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TELEPHONE WAGELINE **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:	Bakers' (Metropolitan) 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		
ADULT EMPLOYEES	All rates on this summary are gross (before tax)		
	WEEKLY	HOURLY	
		CASUAL 20% Loading	
Doughmaker	\$654.50	\$17.22	\$20.67
Single Hand Baker	\$654.50	\$17.22	\$20.67
Baker	\$648.30	\$17.06	\$20.47
Baker's Assistant	\$575.80	\$15.15	\$18.18
Jobbers		\$20.47	
FOREPERSON			
In addition to the <i>weekly</i> wage prescribed for a doughmaker, a foreperson shall be paid if placed in charge of:			
less than 4 other employees	\$13.95		
more than 4 but less than 10 employees	\$22.25		
more than 10 but less than 20 employees	\$34.15		
more than 20 employees	\$43.95		
DISABILITY ALLOWANCE			
In addition to the total wage prescribed, a disability allowance of \$5.85 per week shall be paid to doughmakers and single hand bakers.			

JUNIOR EMPLOYEES			% of	WEEKLY	HOURLY	CASUAL
Baker's Assistant			Appropriate			20% Loading
			Adult Rate			
Under 16 years of age			45%	\$259.11	\$6.82	\$8.18
Between 16 and 17 years			60%	\$345.48	\$9.09	\$10.91
Between 17 and 18 years			70%	\$403.06	\$10.61	\$12.73
Between 18 and 19 years			80%	\$460.64	\$12.12	\$14.55
Between 19 and 20 years			90%	\$518.22	\$13.64	\$16.36
APPRENTICES			% of	WEEKLY	HOURLY	
4 YEAR	3.5 YEAR	3 YEAR	Trades Rate			
1st Year	0-6 months		42%	\$272.29	\$7.17	
2nd Year	7-18 months	1st year	55%	\$356.57	\$9.38	
3rd Year	19-30 months	2nd year	75%	\$486.23	\$12.80	
4th Year	31-42 months	3rd year	88%	\$570.50	\$15.01	
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.						
EARLY START ALLOWANCE						
In addition to their ordinary rate, employees shall be paid the following allowances for all hours worked on that day						
Commencement of ordinary daily hours after 3.00am and before 6.00am						25%
Commencement of ordinary hours of work between the hours of 6.00pm and 3.00am						36%

Bakers' (Metropolitan) Award

Classifications: Under this award, employees are engaged as full time, part time or casual. An employee's engagement depends upon what basis he or she is employed, and the nature of the employment relationship.

Full Time Employees: The ordinary hours of work for a full time employee shall be an average of 38 hours per week. Employees shall work their ordinary hours of work between 6.00pm on Sunday and Midnight on Friday. Such hours shall be worked continuously except for meal breaks. A maximum of five hours may be worked prior to a meal break. Where an employee works more than five hours without a meal break, all time worked in excess of five hours shall be paid at overtime rates.

Part Time Employees: Part time employees are engaged on a weekly basis for less than 38 hours each week. The minimum engagement is three hours in any one period of duty. Part time employees are paid an hourly rate equal to 1/38 of the weekly wage and are entitled to paid annual leave, sick leave, compassionate leave and paid public holidays in proportion to the number of ordinary hours worked each week.

Casual Employees: A casual employee receives a loading of 20% on the ordinary hourly rate for a full time employee (with a minimum payment for three hours) in lieu of sick leave, annual leave and paid public holidays.

Overtime: All time worked outside of ordinary hours shall be paid at overtime at the rate of time and a half for the first two hours and double time thereafter. All time worked in excess of ten hours on any shift shall stand alone and be overtime and be paid for at the rate of double time.

Meal Breaks: A meal interval of not less than 20 minutes nor more than 40 minutes, shall be allowed to each employee after the completion of not less than two and a half hours work and not more than five hours work.

Sick Leave: Permanent 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 weekly basis of 1.46 hours for every week of completed service. This accrues proportionately for part time employees based on the average number of hours worked each week.

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. **For further information regarding carer's leave, please contact Wageline on 1300 655 266.**

Annual Leave: Full time and part time employees are entitled to 4 weeks paid annual leave (plus a loading of 17.5%) per 12 month period. Annual leave 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.

Parental Leave: Parental leave entitlements will be governed by the *Minimum Conditions of Employment Act 1993*.

Time & Wage Records: Employers shall maintain employment records for each employee. These records are to be kept at the establishment. For further information relating to time and wages records, and the inspection of these records, please contact **Wageline on 1300 655 266.**

Contract Of Service: In order to terminate the employment of an employee (other than a casual employee) the employer must give the employee the notice outlined in the table below. In the case of casual employees one hour's notice is required and if the required notice of termination is not given one hour's wages must be paid by the employer or forfeited by the employee.

Period of Continuous Service	Period of Notice
During the first month	1 day
More than one month but less than 1 year	1 week
1 year but less than 3 years	2 weeks
3 years but less than 5 years	3 weeks
5 years and over	4 weeks

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.

For employees the notice of termination required to be given must be the same as that required of an employer, save and except that there must be no additional notice based on the age of the employee concerned. If an employee fails to give the required notice or having given, or been given, such notice leaves before the notice expires, the employee forfeits the entitlement to any moneys owing to the employee under this award except to the extent that those moneys exceed the ordinary wages for the required period of notice.

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.

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 or at www.ato.gov.au/super. For information regarding choice of fund, please contact **Wageline on 1300 655 26**.

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

Area: This award shall have effect over the area comprised within a radius of forty five kilometres from the General Post Office, Perth.

Scope: This award shall apply to the making of bread (as defined in the Bread Act 1982) and to all employers and employees of the classifications mentioned in Clause 8. - Wages hereof engaged in the making of bread, including any employee employed by a bread manufacturer in the making of yeast goods if such employee is in the course of that employment engaged in the making of bread or Vienna bread but shall not apply to those employees employed pursuant to the terms of the Breadcarters (Metropolitan) Award No. 35 of 1963.

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

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

Holidays: The public holidays specified in the award must be allowed as holidays without loss of pay for permanent employees subject to the provisions contained in this clause.

Higher Duties: Employees called upon to perform duties for which a higher rate is prescribed than that which he or she usually performs, must be paid in accordance with the provisions of this clause.

Accommodation: Each employer is required to provide suitable accommodation for employees to change their working clothes and suitable washing facilities. Liberty is reserved to the respondent union of employees to apply at any time to amend this clause.

Aged and Infirm Workers: An employee for reason of old age or infirmity can be employed at a lesser rate of pay.

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. **For further information, or to obtain a copy of a publication regarding long service leave, please contact Wageline on 1300 655 266.**

Allowances: This clause outlines the provisions for the Early Start Allowance and Sunday Penalty Rates.

Payment of Wages – 38 Hour Week: Sets out the provisions for calculating wages based on an actual or average of 38 ordinary hours of work.

Posting of Award and Union Notices: An employer must provide a notice board upon which an accredited union representative shall be permitted to post formal union notices and, if supplied by the union, a copy of the award.

Compassionate Leave: On the death of a spouse, parent, sibling, child or stepchild an employee is 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 include the death of a de facto, grandchild, step-parent, grandparent, or any other person who at or immediately before the relevant time for assessing the employee's eligibility to take leave, lived with the employee as a member of the employee's household.

Settlement of Disputes Procedure: Sets out the provision for the settlement of a dispute.

Income Maintenance Allowance: This sets out the provisions for the income maintenance assessment to be undertaken for employees who were employed by an employer bound by this award at the time this award came into operation and whilst the employee continues in that employment.

Liberty to Apply: Liberty is reserved to the parties to amend this award during the period of its prescribed term in respect of: the definition of and rate of pay prescribed for the classification baker's assistant; the definition of the classification baker; and Clause 7. - Hours, subclauses (2) and (9).

Enterprise Hours of Work: Notwithstanding the provisions of Clause 7. - Hours, where an agreement is reached under Clause 28. - Enterprise Agreements to operate any method of working a 38 hour week, the hours of work agreed upon under that clause must contain the minimum conditions stipulated in this clause.

Enterprise Agreements: This clause sets out the procedure to enable the employer, the employees and the union to negotiate and formulate an agreement concerning the working arrangements at an employer's factory, workshop, department or section thereof.

Introduction of Change: An employer must notify and discuss with employees the likely "significant effects" that will potentially occur as a result of the introduction of major changes in production, programme, organisation, structure or technology. **Note: This clause is to be read in conjunction with the Termination, Change and Redundancy General Order of the Western Australian Industrial Relations Commission.**

Redundancy: This award contains a redundancy clause that outlines severance payments. However this award is subject to and must be read in conjunction with the Termination, Change and Redundancy General Order of the Western Australian Industrial Relations Commission. In some instances the TCR Order may offer a greater benefit, in these instances the employee will receive whichever is greater. 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.

Appendix – Resolution of Disputes Requirements

Schedule A – Party to the Award

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

Contact Details

www.lhmu.org.au

Telephone (08) 9388 5400

Toll Free 1800 199 890

Facsimile (08) 9382 3986

Email lhmuwa@lhmu.org.au

Schedule B – Appendix: Buttercup Bakeries Malaga

Schedule C – Appendix: Tip Top Bakeries Canning Vale

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.