



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

#### WA Award Summary

# Motor Vehicle (Service Station Sales Establishments, Rust Prevention and Paint Protection) Industry Award

**1 July 2018**

#### About this Award Summary

This WA Award Summary is a summary of the state Motor Vehicle (Service Station Sales Establishments, Rust Prevention and Paint Protection) Industry Award and does not include all obligations required by the award. It is important that you also refer to the full Motor Vehicle (Service Station Sales Establishments, Rust Prevention and Paint Protection) Industry 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 information 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> (eg Jane Smith trading as Jane’s Service Station)</li> <li>✓ <b>unincorporated partnerships</b> (eg Jane and Bob Smith trading as Jane’s Service Station)</li> <li>✓ <b>unincorporated trust arrangements</b> (Jane and Bob Smith as trustees for Jane’s Service Station)</li> </ul> <p>This information 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 (eg Smith Pty Ltd trading as Jane’s Service Station)</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>
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<p><b>Step 2</b> - is the business covered by the Motor Vehicle Industry Award?</p>	<p>The Motor Vehicle Industry Award covers many types of retail businesses in the state industrial relations system. Businesses covered include:</p> <ul style="list-style-type: none"> <li>✓ Service stations</li> <li>✓ Roadhouses</li> <li>✓ Motor vehicle anticorrosive and/or paint protective services</li> <li>✓ Car detailers</li> <li>✓ Motor vehicle dealerships (note: this award does not extend to licensed motor vehicle salespersons)</li> </ul>
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<p><b>Step 3</b> - is the employee’s job covered by the Motor Vehicle Industry Award?</p>	<p>The Motor Vehicle Industry Award sets pay rates, working hours and other employment arrangements for employees working as:</p> <ul style="list-style-type: none"> <li>✓ Service station attendants</li> <li>✓ Car detailers /car washers</li> </ul>
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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 Motor Vehicle (Service Station Sales Establishments, Rust Prevention and Paint Protection) Industry Award is a legal document that outlines the minimum wages and condition 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 2018**.



**Adult rates of pay – applicable from the first pay period on or after 1 July 2018 until end of last pay period commenced in June 2019 (new rates applied first pay period on or after 1 July 2019)**

Motor Vehicle Industry Employee (see page 9 for level descriptions)	Weekly	Hourly	Casual (includes 20% loading)
Level 1	\$726.90	\$19.13	\$22.95
Level 2	\$744.50	\$19.59	\$23.51
Level 3	\$768.30	\$20.22	\$24.26
Level 4	\$790.40	\$20.80	\$24.96



**Junior rates of pay – applicable from the first pay period on or after 1 July 2018 until end of last pay period commenced in June 2019 (new rates applied first pay period on or after 1 July 2019)**

Age	% of Level 2 rate	Weekly	Hourly	Casual (includes 20% loading)
16 years	50%	\$372.30	\$9.80	\$11.76
17 years	60%	\$446.70	\$11.76	\$14.11
18 years	70%	\$521.20	\$13.72	\$16.46
19 years	80%	\$595.60	\$15.67	\$18.81
20 years	90%	\$670.10	\$17.63	\$21.16

- See page 5 for information on employment of children in this industry.



### Trainees

For pay rates for registered trainees working under the Motor Vehicle (Service Station Sales Establishments, Rust Prevention and Paint Protection) Industry Award, please contact Wageline on 1300 655 266.



To receive email updates when WA award pay rates change, subscribe to the [Wageline Newsletter](#).



## 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

- The ordinary hours are an average of 38 hours per week to be worked on any day Monday to Sunday.
- The ordinary hours of work must not exceed 10 hours in any day provided that up to 12 hours per day may be worked as ordinary hours by agreement between the employer and the majority of employees.
- All time worked in excess of the ordinary hours of work, between Monday and Saturday (before 12 noon), is paid for at overtime rates; time and one half for the first two hours and double time after that. In the calculation of overtime, each day stands alone.
- Overtime worked after 12 noon on Saturday or on a Sunday is paid at the rate of double time.
- Overtime worked on a public holiday is paid at the rate of double time and a half.

### Additional rates for ordinary hours

Full time, part time or casual employees must be paid the following additional loadings (calculated as a proportion of the appropriate full time employee's total weekly rate, divided by 38) for each hour's work performed in ordinary time:

Day	From 7:00am to 6:00pm	Between 6:00pm and 7:00am
Monday to Friday	Ordinary rate	+15% of hourly full time rate
On Saturday	+25% of hourly full time rate	+40% of hourly full time rate
On Sunday	+75% of hourly full time rate	+90% of hourly full time rate
On public holidays	+100% of hourly full time rate	+115% of hourly full time rate

In the case of casual employees the above additional loadings are paid on top of, but are not compounded on, the 20% casual loading. For example, a casual employee working between 7.00am and 6.00pm on a Saturday would be paid as follows:

$$\begin{aligned}
 \text{Total rate of pay} &= [\text{full time hourly rate of pay} + 25\%] + [\text{casual loading}] \\
 &= [\text{full time hourly rate of pay} + 25\%] + [\text{full time hourly rate of pay} + 20\%] \\
 &= \text{full time hourly rate of pay} + 45\%
 \end{aligned}$$



## Meal breaks

- Where it is practical to relieve an employee from the work station, an employee must be allowed an **unpaid** meal break in accordance with the following:
  - more than 5 and up to 8 ordinary hours - 30 minutes
  - more than 8 and up to 10 ordinary hours - 45 minutes
  - more than 10 and up to 12 ordinary hours - 1 hour.
- An employee who is rostered to take an unpaid meal break and is prevented from doing so for more than one hour must be paid at overtime rates for the period commencing at the scheduled meal break until the meal interval is taken.
- Where it is not practical for an employee to be relieved from the workstation for a rostered and uninterrupted meal break, a **paid** meal break must be allowed to an employee in accordance with the following:
  - more than 5 and up to 8 ordinary hours - 20 minutes
  - more than 8 and up to 10 ordinary hours - 30 minutes
  - more than 10 and up to 12 ordinary hours - 45 minutes.
- Employees entitled to a paid meal break must be allowed the meal break at the workstation to partake of meals and refreshments that would ordinarily be allowed for unpaid breaks, provided that customer service must be maintained at all times.



## Probationary period

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A full time or part time employee may be engaged subject to a probationary period not exceeding eight weeks.



## Employment of children

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- A child who is 13 or 14 years old may work in a **retail establishment** between 6am and 10pm (excepting school hours) if the employer has obtained written permission from their parent or guardian.
- Children under 15 cannot be employed in other occupations or workplaces covered by this WA Award except if the child is working as part of a school program or in a family business or a not-for-profit organisation.
- School aged children must not work in school hours except as part of a school program.
- Visit the [Employment of children laws in WA – shop, restaurant, fast food or takeaway food businesses](#) page for more information about employing children under the age of 15 years, including a template for written parental permission.
- Visit the [When children can work](#) page for more information.



## Employment records

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- Employers are legally required to keep employment records which demonstrate that employees have been paid all entitlements under the Motor Vehicle Industry 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 Motor Vehicle Industry Award, such as overtime hours worked and allowances paid.Contact [Wageline](#) or view the full Motor Vehicle Industry 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.



## 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.
- If a public holiday falls on a Saturday or Sunday, 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.
- Overtime hours worked on a public holiday or substituted holiday must be paid at the rate of double time and a 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	✓	✓	✗
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 **Motor Vehicle (Service Station, Sales Establishments, Rust Prevention and Paint Protection) WA Industry Award** but does **not** include all details on leave obligations and entitlements. Full details of conditions are contained in the award, available on the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.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 annual leave of four weeks 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 Motor Vehicle (Service Station, Sales Establishments, Rust Prevention and Paint Protection) 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%. If an employee would have received any additional rates for work performed in ordinary hours, had he or she not been on leave, and this would be a greater amount than the 17.5% loading, then such additional rates must be paid in lieu of the 17.5% loading. On termination, annual leave loading of 17.5% is paid out on fully accrued annual leave entitlements for completed years of employment. Annual leave loading is not paid on proportionate leave (leave accrued in an incomplete year of employment) on termination.
- 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.



## 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 serious 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.



## 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 exceed 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 per occasion 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*.



## 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.



## Allowances

### Leading hand allowance

An employee appointed by the employer as a leading hand must be paid the following amount, in addition to the ordinary rate of pay, if placed in charge of:

- **3 to 10 employees**                      \$22.50 per week
- **11 to 20 employees**                    \$34.60 per week
- **more than 20 employees**              \$44.80 per week

### Meal allowance

An employee required to work overtime for more than two hours, without being notified on the previous day or earlier, must be supplied with a meal by the employer or be paid **\$8.60** for a meal and if, owing to the amount of



overtime worked, a second or subsequent meal is required, the employee must be supplied with each such meal or be paid \$5.90 for each meal so required.

### Location allowance

An employee must be paid a weekly allowance when employed in certain regional towns in Western Australia. Visit the [Location Allowance](#) page for the amount payable for each town or Clause 17 of the award.



## Resignation, termination and redundancy

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### Resignation by the employee

- An employee wishing to terminate his/her services with the employer needs to give one week's notice.
- During a probationary period (not exceeding eight weeks) an employee is not required to give notice to terminate the employment contract.
- A casual employee may terminate with one hour'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.
- 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.

### Termination

- An employer is required to give a casual employee one hour's notice of 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	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.



## Classifications

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During the first 8 weeks of employment a new employee who has no previous experience at that level may be paid the rates of pay prescribed for the level immediately below his/her classification whilst skills acquisition and on the job training is occurring.

### **Motor vehicle industry employee level 1**

An employee at this level performs routine duties essentially of a manual nature and to the level of his/her training:

- a) performs general labouring and cleaning duties
- b) exercises minimal judgement
- c) works under direct supervision
- d) is undertaking structured training so as to enable the employee to work at Level 2
- e) provides customer service to the required standard.

Level 1 employees carry out work connected with functions including:

- car washing/polishing (manual)
- provisioning of driveway supplies
- windscreen cleaning
- manual fuel dispensing

### **Motor vehicle industry employee level 2**

An employee at this level performs work above and beyond the skills of an employee at Level 1 and to the level of the employee's training:

- a) works under direct supervision either individually or in a team environment
- b) understands and undertakes basic quality control/assurance procedures including
  - (i) the ability to recognise the basic quality deviations and faults
  - (ii) the ability to determine the level of action required and takes appropriate action having regard to the employee's level of skills, competence and training
- c) provides customer service to the required standard
- d) exercises limited discretion within established procedures and limits

Level 2 employees carry out work connected with the functions including:

- control of the automated car washing facilities including supervising Level 1 and rectifying faults
- stock counting and recording, replenishing and rotation
- maintenance of vehicle presentation standards of interior/exterior
- removal and replacement of minor panelling and application of rust proofing for routine vehicles
- under bonnet checks, tyre pressure checks and wheel changing
- assist with hire and sales transactions (eg trailers, vehicles, lawnmowers)
- assist with the provisions of on the job training
- greasing and lubrication
- servicing of vehicles (where no mechanical knowledge is required)

### **Motor vehicle industry employee level 3**

An employee at this level performs work above and beyond the skills of an employee at Level 2 and to the level of the employee's training:

- a) is responsible for the quality of the employee's own work subject to routine supervision
- b) works under routine supervision either individually or in a team environment
- c) exercises discretion within the employee's level of skills and training
- d) provides customer service to the required standard

Level 3 employees carry out work connected with the functions including:

- vehicle detailing
- wheel balancing, tyre repair and fitting
- assisting in console operation and all sales/hire/service/credit transactions
- co-ordination of rust proofing duties and perform non routine tasks

#### Motor vehicle industry employee level 4

An employee at this level performs work above and beyond the skills of an employee at Level 3 and to the level of the employee's training:

- a) works from complex instructions and procedures
- b) assists in the provision of on the job training
- c) co-ordinates work in a team environment or works individually under general supervision
- d) is responsible for assuring the quality of the employee's own work
- e) provides customer service to the required standard

Level 4 employees carry out work connected with the following functions:

- console operators working alone responsible for customer/supplier requirements and/or who are responsible for the work of Level 3 console operators
- advanced stock control procedures including ordering and receiving

#### 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.