Working in Western Australia

Creating an employment environment that protects the interests of all workers
There are two different industrial relations systems operating in Western Australia, the State and the national systems. The information in this publication relates to the State system. The information may vary if an employee is covered by the national system. To find out which system applies to you, call Wageline on 1300 655 266.
Introduction

This publication has been produced by Wageline as a guide for workers in the State system of industrial relations. It explains some basic employment laws and entitlements. It is intended to help people when they enter the workforce, and tell them who to contact if they need assistance.

If you need an interpreter to help you understand your employment rights or obligations, you must first make a request for an interpreter. Contact Translating and Interpreting Service (TIS) on 131 450 for assistance.

For free and confidential information and advice on Western Australian State awards and agreements, including wage rates, conditions of employment, and advice on termination and dismissal, contact Wageline on 1300 655 266.
To be employed you need to be working in a legal employment relationship. This means that there needs to be an employment contract between an employer and an employee.

An employment contract

- An offer of employment
  - ✔ May be verbal or in writing
  - ✔ Requires acceptance of the contract
  - ✔ Contract is legal and binding
  - ✔ Check if you are in the national or State industrial relations system

Forms to complete

- ✔ Provide your full name, address and contact details
- ✔ Complete a tax declaration form with your tax file number
- ✔ Any agreed deductions from your pay

Employer must provide

- ✔ Correct pay and entitlements
- ✔ Workers’ compensation insurance
- ✔ Superannuation
- ✔ Employment records on request – pay, leave, tax deductions, superannuation contributions, deductions from pay
What you should ask when you have been offered a job

Questions

1. What is my rate of pay?
2. What will I be doing?
3. What time do I start?
4. What time do I finish?
5. How many hours of work per week?
6. Is the contract of employment in writing?
7. Is there an award covering my employment?

It is extremely important for employees to read any contract very carefully and, if necessary, get someone else to read through it as well before signing.
What system are you in?

If you are in the State industrial relations system, you are covered by the Minimum Conditions of Employment. This means there is a safety net of minimum rates of pay and leave and protection of rights at work.

It is important to know what system you are working in. Call Wageline if you are unsure.

It always pays to call

wageline 1300 655 266

If you are in the State industrial relations system, you are covered by the Minimum Conditions of Employment. This means there is a safety net of minimum rates of pay and leave and protection of rights at work.
Conditions of employment

Minimum conditions

All employees are protected by minimum conditions.
- ✔ minimum wage
- ✔ reasonable working hours
- ✔ leave of absence
- ✔ public holidays
- ✔ record keeping
- ✔ superannuation
- ✔ jury service
- ✔ termination and redundancy entitlements

However, if you are covered by an award that is better, then the award will apply.

State awards

If you are award free then the Minimum Conditions of Employment will apply.

If you are covered by an award you cannot be paid less than the award rates of pay.

To find out if you are covered by an award, call Wageline on 1300 655 266.
An employer is required to pay a minimum rate of pay to a worker, including to a junior or apprentice (including trainee). If you are award free, then you will be paid the minimum rates of pay under the Minimum Conditions of Employment. If you are covered by an award you must be paid the award rate of pay.

Rates of pay generally change on 1 July each year. To find out the current rate of pay call Wageline.

To calculate hourly rates, divide the minimum weekly rate of pay by 38.

This rate applies to all hours worked.
Minimum wages do not include overtime, shift or weekend penalties.
If an award applies, it may include overtime, shift or weekend penalties.

Not sure what you should be paid?
Call Wageline or visit our website and search our pay rates and award summaries.
Example of minimum rates

- Weekly wage is $708.10 per week for working 38 hours.
- This means an hourly rate of $18.63 ($708.10/38).
- If you worked 20 hours in a week you would get paid $372.68 ($18.63*20).
- If you are a casual employee, you will get an extra 20% loading.

Example of a waiter/waitress

- Weekly wage is $805.60 per week for working 38 hours.
- This means an hourly rate of $21.20 (805.60/38).
- If you worked 20 hours in a week you would get paid $424 ($21.20*20).
- If you are a casual employee, you will get an extra 25% loading.
- If you work Saturday, Sunday or evenings you may get penalty rates.
Payment of wages

You must be paid
In cash, cheque or by payment into an account nominated by you;
Or
In any other way that is allowed by an award, agreement or contract of employment

Problems with your pay?
If you think you are not getting paid correctly, you can take the following steps:
Find out what the correct pay is
Keep payslips and all documents
Keep your own records – hours worked, shifts, leave taken.
Call Wageline to make a claim for payment

Did you know?
You can make a claim for underpayment or non payment of wages up to six years from the date the underpayment occurred.

You cannot be forced to accept goods, services or accommodation instead of money as part of your pay, unless this is allowed by an award, agreement, contract of employment or written law.
Deductions

Deductions from pay

You can only have money deducted from your pay if:

- You have agreed to the deduction in writing;
- If it is allowed by an award, agreement or contract of employment; or
- If it is required by a law or court order.

Authorised deduction

Your workplace has a social club and you can join for $2.00 per week, with the money being deducted from your wages each fortnight. If you want to join the social club you can sign an authorisation allowing your employer to deduct $4.00 per fortnight from your wages. This money is paid to the social club.

Unauthorised deduction

You are working as a drinks waiter at restaurant. One night you trip and your tray of drinks falls to the floor, breaking glasses and spilling drinks. When you get your wages the following week, you are paid $50 less than usual. When you ask your employer why, you are told that the cost of the glasses and drinks has been deducted from your pay. Because you did not agree to this deduction in writing, your employer has made an unauthorised deduction from your pay.
Types of employment

**Full time employee**
- Works 38 hours a week (on average)
  
  —— Entitlements ——
  
  20 days of annual leave
  10 days of sick leave
  Paid public holidays
  Two days of leave when a family member dies
  Long service leave is accrued

**Part time employee**
- Works less than 38 hours a week
  
  —— Entitlements ——
  
  Pro-rata annual leave
  Pro-rata sick leave
  Paid public holidays if you would normally work this day
  Two days of leave when a family member dies
  Long service leave accrued at a reduced rate

Pro-rata

If you only work half the normal hours in a week, you would get half the normal accrued leave entitlement.

It always pays to call

**wageline**

1300 655 266
Casual employee

Works irregular hours

--- Entitlements ---

Casual loading
Two days of leave when a family member dies
Long service leave is accrued
There is no entitlement to annual leave or sick leave

Fixed-term contract

Employed for set periods

There is no requirement for the employer to continue to employ you beyond the term of the contract
You can be on a fixed-term contract working full time, part time or casual

Bereavement leave

What is

When a family member dies - check the leave entitlements on the following pages to see what this is.

Long service leave

What is

Additional leave payable after long periods of service - check the leave entitlements on the following pages to see what this is.
**Subcontractors**

**Subcontractor**
Has their own business, uses their own equipment and decides when and how they work.

Will have an Australian Business Number (ABN) and must pay their own:

✔ tax
✔ superannuation payments
✔ annual leave
✔ sick leave
✔ workers’ compensation

Whether a worker is an employee or a sub-contractor depends on the nature of the working arrangement, not the label given by the employer. If you are not sure if you are an employee or sub-contractor, call Wageline on 1300 655 266.
Leave entitlements

Annual leave

You are entitled to paid annual leave if you are employed:

✔ full time
✔ part time

The number of days of leave per year are different for full time and part time:

✔ full time employees receive 20 days of leave
✔ part time employees’ leave is calculated on the number of hours worked per week

Long service leave

You are entitled to 8 2/3 weeks of paid leave after 10 years of continuous employment with the same employer if you are:

✔ full time
✔ part time
✔ a casual

On termination, you are entitled to proportionate long service leave after 7 years of continuous employment.
You are entitled to two days of paid leave upon the death of:

✔ your spouse or de facto partner
✔ your child or step-child
✔ your parent or step-parent
✔ any other person who, immediately before that person’s death, lived with you as a member of your family

You may be required to provide evidence to your employer that the person who has died was from your household.

You can use up to 10 days of personal leave per year to care for an immediate family member or member of your household. This is known as carer’s leave. If requested by your employer, you must provide evidence of why you need to take carer’s leave.

Personal leave can be used if you are sick or if someone in your immediate family or household is sick and you need to care for them.

You are entitled to paid personal leave if you are employed:

✔ full time
✔ part time

Number of days of leave per year:

✔ full time employees receive 10 days of leave
✔ part time employees’ leave calculated on number of hours worked per week

If requested by your employer, you must provide a medical certificate for the personal leave taken.

Personal leave entitlement accumulates from year to year.
Working in Western Australia

Parental leave is available if:
✓ you have 12 months of continuous service and
✓ you have a child or adopt a child

You are entitled to:
✓ up to 12 months of unpaid leave for each parent and
✓ up to 3 weeks of unpaid leave for a spouse or partner, which may be extended to 8 weeks on request

You can ask to extend unpaid parental leave by up to 12 months. You can ask to return to work on a part time basis at the completion of the parental leave.

Unpaid parental leave

Paid parental leave

The national Paid Parental Leave scheme, which is funded by the Federal Government, began on 1 January 2011. Working parents may be eligible for 18 weeks of Parental Leave Pay at the National Minimum Wage. For further information contact the Family Assistance Office at www.humanservices.gov.au
Public holidays

WA public holidays are:
- New Year’s Day
- Australia Day
- Labour Day
- Good Friday
- Easter Monday
- Anzac Day
- Foundation Day
- Queen’s Birthday
- Christmas Day
- Boxing Day

Workplace is closed on public holiday

If you are a full time worker and you are not required to work on a public holiday because the workplace is closed, you will be paid your normal rate of pay for the public holiday.

If you are a part time worker you will only be paid if you would have normally worked on that day.

Public holidays pay rates

You may get penalty rates for working on a public holiday, depending on whether or not you are covered by an award or agreement.

To find out if you get penalty rates call Wageline.

Casual employees

A casual worker does not have to be paid for a public holiday if they do not work on that day.
Payslips

Most awards require employers to provide pay slips and this is generally within a day of the payment of wages.

Employee name;
Date of birth if employee is under 21 years;
Start date of employment;
Gross and net amounts paid under the contract of employment;
All deductions including tax and superannuation;
Total number of hours worked each week/fortnight; and
All leave taken.

If you are covered by an award or agreement, there are additional records that must be kept. Call Wageline to find out.

Records are to be kept by the employer for not less than 7 years.
Children working

School aged children generally cannot be employed during normal school hours. In some circumstances (such as an apprenticeship or traineeship) children can leave school for full time or part time employment.

If you are under 15 years of age, there are laws that state where you can work and the hours you are allowed to work.

These laws are to protect young people from dangerous jobs and to help balance school, homework, sport, family and a job.

It is also important that young people get home safely and at a reasonable time.

Industries where you can work

**Under 10 years of age**

*Where:* Only in a family business  
*Hours:* Not during school hours

**Between 10 and 13 years of age**

*Where:* In a family business, delivering newspapers and pamphlets  
*Hours:* Between 6 am and 7 pm (but not during school hours)

**Between 13 and 15 years of age**

*Where:* In a family business; delivering newspapers and pamphlets; working in a café, restaurant or take-away; working in a shop or supermarket; working as a trolley collector  
*Hours:* Between 6 am and 10 pm (but not during school hours)

Industries where you cannot work

- Building and construction
- Trades – plumbing, electrical, etc
- Child care centres
- Farms
- And many other businesses

Laws about children working are complex and if you are unsure call Wageline.
Tools to help you

Wageline website
Visit Wageline on www.commerce.wa.gov.au/LabourRelations to access tools and information about employment conditions.

Pay Rates
Find out pay rates and conditions for top 50 awards in WA

WA PayChecker
Check your pay against the correct award rates of pay. Top 10 State awards are covered.

Fact sheets
Check out detailed information for private sector employees.
All employees must have superannuation paid for them by their employer into a superannuation fund if they earn more than a prescribed amount each month.

Superannuation is a retirement fund that can be accessed when a person retires.

Upon leaving Australia to return to their home country, a person is eligible to have this money paid to them minus any tax.

All employees have the right to choose their superannuation fund.

Australian Taxation Office
13 10 20

Employers must deduct tax from the employee’s wages. The amount of tax deductible will depend on how much is earned.

At the end of June each year, all employees must receive a group certificate detailing how much their employer has paid in tax to the government for them.

Australian Taxation Office
Personal Tax 13 28 65
Business Tax 13 72 26
www.ato.gov.au
It is the employer’s responsibility to have workers’ compensation insurance.

All employees are covered by workers’ compensation if they are injured at work.

Workers’ compensation payments normally cover the employee’s wages until the employee is able to return to work, any medical costs that arise from the injury and the cost of rehabilitation to help the worker return to work.

**WorkCover**
1300 794 744
www.workcover.wa.gov.au

In Western Australia, it is unlawful for an employer to discriminate against an employee. This includes full time, part time and casual employees, apprentices and trainees, probationary employees, and individuals employed for a fixed period or to perform a task.

**Discriminatory grounds include:**
- Race, colour, sex, sexual preference, age, physical or mental disability, marital status, family or carer’s responsibilities, pregnancy, religion, political opinion, national extraction or social origin.

If you believe you have been discriminated against in the workplace you can contact:

**Equal Opportunity Commission**
on 9216 3900
www.equalopportunity.wa.gov.au

**Fair Work Infoline**
on 13 13 94
www.fairwork.gov.au
Safe workplace

All employees have the right to work in a safe and healthy workplace.

An employee must be provided with appropriate training and personal protection equipment as required to perform their job.

WorkSafe
1300 307 877
www.worksafe.wa.gov.au

Need help?

Contacting Wageline

1300 655 266

Call during business hours or leave a message and we will get back to you within 24 hours.

www.commerce.wa.gov.au/labourrelations
email: Wageline@commerce.wa.gov.au

Want more information?

If you need more information or do not understand your workplace entitlements call Wageline and our staff will help you.
Where else to get help

Apprenticeships and traineeships

Department of Education and Training
Apprenticentre 13 19 54
apprenticentre@det.wa.edu.au

Legal advice for disadvantaged employees

Employment Law Centre
1300 130 956
9.30 am to 12.30 pm Mon, Thurs & Fri
5.00 am to 7.00 pm Tues
www.elcwa.org.au

Migrant Services

Office of Multicultural Interests
6552 1500
www.omi.wa.gov.au

Federal awards and agreements

Fair Work Infoline
13 13 94
www.fairwork.gov.au

Need interpreting services?

If you need an interpreter to help you understand your employment rights or obligations, you must first make a request for an interpreter. Contact Translating and Interpreting Service (TIS) on 131 450 for assistance.
Department of Commerce

Labour Relations Division

Wageline 1300 655 266
8.30 am – 5.00 pm weekdays
except Wednesdays 9.00 am – 5.00 pm
(for the cost of a local call statewide)

Forrest Centre
221 St Georges Terrace
Perth Western Australia 6000

PO Box 1218, West Perth, Western Australia 6872
Telephone: (08) 9222 7700  Facsimile: (08) 9222 7777

National Relay Service: 13 36 77
Translating and Interpreting Service (TIS) 131 450

Email: labourrelations@commerce.wa.gov.au
Website: www.commerce.wa.gov.au

Goldfields  (08) 9026 3250
Great Southern  (08) 9842 8366
Kimberley  (08) 9191 8400
Mid-West  (08) 9920 9800
North-West  (08) 9185 0900
South-West  (08) 9722 2888

This publication is available on request in other formats to assist people with special needs.