



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

WA Award Summary

# Farm Employees Award

**1 July 2018**

## About this Award Summary

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

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

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

## How can we help?

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



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

<p><b>Step 1</b> Is the business in the state system?</p>	<p>This WA Award Summary applies to businesses in the <b>state industrial relations system</b>. It covers businesses which operate as:</p> <ul style="list-style-type: none"> <li>✓ <b>sole traders</b> (eg Jane Smith trading as Jane’s Farm)</li> <li>✓ <b>unincorporated partnerships</b> (eg Jane and Bob Smith trading as Jane’s Farm)</li> <li>✓ <b>unincorporated trust arrangements</b>. (eg Jane and Bob Smith as trustees for Jane’s Farm)</li> </ul> <p>This summary does <b>not</b> apply to businesses in the national industrial relations system which operate as:</p> <ul style="list-style-type: none"> <li>✗ <b>Pty Ltd businesses</b> (eg Smith Pty Ltd trading as Jane’s Farm)</li> <li>✗ <b>incorporated partnerships or incorporated trusts</b></li> <li>✗ <b>incorporated associations and other non-profit bodies</b> (that are trading or financial corporations)</li> </ul> <p>For more information visit the <a href="#">Guide to who is in the WA state system</a> page. If the business or organisation is in the national system visit the Fair Work Ombudsman website <a href="http://www.fairwork.gov.au">www.fairwork.gov.au</a>.</p>
<p><b>Step 2</b> Is the business covered by the Farm Employees Award?</p>	<p>The Farm Employees Award applies to farms and properties in the state industrial relations system in connection with:</p> <ul style="list-style-type: none"> <li>✓ the sowing, raising, harvesting and/or treatment of grain, fodder or other farm produce</li> <li>✓ the breeding, rearing or grazing of horses, cattle, sheep, pigs or deer</li> <li>✓ clearing, fencing, well sinking, dam sinking or trenching on farms or properties</li> </ul>
<p><b>Step 3</b> Is the employee’s job covered by the Farm Employees Award?</p>	<p>The Farm Employees Award sets pay rates, and other employment arrangements for full time and casual employees working as</p> <ul style="list-style-type: none"> <li>✓ Farm hands</li> <li>✓ Farm tradespersons</li> </ul>



Employers covered by this WA Award are legally required to keep employment records. Employers can be fined up to \$5,000 for not keeping employment records, for keeping inadequate or fraudulent records, or for not providing records to Industrial Inspectors when required to do so. Page 4 details record keeping requirements.

The Farm Employees 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 and leave entitlements 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**.

**Wages – 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)**

General Farm Hand or Farm Tradesperson	Weekly	Hourly	Casual (includes 20% loading)
Adult - 21 years or more	\$726.90	\$19.13	\$22.95
20 years of age (90%)	\$654.30	\$17.22	\$20.66
19 years of age (80%)	\$581.60	\$15.31	\$18.37
18 years of age (70%)	\$508.90	\$13.39	\$16.07
17 years of age (60%)	\$436.20	\$11.48	\$13.77
16 years of age (50%)	\$363.50	\$9.57	\$11.48
15 years of age (45%)	\$327.10	\$8.61	\$10.33

- **Note** – some of the pay rates in the Farm Employees Award fall below the minimum wages set by the 2018 State Wage Order. In such instances the rates listed here are the legal minimum rate.
- 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. See page 6 for details.



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



## Ordinary working hours

- The weekly rates listed above are for working a 38 hour week. Employees are required to be paid the hourly rate as listed above for each hour work in excess for 38 hours per week.
- The hours of work each week are to be set by agreement between the employer and the employee provided that subject to necessary attention to stock, all employees are to be allowed one full day off each week.
- There is a minimum condition of employment (set by the *Minimum Conditions of Employment Act 1993*) relating to reasonable hours of work that applies to employees covered by this WA Award. Employees can only be required to work 38 hours per week plus reasonable additional hours. Visit the [Hours of Work](#) page for more information on reasonable hours.



## 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.



## Accommodation

- If an employee is provided with board and lodging including food an employer is allowed to make a deduction of \$45.60 per week.



## 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 Farm Employees 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 Farm Employees Award, such as overtime hours worked and allowances paid. Contact [Wageline](#) or view the full Farm Employees 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

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- An employee is entitled to public holidays (or days substituted for public holidays) without deduction of pay.
- 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 WA award.
- Visit the [Public Holidays in Western Australia](#) page to view the public holiday dates.



### Quick reference guide

Leave entitlement	Full 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 Farm Employees Award but does **not** include all details on leave obligations and entitlements. Full details of conditions are contained in the Farm Employees Award 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. Casual employees are not entitled to annual leave.
- Annual leave is a minimum entitlement in the *Minimum Conditions of Employment Act 1993* and the Farm Employees 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%. 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.
- A full time employee accrues 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.
- Wageline's [record keeping templates](#) include an annual leave record template.



### Sick and carer's leave

- Sick and carer's leave entitles a full time 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 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 employees.
- In the first year of employment, a full 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.
- 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.





### 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.



### 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.
- Wageline’s [Long Service Leave Calculation Guide](#) can assist with calculating long service leave entitlements.
- Wageline’s [record keeping templates](#) include a long service leave record template.



### Bereavement leave

- All employees, including casual employees, are entitled to two days paid bereavement leave on the death of a spouse, de facto partner, parent, step-parent, grandparent, child, step-child, grandchild, sibling or any other member of the employee’s household. The two days need not be consecutive. Bereavement leave is a minimum entitlement from the *Minimum Conditions of Employment Act 1993*.



### 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.



### Resignation by the employee

- Full time employees are required to provide one week's notice.

### Termination

- Except in cases of serious misconduct, an employer is required to give full 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.
- These obligations come from the *Fair Work Act 2009* which applies rather than the notice provisions in the Farm Employees Award.

### 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.

### Dismissal requirements

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

### Disclaimer

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

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