



Landscape Gardening Industry WA Award Summary

THINGS TO CHECK as an employee or employer include:

- ✓ Pay rates
- ✓ Employment of children
- ✓ Allowances
- ✓ Overtime rates
- ✓ Public holidays
- ✓ Meal breaks
- ✓ Leave entitlements
- ✓ Dismissal laws and entitlements due on termination
- ✓ Time and wages record keeping
- ✓ Laws relating to [taxation](#), [superannuation](#), [workers compensation](#), [discrimination](#) and [occupational health and safety](#)

This WA award summary outlines only the MOST COMMON ENTITLEMENTS within the Western Australian STATE SYSTEM of industrial relations under the *Landscape Gardening Industry Award*.

It applies only to sole traders and partnerships. If the business is a Pty Ltd company, it does not apply. If you are unsure contact **Wageline** on **1300 655 266**

To access a full copy of the WA award, which details all entitlements and obligations, visit www.waipc.wa.gov.au.

Adult wages – apply as of the first pay period on or after 1 July 2013

CLASSIFICATION	WEEKLY	HOURLY	CASUAL 20% loading
Landscape Employee Grade 1	\$645.90	\$17.00	\$20.40
Landscape Tradesperson	\$695.50	\$18.30	\$21.96

Apprentice wages – apply as of the first pay period on or after 1 July 2013

4 YEAR	3 YEAR	% Landscape Tradesperson	WEEKLY	HOURLY
1st year		42%	\$292.10	\$7.69
2nd year	1st year	55%	\$382.50	\$10.07
3rd year	2nd year	75%	\$521.60	\$13.73
4th year	3rd year	88%	\$612.00	\$16.11

Adult apprentices

Apprentices aged 21 and above receive the minimum adult wage of **\$557.20** per week or the prescribed apprenticeship rate, **WHICHEVER IS THE HIGHER**, for ordinary hours of work.

Junior wages – apply as of the first pay period on or after 1 July 2013

AGE	% of Landscape Employee Grade 1	WEEKLY*	HOURLY*	CASUAL* 20% loading
Under 16 years of age	40%	\$258.40	\$6.80	\$8.16
16 years of age	50%	\$323.00	\$8.50	\$10.20
17 years of age	60%	\$387.50	\$10.20	\$12.24
18 years of age	70%	\$452.10	\$11.90	\$14.28
19 years of age	80%	\$516.70	\$13.60	\$16.32
20 years of age	90%	\$581.30	\$15.30	\$18.36

* Where rates of pay under this WA award fall below the minimum wage prescribed by the State Wage Order, the legally required rate of pay is that which is listed in the General Order, not the WA award. For more information on the State Wage Order please call **Wageline** on **1300 655 266** or visit www.waipc.wa.gov.au.

Employment of children

Under the *Children and Community Services Act 2004*, it is illegal to employ children under the age of 15 in this industry.

Exemptions may apply to children working in a family business where the business is carried out by a parent or relative of the child, in a not-for-profit organisation or when they are participating in a school program.

School aged children must not be employed during school hours, unless they are participating in a school program or have received an exemption from the Department of Education. A child under 18 must not be employed in a job that jeopardises their wellbeing.

Please contact **Wageline** on **1300 655 266** or view the Employment of Children Laws factsheet at www.commerce.wa.gov.au/labourrelations for more information.

Allowances

Vehicle allowance

Where an employee is required and authorised to use his or her own motor vehicle in the course of his or her duties he or she shall be paid an allowance as per the table below:

Area and Details	Engine Displacement (in cubic centimetres)	
	Over 1600 cc c/km	1600 cc & Under c/km
Metropolitan Area (within 50 km of Perth Railway Station):		
First 8,000 kilometres	62.6	51.5
Over 8,000 kilometres	40.8	33.9
South West Land Division:		
First 8,000 kilometres	65.4	53.8
Over 8,000 kilometres	42.3	35.2
North of 23.5 degrees South Latitude:		
First 8,000 kilometres	74.2	61.7
Over 8,000 kilometres	46.8	39.4
Rest of the State:		
First 8,000 kilometres	68.1	55.2
Over 8,000 kilometres	44.1	36.6

Leading hand allowance

In addition to the appropriate total weekly wage prescribed by the WA award a leading hand shall be paid if placed in charge of:

not less than 3 nor more than 10	\$25.47
more than 10 and not more than 20	\$39.08
more than 20	\$50.27

Meal allowance

Where an employee is required to work overtime for more than two hours without being notified the previous day or earlier that they will be so required to work, the employee shall be supplied with a meal by the employer or paid **\$12.50** for a meal.

If an employee works such overtime that a second or subsequent meal is required, they must be provided with a meal or paid **\$8.75** for each such second or subsequent meal, unless the employer has notified the employee concerned on the previous day or earlier that such second and subsequent meal/meals are required.

The meal allowance does not apply if the employee can reasonably go home for a meal.

Location allowance

Employees working in specified regional areas are entitled to a weekly location allowance. Contact **Wageline** on **1300 655 266** or see a full copy of the WA award at www.wairc.wa.gov.au for details.

Hours and overtime

The ordinary hours of work shall be 38 per week or 7 hours and 36 minutes in each working day Monday to Friday. Except for meal breaks, ordinary hours shall be worked continuously between 7:00am and 6:00pm.

All time worked in excess of ordinary hours is deemed overtime. All overtime worked on weekdays is paid for at the rate of time and one half for the first two hours and double time thereafter. Where an employee is required for duty during a meal break, and that meal break is postponed for more than one hour, the employee shall be paid at overtime rates until the meal is supplied.

In calculation of overtime each day shall stand alone. Please contact **Wageline** on **1300 655 266** to ensure that correct overtime rates are paid.

Weekend work

All time worked on Saturday before 12.00 noon shall be paid for at the rate of time and a half for the first two hours and double time thereafter. All time worked on a Saturday after 12.00 noon or on a Sunday shall be paid for at the rate of double time.

Public holidays

Full-time employees are entitled to public holidays (or days substituted for public holidays) without deduction of pay. Part-time employees are entitled to public holidays (or days substituted for public holidays) without deduction of pay if they would ordinarily be required to work on that day.

If a public holiday falls on a Saturday or Sunday, the following Monday will be considered to be the public holiday. However, if Boxing Day falls on a Sunday or Monday, the following Tuesday will be considered to be the public holiday. When a public holiday is substituted with another day, the public holiday itself is no longer considered a public holiday for the purposes of the WA award.

If an employee is required to work on a public holiday they shall be paid at the rate of double time and a half.

To view public holiday dates visit our website www.commerce.wa.gov.au/labourrelations.

Meal breaks

Meal breaks shall be for a period of not less than 30 minutes and not more than one hour. An employee shall not be required to work more than five hours without a meal break. If an employee

is required for duty during any meal break whereby the meal break is postponed for more than one hour, the employee shall receive overtime rates until they are released for a meal. Please contact **Wageline** on **1300 655 266** or see a full copy of the WA award at www.wairc.wa.gov.au for details.

Leave Entitlements

The table below outlines the basic leave entitlements for employees covered by this WA award. For more information relating to leave entitlements, please contact **Wageline** on **1300 655 266** or access a full copy at www.wairc.wa.gov.au.

Type of leave	Entitlement
Annual leave	Full-time employees accrue 2.923 hours weekly; this amounts to four weeks per year (pro rata for part-time) which is allowed annually after a period of 12 months' continuous service. Leave accumulates year to year. In addition, a loading of 17.5% applies. For the annual leave calculation sheet visit www.commerce.wa.gov.au/labourrelations .
Personal leave	Full-time employees accrue 1.461 hours weekly; this amounts to 10 days a year (pro rata for part-time). This can be used for sick leave or carer's leave and accumulates from year to year. For the personal leave calculation sheet visit www.commerce.wa.gov.au/labourrelations .
Bereavement leave	2 days per occasion for any employee (including casuals), applies on the death of a partner, parent, step-parent, grandparent, child, step-child, grandchild, sibling, step relative or any other member of the employee's household.
Parental leave	Please contact Wageline on 1300 655 266 for details or see the parental leave factsheet at www.commerce.wa.gov.au/labourrelations .
Long service leave	8.667 weeks after 10 years' continuous employment for any employee (including casuals), and a further 4.333 weeks every subsequent 5 years, with pro-rata payments due on termination any time after 7 years' continuous employment. For the long service leave calculation sheet please visit www.commerce.wa.gov.au/labourrelations .

Time and wages recordkeeping

Employers must keep time and wages records which demonstrate that employees have been paid all entitlements under the relevant WA award or legislation. For more information about time and wages record keeping please contact **Wageline** on **1300 655 266** or see the Time and wages record keeping fact sheet on our website www.commerce.wa.gov.au/labourrelations.

Termination

It is recommended that an employer contact **Wageline** on **1300 655 266** before any termination, to receive information about dismissal laws.

Termination by employer

Full-time and part-time employees, except in the case of misconduct justifying instant dismissal, may be terminated by the following period of notice (or payment in lieu):

Period of Continuous Service	Period of Notice*
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 at the time of termination shall receive an additional week's notice.

* **For employers**, the notice provisions in the WA award must be read in conjunction with the *Fair Work Act 2009* which may require a greater notice period.

Termination by employee

Except in the first three months of service, one week's notice shall be necessary for an **employee** to terminate his or her engagement.

Termination of casual employee

The employment of a casual employee may be terminated by the giving or receiving of one hour's notice.

Please be aware if an employee does not provide the required amount of notice they may be liable to forfeit certain entitlements. Please call **Wageline** on **1300 655 266** for further details.

Termination of an apprentice

To terminate an apprentice or trainee an employer must apply in writing to the Department of Training and Workforce Development. For more information, please contact the Apprenticentre on 13 19 54. For information about notice periods for apprentices, please contact **Wageline** on **1300 655 266**.

Redundancy

Please contact **Wageline** on **1300 655 266** for information relating to redundancy.

Other entitlements

The WA Award also includes:

- Country Work
- Mixed functions
- Settlement of disputes
- Right of entry

To access a full copy of the WA award please visit www.wairc.wa.gov.au

This WA Award Summary has only included the MOST COMMON EMPLOYEE ENTITLEMENTS.

To minimise the risk of non-compliance with State employment laws, please contact Wageline on 1300 655 266 to clarify your understanding of this WA award summary.

Wageline offers advice and publications to assist employees and employers better understand their rights and obligations in the workplace.

To keep informed and receive practical information on employment issues, please subscribe to Wageline's email newsletters at www.commerce.wa.gov.au/labourrelations.

DISCLAIMER: The Department of Commerce has prepared this state 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 of Commerce does not accept liability for any claim which may arise from any person acting on, or refraining from acting on, this information.