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

WA award summary

# Earth Moving and Construction Award

**1 July 2025 – 30 June 2026**

## About this award summary

This document is a summary of the state Earth Moving and 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 Earth Moving and 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*, 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 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.

Not the current wage

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

| | |
|---|---|
| **Step 1**<br>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:<br>✓ **sole traders**<br>✓ **unincorporated partnerships**<br>✓ **unincorporated trust arrangements**<br>✓ **incorporated associations and other non-profit bodies** that are not trading or financial corporations<br>This summary does **not** apply to businesses and organisations in the national 'fair work' industrial relations system which operate as:<br>✘ **Pty Ltd businesses** that are trading or financial corporations<br>✘ **incorporated partnerships or incorporated trusts**<br>✘ **incorporated associations and other non-profit bodies** that are trading or financial corporations<br>For more information visit Which system of employment law applies.<br>If the business or organisation is in the national system visit the Fair Work Ombudsman website www.fairwork.gov.au |

| | |
|---|---|
| **Step 2**<br>Is the business covered by the Earth Moving and Construction Award? | The Earth Moving and Construction Award covers earth moving and construction businesses in the state industrial relations system.<br>A complete list of types of businesses covered is available in the full Earth Moving and Construction Award on the WA Industrial Relations Commission website www.wairc.wa.gov.au |

| | |
|---|---|
| **Step 3**<br>Is the employee's job covered by the Earth Moving and Construction Award? | The Earth Moving and Construction Award sets pay rates, working hours and other employment arrangements for employees working as:<br>✓ Drivers of earthmoving equipment<br>✓ Mobile crane drivers<br>✓ Tractor drivers<br>✓ Bobcat drivers<br>✓ Front end loader operators |

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.

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.

Not the current Wage rates

## Rates of pay – applicable from the first full pay period that started 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**.

Some pay rates in this award are below the applicable state minimum wage. The rates in this summary reflect the legal minimum rate payable to employees.

| **Classifications Part 2 - Mechanical Equipment** (see definitions page 12-13) | **Weekly** | **Hourly** | **Casual** (includes 25% casual loading) |
|---|---|---|---|
| Group 1 | $969.60 | $25.52 | $31.89 |
| Group 2 | $976.70 | $25.70 | $32.13 |
| Group 3 | $993.50 | $26.14 | $32.68 |
| Group 4 | $1,005.30 | $26.46 | $33.07 |
| Group 5 | $1,010.60 | $26.59 | $33.24 |
| Group 6 | $1,019.80 | $26.84 | $33.55 |

| **Classifications Part 2a - Mobile Crane Drivers** (see definitions page 12-13) | **Weekly** | **Hourly** | **Casual** (includes 25% casual loading) |
|---|---|---|---|
| **Operator of mobile crane with lifting capacity of:** | | | |
| Up to 8 tonnes | $1,000.20 | $26.32 | $32.90 |
| In excess of 8 and not exceeding 15 tonnes | $1,007.10 | $26.50 | $33.13 |
| In excess of 15 and not exceeding 40 tonnes | $1,014.80 | $26.71 | $33.38 |
| In excess of 40 and not exceeding 80 tonnes | $1,021.20 | $26.87 | $33.59 |
| In excess of 80 and not exceeding 100 tonnes | $1,026.70 | $27.02 | $33.77 |
| In excess of 100 and not exceeding 140 tonnes | $1,034.40 | $27.22 | $34.03 |
| In excess of 140 and not exceeding 180 tonnes | $1,044.80 | $27.49 | $34.37 |
| In excess of 180 and not exceeding 220 tonnes | $1,063.70 | $27.99 | $34.99 |
| In excess of 220 tonnes | $1,082.90 | $28.50 | $35.62 |

The Earth Moving and Construction Award also contain rates of pay for engine drivers, compressor drivers and drivers of a steam crane. Visit the WA Industrial Relations Commission website www.wairc.wa.gov.au for details in the award.

### Additional rates

| **Additional weekly rates are applicable to employees who are:** | **Weekly rate** |
|---|---|
| Operating side loader (truck mounted) | $1.37 |
| Operating mechanical bucket type loader, truck/tractor mounted | $1.37 |
| In charge of plant | $21.94 |

### 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.
- Adult or junior employees undertaking a registered traineeship would not be covered by the Earth Moving and Construction Award as there is no job classification for registered trainees under this award, and therefore registered trainees in this industry are award free.
- View the pay rates in the Award free employees minimum pay rates and entitlements summary for award free full time, part time and school based registered trainees.
- 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.
- Registered trainees in this industry are entitled to annual leave, personal leave and other leave and employment entitlements that apply to award free employees while undertaking a traineeship.

Not the current wage rates

## Allowances

### Meal allowance

An employee required to work two or more hours' overtime, without having been notified on the previous day, must be supplied with a meal or be paid **$9.90**. If owing to the overtime worked, a second or subsequent meal is required, the employee must be supplied with each meal or be paid **$6.10** for each meal so required.

### Travel allowance

An employee required on any day to report directly to a job within a radius of 50km from the G.P.O. Perth must be paid an allowance of **$13.30 per day**. For details on allowances in the case of jobs outside a 50km radius, or for country work, view the Earth Moving and Construction Award on the WA Industrial Relations Commission website www.wairc.wa.gov.au

### 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.
- 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 from 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 |

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) or in a family business.
- School aged children must not be employed during school hours, unless participating in a school program.
- A child under 18 must not be employed in a job that jeopardises their wellbeing.
- Visit When children can work in Western Australia for more information.

## Meal breaks

- Each worker is entitled to a meal break of not more than one hour after not more than 5 hours of work.
- When an employee is required for duty during their usual meal break, and their meal break is postponed for more than half an hour, they must be paid at the rate of double time until the meal break is provided.

## Ordinary working hours (other than continuous shift workers)

Ordinary hours of work:

- are an average of 38 hours per week, to be worked over a 1, 2, 3 or 4 week cycle;
- may be worked on any day, Monday to Friday inclusive;
- may be worked between the hours of 7.00am and 6.00pm; and
- must not exceed 8 hours on any day (or 10 hours by agreement between the employer and the majority of employees in the plant or section concerned).

## Overtime (other than continuous shift workers)

- Overtime is payable for work performed beyond the ordinary hours of work.
- In the calculation of overtime each day stands alone.

| When overtime is worked | Overtime rates |
|---|---|
| Monday to Friday | Time and a half for the first 2 hours and double time after that. |
| *Prior* to 12 noon Saturday | Time and a half for the first 2 hours and double time after that. |
| *After* 12 noon Saturday | Double time |
| Sunday | Double time |
| On a public holiday or substituted day | Double time and a half |

## 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.

## 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.

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 be paid at the public holiday pay rates required by this award.

## 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 | ✓ | ✓ | ✓ |

This WA award summary covers the basic leave entitlements for employees covered by the Earth Moving and Construction Award but does **not** include all details on leave obligations and entitlements. Full details of conditions are contained in the Earth Moving and Construction Award on the WA Industrial Relations Commission website www.wairc.wa.gov.au, the *Minimum Conditions of Employment Act 1993* and the *Long Service Leave Act 1958* (or the *Construction Industry Portable Paid Long Service Leave Act 1985* where applicable).

### 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.

Not the current Wage rates

## 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 annual leave of 4 weeks 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 Earth Moving and Construction Award sets out additional requirements regarding annual leave and annual leave loading.
- During annual leave, a worker must be paid at their normal rate of pay plus a loading of 17.5% or the amount that would have been paid to them for work in ordinary hours had they not been on leave, whichever is the greater of the two.
- Annual leave accrues on a weekly basis:
  - a full time employee accrues 2.923 hours of annual leave for each completed week of work.
  - a part time employee accrues the relevant proportion of 2.923 hours annual leave for each completed week of work.
  - 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.

## 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 76 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.
- Paid personal leave accrues on a weekly basis for full and part time employees. The Personal leave calculation guide can assist with calculating paid personal leave entitlements.
- 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 Earth Moving and Construction Award sets out additional requirements regarding personal leave.
- When a business changes ownership, an employee's paid personal leave balance with the old employer must be credited to the employee by the new employer if under the *Long Service Leave Act*:
  - there has been a transmission / transfer of business; and
  - the employee's service is deemed continuous.
- 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.

## Long service leave

- Long service leave is a paid leave entitlement for full time, part time and casual employees. Under the *Long Service Leave Act 1958* (LSL Act), an employee may be eligible for long service leave:
  - after 10 years of continuous employment with the same employer, and for every 5 years of continuous employment after the initial 10 years; and
  - on a pro rata basis when their employment ends after 7 years of continuous employment but before 10 years.
- The Long service leave pages of the Wageline website contain information on who is covered by the LSL Act, the entitlement to long service leave, how long service leave can be taken and frequently asked questions.
- To be entitled to long service leave an employee's employment with their employer must be continuous. There are some paid and unpaid absences or interruptions to an employee's employment that:
  - do not break an employee's continuous employment; and
  - count towards the employee's period of employment for the purposes of accruing long service leave.

  Some other types of absences do not break an employee's continuous employment, but do not count towards an employee's period of employment for the purposes of accruing long service leave. Visit What is continuous employment for details.
- An employee's employment may in some circumstances also be continuous despite a change in the ownership of a business and the associated change of employer. This applies regardless of anything written in a sale of business contract. Visit When a business changes ownership for details.

Not the current Wage rates

- The WA long service leave calculator can provide an estimate of the number of weeks of long service leave an employee is entitled to when employment ends as a result of resignation, dismissal, death or redundancy.

### 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.

## Resignation, termination and redundancy

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

Unused annual leave for any completed year of employment (including annual leave loading) gets 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 (except for dismissal for serious misconduct). Annual leave loading is not paid on pro rata annual leave.

### Resignation by the employee

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

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

### Termination

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

Except in cases of serious misconduct, an employer is required to give full time and part time employees the following period of notice of termination (or payment in lieu):

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

*Employees over 45 years of age with 2 or more years of continuous service must receive an additional week's notice.

### Redundancy

If an employee ceases to be employed 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 per completed week of service |
| 1 year or more but less than 2 years ^ | 2.4 weeks' pay plus, for all service in excess 1 year, 1.75 hours' pay per completed week of service up to a maximum of 4.8 weeks' pay. |
| 2 years or more by 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 or more 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. |
| 4 years or more ^ | 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 the business.

\# Employees with less than 12 months continuous service are only entitled to severance pay if the employer terminates the employment (for any reason other than misconduct or refusal of duty).

^ Employees with more than 12 months continuous service are entitled to severance pay if their employment ends for any reason (including resignation by the employee) other than misconduct or refusal of duty.

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

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 employer has given notice of termination to the employee and the employee resigns during the notice period, the employee is 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 payments.

**Severance pay – Employers who employ 15 or more employees**
Employers covered the Earth Moving and 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 resigns, or they are 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 payments.

**Other redundancy obligations**
When an employee has been made redundant they are entitled to receive:

- the appropriate notice period or pay in lieu of notice, as outlined in the termination section above;
- paid leave for job interviews;
- any unpaid wages;
- any unused accrued and pro rata annual leave;
- any unused accrued long service leave;
- pro rata long service leave (if applicable); and
- severance pay (if applicable).

Visit Redundancy for information on redundancy obligations.

Not the current Wage rates

### 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.

## 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 *Earth Moving and 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;

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- 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;
- the information necessary for the calculation of and payment of long service leave under the *Long Service Leave Act 1958*. Employers are also required to comply with the record keeping requirements in the *Long Service Leave Act 1958*. Visit www.lgirs.wa.gov.au/longserviceleave for details;
- 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* or *Long Service Leave Act 1958*; 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.

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## Classifications – Part 2 – Mechanical Equipment

### Group 1

- Operator lance type hand sprayer
- Operator aggregate dryer
- Operator pre-mix drag spreader
- Operator aggregate belt spreader
- Operator of joint inserting machine
- Operator concrete spray curing machine, self-propelled
- Operator pneumatic tyre tractor without power operated attachments, up to and including 15kW net engine power

### Group 2

- Operator crawler tractor without power operated attachments up to and including Class M4
- Operator crawler tractor with power operated attachments Class M2
- Operator pneumatic tyred tractor without power operated attachments about 15kW up to and including 60kW net engine power. (This includes tilting or one man hitch trailer.)
- Operator pneumatic tyred tractor with power operated attachments, up to and including 15KW net engine power
- Operator rear and bottom dump to and including 2 cubic metres struck capacity.
- Operator backhoe self powered (not self-propelled)
- Operator roller powered, under 8 tonnes.
- Operator roller powered, vibrating, under 4 tonnes
- Operator trenching machine of the small Ditch Witch type
- Operator bitumen sprayer
- Screed operator, asphalt power
- Mixer operator, asphalt plant (capacity of less than 10 tonnes of hot mix per hour)
- Operator concrete spreader, powered, self-propelled
- Operator concrete finisher, powered, self-propelled
- Operator concrete finisher, powered, hand propelled
- Second-driver - navvy and dragline or dredge type excavator

### Group 3

- Operator crawler tractor without power operated attachments Class M5 up to and including Class M10
- Operator crawler tractor with power operated attachments Class M3 up to and including Class M5
- Operator pneumatic tyred tractor without power operated attachments above 60kW up to and including 150kW net engine power
- Operator pneumatic tyred tractor with power operated attachments above 15kW up to and including 60kW net engine power (not including tilting or one person hitch trailer)
- Operator drawn grader
- Operator trenching machine, chain type up to and including 1.5 metre depth or up to and including 300mm width
- Operator pile driver (power operated winch)
- Operator rear and bottom dump of capacity above 2 cubic metres struck capacity up to and including 15 cubic metres struck capacity
- Driver of bitumen sprayer
- Operator Aggregate Loader (Country Roads Board, Victoria Model)
- Operator asphalt paver
- Mixer operator, asphalt plant (capacity of more than 10 tonnes of hot mix per hour)
- Operator road roller, powered, 8 tonnes and up to 20 tonnes
- Operator road roller, powered, 8 tonnes and up to 25 tonnes
- Operator road roller, powered, vibrating, 4 tonnes and over
- Locomotive driver - petrol, oil, pneumatic or electric driven (if carrying passengers an additional rate of **60 cents**)
- Operator crawler loader up to and including 500kg mass

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### Group 4

- Operator crawler tractor without power operated attachments above Class M10 up to and including Class M30
- Operator crawler tractor with power operated attachments above Class M5 up to and including Class M15
- Operator grader power operated, below 35kW net engine power
- Operator excavator up to and including 0.5 cubic metres
- Operator trenching machine ladder type, depth greater than 1.5 metres up to 2.4 metres and width above 300mm up to 450mm and bucket wheel trencher with equivalent capacity in cubic metres per hour
- Operator pneumatic tyred tractor with power operated attachments above 60kW up to and including 150kW net engine power.
- Operator self powered scraper up to and including 100 cubic metres struck capacity
- Operator rear and bottom dump above 15 cubic metres struck capacity up to and including 30 cubic metres struck capacity
- Operator pneumatic tyred tractor without power operated attachments above 150kW up to and including 500kW net engine power
- Operator crawler loader above 5,000kg mass up to and including 15,000kg mass
- Operator pneumatic tyred loader above 30kW up to and including 105kW net engine power
- Operator road roller, powered, over 25 tonnes
- Operator special track laying, fixing or levelling machine (employed on railway construction in WA)

### Group 5

- Operator crawler tractor with power operated attachments above Class M15 and up to and including Class M30
- Operator grader power operated 35kW up to and including 70kW net engine power
- Operator pneumatic tyred tractor with power operated attachments above 150kW up to and including 500kW net engine power
- Operator self-powered scraper above 10 cubic metres struck capacity up to and including 20 cubic metres struck capacity
- Operator excavator above 0.5 cubic metres up to and including 2.2 cubic metres (This group including Gradall)
- Operator trenching machine ladder type, greater than 2.4 metres depth, and minimum 450mm width and bucket wheel trench equivalent in cubic metres per hour
- Operator rear and bottom dump above 30 cubic metres struck capacity up to and including 60 cubic metres struck capacity
- Operator crawler loader above 15,000kg mass and up to and including 30,000kg mass
- Operator pneumatic tyred loader over 105kW up to and including 200kW net engine power
- Operator crawler tractor without power operated attachments above Class M30 up to and including 60,000kg mass

### Group 6

- Operator excavator above 2.2 cubic metres struck bucket capacity up to and including 5.5 cubic metres struck bucket capacity
- Operator grader power operated above 75kW up to and including 190kW net engine power
- Operated pneumatic tyred loader above 200kW up to and including 500kW net engine power
- Operator crawler tractor with power operated attachment, above Class M30 up to and including 60,000kg mass
- Operator crawler loader above 30,000kg mass up to and including 60,000kg mass
- Operator rear and bottom dump above 60 cubic metres struck capacity up to and including 120 cubic metres struck capacity
- Operator self-power scraper above 20 cubic metres struck capacity up to and including 50 cubic metres struck capacity

### Special work

A driver operating a tractor fitted with a blade and using such blade in breaking trail in heavy sidling country shall be paid an additional allowance of **8 cents** per hour for each day or part of a day in which they are so occupied.

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