



WA award summary

Restaurant, Tearoom and Catering Workers Award

1 July 2022

About this award summary

This document is a summary of the state Restaurant, Tearoom and Catering Workers 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 Restaurant, Tearoom and Catering Workers 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), the *Long Service Leave Act 1958* (LSL 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.

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

<p>Step 1 Is the business in the state system?</p>	<p>This WA award summary applies to businesses in the state industrial relations system. The state system covers businesses (and their employees) that operate as:</p> <ul style="list-style-type: none"> ✓ sole traders (e.g. Jane Smith trading as Jane’s Café) ✓ unincorporated partnerships (e.g. Jane and Bob Smith trading as Jane’s Café) ✓ unincorporated trust arrangements (e.g. Jane and Bob Smith as trustees for the Smith Family Trust trading as Jane’s Café) ✓ incorporated associations and other non-profit bodies that are not trading or financial corporations <p>This summary does not apply to businesses and organisations in the national industrial relations system which operate as:</p> <ul style="list-style-type: none"> ✗ Pty Ltd businesses that are trading or financial corporations (e.g. Smith Pty Ltd trading as Jane’s Café) ✗ incorporated partnerships or incorporated trusts ✗ incorporated associations and other non-profit bodies that are trading or financial corporations <p>For more information visit the Guide to who is in the WA state system page. If the business or organisation is in the national system visit the Fair Work Ombudsman website www.fairwork.gov.au</p>									
<p>Step 2 Is the business covered by the Restaurant, Tearoom and Catering Workers Award?</p>	<p>The Restaurant, Tearoom and Catering Workers Award applies to businesses in the state industrial relations system which are:</p> <ul style="list-style-type: none"> ✓ cafes and restaurants (not part of a hotel or motel or licenced club) ✓ take away food outlets ✓ catering establishments servicing weddings, parties, festivals and sporting events ✓ catering contractors <p>The Award covers paid employees working in school canteens run by P&Cs, and canteens at community sporting activities, where the organisation operating the canteen is in the state industrial relations system. See page 14 for details.</p> <p>The Restaurant Tearoom and Catering Workers Award does not apply to state system businesses in Western Australia trading as:</p> <table border="0" style="width: 100%;"> <tr> <td>• Red Rooster</td> <td>• KFC</td> <td>• McDonalds</td> </tr> <tr> <td>• Pizza Hut</td> <td>• Chicken Treat</td> <td>• Subway</td> </tr> <tr> <td>• Hungry Jacks</td> <td>• Chooks Fresh and Tasty</td> <td>• Heros Pizza</td> </tr> </table> <p>These businesses are covered by the Fast Food Outlet Award. View this Award on the WA Industrial Relations Commission website www.wairc.wa.gov.au or call Wageline for details.</p>	• Red Rooster	• KFC	• McDonalds	• Pizza Hut	• Chicken Treat	• Subway	• Hungry Jacks	• Chooks Fresh and Tasty	• Heros Pizza
• Red Rooster	• KFC	• McDonalds								
• Pizza Hut	• Chicken Treat	• Subway								
• Hungry Jacks	• Chooks Fresh and Tasty	• Heros Pizza								
<p>Step 3 Is the employee’s job covered by the Restaurant, Tearoom and Catering Workers Award?</p>	<p>The Restaurant, Tearoom and Catering Workers Award sets pay rates, working hours and other employment arrangements for full time, part time and casual employees in the business covered by the award working as:</p> <table border="0" style="width: 100%;"> <tr> <td>✓ wait and bar staff</td> <td>✓ baristas</td> </tr> <tr> <td>✓ chefs, cooks, kitchen and catering staff</td> <td>✓ counter staff in cafes and take away food outlets</td> </tr> </table>	✓ wait and bar staff	✓ baristas	✓ chefs, cooks, kitchen and catering staff	✓ counter staff in cafes and take away food outlets					
✓ wait and bar staff	✓ baristas									
✓ chefs, cooks, kitchen and catering staff	✓ counter staff in cafes and take away food outlets									

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.

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.

Rates of pay

All rates of pay are gross rates (before tax). The tables below provide the rates that apply from the first pay period on or after **1 July 2022**.

Adult (20 years and older) rates of pay

Classifications (See page 15 – 17 for definitions)	Full time/part time employee				Casual employee (Rate includes casual loadings)		
	Fortnightly	Hourly Mon - Fri*	Hourly Sat/Sun	Public holiday (min 4 hours)	Hourly Mon - Fri	Hourly Sat/Sun	Public holiday
Introductory (max 3 months)	\$1,639.80	\$21.58	\$32.36	\$53.94	\$26.97	\$32.36	\$48.55
Level 1	\$1,677.60	\$22.07	\$33.11	\$55.18	\$27.59	\$33.11	\$49.67
Level 2	\$1,734.30	\$22.82	\$34.23	\$57.05	\$28.52	\$34.23	\$51.34
Level 3	\$1,775.80	\$23.37	\$35.05	\$58.41	\$29.21	\$35.05	\$52.57
Level 4	\$1,857.40	\$24.44	\$36.66	\$61.10	\$30.55	\$36.66	\$54.99
Level 5	\$1,958.50	\$25.77	\$38.65	\$64.42	\$32.21	\$38.65	\$57.98
Level 6	\$2,004.40	\$26.37	\$39.56	\$65.93	\$32.97	\$39.56	\$59.34

*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 they must instead be paid **\$1.75 per hour** extra for each such hour or part hour.

Annualised salary

Full and part time employees may agree with their employer to be paid an annualised salary, which must be equivalent to their normal wage plus at least 25%, and be sufficient to cover what the employee would have been entitled to if they had received all their overtime and penalty rates entitlements. More details are in Clause 24 of the Award.

Apprentice rates of pay

Apprentice	Fortnightly Mon - Fri	Hourly Mon - Fri	Hourly Sat - Sun	Hourly Public Holiday
1st year - under 21	\$1,021.60	\$13.44	\$20.16	\$33.61
1st year - 21 or over - Adult apprentice	\$1,393.00	\$18.33	\$27.49	\$45.82
2nd year	\$1,393.00	\$18.33	\$27.49	\$45.82
3rd year	\$1,634.50	\$21.51	\$32.26	\$53.77

*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 they must instead be paid **\$1.75 per hour** extra for each such hour or part hour.

- An employer is required to pay an apprentice for the 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).
- Visit the [Pay rates for apprentices](#) page for more information.

Juniors – under 20 years of age

- Junior employees are paid a percentage of the ‘lowest adult rate’. Those starting work in the restaurant/café industry who have not yet demonstrated the competency requirements of a Level 1 may be paid the **applicable percentage of the Introductory Level** for a period of up to 3 months. After this time, juniors must be paid the **applicable percentage of a Level 1**.
- Junior employees, who already possess the competencies of a Level 1 when first engaged, must be paid the **applicable percentage of a Level 1** from their commencement.
- 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 (e.g. work experience placement) or in a family business or a not-for-profit organisation. Employees who are 13 or 14 years of age cannot be employed before 6.00am or after 10.00pm.
- Any junior worker employed in Levels 5 and 6 must be paid full adult rates.

Junior rates of pay as a % of the Introductory Rate

Age (per cent)	Full time/Part time employee			Public Holiday (min 4 hours)	Casual employee (Rate includes casual loading)		
	Fortnightly	Hourly Mon - Fri*	Hourly Sat/Sun		Hourly Mon - Fri	Hourly Sat/Sun	Public Holiday
19 (90%)	\$1,475.80	\$19.42	\$29.13	\$48.55	\$24.27	\$29.13	\$43.69
18 (80%)	\$1,311.80	\$17.26	\$25.89	\$43.15	\$21.58	\$25.89	\$38.84
17 (70%)	\$1,147.90	\$15.10	\$22.66	\$37.76	\$18.88	\$22.66	\$33.98
16 (60%)	\$983.90	\$12.95	\$19.42	\$32.37	\$16.18	\$19.42	\$29.13
Under 16 (50%)	\$819.90	\$10.79	\$16.18	\$26.97	\$13.49	\$16.18	\$24.27

*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 they must instead be paid **\$1.75 per hour** extra for each such hour or part hour.

Junior rates of pay as a % of a Level 1

Age (per cent)	Full time/Part time employee			Public Holiday (min 4 hours)	Casual employee (Rate includes casual loading)		
	Fortnightly	Hourly Mon - Fri*	Hourly Sat/Sun		Hourly Mon - Fri	Hourly Sat/Sun	Public Holiday
19 (90%)	\$1,509.80	\$19.87	\$29.80	\$49.66	\$24.83	\$29.80	\$44.70
18 (80%)	\$1,342.10	\$17.66	\$26.49	\$44.15	\$22.07	\$26.49	\$39.73
17 (70%)	\$1,174.30	\$15.45	\$23.18	\$38.63	\$19.31	\$23.18	\$34.77
16 (60%)	\$1,006.56	\$13.24	\$19.87	\$33.11	\$16.56	\$19.87	\$29.80
Under 16 (50%)	\$838.80	\$11.04	\$16.56	\$27.59	\$13.80	\$16.56	\$24.83

*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 they must instead be paid **\$1.75 per hour** extra for each such hour or part hour.

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 Restaurant, Tearoom and Catering Workers Award must be paid the minimum adult or junior rates for registered trainees and are covered by all other provisions of the Restaurant, Tearoom and Catering 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.

Higher duties

- An employee who is performing work for 2 or more hours in any day at a higher classification level than their normal level must be paid the higher pay rate for those hours. If the employee is required to perform higher duties for more than half of one day or one shift, they must be paid the higher wage rate for the whole day or shift.
- Junior employees who perform duties at level 5 or 6 for 2 or more hours are to be paid the adult rate for those hours.

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

Split shift allowance

If a full time or part time employee works their ordinary hours in more than one period on any one day (split shift) they must be paid **\$2.70** per day.

Meal money

If an employee is required to work two or more hours of overtime on any day without being notified on the previous day (or earlier) and the employer has not supplied a substantial meal they must be paid **\$11.30** per meal.

Protective clothing allowance

If an employee is required to wash dishes, clean toilets or handle detergents, acids, soaps or any injurious substances and the employer has not supplied rubber gloves they must be paid **\$3.90** per fortnight, or **\$1.95** if working less than 38 hours per fortnight.

Employee's knives allowance

If an employee is required to use their own knives they must be paid **\$14.40** per fortnight, or **\$7.20** if working less than 38 hours per fortnight.

Uniforms and laundry allowance

Cooks - If a cook wears the ordinary apparel usually worn by cooks such as black and white check trousers, white shirt, white apron and cap and the employer has not paid for their laundering they must be paid **\$11.00** per fortnight, or **\$5.50** per fortnight for employees working less than 38 ordinary hours per fortnight.

Other employees - If the employer requires a special uniform (as defined in the award) and the employer has not paid for the laundering they must be paid **\$7.20** per fortnight, or **\$3.60** for employees working less than 38 ordinary hours per fortnight. (Such a uniform must be provided by the employer).

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

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

- Full time employees are engaged in ongoing employment.
- Full time employees can be employed on a 3 month probation, which can be extended for up to a further 3 months provided it is extended before the end of the first 3 month period and the extension is reasonable.

Ordinary hours of work

The ordinary hours for a full time employee are:

- 76 hours of work per fortnight;
- no more than 10 days in any fortnight;
- a minimum of 4 hours and no more than 10 hours per shift; and
- a maximum spread of shift of 12 hours.

Overtime and penalty rates

When penalty rates apply for a 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 4 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 of an hour worked
If an employee works the majority of their ordinary hours between midnight and 7.00am, Monday to Friday	Extra \$1.75 per hour for each such hour, or part of an hour worked

When overtime applies for a full time employee	Overtime rates
If an employee works more than: <ul style="list-style-type: none"> • 10 hours per day • 10 days per fortnight • 76 hours per fortnight 	<ul style="list-style-type: none"> • Monday to Friday - time and a half for the first 2 hours and double time after that • Saturday or Sunday - double time
If an employee works outside the maximum 12 hour daily spread of shift	<ul style="list-style-type: none"> • Monday to Friday - time and a half for the first 2 hours and double time after that • Saturday or Sunday - double time
If an employee works overtime on a Saturday or Sunday	Double time

By agreement, time off during ordinary hours (calculated at the applicable overtime rate) can be granted instead of payment for overtime.

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

- Part time employees are engaged in ongoing employment.
- Part time employees can be employed on a 3 month probation, which can be extended for up to a further 3 months provided it is extended before the end of the first 3 month period and the extension is reasonable.

Ordinary hours of work

The ordinary hours for a part time employee are:

- a minimum of 20 hours per fortnight;
- a maximum of 10 days per fortnight;
- a minimum of 3 hours and no more than 10 hours per shift;
- a maximum spread of shift of 12 hours; and
- the employer and employee may agree to the employee working additional ordinary hours in a particular pay period (up to a maximum of 76 hours) and these extra hours are paid for at ordinary 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 or a substituted public holiday	Double time and a half (minimum payment of 4 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 of an hour worked
If an employee works the majority of their ordinary hours between midnight and 7.00am, Monday to Friday	Extra \$1.75 per hour for each such hour, or part of an hour worked

When overtime applies for a part time employee	Overtime rates
If an employee work more than: <ul style="list-style-type: none"> • 10 hours per day • 10 days per fortnight • 76 hours per fortnight 	<ul style="list-style-type: none"> • Monday to Friday - time and a half for the first 2 hours and double time after that • Saturday or Sunday - double time
If an employee is directed to work outside their rostered hours of duty - i.e. where the employer and employee have not agreed on the employee working additional ordinary hours in a particular pay period (up to a maximum of 76) at ordinary rates.	<ul style="list-style-type: none"> • Monday to Friday - time and a half for the first 2 hours and double time after that • Saturday or Sunday - double time
If an employee works outside the daily maximum 12 hour spread of shift.	<ul style="list-style-type: none"> • Monday to Friday - time and a half for the first 2 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 during ordinary hours (calculated at the applicable overtime rate) can be given instead of payment for overtime.
- Specific hours provisions apply for part time school canteen workers working in government schools (who are not employed by the Department of Education) - see Clause 51 of the award.

Ordinary working hours – casual employees

- A casual employee must be informed, before they are employed, that they are employed on a casual basis and that they have no entitlement to paid sick leave or annual leave.
- A casual employee must be provided with a minimum of 2 consecutive hours of work per shift.

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

Meal breaks – all employees

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

Public holidays

- Under the Restaurant, Tearoom and Catering Workers Award, when a public holiday falls on a Saturday or Sunday, the public holiday is observed on that actual day.
- Full time employees who would normally be required to work on one or more of the designated public holidays under the award, but who are not required to work because it is a public holiday, are entitled to be paid for that day. Part time employees who would normally be required to work on one or more of the designated public holidays under the award, but who are not required to work because it is a public holiday, are entitled to be paid for that day.
- From 2022, Easter Sunday is a public holiday in Western Australia. Employees required to work on Easter Sunday must be paid at public holiday penalty rates. The Easter Sunday public holiday is observed on the actual day, and it is not substituted to another day solely because it falls on a weekend. Visit the [Easter Sunday public holiday](#) page for more information.
- If an employee is required to work on a public holiday, public holiday pay rates will apply.
- If any public holiday (including Easter Sunday) under the award falls on a full time employee's non-working day (referred to as a 'rostered day off'), the public holiday is observed on the next rostered working day. In this situation the next rostered working day is considered to be a public holiday, while the non-working day is not. If the employee is required to work on the next rostered working day, they are entitled to be paid at public holiday rates of pay.
- 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*, the minimum age for employment in a restaurant, cafe, fast food or takeaway food business is 13 years of age, except if the child is working as part of a school program (e.g. work experience placement) or in a family business.
- A child who is 13 or 14 years old may work in a restaurant, café or fast food or takeaway food outlet between 6.00 am and 10.00pm (excepting school hours) if the employer has obtained written permission from their parent or guardian.
- A person must not employ a child of compulsory school age during the hours when the child is required to attend school or otherwise participate in an educational program of a school.
- There are significant penalties for breaching the employment of children laws:
 - employing a child without the permission of a parent – a fine of up to \$24,000 or \$120,000 for a corporation
 - employing a child before 6.00am or after 10.00pm – a fine of up to \$24,000 or \$120,000 for a corporation.

Resources for businesses which employ children

- The [Employment of children laws – shop, restaurant, fast food or takeaway food business](#) page provides specific information for employers and store managers.
- A template form for gaining written parental permission for employing children under 15 is available.
- Conducting a self-audit will assist retail and food industry employers to ensure all employment arrangements comply with the child employment laws. Wageline's [Self-Audit Checklist](#) for this industry is a tool to help employers to conduct a self-audit of compliance with the child employment laws.

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	✓	✓	✓
Unpaid pandemic leave	✓	✓	✓

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

Unpaid pandemic leave

- An entitlement to two weeks' unpaid pandemic leave was re-introduced for private sector state system employees through the COVID-19 General Order issued by the Western Australian Industrial Relations Commission on 25 March 2022.
- Full time, part time and casual employees are entitled to take up to two weeks' unpaid pandemic 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.
- The General Order applies until 31 January 2023, unless extended.
- The [Unpaid pandemic leave](#) page of the Wageline website details the specifics of the unpaid pandemic leave entitlement – please refer to this page for information.
- Comprehensive information for state system employers and employees on COVID-19 related topics is available on the [Employment Impacted by COVID-19](#) page.

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 2 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

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 Restaurant, Tearoom and Catering 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 they 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.
- 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.
- Visit Wageline's [Annual leave](#) page for more information.

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.
- 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.

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

- Long service leave is a paid leave entitlement for full time, part time and casual employees. Under the *Long Service Leave Act 1958* (LSL Act), an employee may be eligible for long service leave:
 - after 10 years of continuous employment with the same employer, and for every 5 years of continuous employment after the initial 10 years; and
 - on a pro-rata basis when their employment ends after 7 years of continuous employment but before 10 years.
- The [Long service leave](#) pages of the Wageline website contain information on who is covered by the LSL Act, the entitlement to long service leave, how long service leave can be taken and frequently asked questions.
- To be entitled to long service leave an employee's employment with their employer must be continuous. There are some paid and unpaid absences or interruptions to an employee's employment that:
 - do not break an employee's continuous employment; and
 - 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. Visit the [Long service leave – What is continuous employment](#) page for details.
- An employee's employment may in some circumstances also be continuous despite a change in the ownership of a business and the associated change of employer. This applies regardless of anything written in a sale of business contract. Visit the [Long service leave – What happens when business ownership changes?](#) page for details.
- 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.

Resignation, termination and redundancy

Resignation by the employee

Full time and part time employees must give:

- 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 must give one hour's notice to the employer.

A probationary employee must give one day's notice to the employer, during the probationary period.

Termination

An employer must 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.

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 business.

Employers who employ less than 15 employees are not required to make severance payments to redundant employees.

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.

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 Restaurant, Tearoom and Catering Workers 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.

School canteens and canteens run by other not for profit organisations

This award covers paid employees working in school canteens, and canteens at community sporting activities, where the organisation operating the canteen is in the **state** industrial relations system.

If the organisation operating the canteen is a not for profit organisation, such as a school P&C or community sports organisation, the organisation will be in the national fair work industrial relations system (i.e. **not** in the state system) if it is a 'constitutional corporation' because it engages in sufficiently substantial trading or financial activities, even if the purpose of the organisation is something other than trading or finance. In that case this award will not apply and organisations should contact the [Fair Work Ombudsman](#) for information on pay rates.

Wageline **cannot** provide specific information on, or determine, whether a particular organisation is a constitutional corporation, and each organisation would need to seek its own legal or financial advice to determine this question.

Visit www.dmirs.wa.gov.au/irsystemguide for more information.

Classifications / Job duties

Introductory

An employee may be paid at the Introductory Rate if they are entering the hospitality industry and have not demonstrated the competency requirements of Level 1 (please see below). An employee may be paid at the Introductory Rate for a **maximum of 3 months**, unless the employee and employer reach a written agreement that further training is required.

Food and Beverage employees

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;
- 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;
- undertaking general waiting duties of both food and liquor including cleaning of tables;
- receipt and dispensing of monies;
- engaged on delivery duties; or
- In addition to the tasks performed by a food and beverage attendant grade 2 the employee may also be 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 who 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.

Liquor Service Employee means a person employed to sell or dispense liquor in bars and/or bottle departments or shops and includes a cellar employee.

Kitchen employees

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;
- assisting employees who are cooking;
- assembly and preparation of ingredients for cooking; or
- 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 in 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 and who performs any of the following:

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

Guest service employees

Guest Service Grade 1 means an employee who performs any of the following:

- laundry and/or linen duties which may include minor repairs to linen or clothing such as buttons, zips, seams, and working with flat materials;
- performs general cleaning duties; or
- parking guest cars.

Guest Service Grade 2 means an employee who has not achieved the appropriate level of training and who is engaged in any of the following:

- assisting in the dry cleaning process;
- cleaning duties using specialised equipment and chemicals; or

Guest Service Grade 3 means an employee who has the appropriate level of training and who is engaged in any of the following:

- supervising guest service employees of a lower grade;
- major repair of linen and/or clothing including basic tailoring and major alterations and refitting; or
- dry cleaning.

Guest Service Grade 4 means an employee who has completed an apprenticeship or who has passed the appropriate trade test or otherwise has the appropriate level of training to perform the work of a tradesperson in dry cleaning or tailoring.

School canteen employees

- These classifications apply only to school canteen workers employed in government schools, who are not employed direct by the Department of Education.
- Canteen workers must commence employment at a level not lower than Grade 2.
- 'Committee' means a person or persons delegated with the function of overseeing the management of a school canteen.

Canteen Worker Grade 2 means a canteen worker who is engaged in any of the following:

- Supplying, dispensing, warming or generally preparing light snack meals;
- Undertaking general serving duties of both food and/or refreshments;
- Maintaining canteen cleanliness;
- Attending a canteen customer service counter;
- Receipt of monies and dispensing change;
- Delivery duties to classrooms, when required.

Canteen Worker Grade 3 means a canteen worker who coordinates volunteers and a maximum of two other canteen workers who work a combined maximum total of 55 hours per week, and/or in addition to Grade 2 is engaged in any of the following:

- Controls canteen stock (including the weekly receipt, recording and ordering of basic pro forma stock);
- In consultation with Committee coordinates rosters for staff and volunteers;
- In consultation with Committee coordinates and/or prices snack food menus.

Canteen Supervisor Grade 4 means a canteen worker who supervises volunteers and more than two other canteen employees and/or in addition to Grade 3;

- Manages canteen stock (including responsibility for stock take and budgeted ordering).