

Our Ref:)

Enquiries:

INDUSTRIAL EMPLOYEES' CIRCULAR NO.19 OF 1973

ANNUAL LEAVE LOADING - PAY AND SHIFT WAGES EMPLOYEES.

Cabinet has directed that Government Wages employees subject to industrial awards or agreements of the WA Industrial Commission be paid annual leave loadings in accordance with the following rules. This direction does not apply to officers subject to the Public Service Act or employees whose salaries are related to Public Service.

Advice will be given by letter to employers whose employees have not been specifically included or excluded by the direction of the preceding paragraph.

DAY WORKERS

1. A loading of 17½% shall be paid to an employee when proceeding on annual leave calculated on the award rate of pay with respect to a maximum of four weeks annual leave, provided that in no case shall the loading for four weeks leave exceed the amount set out in the Commonwealth Bureau of Census and Statistics publication for "Average Weekly Earnings per Male Employed Unit" in WA for the September quarter immediately preceding the date of accrual of such leave.

2. For leave falling due during the period July 1, 1973 to June 30, 1974 the loading shall be applied with respect to service from July, 1 1973, only. This will mean that an employee whose leave becomes due on or after July 1, 1973 will receive 1/12th of the 17½% loading with respect to each month of service (calculated to the closest month) after that date. For example, an employee whose leave becomes due on November 17, 1973 will receive the loading with respect to the five months of service since July 1, 1973 that is 5/12ths of 17½% of four weeks wages.

Where the 17½% calculation for four weeks leave produces a figure in excess of the Bureau's published average weekly earnings then the loading, using the previous example, would be 5/12ths of the Bureau's published average weekly

earnings for four weeks leave.

3. Employees whose leave falls due on or after July 1, 1974 should be paid the full amounts set out in 1 above.

SHIFT WORKERS

1. Shift workers are already receiving annual leave loadings in the form of make up pay - see Industrial Employees Circular No. 13 of 1972 dated December 13, 1972. That instruction should continue to be applied except where the amount paid for weekend and shift penalties is less than 20% of the ordinary award rate of pay for five weeks leave. In which case, a loading shall be added to the weekend and shift penalties which will produce an amount equal to 20% of ordinary wages for a maximum of five weeks leave with a maximum payment of 5/4ths of the Bureau's published weekly earnings for the preceding September quarter. This in no way limits the amount which is payable under Industrial Employees Circular No.13 of 1972.

2. For leave falling due during the period July 1, 1973 and June 30, 1974, the loading to be added to weekend and shift penalties as provided in 1 above shall be calculated with respect to service since July 1, 1973. An employee whose leave becomes due on November 17, 1973 whose award rate is \$100 per week would be paid as follows:

Award rate.....	\$100.00
Shift & Weekend penalties....	15.00
5/12 of 5%.....	2.00
.....	\$117.08
.....plus Service pay....	15.00
.....	\$132.08 for each of the five weeks leave

3. Employees whose leave falls due on or after July 1, 1974 should be paid the full amounts set out in 1 above.

4. Some shift workers ie. Police, Prison Officers, Psychiatric Nurses and Fire Brigade employees are being paid averaged weekly payments which provide for the shift and weekend penalties which would have been earned had the employee not been on annual leave. No action should be taken with respect to these employees until satisfactory arrangements are negotiated with the unions concerned.

GENERALLY

1. Maximum Payment

The average weekly earnings figure for the September quarter is usually

published late in November or early December in each year. For those employees whose leave becomes due after September 30 and who take such leave before the figure is published for that quarter payment should be made as for the September quarter of the previous year and a cash adjustment made when the new figure is published.

I will advise the new figure by Circular as soon as information is available from the Bureau.

For this year only and until advice is received from the Bureau the amount \$109 should be used.

2. Rate of Pay

The loading is to be calculated on the rate of pay the employee would normally receive under the appropriate award or agreement. It should not be calculated on Service or Supplementary pay, overtime or other similar penalties. This rule applies notwithstanding that Service or Supplementary pay are paid on annual leave and are included in the calculation of make up pay under Industrial Employees Circular No.13 of 1972.

3. Pro rata Payment

Part time employees or employees who have not completed twelve months service before proceeding on leave where the employer adjusts employees to a common anniversary date shall be paid pro rata the amounts set out under the various headings.

4. Casuals

This instruction only applies to employees who are entitled to annual leave and therefore excludes casual employees and those part time employees who receive an additional loading in lieu of annual leave.

5. Public Holidays, Overtime etc.

The loadings set out do not apply to additional periods of annual leave or days added to annual leave in lieu of public holidays, overtime worked or to additional periods of leave granted because of locality or special features of the work.

6. This instruction does not replace or modify in any way previous advice with respect to those employees already receiving annual leave loadings through their relationship to the Waterside Workers Federation.

7. Accrued Leave

Leave which accrues after July 1, 1973 and which is not taken until some later date shall be paid the loading that applied at the date of accrual notwithstanding that the leave may be taken some years later. Leave which accrues before July 1, 1973 and which has not been taken will not qualify for the loading regardless of when the leave is taken.

8. Termination

The annual leave loading shall not be paid for with respect to any period of service for which pro rata annual leave is paid on termination of service.

9. Leave already taken

Employees who are entitled to an annual leave loading and who have already taken the leave should be paid the loading as soon as possible after the receipt of this circular.

10. Any queries should be directed to Industrial Employees Branch, Public Service Board.

L E BOYLAN
CHIEF INDUSTRIAL OFFICER
(INDUSTRIAL EMPLOYEES)

December 13, 1973

While we endeavour to provide accurate and up-to-date information, DOPLAR is not responsible for the results of any actions taken or not taken based on the information provided.