



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

## WA award summary

# Bakers (Country) Award

**Pay rates applicable from 1 July 2022 to 30 June 2023**

## About this award summary

This document is a summary of the state Bakers (Country) Award. WA awards are legal documents that outline the pay rates, allowances, working hours, and leave entitlements for employees in a particular industry or type of work.

**Complying with the provisions of a WA award is compulsory** and all employers who are covered by this WA award must provide employees with the pay rates and employment entitlements in the WA award, as outlined in this award summary and in the full award as a minimum. Potential penalties for employers who do not meet WA award requirements are detailed on page 2.

This WA award summary is a summary only and does not include all obligations required by the award. It is important to also refer to the full Bakers (Country) Award that is available on the Western Australian Industrial Relations Commission website [www.waipc.wa.gov.au](http://www.waipc.wa.gov.au). Provisions of other employment legislation also apply to employees and have been included in this WA award summary where appropriate. Reference should also be made to the *Minimum Conditions of Employment Act 1993* (MCE Act), the *Long Service Leave Act 1958* (LSL Act), and the *Industrial Relations Act 1979* (IR Act) for full details.

This document is formatted for viewing on the Wageline website and contains web links to other relevant information. If 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.

This WA award summary includes information on new employer obligations and employee entitlements introduced by the *Industrial Relations Legislation Amendment Act 2021* which commenced on 20 June 2022.

## Disclaimer

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.

## Four 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 (and their employees) that operate as:</p> <ul style="list-style-type: none"> <li>✓ <b>sole traders</b> (e.g. Jane Smith trading as Jane’s Country Bakery)</li> <li>✓ <b>unincorporated partnerships</b> (e.g. Jane and Bob Smith trading as Jane’s Country Bakery)</li> <li>✓ <b>unincorporated trust arrangements</b> (e.g. Jane and Bob Smith as trustees for the Smith Family Trust trading as Jane’s Country Bakery )</li> <li>✓ <b>incorporated associations and other non-profit bodies</b> that are not trading or financial corporations</li> </ul> <p>This summary does <b>not</b> cover businesses and organisations in the national ‘fair work’ industrial relations system which operate as:</p> <ul style="list-style-type: none"> <li>✗ <b>Pty Ltd businesses</b> that are trading or financial corporations (e.g. Smith Pty Ltd trading as Jane’s Country Bakery)</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.</p> <p>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 type of business covered by Award?</p>	<p>The Bakers (Country) Award covers breadmaking businesses and bakeries in the state industrial relations system.</p>
<p><b>Step 3</b> Is the business located in the relevant part of Western Australia?</p>	<p>The Bakers (Country) Award only covers relevant businesses that are located more than 45km from the General Post Office Perth.</p> <p>Note: The Bakers (Metropolitan) Award covers businesses located within a radius of 45kms from the General Post Office Perth. The WA award summary for the Bakers (Metropolitan) Award is available at <a href="http://www.dmirs.wa.gov.au/awardsummaries">www.dmirs.wa.gov.au/awardsummaries</a>.</p>
<p><b>Step 4</b> Is the employee’s job covered by the Bakers Country Award?</p>	<p>The Bakers (Country) Award sets pay rates, working hours and other employment arrangements for employees working as:</p> <ul style="list-style-type: none"> <li>✓ Bakers and apprentice bakers</li> <li>✓ Doughmakers</li> </ul>

Industrial inspectors at the Department of Mines, Industry Regulation and Safety have powers under the IR Act to investigate employee complaints about underpayments of pay rates and leave entitlements under this WA award and state employment laws. Industrial inspectors also undertake regular proactive compliance audits in particular industries to determine if employers are paying correct wages and keeping correct employment records.

The penalty for contravening a provision of a WA award or not complying with a requirement relating to employment records is up to \$13,000 for individuals and \$65,000 for bodies corporate. Higher penalties apply for serious contraventions of up to \$130,000 for individuals and \$650,000 for bodies corporate. An industrial inspector is also able to give a person a civil infringement notice, similar to an ‘on-the-spot fine’, for not complying with employment record-related requirements. Record keeping requirements are outlined in the Employment records section.

Employees who believe that they have been underpaid, or who wish to make an anonymous report of wage theft, should visit the [Making a complaint about underpayment of wages or entitlements](#) page.

Stay informed when WA award pay rates change, subscribe to [Wageline News](#) or follow [Wageline on social media](#).

## Rates of pay

All rates of pay are gross rates (before tax). The tables below provide the rates that apply from the first pay period on or after **1 July 2022**.

### Adult rates of pay – applicable from the first pay period on or after 1 July 2022 until end of last pay period commenced in June 2023

Classification (See page 13)	Weekly	Hourly	Casual (includes 20% loading)
Doughmaker	\$909.80	\$23.94	\$28.73
Single hand baker	\$909.80	\$23.94	\$28.73
Baker	\$907.60	\$23.88	\$28.66

A doughmaker or single hand baker must be paid a **disability allowance** of **\$7.00 per week**, in addition to the pay rates listed above.

### Junior rates of pay – applicable from the first pay period on or after 1 July 2022 until end of last pay period commenced in June 2023

Junior employees (19 years and under) are paid a percentage of the Baker adult rate of pay.

Junior employees	% of adult rate	Weekly	Hourly	Casual (includes 20% loading)
19 years	90%	\$816.80	\$21.49	\$25.79
18 years	80%	\$726.10	\$19.11	\$22.93
17 years	70%	\$635.30	\$16.72	\$20.06
16 years	60%	\$544.60	\$14.33	\$17.20
15 years	45%	\$408.40	\$10.75	\$12.90

### Apprentice rates of pay – applicable from the first pay period on or after 1 July 2022 until end of last pay period commenced in June 2023

3 Year Term	Age of apprentice	Weekly	Hourly
1st Year	Under 21 years of age	\$499.20	\$13.14
	21 or older	\$696.50	\$18.33
2nd Year	under 21 years of age	\$680.70	\$17.91
	21 or older	\$696.50	\$18.33
3rd Year	All ages	\$798.70	\$21.02

- An employer is required to pay an apprentice for the time spent at TAFE (or other off the job training) as normal working hours. An employer is not required to pay TAFE fees on behalf of the apprentice.
- If the apprentice is a high school student undertaking a school based apprenticeship they must be paid the relevant hourly rate for the year of their apprenticeship for:
  - all hours spent working on the job; **plus**
  - hours spent in off the job training (deemed to be 25% of actual hours worked each week).
- Visit the [Pay rates for apprentices](#) page for more information

### Registered trainees

- Registered trainees are employees who are undertaking a traineeship registered with the [Apprenticeship Office](#) at the Department of Training and Workforce Development. Traineeships can be undertaken on a full time, part time or school-based basis.
- There is no job classification for a registered trainee under the Bakers (Country) Award and if an employee was undertaking a traineeship in this industry, they would be award free. Visit the [Apprenticeship Office](#) website for information on whether training packages are available for the industry covered by this award.
- Visit the [Pay rates for trainees](#) page for wage rates for award free full time, part time and school based registered trainees. Registered trainees in this industry are entitled to [annual leave](#), [personal leave](#) and other leave and employment entitlements that apply to award free employees while undertaking a traineeship.

- An employer is required to pay a registered trainee for time spent at TAFE (or other off the job training) as normal working hours. An employer is not required to pay TAFE fees on behalf of the registered trainee.

## Allowances

### Higher duties allowance

An employee engaged for more than half of one day or shift carrying out duties at a higher rate than the employee's ordinary classification must be paid the higher rate for that day or shift. If employed for less than half of one day or shift, the employee must be paid the higher rate for the time worked.

### Location allowance for employees in regional areas

- Employees employed in certain regional towns must be paid the weekly location allowance relevant to that town. Rates listed below are for adult employees working full time. Junior employees, casual employees, part time employees, apprentices and trainees must be paid proportionate location allowance based on the proportion which their weekly wage is to the adult rate under the WA award.
- If an employee has a dependant (a spouse or partner, or a child if there is no spouse or partner) the employee is entitled to receive double the allowance specified for the relevant town except if the dependant also receives a location or district allowance payment as part of their own employment.
- If an employee has a 'partial dependant' (a dependant who receives a district or location allowance of their own which is less than the location allowance the employee is entitled to under this award) the employee is entitled to receive:
  - the relevant location allowance for the employee's town; plus
  - an amount equal to the difference between the employee's location allowance and the amount their partial dependant receives in district or location allowance.
- If an employee receives free board and lodging, or is paid an allowance for board and lodging, the rate of location allowance is adjusted to 66.67% (two thirds) of the rate for the relevant town.

### Location allowance rates effective first pay period on or after 1 July 2022

Town	\$ per week	Town	\$ per week	Town	\$ per week
Agnew	\$23.60	Halls Creek	\$55.70	Norseman	\$21.00
Argyle	\$63.50	Kalbarri	\$8.50	Nullagine	\$61.60
Balladonia	\$24.60	Kalgoorlie	\$10.10	Onslow	\$41.30
Barrow Island	\$41.30	Kambalda	\$10.10	Pannawonica	\$30.90
Boulder	\$10.10	Karratha	\$39.90	Paraburdoo	\$30.70
Broome	\$38.10	Koolan Island	\$41.70	Port Hedland	\$33.00
Bullfinch	\$11.00	Koolyanobbing	\$11.00	Ravensthorpe	\$12.40
Carnarvon	\$19.50	Kununurra	\$63.50	Roebourne	\$46.00
Cockatoo Island	\$41.70	Laverton	\$24.20	Sandstone	\$23.60
Coolgardie	\$10.10	Learmonth	\$34.90	Shark Bay	\$19.50
Cue	\$24.30	Leinster	\$23.60	Southern Cross	\$11.00
Dampier	\$33.20	Leonora	\$24.20	Telfer	\$56.60
Denham	\$19.50	Madura	\$25.60	Teutonic Bore	\$23.60
Derby	\$39.50	Marble Bar	\$61.70	Tom Price	\$30.70
Esperance	\$6.80	Meekatharra	\$21.00	Whim Creek	\$39.50
Eucla	\$26.50	Mount Magnet	\$26.30	Wickham	\$38.10
Exmouth	\$34.90	Mundrabilla	\$26.10	Wiluna	\$23.80
Fitzroy Crossing	\$48.10	Newman	\$22.70	Wyndham	\$59.40

### Foreperson allowance

In addition to the pay rate for a doughmaker, a **foreperson** must be paid the following allowance when in charge of:

- less than 4 other employees **\$16.40** per week
- 4 but less than 10 other employees **\$26.10** per week
- 10 and not more than 20 other employees **\$39.90** per week
- 20 or more other employees **\$54.40** per week

## Hours and overtime

### Ordinary hours of work

#### All employees

- The ordinary hours of work is an average of 38 hours in a week to be worked on one of the following basis:
  - 38 hours within a work cycle not exceeding seven consecutive days; or
  - 76 hours within a work cycle not exceeding 14 consecutive days; or
  - 114 hours within a work cycle not exceeding 21 consecutive days; or
  - 152 hours within a work cycle not exceeding 28 consecutive days.
- The hours of work each day will be arranged to suit the requirements of the business and consist of any 5 consecutive days of the week.

#### Doughmakers

There are no restrictions on the times and days that doughmakers may work ordinary hours, provided those hours are in accordance with the above parameters.

#### Non-doughmakers

- Ordinary hours may be worked:
  - From 1.00am on Monday and 2.00am on Tuesday, Wednesday and Thursday, with a finishing time of no later than 6.00pm on Monday, Tuesday and Wednesday.
  - On Thursday, the finishing time must not be later than 12 noon, and a further shift may then commence no earlier than 8.00pm on that day.
  - If a further shift is required on Friday, the starting time must not be earlier than 1.00pm (or 12 noon if a treble or quadruple bake is required), with a finishing time no later than 7.00pm on that day.
  - On Saturday, the starting time must not be earlier than 2.00am, with a finishing time no later than 12 noon.
  - On Sunday, the starting time must not be earlier than 5.00am, with a finishing time no later than 12 noon.
- Non-doughmakers who are required to make dough(s) outside of their ordinary hours for less than a full shift must be credited for a minimum of 3 hours work (or the actual time if in excess of 3 hours) and this time will then form part of the employee's daily ordinary working hours.
- A foreperson, or if no foreperson is available, one employee acting in place for such a foreperson, may work for one hour before the starting time as part of their ordinary hours.
- No employee is allowed to resume work until they have had a full 8 hours off duty on Monday to Thursday inclusive and 6 hours off duty on Friday where work is performed on a sixth shift.

### Penalty rates for ordinary hours

#### Doughmakers

- On Mondays, doughmakers must be paid double time for any work performed between the start time applying to other employees engaged in breadmaking and baking and 3.00am.
- On Tuesday, Wednesday, Thursday and Friday, doughmakers must be paid double time for any work performed between the start time applying to other employees engaged in breadmaking and baking and 5.00am.

#### Non-Doughmakers

- Where a treble or quadruple bake is required on a Friday, all time worked between 12 noon and 1.00pm must be paid at double time (this forms part of the employee's ordinary hours).
- All work on a Friday between 1.00pm and 7.00pm as part of the employee's ordinary hours must be paid at the rate of time and a half.
- All work performed between 1.00am and 3.00am on Mondays, and 2.00am and 5.00am on Tuesday, Wednesday, Thursday, Friday and Saturday as part of the employee's ordinary hours must be paid at the rate of double time.
- All work performed on Saturday after 5.00am and before 12 noon as part of the employee's ordinary hours must be paid for at the rate of time and a half.
- All work performed on Sunday between 5.00am and 12 noon as part of the employee's ordinary hours must be paid for at the rate of double time.
- Where non-doughmakers are required to make yeast goods outside the prescribed ordinary hours of work, they must be paid at time and a half for the first two hours and double time thereafter.

## Overtime

- All time worked in excess of an employee’s ordinary rostered daily hours of work must be paid for at the rate of time and a half for the first two hours and double time thereafter.
- All time worked in excess of an employee’s ordinary rostered weekly hours of work (excluding any daily overtime that has already been paid for) must be paid for at the rate of time and a half for the first three hours and double time after that.

**Table of ordinary hours, overtime hours and penalty rates (Non-doughmakers)**

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
<b>Midnight</b>	Overtime	Overtime	Overtime	Overtime	Ordinary	Overtime	Overtime
<b>1.00am</b>	Ordinary x 2	Overtime	Overtime	Overtime	Ordinary	Overtime	Overtime
<b>2.00am</b>	Ordinary x 2	Ordinary x 2	Ordinary x 2	Ordinary x 2	Ordinary x 2	Ordinary x 2	Overtime
<b>3.00am</b>	Ordinary	Ordinary x 2	Ordinary x 2	Ordinary x 2	Ordinary x 2	Ordinary x 2	Overtime
<b>4.00am</b>	Ordinary	Ordinary x 2	Ordinary x 2	Ordinary x 2	Ordinary x 2	Ordinary x 2	Overtime
<b>5.00am</b>	Ordinary	Ordinary	Ordinary	Ordinary	Ordinary	Ordinary x 1.5	Ordinary x 2
<b>6.00am</b>	Ordinary	Ordinary	Ordinary	Ordinary	Ordinary	Ordinary x 1.5	Ordinary x 2
<b>7.00am</b>	Ordinary	Ordinary	Ordinary	Ordinary	Ordinary	Ordinary x 1.5	Ordinary x 2
<b>8.00am</b>	Ordinary	Ordinary	Ordinary	Ordinary	Ordinary	Ordinary x 1.5	Ordinary x 2
<b>9.00am</b>	Ordinary	Ordinary	Ordinary	Ordinary	Ordinary	Ordinary x 1.5	Ordinary x 2
<b>10.00am</b>	Ordinary	Ordinary	Ordinary	Ordinary	Ordinary	Ordinary x 1.5	Ordinary x 2
<b>11.00am</b>	Ordinary	Ordinary	Ordinary	Ordinary	Ordinary	Ordinary x 1.5	Ordinary x 2
<b>12.00pm</b>	Ordinary	Ordinary	Ordinary	Overtime	Ordinary x 2 <sup>#</sup>	Overtime	Overtime
<b>1.00pm</b>	Ordinary	Ordinary	Ordinary	Overtime	Ordinary x 1.5	Overtime	Overtime
<b>2.00pm</b>	Ordinary	Ordinary	Ordinary	Overtime	Ordinary x 1.5	Overtime	Overtime
<b>3.00pm</b>	Ordinary	Ordinary	Ordinary	Overtime	Ordinary x 1.5	Overtime	Overtime
<b>4.00pm</b>	Ordinary	Ordinary	Ordinary	Overtime	Ordinary x 1.5	Overtime	Overtime
<b>5.00pm</b>	Ordinary	Ordinary	Ordinary	Overtime	Ordinary x 1.5	Overtime	Overtime
<b>6.00pm</b>	Overtime	Overtime	Overtime	Overtime	Ordinary x 1.5	Overtime	Overtime
<b>7.00pm</b>	Overtime	Overtime	Overtime	Overtime	Ordinary x 1.5	Overtime	Overtime
<b>8.00pm</b>	Overtime	Overtime	Overtime	Ordinary	Overtime	Overtime	Overtime
<b>9.00pm</b>	Overtime	Overtime	Overtime	Ordinary	Overtime	Overtime	Overtime
<b>10.00pm</b>	Overtime	Overtime	Overtime	Ordinary	Overtime	Overtime	Overtime
<b>11.00pm</b>	Overtime	Overtime	Overtime	Ordinary	Overtime	Overtime	Overtime

**Ordinary** = Ordinary hours (without penalty rates)

**Ordinary x 1.5** = Ordinary hours paid at time and a half

**Ordinary x 2** = Ordinary hours paid at double time

**Overtime** = Overtime hours\*

\* Overtime rates are also payable for work performed in excess of an employee’s ordinary hours, regardless of when those overtime hours are worked.

# Ordinary hours may only be worked for a triple or quadruple bake.

## Meal breaks and rest breaks

- An employee must receive an unpaid meal break of between 20 to 40 minutes after the completion of between 2.5 to 5 hours’ work.
- Where an employee’s shift is longer than 4 hours, after every 4 hours the employee is entitled to a rest break of 10 minutes which counts as part of the time worked. This time will be taken to suit the convenience of the employer, either before or after the time the entitlement accrues.

## 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 (e.g. work experience placement), in a not for profit organisation or in a family business. School aged children must not be employed during school hours, unless participating in a school program.

The [When children can work in Western Australia](#) page has more information.

## Deductions from pay

- An employer may **only** make a deduction from an employee's pay if:
  - the employer is required by a court or a state or federal law to make the deduction (e.g. tax that must be withheld from the employee's pay);
  - the employee has authorised the deduction in writing (as part of a written employment contract or otherwise) and the deduction is paid on behalf of the employee; or
  - the employer is authorised by the WA award to make the deduction and the deduction is paid on behalf of the employee.
- Deductions or requirements to pay an amount of money to the employer or another person in relation to an employee under the age of 18 are not permitted unless the deduction or payment is agreed to in writing by the employee's parent or guardian.
- A term of a WA award or employment contract providing for a deduction from an employee's pay will be of no effect if it is for the benefit of the employer or a party related to the employer and is unreasonable in the circumstances.
- An employer cannot directly or indirectly compel an employee to accept goods, accommodation or other services instead of money as part of the employee's pay.

## Public holidays

- Full time employees are entitled to public holidays (or days substituted for public holidays) without deduction of pay. Part time employees are entitled to public holidays (or days substituted for public holidays) 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 Christmas Day or Boxing Day falls on a Sunday, the following Monday 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 WA award.
- From 2022, Easter Sunday is a public holiday in WA. The Easter Sunday public holiday is observed on the actual day, and it is not substituted to another day solely because it falls on a weekend. Employees required to work on Easter Sunday must be paid at public holiday penalty rates. Visit the [Easter Sunday public holiday](#) page for more information.
- If an employee works on a public holiday or substituted public holiday they must be paid at the rate of double time and one half.
- Visit the [Public Holidays in Western Australia](#) page to view the public holiday dates.

## Leave entitlements

Quick reference guide

Leave entitlement	Full time	Part time	Casual
Annual leave	✓	✓	✗
Personal leave	✓	✓	✗
Unpaid personal leave for caring purposes	✓	✓	✓
Bereavement leave	✓	✓	✓
Unpaid parental leave	✓	✓	✓
Long service leave	✓	✓	✓
Unpaid family and domestic violence leave	✓	✓	✓

This WA award summary covers the basic leave entitlements for employees covered by the Bakers (Country) Award but does **not** include all details on leave obligations and entitlements. Full details of conditions are contained in the Bakers (Country) Award on the WA Industrial Relations Commission website [www.waipc.wa.gov.au](http://www.waipc.wa.gov.au), the *Minimum Conditions of Employment Act 1993* and the *Long Service Leave Act 1958*.

### 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 Bakers (Country) Award sets out additional requirements regarding annual 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 of annual leave for each completed week of work.
  - Wageline's [Annual leave calculation guide](#) can assist with calculating annual leave entitlements.
- Visit Wageline's [Annual leave](#) page for more information.

### 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*.

### Personal leave

- Personal leave entitles a full time or part time employee to paid time off work due to either illness or injury to themselves, or because they have to care for a member of their family or household who requires care or support because they are sick, injured or affected by an unexpected emergency.
- Each year, full time and part time employees accrue paid personal leave equal to the number of hours they would ordinarily work in a two week period, up to 76 hours per year. Personal leave is a cumulative entitlement, and any leave not taken in one year is carried over and able to be taken in future years.
- Paid personal leave accrues on a weekly basis for full and part time employees. Wageline's [Personal leave calculation guide](#) can assist with calculating paid personal leave entitlements.
- An employee, including a casual employee, is entitled to up to two days of unpaid personal leave per occasion when a member of the employee's family or household requires care or support because of a personal illness or injury or unexpected emergency affecting the member. A full time or part time employee cannot take unpaid personal leave for caring purposes if they have paid personal leave available.
- Casual employees are not entitled to paid personal leave. Casual employees can access up to two days of unpaid personal leave for caring purposes per occasion.
- Personal leave is a minimum entitlement from the *Minimum Conditions of Employment Act 1993*.
- Visit Wageline's [Personal leave](#) page for definitions of 'member of the family or household' or for more information.



## 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.

## Family and domestic violence leave

- All employees are entitled to five days' unpaid family and domestic violence leave in each 12 month period. This leave is available in full at the start of each 12 month period of an employee's employment and does not accumulate from year to year. The five days' leave is available in full to part time and casual employees (i.e. it is not pro rata).
- An employee is able to take unpaid family and domestic violence leave if:
  - the employee is experiencing family and domestic violence; and
  - the employee needs to do something to deal with the impact of the family and domestic violence; and
  - it is impractical for the employee to do that thing outside the employee's ordinary hours of work.
- Leave can be taken in a single continuous five day period, separate periods of one or more days each, or periods of less than one day.
- Family and domestic violence leave is a minimum entitlement from the *Minimum Conditions of Employment Act 1993*.
- Visit Wageline's [Family and domestic violence leave](#) page for more information.

## Long service leave

- Long service leave is a paid leave entitlement for full time, part time and casual employees. Under the *Long Service Leave Act 1958* (LSL Act), an employee may be eligible for long service leave:
  - after 10 years of continuous employment with the same employer, and for every 5 years of continuous employment after the initial 10 years; and
  - on a pro-rata basis when their employment ends after 7 years of continuous employment but before 10 years.
- The [Long service leave](#) pages of the Wageline website contain information on who is covered by the LSL Act, the entitlement to long service leave, how long service leave can be taken and frequently asked questions.
- To be entitled to long service leave an employee's employment with their employer must be continuous. There are some paid and unpaid absences or interruptions to an employee's employment that:
  - do not break an employee's continuous employment; and
  - count towards the employee's period of employment for the purposes of accruing long service leave.Some other types of absences do not break an employee's continuous employment, but do not count towards an employee's period of employment for the purposes of accruing long service leave. Visit the [Long service leave – What is continuous employment](#) page for details.
- An employee's employment may in some circumstances also be continuous despite a change in the ownership of a business and the associated change of employer. This applies regardless of anything written in a sale of business contract. Visit the [Long service leave – What happens when business ownership changes?](#) page for details.
- The [WA long service leave calculator](#) can provide an estimate of an employee's long service leave entitlement when employment ends as a result of resignation, dismissal, death or redundancy.

## Resignation, termination and redundancy

### Resignation by the employee

Full time and part time employees are required to provide notice based on their years of service:

Period of continuous service	Resignation notice period
During the first month	1 day
More than 1 month, but less than 1 year	1 week
1 year but less than 3 years	2 weeks
3 years but less than 5 years	3 weeks
5 years and over	4 weeks

A casual employee can resign by providing one hour's notice to the employer.

## Termination

An employer is required to give a casual employee one hour's notice of termination (or payment in lieu).

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	1 week
More than 1 year but not more than 3 years*	2 weeks
More than 3 years but not more than 5 years*	3 weeks
More than 5 years *	4 weeks

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

## 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.

## 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.

When an employee has been made redundant they are entitled to receive:

- the appropriate notice period or pay in lieu of notice, as outlined under Termination above;
- paid leave for job interviews;
- any unpaid wages;
- any unused accrued and pro rata annual leave;
- any unused accrued long service leave;
- pro rata long service leave (if applicable); and
- severance pay (if applicable).

Visit the [Redundancy – General information](#) page for information on redundancy obligations.

## Award severance pay – Employers who employ less than 15 employees

Employers covered by this award who employ less than 15 employees must pay the severance pay entitlements in the award when an employee is made redundant, as outlined in the table below.

Period of continuous service with employer *	Award severance pay
Less than 1 year	Nil
1 year but less than 2 years	4 weeks
2 years but less than 3 years	6 weeks
3 years but less than 4 years	7 weeks
4 years and over	8 weeks

\*An employee's period of continuous service includes any service with that business under a previous employer where there has been a transmission of business.

Award severance pay does not need to be paid to casual employees, apprentices, employees who have been engaged for a specific period of time or for a specified task or tasks, or employees terminated as a consequence of conduct that justifies instant dismissal.

## Severance pay – Employers who employ 15 or more employees

Employers covered by this award who employ 15 or more employees must pay severance pay when an employee is made redundant, as outlined in the table below.

Period of continuous service*	Number of weeks severance pay
Less than 1 year	Nil
1 year and less than 2 years	4 weeks
2 years and less than 3 years	6 weeks
3 years and less than 4 years	7 weeks
4 years and less than 5 years	8 weeks
5 years and less than 6 years	10 weeks
6 years and less than 7 years	11 weeks
7 years and less than 8 years	13 weeks
8 years and less than 9 years	14 weeks
9 years and less than 10 years	16 weeks
10 years and over	12 weeks

\*An employee's period of continuous service includes any service with that business under a previous employer where there has been a transmission of business.

These severance pay requirements do not apply to probationary employees, apprentices and trainees, casual and contract employees or employees terminated due to serious misconduct or for other reasons not related to redundancy.

Redundancy pay is calculated based on the applicable number of weeks' severance multiplied by ordinary time earnings. Ordinary time earnings excludes overtime, penalty rates, and allowances.

If the employee resigns during the notice period, they are entitled to the same severance pay they would receive if they had worked until the end of the notice period. However, in this circumstance the employee is not entitled to payment in lieu of notice.

Visit the [Redundancy payments](#) page for more information on redundancy payments.

## Pay slip and record keeping requirements

Employers must provide all employees with a pay slip, and must keep employment records as required by state employment law. There are penalties for not keeping records and not providing a pay slip.

### Pay slips

Employers need to provide a pay slip to each employee within one working day of paying the employee for work performed. The employer can decide whether to give a hard copy or electronic form of the pay slip.

A pay slip needs to include the following information:

- the employer's name and Australian Business Number (if any);
- the employee's name;
- the period to which the pay slip relates;
- the date on which the payment referred to in the pay slip was made;
- the gross and net amounts of the payment, and any amount withheld as tax;
- any incentive based payment, or payment of a bonus, loading, penalty rates or another monetary allowance or separately identifiable entitlement;
- if an amount is deducted from the gross amount of the payment:
  - the name of the person in relation to whom or which the deduction was made;
  - if the deduction was paid into a fund or account - the name, or the name and number, of the fund or account; and
  - the purpose of the deduction;
- if the employee is paid at an hourly rate of pay:
  - the rate of pay for the employee's ordinary hours;
  - the number of hours worked during the period to which the pay slip relates; and
  - the amount of the payment made at that rate;

- if the employee is paid a weekly or an annual rate of pay - the rate as at the latest date to which the payment relates;
- if the employer is required to make superannuation contributions for the benefit of the employee:
  - the amount of each contribution that the employer made during the period to which the pay slip relates and the name, or the name and number, of any fund to which the contribution was made; or
  - the amounts of the contributions that the employer is liable to make in relation to the period to which the pay slip relates, and the name, or the name and number, of any fund to which the contributions will be made.

Wageline's [Pay slip information](#) page provides more information and a pay slip template to assist employers.

## Employment records

### Record keeping requirements

It is compulsory for all employers to keep employment records which include the following information:

- the employee's name and, if under 21 years of age, their date of birth;
- the employer's name and Australian Business Number (if any);
- the name of the WA award that applies (in this case the Bakers (Country) Award);
- date the employee commenced employment with the employer;
- for each day of work:
  - the time at which the employee started and finished work;
  - period/s for which the employee was paid; and
  - details of work breaks including meal breaks;
- for each pay period:
  - the employee's designation (such as full time, part time, casual) and employee classification;
  - the gross and net amounts paid to the employee;
  - any amount withheld as tax; and
  - all deductions from pay and the reasons for them;
- any incentive based payment, bonus, loading, penalty rates or other monetary allowance or entitlement;
- all leave taken, whether paid, partly paid or unpaid;
- the following matters relating to superannuation:
  - the date on which each superannuation contribution was made, the amount of the contributions, the period over which the contributions were made, the name of any fund to which a contribution was made;
  - how the employer worked out the amount of superannuation owed; and
  - any choice made by the employee as to which fund their contributions are to be made and the date on which the choice was made;
- the information necessary for the calculation of and payment of long service leave under the LSL Act. Employers are also required to comply with the record keeping requirements in the LSL Act. Visit [www.dmirs.wa.gov.au/longserviceleave](http://www.dmirs.wa.gov.au/longserviceleave) for details;
- any other information necessary to show that the pay and benefits received by the employee comply with the WA award and other legal obligations such as employee entitlements under the MCE Act or LSL Act; and
- any other information required by the WA award to be recorded.

It is also compulsory to keep employment records that detail specific information regarding:

- termination related matters; and
- any supported wage system or a supported wage industrial instrument provision that applies to an employee with a disability.

If an employer makes a payment to an employee in cash, the employer must provide a record of the payment to the employee and ensure that a copy of the record of payment is kept as an employment record.

Wageline's [Employment records - Employer obligations](#) page provides more information and record keeping templates to assist employers.

### Time periods for keeping records

It is compulsory that each entry in relation to annual leave and long service leave must be retained during the employee's period of employment and for not less than 7 years after the employment ends and each other employment record must be retained for not less than 7 years after it is made.

## Classifications

- “**Baker**” is an employee competent by training and experience to perform, and who may be required to perform, any or all of the operations involved in the baking of bread. Such operations, without limiting the definition, include the mixing, handling, moulding or baking of dough. Provided that such a baker may be required by the employer to perform any general work in connection with the bakehouse.
- “**Single hand baker**” is a baker who is employed in a bakehouse where there is no other person regularly employed in the mixing, handling or baking of dough. Provided that this shall not apply where the employer regularly and substantially works in the bakehouse.
- “**Doughmaker**” is an employee who is required to perform any or all of the operations involved in the making of dough. Such operations include all work incidental to, preparing for, and finishing off the making of dough.

Not the current wage rates