



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

WA award summary

Aboriginal Communities and Organisations Western Australian Interim Award

1 July 2020 – 31 December 2020

About this award summary

This WA award summary is a summary of the state Aboriginal Communities and Organisations Western Australian Interim Award and does not include all obligations required by the award. It is important that you also refer to the full Aboriginal Communities and Organisations Award that is available on the WA Industrial Relations Commission website 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 or by contacting Wageline on 1300 655 266.

This WA award summary includes information on the provisions of the COVID-19 General Order issued by the Western Australian Industrial Relations Commission (WAIRC) on 14 April 2020 which applies until 31 March 2021 unless extended, and information on the provisions of the COVID-19 JobKeeper General Order issued by the WAIRC on 15 May 2020 which applies until 28 March 2021 unless extended.

**How can
we help?**





Three Step Check: to make sure this WA award summary is relevant to you

<p>Step 1 Is the organisation in the state system?</p>	<p>This WA award summary applies to businesses and organisations in the state industrial relations system. It covers businesses which operate as:</p> <ul style="list-style-type: none"> ✓ sole traders ✓ unincorporated partnerships ✓ unincorporated trust arrangements ✓ incorporated associations and other non-profit bodies that are not trading or financial corporations <p>This summary does not cover businesses and organisations in the national industrial relations system which operate as:</p> <ul style="list-style-type: none"> ✗ Pty Ltd businesses that are trading or financial corporations ✗ incorporated partnerships or incorporated trusts ✗ incorporated associations and other non-profit bodies that are trading or financial corporations <p>For more information visit the Guide to who is in the WA state system page. If the business or organisation is in the national system visit the Fair Work Ombudsman website www.fairwork.gov.au</p>
<p>Step 2 Is the organisation covered by the Aboriginal Communities and Organisations Award?</p>	<p>This award applies to Aboriginal communities and organisations throughout Western Australia including corporations, associations and regional councils, and Aboriginal community support organisations.</p>
<p>Step 3 Is the employee's job covered by the Aboriginal Communities and Organisations Award?</p>	<p>The Aboriginal Communities and Organisations Award sets pay rates, working hours and other employment arrangements for employees:</p> <ul style="list-style-type: none"> ✓ working in the classifications of the award in Aboriginal communities and organisations <p>The Aboriginal Communities and Organisations Award does not apply to employees who are:</p> <ul style="list-style-type: none"> ✗ working in the aged care or disability accommodation sector ✗ working in Aboriginal medical services sector, including nursing ✗ child care workers ✗ working in independent day or boarding schools, as education assistants or other support workers.



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 7 details record keeping requirements.

This 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.

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



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 2020**. The 2020 State Wage Order increased pay rates effective from the first pay period on or after 1 January 2021.

For the classification definitions see the separate Classifications publication on the [Aboriginal Communities and Organisations Award summary](#) page of the Wageline website.

Rates of pay – applicable from the first pay period on or after 1 July 2020 until end of last pay period commenced in December 2020 (new rates applied from first pay period on or after 1 January 2021).

Classification	Yearly	Weekly	Hourly	Casual (includes 20% loading)
Level 1 1 st year, 2 nd year, 3 rd year and 4 th year	\$38,963	\$746.90	\$19.66	\$23.59
5 th year	\$39,268	\$752.70	\$19.81	\$23.77
Level 2	\$44,589	\$854.70	\$22.49	\$26.99
Level 3	\$48,096	\$922.00	\$24.26	\$29.12
Level 4	\$52,324	\$1,003.00	\$26.39	\$31.67
Level 5 1 st year, 2 nd year and 3 rd year	\$55,833	\$1,070.30	\$28.17	\$33.80
4 th year	\$56,455	\$1,082.20	\$28.48	\$34.17
Level 6	\$60,547	\$1,160.60	\$30.54	\$36.65
Level 7 – Management (band A)	\$65,377	\$1,253.20	\$32.98	\$39.57
Level 8 – Management (band B)	\$69,845	\$1,338.90	\$35.23	\$42.28
Level 9 – Executive (band A)	\$75,037	\$1,438.40	\$37.85	\$45.42
Level 10 – Executive (band B) 1 st year	\$82,527	\$1,582.00	\$41.63	\$49.96
2 nd year	\$84,631	\$1,622.30	\$42.69	\$51.23
3 rd year	\$90,731	\$1,739.30	\$45.77	\$54.93

- Some of the pay rates in the Aboriginal Communities and Organisations Award fall below the minimum wages set by the 2020 State Wage Order. In such instances, the rates listed here are the legal minimum rate.
- Existing employees who were employed by an employer on or before 27 March 2011 were entitled to advance to the maximum of the appropriate classification level by annual increments. New employees employed after this date are only entitled to be paid the first year rate of the appropriate classification level. However, an employer and individual employee may agree to allow the employee to advance by annual increments to the maximum of the appropriate classification level.

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.
- Registered trainees under the Aboriginal Communities and Organisations Award must be paid the minimum adult or junior rates for registered trainees and are covered by all other provisions of the Aboriginal Communities and Organisations Award including working hours, penalty rates, allowances and leave entitlements.
- The pay rates that apply to registered trainees under this WA award are listed in the minimum pay rates for registered trainees section of the [Pay rates for trainees](#) page.
- 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.



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



Allowances

District Allowance

Employees are entitled to district allowance based on the district or town where the employee's headquarters are located.

Location of employees headquarters	Amount of district allowance
District 1	Nil
District 2	\$730 per year
District 3	\$1,020 per year
District 4	\$1,610 per year
District 5	\$3,199 per year
District 6	\$3,907 per year

District boundaries

- District 1 means the area within a line commencing on the coast; then east along latitude 28 degrees to a point north of Talling Peak; then due south to Talling Peak; then southeast to Mount Gibson and Burracoppin; then to a point southeast at the junction of latitude 32 degrees and longitude 119 degrees; then south along latitude 119 degrees to the coast.
- District 2 means the area within a line commencing on the south coast at longitude 119 degrees; then east along the coast to longitude 123 degrees; then north along longitude 123 degrees to a point on latitude 30 degrees; then west along latitude 30 degrees to the boundary of District 1.
- District 3 means the area within a line commencing on the coast at latitude 26 degrees; then along latitude 26 degrees to longitude 123 degrees; then south along longitude 123 degrees to the boundary of District 2.
- District 4 means the area within a line commencing on the coast at latitude 24 degrees; then east to the South Australian border; then south to the coast; then along the coast to longitude 123 degrees; then north to the intersection of latitude 26 degrees; then west along latitude 26 degrees to the coast.
- District 5 means the area of Western Australia situated between latitude 24 degrees and a line running east from Carnot Bay to the Northern Territory border.
- District 6 means the area of Western Australia north of a line running east from Carnot Bay to the Northern Territory border.

If an employee's headquarters are located in a town or place mentioned below, the employee is entitled to district allowance at the following rates instead of the rates mentioned in the table above:

Location of employees headquarters	Amount of district allowance
Kalgoorlie, Boulder	\$243 per year
Ravensthorpe, Norseman, Salmon Gums, Marvel Loch, Esperance	\$960 per year
Carnarvon	\$1,519 per year
Meekatharra, Mount Magnet, Wiluna, Laverton, Leonora, Cue	\$1,610 per year
Port Hedland	\$3,502 per year
Karratha	\$3,765 per year
Liveringa (Camballin), Marble Bar	\$4,000 per year
Fitzroy Crossing, Halls Creek, Turner River Camp, Nullagine	\$4,305 per year
Warburton Mission	\$4,333 per year

- An employee who has a dependant is entitled to district allowance at double the above rates.
- A dependent is:
 - a spouse (including a de facto spouse/ partner);
 - if there is no spouse, a child under 18 years of age who lives in WA and who relies on the employee for their main financial support; or
 - if there is no spouse, any relative of the employee who lives in WA and who relies on the employee for their main financial support,
 who does not receive a district allowance or location allowance of any kind.

- An employee who has a partial dependant is entitled to district allowance of the appropriate rate from the tables above, plus an amount equal to the difference between the amount of district or location allowance that the partial dependant receives under the award, agreement or any other provision which regulates the partial dependant's employment and the amount the partial dependant would receive if he or she was employed full-time. A partial dependant is a dependent (as defined above) who receives a district allowance or location allowance of any kind under an award, agreement or any other provision regulating their employment, and that allowance is less than the applicable allowance for an employee without dependants under this award.

Airfare allowance

- Full time and part time employees are entitled to an airfare allowance after every 12 months of continuous service if they are stationed in any of the following localities:
 - north of the 26th parallel of south latitude; or
 - within the local government boundaries of the Shires of Carnarvon, Cue, Dundas, Esperance, Laverton, Leonora, Meekatharra, Menzies, Mount Magnet, Murchison, Ngaanyatjarraku, Sandstone, Shark Bay, Upper Gascoyne, Wiluna or Yalgoo; or
 - at any location 150 kilometres east of Kalgoorlie.
- The amount of the airfare allowance is equal to the equivalent in value of one return economy class airfare to Perth.

Availability allowance

An employee who has written instruction to remain contactable outside normal hours of duty and available and in a fit state for recall to duty the employee is to be paid **\$3.93 per hour**.

Bilingual qualification allowance

An employee who is competently bilingual and who is required to use English as well as any of the other Aboriginal or Torres Strait Islander Languages in the course of their employment is entitled to a bilingual qualification allowance.

- Level 1 (appropriate for employees who are capable of using minimal knowledge of a language for simple communication) are to be paid **\$1,583 per year**.
- Level 2 (a level of ability for the ordinary purposes of general business, conversation, reading and writing) are to be paid **\$3,168 per year**.

First aid allowance

If an employee is required by an employer to perform first aid duties and holds a current first aid certificate the employee is to be paid **\$10.42 per week**.

Travelling and camping allowance

Employees who are required to be away from home overnight on business approved by the employer are entitled to an allowance to compensate for expenditure on meals and accommodation. An employee required to stay overnight:

- on the Lands at a place that is away from the employee's normal place of residence, the employee is to be paid **\$51.34 per night**.
- at a regional centre, the employee is to be paid **\$132.02 per night**.
- at a capital city, the employee is to be paid **\$175.99 per night**.

Other allowances

A variety of other allowances are also payable under the award. Clause 19 of the award provides information on all of the allowances that are payable.



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.



Ordinary hours

- The ordinary hours of work are up to eight hours per day and up to 38 hours per week, excluding breaks taken.
- Standard ordinary hours are worked between 7.00am and 6.00pm, Monday to Friday.
- The employer and a majority of employees in a workplace may agree to alter the ordinary hours if they enter into an 'alternative ordinary hours of work' agreement (see Clause 22.2 of the Aboriginal Communities and Organisations Award for details). If such a roster is in place, the following loadings must be paid:
 - a 20% loading for all hours worked between 6pm and 12 midnight Monday to Friday;
 - a 35% loading for all hours worked between 12am and 7am Monday to Friday;
 - a 75% loading for all hours worked between 12am Saturday and 11.59pm Saturday; and
 - a 100% loading for all hours worked between 12am Sunday to 11.59pm Sunday.

Overtime

- For employees working standard ordinary hours, overtime rates of time and a half for the first 2 hours of overtime and double time thereafter must be paid for hours worked where:
 - the employee works in excess of 8 hours per day; or
 - the employee works in excess of 38 hours per week.
- Overtime rates must also be paid for work done outside the hours agreed to under any 'alternative ordinary hours of work' agreement made under Clause 22 of the award.
- Except for casuals, an employer and employee may mutually agree for the employee to accrue time off in lieu (TOIL) instead of receiving payment for overtime at overtime rates. TOIL accrues at overtime rates – i.e. 1.5 hours of TOIL for the first two hours of overtime and 2 hours of TOIL for each hour of overtime after that.

Note:

Employees working for certain Ngaanyatjarra Communities are not entitled to claim overtime, and are instead entitled to additional leave each year. Further details are contained in Schedule D of the Aboriginal Communities and Organisations Award.

Casual employees

- Casual employees must be engaged for a minimum period of two consecutive hours for each period of engagement.
- Casual employees receive a 20% loading on the applicable rate for their classification. When a casual employee works overtime, or outside the span of ordinary hours, the employee's rate of pay is calculated by multiplying the employee's base hourly rate (which excludes the 20% casual loading) by the applicable overtime multiplier or penalty rate, and then adding an amount equal to 20% of the employee's base hourly rate.

Example:

A casual employee working ordinary hours on a Saturday would receive **195%** of the base hourly rate (the base hourly rate + a 75% loading on the base hourly rate + a 20% casual loading on the base hourly rate).

Meal breaks

- Hours must be worked continuously except that within each five-hour period an employee is entitled to an unpaid break of between 30 minutes and one hour.
- If an employee is required to work overtime of more than two hours and the overtime directly follows the employee's ordinary finishing time, the employee is entitled to a paid 20-minute meal break before starting the overtime.
- Employees who are working overtime are entitled to a paid tea break of at least 20 minutes after each four hours of overtime. An exception is that employees are not entitled to a paid tea break if they are not required to continue working overtime after the break.

COVID-19 JobKeeper General Order

The COVID-19 JobKeeper General Order issued by the Western Australian Industrial Relations Commission on 15 May 2020 has introduced temporary provisions for employers and employees who are participating in the Commonwealth JobKeeper scheme.

The state system JobKeeper provisions allow employers to give certain directions to employees and make certain requests of them, including provisions that allow employers to:

- issue a 'JobKeeper enabling direction' to temporarily alter or reduce an employee's working hours (which may be reduced to nil), change an employee's duties and change their location of work; and
- request that an employee change their days/times of work.

There are a range of specific rules and requirements about the state system JobKeeper provisions. The [State system COVID-19 JobKeeper provisions](#) page of the Wageline website has detailed information.

These new provisions apply from 15 May 2020 until 28 March 2021, unless extended.



Employment records

- Employers are legally required to keep employment records which demonstrate that employees have been paid all entitlements under the Aboriginal Communities and Organisations 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 Aboriginal Communities and Organisations Award, such as overtime hours worked and allowances paid. Contact [Wageline](#) or view the full Aboriginal Communities and Organisations Award on the WA Industrial Relations Commission website 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 [Employment record obligations for WA award employers](#) publication helps state system employers keep correct employment records. The publication features helpful step-by-step guides to record keeping and Wageline's new look [record keeping templates](#).



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; and
- the employer is authorised or required to deduct by law or a court order.



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 is also a public holiday. However, if Boxing Day falls on a Sunday or Monday, the following Tuesday is also a public holiday.
- The Aboriginal Communities and Organisations Award lists 11 public holidays. These are New Year's Day, Good Friday, Easter Saturday, Easter Monday, Christmas Day, Boxing Day, Australia Day, Anzac Day, Queen's Birthday, Labour Day, and National Aboriginal Day as determined by the NAIDOC Committee.
- Western Australia Day is also a public holiday in Western Australia, and as the Aboriginal Communities and Organisations Award recognises any additional or substitute public holidays that are legislated, this day is also a public holiday for the purposes of the award.
- 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 carers leave	✓	✓	✗
Unpaid carers leave	✓	✓	✓
Bereavement leave	✓	✓	✓
Unpaid parental leave	✓	✓	✓
Long Service leave	✓	✓	✓
Unpaid pandemic leave	✓	✓	✓
Ceremonial leave	✓	✓	✗

This WA award summary covers the basic leave entitlements for employees covered by the Aboriginal Communities and Organisations Award but does **not** include all details on leave obligations and entitlements. Full details of conditions are contained in the Aboriginal Communities and Organisations Award on the WA Industrial Relations Commission website www.wairc.wa.gov.au, 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 Aboriginal Communities and Organisations 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%. There is a maximum amount of annual leave loading. For full time employees this maximum amount is 17.5% of an amount equal to 152 hours pay calculated on the average male weekly earnings for the August quarter of the previous calendar year, as determined by the Australian Bureau of Statistics. For part time employees, the maximum amount is an amount equivalent to that of full time employees, calculated on a proportionate basis according to the actual hours that the employee works each week.
- 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 service.
 - Visit Wageline's [Annual leave calculation guide](#) to work out annual leave entitlements.
- Wageline's [Employment record obligations for WA award employers](#) publication includes a leave record template.
- The COVID-19 General Order has implemented new annual leave flexibility provisions enabling employers and employees to agree to an employee taking twice as much annual leave at half pay or to agree for the employee to take annual leave in advance.
- These provisions apply to all full time and part time employees covered by this WA award effective from 14 April 2020 until 31 March 2021, unless extended.
- The annual leave at half pay provisions in the COVID-19 General Order are:
 - Instead of an employee taking paid annual leave at full pay, the employee and their employer may agree to the employee taking twice as much leave at half pay.
 - Example: Instead of an employee taking one week's annual leave at full pay, the employee and their employer may agree to the employee taking two weeks' annual leave at half pay. In this example:
 - the employee's pay for the two weeks' leave is the same as the pay the employee would have been entitled to for one week's leave at full pay; and
 - one week of leave is deducted from the employee's annual leave accrual.
 - Any agreement to take twice as much annual leave at half pay must be recorded in writing and signed by the employee (and a parent/guardian if the employee is under 18).
 - The employer must keep the written agreement as part of the employee's employment record.
 - The agreed period of leave must start before 31 March 2021, but may end after that date.
- The granting annual leave in advance provisions in the COVID-19 General Order are:
 - An employee and employer may agree to an employee taking a period of annual leave in advance of the entitlement being accrued if all of the following conditions are met:
 - any agreement to annual leave in advance must be recorded in writing and signed by the employee (and a parent/guardian if the employee is under 18); and
 - the written agreement must state the amount of leave to be taken in advance and the date on which the leave will commence; and
 - the employer must keep the written agreement as part of the employee's employment record.
 - If, on the termination of the employee's employment, the employee has not accrued an entitlement to all of the period of paid annual leave taken in advance, the employer may deduct from any money due to the employee on termination an amount equal to the amount that was paid to the employee in respect of any part of the period of annual leave taken in advance to which an entitlement has not been accrued. This provision will continue to apply notwithstanding the expiration of the General Order.
 - Where an agreement has been reached under this clause and the leave commenced before the expiration of the General Order, then the arrangement may continue to operate for the period agreed between the parties.

Employees working on Sundays and/or public holidays

Employees who work ordinary hours under an 'alternative ordinary hours of work' agreement in accordance with a roster system are entitled to an additional one day of annual leave for every five shifts that the employee works on Sundays or public holidays.

Remote leave

- Full time and part time employees are entitled to one additional week of paid annual leave after every 12 months of continuous service if they are working in any of the following localities:
 - north of the 26th parallel of south latitude; or
 - local government boundaries of the Shires of Carnarvon, Cue, Dundas, Esperance, Laverton, Leonora, Meekatharra, Menzies, Mount Magnet, Murchison, Ngaanyatjarraku, Sandstone, Shark Bay, Upper Gascoyne, Wiluna or Yalgoo; or
 - at any location 150 kilometres east of Kalgoorlie.
- Part time employees are entitled to payment for a period of remote leave calculated on the average weekly number of hours the employee worked over the 12 months immediately before going on leave.

Annual leave travel time

Full time employees and part time employees are entitled to two days paid annual leave travel time per year, with the following conditions:

- employees are only entitled to paid annual leave travel time if they travel to a capital city while they are on annual leave and they travel there by motor vehicle;
- paid annual leave travel time is only available to employees who have completed at least two years continuous service; and
- employees are not entitled to additional annual leave travel time if they take annual leave in more than one period.

Sick leave and carer's (family) leave

- Sick and carer's leave is a minimum entitlement from the *Minimum Conditions of Employment Act 1993*.
- 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.
- Under the Aboriginal Communities and Organisations Award, employees are entitled to use any accrued sick leave entitlements to provide care and support to members of their immediate family or members of their household who are ill and who need the employee's care and support or who require care due to an unexpected emergency. Under the Award, "immediate family" is defined as a spouse (including de facto spouse/partner), a child (including an adult child, adopted child or step child), parent, grandparent, grandchild or sibling of the employee or the employee's spouse.
- 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.
- 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.
- Wageline's [Sick leave calculation guide](#) can assist with calculating sick and carer's leave entitlements.
- Wageline's [Employment record obligations for WA award employers](#) publication includes a leave record template.

Long service leave

- Long service leave is a paid leave entitlement for employees who have continuous employment with 'one and the same employer' for a specified period. Full time, part time and casual employees are entitled to long service leave under the *Long Service Leave Act 1958*.

- To be entitled to long service leave an employee's employment with their employer must be continuous. The amount of their long service leave is determined by the employee's period of continuous employment.
- There are a range of paid and unpaid absences or interruptions to an employee's employment that 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. See the [Long service leave – What is continuous employment](#) page for more information.
- 'The one and the same employer' also includes employers who previously owned a business, where there has been a transmission of business. This means an employer who buys or otherwise acquires 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 a sale of business contract.

Taking long service leave	
<p>The long service leave entitlement for full time, part time and casual employees is:</p> <ul style="list-style-type: none"> • after 10 years of continuous employment with the one and the same employer – $8^{2/3}$ (8.667) weeks of leave on ordinary pay; and • for every 5 years of continuous employment with the one and the same employer after the initial 10 years – $4^{1/3}$ (4.333) weeks of leave on ordinary pay. 	
When employment ceases	
Employee with between 7 and 10 years of continuous employment	<p>When an employee with at least 7 but less than 10 years of continuous employment resigns or is terminated, they are entitled to pro rata long service leave on the basis of $8^{2/3}$ (8.667) weeks for 10 years of continuous employment. This entitlement:</p> <ul style="list-style-type: none"> • is calculated on the employee's entire period of employment; that is, years, months, weeks and days; • applies to employees who resign, are made redundant, die or whose employer has terminated them for any reason other than serious misconduct; and • does not apply to an employee whose employer has terminated them for serious misconduct.
Employee with 10 or more years of continuous employment	<p>Full entitlement – 10 years or more of continuous employment An employee who resigns or whose employment is terminated for any reason is entitled to:</p> <ul style="list-style-type: none"> • $8^{2/3}$ (8.667) weeks of leave if they have completed 10 years of continuous employment; and • an additional $4^{1/3}$ (4.333) weeks of leave for each subsequent 5 years after the initial 10 years of continuous employment. <p>Pro-rata entitlement – more than 10 years of continuous employment When an employee with more than 10 years but less than 15 years of continuous employment resigns or is terminated they are entitled to pro rata leave. This entitlement:</p> <ul style="list-style-type: none"> • is calculated on the basis of $8^{2/3}$ weeks for 10 years of continuous employment for each year of employment since they completed 10 years of continuous employment; • is calculated on completed years of employment only; that is, it does not include months, weeks or days; and • does not apply to an employee whose employer has terminated them for serious misconduct. <p>This pro rata entitlement (calculated on the basis of $8^{2/3}$ weeks for 10 years of continuous employment) will also apply to each year of employment since an employee completed 15, 20, 25, 30, 35 years etc. of employment.</p>

- The [Long service leave](#) pages of the Wageline website contain extensive information on:
 - What counts as continuous employment, including details on the impact of various types of paid and unpaid absences or interruptions on continuous employment
 - What happens when business ownership changes
- 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. The WA long service leave calculator is available at www.dmirs.wa.gov.au/lslcalculator.

Bereavement leave and funeral leave

- Bereavement leave is a minimum entitlement from the *Minimum Conditions of Employment Act 1993*. 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 2 days need not be consecutive.
- Under the Aboriginal Communities and Organisations Award, full time and part time employees are entitled to five days paid funeral leave upon the death of a person with whom the employee has a close family relationship. Casual employees are not entitled to paid funeral leave. An employer has discretion to allow employees to take additional paid funeral leave. If an organisation closes because of the funeral of a prominent Community member, the time that the organisation is closed will count as paid leave for full time and part time employees. The time that the organisation is closed counts towards the five-day funeral leave entitlement.

Ceremonial leave

- Full time and part time employees are entitled to 10 days paid ceremonial leave per year.
- To access ceremonial leave:
 - the employee must be legitimately required by Aboriginal custom or by traditional law to be absent from work to participate in ceremonial activities; and
 - the leave may only be granted with the authority of the employer's senior Aboriginal management.
- Unused ceremonial leave does not accumulate from year to year and is not payable on termination of employment.
- Individual employees may be allowed to extend ceremonial leave by taking other accrued paid leave or unpaid leave, but any extension must be legitimately required by Aboriginal custom or by traditional law.

Unpaid pandemic leave

- The COVID-19 General Order has implemented a new entitlement to unpaid pandemic leave for all employees working under this WA award. The new provision is effective from 14 April 2020 and applies until 31 March 2021 unless extended.
- The unpaid pandemic leave provisions in the COVID-19 General Order are:
 - (1) Subject to subclauses (2) and (3), an employee is entitled to take up to two weeks' unpaid leave if the employee is required, by government or medical authorities or acting on the advice of a medical practitioner, to self-isolate or is otherwise prevented from working by measures taken by government or medical authorities in response to the COVID-19 pandemic. An employer and employee may agree that the employee may take more than two weeks' unpaid pandemic leave.
 - (2) The employee must give their employer notice of the taking of leave under subclause (1) and of the reason the employee requires the leave, as soon as practicable. This may be a time after the leave has started.
 - (3) The employee who has given their employer notice of taking leave under subclause (1) must, if required by the employer, give the employer evidence that would satisfy a reasonable person that the leave is taken for a reason given in subclause (1).
 - (4) Leave taken under subclause (1) does not affect any other paid or unpaid leave entitlement of the employee and counts as service for the purposes of entitlements.
 - (5) Such leave:
 - (a) is available in full immediately rather than accruing progressively during any period of service;
 - (b) will be available until 31 March 2021 (unless extended by further variation depending on the duration of the COVID-19 pandemic);
 - (c) will be available to full time, part time and casual employees (it is not pro rata); and
 - (d) must start before 31 March 2021, but may end after that date.
 - (6) It is not necessary for employees to exhaust their paid leave entitlements before accessing unpaid pandemic leave.
 - (7) Such unpaid leave does not operate on a 'per occasion' basis and is available once for those employees compelled to self-isolate, even if they are required to self-isolate on more than one occasion.
 - (8) Those caring for others who are compelled to self-isolate are not entitled to unpaid pandemic leave.



Resignation, termination and redundancy

Resignation by the employee

An employee must provide the same notice period required of an employer, except there is no requirement on the employee to give additional notice based on the age of the employee concerned.

Termination

- An employer must 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.

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 in the termination section 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 covered by the Aboriginal Communities and Organisations Award must pay the severance pay entitlements in the award when an employee is made redundant, as outlined in the table below.

Employers who employ less than 15 employees

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 the business.

Severance pay – Employers who employ 15 or more employees

Period of continuous service*	Award 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 the 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.

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.