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

WA award summary

Building Trades and Labourers (Construction) Award

1 July 2025 – 30 June 2026

Not the current wage

About this award summary

This document is a summary of the state Building Trades and Labourers (Construction) 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 Building Trades and Labourers (Construction) 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. You should refer to the *Minimum Conditions of Employment Act 1993* 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 using a printed copy in which links are not visible, all additional information can be found at www.lgirs.wa.gov.au/wageline or by contacting Wageline on 1300 655 266.

This WA award summary includes information on employment entitlements introduced by the *Industrial Relations Legislation Amendment Act 2024* effective from 31 January 2025 www.lgirs.wa.gov.au/new-employment-laws

Disclaimer

The Department of Local Government, Industry Regulation and Safety has prepared this WA award summary to provide information on pay rates and major award provisions. It 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.

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

Step 1 Is the business in the state system?	This WA award summary applies to businesses in the **state industrial relations system.** The state system covers businesses (and their employees) that operate as: ✓ **sole traders** ✓ **unincorporated partnerships** ✓ **unincorporated trust arrangements** ✓ **incorporated associations and other non-profit bodies** that are not trading or financial corporations This summary does **not** apply to businesses in the national industrial relations system which operate as: ✗ **Pty Ltd businesses** ✗ **incorporated partnerships or incorporated trusts** ✗ **Incorporated associations and other non-profit bodies** that are trading or financial corporations For more information visit Which system of employment law applies. If the business or organisation is in the national system visit the Fair Work Ombudsman website www.fairwork.gov.au
Step 2 Is the business covered by the Building Trades and Labourers (Construction) Award?	The Building Trades and Labourers (Construction) Award applies to businesses (including labour hire organisations) in the state industrial relations system which are operating in the on-site building and construction industry.* This award **does not** apply to employees covered by another state award including: ✗ Australian Workers Union Road Maintenance, Marking and Traffic Management Award ✗ Building Trades and Labourers (General) Award ✗ Building Trades (Government) Award ✗ Foremen (Building Trades) Award ✗ Industrial Spraypainting and Sandblasting Award ✗ Earth Moving and Construction Award ✗ Engine Drivers (General) Award ✗ Metal Trades (General) Award
Step 3 Is the employee's job covered by the Building Trades and Labourers (Construction) Award?	The Building Trades and Labourers (Construction) Award sets pay rates, working hours and other employment arrangements for employees working in the on-site building construction industry* as: ✓ Builders labourers; and Tradespersons and apprentices: ✓ bricklayers ✓ plumbers ✓ plasterers ✓ roof tile fixers ✓ stonemasons ✓ concreters (Cert III qualified) ✓ wall and floor tilers ✓ signwriters ✓ glaziers ✓ carpenters/joiners ✓ painters

*refer to *Definitions* on page 13 for a definition of this industry.

Industrial inspectors at the Department of Local Government, Industry Regulation and Safety have powers under the *Industrial Relations Act 1979* 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.

Not the current wage rates

The penalty for not complying with a provision of a WA award or not complying with a requirement relating to employment records is up to $18,000 for individuals and $93,000 for bodies corporate. Higher penalties apply for serious contraventions of up to $180,000 for individuals and $930,000 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 wages or leave entitlements under state employment laws, can follow the Steps to making an underpayment complaint.

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 full pay period on or after 1 July 2025 to the last full pay period that ended on or before 30 June 2026

All rates of pay are gross rates (before tax). The tables below provide the rates that apply from the beginning of the first full pay period that started on or after **1 July 2025**.

*The hourly rates of pay listed for tradespeople and builders labourers do not incorporate location allowance or underground allowance. If these allowances are applicable consult Clause 8 – Rates of Pay of the Building Trades and Labourers (Construction) Award on the WA Industrial Relations Commission website www.wairc.wa.gov.au for how to calculate an hourly pay rate which incorporates these allowances.

Building tradesperson rates of pay

Building Tradesperson Rates include industry, tool, special and plumbing trade allowances.	**Hourly***	**Casual** (includes 25% loading)
Plumber/Gasfitter	$31.26	$39.08
Marker/Setter Out (No entitlement to tool allowance)	$30.18	$37.73
Carpenter/Joiner	$30.50	$38.13
Stonemason/Stoneworker	$30.50	$38.13
Plasterer (includes Wall & Floor Tiler)	$30.37	$37.96
Bricklayer (note the heavy blocks allowance on page 6)	$30.26	$37.83
Roof Tile Fixer	$30.11	$37.63
Sign writer	$29.87	$37.34
Painter	$29.87	$37.34
Glazier	$29.87	$37.34
Concreter (Cert III qualified) – No entitlement to tool allowance.	$29.66	$37.07

The Building Trades and Labourers (Construction) Award also contains rates of pay for Special Class Tradespersons working on heritage restoration – see the award on the WA Industrial Relations Commission website

Builders' labourers rates of pay

Builders' Labourers Rates include industry allowance and special allowance.	**Hourly***	**Casual** (includes 25% loading)
Group 1 Rigger, Drainer, Dogger	$29.42	$36.78
Group 2 Scaffolder, Powder Monkey, Hoist or Winch Driver, Concrete Finisher, Steel Fixer including Tack Welder and Concrete Pump Operator	$28.87	$36.09
Group 3 Bricklayer's Labourer, Plasterer's Labourer, Assistant Powder Monkey, Assistant Rigger, Demolition Worker (after 3 months experience), Gear Hand, Cement Gun Operator, Concrete Cutting or Drilling Machine Operator, Pile Driver, Tackle Hand, Jackhammer Hand, Mixer Driver (Concrete), Steel Erector, Aluminium Structural Erector, Gantry Hand or Crane Hand, Concrete Gang including Concrete Floater, Steel or Bar Bender to Pattern or Plan, Concrete Formwork Stripper, Concrete Pump Hose Hand, Trades Labourer, Brick Paver Labourer, Brick Cleaner/Labourer.	$28.47	$35.59
Group 4 Builders' Labourers employed on work other than specified in Groups 1-3.	$27.47	$34.34

There is no entitlement to tool allowance for Builders' Labourers.

Not the current wage rates

Apprentice rates of pay

*Includes special and industry allowance where applicable.

Bricklayers, Carpenters, Glaziers, Joiners, Painters, Plasterers, Sign writers, Stonemasons, Stoneworkers, Roof tile fixers, and Concreters

4 Year Term	3.5 Year Term	3 Year Term	2 Year Term	Age	Weekly*
1st year	0-6 months			Under 21	$476.40
				21 or over	$821.30
2nd year	7-18 months	1st Year	1st year	Under 21	$614.60
				21 or over	$821.30
3rd year	19-30 months	2nd year	2nd year	All ages	$827.20
4th year	31-42 months	3rd year		All ages	$965.40

Plumber and/or Gasfitter

4 Year Term	Age	Percentage of tradesperson rate	Weekly*
1st Year	Under 21	42%	$478.10
	21 or over		$821.30
2nd Year	Under 21	55%	$616.80
	21 or over		$821.30
3rd Year	All ages	75%	$830.20
4th Year	All ages	88%	$968.90

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

Tool allowance for apprentices

Apprenticeship trade	Weekly allowance
Carpenters, Joiners, Plumbers, Gasfitters, Stonemasons, Stoneworkers	$31.00
Plasterers, Wall and Floor Tilers	$25.60
Bricklayers	$21.90
Roof Tile Fixers	$16.00
Sign writers, Painters, Glaziers	$7.50

An employer may, (by agreement with the apprentice's parent or guardian if the apprentice is under 18), elect to provide the apprentice with a kit of tools and, subject to establishing the value of the tools at the time of so providing, deduct the tool allowance until the cost of the tools is reimbursed. An employer must pay the tool allowance after the cost of the tools has been reimbursed.

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.
- The minimum rates of pay applicable to trainees are those outlined in Schedule D – National Training Wage of the national Building and Construction General On-site Award 2020. *Although the Building Trades and Labourers (Construction) Award is a WA state award, pay rates come from a national modern award that is not otherwise applicable to building and construction industry businesses operating in the state industrial relations system.*
- Registered trainees in this industry are covered by all other provisions of the WA Building Trades and Labourers (Construction) Award including working hours, penalty rates, allowances and leave entitlements.
- 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.

Not the current wage rates

Allowances

Tool allowance

Tool allowance is always payable to tradespersons and apprentices. Tool allowance is included in the tradesperson rates listed on page 3 and detailed in the Tool allowance for apprentices table on the previous page.

Meal allowance

An employee who works at least one and a half hours or more of overtime after working ordinary hours must receive a meal allowance of **$14.70** to meet the cost of a meal.

Fares and travelling allowance

Plumbing – Plumbers and plumbing apprentices receive the following daily allowances:

- Reporting and ceasing work at site using own transport - **$10.80** + **¼ Hours' Pay**.
- Reporting and ceasing work at site using employer's transport - **¼ Hours' Pay**.
- Reporting and ceasing work at yard or depot - **Nil**.

Additional allowances apply for travel beyond 50kms from the local post office and transport during working hours. Please see clause 12B of the Building Trades and Labourers (Construction) Award on the WA Industrial Relations Commission website www.wairc.wa.gov.au

Other trades and labourers

- All tradespeople (except plumbers) and labourers receive a travel allowance of **$16.55** per day on any day on which the employee works or reports for work, except where the employer picks up the employee from their home and returns them to their home at the conclusion of work.
- All apprentices (except plumbers) receive a percentage of this daily allowance except where the employer picks up the apprentice from their home and returns them to their home at the conclusion of work:
  - First year apprentices - **$12.40** (75% of travel allowance)
  - Second year apprentices - **$14.05** (85% of travel allowance)
  - Third year apprentices - **$14.90** (90% of travel allowance)
  - Fourth year apprentices - **$15.70** (95% of travel allowance)

Additional allowances apply for travel beyond 50kms from the local post office and transport during working hours. Please see clause 12A of the Building Trades and Labourers (Construction) Award on the WAIRC website.

Inclement weather

If employees cannot work due to rain or extreme temperatures or abnormal climatic conditions, they are entitled to be paid for the ordinary time lost. This entitlement is capped at 32 hours per 4 week period. Refer to Clause 19 of the Building Trades and Labourers (Construction) Award, available on the WAIRC website

Insulation allowance

An employee handling charcoal, pumice, granulated cork, silicate of cotton, insulwool, slag wool, limpet fibre, vermiculite or other recognised insulating material of a like nature or working in the immediate vicinity so as to be affected by the use thereof must be paid **82 cents** per hour or part thereof.

Leading hand allowance

A person specifically appointed to be a leading hand must be paid at the rate of the undermentioned additional amounts above the rate of the highest classification supervised, or their own rate, whichever is the highest, in accordance with the number of persons in their charge:

Leading hand allowance	Weekly	Hourly
In charge of not more than one person	$25.00	$0.67
In charge of 2 and not more than 5 persons	$42.10	$1.14
In charge of 6 and not more than 10 persons	$53.40	$1.44
In charge of more than 10 persons	$71.20	$1.93

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. 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 they do not have a spouse or partner) who does not get a location allowance the employee must receive double the relevant location allowance.

Not the current Wage rates

- If an employee has a 'partial dependant' (a dependant who gets a district or location allowance which is less than the location allowance the employee gets) the employee must be paid their relevant location allowance rate plus the difference between the employee's location allowance and what the partial dependant is receiving in district or location allowance.
- If an employee receives free meals and accommodation, or is paid an allowance for meals and accommodation, the employee is only entitled to receive 66.67% of the amount for the relevant town.

Location allowance rates effective first pay period on or after 1 July 2025

Town	$ per week	Town	$ per week	Town	$ per week
Agnew	$25.90	Halls Creek	$61.40	Norseman	$23.30
Argyle	$70.00	Kalbarri	$9.40	Nullagine	$68.10
Balladonia	$27.20	Kalgoorlie	$11.10	Onslow	$45.60
Barrow Island	$45.60	Kambalda	$11.10	Pannawonica	$33.90
Boulder	$11.10	Karratha	$44.10	Paraburdoo	$33.80
Broome	$41.90	Koolan Island	$45.80	Port Hedland	$36.40
Bullfinch	$12.10	Koolyanobbing	$12.10	Ravensthorpe	$13.60
Carnarvon	$21.50	Kununurra	$70.00	Roebourne	$50.80
Cockatoo Island	$45.80	Laverton	$26.60	Sandstone	$25.90
Coolgardie	$11.10	Learmonth	$38.50	Shark Bay	$21.50
Cue	$26.70	Leinster	$25.90	Southern Cross	$12.10
Dampier	$36.50	Leonora	$26.60	Telfer	$62.50
Denham	$21.50	Madura	$28.20	Teutonic Bore	$25.90
Derby	$43.50	Marble Bar	$68.20	Tom Price	$33.80
Esperance	$7.40	Meekatharra	$23.10	Whim Creek	$43.60
Eucla	$29.10	Mount Magnet	$29.00	Wickham	$42.00
Exmouth	$38.50	Mundrabilla	$28.70	Wiluna	$26.10
Fitzroy Crossing	$52.90	Newman	$24.90	Wyndham	$65.40

Explosive powered tools allowance

An operator of explosive powered tools, as defined in the award, who is required to use an explosive powered tool, must be paid **$1.65** for each day on which they use such a tool.

Heavy blocks allowance

Employees lifting other than standard bricks - an employee required to lift blocks (other than concrete blocks for plugging purposes) must be paid the following additional rates:

- Where the blocks weigh over 5.5kg and under 9kg - **67 cents** per hour.
- Where the blocks weigh 9kg or over and up to 18kg - **$1.20** per hour.
- Where the blocks weigh over 18kg - **$1.70** per hour.

Other allowances

The Building Trades and Labourers (Construction) 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

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) or in a family business.
- Children who are school aged must not be employed in school hours, unless participating in a school program.
- Visit When children can work in Western Australia for more information.

Meal breaks

- Employees must receive a paid 10 minute rest break between 9.00am and 11.00am and an unpaid lunch break of at least 30 minutes between 12.00pm and 1.00pm. If an employee does not receive their lunch break, they are paid double time until the lunch break is granted.
- Additional breaks apply when an employee works overtime. Visit the WA Industrial Relations Commission website www.wairc.wa.gov.au

Not the current WAGE rates

Deductions from pay

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

Ordinary working hours

All employees

The ordinary hours of work are:

- 38 hours per week; and
- between the hours of 7.00am and 6.00pm, Monday to Friday.

Note: Ordinary hours of work may commence at 6.00am Monday to Friday where agreement is reached between the employer and employees. For further information refer to Clause 13 (3) of the award on the WA Industrial Relations Commission website www.wairc.wa.gov.au

Full time employees

In addition to the ordinary hours of work for all employees above, the ordinary hours are worked in a 20 day 4-week cycle, on 19 days of 8 hours each, with 0.4 of one hour on each day worked accruing as an entitlement to take the fourth Monday in each cycle as a paid day off.

Casual employees

In addition to the ordinary hours of work for all employees above, casual employees can be employed for:

- a period of less than 5 days (exclusive of overtime).
- a minimum of 3 hours per engagement.

Shift workers

Different ordinary hours and overtime provisions apply to shift workers. Please view the award on the WA Industrial Relations Commission website www.wairc.wa.gov.au for details.

Penalty rates

If a full time employee works on an accrued rostered day off they must be paid at Saturday rates.

Overtime for employees (other than shift workers)

	Overtime rates
All time worked beyond the ordinary hours of work	Time and a half for the first 2 hours and double time after that.
Saturday (minimum 3 hours' pay)	• *Prior* to 12 noon – time and a half for the first 2 hours and double time after that • *After* 12 noon - double time.
Sunday (minimum 4 hours' pay)	Double time
Public holiday or substituted holiday (minimum 4 hours' pay)	Double time and a half
Easter Saturday (minimum 4 hours' pay)	Double time and a half

Not the current wage rates

Public holidays

Under this award:

- If a public holiday (except Easter Sunday) falls on a Saturday or Sunday, the following Monday is considered to be the public holiday. If Boxing Day falls on a Sunday or Monday, the following Tuesday is 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.
- The Easter Sunday public holiday is on the actual day and it **is not** substituted to another day.

Visit Public Holidays in Western Australia to view public holiday dates.

Minimum entitlement to be absent on a public holiday

- All employees have a minimum entitlement to be absent from work on a day that is a public holiday.
- An employer is able to request an employee to work on a public holiday if the request is reasonable, but an employee is entitled to refuse a request to work on a public holiday if the request is not reasonable or refusal is reasonable.
- There are a range of specific factors that need to be taken into account when determining whether a request or a refusal of a request is reasonable. These are outlined on Public holiday pay and arrangements.

Payment for public holidays

- If a full time or part time employee is absent from work on a public holiday (and their absence is consistent with the minimum entitlements described above) they are entitled to be paid:
  - as if they were required to work their ordinary hours on the public holiday; and
  - at the rate they would have received as payment for those hours under this WA award.
- If a casual employee does not work on a public holiday they are not entitled to payment.
- Employees who would not ordinarily work on the public holiday (such as part time employees who do not work on that day of the week) and employees on unpaid leave on the public holiday are not entitled to payment.
- If a full time, part time or casual employee works on a public holiday (or a substituted public holiday) they must receive at least 4 hours' pay (even if they work fewer hours) and must be paid at public holiday rates.

Flexible working arrangement requests

- Written requests for a flexible work arrangement can be made by employees with at least 12 months' service. Requests can only be made in relation to specific circumstances, which include pregnancy, caring responsibilities, disability, and family and domestic violence. The employer must consider the request and provide a written response within 21 days.
- An employer can refuse the request for specified reasons, including reasonable business grounds.
- Any flexible work arrangement agreed between the employer and employee must be consistent with the working hours and employment arrangements in this WA award.
- Visit Flexible work requests for more information.

Leave entitlements

Quick reference guide

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

*Under this award, an apprenticeship can be undertaken on a part time basis and a part time apprentice is entitled to leave on a pro rata basis. A tradesperson or builders labourer can only be employed on a full time or casual basis.

This WA award summary covers the basic leave entitlement for employees covered by the Building Trades and Labourers (Construction) Award but does **not** include all details on leave obligations and entitlements. Full details of conditions are contained in the Building Trades and Labourers (Construction) Award on the WAIRC website, the *Minimum Conditions of Employment Act 1993* and the *Construction Industry Portable Paid Long Service Leave Act 1985.*

Not the current wage rates

Long service leave

Employees who work on-site in the construction industry have access to a portable long service leave scheme funded by a compulsory levy on employers. Visit www.myleave.wa.gov.au for more information.

Annual leave

- Full time employees are entitled to a minimum of 4 weeks of paid annual leave for each year of completed service, up to 152 hours. Part time employees are entitled to a minimum of 4 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 4 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 Building Trades and Labourers (Construction) 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%.
- Annual leave accrues on a weekly basis:
  - A full time employee accrues 2.923 hours of annual leave for each completed week of work.
- The Annual leave calculation guide can assist with calculating annual leave entitlements.
- For annual leave entitlements when employment ends see the *Resignation, termination and redundancy* section.
- Visit Annual leave for more information.

Bereavement leave

- All employees, including casual employees, are entitled to 2 days paid bereavement leave on the death of a member of the employee's family or household. The 2 days need not be consecutive.
- Bereavement leave is a minimum entitlement from the *Minimum Conditions of Employment Act 1993.*
- Visit Bereavement leave for more information.

Parental leave

Employees, including eligible casual employees, are entitled to the unpaid parental leave entitlements in the National Employment Standards of the *Fair Work Act 2009*. Visit Parental leave for more details.

Personal leave

- Personal leave entitles a full time or part time employee to paid time off work due to either illness or injury to themselves, or because they have to care for a member of their family or household who requires care or support because they are sick, injured or affected by an unexpected emergency.
- Each year, full time and part time employees accrue paid personal leave equal to the number of hours they would ordinarily work in a 2 week period, up to 80 hours per year. Personal leave is a cumulative entitlement, and any leave not taken in one year is carried over and able to be taken in future years.
- Under this award, paid personal leave is granted to full time employees as follows:
  - In the employee's first year of employment – an employee is credited with one day of personal leave at the beginning of each of the first 10 calendar months.
  - In the second and subsequent years of employment – an employee is credited with a further 80 hours of personal leave on the anniversary of their engagement.
- An employee, including a casual employee, is entitled to up to 2 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.
- Personal leave is a minimum entitlement from the *Minimum Conditions of Employment Act 1993* and the Building Trades and Labourers (Construction) Award sets out additional requirements regarding personal leave.
- Unused personal leave entitlements are not paid out on termination.
- Visit Personal leave for definitions of 'member of the family or household' or for more information.

Family and domestic violence leave

- All employees are entitled to 10 days' **paid** family and domestic violence leave under the national *Fair Work Act 2009*.
- In addition, all state system employees are entitled to 5 days' **unpaid** family and domestic violence leave under the *Minimum Conditions of Employment Act 1993*.
- Family and domestic violence 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 leave is available in full to part time and casual employees (i.e. it is not pro rata).
- Visit Family and domestic violence leave for more information.

Not the current wage rates

Resignation, termination and redundancy

An employee is entitled to be paid out annual leave when employment ends.

Unused annual leave for part of a year of employment is paid out when employment ends due to resignation, dismissal or redundancy.

Pro rata annual leave for part of a year of employment is paid out when employment ends due to resignation, redundancy or dismissal. Annual leave loading on pro rata annual leave is also paid out when the employee resigns and gives the notice required under the WA award.

Resignation by the employee

An employee can resign by giving one day's notice.

Termination

For apprentices, an employer must contact the Department of Training and Workforce Development Apprenticeship Office on 13 19 54 to discuss any proposed termination of an apprentice.

Except in cases of serious misconduct, full time and part time employees in regular ongoing employment may be terminated by the employer giving the employee the following period of notice (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 2 or more years of continuous service must receive an additional week's notice.

Payment for public holidays on termination

If a public holiday falls within ten consecutive days after an employee is terminated by an employer except for reasons of misconduct or incompetency, the employee is entitled to be paid a days' ordinary pay for that public holiday.

Where 2 or more public holidays occur within a 7 day span, they are regarded as a group of public holidays. If the first of the group falls within 10 consecutive days after termination, the whole group of holidays is deemed to fall within the 10 consecutive days, and the employee is entitled to ordinary wages for each public holiday. Christmas Day, Boxing Day and New Year's Day are also regarded as a group.

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.

Dismissal and unfair dismissal 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 above 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 Redundancy for information on redundancy obligations.

Not the current Wage Rates

Award severance pay – Employers who employ less than 15 employees

If an employee is terminated by the employer for any reason other than misconduct or refusal of duty, the following award severance payments must be paid to the employee:

Period of continuous service*	Award severance pay
Less than 12 months	1.75 hours' pay per completed week of service
1 year but less than 2 years	2.4 weeks' pay plus, for all service in excess of 1 year, 1.75 hours' pay per completed week of service up to a maximum of 4.8 weeks' pay
2 years but less than 3 years	4.8 weeks' pay plus, for all service in excess of 2 years, 1.6 hours' pay per completed week of service up to a maximum of 7 weeks' pay
3 years but less than 4 years	7 weeks' pay plus, for all service in excess of 3 years, 0.73 hours' pay per completed week of service up to a maximum of 8 weeks' pay

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

Any period of service as a casual does not count as continuous service for the purposes of severance.

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.

Severance pay – Employers who employ 15 or more employees

Employers covered the Building Trades and Labourers (Construction) Award who employ 15 or more employees must pay the award severance pay detailed above or the severance pay outlined below based on whichever provides **the greater entitlement to the employee.**

The severance payments outlined below are only applicable if the **employer has made the employee redundant** because the employer has made a definite decision that the employer no longer wishes the job the employee has been doing done by anyone. If an employee is terminated by the employer for reasons other than redundancy, the severance payments below are not applicable. However, the award severance payments detailed above *may* still be applicable (refer to the information regarding the award severance payments in the above table).

The severance payments outlined below 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. However, the award severance payments detailed above *may* still be applicable (refer to the information regarding the award severance payments in the previous table).

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

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

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 Redundancy for more information on redundancy obligations and payments.

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Pay slip and record keeping requirements

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

Pay slips

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

A pay slip needs to include the following information:

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

Visit Pay slip requirements for 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 *Building Trades and Labourers (Construction) 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 o 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;

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    - 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 *Minimum Conditions of Employment Act 1993*; 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.

Record keeping obligations 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.

Definitions

The on-site building and construction industry means:

- the construction, alteration, extension, restoration, repair, demolition or dismantling of buildings, structures or works that form, or are to form, part of land (whether or not they are permanent), and maintenance undertaken by employees of those buildings, structures or works;
- the installation in any building, structure or works of fittings and services;
- other construction work not mentioned above performed on-site.

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