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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 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: Building Trades (Construction) 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)					
BUILDING TRADESPERSON	Hourly Rate	Casual 20% Loading	BUILDERS' LABOURERS (See Classifications on page three)	Hourly Rate	Casual 20% Loading
Registered Plumber	\$20.59	\$24.71			
Plumber/Gasfitter	\$20.12	\$24.14	Group 1*	\$18.72	\$22.47
Special Class Tradesman			Group 2*	\$18.30	\$21.96
Bricklayer	\$19.87	\$23.85	Group 3*	\$17.98	\$21.58
Plasterer	\$19.96	\$23.95	Group 4*	\$17.21	\$20.65
Carpenter / Joiner	\$20.07	\$24.09			
Stonemason	\$20.07	\$24.09			
Marker/Setter Out	\$19.22 *	\$23.06			
Carpenter/Joiner	\$19.54	\$23.44			
Stonemason/Stoneworker	\$19.54	\$23.44			
Plasterer	\$19.42	\$23.30			
Wall & Floor Tiler	\$19.42	\$23.30			
Bricklayer	\$19.34	\$23.20			
Roof Tile Fixer	\$19.21	\$23.05			
Painter	\$19.02	\$22.83			
Glazier	\$19.02	\$22.83			
Signwriter	\$19.02	\$22.83			

LEADING HANDS - ADDITIONAL WEEKLY RATE	
In charge of 1 person	\$19.60
In charge of 2 - 5 people	\$32.90
In charge of 6 - 10 people	\$42.00
In charge of more than 10 people	\$56.00

\*\*\*The hourly rate may be calculated by multiplying the weekly base amount by 52 and dividing the result by 50.4 and dividing the amount by 38

**SPECIAL CLASS TRADESMAN DEFINITION**

A person who is engaged on work of restoration, renovation, preservation or reconstruction of historical or 'National Trust' type building.  
*See Clause 7 in the award for the full definition.*

\* No entitlement to tool allowance

The hourly rates shown above for a Tradesperson include industry, tool, special and plumbing trade allowances  
The hourly rates shown above for Labourers include industry allowance, special allowance

**IMPORTANT NOTE FOR REGIONAL WESTERN AUSTRALIA - Location & Underground Allowances**

The hourly rates of pay shown do not include location allowance and underground allowance. Where these rates are applicable, Clause 8 - Rates of Pay of the Award will need to be referred to in order to calculate the appropriate hourly rate of wage.

**TRAVEL ALLOWANCES** **\$15.65 per day**

All tradesmen (except plumbers) and labourers receive this travel allowance, except where the employer picks up the employee from his/her home and returns him/her to their home at the conclusion of work.

Plumbers and Plumbers' apprentices receive the daily allowances shown below.

- |  |                              |
|--|------------------------------|
| 1. Reporting & ceasing work at site using own transport        | <b>\$10.20 + 1/4 Hrs Pay</b> |
| 2. Reporting & ceasing work at site using employer's transport | <b>1/4 Hrs Pay</b>           |
| 3. Reporting & ceasing work at yard or depot                   | <b>Nil</b>                   |

<b>ROOF TILE FIXERS</b>	<b>Weekly Rate</b>	<b>IMPROVERS</b>	<b>Weekly Rate*</b>
<b>JUNIORS</b>			
Between 16 & 17 years	\$291.31	First 6 months	\$412.14
Between 17 & 18 years	\$386.06	Second 6 months	\$453.19
Between 18 & 19 years	\$525.71	Second year	\$525.71
Between 19 & 20 years	\$614.14	Third year	\$614.14
Over 20 years	\$694.70	Thereafter	\$694.70

A tool allowance of one-third of the amount payable to a tradesperson shall be paid to a junior roof tile fixer or improver in that trade of his first year of service and of two-thirds of that amount in his second year of service and of the same amount as is payable to a tradesperson in the remaining period of his service as a junior employee or improver.

\*Depending on the age of the Improver, rates of pay may fall below the *Minimum Conditions of Employment Act 1993*.

Where this is the case the *Minimum Conditions of Employment Act 1993* rates of pay will apply.

<b>APPRENTICES</b>						<b>Plumber and/or Gasfitter (for travel allowance see above)</b>			
<b>Bricklayers, Stoneworkers, Stonemasons, Carpenters Joiners, Painters, Signwriters, Glaziers, Plasterers, Roof Tile Fixers.</b>									
<b>4 Year Term</b>	<b>3.5 Year Term</b>	<b>3 Year Term</b>	<b>2 Year Term</b>	<b>Weekly Rate</b>	<b>Daily Travel Allowance</b>	<b>4 Year Term</b>	<b>3.5 Year Term</b>	<b>3 Year Term</b>	<b>Weekly Rate</b>
1st Year	0-6 mths			\$305.35	\$11.75	1st Year	0-6 mths		\$306.52
2nd Year	7-18 mths	1st Year	1st Year	\$392.62	\$13.30	2nd Year	7-18 mths	1st Year	\$394.16
3rd Year	19-30 mths	2nd Year	2nd Year	\$526.88	\$14.10	3rd Year	19-30 mths	2nd Year	\$528.98
4th Year	31-42 mths	3rd Year		\$614.14	\$14.85	4th Year	31-42 mths	3rd Year	\$616.61

\* Plumber and/or Gasfitter apprentices may NOT enter into a 2 year term apprenticeship.

The rates for apprentices shown above **do not** include tool allowance, which should be added to the weekly rate.

**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.

**TOOL ALLOWANCE**

*(Please note this allowance is already included in the tradesperson's hourly rate)*

Tool allowances for apprentices are at the appropriate Tradesperson's rate as follows:

	<b>PER WEEK</b>
Carpenters, Joiners, Plumbers, Gasfitters, Stonemasons, Stoneworkers	\$25.10
Plasterers, Wall and Floor Tilers	\$20.70
Bricklayers	\$17.70
Roof Tile Fixers	\$13.00
Signwriters, Painters, Glaziers	\$6.10

**Note:** Tool allowance is always payable to tradespersons and apprentices. Should an employer provide tools, the relevant allowance should be deducted each week until the value of the tools is met. Refer to the award for full details

**BUILDERS' LABOURERS CLASSIFICATION**

<b>GROUP 1</b>	Rigger, Drainer, Dogman
<b>GROUP 2</b>	Scaffolder, Powder Monkey, Hoist or Winch Driver, Concrete Finisher, Steel Fixer including Tack Welder and Operator Concrete Pump.
<b>GROUP 3</b>	Bricklayer's Labourer, Plasterer's Labourer, Assistant Powder Monkey, Assistant Rigger, Demolition Worker (after 3 months experience), Gear Hand, Cement Gun Operator, Concrete Cutting or Drilling Machine Operator, Pile Driver, Tackle Hand, Jackhammer Hand, Mixer Driver (Concrete), Steel Erector, Aluminium Alloy Structural Erector, Gantry Hand or Crane Hand, CraneChaser, Concrete Gang including Concrete Floater, Steel or Bar Bender to pattern or plan, Concrete Form Work Stripper and Concrete Pump Hose Hand, Trades Labourer, Brick Paver Labourer, Brick Cleaner/ Labourer.
<b>GROUP 4</b>	Builders' Labourers Employed on work other than specified in Groups 1 - 3 (inclusive).

## Building Trades Construction Award

**Classifications:** There are three categories of employees in this award: full time, casual and apprentices. An employee's category depends entirely upon what basis he or she is employed. It does not depend on the number of hours worked. There are restrictions on the employment of both casual employees and apprentices. It is the employer's responsibility to decide on what basis an employee is to be engaged. This is to ensure that an employee understands what the nature of his/her employment is before commencement of work and to ensure that the restrictions on the engagement of apprentices and casual employees are not breached.

**Full Time Workers:** Employees are engaged and paid for an average of 38 ordinary hours per week, with ordinary hours to be worked on 19 days of eight hours, between 7.00 am and 6.00 pm Monday to Friday (refer to meal breaks provision for circumstances whereby starting and finishing times can be varied). 0.4 hours per day accrue towards a paid rostered day off in each four-week cycle. All time worked in excess of or outside of ordinary hours, is overtime. Junior workers (other than Apprentices and Roof Tile Fixers) cannot be employed without the express consent of the union.

**Casual Workers:** A worker is deemed to be a casual employee if the period of employment is less than five days (exclusive of overtime). A casual worker 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. If a casual employee is not engaged for a fixed term, 8 hours notice or pay in lieu is required to terminate the employment.

**Apprentices:** May be engaged on the ratio of one apprentice for every two or fraction of two tradespersons employed in the Carpentry, Joinery and Plumbing trades. In relation to painting, signwriting, glazing, bricklaying and plastering trades, the ratio shall be one apprentice for every three or fraction of three tradespersons employed (in both cases the fraction shall not be less than one tradesperson).

**Overtime:** Please refer to the full copy of this award on how to calculate overtime rates.

**Meal Breaks:** The minimum time allowed for a meal is 30 minutes, to be taken between noon and 1.00 pm. By agreement between the majority of on-site employees, the union and the employer, the starting and finishing times and the time for a meal break may be varied. Where an employee is required for duty during any meal period the employee is paid at the rate of double time until the meal break is granted.

**Inclement Weather:** Where work can not be performed because of rain, extreme temperatures or abnormal climatic conditions, employees are entitled to payment during such periods for up to 32 hours in every four week period.

**Annual Leave:** Full time employees are entitled to a period of 28 consecutive days annual leave (excluding public holidays) after 12 months continuous service, with payment of ordinary wages plus 17.5% loading. This accrues proportionately for part time employees based on the average number of hours worked each week. **NOTE:** A worker accrues annual leave entitlements while on Workers Compensation (maximum 26 weeks), unpaid sick leave (maximum four weeks, jury service, bereavement leave or national service (maximum three months).

**Sick Leave:** Full time employees and apprentices 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 accrues at a rate of 1 day at the beginning of each calendar month for the first 10 months of employment, then 80 hours entitlement is given to the employee at the start of each subsequent year. This entitlement accrues from year to year but must be used within 10 years of becoming due. For full accrual entitlements refer to the award clause 23. A full copy of the award is available from [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au).

**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.

**Tool Allowance:** Amounts to be paid are listed on the Wage Schedule. These allowances are applicable to Tradespersons and Apprentices.

**Contract Of Service:** One day's notice or pay in lieu (on either side) is required to terminate the employment of all employees (2 days for job stewards). All entitlements must be paid at the time of termination. The employee shall be entitled to eight hours pay for each day he or she is kept waiting, up to a maximum of one week's wages. **NOTE:** The contract of service provision does not apply to the employment of apprentices. All applications for the transfer, termination, cancellation or suspension of an apprenticeship agreement should be referred to the Department of Education and Training.

**Termination, Change and Redundancy:** This award is subject to the Termination, Change and Redundancy Order of the Western Australian Industrial Relations Commission. 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.

**Redundancy:** Where an employer terminates an employee for reasons other than for misconduct or refusal of duty, the employee whose employment is terminated may be entitled to severance pay as follows:

Period of continuous service with the employer	Redundancy/Severance Pay
Less than 12 months	1.75 hours' pay per completed week of service.
1 year or more but less than 2 years	2.4 weeks' pay plus, for all service in excess of 1 year, 1.75 hours' pay per completed week of service up to a maximum of 4.8 weeks' pay.
2 years or more but less than 3 years	4.8 weeks' pay plus, for all service in excess of 2 years, 1.6 hours' pay per completed week of service up to a maximum of 7 weeks' pay.
3 years or more but less than 4 years	7 weeks' pay plus, for all service in excess of 3 years, 0.73 hour's pay per completed week of service up to a maximum of 8 weeks' pay.
4 years or more	8 weeks' pay.

**This clause is to 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.

- This award shall apply:** (1) to all employees usually employed on or employed as casual employees on construction work as defined in Clause 7. - Definitions of this award in any of the callings set out in Clause 8. - Rates of Pay of this award and who are employed in the building construction industry; and
- (2) to all apprentices usually employed on construction work as defined in Clause 7. - Definitions of this award and taken to any of the trades to which this award relates and who are employed in the building construction industry; and
- (3) without affecting the operation of subclauses (1) and (2) hereof, to all employees including apprentices usually employed on or employed as casual employees on construction work as defined in Clause 7. - Definitions of this award in any of the callings (except each and every builders' labourers classification) set out in Clause 8. - Rates of Pay of this award, who are employed in the construction industry (other than the building construction industry) and whose work if it had been performed on the 27th day of November 1989, was not covered by any other award of the Western Australian Industrial Relations Commission
- (4) to all employers employing those employees and/or apprentices; and
- (5) to all principal contractors and project managers referred to in Clause 30. - Amenities of this award for the purposes only of

**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.

**Special Rates and Provisions:** Special rates and allowances are applicable to specific working conditions, type of work being performed and the possession of certificates.

**Multi-Storey Allowance:** A multi-storey allowance must be paid to all employees on site engaged in the construction or renovation of a multi-storey building.

**Mixed Functions:** Where an employee performs duties for which a higher rate of pay is applicable the employee must be paid in accordance with the provisions of this clause.

**Rest Periods and Crib Time:** An employee who has worked continuously (exclusive of meal or crib times) for twenty hours must not be required to continue or recommence work for at least twelve hours.

**Weekend Work:** Specific rates of pay and conditions apply for overtime performed on weekends.

**Holidays and Holiday Work:** 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.

**Shift Work:** This award allows for shift work in which, depending on the type of shift, certain rates of pay and conditions apply.

**Meal Allowance:** An employee required to work overtime for at least one and a half hours after working ordinary hours must be paid a meal allowance.

**Living Away From Home – Distant Work:** Where an employee is required to work away and cannot return home each night the employer must provide or pay an allowance to the employee for suitable board and lodging.

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

**Maternity Leave:** An employee, who becomes pregnant, is entitled to up 52 weeks unpaid leave, provided that she has had not less than 12 months' continuous service with that employer. **This clause operates in conjunction with the *Minimum Conditions of Employment Act 1993*, providing additional parental leave entitlements.**

**Jury Service:** An employee required to attend for jury service must be entitled to have his/her pay made up by the employer to equal their ordinary pay as for eight hours, provided the employee attempts to gain the maximum amount allowable from the Crown Law Department.

**Protection of Employees:** The employer must comply with State laws, provide safety equipment and take appropriate safety measures for specific situations stipulated in this clause.

**Amenities:** This clause specifies the amenities the principal contractor or the Project Manager must provide to employees working on a construction site.

**Special Tools and Protective Clothing:** An employer and or tradesman (as specified) must provide the appropriate tools and protective clothing stipulated in this clause.

**Compensation For Clothes and Tools:** An employee whose clothes, spectacles, hearing aids or tools have been accidentally spoilt by deleterious substances, must be paid an amount to cover the loss.

**Presenting For Work But Not Required:** An employee who presents for work and is not required is entitled to at least eight hours' work or payment thereof at ordinary rates, plus the appropriate allowances.

**Job Stewards and Health and Safety Representatives:** An employee can be appointed as an accredited job steward by the Union or a Health and Safety Representative pursuant to Part IV of the *Occupational Health, Safety and Welfare Act 1984*.

**Posting of Award:** A copy of this award, with all variations thereof, must be posted and kept posted by the employer in a prominent place on the employer's premises accessible to the employees.

**Posting of Notices:** An employer must not prevent an official of the union authorised in writing, from posting on an employer's premises or job a copy of any official notice of the union.

**Right of Entry:** A representative of the Union can enter an employer's premises provided the employer is the employer, or former employer of a member of the Union. **The provisions of this clause will need to be read in conjunction with the *Industrial Relations Act 1979*.**

**Under-Rate Employees:** 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. After 6 January 1987 the entitlement is underpinned by the Construction Industry Portable Paid Long Service Leave Act 1985. **For further information regarding long service leave under this award, please contact the Construction Industry Long Service Leave Payments Board on 1800 198 136.**

**Stand Downs:** The employer is entitled to deduct payment for any day upon which the employee cannot be usefully employed because of strike action, the breakdown of employer's machinery or any work stoppage in which the employer cannot reasonably prevent.

**Prohibition of Junior Employees:** The employment of junior employees (except apprentices and roof tile fixers) is prohibited unless the consent of the union is in each case first obtained.

**Settlement of disputes:** Sets out the procedure for settling a dispute.

**Procedures to Resolve Demarcation Disputes:** Sets out the procedure for handling demarcation disputes and industrial disputation.

**Award Modernisation:** The parties are committed to modernising the terms of the Award to provide for more flexible working arrangements and the enhancement of skills and job satisfaction.

**Structural Efficiency Exercise:** Parties to the award are committed to co-operating positively to increase efficiency, productivity and international competitiveness.

**Appendix – Resolution of Disputes Requirements**

**Appendix A – Location Allowances**

**Appendix B – Wagerup Alumina Refinery Construction Site**

**Appendix C – Pinjarra and Kwinana Alumina Refineries**

**Appendix D – North West Shelf Gas Project**

**Appendix E – Exemption from Provisions for a 38 Hour Week**

**Appendix F – Asbestos Eradication**

**Appendix G – Laser Equipment**

**Appendix H – Casuarina Prison Project Stages One and Two**

**Schedule A – Parties to the Award**

Construction, Forestry, Mining & Energy Union - Western Australian Branch

**Contact Details**

www.cfmeuwa.com.au

Telephone (08) 9221 1055

Facsimile (08) 9221 1506

**Schedule B – Respondents**

Building Trades Association of Unions of Western Australia (Association of Workers)

**Contact Details:**

82 Royal Street

EAST PERTH WA 6004

The Plumbers and Gasfitters Employees' Union of Australia, West Australian Branch, Industrial Union of Workers

**Contact Details:**

Unit 24/257 Balcatta Road

BALCATT A WA 6021

**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.**