



Government of **Western Australia**
Department of **Commerce**

Labour Relations Newsletter

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Federal minimum wage remains unchanged in 2009

The Australian Fair Pay Commission has determined that the Federal Minimum Wage (FMW) will be unchanged in 2009.

In the [2009 General Wage-Setting Decision](#) the Commission decided to:

- maintain the FMW at \$14.31 per hour (or \$543.78 per week); and
- maintain the adult rates of pay in Australian Pay and Classification Scales at their current levels.

Commission Chairman Professor Ian Harper said:

“These are uncertain times for the economy and for the Australian labour market, and in the Commission’s view caution is warranted

at this time in the setting of minimum wages.”¹

This decision also applies to junior employees, employees to whom training arrangements apply, employees with a disability, casual employees and employees receiving basic piece rates of pay.

It should be noted that this decision only applies to businesses covered by the federal industrial relations system.

For further information contact Wageline on 1300 655 266.

¹ Australian Fair Pay Commission (2009) *Media Release – Wage Setting Decision designed to protect jobs*, 7 July, p. 1.

Vale Joan Eveline - advocate of gender equity

The Labour Relations Division is saddened by the recent death of Joan Eveline.

Associate Professor Eveline made a significant contribution to advancing the cause of gender equity in employment and other areas. Along with her UWA colleague Dr Trish Todd, Joan Eveline investigated the causes of the gender pay gap in Western Australia and provided a comprehensive report and recommendations to the WA Government. This resulted in the adoption of a strategy and tools to promote pay equity in WA workplaces.

Since 2006, Labour Relations has worked closely with public and private sector employers to help them close the gender pay gap.

The results achieved to date are a testament to the quality of Joan Eveline's research into this important issue.

Karratha pub fined for employing children

Legal proceedings commenced within the Industrial Magistrate's Court against Raydale Holdings Pty Ltd (trading as Tambrey Tavern and Function Centre) when Industrial Relations Inspectors found two employees under the legal working age employed by the business.

The two employees, both aged 14 at the time of the incident, were employed to collect cutlery, crockery and empty glasses from inside and outside the tavern. Aside from working a number of shifts one of the employees worked an evening shift beyond 10pm, finishing at 12.20am.

Generally children need to be at least 15 years of age to be employed in part-time, casual or holiday jobs. There are some

exceptions when younger children can be employed.

Under section 191 of the *Children and Community Services Act 2004* ('CCS Act') children aged between 13 and 15 years of age may be employed (provided they have written consent from parents and work is performed between the hours of 6.00am and 10.00pm and outside school hours):

- as part of a school program;
- in a family business where the business is carried out by a parent or relative of the child;
- in a not-for profit organisation or situation;
- in a dramatic or musical performance or other form of entertainment or in the making of an advertisement;
- to deliver newspapers, pamphlets or advertising material;
- in a shop, retail outlet or restaurant; or
- to collect shopping trolleys from a shop or retail outlet, including adjacent areas.

Since Raydale Holding Pty Ltd employed employees under the lawful age of employment it was in breach of the CCS Act and ordered to pay \$6000 by the Industrial Magistrate's Court – the CCS Act provides that a person or parent may be fined up to \$24,000 for breaching certain provisions of the Act or \$120,000 in the case of an incorporated employer.

Further information about the legal obligations associated with employing children can be obtained by contacting Wageline on 1300 655 266. The Department of Child Protection can also provide information or discuss concerns about a child in employment on (08) 9222 2555.

A copy of the [CCS Act](#) can be located on the State Law Publisher's website at www.slp.wa.gov.au

New labour market statistics web page

Labour Relations (LR) has reviewed the Labour Market Bulletin and is making changes to how our clients can access this useful publication.

Instead of a PDF version, the publication will be turned into a series of web pages, so that clients can find the most relevant information instantly, rather than scrolling through a PDF.

The information will be regularly update when new data becomes available to ensure that the most relevant and up to date information is available.

In the future additional information about WA's labour market will also be made available through the statistics page, including industry and regional labour market overviews.

The Labour Market Bulletin is now located on the new [Labour Market Statistics](#) page.

If you have any queries about the Labour Market Bulletin or the new format, please contact Amy Gardos, Labour Market Statistical Analyst, via email amy.gardos@commerce.wa.gov.au or phone (08) 9222 7629.

Small business gets on-the-spot labour relations advice

Education Officers from Labour Relations Department of Commerce ('LR') have been located at the Small Business Development Corporation ('SBDC') Business Information Licence Centre two days per week since April of this year.

The joint venture between LR and SBDC was initiated to provide free and confidential advice and information to new and existing WA small businesses.

In addition to the services provided by Education Officers a new free *Employer Pack* is available from the Business Information and Licence Centre and includes information on:

- recruiting and retaining staff;
- workers' compensation;
- templates for time and wage recordkeeping; and
- rules regarding dismissal.

You can go into SBDC and meet with an Education Officer from LR on Wednesday and Thursday from 10.00am to 3.00pm or make an appointment with an SBDC adviser by calling 131 BIZ (131 249).



Above: Education Officer Brett Reynolds from LR talking to an SBDC client.

Decking contractor fined for not paying labourer

The Perth's Industrial Magistrate's Court has fined Mr Benjamin den Boer trading as Decking Specialist \$500 for failing to pay an employee who worked for him as a labourer.

He was also fined \$1500 for failing to keep proper time and wage records for the labourer's employment.

The Industrial Magistrate's Court also ordered payment of \$2067.05 plus interest for the non-payment of wages to be paid to the employee.

Under the [Minimum Conditions of Employment Act 1993](#) ('MCE Act') an employee is entitled to be paid for each hour worked.

The MCE Act and the [Industrial Relations Act 1979](#) requires employers to keep time and wage records for each employee including their start and finish time, details of any breaks, leave taken and amounts paid – the details that must be recorded will depend on the industrial coverage of an employee.

You can obtain information about WA laws relating to time and wages records or wage rates by contacting Wageline on 1300 655 266.