



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

WA Award Summary

Earth Moving and Construction Award

1 July 2017

About this Award Summary

This WA Award Summary is a summary of the state Earth Moving and Construction Award and does not include all obligations required by the award. It is important that you also refer to the full Earth Moving and Construction Award that is available on the WA Industrial Relations Commission website www.wairc.wa.gov.au

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

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

How can we help?

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



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

<p>Step 1 - is the business in the state system?</p>	<p>This information applies to businesses in the state industrial relations system. It covers businesses (and their employees) that operate as:</p> <ul style="list-style-type: none"> ✓ sole traders (eg Jane Smith trading as Jane’s Earthmoving) ✓ unincorporated partnerships (eg Jane and Bob Smith trading as Jane’s Earthmoving) ✓ unincorporated trust arrangements (Jane and Bob Smith as trustees for Jane’s Earthmoving) <p>This information does not cover businesses and organisations in the national ‘fair work’ industrial relations system which operate as:</p> <ul style="list-style-type: none"> ✗ Pty Ltd businesses that are trading or financial corporations (eg Smith Pty Ltd trading as Jane’s Earthmoving) ✗ incorporated partnerships or incorporated trusts ✗ incorporated associations and other non-profit bodies (that are trading or financial corporations) <p>For more information visit the Guide to who is in the WA state system page. If the business or organisation is in the national system visit the Fair Work Ombudsman website www.fairwork.gov.au</p>
<p>Step 2 - is the business covered by the Earth Moving and Construction Award?</p>	<p>The Earth Moving and Construction Award covers earth moving and construction businesses in the state industrial relations system.</p> <p>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</p>
<p>Step 3 - is the employee’s job covered by the Earth Moving and Construction Award?</p>	<p>The Earth Moving and Construction Award sets pay rates, working hours and other employment arrangements for employees working as:</p> <ul style="list-style-type: none"> ✓ Drivers of earthmoving equipment ✓ Mobile crane drivers ✓ Tractor drivers ✓ Bobcat drivers ✓ Front end loader operators



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

The Earth Moving and Construction Award is a legal document that outlines the minimum wages and conditions of employment that must be provided to employees who are covered by the award. Employers and employees cannot agree to lesser conditions.

Industrial Inspectors at the Department of Mines, Industry Regulation and Safety have statutory powers to investigate employee complaints about underpayment of wages or leave entitlements under this WA Award and state employment laws. The Department can prosecute employers in the Industrial Magistrates Court for not paying the rates of pay, including overtime, penalty rates and allowances required by this WA Award.



Rates of pay

All rates of pay are gross rates (before tax). Current rates applied from the first pay period on or after **1 July 2017**.



Adult rates of pay – applicable from first pay period on or after 1 July 2017 until end of last pay period commenced in June 2018 (new rates applied first pay period on or after 1 July 2018)

Classifications Part 2 - Mechanical Equipment (see definitions on page 9)	Weekly	Hourly	Casual (includes 20% loading)
Group 1	\$740.30	\$19.48	\$23.38
Group 2	\$746.00	\$19.63	\$23.56
Group 3	\$759.90	\$20.00	\$24.00
Group 4	\$769.40	\$20.25	\$24.30
Group 5	\$773.90	\$20.37	\$24.44
Group 6	\$781.30	\$20.56	\$24.67
Classifications Part 2a - Mobile Crane Drivers	Weekly	Hourly	Casual (includes 20% loading)
Operator of mobile crane with lifting capacity of:			
Up to 8 tonnes	\$765.20	\$20.14	\$24.16
In excess of 8 and not exceeding 15 tonnes	\$771.00	\$20.29	\$24.35
In excess of 15 and not exceeding 40 tonnes	\$777.30	\$20.46	\$24.55
In excess of 40 and not exceeding 80 tonnes	\$782.60	\$20.59	\$24.71
In excess of 80 and not exceeding 100 tonnes	\$787.10	\$20.71	\$24.86
In excess of 100 and not exceeding 140 tonnes	\$793.40	\$20.88	\$25.05
In excess of 140 and not exceeding 180 tonnes	\$802.00	\$21.11	\$25.33
In excess of 180 and not exceeding 220 tonnes	\$816.90	\$21.50	\$25.80
In excess of 220 tonnes	\$831.90	\$21.89	\$26.27

- 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 full award.
- It is illegal to employ children under the age of 15 in this industry, except if the child is working as part of a school program or in a family business. See page 8 for details.



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



To receive email updates when WA award pay rates change, subscribe to the Wageline Newsletter at www.dmirs.wa.gov.au/wageline



Hours and overtime

Ordinary hours

Ordinary hours of work, except for employees engaged on continuous shift work, are:

- an average of 38 hours per week, to be worked on one of the bases prescribed in the award,
- worked on any day, Monday to Friday inclusive
- worked between the hours of 7:00am and 6:00pm and
- not in excess of eight hours on any day (or 10 hours by agreement between the employer and the majority of employees in the plant or section concerned).

Overtime

- All work done beyond the ordinary working hours Monday to Friday inclusive, must be paid for at the rate of time and a half for the first two hours and double time after that.
- All work done beyond the ordinary working hours prior to 12 noon on Saturdays, must be paid for at the rate of time and a half for the first two hours and double time thereafter.
- All time worked on Saturday after 12 noon and on Sundays must be paid for at the rate of double time.



Meal breaks

- Each worker is entitled to a meal break of not more than one hour after not more than five 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.



Allowances

Allowance	When allowance is paid	Rate
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.	\$9.90 \$6.10 for a subsequent meal.
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 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	\$13.30 per day
Location Allowance	Where working in certain regional towns in Western Australia (paid on a proportionate basis to casual/part time employees and apprentices)	Visit the Location Allowance page for the amount payable for each town or Clause 14 of the Award
Motor Vehicle Allowance	See the full award on the WA Industrial Relations Commission website www.wairc.wa.gov.au for details on motor vehicle allowance.	



Employment records

- Employers are legally required to keep employment records which demonstrate that employees have been paid all entitlements under the Earth Moving and Construction Award and relevant legislation.
- Employers must keep all employment records for at least seven years after they are made for both current and past employees. Records relating to long service leave must be kept for seven years from the date employment ends.
- Employers can be fined up to \$5,000 by the Industrial Magistrates Court for not keeping employment records or for keeping inadequate or fraudulent records. A common requirement that employers fail to observe is a lack of detail in keeping employment records.
- Employers must keep records that detail:
 - Employee's name
 - Date of birth if under 21 years of age
 - Date employee commenced with the employer
 - Total number of hours worked each week
 - The gross and net amounts paid to the employee
 - All information required to calculate long service leave entitlements and payment
 - All pay deductions and reasons for them
 - Name of WA award that applies
 - Daily start and finish time and meal breaks taken
 - Employment status (full time, part time, casual)
 - Employee's classification under the award
 - All leave taken, whether paid, partly paid or unpaid
 - Any other information necessary to prove that the wages received by an employee comply with the requirements of the Earth Moving and Construction Award, such as overtime hours worked and allowances paid. Contact [Wageline](#) or view the full Earth Moving and Construction Award on the WA Industrial Relations Commission website www.wairc.wa.gov.au for details.
- Employment records can be written or electronic as long as they are in a form that can be printed. Time and wage books can be used to keep employment records, however, it is the employer's responsibility to ensure the time and wage book includes all of the required information.
- The records must be in English.
- Wageline's [record keeping templates](#) help small business employers meet their legal obligations for time and wages record keeping and keep accurate employee leave records.



Public holidays

- 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.
- Under this award if a public holiday falls on a Saturday or Sunday, the following Monday will be considered to be the public holiday. However, if Boxing Day falls on a Sunday or Monday, the following Tuesday will be considered to be the public holiday. When a public holiday is substituted with another day, the public holiday itself is no longer considered a public holiday for the purposes of the award.
- Employees required to work on a public holiday must be paid at the rate of double time and one half.
- Visit the [Public Holidays in Western Australia](#) page to view the public holiday dates.



Leave entitlements

Quick reference guide

Leave entitlement	Full time	Part time	Casual
Annual leave	✓	✓	✗
Sick and carer's leave	✓	✓	✗
Unpaid carer's leave	✓	✓	✓
Bereavement leave	✓	✓	✓
Unpaid parental leave	✓	✓	✓
Long service leave	✓	✓	✓

This WA Award summary covers the basic leave entitlements for employees covered by the 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](http://www.wairc.wa.gov.au) website www.wairc.wa.gov.au, the *Minimum Conditions of Employment Act 1993* and the *Long Service Leave Act 1958*.



Annual leave

- Full time employees are entitled to a minimum of four weeks of paid annual leave for each year of completed service, up to 152 hours. Part time employees are entitled to a minimum of annual leave of four weeks per year paid on a pro rata basis according to the number of hours they are required ordinarily to work in a four week period. Casual employees are not entitled to annual leave.
- Annual leave is a minimum entitlement in the *Minimum Conditions of Employment Act 1993* and the 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.
- Wageline's [Annual Leave Calculation Guide](#) can assist with calculating annual leave entitlements.
- Wageline's [record keeping templates](#) include an annual leave record template.



Parental leave

- Employees, including eligible casual employees, are entitled to the unpaid parental leave entitlements in the National Employment Standards of the *Fair Work Act 2009*, as well as a number of more beneficial conditions contained in the *Minimum Conditions of Employment Act 1993* (a return to work after parental leave on a modified basis and a reversion to pre-parental leave working conditions).
- Visit the [Parental leave](#) page for more details.



Bereavement leave

- All employees, including casual employees, are entitled to two days paid bereavement leave per occasion on the death of a spouse, de facto partner, parent, step-parent, grandparent, child, step-child, grandchild, sibling or any other member of the employee's household. The 2 days need not be consecutive.
- Bereavement leave is a minimum entitlement from the *Minimum Conditions of Employment Act 1993*.



Sick and carer's leave

- Sick and carer's leave entitles a full time or part time employee to paid time off work due to either illness or injury to themselves (sick leave), or because they have to care for an ill or injured family or household member (carer's leave).
- Full time and part time employees are entitled to paid sick and carer's leave equal to the number of hours they would ordinarily work in a two week period, up to 76 hours per year. Sick and carer's leave is a cumulative entitlement, and any leave not taken in one year can be carried over to the next year.
- Sick and carer's leave accrues on a weekly basis for full and part time employees.
- In the first year of employment, a full time or part time employee can use any paid sick and carer's leave that they have accrued to date for caring purposes.
- In the second and subsequent years of employment, a full time employee can only use a maximum of 76 hours of their accrued sick leave entitlement for caring purposes, or a part time employee the relevant proportion of 76 hours based on their ordinary hours of work.
- An employee is entitled to up to two days of unpaid carer's leave per occasion if an employee does not have sufficient paid leave accrued or has exceeded the maximum amount of carer's leave that can be taken in any 12 month period.
- Casual employees are not entitled to paid sick leave or paid carer's leave. Casual employees can access up to two day's unpaid carer's leave per occasion.
- Sick and carer's leave is a minimum entitlement from the *Minimum Conditions of Employment Act 1993*.
- Wageline's [Sick Leave Calculation Guide](#) can assist with calculating sick and carer's leave entitlements.
- Wageline's [record keeping templates](#) include a sick and carer's leave record template.



Long service leave

- Full time, part time and casual employees are entitled to long service leave (LSL).
- Long service leave is an entitlement from the *Long Service Leave Act 1958*.
- The length of continuous employment for an employee's long service leave entitlement is based on the total time with the business, rather than any one employer. An employer who buys a business or part of a business will take on the long service leave obligations for existing employees if there has been a transmission of business. This applies regardless of anything written in the sale contract.

Amount of continuous employment with same business	Amount of leave
After 10 years of continuous employment	8 ^{2/3} weeks
For every 5 years of continuous employment after this initial 10 years	4 ^{1/3} weeks
When an employee is terminated (except for serious misconduct) or resigns after they have completed between 7 and 10 years continuous employment	The employee is entitled to be paid out for LSL on a proportionate basis. LSL payment is worked out on a pro-rata basis for the entire period of employment, including years, months and days
When an employee is terminated or resigns after they have worked continuously for 10 or more years	The employee is entitled to be paid out for LSL. LSL payment is worked out on completed years of service only

- An employee who has completed a full qualifying period of service (e.g. 10 years) is entitled to be paid out their full long service leave entitlement (e.g. 8^{2/3} weeks) on termination, regardless of the circumstances of the termination.
- Where an employee has a period of service that is less than the full qualifying period and they were terminated by their employer for serious misconduct, they are not entitled to **pro rata** LSL.
- Wageline's [Long Service Leave Calculation Guide](#) can assist with calculating long service leave entitlements.
- Wageline's [record keeping templates](#) include a long service leave record template.



Resignation, termination and redundancy

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 two or more years of continuous service must receive an additional week's notice.

Redundancy

- An employee is redundant when their employer has made a definite decision that they no longer wish the job the employee has been doing to be done by anyone.
- An employer has a number of obligations in redundancy situations and may be required to pay severance pay. Visit the [Redundancy](#) page for redundancy obligations.

Dismissal requirements

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



Deductions from pay

An employer may deduct from an employee's pay an amount:

- the employer is authorised, in writing, by the employee to deduct and pay on behalf of the employee
- the employer is authorised to deduct and pay on behalf of the employee under the relevant WA award
- the employer is authorised or required to deduct by law or a court order.



Employment of children

- Under the *Children and Community Services Act 2004*, it is illegal to employ children under the age of 15 in this industry, except if the child is working as part of a school program or in a family business.
- School aged children must not be employed during school hours, unless participating in a school program.
- A child under 18 must not be employed in a job that jeopardises their wellbeing.
- Visit the [When children can work in Western Australia](#) page for more information.



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 15 kW 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 15 kW 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 15 KW 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 - navy 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 150 kW 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)
- Operator crawler loader up to and including 500 kg mass

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 35 kW 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 300 mm up to 450mm and bucket wheel trencher with equivalent capacity in cubic metres per hour
- Operator pneumatic tyred tractor with power operated attachments above 60 kW up to and including 150 kW 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 500 kW net engine power
- Operator crawler loader above 5000 kg mass up to and including 15000 kg mass
- Operator pneumatic tyred loader above 30 kW up to and including 105 kW 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 35 kW up to and including 70 kW net engine power
- Operator pneumatic tyred tractor with power operated attachments above 150 kW up to and including 500 kW 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 450 mm 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 15000 kg mass and up to and including 30000 kg mass
- Operator pneumatic tyred loader over 105 kW up to and including 200 kW net engine power
- Operator crawler tractor without power operated attachments above Class M30 up to and including 60000 kg 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 75 kW up to and including 190 kW net engine power
- Operated pneumatic tyred loader above 200 kW up to and including 500 kW net engine power
- Operator crawler tractor with power operated attachment, above Class M30 up to and including 60000 kg mass
- Operator crawler loader above 30000 kg mass up to and including 60000 kg 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 he/she is so occupied.

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.
