



## WA award summary

# Hotel and Tavern Workers Award

1 July 2020 – 30 June 2021

## About this award summary

---

This WA award summary is a summary of the state Hotel and Tavern Workers Award and does not include all obligations required by the award. It is important that you also refer to the full Hotel and Tavern Workers 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.

This WA award summary includes information on the provisions of the COVID-19 General Order issued by the Western Australian Industrial Relations Commission (WAIRC) on 14 April 2020 which applies until 31 March 2021 unless extended, and information on the provisions of the COVID-19 JobKeeper General Order issued by the WAIRC on 15 May 2020 which applies until 28 March 2021 unless extended.

The 2020 State Wage Order issued by the WAIRC in June 2020 granted an increase in pay rates under this award effective from the first pay period on or after 1 January 2021. This award summary provides both the rates of pay that apply until 31 December 2020, and the rates that apply from the first period on or after 1 January 2021.

## 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 Hotel)</li> <li>✓ <b>unincorporated partnerships</b> (e.g. Jane and Bob Smith trading as Jane’s Hotel)</li> <li>✓ <b>unincorporated trust arrangements</b> (e.g. Jane and Bob Smith as trustees for Jane’s Hotel)</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 Hotel)</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 Hotel and Tavern Workers Award?</p>	<p>The Hotel and Tavern Workers Award applies to businesses in the state industrial relations system which are:</p> <ul style="list-style-type: none"> <li>✓ Hotels, taverns or bars</li> <li>✓ establishments, licensed under the <i>Liquor Control Act, 1988</i> with a Hotel Licence, Hotel Restricted Licence, Tavern Licence, Small Bar Licence, or Special Facility Licence</li> </ul>
<p><b>Step 3</b> Is the employee’s job covered by the Hotel and Tavern Workers Award?</p>	<p>The Hotel and Tavern Workers Award sets pay rates, working hours and other employment arrangements for full time, part time and casual employees working as:</p> <ul style="list-style-type: none"> <li>✓ waitpersons and bar staff</li> <li>✓ cooks, chefs and kitchen staff</li> <li>✓ store persons</li> <li>✓ cleaners</li> <li>✓ guest services and doorpersons/security staff</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 8 details record keeping requirements.

The Hotel and Tavern Workers 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 2020 State Wage Order increased pay rates effective from the first pay period on or after 1 January 2021. The tables below provide the rates that apply from the first pay period on or after **1 July 2020** and from the first pay period on or after **1 January 2021**.

### Adult (20 years and older) rates of pay – applies from the first pay period on or after 1 July 2020

Level (see page 14 for definitions)	Full time/Part time employee				Casual employee (Rate includes casual loading)		
	Fortnightly	Hourly Mon-Fri*	Hourly Sat/Sun	Public Holiday (min 4 hours)	Hourly Mon-Fri	Hourly Sat/Sun	Public Holiday
<b>Introductory (max 3 months)</b>	\$1,493.90	\$19.66	\$29.48	\$49.14	\$24.57	\$29.48	\$44.23
<b>Level 1</b>	\$1,530.10	\$20.13	\$30.20	\$50.33	\$25.17	\$30.20	\$45.30
<b>Level 2</b>	\$1,584.50	\$20.85	\$31.27	\$52.12	\$26.06	\$31.27	\$46.91
<b>Level 3</b>	\$1,624.30	\$21.37	\$32.06	\$53.43	\$26.72	\$32.06	\$48.09
<b>Level 4</b>	\$1,701.80	\$22.39	\$33.59	\$55.98	\$27.99	\$33.59	\$50.38
<b>Level 5</b>	\$1,794.50	\$23.61	\$35.42	\$59.03	\$29.51	\$35.42	\$53.13
<b>Level 6</b>	\$1,836.50	\$24.16	\$36.25	\$60.41	\$30.21	\$36.25	\$54.37

\* A full time or part time employee must receive an extra **\$1.66 per hour** for any ordinary hours worked prior to 7:00am or after 7:00pm on Monday to Friday. If the employee works the majority of their ordinary hours in a shift between midnight and 7.00am he or she must instead be paid **\$1.75 per hour** extra.

### Adult (20 years and older) rates of pay – applies from the first pay period on or after 1 January 2021

Level (see page 14 for definitions)	Full time/Part time employee				Casual employee (Rate includes casual loading)		
	Fortnightly	Hourly Mon-Fri*	Hourly Sat/Sun	Public Holiday (min 4 hours)	Hourly Mon-Fri	Hourly Sat/Sun	Public Holiday
<b>Introductory (max 3 months)</b>	\$1,520.00	\$20.00	\$30.00	\$50.00	\$25.00	\$30.00	\$45.00
<b>Level 1</b>	\$1,556.90	\$20.49	\$30.73	\$51.21	\$25.61	\$30.73	\$46.09
<b>Level 2</b>	\$1,612.20	\$21.21	\$31.82	\$53.03	\$26.52	\$31.82	\$47.73
<b>Level 3</b>	\$1,652.70	\$21.75	\$32.62	\$54.37	\$27.18	\$32.62	\$48.93
<b>Level 4</b>	\$1,731.60	\$22.78	\$34.18	\$56.96	\$28.48	\$34.18	\$51.26
<b>Level 5</b>	\$1,825.90	\$24.03	\$36.04	\$60.06	\$30.03	\$36.04	\$54.06
<b>Level 6</b>	\$1,868.60	\$24.59	\$36.88	\$61.47	\$30.73	\$36.88	\$55.32

\* A full time or part time employee must receive an extra **\$1.66 per hour** for any ordinary hours worked prior to 7:00am or after 7:00pm on Monday to Friday. If the employee works the majority of their ordinary hours in a shift between midnight and 7.00am he or she must instead be paid **\$1.75 per hour** extra.

### Higher duties

Any employee performing work for two or more hours in any one day on duties carrying a higher prescribed rate of wage than that, in which he or she is engaged, must be paid the higher wage for such day. If work is performed for less than two hours in any day, the employee must be paid the higher wage for the time so worked.

## Juniors – under 19 years of age

Age	Percentage
Under 16 years of age	50%
16	60%
17	70%
18	80%
19	Full Adult Rates

See page 7 for information on employment of children.

## Apprentice rates of pay – applies from the first pay period on or after 1 July 2020

An employer is required to pay an apprentice 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 apprentice.

3 year term	Rate	Fortnightly (Mon-Fri)	Hourly (Mon-Fri)	Hourly (Sat-Sun)	Hourly (Public Holiday)
1st year - under 21	55%	\$936.00	\$12.32	\$18.47	\$30.79
1st year - 21 or over (Adult apprentice rate)	75%	\$1,276.40	\$16.79	\$25.19	\$41.99
2nd year	75%	\$1,276.40	\$16.79	\$25.19	\$41.99
3rd Year	88%	\$1,497.60	\$19.71	\$29.56	\$49.26

## Apprentice rates of pay – applies from the first pay period on or after 1 January 2021

3 year term	Rate	Fortnightly (Mon-Fri)	Hourly (Mon-Fri)	Hourly (Sat-Sun)	Hourly (Public Holiday)
1st year - under 21	55%	\$952.40	\$12.53	\$18.80	\$31.33
1st year - 21 or over (Adult apprentice rate)	75%	\$1,298.80	\$17.09	\$25.63	\$42.72
2nd year	75%	\$1,298.80	\$17.09	\$25.63	\$42.72
3rd Year	88%	\$1,523.80	\$20.05	\$30.08	\$50.13

## 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 Hotel and Tavern Workers Award must be paid the minimum adult or junior rates for registered trainees and are covered by all other provisions of the Hotel and Tavern Workers 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.

## Annualised salary

Full and part time employees may agree with the employer to be paid an annualised salary. The annualised salary must be equivalent to their normal wage plus 25%, and be sufficient to cover what the employee would be entitled to if all award overtime and penalty rate obligations were provided. More details are in Clause 24 of the Award on the WA industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au)



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



## Meal breaks

Meal break requirements are:

- an unpaid meal break of between 30 and 60 minutes after not more than 6 hours of work;
- a 10 minute paid break if shift is 6 or more hours long; and
- if it is not possible to grant a meal break on any day, the meal break must be treated as time worked and the employee must be paid at the applicable rate, plus 50% of the ordinary hourly rate, until the employee is released for a meal.



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

- Full time employees are engaged in ongoing employment and work 76 ordinary hours per fortnight.
- Full time employees can be employed subject to a three month probationary period which can be extended for up to a further 3 months provided that extension is reasonable.

### Ordinary hours of work

Full time employees' ordinary hours are:

- 76 hours of work per fortnight;
- only 10 days in any fortnight;
- shift must be at least 4 hours and not more than 10 hours, and spread of shift not more than 12 hours; and
- must not work less than three hours consecutively exclusive of meal breaks

### Overtime and penalty rates

When penalty rates apply for full time employee	Penalty rates
If an employee works ordinary hours on a Saturday or Sunday	Time and a half
If an employee works on a public holiday	Double time and a half Minimum payment of four hours
If an employee works any ordinary hours prior to 7.00am or after 7.00pm on any day Monday to Friday	Extra \$1.66 per hour for each such hour, or part thereof worked
If an employee works the majority of his/her ordinary hours between midnight and 7.00am	Extra \$1.75 per hour for each such hour, or part thereof worked

When overtime applies for a full time employee	Overtime rates
If the employee has already worked: <ul style="list-style-type: none"> <li>• more than 10 hours per day or</li> <li>• more than 10 days in any fortnight or</li> <li>• more than 76 per fortnight</li> </ul>	Monday to Friday time and a half for the first two hours and double time after that Saturday or Sunday double time
Work performed outside the daily spread of shift (12 hours)	Monday to Friday time and a half for the first two hours and double time after that Saturday or Sunday double time.
All overtime worked on a Saturday or Sunday	Double time

By agreement, time off at the applicable overtime rate can be given instead of payment for overtime.



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

- Part time employees are engaged in permanent ongoing employment and work on an ongoing basis every week for a minimum of 20 hours per fortnight.
- Part time employees can be employed subject to a three month probationary period, which can be extended for up to a further 3 months provided that extension is reasonable.



## Ordinary hours of work

Part time employees' ordinary hours are:

- at least 20 hours per fortnight;
- only 10 days in any fortnight;
- shift must be at least 3 hours and not more than 10 hours, and spread of shift not more than 12 hours; and
- by agreement, hours of work in any pay period can be increased to a maximum of 76 ordinary hours, and these extra hours will be paid at normal rates of pay.

## Overtime and penalty rates

When penalty rates apply for part time employee	Penalty rates
If an employee works ordinary hours on a Saturday or Sunday	Time and a half
If an employee works on a public holiday	Double time and a half Minimum payment of four hours
If an employee works any ordinary hours prior to 7.00am or after 7.00pm on any day Monday to Friday	Extra \$1.66 per hour for each such hour, or part thereof worked
If an employee works the majority of his/her ordinary hours between midnight and 7.00am	Extra \$1.75 per hour for each such hour, or part thereof worked

When overtime applies for a part time employee	Overtime rates
If the employee has already worked: <ul style="list-style-type: none"><li>• more than 10 hours per day or</li><li>• more than 10 days in any fortnight or</li><li>• more than 76 per fortnight</li></ul>	Monday to Friday time and a half for the first two hours and double time after that Saturday or Sunday double time
Work performed outside the daily spread of shift (12 hours)	Monday to Friday time and a half for the first two hours and double time after that Saturday or Sunday double time.
All overtime worked on a Saturday or Sunday	Double time

By agreement, time off at the applicable overtime rate can be given instead of payment for overtime.



## Ordinary working hours – casual employees

- Casual employees work on an irregular basis, with no expectation of ongoing work. A casual employee must be informed, before they are employed, that they are employed on a casual basis and that there is no entitlement to paid sick leave or annual leave.
- A casual employee must be provided with at least two consecutive hours of work per shift.

When penalty rates apply for a casual employee	Penalty rates
If an employee works Monday to Friday	Additional 25%
If an employee works on a Saturday or Sunday	Additional 50%
If an employee works on a public holiday	Additional 125%

## COVID-19 JobKeeper General Order

The COVID-19 JobKeeper General Order issued by the Western Australian Industrial Relations Commission on 15 May 2020 has introduced temporary provisions for employers and employees who are participating in the Commonwealth JobKeeper scheme.

The state system JobKeeper provisions allow employers to give certain directions to employees and make certain requests of them, including provisions that allow employers to:

- issue a 'JobKeeper enabling direction' to temporarily alter or reduce an employee's working hours (which may be reduced to nil), change an employee's duties and change their location of work; and
- request that an employee change their days/times of work.

There are a range of specific rules and requirements about the state system JobKeeper provisions. The [State system COVID-19 JobKeeper provisions](#) page of the Wageline website has detailed information.

These new provisions apply from 15 May 2020 until 28 March 2021, unless extended.



## Allowances

Allowance	When allowance is paid	Rate
Split Shift	If an employee works a split shift.	<b>\$2.70</b> per day
Meal Money	If required to work 2 or more hours of overtime without notification on the previous day (or earlier).	Employees must receive a substantial meal or a meal allowance of <b>\$11.30</b> .
District	Where working in certain regional towns in Western Australia (paid on a proportionate basis to casual/part time employees and apprentices)	See Clause 41 of the Award.
Protective clothing	If required to wash dishes, clean toilets or handle detergents, acids, soaps or any injurious substances must be supplied with rubber gloves by the employer or be paid an allowance.	<b>\$3.90</b> per fortnight, or <b>\$1.95</b> if working less than 38 hours per fortnight.
Employee's equipment	If required to use his/her own knives.	<b>\$14.40</b> per fortnight, or <b>\$7.20</b> if working less than 38 ordinary hours per fortnight.
Uniforms and laundry allowance	<p><b>Cooks</b> - When a cook wears the ordinary apparel usually worn by cooks such as black and white check trousers, white shirt, white apron and cap, these must be laundered at the employer's expense or an allowance paid.</p> <p><b>Other employees</b> - If the employer requires a special uniform (as defined in the award) to be worn the uniform must be provided by the employer. The employer must arrange for the uniform to be laundered at the employer's expense or pay a laundry allowance.</p>	<p><b>\$11.00</b> per fortnight worked as a laundry allowance, or <b>\$5.50</b> per fortnight for employees working less than 38 ordinary hours per fortnight.</p> <p><b>\$7.20</b> per fortnight, or <b>\$3.60</b> for employees working less than 38 ordinary hours per fortnight.</p>



## Public holidays

- Full time employees are entitled to public holidays without deduction of pay. Part time employees are entitled to public holidays without deduction of pay if they would ordinarily be required to work on that day if it was not a public holiday.
- If a public holiday falls on a worker's rostered day off, the holiday is observed on the next rostered working day. In this case the substituted day is a holiday without deduction of pay and the day for which it is substituted is not a holiday.
- Visit the [Public Holidays in Western Australia](#) page to view the public holiday dates.



## Employment of children

- Under the *Children and Community Services Act 2004*, it is illegal to employ children under the age of 13 in this industry, except if the child is working as part of a school program or in a family business or a not-for-profit organisation.
- A child who is 13 or 14 years old may work in a restaurant, between 6am and 10pm (excepting school hours) if the employer has obtained written permission from their parent or guardian.
- School aged children must not be employed within school hours, except as part of a school program.

- The [Employment of children laws in WA – shop, restaurant, fast food or takeaway food businesses](#) page has more information about employing children under the age of 15 years, including a [self-audit checklist](#) and a [template form for written permission for 13 and 14 years old workers](#)



## Employment records

---

- Employers are legally required to keep employment records which demonstrate that employees have been paid all entitlements under the Hotel and Tavern Workers 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 Hotel and Tavern Workers Award, such as overtime hours worked and allowances paid. Contact [Wageline](#) or view the full Hotel and Tavern Worker's 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

- An employer may provide a payslip to an employee that includes details of the number of hours worked for the pay period, wages and allowances payable and any deductions made. If a payslip is not provided, the employee is required to inspect the record and sign it, if correct, at the time of payment. Wageline's [Employment record obligations for WA award employers](#) publication includes a payslip template.



## Deductions from pay

---

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

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





## Leave entitlements

### Quick reference guide

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

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

### Bereavement leave

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

### 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 an ill or injured family or household member (carer's leave).
- Full time and part time employees are entitled to paid sick and carer's leave equal to the number of hours they would ordinarily work in a two week period, up to 76 hours per year. Sick and carer's leave is a cumulative entitlement, and any leave not taken in one year can be carried over to the next year.
- Sick and carer's leave accrues on a weekly basis for full and part time employees.
- In the first year of employment, a full time or part time employee can use any paid sick 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 day's unpaid carer's leave per occasion.
- Sick and carer's leave is a minimum entitlement from the *Minimum Conditions of Employment Act 1993*.
- Wageline's [Sick leave calculation guide](#) can assist with calculating sick and carer's leave entitlements.
- Wageline's [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; and</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; and</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></p> <p>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; and</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></p> <p>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; and</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).

## 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 Hotel and Tavern Workers 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%. If an employee would have received any additional rates for work performed in ordinary hours, had he or she not been on leave, and this would be a greater amount than the 17.5% loading, then such additional rates must be paid in lieu of the 17.5% loading.
- On termination, annual leave loading of 17.5% 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, unless the business is being sold and the employee has been employed for at least six months prior to termination.
- Annual leave accrues on a weekly basis:
  - A full time employee accrues 2.923 hours of annual leave for each completed week of work.
  - A part time employee accrues the relevant proportion of 2.923 hours annual leave for each completed week of work.
  - Wageline's [Annual leave calculation guide](#) can assist with calculating annual leave entitlements.
- Wageline's [Employment record obligations for WA award employers](#) publication includes a leave record template.
- The COVID-19 General Order has implemented new annual leave flexibility provisions enabling employers and employees to agree to an employee taking twice as much annual leave at half pay or to agree for the employee to take annual leave in advance.
- These provisions apply to all full time and part time employees covered by this WA award effective from 14 April 2020 until 31 March 2021, unless extended.
- The annual leave at half pay provisions in the COVID-19 General Order are:
  - Instead of an employee taking paid annual leave at full pay, the employee and their employer may agree to the employee taking twice as much leave at half pay.  
Example: Instead of an employee taking one week's annual leave at full pay, the employee and their employer may agree to the employee taking two weeks' annual leave at half pay. In this example:
    - the employee's pay for the two weeks' leave is the same as the pay the employee would have been entitled to for one week's leave at full pay; and
    - one week of leave is deducted from the employee's annual leave accrual.
  - Any agreement to take twice as much annual leave at half pay must be recorded in writing and signed by the employee (and a parent/guardian if the employee is under 18).
  - The employer must keep the written agreement as part of the employee's employment record.
  - The agreed period of leave must start before 31 March 2021, but may end after that date.
- The granting annual leave in advance provisions in the COVID-19 General Order are:
  - An employee and employer may agree to an employee taking a period of annual leave in advance of the entitlement being accrued if all of the following conditions are met:
    - any agreement to annual leave in advance must be recorded in writing and signed by the employee (and a parent/guardian if the employee is under 18); and

- the written agreement must state the amount of leave to be taken in advance and the date on which the leave will commence; and
- the employer must keep the written agreement as part of the employee's employment record.
- If, on the termination of the employee's employment, the employee has not accrued an entitlement to all of the period of paid annual leave taken in advance, the employer may deduct from any money due to the employee on termination an amount equal to the amount that was paid to the employee in respect of any part of the period of annual leave taken in advance to which an entitlement has not been accrued. This provision will continue to apply notwithstanding the expiration of the General Order.
- Where an agreement has been reached under this clause and the leave commenced before the expiration of the General Order, then the arrangement may continue to operate for the period agreed between the parties.

### Unpaid pandemic leave

- The COVID-19 General Order has implemented a new entitlement to unpaid pandemic leave for all employees working under this WA award. The new provision is effective from 14 April 2020 and applies until 31 March 2021 unless extended.
- The unpaid pandemic leave provisions in the COVID-19 General Order are:
  - (1) Subject to subclauses (2) and (3), an employee is entitled to take up to two weeks' unpaid leave if the employee is required, by government or medical authorities or acting on the advice of a medical practitioner, to self-isolate or is otherwise prevented from working by measures taken by government or medical authorities in response to the COVID-19 pandemic. An employer and employee may agree that the employee may take more than two weeks' unpaid pandemic leave.
  - (2) The employee must give their employer notice of the taking of leave under subclause (1) and of the reason the employee requires the leave, as soon as practicable. This may be a time after the leave has started.
  - (3) The employee who has given their employer notice of taking leave under subclause (1) must, if required by the employer, give the employer evidence that would satisfy a reasonable person that the leave is taken for a reason given in subclause (1).
  - (4) Leave taken under subclause (1) does not affect any other paid or unpaid leave entitlement of the employee and counts as service for the purposes of entitlements.
  - (5) Such leave:
    - (a) is available in full immediately rather than accruing progressively during any period of service;
    - (b) will be available until 31 March 2021 (unless extended by further variation depending on the duration of the COVID-19 pandemic);
    - (c) will be available to full time, part time and casual employees (it is not pro rata); and
    - (d) must start before 31 March 2021, but may end after that date.
  - (6) It is not necessary for employees to exhaust their paid leave entitlements before accessing unpaid pandemic leave.
  - (7) Such unpaid leave does not operate on a 'per occasion' basis and is available once for those employees compelled to self-isolate, even if they are required to self-isolate on more than one occasion.
  - (8) Those caring for others who are compelled to self-isolate are not entitled to unpaid pandemic leave.



## Resignation, termination and redundancy

---

### Resignation by the employee

- Full time and part time employees are required to provide:
  - In the first year of service, at least one day's notice.
  - In the second year of service, at least one week's notice.
  - In the third and succeeding years, at least two weeks' notice.
- A casual employee can resign by providing one hour's notice to the employer.

## Termination

- An employer is required to give a casual employee one hour’s notice of termination.
- Prior to terminating an apprentice, 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, 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.

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

- Employers covered by this award who employ 15 or more employees must pay severance pay when an employee is made redundant, as outlined in the table below.
- Employers who employ less than 15 employees are not required to make severance payments to redundant employees.

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.



## Classifications / Job duties

---

### Introductory

Means the level of an employee who enters the industry and who has not demonstrated the competency requirements of level 1. Such an employee will remain at this level for up to three months while the appropriate training for level 1 is undertaken and assessment made to move from the introductory level-to-level 1. At the end of three months from entry, an employee will move to level 1 other than where agreement has been reached and recorded between the employee and the employer that further training of up to three months is required for the employee to achieve competence for movement to level 1.

### Appropriate level of training

- Completion of a training course and the employee qualifying for an appropriate certificate relevant to the employee's particular classification; or
- That the employee's skills have been assessed to be at least the equivalent of those attained through the suitable course described above with assessment to be undertaken by a qualified skills assessor.

### Food and Beverage

**Food and Beverage Attendant Grade 1 (Level 1)** means an employee who is engaged in any of the following:

- picking up glasses;
- emptying ashtrays;
- general assistance to food and beverage attendants of a higher grade not including service to customers;
- removing food plates;
- setting and/or wiping down tables;
- cleaning and tidying of associated areas.

**Food and Beverage Attendant Grade 2 (Level 2)** Means an employee who has not achieved the appropriate level of training and who is engaged in any of the following:

- supplying, dispensing or mixing of liquor including the sale of liquor from the bottle department;
- assisting in the cellar or bottle department;
- undertaking general waiting duties of both food and/or beverage including cleaning of tables;
- receipt of monies;
- attending a snack bar;
- engaged on delivery duties;

**Food and Beverage Attendant Grade 3 (Level 3)** Means an employee who has the appropriate level of training and is engaged in any of the following:

- supplying, dispensing or mixing of liquor including the sale of liquor from the bottle department;
- undertaking general waiting duties of both food and liquor including cleaning of tables;
- receipt and dispensing of monies;



- assisting in the cellar or bottle department, where duties could include working up to 4 hours per day (averaged over the relevant work cycle) in the cellar without supervision;
- engaged on delivery duties; or
- in addition to the tasks performed by a food and beverage attendant grade 2 the employee is also involved in:
  - the operation of a mechanical lifting device; or
  - attending a wagering (e.g. TAB) terminal, electronic gaming terminal or similar terminal.
- and/or means an employee who is engaged in any of the following:
  - full control of a cellar or liquor store (including the receipt, delivery and recording of goods within such an area);
  - mixing a range of sophisticated drinks;
  - supervising food and beverage attendants of a lower grade;
  - taking reservations, greeting and seating guests;
  - training food and beverage attendants of a lower grade.

**Food and Beverage Attendant (Tradesperson) Grade 4 (Level 4)** Means an employee who has completed the appropriate level of training or who has passed the appropriate trade test and as such carries out specialised skilled duties in a fine dining room or restaurant.

**Food and Beverage Supervisor (Level 5)** Means an employee who has the appropriate level of training including a supervisory course and who has the responsibility for supervision, training and co-ordination of food and beverage staff, or stock control for a bar or series of bars.

## Kitchen

**Kitchen Attendant Grade 1 (Level 1)** means an employee engaged in any of the following:

- general cleaning duties within a kitchen or food preparation area and scullery, including the cleaning of cooking and general utensils used in a kitchen and restaurant
- assembly and preparation of ingredients for cooking
- assisting employees who are cooking
- general pantry duties.

**Kitchen Attendant Grade 2 (Level 2)** means an employee who has the appropriate level of training, and who is engaged in specialised non-cooking duties a kitchen or food preparation area, or supervision of kitchen attendants.

**Kitchen Attendant Grade 3 (Level 3)** means an employee who has the appropriate level of training including a supervisory course, and has the responsibility for the supervision, training and co-ordination of kitchen attendants of a lower grade.

**Cook Grade 1 (Level 2)** means an employee who carries out cooking of breakfasts and snacks, baking, pastry cooking or butchering.

**Cook Grade 2 (Level 3)** means an employee who has the appropriate level of training and who performs cooking duties including baking, pastry cooking or butchering.

**Cook (Tradesperson) Grade 3 (Level 4)** means a “commi chef” or equivalent who has completed an apprenticeship or has passed the appropriate trade test, and who is engaged in cooking, baking, pastry cooking or butchering duties.

**Cook (Tradesperson) Grade 4 (Level 5)** means a “demi chef” or equivalent who has completed an apprenticeship or has passed the appropriate trade test and who is engaged to perform general or specialised cooking, butchering, baking or pastry cooking duties and/or supervises and trains other cooks and kitchen employees.

**Cook (Tradesperson) Grade 5 (Level 6)** means a “chef de partie” or equivalent who has completed an apprenticeship or has passed the appropriate trade test in cooking, butchering, baking or pastry cooking and has completed additional appropriate training who performs any of the following:

- general and specialised duties including supervision or training of other kitchen staff
- ordering and stock control; or
- solely responsible for other cooks and other kitchen employees in a single kitchen establishment.

## Security

**Doorman/security officer grade 1 (level 2)** means a person who assists in maintenance of dress standards and good order at an establishment.

**Timekeeper/security officer grade 2 (level 3)** means a person who is responsible for timekeeping of staff, for the security of keys, for the checking in and out of delivery vehicles and/or for the supervision of doorman/security officer grade 1 personnel.

## Guest Services, Store persons and Handypersons

The Award also provides classification duties for guest services staff, store persons and handypersons and forklift drivers – see the full award for details.

---

## 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.