



**Please note – This is a previous WA award summary and does not contain the current rates of pay**

WA Award Summary

# Children's Services (Private) Award

**1 July 2017**

## About this Award Summary

This WA Award Summary is a summary of the state Children's Services (Private) Award and does not include all obligations required by the award. It is important that you also refer to the full Children's Services (Private) Award that is available on the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au)

Provisions of other employment legislation also apply to employees and have been included in this WA Award Summary where appropriate. You may need to refer to the *Minimum Conditions of Employment Act 1993*, the *Long Service Leave Act 1958*, and the *Industrial Relations Act 1979* for full details.

This document is formatted for viewing on the Wageline website and contains web links to other relevant information. If you are using a printed copy in which links are not visible, all additional information can be found at [www.dmirs.wa.gov.au/wageline](http://www.dmirs.wa.gov.au/wageline) or by contacting Wageline on 1300 655 266.

## How can we help?

-  Pay rates
-  Leave entitlements
-  Long service leave
-  Employment arrangements
-  Record keeping obligations



## Three Step Check: to make sure this WA Award Summary is relevant to you

<p><b>Step 1</b> Is the business in the state system?</p>	<p>This WA Award Summary applies to businesses in the <b>state industrial relations system</b>. It covers businesses which operate as:</p> <ul style="list-style-type: none"> <li>✓ <b>sole traders</b> (eg Jane Smith trading as Jane’s Childcare)</li> <li>✓ <b>unincorporated partnerships</b> (eg Jane and Bob Smith trading as Jane’s Childcare)</li> <li>✓ <b>unincorporated trust arrangements</b> (eg Jane and Bob Smith as trustees for Jane’s Childcare)</li> </ul> <p>This summary does <b>not</b> apply to businesses in the national industrial relations system which operate as:</p> <ul style="list-style-type: none"> <li>✗ <b>Pty Ltd businesses</b> (eg Smith Pty Ltd trading as Jane’s Childcare)</li> <li>✗ <b>incorporated partnerships or incorporated trusts</b></li> <li>✗ <b>incorporated associations and other non-profit bodies</b> (that are trading or financial corporations)</li> </ul> <p>For more information visit the <a href="#">Guide to who is in the WA state system</a> page. If the business or organisation is in the national system visit the Fair Work Ombudsman website <a href="http://www.fairwork.gov.au">www.fairwork.gov.au</a></p>
<p><b>Step 2</b> Is the business covered by the Children’s Services (Private) Award?</p>	<p>The Children’s Services (Private) Award applies to businesses in the state industrial relations system which are private nurseries, private child care or private day care facilities which provide care for children and which do not receive recurrent funding from the State or Federal Governments.</p>
<p><b>Step 3</b> Is the employee’s job covered by the Children’s Services Private?</p>	<p>The Children’s Services (Private) Award sets pay rates, working hours and other employment arrangements for full time, part time and casual employees working as:</p> <ul style="list-style-type: none"> <li>✓ Child care workers</li> <li>✓ Cooks and kitchen hands</li> <li>✓ Directors and assistant directors</li> <li>✓ Pre-school teachers</li> <li>✓ Cleaners and gardeners</li> </ul>



Employers covered by this WA Award are legally required to keep employment records. Employers can be fined up to \$5,000 for not keeping employment records, for keeping inadequate or fraudulent records, or for not providing records to Industrial Inspectors when required to do so. Page 5 details record keeping requirements.

The Children’s Services (Private) Award is a legal document that outlines the minimum wages and conditions of employment that must be provided to employees who are covered by the award. Employers and employees cannot agree to lesser conditions.

Industrial Inspectors at the Department of Mines, Industry Regulation and Safety have statutory powers to investigate employee complaints about underpayment of wages or leave entitlements under this WA Award and state employment laws. The Department can prosecute employers in the Industrial Magistrates Court for not paying the rates of pay, including overtime, penalty rates and allowances required by this WA Award.



## Rates of pay

All rates of pay are gross rates (before tax). Current rates applied from the first pay period on or after **1 July 2017**.

**Adult wages – applicable from the first pay period on or after 1 July 2017 until end of last pay period commenced in June 2018 (new rates applied first pay period on or after 1 July 2018).**

Award Level	Level	Weekly	Hourly	Casual (includes 20% loading)
<b>Children's Services Employee Level 1 Grade One</b>				
Cleaner	1.1	\$750.30	\$19.74	\$23.69
Kitchen Hand	1.2	\$757.40	\$19.93	\$23.92
<b>Children's Services Employee Level 1 Grade Two (Cook/Gardener)</b>				
On commencement	1.3	\$761.80	\$20.05	\$24.06
After 1 year in the industry	1.4	\$770.60	\$20.28	\$24.33
<b>Children's Services Employee Level 2</b>				
On Commencement	2.1	\$750.30	\$19.74	\$23.69
After 1 year in the industry	2.2	\$760.20	\$20.01	\$24.01
After 2 years in the industry	2.3	\$770.20	\$20.27	\$24.32
After 3 years in the industry	2.4	\$780.30	\$20.53	\$24.64
<b>Children's Services Employee Level 2 E Worker</b>				
On commencement	2.5	\$797.40	\$20.98	\$25.18
After 1 year in the industry	2.6	\$805.90	\$21.21	\$25.45
<b>Children's Services Employee Level 3</b>				
On commencement	3.1	\$810.10	\$21.32	\$25.58
After 1 year in the industry	3.2	\$835.00	\$21.97	\$26.37
After 2 years in the industry	3.3	\$858.20	\$22.58	\$27.10
CSE Level 3 holding AQF Certificate IV	3.4	\$877.80	\$23.10	\$27.72
CSE Level 3 holding AQF Diploma in Children's Services or CSE Level 3 who is an E worker	3.5*	\$900.80	\$23.71	\$28.45
<b>Children's Services Employee Level 4</b>				
On commencement	4.1	\$943.20	\$24.82	\$29.79
After 1 year in the industry	4.2	\$956.00	\$25.16	\$30.19
After 2 years in the industry	4.3	\$968.60	\$25.49	\$30.59
<b>Children's Services Employee Level 5</b>				
On commencement	5.1	\$982.00	\$25.84	\$31.01
After 1 year in the industry	5.2	\$994.70	\$26.18	\$31.41
After 2 years in the industry	5.3	\$1,007.30	\$26.51	\$31.81
CSE Level 5 holding AQF 6	5.4	\$1,010.70	\$26.60	\$31.92
<b>Children's Services Employee Level 6 Grade 1</b>				
On commencement	6.1	\$1,122.80	\$29.55	\$35.46
After 1 year in the industry	6.2	\$1,135.60	\$29.88	\$35.86
After 2 years in the industry	6.3	\$1,148.20	\$30.22	\$36.26

Award Level	Level	Weekly	Hourly	Casual (includes 20% loading)
<b>Children's Services Employee Level 6 Grade 2</b>				
On commencement	6.4	\$1,187.00	\$31.24	\$37.48
After 1 year in the industry	6.5	\$1,197.10	\$31.50	\$37.80
After 2 years in the industry	6.6	\$1,209.90	\$31.84	\$38.21
<b>Children's Services Employee Level 6 Grade 3</b>				
On commencement	6.7	\$1,223.10	\$32.19	\$38.62
After 1 year in the industry	6.8	\$1,235.90	\$32.52	\$39.03
After 2 years in the industry	6.9	\$1,248.60	\$32.86	\$39.43
<b>Pre-school Teachers Level 7</b>				
	7.1	\$908.70	\$23.91	\$28.70
	7.2	\$943.20	\$24.82	\$29.79
	7.3	\$977.60	\$25.73	\$30.87
	7.4	\$1,005.00	\$26.45	\$31.74
	7.5	\$1,030.60	\$27.12	\$32.55
	7.6	\$1,064.90	\$28.02	\$33.63
	7.7	\$1,102.80	\$29.02	\$34.83
	7.8	\$1,133.70	\$29.83	\$35.80
	7.9	\$1,161.40	\$30.56	\$36.68
	7.10	\$1,195.90	\$31.47	\$37.77
	7.11	\$1,230.30	\$32.38	\$38.85

\* Note: Pay Level 3.5 is fixed at the mid-point between the Level 3.3 and Level 4.1 rates.

- An Assistant Director who holds an Advanced Diploma (AQF 6) must be paid no less than Level 5.4
- A Director or Assistant Director who holds a Graduate Certificate in Child Care Management or equivalent will be paid an all-purpose allowance of \$49 per week (calculated at 5% of the weekly rate for Assistant Director (Pay Level 5.3))
- Visit the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au) to view classification descriptions in Clause 24 of the Children's Services (Private) Award for details on job duties for each classification.

**Junior child care workers – applicable from the first pay period on or after 1 July 2017 until end of last pay period commenced in June 2018 (new rates applied first pay period on or after 1 July 2018).**

Junior employees can only be paid junior rates if they are employed as a Children Services Employee (Level 2).

Junior child care workers	Level	Weekly	19 years (85%)	18 years (75%)	17 years (60%)	Hourly 15 or 16 years (50%)
Age		20 years (95%)				
On commencement	2.1	\$712.80	\$637.80	\$562.70	\$450.20	\$9.87
After 1 year in the industry	2.2	\$722.20	\$646.20	\$570.20	\$456.10	\$10.00
After 2 years in the industry	2.3	\$731.70	\$654.70	\$577.70		
After 3 years in the industry	2.4	\$741.30	\$663.30	\$585.20		

- Under the *Children and Community Services Act 2004*, it is illegal to employ children under the age of 15 in this industry, except if the child is working as part of a school program or in a family business.



## Trainees

For pay rates for registered trainees working in the childcare industry, please contact Wageline on 1300 655 266.



To receive email updates when WA award pay rates change, subscribe to the Wageline Newsletter at [www.dmirs.wa.gov.au/wageline](http://www.dmirs.wa.gov.au/wageline)



## Employment of children

- Under the *Children and Community Services Act 2004*, it is illegal to employ children under the age of 15 in this industry, except if the child is working as part of a school program or in a family business.
- School aged children must not be employed during school hours, unless participating in a school program.
- Visit the [When children can work in Western Australia](#) page for more information.



## Employment records

- Employers are legally required to keep employment records which demonstrate that employees have been paid all entitlements under the Children's Services (Private) Award and relevant legislation.
- Employers must keep all employment records for at least seven years after they are made for both current and past employees. Records relating to long service leave must be kept for seven years from the date employment ends.
- Employers can be fined up to \$5,000 by the Industrial Magistrates Court for not keeping employment records or for keeping inadequate or fraudulent records. A common requirement that employers fail to observe is a lack of detail in keeping employment records.
- Employers must keep records that detail:
  - Employee's name
  - Date of birth if under 21 years of age
  - Date employee commenced with the employer
  - Total number of hours worked each week
  - The gross and net amounts paid to the employee
  - All information required to calculate long service leave entitlements and payment
  - All pay deductions and reasons for them
  - Name of WA award that applies
  - Daily start and finish time and meal breaks taken
  - Employment status (full time, part time, casual)
  - Employee's classification under the award
  - All leave taken, whether paid, partly paid or unpaid
  - Any other information necessary to prove that the wages received by an employee comply with the requirements of the Children's Services (Private) Award, such as overtime hours worked and allowances paid. Contact [Wageline](#) or view the full Children's Services (Private) Award on the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au) for details.
- Employment records can be written or electronic as long as they are in a form that can be printed. Time and wage books can be used to keep employment records, however, it is the employer's responsibility to ensure the time and wage book includes all of the required information.
- The records must be in English.
- Wageline's [record keeping templates](#) help small business employers meet their legal obligations for time and wages record keeping and keep accurate employee leave records.



## Payslips

- An employer must provide a payslip to an employee each time they are paid which includes the gross salary, the net wages payable and show details of all deductions made.
- Visit the [Record keeping requirements page](#) for Wageline’s payslip and record keeping templates.



## Allowances

Allowance	When allowance is paid	Rate
Meal Allowance	If the employee is required to work two hours or more after the usual finishing time, without being notified on the previous day or earlier, they must be provided with a meal or paid an allowance.	Meal allowance of <b>\$9.85</b> per occasion
Location Allowance	If working in certain regional towns in Western Australia (paid on a proportionate basis to casual/part time employees and apprentices).	Visit the <a href="#">Location Allowance</a> page for the amount payable for each town or Clause 12 of the Award.



## Meal breaks

- Employees must receive an unpaid meal break of between 30 minutes and one hour after no more than five hours of work. All employees must also receive a 10 minute paid tea break between the second and third hour of work provided that employees responsible for supervising children continue supervision during the tea break.
- If an employee is required to work for more than five hours without a meal break, all time worked in excess of five hours must be paid at overtime rates.



## Public holidays

- A full time employee is entitled to public holidays (or days substituted for public holidays) without deduction of pay. A part time employee is entitled to a public holiday (or day substituted for a public holiday) without deduction of pay if they would ordinarily be required to work on that day if it was not a public holiday.
- Under this award if a public holiday falls on a Saturday or Sunday (except ANZAC Day), the following Monday will be considered to be the public holiday. However, if Boxing Day falls on a Sunday or Monday, the following Tuesday will be considered to be the public holiday. When a public holiday is substituted with another day, the public holiday itself is no longer considered a public holiday for the purposes of the award.
- Hours worked on a public holiday or substituted holiday must be paid at the rate of double time and a half or if the employee agrees paid at time and a half and the employee is allowed to observe the holiday on a mutually agreed day.
- Visit the [Public Holidays in Western Australia](#) page to view the public holiday dates.



## Deductions from pay

An employer may deduct from an employee’s pay an amount:

- the employer is authorised, in writing, by the employee to deduct and pay on behalf of the employee
- the employer is authorised to deduct and pay on behalf of the employee under the relevant WA award
- the employer is authorised or required to deduct by law or a court order.



## Hours and overtime

### Ordinary hours

- The ordinary hours of work are an average of 38 per week to be worked on one of the following bases:
  - 38 hours within a work cycle not exceeding seven consecutive days
  - 76 hours within a work cycle not exceeding 14 consecutive days
  - 114 hours within a work cycle not exceeding 21 consecutive days
  - 152 hours within a work cycle not exceeding 28 consecutive days
- The ordinary hours of work are to be worked Monday to Friday between the hours of 7.00am and 6.00pm.
- Hours must be worked continuously except for meal breaks. A maximum of five hours may be worked prior to a meal break. Where an employee works more than five hours without a meal break, all time worked in excess of five hours must be paid at overtime rates.
- The method of implementing a 38 hour week must comply with Clause 8 of the Children's Services (Private) Award. Visit the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au) to view the award.
- Casual and part time employees must be paid for at least three hours per day.
- A part time employee who is employed to regularly work less than 20 hours per week may with the consent of the employer, elect to be paid as a 'casual'.

### Overtime

- All work on Monday to Friday beyond the ordinary hours or outside the spread of hours (Monday to Friday between the hours of 7.00am and 6.00pm) must be paid for at the rate of time and one half for the first two hours and double time after that.
- Work on a Saturday or Sunday must be paid at the rate of double time.



## Leave entitlements

### Quick reference guide

Leave entitlement	Full time	Part time	Casual
Annual leave	✓	✓	✗
Sick and carer's leave	✓	✓	✗
Unpaid carer's leave	✓	✓	✓
Bereavement leave	✓	✓	✓
Unpaid parental leave	✓	✓	✓
Long service leave	✓	✓	✓

This WA Award summary covers the basic leave entitlements for employees covered by the Children's Services (Private) Award but does **not** include all details on leave obligations and entitlements. Visit the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au) for full details of conditions contained in the Children's Services (Private) Award, the *Minimum Conditions of Employment Act 1993* and the *Long Service Leave Act 1958*.



### Parental leave

- Employees, including eligible casual employees, are entitled to the unpaid parental leave entitlements in the National Employment Standards of the *Fair Work Act 2009*, as well as a number of more beneficial conditions contained in the *Minimum Conditions of Employment Act 1993* (a return to work after parental leave on a modified basis and a reversion to pre-parental leave working conditions). Visit the [Parental leave page](#) for more details.



## Annual leave

- Full time employees are entitled to a minimum of four weeks of paid annual leave for each year of completed service, up to 152 hours. Part time employees are entitled to a minimum of four weeks of paid annual leave per year paid on a pro rata basis according to the number of hours they are required ordinarily to work in a four week period. Casual employees are not entitled to annual leave.
- Annual leave is a minimum entitlement in the *Minimum Conditions of Employment Act 1993* and the Children's Services (Private) Award sets out additional requirements regarding annual leave and annual leave loading.
- During a period of annual leave an employee must be paid annual leave loading of 17.5%. Annual leave loading is not paid on pro rata leave paid out on termination unless the employment is terminated after 12 months and the employee has not been allowed to take leave.
- Annual leave accrues on a weekly basis:
  - A full time employee accrues 2.923 hours of annual leave for each completed week of work.
  - A part time employee accrues the relevant proportion of 2.923 hours annual leave for each completed week of work.
  - Visit Wageline's [Annual Leave Calculation Guide](#) to work out annual leave entitlements.
  - Wageline's [record keeping templates](#) include an annual leave record template.



## Sick and carer's leave

- Sick and carer's leave entitles a full time or part time employee to paid time off work due to either illness or injury to themselves (sick leave), or because they have to care for an ill or injured family or household member (carer's leave).
- Full time and part time employees are entitled to paid sick and carer's leave equal to the number of hours they would ordinarily work in a two week period, up to 76 hours per year. Sick and carer's leave is a cumulative entitlement, and any leave not taken in one year can be carried over to the next year.
- Sick and carer's leave accrues on a weekly basis for full and part time employees.
- In the first year of employment, a full time or part time employee can use any paid sick and carer's leave that they have accrued to date for caring purposes.
- In the second and subsequent years of employment, a full time employee can only use a maximum of 76 hours of their accrued sick leave entitlement for caring purposes, or a part time employee the relevant proportion of 76 hours based on their ordinary hours of work.
- An employee is entitled to up to two days of unpaid carer's leave per occasion if an employee does not have sufficient paid leave accrued or has exceeded the maximum amount of carer's leave that can be taken in any 12 month period.
- Casual employees are not entitled to paid sick leave or paid carer's leave. Casual employees can access up to two day's unpaid carer's leave per occasion.
- Sick and carer's leave is a minimum entitlement from the *Minimum Conditions of Employment Act 1993*.
- Wageline's [Sick Leave Calculation Guide](#) can assist with calculating sick and carer's leave entitlements.
- Wageline's [record keeping templates](#) include a sick and carer's leave record template.



## Bereavement leave

- All employees, including casual employees, are entitled to two days paid bereavement leave on the death of a spouse, de facto partner, parent, step-parent, grandparent, child, step-child, grandchild, sibling or any other member of the employee's household. The two days need not be consecutive.
- Bereavement leave is a minimum entitlement from the *Minimum Conditions of Employment Act 1993*. The Children's Services (Private) Award also contains provisions regarding bereavement leave which may be more beneficial in certain circumstances. Visit the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au) to view the award.





## Long service leave

- Full time, part time and casual employees are entitled to long service leave (LSL).
- Long service leave is an entitlement from the *Long Service Leave Act 1958*.
- The length of continuous employment for an employee's long service leave entitlement is based on the total time with the business, rather than any one employer. An employer who buys a business or part of a business will take on the long service leave obligations for existing employees if there has been a transmission of business. This applies regardless of anything written in the sale contract.

Amount of continuous employment with same business	Amount of leave
After <b>10 years</b> of continuous employment	8 <sup>2/3</sup> weeks
For every <b>5 years</b> of continuous employment after this initial 10 years	4 <sup>1/3</sup> weeks
When an employee is terminated (except for misconduct) or resigns after they have completed <b>between 7 and 10 years</b> continuous employment	The employee is entitled to be paid out for LSL on a proportionate basis. LSL payment is worked out on a pro-rata basis for the entire period of employment, including years, months and days
When an employee is terminated or resigns after they have worked continuously for <b>10 or more years</b>	The employee is entitled to be paid out for LSL. LSL payment is worked out on completed years of service only

- An employee who has completed a full qualifying period of service (e.g. 10 years) is entitled to be paid out their full long service leave entitlement (e.g. 8<sup>2/3</sup> weeks) on termination, regardless of the circumstances of the termination.
- Where an employee has a period of service that is less than the full qualifying period and they were terminated by their employer for serious misconduct, they are not entitled to **pro rata** LSL.
- Visit the [Long Service Leave](#) page for more details and a calculation guide.
- Wageline's [record keeping templates](#) include a long service leave record template.



## Resignation, termination and redundancy

### Resignation by the employee

- Full time and part time employees are required to provide:
  - one week's notice if they are employed as a Childcare Support Employee (Grade 1 or 2 ) or Childcare Giver and have been employed for less than one year.
  - two weeks' notice in all other circumstances.

### Termination

- Except in cases of serious misconduct, an employer is required to give full time and part time employees the following period of notice of termination (or payment in lieu):

Period of continuous service	Notice period
Not more than 1 year	<b>1 week – Child Care Support Employee (Grade 1 or 2) or Child Care Giver</b> <b>2 weeks – all other employees</b>
More than 1 year but not more than 3 years*	<b>2 weeks</b>
More than 3 years but not more than 5 years*	<b>3 weeks</b>
More than 5 years*	<b>4 weeks</b>

- \*Employees over 45 years of age with two or more years of continuous service must receive an additional week's notice.

## Redundancy

- An employee is redundant when their employer has made a definite decision that they no longer wish the job the employee has been doing to be done by anyone.
- An employer has a number of obligations in redundancy situations and may be required to pay severance pay. Visit the [Redundancy](#) page for redundancy obligations.
- The Children's Services (Private) Award also contains specific award provisions relating to redundancy – please contact Wageline on 1300 655 266 for information.

## Dismissal requirements

- Under State laws, employees cannot be dismissed if to do so would be harsh, unfair or oppressive. There must be a valid and fair reason for dismissal, such as:
  - consistent unsatisfactory work performance (which has been raised with the employee and the employee given further training and an opportunity to improve their work performance)
  - inappropriate behaviour or actions or
  - serious misconduct.
- The [Dismissal information](#) page outlines obligations and requirements when an employee is terminated.

## Disclaimer

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The Department of Mines, Industry Regulation and Safety has prepared this WA award summary to provide information on pay rates and major award provisions. It is provided as a general guide only and is not designed to be comprehensive or to provide legal advice. The Department does not accept liability for any claim which may arise from any person acting on, or refraining from acting on, this information.

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