



Wageline Newsletter

September 2017 Edition

This edition of the Wageline Newsletter features information about the Perth Royal Show and the information employers need to know when employing temporary staff for this event.

Wageline Newsletter is an email service which provides updates on:

- increase to state minimum wage and WA award rates of pay
- other changes to key WA awards
- critical issues employers need to know to comply with state employment laws

You can subscribe to the Wageline Newsletter on the [Wageline Newsletter](#) page.

Wageline Newsletter provides information for employers in the state industrial relations system. It is relevant to businesses which operate as:

- sole traders (eg Jane Smith trading as Jane's Café)
- unincorporated partnership (eg Jane and Bob Smith trading as Jane's Café)
- unincorporated trust arrangements (Jane and Bob Smith as trustees for Jane's Café).

Wageline Newsletter is not relevant for businesses and organisations in the national industrial relations system which operates as:

- Pty Ltd businesses that are trading or financial corporations (eg Smith Pty Ltd trading as Jane's Café)
- incorporated associations and other not-for-profit bodies (that are trading or financial corporations)

If your business or organisation is a national system employer please visit the [Fair Work Ombudsman](#) website for information on employment obligations.

How can we help?

- Pay rates
- Leave entitlements
- Long service leave
- Employment arrangements
- Record keeping obligations

It's Show Time! – Employment obligations for the Perth Royal Show

The Perth Royal Show is fast approaching and each year the Show provides employment opportunities for many people in a wide range of jobs.

Business owners who want to employ children at the Perth Royal Show must abide by the provisions of the *Children and Community Services Act 2004* which regulates where, when, and at what age children can be employed. These laws apply to children in all workplaces in Western Australia, including temporary workplaces such as pop up retail outlets, mobile food vans, and amusement rides.

Read more about [When children can work in Western Australia](#)



Business owners must also ensure that they meet all employment obligations for employees working in show time jobs, including pay rates and working hours set by any applicable award. If the business is operated as a sole trader, unincorporated partnership or unincorporated trust, employers should visit the [Wageline website](#) or contact Wageline for information about [WA awards](#) and [minimum pay rates for award free employees](#).

State system employers are also required to keep time and wage records for all employees including short term temporary employees. If employers fail to keep records or keep inadequate or fraudulent records they can be fined up to \$5,000 by the Industrial Magistrates Court.

Read more about [Record keeping requirements](#)

If the business is Pty Ltd, incorporated partnership or incorporated trust employers should visit the [Fair Work Ombudsman website](#) for information on pay rates and employment obligations.

Critical Issues

Getting the right employment information

Getting the right employment information from the right people is critical to business success.

Wageline often gets calls in which small business owners say – “I had no idea I had to pay that” when Wageline tells them about their employment obligations.

Western Australia has two industrial relations systems and a business owner’s employment obligations will depend on which system covers their business. Employers must first know which system they are in to understand their employment obligations under the relevant awards and employment laws, but Wageline talks to many business owners every day who do not know this critical information.

The state system covers businesses that operate as sole traders, unincorporated partnerships, and unincorporated trust arrangements as well as any incorporated associations or not-for-profit bodies that are not trading or financial corporations. The national system covers businesses that operate as a Pty Ltd business and are trading or financial corporations and any incorporated association or not-for-profit bodies that are trading or financial corporations.

Read more about [Who is in the WA state system](#)

Business owners, and their business advisors, can check which system a business is in by calling Wageline. Wageline can do a check on the business name or ABN over the phone and in most cases will be able to determine which system covers a particular business. Wageline will then either advise on employment obligations if the business is in the state system, or refer on to the Fair Work Ombudsman if it is a national system employer.

Carer's leave entitlement for state system employees

Employees in the state industrial relations system have an entitlement to carer's leave from the Minimum Conditions of Employment Act 1993. A full time or part time employee is entitled to use paid sick leave to care for a member of their family or household who is injured or ill.

In the first year of employment, a full time or part time employee can use any paid sick leave that he or she has accrued to date for caring purposes.

In the second and subsequent years of employment, a full time employee can only use a maximum of 76 hours of their accrued sick leave entitlement for caring purposes, or a part time employee the relevant proportion of 76 hours based on their ordinary hours of work.

An employee is entitled to up to two days of unpaid carer's leave per occasion if an employee does not have sufficient paid leave accrued or has exceeded the maximum amount of carer's leave that can be taken in any 12 month period.

Casual employees can access up to two days unpaid carer's leave per occasion.

View [Wageline's Sick and Carer's Leave Calculation Guide](#) and [Record keeping templates](#)

A Snapshot of Wageline

Wageline continues to be a valuable service for employers and employees in Western Australia. In the last financial year Wageline handled 20,000 calls and 1,200 email inquiries from clients, majority of who were in the state industrial relations system. Though majority of Wageline callers are in the state system, Wageline does assist a large amount of callers in the national industrial relations system if they are working in Western Australia and have queries about long service leave obligations and entitlements or children under 15 years working in Western Australia.

Wageline has throughout the year added to its suite of online information, tools and resources by improving the leave calculation guides and record keeping templates, adding fact sheets on critical issues such as long service leave and creating more detailed WA award and award free summaries. All of these tools are designed to make employing someone easier in a complex industrial relations system.

An analysis was recently done on the calls and emails Wageline received over the last financial year to find out who contacts Wageline and why. From this analysis it was clear that Wageline has a large range of clients from a variety of different industries with the most common industries being construction, hospitality and retail. The queries Wageline callers had the most were about pay rates and long service leave, and the most asked about WA award was the Building Trades (Construction) Award. The two most downloaded publications from the Wageline website were the Award free employee information, with 48,953 downloads last financial year and the Restaurant, Tearoom and Catering Workers Award Summary with 11,869 downloads. Wageline's most visited web pages were the public holidays page and long service leave page.

Wageline is continuing to improve the amount and the quality of information provided to clients both over the phone and online and is looking forward to another successful year. Please contact Wageline or visit the [Wageline website](#) if you require assistance with your employment queries.

Wageline Campaigns

Successful campaign on employment of children in fast food industry extended



Earlier this year the Department conducted a proactive compliance campaign about the employment of children in the fast food industry.

Almost 1000 fast food employers across the Perth metropolitan area were provided with an information pack about the employment of children under the *Children and Community Services Act 2004*. Information was also sent to the offices of relevant franchise groups.

In August and September, the Department will be extending the proactive compliance campaign and providing information on employment of children laws to many more employers in the fast food industry.

Employers will be provided with the [Employer Information Pack Employment of children laws in WA – shop, restaurant, fast food or takeaway food business](#). This is also available on the Wageline website and contains:

- A fact sheet for employers on employment of children laws.
- A self-audit checklist to help employers operating a shop or restaurant, (including a fast food or takeaway business) to conduct a self-audit of compliance with the child employment laws.
- A template form for gaining written permission for employing children who are 13 or 14 years of age. The template form is provided in both Word and editable PDF format.

The minimum age for the employment of children in a shop, restaurant, fast food or takeaway food business is 13 years. Children aged 13 or 14 must have written permission from a parent and must not work during school hours, start work before 6.00am or finish after 10.00pm.

Read more about [When children can work in Western Australia](#)

Record keeping

In the last few months Wageline has been conducting a proactive campaign highlighting employers' obligations to keep employment records. The response to this campaign has been very positive with employers contacting Wageline for extra information and downloading our [record keeping templates](#) which assist small business meet their legal obligations.

Keeping employment records is a key business requirement that many small business employers get wrong. All state system employers are legally required to keep employment records that detail time worked, leave taken and pay received by employees.

Small business employers can be fined up to \$5,000 by the Industrial Magistrates Court for not keeping employment records or for keeping inadequate or fraudulent records.

Industrial inspectors have statutory powers to investigate complaints from employees and employers are obliged to provide records when required to do so. Employers can be fined for not providing employment records to the Department's Industrial Inspectors. In a recent case, a Perth doctor was ordered by the Industrial Magistrates court to pay a penalty of \$4,000 plus disbursements for obstructing an investigation by the Department into whether he correctly paid one of his workers.

Read more about [Record keeping requirements](#)

Website Updates

Revamped fact sheets

The new and improved Wageline fact sheets for long service leave and record keeping requirements are now available on the Wageline website. These fact sheets provide critical information that employers and employees need to know about long service leave in Western Australia and record keeping requirements in the state industrial relations system.

View [Long service leave fact sheet](#) and [Record keeping requirements fact sheet](#)

New employee or subcontract fact sheet

Wageline has also developed a new fact sheet on the topic of employee or subcontractor. This fact sheet highlights the differences between an employee and subcontractor and provides a checklist which is designed to assist in understanding the key aspects of each type of working arrangement.

View [Employee or subcontractor fact sheet](#)

New look leave calculation guides

Wageline has launched new versions of its popular leave calculation guides. The annual leave, sick leave and long service leave calculation guides explain and provide examples of how to calculate leave entitlements.

View [Wageline's leave calculation guides](#)



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