



## WA award summary

# Crisis Assistance, Supported Housing Industry (Western Australian) Interim Award

**1 July 2021**

## About this award summary

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This WA award summary is a summary of the state Crisis Assistance, Supported Housing Industry – Western Australian Interim Award and does not include all obligations required by the award. It is important that you also refer to the full Crisis Assistance, Supported Housing Industry - Western Australian Interim 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?





## 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 organisations in the <b>state industrial relations system</b>. It covers organisations (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 cover</b> 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 or 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. 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 Crisis Assistance, Supported Housing Industry Award?</p>	<p>The Crisis Assistance, Supported Housing Industry Award applies to the crisis assistance and supported housing industry and to each employer within the industry.</p>
<p><b>Step 3</b> Is the employee's job covered by the Crisis Assistance, Supported Housing Industry Award?</p>	<p>The Crisis Assistance, Supported Housing Industry Award applies to community services workers in the crisis assistance and supported housing industry who are employed in a classification to which the award applies. The Crisis Assistance, Supported Housing Industry Award does not apply to people employed:</p> <ul style="list-style-type: none"> <li>• as cleaners, security officers, caretakers, gardeners, laundry employees/or domestic work/domestic employees; nor</li> <li>• in the provision of supported and/or related support services specifically for aged, infirm, physically, psychiatrically or developmentally disabled persons or persons suffering from drug or alcohol addiction, or children under the age of twelve years.</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 7 details record keeping requirements.

The Crisis Assistance, Supported Housing 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.

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 table below provides the rates that apply from the first pay period on or after **1 July 2021**. These rates include the equal remuneration payments that apply from 1 December 2020 as applicable, as set out in Schedule 1 – Equal Remuneration Payment of this award.

For the classification definitions see the separate Classifications publication on the [Crisis Assistance, Supported Housing Industry \(WA\) Interim award summary](#) page of the Wageline website.

### Rates of pay

Classification	Annual	Weekly	Hourly	Casual (includes 20% loading)
Community Services Worker 1				
1.1	\$42,563	\$815.90	\$21.47	\$25.77
1.2	\$43,794	\$839.50	\$22.09	\$26.51
Community Services Worker 2				
2.1	\$55,524	\$1,064.40	\$28.01	\$33.61
2.2	\$57,198	\$1,096.40	\$28.85	\$34.62
2.3	\$58,746	\$1,126.10	\$29.63	\$35.56
Community Services Worker 3				
3.1	\$61,618	\$1,181.20	\$31.08	\$37.30
3.2	\$63,203	\$1,211.60	\$31.88	\$38.26
3.3	\$64,411	\$1,234.70	\$32.49	\$38.99
Community Services Worker 4				
4.1	\$67,478	\$1,293.50	\$34.04	\$40.85
4.2	\$68,711	\$1,317.10	\$34.66	\$41.59
4.3	\$70,372	\$1,349.00	\$35.50	\$42.60
4.4	\$73,700	\$1,412.80	\$37.18	\$44.61
Community Services Worker 5				
5.1	\$78,051	\$1,496.20	\$39.37	\$47.25
5.2	\$79,777	\$1,529.30	\$40.24	\$48.29
5.3	\$81,336	\$1,559.20	\$41.03	\$49.24
Community Services Worker 6				
6.1	\$84,881	\$1,627.10	\$42.82	\$51.38
6.2	\$86,642	\$1,660.90	\$43.71	\$52.45
6.3	\$88,409	\$1,694.70	\$44.60	\$53.52
Community Services Worker 7				
7.1	\$91,460	\$1,753.20	\$46.14	\$55.36
7.2	\$93,246	\$1,787.50	\$47.04	\$56.45
7.3	\$95,034	\$1,821.70	\$47.94	\$57.53
Community Services Worker 8				
8.1	\$100,695	\$1,930.30	\$50.80	\$60.96
8.2	\$102,521	\$1,965.30	\$51.72	\$62.06
8.3	\$104,348	\$2,000.30	\$52.64	\$63.17
Community Services Worker 9				
9.1	\$109,491	\$2,098.90	\$55.23	\$66.28

## 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 or part time basis.
- Registered trainees under the Social and Community Services Award must be paid the same minimum salaries that apply to other employees working under the award, at the appropriate classification level (in most cases a registered trainee will fall within the Level 1 classification). Registered trainees are covered by all other provisions of the award, including working hours, penalty rates, allowances and leave entitlements.
- 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.



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## Employment of children

- There are restrictions on the type of job and working hours for children under 15 years of age. These laws apply to all Western Australian employers.
- As long as the work does not prevent school attendance, children of any age can:
  - work in a family business owned by a relative such as a parent, aunt, uncle or grandparent;
  - perform professionally as an actor, musician, entertainer or in an advertisement; and
  - work for charities and other not-for-profit organisations.
- 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

Allowance	When allowance is paid	Rate
First Aid	If an employee is required by an employer to perform first aid duties at the workplace and holds a current first aid certificate.	<b>\$10.23</b> per week
On Call	Employee has written instruction to remain at employee's residence or to otherwise be immediately contactable by telephone or paging system outside of normal hours of duty in case of a call to immediately return to duty.	<b>\$5.98</b> per hour
Availability	Employee has written instruction to remain contactable outside normal hours of duty and available and in a fit state for recall to duty.	<b>\$2.99</b> per hour
Overtime meal	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 overtime meal allowances.	
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.	

The Crisis Assistance, Supported Housing Industry Award contains a number of other allowances payable to employees. Details of these allowances can be found in the award, which is available on the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au)

## 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



## Hours and overtime

### Ordinary hours of work

- The ordinary hours for a **full time and part time** employee are:
  - no more than 10 hours in any one day;
  - no more than an average of 38 hours per week;
  - worked over 152 hours within a work cycle not exceeding 28 days; and
  - worked within a designated spread of 12 hours between 6.00am and 8.00pm Monday to Friday to be fixed at the time of engagement and varied only by agreement.
  - For counselling services, ordinary hours may be extended to 10.00pm by mutual agreement with staff.
- The ordinary span of hours for a **part time** and **casual** employee are the same as that for full time employees.
- **Casual** employees must be rostered for no less than 2 consecutive hours per shift.
- A majority of employees and the employer may agree to a system of rostered days off with certain limitations.

## Shift work

- **Shift worker** means an employee who is required to work all or part of their ordinary hours of work outside the spread of ordinary hours on a rostered basis.
- **Day shift** – a shift that commences earlier than 12 noon and finishes at or before 7.00pm.
- **Afternoon shift** – a complete rostered shift of any number of hours commencing at or after 12 noon and finishing at or after 7.00pm on the same day.
- **Night shift** – a completed rostered shift worked between the hours of 7.30pm and 8.00am inclusive and finishing at or after midnight.
- All time worked in excess of 8 hours on a rostered extended night shift is credited towards a rostered day off.
- An employee changing from night duty to day duty or day duty to night duty must be free from duty during the 20 hours immediately preceding the commencement of the changed duty.
- Casual and part time employees must not be rostered for more than 76 hours in any fortnight, unless temporarily replacing a full time employee.
- Shift penalty – Monday to Friday:
  - an employee working on an afternoon shift from Monday to Friday must be paid an allowance of 12.5% of the ordinary rate in addition to their normal pay.
  - an employee working on a night shift from Monday to Friday must be paid an allowance of 15% of the ordinary rate in addition to their normal pay.
- Saturday and Sunday work:
  - an employee must be paid an allowance of 50% of the ordinary rate in addition to their normal pay for ordinary hours worked between midnight Friday and midnight Sunday.

## Overtime

- All authorised time worked by employees in excess of ordinary hours of work is overtime.
- Overtime worked on Monday to Saturday is paid at the rate of time and a half for the first 3 hours and double time thereafter.
- Overtime worked on Sunday is paid at the rate of double time.
- All overtime worked by shift workers is paid at the rate of double time.
- An employee who is required to work overtime on a Saturday, Sunday or Public Holiday is to be paid for a minimum of 2 hours and is not required to work the full 2 hours if the work is completed in a shorter period.
- Wherever reasonably practicable, an employee who has worked overtime must have at least ten consecutive hours off duty between successive shifts.
- In the case of casual employees, overtime payments are in addition to the 20% casual loading, so that:
  - where time and a half is applicable, the rate of pay will be 170% of the hourly rate; and
  - where double time is applicable, the rate of pay will be 230% of the hourly rate.



## Meal breaks

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### Non-shift work

- An employee cannot be required to work more than 5 hours without a break for a meal.
- Employees must be allowed an unpaid meal break of between 30 minutes and 1 hour for lunch each day.
- An employee who is required to work during a meal break must be paid at time and a half until a break is provided.
- Where an employee is required by the employer to have a meal with a client(s) as part of the normal work routine, they must be paid for the meal period. They may then elect to take an unpaid meal break.
- By agreement, a part time employee may forgo their unpaid meal break and work continuously. However, they must take an unpaid meal break on any day in which they work more than 6 hours continuously.

## Shift work

- An unpaid meal break of between 30 minutes and 1 hour must be allowed during each shift.
- When an employee is interrupted during a meal break and has to return to duty, the interruption is counted as time worked and the employee is allowed to continue the meal break as soon as practicable. If they are unable to complete the meal break during the remainder of the shift, they must be paid overtime for the time worked.
- Where an employee is required by the employer to have a meal with a client(s) as part of the normal work routine, they must be paid for the duration of the meal period. They may then elect to take an unpaid meal break.
- Shift workers must receive at least one tea break of not less than 10 minutes when working shifts of 4 hours or longer, and this break is counted as time worked.



## 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:
  - when Christmas Day falls on a Saturday or Sunday, a holiday in lieu is observed on 27 December;
  - when Boxing Day falls on a Saturday or Sunday, a holiday in lieu is observed on 28 December; and
  - when New Year's Day, Australia Day or Anzac Day falls on a Saturday or Sunday, a holiday in lieu is observed on the following Monday.
- Easter Saturday is considered a public holiday for the purposes of the Crisis Assistance, Supported Housing Industry Award.
- When an employee is required to be on duty on a public holiday, the employee is entitled to be paid at the rate of double time and a half or by agreement, the employee may be granted time off in ordinary hours equivalent to the time worked on a mutually agreed day and without loss of pay.
- When a public holiday other than Easter Saturday falls on an employee's rostered day off, the employee is entitled to a day in lieu to be taken at an agreed time.
- 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 Crisis Assistance, Supported Housing 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. 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 Crisis Assistance, Supported Housing Industry Award, such as overtime hours worked and allowances paid. Contact [Wageline](#) or view the full Crisis Assistance, Supported Housing 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 [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

- On pay days, an employer must provide each employee with a statement in writing of the gross salary and allowances to which the employee is entitled, the amount of deductions taken from the gross salary, superannuation payments and net wages payable. The written statement must also indicate the distinction between ordinary hours and overtime and the amount of penalties.
- Wageline's [Employment record obligations for WA award employers](#) publication includes a payslip template.



## Leave entitlements

### Quick reference guide

Leave entitlement	Full time	Part time	Casual
Annual leave	✓	✓	✗
Personal leave (sick & 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 Crisis Assistance, Supported Housing Industry Award but does **not** include all details on leave obligations and entitlements. Visit the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au) for full details of conditions contained in the Crisis Assistance, Supported Housing Industry Award, the *Minimum Conditions of Employment Act 1993* and the *Long Service Leave Act 1958*.

## Bereavement leave

- Bereavement leave is a minimum entitlement from the *Minimum Conditions of Employment Act 1993*.
- Under 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.
- The Crisis Assistance, Supported Housing Industry Award also contains provisions regarding bereavement leave which are more beneficial in certain circumstances, including:
  - Full time and part time employees are entitled to take up to three days bereavement leave on each occasion of a death within Australia of the employee's immediate family or household.
  - Full time and part time employees are also entitled to take up to three days bereavement leave on each occasion of the death outside Australia of a member of the employee's immediate family or household, where the employee travels outside Australia to attend the funeral.
  - Employees who are Indigenous Australians are entitled to extended bereavement leave in accordance with the requirements of their culture and community, provided that the extended leave totals no more than five days leave.

## 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.

## 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 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.
- An employee who is regularly rostered for duty over seven days of the week or who works permanent night shift is entitled to up to five weeks of annual leave for each year of completed service (that is, they accrue up to an additional week of leave each year). For further details of how this additional leave accrues refer to Clause 23.2 of the award.
- Full time and part time employees stationed in any locality in WA north of the 24<sup>th</sup> parallel of South Latitude or in Carnarvon are entitled to additional annual leave – full time employees are entitled to an additional 38 hours leave and part time employees are entitled to an additional one week of leave calculated on the basis of average weekly number of hours worked over the previous 12 months.
- Annual leave is a minimum entitlement in the *Minimum Conditions of Employment Act 1993* and the Crisis Assistance, Supported Housing 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%. Shift workers are to be paid an average of the shift penalties they would have received had they been working, or 17.5%, whichever is the higher.
- On termination, annual leave loading is paid out on fully accrued annual leave entitlements for completed years of employment. Annual leave loading is not paid on proportionate leave (leave accrued in an incomplete year of employment) on termination.
- 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.

## Long service leave

- Long service leave is a paid leave entitlement for employees who have continuous employment with 'one and the same employer' for a specified period. Full time, part time and casual employees are entitled to long service leave under the *Long Service Leave Act 1958*.
- To be entitled to long service leave an employee's employment with their employer must be continuous. The amount of their long service leave is determined by the employee's period of continuous employment.
- There are a range of paid and unpaid absences or interruptions to an employee's employment that 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. See the [Long service leave – What is continuous employment](#) page for more information.
- 'The one and the same employer' also includes employers who previously owned a business, where there has been a transmission of business. This means an employer who buys or otherwise acquires 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 a sale of business contract.

Taking long service leave	
<p>The long service leave entitlement for full time, part time and casual employees is:</p> <ul style="list-style-type: none"> <li>• after 10 years of continuous employment with the one and the same employer – <math>8^{2/3}</math> (8.667) weeks of leave on ordinary pay;</li> <li>• for every 5 years of continuous employment with the one and the same employer after the initial 10 years – <math>4^{1/3}</math> (4.333) weeks of leave on ordinary pay.</li> </ul>	
When employment ceases	
Employee with between 7 and 10 years of continuous employment	<p>When an employee with at least 7 but less than 10 years of continuous employment resigns or is terminated, they are entitled to pro rata long service leave on the basis of <math>8^{2/3}</math> (8.667) weeks for 10 years of continuous employment. This entitlement:</p> <ul style="list-style-type: none"> <li>• is calculated on the employee's entire period of employment; that is, years, months, weeks and days</li> <li>• applies to employees who resign, are made redundant, die or whose employer has terminated them for any reason other than serious misconduct</li> <li>• does not apply to an employee whose employer has terminated them for serious misconduct.</li> </ul>
Employee with 10 or more years of continuous employment	<p><b>Full entitlement – 10 years or more of continuous employment</b> An employee who resigns or whose employment is terminated for any reason is entitled to:</p> <ul style="list-style-type: none"> <li>• <math>8^{2/3}</math> (8.667) weeks of leave if they have completed 10 years of continuous employment</li> <li>• an additional <math>4^{1/3}</math> (4.333) weeks of leave for each subsequent 5 years after the initial 10 years of continuous employment.</li> </ul> <p><b>Pro-rata entitlement – more than 10 years of continuous employment</b> When an employee with more than 10 years but less than 15 years of continuous employment resigns or is terminated, they are entitled to pro rata leave. This entitlement:</p> <ul style="list-style-type: none"> <li>• is calculated on the basis of <math>8^{2/3}</math> weeks for 10 years of continuous employment for each year of employment since they completed 10 years of continuous employment</li> <li>• is calculated on completed years of employment only; that is, it does not include months, weeks or days</li> <li>• does not apply to an employee whose employer has terminated them for serious misconduct.</li> </ul> <p>This pro rata entitlement (calculated on the basis of <math>8^{2/3}</math> weeks for 10 years of continuous employment) will also apply to each year of employment since an employee completed 15, 20, 25, 30, 35 years etc. of employment.</p>

- The [Long service leave](#) pages of the Wageline website contain extensive information on:
  - What counts as continuous employment, including details on the impact of various types of paid and unpaid absences or interruptions on continuous employment.
  - What happens when business ownership changes.
- 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. The WA long service leave calculator is available at [www.dmirs.wa.gov.au/lslcalculator](http://www.dmirs.wa.gov.au/lslcalculator).

### Sick and carer’s leave (referred to in the Award as personal 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 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 time and part time employees. Wageline’s [Sick leave calculation guide](#) can assist with calculating sick and carer’s leave entitlements.
- In the first year of employment, a full time or part 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 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 days’ 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.

### Aboriginal and Torres Strait Islander ceremonial leave

An employee legitimately required by the employee’s Aboriginal or Torres Strait Islander tradition to be absent from work for ceremonial purposes is entitled to up to 10 working days unpaid leave in any one year.



## Resignation, termination and redundancy

### Resignation by the employee

Full time and part time employees are required to provide the same notice period for resignation from their position as the employer is required to provide the employee in respect of termination, but there is no requirement on the employee to give additional notice based on the age of the employee concerned.

### 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
1 year or less	1 week
Over 1 year and up to the completion of 3 years*	2 weeks
Over 3 years and up to the completion of 5 years*	3 weeks
Over 5 years of completed service*	4 weeks

\*Employees over 45 years of age with not less than two years continuous service are entitled to an additional week’s notice.

## 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 terminations 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

- Employers covered by the Crisis Assistance, Supported Housing Industry Award who employ less than 15 employees must pay the severance pay entitlements in the award when an employee is made redundant, as outlined in the table below.
- Award severance pay does not need to be paid to probationary employees, casual employees, apprentices and trainees, employees who have been engaged for a specific period of time or for a specified task or tasks, or employees terminated as a consequence of conduct that justifies instant dismissal.

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 the business.

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

- Employers covered by the Crisis Assistance, Supported Housing Industry Award who employ 15 or more employees must pay severance pay when an employee is made redundant, as outlined in the table below.

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.

- 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.

### **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.

### **Disclaimer**

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