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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: Clerks (Hotels, Motels and Clubs) Award 76 hr fortnight

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)				
ADULT WORKERS		FORTNIGHTLY	HOURLY	CASUAL (20% Loading)
At 21 years of age		\$1,212.70	\$15.96	\$19.15
At 22 years of age		\$1,221.00	\$16.07	\$19.28
At 23 years of age		\$1,228.40	\$16.16	\$19.40
At 24 years of age		\$1,236.30	\$16.27	\$19.52
At 25 years of age and over		\$1,245.30	\$16.39	\$19.66
Senior Clerks		\$1,257.20	\$16.54	\$19.85
JUNIOR WORKERS	% of Adult at 21 years	FORTNIGHTLY	HOURLY	CASUAL (20% Loading)
Under 16 years of age	40%	\$485.08	\$6.38	\$7.66
Between 16 and 17 years	50%	\$606.35	\$7.98	\$9.57
Between 17 and 18 years	60%	\$727.62	\$9.57	\$11.49
Between 18 and 19 years	70%	\$848.89	\$11.17	\$13.40
Between 19 and 20 years	80%	\$970.16	\$12.77	\$15.32
Between 20 and 21 years	90%	\$1,091.43	\$14.36	\$17.23

Stenographers, Comptometer or Calculating or Ledger Machine Operators shall receive in addition to the above rates:

PER FORTNIGHT

At 17 years of age	\$1.50
At 18 years of age	\$2.30
At 19 year of age	\$5.00
At 20 years of age	\$6.80
Adult	\$11.30

This allowance is not to be paid to a worker who uses a calculator for the purpose of simple arithmetic calculations.

ADDITIONAL RATES FOR ORDINARY HOURS

In addition to these rates, an employee receives an extra **\$1.55** per hour for any ordinary hours worked prior to 7.00am or after 7.00pm Monday to Friday. All ordinary hours worked on a Saturday or a Sunday shall be paid for at the ordinary rate plus 50%.

Clerks (Hotels, Motels and Clubs) Award

Classifications: There are 3 categories of employees in this award: Full time, Part time and Casual. An Employee's category depends entirely upon what basis he or she is employed. It does not depend upon the number of hours worked. It is the employer's responsibility to decide on what basis an employee is to be engaged, to ensure that the employee is aware of the nature of his/her employment and to ensure that any restrictions to engagement are not breached.

Full Time Workers: Are employees employed on a fortnightly basis for 76 hours per fortnight and are paid either weekly or fortnightly. Ordinary hours may be worked on any 10 days in the fortnight and shall not be less than 4 nor more than 10 on any shift and must be worked within a spread of 12 consecutive hours. Any hours worked outside the rostered shift or ordinary hours or outside the spread of hours, or on more than 10 days of the fortnight are payable at overtime rates.

Part Time Workers: Are employees engaged on a minimum of 20 hours but less than 76 hours per fortnight. Part time employees are entitled to pro rata annual leave, sick leave and paid public holidays.

Casual Workers: Are employees engaged on an hourly basis with a minimum payment of 4 hours for each work period. A casual employee may be employed for periods not exceeding 4 weeks however the duration may be extended for up to 13 weeks in the event that the employee is engaged to cover for another employee who is absent on leave. A casual employee is not entitled to annual leave, sick leave and public holidays.

Additional Rates: All employees receive additional payments for ordinary hours worked between 7.00pm and 7.00am Mon-Fri and on weekends (see wage schedule for details).

Overtime: All hours worked outside the rostered shift or ordinary hours or outside the spread of hours or on more than 10 days in the fortnight shall be deemed to be overtime. All overtime worked on weekdays is paid for at the rate of time and half for the first two hours and double time thereafter. All overtime worked on a Saturday or Sunday shall be paid for at the rate of double time.

Meal Allowance: An employee who is required to continue working for 2 hours or more after that employee's rostered ordinary time for ceasing work on any day shall be supplied with a suitable meal or if that meal is not provided the employee shall be paid a meal allowance of **\$8.10**.

Meal Breaks: Each worker is entitled to a meal break of between 1/2 hour and an hour after not more than 5 hours work in cases where the work period does not exceed eight ordinary hours and six hours where the work period exceeds eight ordinary hours. Where an employer cannot grant the meal break on any day, the employee is paid an additional 50% of the applicable hourly rate during the period when the meal break should have been taken and for each hour thereafter until the employee is released for a meal.

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.

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 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.

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 one week's notice or pay in lieu (on either side) to terminate the employment of full time or part time employees. One hour's notice or pay in lieu on either side is required for casual employees.

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.

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.

Time and Wage Records: Each employer bound by this award shall maintain a record at each establishment, containing information relating to each worker. 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. For further advice please contact Wageline on 1300 655 266.

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.

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 further information regarding choice of fund provisions, contact Wageline on 1300 655 266.

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

Scope: This award shall apply to all workers employed as clerks in the industry of Hotel, Motel, Club and Service Flats but it shall not apply to any worker who substantially performs duties of a non clerical nature which are covered by an award to which the Federated Liquor and Allied Industries Employees Union of Australia Western Australian Branch, Union of Workers is a party. This award shall not apply to workers in the industrial catering industry.

Area: The award shall operate within the State of Western Australia excepting that portion of the State within the 20th and 26th parallels of latitude and the 125th and 129th meridian of longitude.

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

No Extra Claims: It is a term of this award (arising from the decision No. 704 of 1991) that the Union will not pursue prior to 30th November 1991 any extra claim, award or overaward, except where consistent with the State Wage Principles.

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

Mixed Functions: An employee engaged on a higher class of work carrying a higher minimum rate of pay for a period of not less than five working days continuously must be paid according to the provisions contained in this clause.

Board and Lodging: An employee must not be forced to board and/or lodge on the employer's premises but where mutual consent board and/or lodging is provided, the employer shall be entitled to deduct the amounts stipulated in the clause.

Roster: A roster of the ordinary work hours shall be exhibited in each establishment in a place that each employee concerned can conveniently and readily see it.

Certificate of Service: On the termination of service a worker shall, on request, be given a Certificate setting out the length of service and the duties performed.

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

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.**

Travelling Time: Outlines the employer's obligations with regard to requiring employees to work at a location other than their usual place of duty and/or distant work.

Uniforms: Where uniforms are required to be worn, they must be supplied by the employer.

Payment of Wages: An employee must be paid within three trading days from the last day of the pay period in cash, by cheque or by means of a credit transfer to a bank account.

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*.**

Union Notices: The employer must, if requested, provide a Notice Board where the union may place a copy of this award. Notices may be displayed by the union only with the employer's approval.

Certificate of Age: Employees under the age of 25 years may be required to supply, upon engagement, a certificate stating their name, date of birth, previous employers and class of work previously performed.

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

Compassionate Leave: On the death of a spouse, de facto spouse, father, mother, brother, sister, child, stepchild or guardian of dependent children 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 the death of a grandparent.***

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. **This clause operates in conjunction with the *Minimum Conditions of Employment Act 1993*, providing additional parental leave entitlements.**

Traineeships: This clause does not appear to apply to the "New Apprenticeship" scheme.

Award Modernisation (Enterprise Agreements): Sets out the procedure for allowing the parties to negotiate and provide for more flexible working arrangement and the enhancement of skills and job satisfaction.

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

Appendix – Resolution of Disputes Requirement

Schedule of Respondents

Schedule – Named Union Party

The Federated Clerks' Union of Australia, Industrial Union of Workers, W.A. Branch

Now known as the Australian Services Union

Contact details

www.asuwa.asn.au

Telephone (08) 9427 7777

Fax (08) 9427 7700

Email branch.secretary@asuwa.asn.au

Appendix – S.49B – Inspection of Records Requirement

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