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TELEPHONE WAGELINE

www.commerce.wa.gov.au/labourrelations  
www.wairc.wa.gov.au  
**1300 655 266**

**\*IMPORTANT INFORMATION\***

*In March 2006 the Federal Government introduced major changes to industrial relations in Australia, through the Workplace Relations Amendment (Work Choices) Act 2005. Many employers and employees who have previously been covered by State awards, agreements and/or the Western Australian minimum conditions legislation are now be covered by the federal industrial relations system.*

*Any employers who are uncertain whether their business is affected by the federal changes, should contact their employer association, Wageline on 1300 655 266 or the Fair Work Infoline on 13 13 94.*

*The Department of Commerce has prepared the following State award summary in an endeavour to provide advice and assistance regarding pay rates and certain major award provisions. It is provided as a general guide and is not designed to be comprehensive nor to render legal advice. For detail regarding the content of each Award clause, please obtain a full copy of the award. State awards are available at the WAIRC website at www.wairc.wa.gov.au. Information on State award coverage and specific clauses can be obtained by telephoning Wageline on 1300 655 266.*

*Every attempt has been made to ensure the contents of this summary are accurate. However, neither the Department of Commerce nor its officers accept liability for any claim which may arise from any person acting on, or refraining from acting on, this information.*

*This schedule has been approved by the Registrar of the WAIRC as a summary of the award for the purposes of registering an Employer Employee Agreement (EEA).*

**Award Name: Aged and Disabled Persons Hostels Award 38 hr week**

**Effective from:**

- (1) Effective on and from the commencement of the first pay period on or after 1 October 2009 (Order No. 1/2009) – State Wage Case Decision
- (2) Effective from the beginning of the first pay period to commence on or after 1 July 2009 (Order No. 24/2009) – Increase to Location Allowances

		All rates on this summary are gross (before tax)			
		19 YRS +	18 YRS	17 YRS	UNDER 17
		100%	80%	70%	60%
		% of adult			
<b>Qualified Cook</b>	<b>Weekly</b>	\$707.20	\$565.76	\$495.04	\$424.32
	<b>Hourly</b>	\$18.61	\$14.89	\$13.03	\$11.17
	<b>Casual</b>	\$22.33	\$17.87	\$15.63	\$13.40
<b>Cook Working Alone</b>	<b>Weekly</b>	\$645.30	\$516.24	\$451.71	\$387.18
	<b>Hourly</b>	\$16.98	\$13.59	\$11.89	\$10.19
	<b>Casual</b>	\$20.38	\$16.30	\$14.26	\$12.23
<b>Cook, Other</b>	<b>Weekly</b>	\$640.20	\$512.16	\$448.14	\$384.12
	<b>Hourly</b>	\$16.85	\$13.48	\$11.79	\$10.11
	<b>Casual</b>	\$20.22	\$16.17	\$14.15	\$12.13
<b>Supervisor</b>	<b>Weekly</b>	\$672.70	\$538.16	\$470.89	\$403.62
	<b>Hourly</b>	\$17.70	\$14.16	\$12.39	\$10.62
	<b>Casual</b>	\$21.24	\$16.99	\$14.87	\$12.75
<b>Assistant Supervisor</b>	<b>Weekly</b>	\$647.90	\$518.32	\$453.53	\$388.74
	<b>Hourly</b>	\$17.05	\$13.64	\$11.94	\$10.23
	<b>Casual</b>	\$20.46	\$16.37	\$14.32	\$12.28

	% of adult	19 YRS + 100%	18 YRS 80%	17 YRS 70%	UNDER 17 60%
<b>Domestic</b>	<b>Weekly</b>	\$622.60	\$498.08	\$435.82	\$373.56
	<b>Hourly</b>	\$16.38	\$13.11	\$11.47	\$9.83
	<b>Casual</b>	\$19.66	\$15.73	\$13.76	\$11.80
<b>Driver</b>	<b>Weekly</b>	\$647.20	\$517.76	\$453.04	\$388.32
	<b>Hourly</b>	\$17.03	\$13.63	\$11.92	\$10.22
	<b>Casual</b>	\$20.44	\$16.35	\$14.31	\$12.26

The classification "domestic" shall include the following: cleaner, domestic, gardener, handyperson, kitchen employee, laundry employee, pantry employee, machinist, storeperson and like classification.

The ordinary wages of any employee other than a supervisor or assistant supervisor placed in charge of three or more employees shall be increased by **\$21.20** per week.

APPRENTICES - YEAR TERM			% of	WEEKLY	HOURLY
<b>4 YEAR</b>	<b>3.5 YEAR</b>	<b>3 YEAR</b>	<b>Tradesperson</b>		
1st Year	0-6 months		42%	\$297.02	\$7.82
2nd Year	7-18 months	1st Year	55%	\$388.96	\$10.24
3rd Year	19-30 months	2nd Year	75%	\$530.40	\$13.96
4th Year	31-42 months	3rd Year	88%	\$622.34	\$16.38

#### ADULT APPRENTICES

Apprentices aged 21 and above receive the minimum adult wage of **\$497.60** per week or the prescribed apprenticeship rate, **WHICHEVER IS THE HIGHER**, for ordinary hours of work. This rate is payable on superannuation and during any period of paid leave prescribed by this award. Where in the Award an additional rate is expressed as a percentage, fraction, multiple of the ordinary rate of pay, it shall be calculated upon the rate prescribed in this Award for the actual year of apprenticeship.

## Aged and Disabled Persons' Hostels Award

**Classifications:** Under this award, employees can be engaged on a full time, part time, temporary, or casual basis.

**Full Time Employees:** Are employees who are engaged for an average of 38 hours per week, not exceeding 10 hours per day, to be worked over not more than five days of the week with two clear days off duty each week.

**Part Time Employees:** Are employees engaged on a weekly basis for less than 38 hours per week but not less than 3 hours per day. Part time employees shall receive payment for wages, annual leave, long service leave, sick leave and bereavement leave on a pro rata basis according to the number of hours worked each week. Where the number of hours worked each week varies payment for leave shall be calculated according to the average.

**Casual Employees:** Are employees engaged on an hourly contract of service. A casual employee shall not be engaged for less than 3 consecutive hours. A casual employee shall be engaged for a period of less than 1 month. Where employment continues beyond one month the employee shall be deemed to be a temporary employee from the end of that month. A casual employee shall be paid a loading of 20% in lieu of annual leave, public holidays, and sick leave.

**Temporary Employees:** Are employees engaged for a specific period or periods longer than one month but less than 12 months. A temporary employee shall accrue and be paid all the benefits as if the employee was permanently employed.

**Overtime:** All time worked in excess of the ordinary rostered hours of duty shall be paid for at the rate of time and a half for the first 2 hours and double time thereafter. All work performed by employees on any day on which they are rostered off duty, or in excess of 5 days in a week, shall be paid for at the rate of double time.

#### Weekend and Public Holiday Rates:

Ordinary Hours	Penalty
Midnight Friday to Midnight Saturday	Time and a half
Midnight Saturday to Midnight Sunday	Time and three quarters
Public Holidays	Time and a half

**On-Call Allowance:** An employee required to reside at the hostel and remain available to work if needed will be entitled to a payment of **\$7.05** for each hour spent on call. Call-outs after the first hour, or the first two call-outs (whichever first) are to be paid for a minimum of 30 minutes each time.

**Meal Money:** Where an employee is required to work overtime and such overtime is worked for a period of two hours or more in excess of the required daily hours of work, the employee shall be provided with a meal free of cost, or shall be paid **\$9.20** as meal money. This subclause shall not apply where the employee has been advised of the requirement to work overtime on the previous day or earlier.

**Annual Leave:** A period of 6 consecutive weeks' leave shall be allowed to an employee after each 12 months' continuous employment. This will be accrued at the rate of one half week for every month of continuous service. However, an employee in a non-client related position who is not required to work on public holidays shall receive 4 weeks annual leave after each 12 months continuous service. This accrues weekly at the rate of 2.923 hours per completed week of service for a full time employee, and on a proportionate basis for a part time employee. Full time and part time employees who leave their employment, or are terminated, may be entitled to be paid their unused annual leave. This includes annual leave accrued in an incomplete year of service.

**Minimum Adult Award Wage:** This clause sets out the provisions for the application of the Minimum Adult Award Wage.

**Sick Leave:** Full time and part time employees are entitled to paid sick leave if they are unable to attend or remain at work because of ill health or injury (other than illness or injury compensated under the *Workers Compensation and Injury Management Act 1981*) and if they have sufficient sick leave credits. Sick leave credits accrue on a weekly basis of 1.461 hours for every week of completed service. This accrues proportionately for part time employees based on the average number of hours worked each week. Unused portions of sick leave accumulate from year to year.

**Carer's leave:** The *Minimum Conditions of Employment Act 1993* permits an employee to take paid carer's leave in certain circumstances. Such leave is to be deducted from an employee's personal leave (commonly known as sick leave); it is not a separate leave entitlement. There is also an entitlement to unpaid carer's leave in certain circumstances.

**Contract of Service:** This award prescribes a minimum of two week's notice or pay in lieu (on either side) to terminate the employment of full time or part time employees. A week's notice or pay in lieu is required to terminate the employment of a temporary employee. Employees on probation (which should not exceed 3 months) shall be terminated with one day's written notice on either side. In the case of casual employees, one hour's notice is required. **For employers** the notice provisions of the award must be read in conjunction with those in the *Fair Work Act 2009*, as a greater period of notice may be required.

**Time and Wage Records:** Employers bound by this award shall maintain a record at each establishment, containing information relating to each employee. A Times and Wages publication is available on the Department of Commerce website explaining the way time and wage records are maintained and the rules relating to inspection of these records.

**Termination, Change and Redundancy:** This award is subject to the Termination, Change and Redundancy Order of the Western Australian Industrial Relations Commission. This General Order prescribes for many employees an entitlement to severance payments of up to 16 weeks of pay. This entitlement does not apply if the employer has fewer than 15 employees. Other mandatory requirements on termination or introduction of change in the workplace include:

- \* written notice of and discussions with employees about significant change in which job restructuring, changing of hours or location or operational changes in the business may occur;
- \* time off of up to one day's paid leave during each week of the notice period to search for other employment; and
- \* if requested by the employee, a statement specifying the period of employment and classification or type of work performed.

**Location Allowance:** In addition to the rates prescribed in the wages clause of this award, an employee shall be paid a weekly allowance when employed in the towns prescribed by this clause for regional Western Australia. See full copy of the award for details at [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au).

**Superannuation:** The federal Government's *Superannuation Guarantee Charge Act 1992* requires that all employers (including companies) shall make superannuation contributions, at least quarterly, to an approved fund for most employees with gross earnings of more than \$450 per month. The current rate of contribution is 9% of your earnings base. Further information is available from the Superannuation Helpline on 13 10 20.

*The following clauses may provide further entitlements depending on business operations and work arrangements.*

**Scope:** This Award shall apply to employees employed in the callings described in Clause 18. - Wages of this Award, by the employer respondents, in hostels providing residential accommodation, catering facilities, hostel and personal care services for aged or disabled persons, where such employer respondents receive financial assistance under the Aged or Disabled Persons Homes Act, 1954, for those purposes. Provided that it shall also apply to such employees employed by employers providing cleaning services in the hostels to which this award applies.

**Definitions:** Defines terms and work classifications used in the award.

**Bereavement Leave:** On the death of a wife, husband, de facto wife or de facto husband, father, father-in-law, mother, mother-in-law, brother, sister, child or stepchild an employee shall be entitled to paid leave for a period of up to 2 ordinary working days. The *Minimum Conditions of Employment Act 1993* extends bereavement leave to the death of a grandparent.

**Long Service Leave:** An employee's entitlement to long service leave under this award will be as prescribed by the *Long Service Leave Act 1958*. Under this Act, an employee is entitled to 8.667 weeks long service leave after 10 continuous years of service. An employee who has completed at least seven continuous years of service may be entitled to pro rata long service leave on termination.

**Payment of Wages:** Wages must be paid by cheque, direct transfer or cash at the employer's discretion following consultation with the employees and accompanied by a pay advice slip containing the details stipulated in this clause.

**Higher Duties:** An employee who is capable of performing and does perform all duties of a position which carries a higher rate of pay than that which he or she usually performs shall be entitled to the higher rate whilst so engaged.

**Uniforms and Laundering:** Where the employer requires a uniform to be worn, a supply of four uniforms shall be made available for use by each employee. In lieu of the provision of uniforms, the employer may pay an allowance of **\$3.45** per week. Each employee shall be entitled to all reasonable laundry work at the expense of the employer, but where the employer elects not to launder the uniforms, the employee shall be paid an allowance of **\$1.63** per week.

**Board and/or Lodging:** Where employees are provided with lodging by the employer, the deductions as prescribed in this clause, may be made by the employer.

**Roster:** In accordance with the provisions contained in this clause, a roster shall be posted in a convenient place where the employees concerned can readily see it.

**Posting of Award and Union Notices:** An employer must exhibit in the business premises a copy of this award, if supplied by the Union, and allow an accredited Union representative to post authorised union notices in a suitable place.

**Under-Rate Employees:** An employee for reason of old age or infirmity can be employed at a lesser rate of pay.

**Breakdowns:** An employer is entitled to deduct payment for any day upon which the employee cannot be usefully employed due to strike action, the breakdown of the employer's machinery or through any stoppage or cause which could not have been reasonably prevented by the employer.

**Maternity Leave:** An employee, who becomes pregnant, is entitled to up to 52 weeks unpaid leave, provided that she has had not less than 12 months' continuous service with that employer. **The provisions of this clause operate in conjunction with the *Minimum Conditions of Employment Act 1993*, which provides further entitlement to parental leave.**

**No Reduction:** An employer must not reduce the wages or conditions of any employee who at the date of this Award is being paid a higher rate of wage than the minimum prescribed for his/her class of work or who enjoyed conditions more beneficial than contained in this Award.

**Shift Work:** This clause sets out the provisions for employees performing shift and weekend work.

**Interviews:** Subject to the provisions of this clause an accredited representative of the Union can enter the business premises of the employer and interview an employee. **The provisions of this clause should be read in conjunction with the *Industrial Relations Act 1979*.**

**Fares and Motor Vehicle Allowances:** Specifies rates for use of employee's own vehicle on employer's business.

Area Details	Engine Displacement (in cubic centimetres)		
	Over 2600cc	Over 1600cc - & 2600cc	1600cc Under
Metropolitan Area	88.4 c/km	76.7 c/km	68.0 c/km
South West Land Division	90.9 c/km	78.9 c/km	70.1 c/km
North of 23.5 South Latitude	99.7 c/km	86.9 c/km	77.4 c/km
Rest of the State	93.8 c/km	81.5 c/km	72.3 c/km
<b>Motor Cycle (in all areas): 30.5 c/km</b>			

**Temporary Employees:** A temporary employee must accrue and be paid all the benefits prescribed by this Award for time worked as if the employee was permanently employed and is entitled to receive or give, as the case may be, one week's notice of termination of the contract of service. **The provisions of this clause should be read in conjunction with the Fair Work Act 2009.**

**Calculation of Penalties:** Where an employee works hours which would entitle that employee to payment of more than one of the penalties payable in accordance with Clause 8. - Overtime, Clause 11. - Public Holidays and Clause 25. - Shift Work and Weekend Work only the highest of any such penalty shall be payable.

**Dispute Settlement Procedures:** Sets out the procedure for the settlement of a dispute.

**Introduction to Change:** Where an employer has made a definite decision to introduce major changes that are likely to have significant effects on employees, the employer shall notify employees who may be affected, and their Union. **Note: This clause is to be read in conjunction with the Termination, Change and Redundancy General Order of the Western Australian Industrial Relations Commission.**

**Structural Efficiency Implementation Tasks:** The parties to this award are committed to co-operating positively to increase the efficiency, productivity and to enhance the career opportunities and job security of employees in the industry.

**Enterprise Flexibility Provisions:** This clause provides a mechanism to develop an enterprise specific agreement which, subject to the Commission's approval, may vary the terms of the award.

**Appendix – Resolution of Disputes Requirements**

**Schedule A – Party to the Award**

The Australian Liquor, Hospitality and Miscellaneous Workers Union, Western Australian Branch

**Contact Details**

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 Phone (08) 9388 5400  
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**Schedule B – Respondents**

**Appendix – S.49B – Inspection Of Records Requirements**

**For further information on any of the clauses in this award, please contact Wageline on 1300 655 266.**