Government of Western Australia
Department of Mines, Industry Regulation and Safety

wageline 1300 655 266

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

WA award summary

# Local Government Officers (Western Australia) Award

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

Not the current wage

## About this award summary

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

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

This WA award summary is a summary only and does not include all obligations required by the award. It is important to also refer to the full Local Government Officers (Western Australia) Award that is available on the Western Australian 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. Reference should also be made to the *Minimum Conditions of Employment Act 1993* (MCE Act), and the *Industrial Relations Act 1979* (IR Act) for full details.

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

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

### Disclaimer

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

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

| | |
|---|---|
| **Step 1**<br>Is the local government authority covered by the Local Government Officers Award? | All local government employers now operate in the state industrial relations system.<br>The Local Government Officers Award applies to many WA local government employers.<br>Please note:<br>• Local government employers may have industrial agreements that provide pay and entitlements specific to their workforce. The Local Government Officers Award or parts of it, may not apply if employees are covered by an industrial agreement.<br>• The Local Government Officers Award **does not** apply to employees whose local government employer transferred from the national industrial relations system to the state system on 1 January 2023. More information is available at www.dmirs.wa.gov.au/local-government-transfer<br>Refer to the human resources area of the local government to check whether this award applies. |
| **Step 2**<br>Is the employee's job covered by the Local Government Officers Award? | The Local Government Officers Award sets pay rates, working hours and other employment arrangements for salaried officers employed by local government authorities in a range of professional, clerical and administrative positions, for example:<br>✓ airport officers<br>✓ community services officers (welfare)<br>✓ community services officers (recreation)<br>✓ community services officers (arts, theatre, museum)<br>✓ law enforcement officers<br>✓ clerical officers<br>✓ human resource / employment relations officers<br>✓ planning officers<br>✓ environmental health officers<br>✓ legal officers<br>✓ technical officers<br>✓ graphic artists<br>✓ computer operations / IT officers<br>✓ other professional employees<br>✓ library officers<br>✓ caretakers / caravan park managers<br>For position definitions, refer to the Classifications publication on the Local Government Officers Award summary page of the Wageline website. |

Not the current wage rates

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

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

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

Stay informed when WA award pay rates change, subscribe to Wageline News or follow Wageline on social media.

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

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

For classification definitions see the separate Classifications publication on the Local Government Officers Award summary page of the Wageline website.

| Classification | Age / Step | Annual | Weekly[1] | Hourly | Casual (includes 20% loading) |
|---|---|---|---|---|---|
| **Level 1** | 15 or 16 years | $32,737 | $629.60 | $16.57 | $19.88 |
| | 17 years | $34,641 | $666.20 | $17.53 | $21.04 |
| | 18 years | $37,398 | $719.20 | $18.93 | $22.71 |
| | 19 years | $40,164 | $772.40 | $20.33 | $24.39 |
| | 20 years | $42,909 | $825.20 | $21.72 | $26.06 |
| | Adult | $44,907 | $863.60 | $22.73 | $27.27 |
| **Level 2** | Step 1 | $46,299 | $890.40 | $23.43 | $28.12 |
| | Step 2 | $47,142 | $906.60 | $23.86 | $28.63 |
| | Step 3 | $48,519 | $933.10 | $24.56 | $29.47 |
| | Step 4 | $49,848 | $958.60 | $25.23 | $30.27 |
| **Level 3** | Step 1 | $51,035 | $981.40 | $25.83 | $30.99 |
| | Step 2 | $51,801 | $996.20 | $26.22 | $31.46 |
| | Step 3 | $52,568 | $1,010.90 | $26.60 | $31.92 |
| | Step 4 | $53,333 | $1,025.60 | $26.99 | $32.39 |
| **Level 4** | Step 1 | $54,560 | $1,049.20 | $27.61 | $33.13 |
| | Step 2 | $55,075 | $1,059.10 | $27.87 | $33.45 |
| | Step 3 | $55,806 | $1,073.20 | $28.24 | $33.89 |
| | Step 4 | $56,916 | $1,094.50 | $28.80 | $34.56 |
| **Level 5** | Step 1 | $58,270 | $1,120.60 | $29.49 | $35.39 |
| | Step 2 | $59,053 | $1,135.60 | $29.88 | $35.86 |
| | Step 3 | $59,683 | $1,147.80 | $30.21 | $36.25 |
| | Step 4 | $60,728 | $1,167.80 | $30.73 | $36.88 |
| **Level 6** | Step 1 | $61,490 | $1,182.50 | $31.12 | $37.34 |
| | Step 2 | $62,764 | $1,207.00 | $31.76 | $38.12 |
| | Step 3 | $63,723 | $1,225.40 | $32.25 | $38.70 |
| | Step 4 | $64,836 | $1,246.80 | $32.81 | $39.37 |
| **Level 7** | Step 1 | $65,935 | $1,268.00 | $33.37 | $40.04 |
| | Step 2 | $67,165 | $1,291.60 | $33.99 | $40.79 |
| | Step 3 | $68,183 | $1,311.20 | $34.51 | $41.41 |
| | Step 4 | $68,910 | $1,325.20 | $34.87 | $41.85 |
| **Level 8** | Step 1 | $70,214 | $1,350.30 | $35.53 | $42.64 |
| | Step 2 | $71,230 | $1,369.80 | $36.05 | $43.26 |
| | Step 3 | $72,244 | $1,389.30 | $36.56 | $43.87 |
| | Step 4 | $73,263 | $1,408.90 | $37.08 | $44.49 |
| **Level 9** | Step 1 | $75,280 | $1,447.70 | $38.10 | $45.72 |
| | Step 2 | $76,449 | $1,470.20 | $38.69 | $46.43 |
| | Step 3 | $77,713 | $1,494.50 | $39.33 | $47.19 |
| | Step 4 | $79,026 | $1,519.70 | $39.99 | $47.99 |

Not the current wage rates

### Registered trainees

- Registered trainees are employees who are undertaking a traineeship registered with the Apprenticeship Office at the Department of Training and Workforce Development.
- The Local Government Officers Award covers adult and junior employees undertaking a registered traineeship. Traineeships can be undertaken on a full time, part time or school-based basis.

[1] Weekly Rates of pay are calculated as 1/52 of the Annual Rates of pay as specified in the Award.

- The minimum rates of pay and conditions of employment applicable to trainees are in accordance with Schedule E – National Training Wage of the national Miscellaneous Award 2020, as amended from time to time. *Note: Although the Local Government Officers Award is a state award, pay and conditions for trainees come from a national modern award that is not otherwise applicable to local governments operating in the state industrial relations system.*
- The pay rates for a registered trainee under 21 years of age are based on the Industry / Skill Level of the traineeship being undertaken, the highest level of schooling the trainee has completed, and how long they have been out of school. These rates are outlined further in Schedule E of the Miscellaneous Award 2020.
- The pay rates for a registered trainee 21 years of age or over are based on the **highest weekly wage rate for the Industry / Skill level relevant to the traineeship** (i.e. it does not matter how long the trainee has been out of school, or what level of schooling they completed). These rates are also outlined further in Schedule E of the Miscellaneous Award 2020.
- 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.

## Deductions from pay

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

## Allowances

### Location allowance for employees in regional areas

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

Not the current wage rates

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

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

The location allowance to be paid to employees employed in the towns or locations of Meeberrie (Murchison), Menzies, Westonia and Yalgoo are as follows:

- Employees employed at Meeberrie (Murchison) will be paid a location allowance as for Mundrabilla.
- Employees employed at Menzies will be paid a location allowance as for Mundrabilla.
- Employees employed at Westonia will be paid a location allowance as for Ravensthorpe.
- Employees employed at Yalgoo will be paid a location allowance as for Eucla.

### Other allowances

The Local Government Officers Award contains a range of other allowances which apply to specific working arrangements. Please view the award on the WA Industrial Relations Commission website www.wairc.wa.gov.au for details.

## Ordinary working hours

### Ordinary hours of work – full time employees[2]

**General**

- The ordinary hours for full time employees are an average of 38 hours per week to be worked by mutual agreement, in one of the following arrangements:
  - 38 hours within a work cycle not exceeding 7 consecutive days; or
  - 76 hours within a work cycle not exceeding 14 consecutive days; or
  - 114 hours within a work cycle not exceeding 21 consecutive days; or
  - 152 hours within a work cycle not exceeding 28 consecutive days; or
  - Such further extended cycles as agreed between the employer and employees.
- Ordinary hours may be worked Monday to Friday, between the hours of 7.30am and 6.00pm, with a minimum break of 30 minutes for lunch no longer than 5 hours after commencement. The starting time may be 7.00am for Meat Inspectors. Other employees may also start at 7.00am by agreement with the employer.

**Supervisors**

The ordinary hours of supervisory officers who exercise control over other employees may be the same as those employees over whom they exercise control, provided they do not exceed an average of 38 hours per week.

Not the current wage rates

[2] All meal breaks are unpaid unless stated otherwise.

**Law enforcement and airport officers**
Ordinary hours must not exceed an average of 38 per week, to be worked within a spread of 10 hours on any day, Monday to Sunday, with a meal break of at least 30 minutes.

**Community service officers**
- Ordinary hours must not exceed an average of 38 per week, within a spread of 10 hours on any day, Monday to Sunday, which includes a meal break not exceeding one hour. Aquatic/swimming pool officers are entitled to consume a meal while on duty without loss of pay.
- For aquatic/swimming pool staff, the above hours provision is applicable only during the period in which the centre/pool is open to the public. In any other week, ordinary hours must not exceed 38 per week to be worked from Monday to Friday inclusive.
- Swimming pool managers, assistant managers, pool supervisors, pool superintendents and recreation centre staff must be paid a loading of 30% of the appropriate hourly rate for each ordinary hour worked beyond a spread of 10 hours on any day.

**Computer operations/information technology officers**
Ordinary hours must not exceed an average of 38 per week, to be worked between 7.30am and 6.00pm Monday to Friday (start times may be 7.00am where there is agreement between the employer and employee) and 7.30am to 12 noon Saturday, and within a daily spread of 10 hours (including a meal break of at least 30 minutes).

**Library officers**
Library officers may be rostered so that the ordinary hours of duty do not exceed an average of 38 hours per week, to be worked between Monday and to 12 noon Saturday inclusive, within a spread of 12 hours. A meal break of at least 30 minutes is to be allowed no longer than 5 hours after commencement of a shift.

**Caretakers and caravan park managers**
The ordinary hours of duty for caretakers and caravan park managers are not to exceed 76 hours per fortnight, to be worked over any 12 days in that fortnightly period at such times as their duties may require.

**Recreation clerical officers**
The ordinary hours of duty of recreation clerical staff must not exceed an average of 38 per week, to be worked within a spread of 10 hours on any day Monday to Sunday. A meal break of at least 30 minutes is to be allowed no longer than 5 hours after commencement of a shift.

**Alternative working arrangements**
The employer and employee(s) may agree to an alternative arrangement of how working hours may be worked. Where the agreement affects more than one employee, the majority of employees affected must genuinely agree to the change. All agreements must be in writing indicating the employees affected and the terms of the agreement. Where relevant, the penalty rates prescribed in clause 20.1 of the award are also applicable.

## Ordinary hours of work – part time employees
- Part time employees work an average of less than 38 hours per week.
- Part time employees may be engaged to work ordinary hours in the same manner as for full time employees, but for an average of less than 38 hours per week. Part time employees are entitled to penalty rates and overtime (if applicable).

## Ordinary hours of work – casual employees
Casual employees may be engaged to work ordinary hours in the same manner as for full time and part time employees, and are entitled to penalty rates and overtime (if applicable). However, non-shift working casual employees are not entitled to penalty rates when working ordinary hours on a public holiday.

## Shift work
- An employer may work any section/s of the workforce on shifts, but before doing so, they must give notice to the union of the intention to do so, including the intended starting and finishing times of ordinary working hours.
- For the purpose of the award, the following definitions apply to shift work:
  - Day shift - means any shift starting at or after 7.30am and finishing at or before 6.00pm;
  - Afternoon shift - means any shift finishing after 6.00pm and at or before midnight; and
  - Night shift - means any shift finishing after midnight and at or before 7.30am.
- The ordinary hours of work for an employee engaged on shift work must not exceed 38 hours per week, or an average of 38 hours, over a two, three or four week work cycle.

Not the current wage rates

## Employment of children

- Under the *Children and Community Services Act 2004*, it is illegal to employ children under the age of 15 in this industry, except if the child is working as part of a school program (e.g. work experience placement).
- 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.

## Penalty rates

### Penalty rates (excluding shift workers)

The following penalty rates are payable to employees (excluding shift workers whose hours of duty are outlined further below) during ordinary hours of work:

| Employee group | When penalty rates apply | Penalty rates* |
|---|---|---|
| • Law Enforcement Officers<br>• Airport Officers<br>• Recreation Clerical Staff<br>• Data Input Operators/Supervisors<br>• Computer Operators<br>• Systems Support Officers<br>• Caravan Park Staff<br>• Employees with alternative working arrangements | Hours worked between 6.00pm and 7.30am Monday to Friday<br>(does not apply to hours worked between 7.00am and 7.30am where an employee has agreed to a 7.00am start) | 15% additional loading for each hour worked between 6.00pm and 7.30am |
| | Hours worked on a Saturday | 25% additional loading for each hour worked on a Saturday |
| | Hours worked on a Sunday | 50% additional loading for each hour worked on a Sunday |
| • Caretakers | Ordinary hours worked between midnight and 5.00am, Monday to Friday | 25% additional loading for each hour worked between midnight and 5.00am |
| | Hours worked on a Saturday | 25% additional loading for each hour worked on a Saturday |
| | Hours worked on a Sunday | 50% additional loading for each hour worked on a Sunday |
| • Library Clerks<br>• Library Technicians<br>• Audio Visual Technicians<br>• Graphic Artists | When rostered to perform ordinary hours of work between Monday and 12 noon Saturday, within a spread of 12 hours | An additional 10% loading on all ordinary hours worked (applies for all purposes of the award) |
| • Law Enforcement Officers | Law enforcement officers who agree to work ordinary hours over more than five consecutive days | A loading of 15% on all ordinary hours worked |
| • Full time and part time employees (all jobs)[3] | Ordinary hours worked on a public holiday | Double time and one half |

Where two or more additional rates would apply the employee is to receive only the higher of the rates.

### Penalty rates – shift workers

| When penalty rates apply* | Penalty rates |
|---|---|
| Afternoon or night shift (Monday to Friday) | 15% for the whole shift |
| When the major portion of a rostered shift falls on a Saturday | Time and one half for the whole shift |
| When the major portion of a rostered shift falls on a Sunday | Time and three quarters for the whole shift |
| When the major portion of a rostered shift falls on a public holiday | Double time and one half for the whole shift |

*Where a shift commences at or after 11.00pm on any day, the whole of that shift is deemed to have been worked on the following day.

[3] Casual employees (excluding shift workers) are not entitled to penalty rates when working ordinary hours on a public holiday.

Not the current wage rates

## Overtime

Overtime is payable for all work performed in excess of, or outside of, the ordinary hours of duty.

### Overtime rates – all employees

| When overtime is worked | Overtime rates |
|---|---|
| Overtime worked on a weekday | Time and one half for the first two hours and double time thereafter |
| Overtime worked on a Saturday prior to 12 noon | Time and one half for the first two hours and double time thereafter |
| Overtime worked on a Saturday after 12 noon | Double time |
| Overtime worked on a Sunday | Double time |
| Overtime worked on a public holiday (or substituted day), including Easter Saturday | Double time and one half |

For other provisions regarding overtime, refer to Clause 22 of the Local Government Officers Award on the WA Industrial Relations Commission website www.wairc.wa.gov.au.

## Public holidays

### General

- Full time employees are entitled to public holidays (or days substituted for public holidays) without deduction of pay. Part time employees are entitled to public holidays (or days substituted for public holidays) without deduction of pay if they would ordinarily be required to work on that day if it was not a public holiday.
- Under the Local Government Officers Award:
  - When Christmas Day falls on a Saturday or Sunday, a holiday in lieu is observed on 27 December;
  - When Boxing Day falls on a Saturday or Sunday, a holiday in lieu is observed on 28 December; and
  - When New Year's Day, Australia Day or ANZAC Day falls on a Saturday or Sunday, a holiday in lieu is observed on the following Monday.
- Easter Saturday is also considered a public holiday for the purposes of this award.
- From 2022, Easter Sunday is a public holiday in Western Australia. The Easter Sunday public holiday is observed on the actual day, and is not substituted to another day solely because it falls on a weekend. Employees required to work Easter Sunday must be paid at public holiday penalty rates. Visit the Easter Sunday public holiday page for more information about the Easter Sunday public holiday.
- If an additional public holiday is declared or prescribed in Western Australia (other than those set out above) that additional day is also recognised as a public holiday for the purpose of the award.
- An employer and a majority of affected employees may agree to substitute another day for any prescribed public holiday.
- The National Aboriginal and Islander Day of Celebration (NAIDOC) may be taken as a holiday in lieu of any public holiday by agreement between the employer and employee.
- When an employee (excluding non-shift working casuals) is required to work ordinary hours on a public holiday, the employee is entitled to be paid at the rate of double time and a half or, by agreement, the employee may be granted paid time off in ordinary hours equivalent to the time worked, to be taken on a mutually agreed day.
- When a public holiday (other than Easter Saturday) falls on an employee's rostered day off, the employee is entitled to take a day in lieu at an agreed time.
- A continuous shift employee who is not required to work on a public holiday which falls on their rostered day off is entitled to a day's paid leave, to be added to their annual leave or taken at another mutually agreed time.
- Visit the Public Holidays in Western Australia page to view the public holiday dates.

### Days in lieu

Full time and part time employees are entitled to two additional days of leave in lieu of the public service holidays that previously applied on the day after New Year's Day and Easter Tuesday, as follows:

- On the working day after New Year's Day and on Easter Tuesday each year an employee who is scheduled to work those days or is on paid leave becomes entitled to a day's paid leave in lieu of those days.
- An employee who works a roster and is on a rostered day off on either the working day after New Year's Day or on Easter Tuesday is also entitled to a day's paid leave in lieu of those days.
- These two days in lieu are to be taken in the year in which they fall due at the convenience of the employer.

Not the current wage rates

## Leave entitlements

**Quick reference guide**

| Leave entitlement | Full time | Part time | Casual |
|---|---|---|---|
| Annual leave | ✓ | ✓ | ✗ |
| Personal leave | ✓ | ✓ | ✗ |
| Unpaid personal leave for caring purposes | ✓ | ✓ | ✓ |
| Bereavement leave | ✓ | ✓ | ✓ |
| Unpaid Parental leave | ✓ | ✓ | ✓ |
| Long Service leave | ✓ | ✓ | ✓ |
| Unpaid family and domestic violence leave | ✓ | ✓ | ✓ |

This WA award summary covers the basic leave entitlements for employees covered by the Local Government Officers Award but does **not** include all details on leave obligations and entitlements. Full details of conditions are contained in the Local Government Officers Award on the WA Industrial Relations Commission website www.wairc.wa.gov.au, the *Minimum Conditions of Employment Act 1993* and the Local Government (Long Service Leave) Regulations.

### Personal leave

- Personal leave entitles a full time or part time employee to paid time off work due to either illness or injury to themselves, or because they have to care for a member of their family or household who requires care or support because they are sick, injured or affected by an unexpected emergency.
- Each year, full time and part time employees accrue paid personal leave as follows:

| Length of time worked for the employer | Personal leave (days)* |
|---|---|
| On commencement | 10 |
| On commencement of 2nd and 3rd year of continuous service | 10 |
| On commencement of 4th and subsequent years | 12 |

*Personal leave is available to be taken in hours. One day of personal leave for a full time employee = 7.6 hours.

- Personal leave is a cumulative entitlement, and any leave not taken in one year is carried over and able to be taken in future years.
- An employee, including a casual employee, is entitled to up to two days of unpaid personal leave per occasion when a member of the employee's family or household requires care or support because of a personal illness or injury or unexpected emergency affecting the member. A full time or part time employee cannot take unpaid personal leave for caring purposes if they have paid personal leave available.
- Casual employees are not entitled to paid personal leave. Casual employees can access up to two days of unpaid personal leave for caring purposes per occasion.
- Personal leave is a minimum entitlement from the *Minimum Conditions of Employment Act 1993*.
- Visit Wageline's Personal leave page for definitions of 'member of the family or household' or for more information.

**Portability of personal leave**

- Local government employees are entitled to transfer up to 8 weeks of their accumulated personal leave credits from one local government authority to another, as long as their service is continuous.
- An employee who suffers personal ill health or injury during a period of annual leave may apply to have that annual leave replaced with sick leave. Further details are outlined in Clause 25.8 of the Local Government Officers Award.

### 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

- The long service leave entitlements for most local government employees in WA come from the Local Government (Long Service Leave) Regulations, rather than the *Long Service Leave Act 1958*.
- For specific queries regarding the Local Government (Long Service Leave) Regulations, contact the Department of Local Government, Sport and Cultural Industries on 1300 762 511 or email lghotline@dlgsc.wa.gov.au.

Not the current wage rates

## 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.
- A Chief Executive Officer, Town or Shire Engineer or Environmental Health Officer is allowed one additional week's leave (as compensation for other circumstances of employment) with payment of ordinary salary after a period of 12 months' continuous service with that Local Authority. Where the employee is engaged for part of a qualifying 12 monthly period, they are entitled to a pro rata amount of the additional leave, accrued at one twelfth of a week for each completed month of service. This additional leave does not apply to employees who have incorporated it into their salary package by agreement.
- An employee (other than a Chief Executive Officer, Town or Shire Engineer or Environmental Health Officer) employed by a Local Government whose head office is situated north of the 26th parallel of latitude is allowed one additional week's leave with payment of ordinary salary after a period of 12 month's continuous service with that Local Government. Where the employee is engaged for part of a qualifying 12 monthly period, they are entitled to a pro rata amount of the additional leave, accrued at one twelfth of a week for each completed month of service.
- Annual leave is a minimum entitlement in the *Minimum Conditions of Employment Act 1993* and the Local Government Officers 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% of their ordinary salary, or the appropriate shift loadings the employee would otherwise have received, whichever is the greater. By agreement between the employer and an employee, the loading may be cashed out and included as a component in the employee's salary.
- 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 of 17.5% is not paid out on proportionate leave (leave accrued in an incomplete year of employment) on lawful termination of employment.
- Annual leave accrues on a weekly basis:
  - A full time employee entitled to four weeks of annual leave per annum accrues 2.923 hours of annual leave for each completed week of work.
  - A part time employee entitled to four weeks of annual leave accrues the relevant proportion of 2.923 hours of annual leave for each completed week of work.
  - Wageline's Annual leave calculation guide can assist with calculating annual leave entitlements.
- Visit Wageline's Annual leave page for more information.

## Bereavement leave

- All employees, including casual employees, are entitled to two days paid bereavement leave on the death of a spouse, de facto partner, parent, step-parent, grandparent, child, step-child, grandchild, sibling or any other member of the employee's household. The two days need not be consecutive.
- Bereavement leave is a minimum entitlement from the *Minimum Conditions of Employment Act 1993*.
- Where an employee has exhausted all accumulated leave entitlements, the employee is entitled to take unpaid bereavement leave. The employer and the employee are to agree on the quantum of unpaid leave to be taken.

## Family and domestic violence leave

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

Not the current wage rates

## Resignation, termination and redundancy

### Resignation by the employee

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

Full time and part time employees are required to provide the same notice period for resignation from their position as the employer is required to provide the employee in respect of termination, but there is no requirement on the employee to give additional notice based on the age of the employee concerned.

### Termination

Prior to terminating a trainee, an employer must contact the Department of Training and Workforce Development Apprenticeship Office on 13 19 54 to discuss any proposed termination of a trainee.

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

An employer is required to give a chief executive officer, or an executive officer who reports to the chief executive officer, 4 weeks' notice of termination, or such other notice as is required by the contract of employment.

Except in cases of serious misconduct, an employer is required to give full time and part time employees (other than a chief executive officer or an executive officer who reports to the chief executive officer) the following period of notice of termination (or payment in lieu):

| Period of continuous service | Notice period |
|---|---|
| Not more than 1 year | 1 week |
| More than 1 year but not more than 3 years* | 2 weeks |
| More than 3 years but not more than 5 years* | 3 weeks |
| More than 5 years* | 4 weeks |

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

### Dismissal requirements

Under state laws, employees cannot be dismissed if to do so would be harsh, unfair or oppressive. There must be a valid and fair reason for dismissal, such as:

- consistent unsatisfactory work performance (which has been raised with the employee and the employee given further training and an opportunity to improve their work performance);
- inappropriate behaviour or actions; or
- serious misconduct.

The Dismissal information page outlines obligations and requirements when an employee is terminated.

### Redundancy

An employee is redundant when their employer has made a definite decision that they no longer wish the job the employee has been doing to be done by anyone.

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

- the appropriate notice period or pay in lieu of notice, as outlined under 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 Local Government Officers Award must pay the severance pay entitlements in the award when an employee is made redundant, as outlined in the table below.

Award severance pay does not need to be paid to casual or probationary employees, apprentices or trainees, employees who have been engaged for a specific period of time or for a specified task or tasks, or employees terminated as a consequence of serious misconduct that justifies dismissal without notice.

Not the current wage rates

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.

**Award severance pay – 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 |

**Award severance pay – Employers who employ 15 or more employees**

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

*An employee's period of continuous service includes any service with a previous local government employer if the period between the employee leaving the previous employer and commencing with the new employer does not exceed either two weeks, or the period for which the previous employer made payments in lieu of accrued and pro rata leave entitlements, whichever is the greater.

## Pay slip and record keeping requirements

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

### Pay slips

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

A pay slip needs to include the following information:

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

Not the current wage rates

- the rate of pay for the employee's ordinary hours;
- the number of hours worked during the period to which the pay slip relates; and
- the amount of the payment made at that rate;

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

Wageline's Pay slip information page provides more information and a pay slip template to assist employers.

## Employment records

**Record keeping requirements**

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

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

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

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

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

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

**Time periods for keeping records**

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

Not Updates