



INTERNET
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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 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: Contract Cleaners 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.

ADULT EMPLOYEES

All rates on this summary are gross (before tax)

	WEEKLY	HOURLY	CASUAL (20% loading)
Cleaner	\$608.90	\$16.02	\$19.23
Window Cleaner	\$615.60	\$16.20	\$19.44

JUNIOR EMPLOYEES

Under 19 years	70%
Between 19 and 20 years	80%
Between 20 and 21 years	90%

LEADING HAND ALLOWANCE

In addition to the appropriate total weekly wage prescribed by the award a leading hand shall be paid if placed in charge of:

up to 10 cleaners	\$0.90	per hour
more than 10 cleaners	\$1.70	per hour

CLOSET CLEANING

All employees called upon to clean closets connected with septic tanks and sewerage shall receive an allowance as follows:

up to 7 closets per day **	\$0.34	per day
8 or more closets per day **	\$1.72	per day

Cleaners who for a minimum of 2 hours per day are engaged in cleaning closets, in lieu of the above allowances shall receive an allowance of **\$5.70** per day

** For the purposes of this allowance, one metre of urinal shall count as one closet and 3 urinal stalls shall count as one closet

Contract Cleaners Award

Classifications: There are three 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.

Full Time Workers: Full time employees are engaged and paid on a weekly basis for an average of 38 hours each week, with the hours actually worked being 40. Eight hours are to be worked each day on any five days of the week, with two hours each week accrued as an entitlement to a maximum of 12 accrued days off in each 12 month period. Where it is agreed between the employer, the majority of employees in the establishment and the union, one of the following alternative methods may operate:

1. By employees working shorter hours each day (eg. 7.6 hours per day).
2. By employees working shorter hours on one or more days each week (eg. four days be either hours; one day at six hours).
3. By rostering employees off on various days of the week during a particular work cycle, so that each employee has one day off during that cycle in conjunction with other days off duty (eg. 19 days by eight hours; one day off per month).

In the case of full time employees the ordinary hours of duty shall be worked between the hours of 6.00am to 6.00pm on any five days of the week.

Part Time Workers: Part time employees are engaged on a weekly basis for less than 38 hours each week. The minimum engagement is two hours in any one period of duty. Part time workers 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 Workers: Casual workers are engaged and paid by the hour and are allowed four week unpaid leave after every period of 12 month's continuous service. The minimum engagement for a casual employee is two hours in any one period of duty. A casual worker receives a loading of 20% on the ordinary hourly rate.

Overtime: All time worked in excess of the ordinary hours Monday to Saturday inclusive is to be paid at the rate of time and a half for the first two hours and double time thereafter. All time worked on Sundays is paid for at the rate of double time and work performed on a public holiday at the rate of double time and a half.

Note: An employee who is required to work overtime for 2 hours or more on any day without having been notified on the previous day must be supplied a substantial meal or be paid a \$10.70 meal allowance. If the amount of overtime worked requires a subsequent meal it shall be supplied to the employee or paid \$7.25 in lieu thereof.

Additional Rates: Employees required to work ordinary hours on a Saturday are paid an extra 50% of the ordinary hourly rate for each hour and on Sundays an extra 100% of the hourly rate. An employee shall be paid an extra 15% of the ordinary hourly rate for all time worked after 6.00pm and before 6.00am Monday to Friday.

Meal Breaks: No employee shall be required to work for more than five consecutive hours without a meal break which shall not exceed one hour.

Shift Work: A full-time employee may be employed on shift work. Where the ordinary hours of duty extend, conclude or commence between the hours of 6.00pm to 6.00am a loading of 15% for each shift worked shall be paid.

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 *Worker's 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: The contract of service for a full time or part time employee is terminable by one week's notice on either side given at any time or the payment by the employer or forfeiture by the employee (as the case may be) of one week's wages. A casual employee however, may be terminated by one hour's notice on either side or the payment by the employer or forfeiture by the employee (as the case may be) of one hour's pay.

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, telephone Wageline on 1300 655 266.

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

Area and Scope: This award shall apply throughout the State of Western Australia to employees specified in Clause 20. - Wages of this award, employed in the contract cleaning industry.

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.

Higher Duties: An employee who is required to do work which carries a higher rate of pay than that which he or she usually performs must be paid in accordance with the provisions of this clause.

Breakdowns: An employer is entitled to deduct payment for any day upon which the employee cannot be usefully employed due to industrial action or through any cause which could not have been reasonably prevented by the employer.

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

Special Rates and Provisions: Provides conditions of employment relating to dressing accommodation, meals, overalls, protective clothing and other items. For further information relating to this clause please see full copy of the award available from www.wairc.wa.gov.au.

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.**

No Reduction: An employer may not reduce the wage or conditions of employment of any employee who at the date of this award is being paid a higher rate of wage than the minimum prescribed for his or her class of work.

Broken Shift: Where an employee is required to carry out the ordinary hours of duty at the same location each day in more than one shift and where the break is not less than four hours an allowance of \$2.85 per day shall be paid.

Fares, Travelling Time and Transport: Where a worker is required during his usual working hours by his employer to work outside his/her usual place of employment, the employer shall pay the worker any reasonable travelling expenses incurred.

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	76.9 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
Motor Cycle (in all areas): 30.5 c/km			

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**.

Payment of Wages: All employees shall be paid weekly or fortnightly at the option of the employer and be provided with a pay advice slip containing the details outlined in this clause.

Posting of Awards and Notices: An employer must place in each workplace 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.

Compassionate 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 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.**

Effect of 38 Hour Week: Sets out the effect of a 38 Hour Week in relation to accrued days off on Termination, Workers' Compensation and Leave Without Pay.

Dispute Settlement Procedure: Sets out the procedure for settling a dispute.

Award Modernisation and Enterprise Consultation: The parties to this award are committed to cooperating positively to increase the efficiency and productivity and to enhance the career opportunities and job security of employees in the industry.

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

Schedule B – Respondents

Schedule C – Liberty Reserved

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.