



WA award summary

# Building Trades (Construction) Award

**1 July 2021**

About this award summary

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This WA award summary is a summary of the state Building Trades (Construction) Award and does not include all obligations required by the award. It is important that you also refer to the full Building Trades (Construction) 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*, *Construction Industry Portable Paid Long Service Leave Act 1985*, 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 WA award summary applies to businesses in the <b>state industrial relations system</b>. It covers businesses which operate as:</p> <ul style="list-style-type: none"> <li>✓ <b>sole traders</b> (e.g. Jane Smith trading as Jane’s Plumbing)</li> <li>✓ <b>unincorporated partnerships</b> (e.g. Jane and Bob Smith trading as Jane’s Plumbing)</li> <li>✓ <b>unincorporated trust arrangements</b> (e.g. Jane and Bob Smith as trustees for Jane’s Plumbing )</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 in the national industrial relations system which operate as:</p> <ul style="list-style-type: none"> <li>✗ <b>Pty Ltd businesses</b> (e.g. Smith Pty Ltd trading as Jane’s Plumbing)</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 Building Trades (Construction) Award?</p>	<p>The Building Trades (Construction) Award applies to businesses in the state industrial relations system which are:</p> <ul style="list-style-type: none"> <li>✓ operating in the building construction industry</li> </ul>										
<p><b>Step 3</b> Is the employee’s job covered by the Building Trades (Construction) Award?</p>	<p>The Building Trades (Construction) Award sets pay rates, working hours and other employment arrangements for employees working on site as:</p> <ul style="list-style-type: none"> <li>✓ builders labourers</li> </ul> <p>Tradespersons and apprentices:</p> <table border="0"> <tr> <td>✓ bricklayers</td> <td>✓ wall and floor tilers</td> </tr> <tr> <td>✓ plumbers</td> <td>✓ signwriters</td> </tr> <tr> <td>✓ plasterers</td> <td>✓ glaziers</td> </tr> <tr> <td>✓ roof tile fixers</td> <td>✓ carpenters/joiners</td> </tr> <tr> <td>✓ stonemasons</td> <td>✓ painters</td> </tr> </table>	✓ bricklayers	✓ wall and floor tilers	✓ plumbers	✓ signwriters	✓ plasterers	✓ glaziers	✓ roof tile fixers	✓ carpenters/joiners	✓ stonemasons	✓ painters
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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 9 details record keeping requirements.

The Building Trades (Construction) 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.

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



## 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 2021**.

### Building tradesperson rates of pay

Building Tradesperson	Hourly	Casual (includes 20% loading)
Rates include industry, tool, special and plumbing trade allowances.		
Plumber/Gasfitter	\$26.69	\$32.03
Marker/Setter Out (No entitlement to tool allowance)	\$25.54	\$30.64
Carpenter/Joiner	\$25.96	\$31.15
Stonemason/Stoneworker	\$25.96	\$31.15
Plasterer (includes Wall & Floor Tiler)	\$25.81	\$30.97
Bricklayer (note the heavy blocks allowance on page 10)	\$25.71	\$30.85
Roof Tile Fixer	\$25.55	\$30.66
Sign writer	\$25.32	\$30.38
Painter	\$25.32	\$30.38
Glazier	\$25.32	\$30.38

The Building Trades (Construction) Award also contains rates of pay for Special Class Tradespersons working on heritage restoration – please see the full Award on the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au)

The hourly rates of pay listed for tradespeople do not include location allowance or underground allowance. If these allowances are applicable, please consult Clause 8 – Rates of Pay of the Building Trades (Construction) Award on the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au) in order to calculate the appropriate hourly pay rate.

### Builders' labourers rates of pay

Builders' Labourers	Hourly	Casual (includes 20% loading)
Rates includes industry allowance and special allowance.		
<b>Group 1</b> Rigger, Drainer, Dogger	\$24.90	\$29.89
<b>Group 2</b> Scaffolder, Powder Monkey, Hoist or Winch Driver, Concrete Finisher, Steel Fixer including Tack Welder and Concrete Pump Operator	\$24.42	\$29.31
<b>Group 3</b> Bricklayer's Labourer, Plasterer's Labourer, Assistant Powder Monkey, Assistant Rigger, Demolition Worker (after 3 months experience), Gear Hand, Cement Gun Operator, Concrete Cutting or Drilling Machine Operator, Pile Driver, Tackle Hand, Jackhammer Hand, Mixer Driver (Concrete), Steel Erector, Aluminium Structural Erector, Gantry Hand or Crane Hand, Concrete Gang including Concrete Floater, Steel or Bar Bender to Pattern or Plan, Concrete Formwork Stripper, Concrete Pump Hose Hand, Trades Labourer, Brick Paver Labourer, Brick Cleaner/Labourer.	\$24.06	\$28.88
<b>Group 4</b> Builders' Labourers employed on work other than specified in Groups 1-3.	\$23.19	\$27.83

- The hourly rates of pay listed for Builders' Labourers do not include location allowance or underground allowance. If these allowances are applicable, please consult Clause 8 – Rates of Pay of the Building Trades (Construction) Award on the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au) in order to calculate the appropriate hourly pay rate.
- There is no entitlement to tool allowance for Builders' Labourers.

### Apprentice rates of pay

**Adult Apprentices** aged 21 and above receive the minimum adult wage of **\$665.60** per week or the prescribed apprenticeship rate, whichever is the higher, for ordinary hours of work.

#### Bricklayers, Carpenters, Glaziers, Joiners, Painters, Plasterers, Sign writers, Stonemasons, Stoneworkers, Roof Tile Fixers

Year Term	Percentage of tradespersons rate	Weekly Rate
<b>4 Year Term</b>		
1st Year	42%	\$406.00
2nd Year	55%	\$522.40
3rd Year	75%	\$701.40
4th Year	88%	\$817.80
<b>3.5 Year Term</b>		
0-6 months	42%	\$406.00
7-18 months	55%	\$522.40
19-30 months	75%	\$701.40
31-42 months	88%	\$817.80
<b>3 Year Term</b>		
1st Year	55%	\$522.40
2nd Year	75%	\$701.40
3rd Year	88%	\$817.80
<b>2 Year Term</b>		
1st Year	55%	\$522.40
2nd Year	75%	\$701.40

#### Plumber and/or Gasfitter

4 Year Term	Percentage of tradesperson rate	Weekly Rate
1st Year	42%	\$407.40
2nd Year	55%	\$524.20
3rd Year	75%	\$703.90
4th Year	88%	\$820.70

- An employer is required to pay an apprentice for the 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 apprentice.
- If the apprentice is a high school student undertaking a school based apprenticeship they must be paid the relevant hourly rate for the year of their apprenticeship for:
  - all hours spent working on the job; plus
  - hours spent in off the job training (deemed to be 25% of actual hours worked each week).
- Visit the [Pay rates for apprentices](#) page for more information

### Tool allowance for apprentices

Apprenticeship trade	Weekly allowance
Carpenters, Joiners, Plumbers, Gasfitters, Stonemasons, Stoneworkers	\$31.00
Plasterers, Wall and Floor Tilers	\$25.60
Bricklayers	\$21.90
Roof Tile Fixers	\$16.00
Sign writers, Painters, Glaziers	\$7.50

An employer may, (by agreement with the apprentice's parent or guardian if the apprentice is under 18), elect to provide the apprentice with a kit of tools and, subject to establishing the value of the tools at the time of so providing, deduct the tool allowance until the cost of the tools is reimbursed. An employer must pay the tool allowance after the cost of the tools has been reimbursed.

### Junior employees (under 21 years old)

- Junior employees (except apprentices) cannot be employed on any work which would be performed by an adult employee unless the consent of the union is obtained first in each case. If any junior employee is so employed the employee must be paid the appropriate adult rate of pay.
- If any junior employee (who is not an apprentice or probationary apprentice) is employed on work for which an apprenticeship is provided then the junior employee must be paid the appropriate adult rate of pay.
- Junior employees may be employed as roof tile fixers in the proportion of 2 juniors to 1 adult employee and specific rates of pay for junior roof tile fixers are detailed in Clause 45 of the Building Trades (Construction) Award available on the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au)
- 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.

### Registered Trainees

For pay rates for registered trainees working under the Building Trades (Construction) Award, please contact Wageline on 1300 655 266



To receive email updates when WA award pay rates change, subscribe to [Wageline News](#).



### Meal breaks

- Employees must receive a paid ten minute rest break between 9.00am and 11.00am and an unpaid lunch break of at least 30 minutes between 12.00pm and 1.00pm. If an employee does not receive their lunch break, they are paid double time until the lunch break is granted.
- Additional breaks apply when an employee works overtime. Visit the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au)



### Allowances

#### Tool Allowance

Tool allowance is always payable to tradespersons and apprentices. Tool allowance is included in the tradesperson rates listed on page 3 and detailed in the table at the top of this page for apprentices.

#### Meal allowance

An employee who works at least one and a half hours or more of overtime after working ordinary hours must receive a meal allowance of **\$14.70** to meet the cost of a meal.

## Fares and travelling allowance

*Plumbing* – Plumbers and plumbing apprentices receive the following daily allowances:

- Reporting and ceasing work at site using own transport - **\$10.80 + ¼ Hours' Pay**.
- Reporting and ceasing work at site using employer's transport - **¼ Hours' Pay**.
- Reporting and ceasing work at yard or depot - **Nil**.

Additional allowances apply for travel beyond 50kms from the local post office and transport during working hours. Please see clause 12B of the Building Trades (Construction) Award on the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au)

*Other trades and labourers*

- All tradespeople (except plumbers) and labourers receive a travel allowance of **\$16.55** per day on any day on which the employee works or reports for work, except where the employer picks up the employee from their home and returns them to their home at the conclusion of work.
- All apprentices (except plumbers) receive a percentage of this allowance except where the employer picks up the apprentice from their home and returns them to their home at the conclusion of work:
  - First year apprentices - **\$12.40** (75% of travel allowance)
  - Second year apprentices - **\$14.05** (85% of travel allowance)
  - Third year apprentices - **\$14.90** (90% of travel allowance)
  - Fourth year apprentices - **\$15.70** (95% of travel allowance)

Additional allowances apply for travel beyond 50kms from the local post office and transport during working hours. Please see clause 12A of the Building Trades (Construction) Award on the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au)

## Explosive powered tools allowance

An operator of explosive powered tools, as defined in the award, who is required to use an explosive powered tool, must be paid **\$1.65** for each day on which they use such a tool.

## Heavy blocks allowance

Employees lifting other than standard bricks - an employee required to lift blocks (other than concrete blocks for plugging purposes) shall be paid the following additional rates:

- Where the blocks weigh over 5.5kg and under 9kg - **67 cents** per hour.
- Where the blocks weigh 9kg or over and up to 18kg - **\$1.20** per hour.
- Where the blocks weigh over 18kg - **\$1.70** per hour.

## Inclement weather

If employees cannot work due to rain or extreme temperatures or abnormal climatic conditions, they are entitled to be paid for the ordinary time lost. This entitlement is capped at 32 hours per four week period. Refer to Clause 19 of the Building Trades (Construction) Award, available on the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au)

## Insulation allowance

An employee handling charcoal, pumice, granulated cork, silicate of cotton, insulwool, slag wool, limpet fibre, vermiculite or other recognised insulating material of a like nature or working in the immediate vicinity so as to be affected by the use thereof must be paid **82 cents** per hour or part thereof.

## Leading hand allowance

A person specifically appointed to be a leading hand must be paid at the rate of the undermentioned additional amounts above the rate of the highest classification supervised, or their own rate, whichever is the highest, in accordance with the number of persons in their charge:

Leading hand allowance	Weekly	Hourly
In charge of not more than one person	\$25.00	\$0.67
In charge of two and not more than five persons	\$42.10	\$1.14
In charge of six and not more than ten persons	\$53.40	\$1.44
In charge of more than ten persons	\$71.20	\$1.93

## Location allowance for employees in regional areas

- Employees employed in certain regional towns must be paid the location allowance relevant to that town. Rates listed below are for adult employees working full time. Junior employees, casual employees, part time employees, apprentices and trainees must be paid proportionate location allowance based on the proportion which their weekly wage is to the adult rate under the WA award.
- If an employee has a dependant (a spouse or partner, or a child if there is no spouse or partner) the employee is entitled to receive double the allowance specified for the relevant town except if the dependant also receives a location or district allowance payment as part of their own employment.
- If an employee has a 'partial dependant' (a dependant who receives a district or location allowance of their own which is less than the location allowance the employee is entitled to under this award) the employee is entitled to receive:
  - the relevant location allowance for the employee's town; **plus**
  - an amount equal to the difference between the employee's location allowance and the amount their partial dependant receives in district or location allowance.
- If an employee receives free board and lodging, or is paid an allowance for board and lodging, the rate of location allowance is adjusted to 66.67% (two thirds) of the rate for the relevant town.

### Location allowance rates effective 1 July 2021

Town	\$ per week	Town	\$ per week	Town	\$ per week
Agnew	\$22.70	Halls Creek	\$53.30	Norseman	\$20.10
Argyle	\$60.80	Kalbarri	\$8.10	Nullagine	\$58.90
Balladonia	\$23.50	Kalgoorlie	\$9.70	Onslow	\$39.50
Barrow Island	\$39.50	Kambalda	\$9.70	Pannawonica	\$29.60
Boulder	\$9.70	Karratha	\$38.20	Paraburdoo	\$29.40
Broome	\$36.50	Koolan Island	\$40.00	Port Hedland	\$31.60
Bullfinch	\$10.60	Koolyanobbing	\$10.60	Ravensthorpe	\$11.90
Carnarvon	\$18.70	Kununurra	\$60.80	Roebourne	\$44.00
Cockatoo Island	\$40.00	Laverton	\$23.20	Sandstone	\$22.70
Coolgardie	\$9.70	Learmonth	\$33.40	Shark Bay	\$18.70
Cue	\$23.30	Leinster	\$22.70	Southern Cross	\$10.60
Dampier	\$31.80	Leonora	\$23.20	Telfer	\$54.20
Denham	\$18.70	Madura	\$24.50	Teutonic Bore	\$22.70
Derby	\$37.90	Marble Bar	\$59.00	Tom Price	\$29.40
Esperance	\$6.60	Meekatharra	\$20.10	Whim Creek	\$37.80
Eucla	\$25.40	Mount Magnet	\$25.20	Wickham	\$36.50
Exmouth	\$33.40	Mundrabilla	\$25.00	Wiluna	\$22.90
Fitzroy Crossing	\$46.10	Newman	\$21.80	Wyndham	\$56.90

## Other allowances

The Building Trades (Construction) Award contains a range of other allowances which apply to specific working arrangements. Please view the award on the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au)



## Ordinary working hours, penalty rates and overtime – full time employees

### Ordinary hours of work

- The ordinary hours for full time employees are as follows:
  - 38 per week to be worked in accordance with the following provisions for a four week work cycle.
  - Worked in a 20 day four week cycle, on 19 days of eight hours each, between the hours of 7.00am and 6.00pm, Monday to Friday, with 0.4 of one hour on each day worked accruing as an entitlement to take the fourth Monday in each cycle as a day off paid for as though worked.

Note: Ordinary hours of work may commence at 6.00am Monday to Friday where agreement is reached between the employer and employees. For further information refer to Clause 13 (3) of the award on the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au)

## Overtime and penalty rates

When penalty rates apply for a full time employee	Penalty rates
If an employee works on the accrued rostered day off	Employee must be paid overtime rates for all hours worked on that day
When overtime applies for a full time employee	Overtime rates
All time worked beyond the ordinary time of work inclusive of any time worked for accrual purposes for the 4 <sup>th</sup> Monday off in each 4 week cycle.	Time and a half for the first 2 hours and double time after that
Saturday	<ul style="list-style-type: none"> <li>• Prior to 12 noon - time and a half for the first 2 hours and double time after that (minimum 3 hours' pay)</li> <li>• After 12 noon - double time (minimum 3 hours' pay)</li> </ul>
Sunday	Double time (minimum 4 hours' pay)
Public holiday (or substituted holiday)	Double time and a half (minimum 4 hours' pay)
Easter Saturday	Double time and a half (minimum 4 hours' pay)

Please note: different ordinary hours and overtime provisions apply to shift workers. Visit the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au) for details.



## Ordinary working hours, penalty rates and overtime – casual employees

Casual employees can be employed for a period of less than five days (exclusive of overtime).

### Ordinary hours of work

The ordinary hours for casual employees are:

- Minimum three hours per engagement.
- Worked between the hours of 7.00am and 6.00pm, Monday to Friday.

When overtime applies for a casual employee	Overtime rates
All time worked beyond the ordinary hours of work	Time and a half for the first 2 hours and double time after that
Saturday	<ul style="list-style-type: none"> <li>• Prior to 12 noon – time and a half for the first 2 hours and double time after that (minimum 3 hours' pay)</li> <li>• After 12 noon - double time (minimum 3 hours' pay)</li> </ul>
Sunday	Double time (minimum 4 hours' pay)
Public holiday (or substituted holiday)	Double time and a half (minimum 4 hours' pay)
Easter Saturday	Double time and a half (minimum 4 hours' pay)



## 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.
- Children who are school aged must not be employed in school hours, unless participating in a school program.
- Visit the [When children can work in Western Australia](#) page for more information.





## Public holidays

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- Full time employees are entitled to public holidays (or days substituted for public holidays) without deduction of pay. If a public holiday falls on a Saturday or Sunday, the following Monday will be considered to be the public holiday. 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 receive at least four hours' pay, even if they work fewer hours. In addition, hours worked on a public holiday or substituted holiday must be paid at the rate of double time and a half.
- Visit the [Public Holidays in Western Australia](#) page to view the public holiday dates.



## Deductions from pay

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An employer may **only** make a deduction from an employee's pay if:

- the employee has agreed to the deduction in writing, (as part of a written employment contract or otherwise) and the deduction is paid on behalf of the employee;
- the employer is authorised by the WA award to make the deduction and the deduction is paid on behalf of the employee; or
- 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).



## 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 Building Trades (Construction) 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. Employers often fail to keep sufficient detail in their 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 Building Trades (Construction) Award, such as overtime hours worked and allowances paid. Contact [Wageline](#) or view the full Building Trades (Construction) 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 [Employment record obligations for WA award employers](#) publication helps state system employers keep correct employment records. The publication features helpful step by step guides to record keeping and Wageline's new look [record keeping templates](#).

### Payslips

- All employees must receive a payslip which includes the date of payment, the amount of wages paid for ordinary rates, the gross amount of wages and allowances paid, the amount and type of deductions, the net amount of wages and allowances paid.
- The payslips should also include the number of hours and amount paid for overtime and where applicable, any allowances or special rates paid and annual holiday payments. See Clause 34(5) in the full award on the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au) for further information on payslip requirements.
- Wageline's [Employment record obligations for WA award employers](#) publication includes a payslip template.



## Leave entitlements

Quick reference guide

Leave entitlement	Full 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 Building Trades (Construction) Award but does **not** include all details on leave obligations and entitlements. Full details of conditions are contained in the Building Trades (Construction) Award on the [WA Industrial Relations Commission](#) website, the *Minimum Conditions of Employment Act 1993* and the *Construction Industry Portable Paid Long Service Leave Act 1985*.

### Long service leave

Employees who work on site in the construction industry have access to a portable long service leave scheme funded by a compulsory levy on employers. Visit [www.myleave.wa.gov.au](http://www.myleave.wa.gov.au) for more information.

### 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*.

### 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.

### 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 a member of their family or household who requires care or support because they are sick, injured or affected by an unexpected emergency (carer's leave).

- Full 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 80 hours per year. Sick and carer’s leave is a cumulative entitlement, and any leave not taken in one year is carried over to the next year.
- Sick and carer’s leave is granted to employees as follows:
  - In the employee’s first year of employment – an employee is credited with one day of sick / carer’s leave at the beginning of each of the first 10 calendar months.
  - In the second and subsequent years of employment – an employee is credited with a further 80 hours of sick / carer’s leave on the anniversary of their engagement.
- In the first year of employment, a full time employee can use any paid sick and carer’s 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 two weeks of their accrued sick leave entitlement for caring purposes.
- 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*.
- Visit Wageline’s [Sick leave](#) page for definitions of ‘member of the family or household’ or for more information.
- Wageline’s [Employment record obligations for WA award employers](#) publication includes a 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. Casual employees are not entitled to annual leave.
- Annual leave is a minimum entitlement in the *Minimum Conditions of Employment Act 1993* and the Building Trades (Construction) 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 payable on any unused annual leave paid out on lawful 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.
  - Visit Wageline’s [Annual leave calculation guide](#) to work out annual leave entitlements.
- Wageline’s [Employment record obligations for WA award employers](#) publication includes a leave record template.
- Where an employee has worked five working days or more and either resigns or is terminated by the employer the employee must be paid one twelfth of a week’s wages for each completed five working days of continuous service with his/her current employer for which leave has not yet been granted.



## Resignation, termination and redundancy

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### Resignation by the employee

An employee can resign by giving one day’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.

## Termination

- For apprentices, an employer must contact the Department of Training and Workforce Development Apprenticeship Office on 13 19 54 to discuss any proposed termination of an apprentice.
- Except in cases of serious misconduct, full time employees in regular ongoing employment may be terminated by the employer giving the employee the following period of notice (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.

## Payment for public holidays on termination

- If a public holiday falls within ten consecutive days after an employee is terminated by an employer except for reasons of misconduct or incompetency, the employee is entitled to be paid a days' ordinary pay for that public holiday.
- Where two or more public holidays occur within a seven day span, they are regarded as a group of public holidays. If the first of the group falls within ten consecutive days after termination, the whole group of holidays is deemed to fall within the ten consecutive days, and the employee is entitled to ordinary wages for each public holiday. Christmas Day, Boxing Day and New Year's Day are also regarded as a group.

## 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 above in the termination section;
  - 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 who employ less than 15 employees

- If an employee is terminated by the employer for any reason other than misconduct or refusal of duty, the following award severance payments must be paid to the employee:

Period of continuous service*	Award severance pay
less than 12 months	1.75 hours' pay per completed week of service
1 year but less than 2 years	2.4 weeks' pay plus, for all service in excess of 1 year, 1.75 hours' pay per completed week of service up to a maximum of 4.8 weeks' pay
2 years but less than 3 years	4.8 weeks' pay plus, for all service in excess of 2 years, 1.6 hours' pay per completed week of service up to a maximum of 7 weeks' pay
3 years but less than 4 years	7 weeks' pay plus, for all service in excess of 3 years, 0.73 hours' pay per completed week of service up to a maximum of 8 weeks' pay
4 years and over	8 weeks' pay

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

- Any period of service as a casual does not count as continuous service for the purposes of severance.
- 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.

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

- Employers covered the Building Trades (Construction) Award who employ 15 or more employees must pay the award severance pay detailed above or the severance pay outlined below based on whichever provides **the greater entitlement to the employee**.
- The severance payments outlined below are only applicable if the **employer has made the employee redundant** because the employer has made a definite decision that the employer no longer wishes the job the employee has been doing done by anyone. If an employee is terminated by the employer for reasons other than redundancy, the severance payments below are not applicable. However, the award severance payments detailed above *may* still be applicable (refer to the information regarding the award severance payments in the above table).
- The severance payments outlined below 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. However, the award severance payments detailed above *may* still be applicable (refer to the information regarding the award severance payments in the above table).

Period of continuous service*	Number of weeks 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 the business.

- 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.

#### 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.