



Minimum Conditions of Employment Summary

*Effective from the commencement of the first pay period on or after
1 October 2009.*

Important!				
Before applying these wage rates, please ensure that the employee is not covered by an award or agreement. Phone Wageline on 1300 655 266 for more information.				
Age		Full-time weekly rate (38 hours)	Hourly rate	Casual hourly rate
adult (21 years or more)		\$569.70	\$14.99	\$17.99
20 years	90 per cent	\$512.80	\$13.49	\$16.19
19 years	80 per cent	\$455.80	\$11.99	\$14.39
18 years	70 per cent	\$398.80	\$10.49	\$12.59
17 years	60 per cent	\$341.90	\$9.00	\$10.80
16 years	50 per cent	\$284.90	\$7.50	\$9.00
Under 16 years	40 per cent	\$227.90	\$6.00	\$7.20

The *Minimum Conditions of Employment Act 1993* applies to most employees working in the Western Australian labour relations system. The Act is implied into state awards, industrial agreements, employer-employee agreements and employment contracts. The Act also provides the minimum conditions of employment for award-free employees.

Any provision in an award, agreement or employment contract that is less favourable to the employee than a minimum condition of employment has no effect.

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Overview of the *Minimum Conditions of Employment Act 1993*

Reasonable hours of work

Employers cannot require or request that employees work more than the ordinary hours specified in the relevant award or agreement, plus reasonable additional hours.

Award-free employees cannot be required or requested to work more than 38 hours a week, plus reasonable additional hours of work.

The Act outlines a number of factors that must be considered to determine whether additional hours of work are reasonable.

Annual leave

Full-time and part-time employees are entitled to paid annual leave for the number of hours they are ordinarily required to work in a four week period, up to 152 hours per year. This leave accrues pro rata on a weekly basis.

Annual leave accumulates if not taken in the year in which it accrues.

Employees who are dismissed or lawfully resign are generally entitled to be paid out their untaken annual leave on termination. Employees dismissed for misconduct may not be entitled to annual leave.

Employers and award-free employees may agree in writing that up to 50 per cent of an annual leave entitlement will be foregone for an equivalent benefit.

Annual leave loading is not a minimum condition of employment.

Sick leave

Full-time and part-time employees are entitled to paid sick leave for the number of hours they are ordinarily required to work in a two week period, up to 76 hours in any year of service. This leave accrues pro rata on a weekly basis.

Sick leave accumulates if not taken in the year in which it accrues.

Sick leave does not need to be taken as a whole day.

Employers can request proof of illness on each occasion of sick leave that would satisfy a reasonable person.

Carer's leave

Full-time and part-time employees are entitled to use up to ten days of their sick leave entitlement each year as carer's leave.

This leave is reserved for when an employee is the primary carer for a member of their family or household who is ill or injured, or affected by an unexpected emergency and in need of care.

Unused carer's leave is not cumulative.

Employees with no paid carer's leave entitlement are entitled to up to two days unpaid leave for each occasion that a family or household member needs care.

Employers can request proof of the need to take carer's leave.

Bereavement leave

All employees are entitled to up to two days of paid bereavement leave on the death of a family or household member. This entitlement also extends to casual employees.

If requested, proof of the death, and evidence of the relationship between the deceased and the employee, must be provided to the employer.

Public holidays

Western Australia's recognised public holidays are New Year's Day, Australia Day, Labour Day, Good Friday, Easter Monday, Anzac Day, Foundation Day, Queen's Birthday, Christmas Day, and Boxing Day.

Full-time and part-time employees, who are not required to work on a day solely because it is a public holiday, are entitled to be paid as if they were required to work.

Employees who are required to work on a public holiday are not entitled to receive penalty rates, unless an agreement has been made.

Parental leave

An employee who has completed 12 months of continuous service with an employer is entitled to 52 weeks unpaid parental leave following the birth or adoption of a child.

Casual employees may also qualify for parental leave, subject to certain conditions being met.

Employees are entitled to request an extension of the parental leave period by up to a further 52 weeks.

Parents can share the leave, provided that they do not take more than one week at the same time (or up to eight weeks if approved). The overlapping week must be immediately after the birth or adoption of the child.

The Act also makes provisions for returning to work after parental leave.

Employment records

Employers must keep the following time and wages records for all award-free employees:

- the employee's name and, if they are under 21, their date of birth;
- the employee's commencement date;
- the gross and net amounts paid to the employee under the contract of employment, all deductions and the reason for them;
- all paid, partly paid and unpaid leave taken by the employee;
- the total number of hours worked in each week if the employee's salary is \$45,000 per annum or less; and
- details necessary to calculate the employee's entitlement to, and payment for, long service leave.

Employees are also allowed to access and make copies of their employment records.

Significant effect and redundancy

Employees must be notified as soon as reasonably practical after a decision has been made that will have a significant effect on their position, hours or location of work, skills and training requirements, ongoing employment prospects, or on the composition, operation or size of the workforce, job restructures, or redundancies.

Employees are entitled to be given the opportunity to discuss the likely effects of the decision and measures that could be taken to avoid or minimise the effect.

Note - further significant effect and redundancy provisions are made by the Termination, Change and Redundancy General Order of the Western Australian Industrial Relations Commission.

Excluded employees

Certain types of employees are excluded from the provisions of the Act. They are:

- persons with a disability support pension working in a supported employment service;
- persons paid wholly by commission or piece rates (per item);
- volunteers; and
- persons appointed under the National Trust of Australia (WA) Act 1964 as wardens.

Apprentices and Trainees

For information on apprentice and trainee rates of pay, please refer to the *Minimum Conditions of Employment Act – Apprenticeship and Traineeship Information* fact sheet.

This document is provided as a general guide only and must NOT be taken to be a definitive statement of what the Act prescribes. The Department of Commerce is not responsible for the result of any action taken, or not taken, as a result of information contained in this summary. Specific professional advice should be sought in each case, before acting on the information contained in this summary.