paid annual leave travel time is only available to employees who have completed at least two years continuous service; and
- employees are not entitled to additional annual leave travel time if they take annual leave in more than one period.

## 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.



## Personal (family) leave

- Personal leave entitles a full time or part time employee to paid time off work due to either illness or injury to themselves, or because they have to care for a member of their family or household who requires care or support because they are sick, injured or affected by an unexpected emergency.
- Each year, full time and part time employees accrue paid personal leave equal to the number of hours they would ordinarily work in a two week period, up to 76 hours per year. Personal leave is a cumulative entitlement, and any leave not taken in one year is carried over and able to be taken in future years.
- Paid personal leave accrues on a weekly basis for full and part time employees. Wageline's [Personal leave calculation guide](#) can assist with calculating paid personal leave entitlements.
- An employee, including a casual employee, is entitled to up to two days of unpaid personal leave per occasion when a member of the employee's family or household requires care or support because of a personal illness or injury or unexpected emergency affecting the member. A full time or part time employee cannot take unpaid personal leave for caring purposes if they have paid personal leave available.
- Casual employees are not entitled to paid personal leave. Casual employees can access up to two days of unpaid personal leave for caring purposes per occasion.
- Personal leave is a minimum entitlement from the *Minimum Conditions of Employment Act 1993*.
- Visit Wageline's [Personal leave](#) page for definitions of 'member of the family or household' or for more information. Note under this Award, the definition of immediate family for personal leave for caring purposes also includes a former spouse or de facto partner, and a sibling of the employee's spouse.

## Family and domestic violence leave

- All employees are entitled to five days' unpaid family and domestic violence leave in each 12 month period. This leave is available in full at the start of each 12 month period of an employee's employment and does not accumulate from year to year. The five days' leave is available in full to part time and casual employees (i.e. it is not pro rata).
- An employee is able to take unpaid family and domestic violence leave if:
  - the employee is experiencing family and domestic violence; and
  - the employee needs to do something to deal with the impact of the family and domestic violence; and
  - it is impractical for the employee to do that thing outside the employee's ordinary hours of work.
- Leave can be taken in a single continuous five day period, separate periods of one or more days each, or periods of less than one day.
- Family and domestic violence leave is a minimum entitlement from the *Minimum Conditions of Employment Act 1993*.
- Visit Wageline's [Family and domestic violence leave](#) page for more information.

## Long service leave

- Long service leave is a paid leave entitlement for full time, part time and casual employees. Under the *Long Service Leave Act 1958* (LSL Act), an employee may be eligible for long service leave:
  - after 10 years of continuous employment with the same employer, and for every 5 years of continuous employment after the initial 10 years; and
  - on a pro-rata basis when their employment ends after 7 years of continuous employment but before 10 years.
- The [Long service leave](#) pages of the Wageline website contain information on who is covered by the LSL Act, the entitlement to long service leave, how long service leave can be taken and frequently asked questions.
- To be entitled to long service leave an employee's employment with their employer must be continuous. There are some paid and unpaid absences or interruptions to an employee's employment that:
  - do not break an employee's continuous employment; and
  - count towards the employee's period of employment for the purposes of accruing long service leave.Some other types of absences do not break an employee's continuous employment, but do not count towards an employee's period of employment for the purposes of accruing long service leave. Visit the [Long service leave – What is continuous employment](#) page for details.
- An employee's employment may in some circumstances also be continuous despite a change in the ownership of a business and the associated change of employer. This applies regardless of anything written in a sale of business contract. Visit the [Long service leave – What happens when business ownership changes?](#) page for details.
- The [WA long service leave calculator](#) can provide an estimate of an employee's long service leave entitlement when employment ends as a result of resignation, dismissal, death or redundancy.

## Resignation, termination and redundancy

### Resignation by the employee

An employee must provide the same notice period required of an employer, except there is no requirement on the employee to give additional notice based on the age of the employee concerned.

### Termination

An employer must give a casual employee one hour's 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	1 week
More than 1 year but not more than 3 years*	2 weeks
More than 3 years but not more than 5 years*	3 weeks
More than 5 years*	4 weeks

\*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.

### 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.

When an employee has been made redundant they are entitled to receive:

- the appropriate notice period or pay in lieu of notice, as outlined in the termination section above;
- paid leave for job interviews;
- any unpaid wages;
- any unused accrued and pro rata annual leave;
- any unused accrued long service leave;
- pro rata long service leave (if applicable); and
- severance pay (if applicable).

Visit the [Redundancy – General information](#) page for information on redundancy obligations.

### Award severance pay

Employers covered by the Aboriginal Communities and Organisations Award must pay the severance pay entitlements in the award when an employee is made redundant, as outlined in the table below.

#### Employers who employ less than 15 employees

Period of continuous service with employer	Award severance pay
Less than 1 year	Nil
1 year but less than 2 years	4 weeks
2 years but less than 3 years	6 weeks
3 years but less than 4 years	7 weeks
4 years and over	8 weeks

\*An employee's period of continuous service includes any service with that business under a previous employer where there has been a transmission of business.

## Severance pay – Employers who employ 15 or more employees

Period of continuous service*	Award severance pay
Less than 1 year	Nil
1 year and less than 2 years	4 weeks
2 years and less than 3 years	6 weeks
3 years and less than 4 years	7 weeks
4 years and less than 5 years	8 weeks
5 years and less than 6 years	10 weeks
6 years and less than 7 years	11 weeks
7 years and less than 8 years	13 weeks
8 years and less than 9 years	14 weeks
9 years and less than 10 years	16 weeks
10 years and over	12 weeks

\*An employee's period of continuous service includes any service with that business under a previous employer where there has been a transmission of business.

These severance pay requirements do not apply to probationary employees, apprentices and trainees, casual and contract employees or employees terminated due to serious misconduct or for other reasons not related to redundancy.

Redundancy pay is calculated based on the applicable number of weeks' severance multiplied by ordinary time earnings. Ordinary time earnings excludes overtime, penalty rates, and allowances.

If the employee resigns during the notice period, they are entitled to the same severance pay they would receive if they had worked until the end of the notice period. However, in this circumstance the employee is not entitled to payment in lieu of notice.

Visit the [Redundancy payments](#) page for more information on redundancy payments.

## Pay slip and record keeping requirements

Employers must provide all employees with a pay slip, and must keep employment records as required by state employment law. There are penalties for not keeping records and not providing a pay slip.

### Pay slips

Employers need to provide a pay slip to each employee within one working day of paying the employee for work performed. The employer can decide whether to give a hard copy or electronic form of the pay slip.

A pay slip needs to include the following information:

- the employer's name and Australian Business Number (if any);
- the employee's name;
- the period to which the pay slip relates;
- the date on which the payment referred to in the pay slip was made;
- the gross and net amounts of the payment, and any amount withheld as tax;
- any incentive based payment, or payment of a bonus, loading, penalty rates or another monetary allowance or separately identifiable entitlement;
- if an amount is deducted from the gross amount of the payment:
  - the name of the person in relation to whom or which the deduction was made;
  - if the deduction was paid into a fund or account - the name, or the name and number, of the fund or account; and
  - the purpose of the deduction;
- if the employee is paid at an hourly rate of pay:
  - the rate of pay for the employee's ordinary hours;
  - the number of hours worked during the period to which the pay slip relates; and
  - the amount of the payment made at that rate;
- if the employee is paid a weekly or an annual rate of pay - the rate as at the latest date to which the payment relates;

- if the employer is required to make superannuation contributions for the benefit of the employee:
  - the amount of each contribution that the employer made during the period to which the pay slip relates and the name, or the name and number, of any fund to which the contribution was made; or
  - the amounts of the contributions that the employer is liable to make in relation to the period to which the pay slip relates, and the name, or the name and number, of any fund to which the contributions will be made.

Wageline's [Pay slip information](#) page provides more information and a pay slip template to assist employers.

## Employment records

### Record keeping requirements

It is compulsory for all employers to keep employment records which include the following information:

- the employee's name and, if under 21 years of age, their date of birth;
- the employer's name and Australian Business Number (if any);
- the name of the WA award that applies (in this case the Aboriginal Communities and Organisations Western Australian Interim Award);
- date the employee commenced employment with the employer;
- for each day of work:
  - the time at which the employee started and finished work;
  - period/s for which the employee was paid; and
  - details of work breaks including meal breaks;
- for each pay period:
  - the employee's designation (such as full time, part time, casual) and employee classification;
  - the gross and net amounts paid to the employee;
  - any amount withheld as tax; and
  - all deductions from pay and the reasons for them;
- any incentive based payment, bonus, loading, penalty rates or other monetary allowance or entitlement;
- all leave taken, whether paid, partly paid or unpaid;
- the following matters relating to superannuation:
  - the date on which each superannuation contribution was made, the amount of the contributions, the period over which the contributions were made, the name of any fund to which a contribution was made;
  - how the employer worked out the amount of superannuation owed; and
  - any choice made by the employee as to which fund their contributions are to be made and the date on which the choice was made;
- the information necessary for the calculation of and payment of long service leave under the LSL Act. Employers are also be required to comply with the record keeping requirements in the LSL Act. Visit [www.dmirs.wa.gov.au/longserviceleave](http://www.dmirs.wa.gov.au/longserviceleave) for details;
- any other information necessary to show that the pay and benefits received by the employee comply with the WA award and other legal obligations such as employee entitlements under the MCE Act or LSL Act; and
- any other information required by the WA award to be recorded.

It is also compulsory to keep employment records that detail specific information regarding:

- termination related matters; and
- any supported wage system or a supported wage industrial instrument provision that applies to an employee with a disability.

If an employer makes a payment to an employee in cash, the employer must provide a record of the payment to the employee and ensure that a copy of the record of payment is kept as an employment record.

Wageline's [Employment records - Employer obligations](#) page provides more information and record keeping templates to assist employers.

### Time periods for keeping records

It is compulsory that each entry in relation to annual leave and long service leave must be retained during the employee's period of employment and for not less than 7 years after the employment ends and each other employment record must be retained for not less than 7 years after it is made.