



WA award summary

Municipal Employees (Western Australia) Award

1 July 2022

About this award summary

This document is a summary of the state Municipal Employees (Western Australia) Award. WA awards are legal documents that outline the pay rates, allowances, working hours, and leave entitlements for employees in a particular industry or type of work.

Complying with the provisions of a WA award is compulsory and all employers who are covered by this WA award must provide employees with the pay rates and employment entitlements in the WA award, as outlined in this award summary and in the full award as a minimum. Potential penalties for employers who do not meet WA award requirements are detailed on page 2.

This WA award summary is a summary only and does not include all obligations required by the award. It is important to also refer to the full Municipal Employees (Western Australia) Award that is available on the Western Australian Industrial Relations Commission website 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. Reference should also be made to the *Minimum Conditions of Employment Act 1993* (MCE Act) and the *Industrial Relations Act 1979* (IR Act) for full details.

This document is formatted for viewing on the Wageline website and contains web links to other relevant information. If using a printed copy in which links are not visible, all additional information can be found at www.dmirs.wa.gov.au/wageline or by contacting Wageline on 1300 655 266.

This WA award summary includes information on new employer obligations and employee entitlements introduced by the *Industrial Relations Legislation Amendment Act 2021* which commenced on 20 June 2022.

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.

Two Step Check: to make sure this WA award summary is relevant to you

<p>Step 1 Is the local government authority covered by the Municipal Employees Award?</p>	<p>All local government employers now operate in the state industrial relations system. The Municipal Employees Award applies to many WA local government employers.</p> <p>Please note:</p> <ul style="list-style-type: none"> Local government employers may have industrial agreements that provide pay and entitlements specific to their workforce. The Municipal Employees Award or parts of it, may not apply if employees are covered by an industrial agreement. The Municipal Employees Award does not apply to employees whose local government employer transferred from the national industrial relations system to the state system on 1 January 2023. More information is available at www.dmirs.wa.gov.au/local-government-transfer <p>Refer to the human resources area of the local government to check whether this award applies.</p>
<p>Step 2 Is the employee's job covered by the Municipal Employees Award?</p>	<p>The Municipal Employees Award sets pay rates, working hours and other employment arrangements for 'outside' works and services employees employed by local government authorities working as:</p> <ul style="list-style-type: none"> ✓ construction and maintenance workers ✓ machinery / plant operators ✓ labourers ✓ transport workers ✓ tradespersons ✓ horticultural workers ✓ gardeners ✓ store persons ✓ swimming-pool attendants ✓ caravan compound or camping area attendants ✓ cleaners ✓ public convenience attendants ✓ sewerage-treatment works attendants ✓ watchpersons ✓ other outside workers (excluding caretakers / caravan park managers) <p>For position definitions, refer to the Classifications publication on the Municipal Employees Award summary page of the Wageline website</p>

Industrial inspectors at the Department of Mines, Industry Regulation and Safety have powers under the IR Act to investigate employee complaints about underpayments of pay rates and leave entitlements under this WA award and state employment laws. Industrial inspectors also undertake regular proactive compliance audits in particular industries to determine if employers are paying correct wages and keeping correct employment records.

The penalty for contravening a provision of a WA award or not complying with a requirement relating to employment records is up to \$13,000 for individuals and \$65,000 for bodies corporate. Higher penalties apply for serious contraventions of up to \$130,000 for individuals and \$650,000 for bodies corporate. An industrial inspector is also able to give a person a civil infringement notice, similar to an 'on-the-spot fine', for not complying with employment record-related requirements. Record keeping requirements are outlined in the Employment records section of this summary.

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

Stay informed when WA award pay rates change, subscribe to [Wageline News](#) or follow [Wageline on social media](#).

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 2022**.

For classification definitions see the separate Classifications publication on the [Municipal Employees Award summary](#) page on the Wageline website.

Adult (19 years and older) rates of pay

Wage Group	Weekly	Hourly	Casual (includes 20% loading)
Level 1	\$819.90	\$21.58	\$25.89
Level 2	\$845.10	\$22.24	\$26.69
Level 3	\$868.60	\$22.86	\$27.43
Level 4	\$885.20	\$23.29	\$27.95
Level 4A	\$906.20	\$23.85	\$28.62
Level 5	\$918.10	\$24.16	\$28.99
Level 6	\$958.30	\$25.22	\$30.26

Some of the pay rates in the Municipal Employees Award fall below the minimum wages set by the 2022 State Wage Order. In such instances the rates listed here are the legal minimum rate.

Junior rates of pay

Juniors (18 years or under) receive the relevant proportion of a Level 1 rate, unless they are performing work of a higher level, in which case they receive the relevant proportion of a Level 2. Adult rates apply from the age of 19.

Juniors - % of a Level 1

% of Level 1	% of Adult	Weekly	Hourly	Casual (includes 20% loading)
18 years of age	85%	\$696.90	\$18.34	\$22.01
17 years of age	75%	\$614.90	\$16.18	\$19.42
16 years of age	65%	\$532.90	\$14.02	\$16.83
15 years of age	55%	\$450.90	\$11.87	\$14.24

Juniors – % of a Level 2

% of Level 2	% of Adult	Weekly	Hourly	Casual (includes 20% loading)
18 years of age	85%	\$718.30	\$18.90	\$22.68
17 years of age	75%	\$633.80	\$16.68	\$20.01
16 years of age	65%	\$549.30	\$14.46	\$17.35
15 years of age	55%	\$464.80	\$12.23	\$14.68

Apprentice rates of pay

- 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.
- If the apprentice is a high school student undertaking a school based apprenticeship they must be paid the relevant hourly rate for the year of their apprenticeship for:
 - all hours spent working on the job; **plus**
 - hours spent in off the job training (deemed to be 25% of actual hours worked each week).

4 Year Term	3.5 Year Term	3 Year Term	Age	% of Level 4A	Weekly	Hourly
1st Year	0-6 Months		Under 21	42%	\$380.60	\$10.02
			21 or over		\$696.50	\$18.33
2nd Year	7-18 Months	1st Year	Under 21	55%	\$498.40	\$13.12
			21 or over		\$696.50	\$18.33
3rd Year	19-30 Months	2nd Year	Under 21	75%	\$679.70	\$17.89
			21 or over		\$696.50	\$18.33
4th Year	31-42 Months	3rd Year	All ages	88%	\$797.50	\$20.99

Registered trainees

- Registered trainees are employees who are undertaking a traineeship registered with the [Apprenticeship Office](#) at the Department of Training and Workforce Development.
- The Municipal Employees Award covers adult and junior employees undertaking a registered traineeship. Traineeships can be undertaken on a full time, part time or school-based basis.
- The minimum rates of pay and conditions of employment applicable to trainees are in accordance with Schedule E – National Training Wage of the national [Miscellaneous Award 2020](#), as amended from time to time. *Note: Although the Municipal Employees Award is a state award, pay and conditions for trainees come from a national modern award that is not otherwise applicable to local governments operating in the state industrial relations system.*
- The pay rates for a registered trainee under 21 years of age are based on the Industry/Skill Level of the traineeship being undertaken, the highest level of schooling the trainee has completed, and how long they have been out of school. These rates are outlined further in Schedule E of the [Miscellaneous Award 2020](#).
- The pay rates for a registered trainee 21 years of age or over are based on the **highest weekly wage rate for the Industry/Skill level relevant to the traineeship** (i.e. it does not matter how long the trainee has been out of school, or what level of schooling they completed). These rates are also outlined further in Schedule E of the [Miscellaneous Award 2020](#).
- 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.

Deductions from pay

- An employer may **only** make a deduction from an employee's pay if:
 - 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);
 - the employee has authorised the deduction in writing (as part of a written employment contract or otherwise) and the deduction is paid on behalf of the employee; or
 - the employer is authorised by the WA award to make the deduction and the deduction is paid on behalf of the employee.
- Deductions or requirements to pay an amount of money to the employer or another person in relation to an employee under the age of 18 are not permitted unless the deduction or payment is agreed to in writing by the employee's parent or guardian.
- A term of a WA award or employment contract providing for a deduction from an employee's pay will be of no effect if it is for the benefit of the employer or a party related to the employer and is unreasonable in the circumstances.
- An employer cannot directly or indirectly compel an employee to accept goods, accommodation or other services instead of money as part of the employee's pay.

Allowances

Higher duties

An employee performing work of a higher grade for one or more hours in any day or shift must be paid the wage for that higher grade for the whole day or shift. If an employee performs work of a higher grade for less than one hour, the employee must be paid the wage for the higher grade for the time so worked.

Meal allowance

- If an employee is required to work more than 2 hours of overtime, without notification on the previous day or earlier, they must be supplied with a meal by the employer or receive an overtime meal allowance of **\$9.30**. If a second or subsequent meal is required, **\$8.80** must be paid if a meal is not provided by the employer.
- The meal allowance is also payable where an employee has been notified of the requirement to work overtime of more than 2 hours and the employee supplies themselves with a meal, but the employee is subsequently not required to work more than 2 hours overtime.
- The meal allowance is not payable to any employee who lives in the locality in which the place of work is situated and they can reasonably go home for a meal.

Industry allowance

- Employees engaged on construction and maintenance work must be paid an allowance of **\$21.82 per week** in addition to their ordinary wages, to compensate for a range of disabilities associated with the work.

- The industry allowance does not apply to employees generally employed for more than four hours each day on work in, around or adjacent to any depot, headquarters, yard, workshop, hall, nursery, swimming pool or recreation centre, nor to cemetery employees, attendants at caravan parks and/or camping areas, or attendants at public conveniences.
- Junior employees, casual employees, part-time employees or apprentices receiving less than adult rate and employees employed for less than a full week are entitled to receive a proportionate amount of the industry allowance, equivalent to the proportion that their wage for ordinary hours that week bear to the adult rate for the work performed.

Location allowance for employees in regional areas

- Employees employed in certain regional towns must be paid the weekly 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 from the first pay period on or after 1 July 2022

Town	\$ per week	Town	\$ per week	Town	\$ per week
Agnew	\$23.60	Halls Creek	\$55.70	Norseman	\$21.00
Argyle	\$63.50	Kalbarri	\$8.50	Nullagine	\$61.60
Balladonia	\$24.60	Kalgoorlie	\$10.10	Onslow	\$41.30
Barrow Island	\$41.30	Kambalda	\$10.10	Pannawonica	\$30.90
Boulder	\$10.10	Karratha	\$39.90	Paraburdoo	\$30.70
Broome	\$38.10	Koolan Island	\$41.70	Port Hedland	\$33.00
Bullfinch	\$11.00	Koolyanobbing	\$11.00	Ravensthorpe	\$12.40
Carnarvon	\$19.50	Kununurra	\$63.50	Roebourne	\$46.00
Cockatoo Island	\$41.70	Laverton	\$24.20	Sandstone	\$23.60
Coolgardie	\$10.10	Learmonth	\$34.90	Shark Bay	\$19.50
Cue	\$24.30	Leinster	\$23.60	Southern Cross	\$11.00
Dampier	\$33.20	Leonora	\$24.20	Telfer	\$56.60
Denham	\$19.50	Madura	\$25.60	Teutonic Bore	\$23.60
Derby	\$39.50	Marble Bar	\$61.70	Tom Price	\$30.70
Esperance	\$6.80	Meekatharra	\$21.00	Whim Creek	\$39.50
Eucla	\$26.50	Mount Magnet	\$26.30	Wickham	\$38.10
Exmouth	\$34.90	Mundrabilla	\$26.10	Wiluna	\$23.80
Fitzroy Crossing	\$48.10	Newman	\$22.70	Wyndham	\$59.40

- The location allowance to be paid to employees employed in the towns or locations of Gascoyne Junction, Meeberrie (Murchison), Menzies, Westonia and Yalgoo are as follows:
 - Employees employed at Gascoyne Junction are to be paid a location allowance as for Cue.
 - Employees employed at Meeberrie (Murchison) are to be paid a location allowance as for Mundrabilla.
 - Employees employed at Menzies are to be paid a location allowance as for Mundrabilla.
 - Employees employed at Westonia are to be paid a location allowance as for Ravensthorpe.
 - Employees employed at Yalgoo are to be paid a location allowance as for Eucla.

Other allowances

The Municipal Employees Award contains a range of other allowances which apply to specific working arrangements. Please view the award on the WA Industrial Relations Commission website www.wairc.wa.gov.au for details.

Ordinary working hours

Ordinary hours of work – full time employees (except those engaged on continuous shift work)

General

- The ordinary hours for full time employees are an average of 38 hours per week to be worked by mutual agreement, in one of the following arrangements:
 - 38 hours within a work cycle not exceeding 7 consecutive days; or
 - 76 hours within a work cycle not exceeding 14 consecutive days; or
 - 114 hours within a work cycle not exceeding 21 consecutive days; or
 - 152 hours within a work cycle not exceeding 28 consecutive days; or
 - Such further extended cycles as agreed between the employer and employees.
- The ordinary hours of work must not exceed 10 hours on any day, provided any arrangement where ordinary hours are to exceed 8 hours on any day must be agreed between the employer and the majority of employees in the section or sections.
- The ordinary hours of work are consecutive, except for a meal break not exceeding one hour.
- An employee is not required to work for more than 5 hours without a meal break, except where an alternative arrangement is mutually agreed.
- Ordinary hours may be worked on any day Monday to Friday, between the hours of 6.00am and 5.00pm (the spread of hours may be altered by written agreement between the employer and the majority of employees in any section or sections).

Employees engaged on a sanitary or garbage collection or disposal service, water flusher drivers, street cleaning machine operators, auto educator drivers and assistants

Ordinary hours may be worked on any day Monday to Friday, between the hours of midnight and 5.00pm (except in the case of continuous shift workers – see below).

Swimming-pool attendants, caravan-compound or camping-area attendants, cleaners, employees working in or around a refuse disposal and/or processing site, public-convenience attendants, sewerage-treatment works attendants and watchpersons (and any other classification of employee agreed between the union and employer or determined by the Western Australian Industrial Relations Commission).

The ordinary hours of duty may be worked on not more than 5 days of the week (Monday to Sunday).

Ordinary hours of work – part time employees (except those engaged on continuous shift work)

- Part time employees work an average of less than 38 hours per week.
- Part time employees may be engaged to work ordinary hours in the same manner as for full time employees, but for an average of less than 38 hours per week. Part time employees are entitled to penalty rates and overtime (if applicable).

Ordinary hours of work – casual employees (except those engaged on continuous shift work)

Casual employees may be engaged to work ordinary hours in the same manner as for full time and part time employees, and are entitled to the same penalty rates and overtime (if applicable).

Shift work

All shift workers

- An employer may work any section/s of the workforce on shifts, but before doing so, they must give notice to the union of the intention to do so, including the intended starting and finishing times of ordinary working hours.
- For the purpose of the award, the following definitions apply to shift work:
 - Day shift - means any shift starting at or after 6.00am and finishing at or before 5.00pm;
 - Afternoon shift - means any shift finishing after 5.00pm and at or before midnight; and
 - Night shift - means any shift finishing after midnight and at or before 6.00am.

Continuous shift workers*

- The ordinary hours of continuous shift workers are an average of 38 per week, which are not to exceed 152 hours in 28 consecutive days (or any longer roster period agreed in writing between the employer and the majority of employees).
- The ordinary hours of work must not exceed 10 hours on any day, provided any arrangement where ordinary hours are to exceed 8 hours on any day must be agreed between the employer and the majority of employees in the section or sections.

*Continuous shift work refers to work done by employees where the hours of duty are regularly rotated in accordance with a shift roster covering a 24 hour per day operation over a 7-day week.

Penalty rates

Penalty rates (excluding shift workers)

When penalty rates apply*	Penalty rates
Ordinary hours worked before 6.00am Monday to Friday^	An extra \$2.33 per hour
Ordinary hours worked on a Saturday	25% additional loading for each hour worked
Ordinary hours worked on a Sunday	50% additional loading for each hour worked
Ordinary hours worked on a public holiday	Double time and one half for each hour worked

^Only relevant for those employees who would not otherwise be allowed to start ordinary hours before 6.00am, where the spread of ordinary hours has been altered by agreement between the employer and the majority of employees to allow work to commence before 6.00am.

Penalty rates – shift workers

When penalty rates apply*	Penalty rates
Afternoon or night shift (Monday to Friday)	15% for the whole shift.
When the major portion of a rostered shift falls on a Saturday	Time and one quarter for the whole shift
When the major portion of a rostered shift falls on a Sunday	Time and one half for the whole shift
When the major portion of a rostered shift falls on a public holiday	Double time for the whole shift

*Where a shift commences at or after 11.00pm on any day, the whole of that shift is deemed to have been worked on the following day.

Overtime

Overtime is payable for all work performed in excess of, or outside of, an employee's ordinary hours of duty.

Overtime rates - all employees (excluding continuous shift employees)

When overtime is worked	Overtime rates
Overtime worked on a weekday	Time and one half for the first two hours and double time thereafter
Overtime worked on a Saturday prior to 12 noon	Time and one half for the first two hours and double time thereafter
Overtime worked on a Saturday after 12 noon	Double time
Overtime worked on a Sunday	Double time
Overtime worked on a public holiday (or substituted day), including Easter Saturday	Double time and one half

Overtime rates - continuous shift employees

- All time worked in excess of or outside the ordinary working hours, or on a shift other than a rostered shift, is to be paid for at the rate of **double time**, except where an employee is called upon to work a sixth shift in not more than one week in any four weeks, when they are to be paid for the shift at **time and a half for the first four hours and double time thereafter**.
- Time worked in excess of the ordinary working hours is paid for at ordinary rates if:
 - it is due to private arrangements between the employees themselves; or
 - it does not exceed two hours and is due to a relieving employee not coming on duty at the proper time; or
 - it is for the purpose of effecting the customary rotation of shifts.

Note: For all employees, overtime on shift work is calculated on the rate payable for shift work.

For other provisions regarding overtime, refer to Clause 21 of the Municipal Employees Award on the WA Industrial Relations Commission website www.wairc.wa.gov.au.

Meal breaks

- Employees are entitled to an unpaid meal break not exceeding one hour after not more than 5 hours of work.
- If an employee is required to work during their normal meal break and the meal break is postponed for more than 30 minutes on any day, the employee is entitled to be paid at overtime rates until the meal break is provided.
- Employees are entitled to a paid rest period of 10 minutes each morning, at a time and manner determined by the employer.

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 it was not a public holiday.
- Under the Municipal Employees 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 also considered a public holiday for the purposes of this award.
- From 2022, Easter Sunday is a public holiday in Western Australia. The Easter Sunday public holiday is observed on the actual day, and is not substituted to another day solely because it falls on a weekend. Employees required to work on Easter Sunday must be paid at public holiday penalty rates. Visit the [Easter Sunday public holiday](#) page for more information about the Easter Sunday public holiday.
- If an additional public holiday is declared or prescribed in Western Australia (other than those set out above) that additional day is also recognised as a public holiday for the purpose of the award.
- An employer and a majority of affected employees may agree to substitute another day for any prescribed public holiday. Details on how this may be done are outlined further in Clause 24.4.1 of the Municipal Employees Award.
- The National Aboriginal and Islander Day of Celebration (NAIDOC) may be taken as a holiday in lieu of any public holiday by agreement between the employer and employee.
- If an employee is observing a public holiday and they are subsequently recalled to work overtime, they must be paid for at least 3 hours at double time and one half. Time reasonably spent in getting to and from work is to be counted as time worked.
- When a public holiday (other than Easter Saturday) falls on an employee's rostered day off, the employee is entitled to take a day in lieu at an agreed time.
- Visit the [Public Holidays in Western Australia](#) page to view the public holiday dates.

Days in lieu

Full time and part time employees are entitled to two additional days of leave in lieu of the public service holidays that previously applied on the day after New Year's Day and Easter Tuesday, as follows:

- On the working day after New Year's Day and on Easter Tuesday each year an employee who is scheduled to work those days or is on paid leave becomes entitled to a day's paid leave in lieu of those days.
- An employee who works a roster and is on a rostered day off on either the working day after New Year's Day or on Easter Tuesday is also entitled to a day's paid leave in lieu of those days.
- These two days in lieu are to be taken in the year in which they fall due at the convenience of the employer.

Employment of children

- Under the *Children and Community Services Act 2004*, it is illegal to employ children under the age of 15 in this industry, except if the child is working as part of a school program (e.g. work experience placement).
- 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.

Leave entitlements

Quick reference guide

Leave entitlement	Full time	Part time	Casual
Annual leave	✓	✓	✗
Personal leave	✓	✓	✗
Unpaid personal leave for caring purposes	✓	✓	✓
Bereavement leave	✓	✓	✓
Unpaid parental leave	✓	✓	✓
Long Service leave	✓	✓	✓
Unpaid family and domestic violence leave	✓	✓	✓

This WA award summary covers the basic leave entitlements for employees covered by the Municipal Employees Award but does **not** include all details on leave obligations and entitlements. Full details of conditions are contained in the Municipal Employees Award on the WA Industrial Relations Commission website www.wairc.wa.gov.au, the *Minimum Conditions of Employment Act 1993* and the Local Government (Long Service Leave) Regulations.

Personal leave

- Personal leave entitles a full time or part time employee to paid time off work due to either illness or injury to themselves, 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.
- Each year, full time and part time employees accrue paid personal leave equal to the number of hours they would ordinarily work in a two week period, up to 76 hours per year. Personal leave is a cumulative entitlement, and any leave not taken in one year is carried over and able to be taken in future years.
- Local government employees are entitled to transfer up to 8 weeks of their accumulated personal leave credits from one local government authority to another, as long as their service is continuous.
- Paid personal leave accrues on a weekly basis for full and part time employees. Wageline's [Personal leave calculation guide](#) can assist with calculating paid personal leave entitlements.
- An employee, including a casual employee, is entitled to up to two days of unpaid personal leave per occasion when a member of the employee's family or household requires care or support because of a personal illness or injury or unexpected emergency affecting the member. A full time or part time employee cannot take unpaid personal leave for caring purposes if they have paid personal leave available.
- Casual employees are not entitled to paid personal leave. Casual employees can access up to two days of unpaid personal leave for caring purposes per occasion.
- Personal leave is a minimum entitlement from the *Minimum Conditions of Employment Act 1993*.
- Visit Wageline's [Personal leave](#) page for definitions of 'member of the family or household' or for more information.

Bereavement leave

- Bereavement leave is a minimum entitlement from the *Minimum Conditions of Employment Act 1993* and the Municipal Employees Award sets out some additional provisions regarding bereavement leave.
- All employees, including casual employees, are entitled to two days paid bereavement leave on the death of a member of the employee's immediate family or household, including 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.
- Full time and part time employees are entitled to an additional day of paid bereavement leave (three days in total) on the death of a member of the employee's immediate family or household outside of Australia.
- Where an employee has exhausted all accumulated leave entitlements, the employee is entitled to take unpaid bereavement leave. The employer and the employee are to agree on the quantum of unpaid leave to be taken.

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.
- An employee employed by a Local Government whose head office is situated north of the 26th parallel of latitude is allowed one additional week's leave with payment of ordinary salary after a period of 12 months continuous service with that Local Government. Where the employee is engaged for part of a qualifying 12 monthly period, he/she is entitled to a pro rata amount of the additional leave, accrued at one twelfth of a week for each completed month of service.
- Annual leave is a minimum entitlement in the *Minimum Conditions of Employment Act 1993* and the Municipal Employees Award sets out additional requirements regarding annual leave and annual leave loading.
- During a period of annual leave employees are entitled to receive:
 - the wages they would have received for work performed during ordinary hours had they not been leave, including the industry allowance provided for in clause 19.5 of the award (if relevant); plus
 - a loading of 17.5%, calculated on the base rate of pay.
- 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 of 17.5% is not paid out on proportionate leave (leave accrued in an incomplete year of employment) on lawful termination of employment.
- Annual leave accrues on a weekly basis:
 - A full time employee entitled to four weeks of annual leave per annum accrues 2.923 hours of annual leave for each completed week of work.
 - A part time employee entitled to four weeks of annual leave per annum 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.
- Visit Wageline's [Annual leave](#) page for more information.

Family and domestic violence leave

- All employees are entitled to five days' unpaid family and domestic violence leave in each 12 month period. This leave is available in full at the start of each 12 month period of an employee's employment and does not accumulate from year to year. The five days' leave is available in full to part time and casual employees (i.e. it is not pro rata).
- An employee is able to take unpaid family and domestic violence leave if:
 - the employee is experiencing family and domestic violence; and
 - the employee needs to do something to deal with the impact of the family and domestic violence; and
 - it is impractical for the employee to do that thing outside the employee's ordinary hours of work.
- Leave can be taken in a single continuous five day period, separate periods of one or more days each, or periods of less than one day.
- Family and domestic violence leave is a minimum entitlement from the *Minimum Conditions of Employment Act 1993*.
- Visit Wageline's [Family and domestic violence leave](#) page for more information.

Long service leave

- The long service leave entitlements for most local government employees in WA come from the [Local Government \(Long Service Leave\) Regulations](#), rather than the *Long Service Leave Act 1958*.
- For specific queries regarding the Local Government (Long Service Leave) Regulations, contact the Department of Local Government, Sport and Cultural Industries on 1300 762 511 or email lghotline@dlgsc.wa.gov.au.

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

Prior to terminating an apprentice or trainee, 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 or trainee.

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 under 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.

Award severance pay

Employers covered by the Municipal Employees Award 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 casual or probationary employees, apprentices or 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 serious misconduct that justifies dismissal without notice.

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.

Award severance pay – Employers who employ less than 15 employees

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

Award severance pay – Employers who employ 15 or more 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 a previous local government employer if the period between the employee leaving the previous employer and commencing with the new employer does not exceed either two weeks, or the period for which the previous employer made payments in lieu of accrued and pro rata leave entitlements, whichever is the greater.

Visit the [Redundancy payments](#) page for more information on redundancy payments.

Pay slip and record keeping requirements

Employers must provide all employees with a pay slip, and must keep employment records as required by state employment law. There are penalties for not keeping records and not providing a pay slip.

Pay slips

Employers need to provide a pay slip to each employee within one working day of paying the employee for work performed. The employer can decide whether to give a hard copy or electronic form of the pay slip.

A pay slip needs to include the following information:

- the employer's name and Australian Business Number (if any);
- the employee's name;
- the period to which the pay slip relates;
- the date on which the payment referred to in the pay slip was made;
- the gross and net amounts of the payment, and any amount withheld as tax;
- any incentive based payment, or payment of a bonus, loading, penalty rates or another monetary allowance or separately identifiable entitlement;
- if an amount is deducted from the gross amount of the payment:
 - the name of the person in relation to whom or which the deduction was made;
 - if the deduction was paid into a fund or account - the name, or the name and number, of the fund or account; and
 - the purpose of the deduction;
- if the employee is paid at an hourly rate of pay:
 - the rate of pay for the employee's ordinary hours;
 - the number of hours worked during the period to which the pay slip relates; and
 - the amount of the payment made at that rate;
- if the employee is paid a weekly or an annual rate of pay - the rate as at the latest date to which the payment relates;
- if the employer is required to make superannuation contributions for the benefit of the employee:
 - the amount of each contribution that the employer made during the period to which the pay slip relates and the name, or the name and number, of any fund to which the contribution was made; or
 - the amounts of the contributions that the employer is liable to make in relation to the period to which the pay slip relates, and the name, or the name and number, of any fund to which the contributions will be made.

Wageline's [Pay slip information](#) page provides more information and a pay slip template to assist employers.

Employment records

Record keeping requirements

It is compulsory for all employers to keep employment records which include the following information:

- the employee's name and, if under 21 years of age, their date of birth;
- the employer's name and Australian Business Number (if any);
- the name of the WA award that applies (in this case the Municipal Employees (Western Australia) Award);
- date the employee commenced employment with the employer;
- for each day of work:
 - the time at which the employee started and finished work;
 - period/s for which the employee was paid; and
 - details of work breaks including meal breaks;
- for each pay period:
 - the employee's designation (such as full time, part time, casual) and employee classification;
 - the gross and net amounts paid to the employee;
 - any amount withheld as tax; and
 - all deductions from pay and the reasons for them;
- any incentive based payment, bonus, loading, penalty rates or other monetary allowance or entitlement;
- all leave taken, whether paid, partly paid or unpaid;
- the following matters relating to superannuation:
 - the date on which each superannuation contribution was made, the amount of the contributions, the period over which the contributions were made, the name of any fund to which a contribution was made;
 - how the employer worked out the amount of superannuation owed; and
 - any choice made by the employee as to which fund their contributions are to be made and the date on which the choice was made;
- the information necessary for the calculation of and payment of long service leave under the LSL Act. Employers are also be required to comply with the record keeping requirements in the LSL Act. Visit www.dmirs.wa.gov.au/longserviceleave for details;
- any other information necessary to show that the pay and benefits received by the employee comply with the WA award and other legal obligations such as employee entitlements under the MCE Act or LSL Act; and
- any other information required by the WA award to be recorded.

It is also compulsory to keep employment records that detail specific information regarding:

- termination related matters; and
- any supported wage system or a supported wage industrial instrument provision that applies to an employee with a disability.

If an employer makes a payment to an employee in cash, the employer must provide a record of the payment to the employee and ensure that a copy of the record of payment is kept as an employment record.

Wageline's [Employment records - Employer obligations](#) page provides more information and record keeping templates to assist employers.

Time periods for keeping records

It is compulsory that each entry in relation to annual leave and long service leave must be retained during the employee's period of employment and for not less than 7 years after the employment ends and each other employment record must be retained for not less than 7 years after it is made.