



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

WA Award Summary

# Building Trades (Construction) Award

**1 July 2019**

About this Award Summary

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

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

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

This WA Award Summary was updated in April 2020 to include information on the provisions of the COVID-19 General Order issued by the Western Australian Industrial Relations Commission (WAIRC) on 14 April 2020. The COVID-19 General Order applies until 31 July 2020 unless extended. The WA Award Summary was further updated in May 2020 to include information on the provisions of the COVID-19 JobKeeper General Order issued by the WAIRC on 15 May 2020. The COVID-19 JobKeeper General Order applies until 28 September unless extended.

## How can we help?

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



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

<p><b>Step 1</b> Is the business in the state system?</p>	<p>This WA Award Summary applies to businesses in the <b>state industrial relations system</b>. It covers businesses which operate as:</p> <ul style="list-style-type: none"> <li>✓ <b>sole traders</b> (eg Jane Smith trading as Jane’s Plumbing)</li> <li>✓ <b>unincorporated partnerships</b> (eg Jane and Bob Smith trading as Jane’s Plumbing)</li> <li>✓ <b>unincorporated trust arrangements</b> (eg Jane and Bob Smith as trustees for Jane’s Plumbing )</li> </ul> <p>This summary does <b>not</b> apply to businesses in the national industrial relations system which operate as:</p> <ul style="list-style-type: none"> <li>✗ <b>Pty Ltd businesses</b> (eg Smith Pty Ltd trading as Jane’s Plumbing)</li> <li>✗ <b>incorporated partnerships or incorporated trusts</b></li> <li>✗ <b>Incorporated associations and other non-profit bodies</b> (that are trading or financial corporations)</li> </ul> <p>For more information visit the <a href="#">Guide to who is in the WA state system</a> page. If the business or organisation is in the national system visit the Fair Work Ombudsman website <a href="http://www.fairwork.gov.au">www.fairwork.gov.au</a></p>
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<p><b>Step 2</b> Is the business covered by the Building Trades (Construction) Award?</p>	<p>The Building Trades (Construction) Award applies to businesses in the state industrial relations system which are:</p> <ul style="list-style-type: none"> <li>✓ operating in the building construction industry</li> </ul>
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<p><b>Step 3</b> Is the employee’s job covered by the Building Trades (Construction) Award?</p>	<p>The Building Trades (Construction) Award sets pay rates, working hours and other employment arrangements for employees working on site as:</p> <ul style="list-style-type: none"> <li>✓ builders labourers</li> </ul> <p>Tradespersons and apprentices:</p> <table border="0"> <tr> <td>✓ bricklayers</td> <td>✓ wall and floor tilers</td> </tr> <tr> <td>✓ plumbers</td> <td>✓ signwriters</td> </tr> <tr> <td>✓ plasterers</td> <td>✓ glaziers</td> </tr> <tr> <td>✓ roof tile fixers</td> <td>✓ carpenters/joiners</td> </tr> <tr> <td>✓ stonemasons</td> <td>✓ painters</td> </tr> </table>	✓ bricklayers	✓ wall and floor tilers	✓ plumbers	✓ signwriters	✓ plasterers	✓ glaziers	✓ roof tile fixers	✓ carpenters/joiners	✓ stonemasons	✓ painters
✓ bricklayers	✓ wall and floor tilers										
✓ plumbers	✓ signwriters										
✓ plasterers	✓ glaziers										
✓ roof tile fixers	✓ carpenters/joiners										
✓ stonemasons	✓ painters										



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 7 details record keeping requirements.

The Building Trades (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.

Employees who believe that they have been underpaid should visit the [Making a complaint about underpayment of wages or entitlements](#) page for more information.



## Rates of pay

All rates of pay are gross rates (before tax) and applied from the first pay period on or after **1 July 2019**.

<b>Building Tradesperson</b>	<b>Hourly</b>	<b>Casual</b> (includes 20% loading)
Rates include industry, tool, special and plumbing trade allowances.		
<b>Plumber/Gasfitter</b>	\$25.69	\$30.83
<b>Marker/Setter Out</b> (No entitlement to tool allowance)	\$24.53	\$29.43
<b>Carpenter/Joiner</b>	\$24.96	\$29.96
<b>Stonemason/Stoneworker</b>	\$24.96	\$29.96
<b>Plasterer (includes Wall &amp; Floor Tiler)</b>	\$24.82	\$29.78
<b>Bricklayer</b> (note the heavy blocks allowance on page 8)	\$24.72	\$29.66
<b>Roof Tile Fixer</b>	\$24.56	\$29.47
<b>Sign writer</b>	\$24.33	\$29.19
<b>Painter</b>	\$24.33	\$29.19
<b>Glazier</b>	\$24.33	\$29.19

The Building Trades (Construction) Award also contains rates of pay for Special Class Tradespersons working on heritage restoration – please see the full Award on the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au)

The hourly rates of pay listed for tradespeople do not include location allowance or underground allowance. If these allowances are applicable, please consult Clause 8 – Rates of Pay of the Building Trades (Construction) Award on the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au) in order to calculate the appropriate hourly pay rate.

<b>Builders' Labourers</b>	<b>Hourly</b>	<b>Casual</b> (includes 20% loading)
Rates includes industry allowance and special allowance.		
<b>Group 1</b> Rigger, Drainer, Dogman	\$23.92	\$28.70
<b>Group 2</b> Scaffolder, Powder Monkey, Hoist or Winch Driver, Concrete Finisher, Steel Fixer including Tack Welder and Concrete Pump Operator	\$23.46	\$28.15
<b>Group 3</b> 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.	\$23.12	\$27.74
<b>Group 4</b> Builders' Labourers employed on work other than specified in Groups 1-3.	\$22.28	\$26.74

- The hourly rates of pay listed for Builders' Labourers do not include location allowance or underground allowance. If these allowances are applicable, please consult Clause 8 – Rates of Pay of the Building Trades (Construction) Award on the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au) in order to calculate the appropriate hourly pay rate.
- There is no entitlement to tool allowance for Builders' Labourers.



## Apprentice rates of pay

**Adult Apprentices** aged 21 and above receive the minimum adult wage of **\$638.20** per week or the prescribed apprenticeship rate, whichever is the higher, for ordinary hours of work.

### Bricklayers, Carpenters, Glaziers, Joiners, Painters, Plasterers, Sign writers, Stonemasons, Stoneworkers, Roof Tile Fixers

Year Term	Percentage of tradespersons rate	Weekly Rate
<b>4 Year Term</b>		
1st Year	42%	\$390.70
2nd Year	55%	\$502.30
3rd Year	75%	\$674.00
4th Year	88%	\$785.70
<b>3.5 Year Term</b>		
0-6 months	42%	\$390.70
7-18 months	55%	\$502.30
19-30 months	75%	\$674.00
31-42 months	88%	\$785.70
<b>3 Year Term</b>		
1st Year	55%	\$502.30
2nd Year	75%	\$674.00
3rd Year	88%	\$785.70
<b>2 Year Term</b>		
1st Year	55%	\$502.30
2nd Year	75%	\$674.00

### Plumber and/or Gasfitter

4 Year Term	Percentage of tradesperson rate	Weekly Rate
1st Year	42%	\$392.00
2nd Year	55%	\$504.00
3rd Year	75%	\$676.40
4th Year	88%	\$788.50

### 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.



## Junior employees (under 21 years old)

- Junior employees (except apprentices) cannot be employed on any work which would be performed by an adult employee unless the consent of the union is obtained first in each case. If any junior employee is so employed the employee must be paid the appropriate adult rate of pay.
- If any junior employee (who is not an apprentice or probationary apprentice) is employed on work for which an apprenticeship is provided then the junior employee must be paid the appropriate adult rate of pay.
- Junior employees may be employed as roof tile fixers in the proportion of 2 juniors to 1 adult employee and specific rates of pay for junior roof tile fixers are detailed in Clause 45 of the Building Trades (Construction) Award available on the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au)
- 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.



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



## Ordinary working hours, penalty rates and overtime – full time employees

### Ordinary hours of work

- The ordinary hours for full time employees are as follows:
  - 38 per week to be worked in accordance with the following provisions for a four week work cycle.
  - Worked in a 20 day four week cycle, on 19 days of eight hours each, between the hours of 7:00am and 6:00pm, Monday to Friday, with 0.4 of one hour on each day worked accruing as an entitlement to take the fourth Monday in each cycle as a day off paid for as though worked.

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](http://www.wairc.wa.gov.au)

### Overtime and penalty rates

When penalty rates apply for a full time employee	Penalty rates
If an employee works on the accrued rostered day off	Employee must be paid overtime rates for all hours worked on that day
When overtime applies for a full time employee	Overtime rates
All time worked beyond the ordinary time of work inclusive of any time worked for accrual purposes for the 4 <sup>th</sup> Monday off in each 4 week cycle.	Time and a half for the first 2 hours and double time after that
Saturday	<ul style="list-style-type: none"> <li>• Prior to 12 pm - time and a half for the first 2 hours and double time after that (minimum 3 hours' pay at that rate)</li> <li>• After 12 pm - double time (minimum 3 hours' pay)</li> </ul>
Sunday	Double time (minimum 4 hours' pay)
Public holiday (or substituted holiday)	Double time and a half (minimum 4 hours' pay)
Easter Saturday	Double time and a half (minimum 4 hours' pay)

Please note: different ordinary hours and overtime provisions apply to Shift Workers. Visit the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au) for details.



## Ordinary working hours, penalty rates and overtime – casual employees

- Casual employees can be employed for a period of less than five days (exclusive of overtime).

### Ordinary hours of work

- The ordinary hours for casual employees are:
  - Minimum three hours per engagement.
  - Worked between the hours of 7:00 am and 6:00 pm, Monday to Friday.

When overtime applies for a casual employee	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	<ul style="list-style-type: none"> <li>• Prior to 12 pm – time and a half for the first 2 hours and double time after that (minimum 3 hours' pay at that rate)</li> <li>• After 12 pm - double time (minimum 3 hours' pay)</li> </ul>
Sunday	Double time (minimum 4 hours' pay)
Public holiday (or substituted holiday)	Double time and a half (minimum 4 hours' pay)
Easter Saturday	Double time and a half (minimum 4 hours' pay)

### COVID-19 JobKeeper General Order

The COVID-19 JobKeeper General Order issued by the Western Australian Industrial Relations Commission on 15 May 2020 has introduced temporary provisions for employers and employees who are participating in the Commonwealth JobKeeper scheme.

The state system JobKeeper provisions allow employers to give certain directions to employees and make certain requests of them, including provisions that allow employers to:

- issue a 'JobKeeper enabling direction' to temporarily alter or reduce an employee's working hours (which may be reduced to nil), change an employee's duties and change their location of work; and
- request that an employee change their days/times of work.

There are a range of specific rules and requirements about the state system JobKeeper provisions. The [State system COVID-19 JobKeeper provisions](#) page of the Wageline website has detailed information.

These new provisions apply from 15 May 2020 until 28 September 2020, unless extended.



### Meal breaks

- Employees must receive a paid ten 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](http://www.wairc.wa.gov.au)



### 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

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- 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.
- Children who are school aged must not be employed in school hours, unless participating in a school program.
- Visit the [When children can work in Western Australia](#) page for more information.



## Employment records

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- Employers are legally required to keep employment records which demonstrate that employees have been paid all entitlements under the Building Trades (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 Building Trades (Construction) award, such as overtime hours worked and allowances paid. Contact [Wageline](#) or view the full Building Trades (Construction) award on the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au) for details.
- Employment records can be written or electronic as long as they are in a form that can be printed. Time and wage books can be used to keep employment records, however, it is the employer's responsibility to ensure the time and wage book includes all of the required information.
- The records must be in English.
- Wageline's [Employment record obligations for WA award employers](#) publication helps state system employers keep correct employment records. The publication features helpful step by step guides to record keeping and Wageline's new look [record keeping templates](#).



## Payslips

- All employees must receive a payslip which includes the date of payment, the amount of wages paid for ordinary rates, the gross amount of wages and allowances paid, the amount and type of deductions, the net amount of wages and allowances paid.

- The payslips should also include the number of hours and amount paid for overtime and where applicable, any allowances or special rates paid and annual holiday payments. See Clause 34(5) in the full award on the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au) for further information on payslip requirements.
- Wageline's [Employment record obligations for WA award employers](#) publication includes a payslip template.



## Allowances

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### 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 table on page 4 for apprentices.

### Location Allowance

Payable when working in certain regional towns in Western Australia (paid on a proportionate basis to casual employees and apprentices). Visit the [Location Allowance](#) page for the amount payable for each town, or Appendix A of the Award.

### 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 (Construction) Award on the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au)

#### *Other trades and labourers*

- All tradespeople (except plumbers) and labourers receive a travel allowance of **\$16.55** per day, except where the employer picks up the employee from his/her home and returns him/her to their home at the conclusion of work.
- All apprentices (except plumbers) receive a percentage of this allowance except where the employer picks up the apprentice from his/her home and returns him/her 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 (Construction) Award on the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au)

### Heavy blocks allowance

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

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

### 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.



### 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.

### 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 he/she uses such a tool.

### 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 his/her own rate, whichever is the highest, in accordance with the number of persons in his/her charge:

Leading hand allowance	Weekly	Hourly
In charge of not more than one person	\$25.00	\$0.67
In charge of two and not more than five persons	\$42.10	\$1.14
In charge of six and not more than ten persons	\$53.40	\$1.44
In charge of more than ten persons	\$71.20	\$1.93

### Other allowances

The Building Trades (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](http://www.wairc.wa.gov.au)

### 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 four week period. Refer to Clause 19 of the Building Trades (Construction) Award, available on the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au)



## Leave entitlements

### Quick reference guide

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

This WA Award summary covers the basic leave entitlements for employees covered by the Building Trades (Construction) Award but does **not** include all details on leave obligations and entitlements. Full details of conditions are contained in the Building Trades (Construction) Award on the [WA Industrial Relations Commission](http://www.wairc.wa.gov.au) website, the *Minimum Conditions of Employment Act 1993* and the *Construction Industry Portable Paid Long Service Leave Act 1985*.



### Bereavement leave

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



## Parental leave

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



## Long service leave

- Employees 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](http://www.myleave.wa.gov.au) for more information.



## Annual leave

- Full time employees are entitled to a minimum of four weeks of paid annual leave for each year of completed service, up to 152 hours. Casual employees are not entitled to annual leave.
- Annual leave is a minimum entitlement in the *Minimum Conditions of Employment Act 1993* and the Building Trades (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 loading is payable on any unused annual leave paid out on lawful termination.
- Annual leave accrues on a weekly basis:
  - A full time employee accrues 2.923 hours of annual leave for each completed week of work.
  - Visit Wageline's [Annual leave calculation guide](#) to work out annual leave entitlements.
  - Wageline's [Employment record obligations for WA award employers](#) publication includes a leave record template.
- Where an employee has worked five working days or more and either resigns or is terminated by the employer the employee must be paid one twelfth of a week's wages for each completed five working days of continuous service with his/her current employer for which leave has not yet been granted.
- The COVID-19 General Order has implemented new annual leave flexibility provisions enabling employers and employees to agree to an employee taking twice as much annual leave at half pay or to agree for the employee to take annual leave in advance.
- These provisions apply to all full time and part time employees covered by this WA award effective from 14 April 2020 until 31 July 2020, unless extended.
- The annual leave at half pay provisions in the COVID-19 General Order are:
  - Instead of an employee taking paid annual leave at full pay, the employee and their employer may agree to the employee taking twice as much leave at half pay.  
Example: Instead of an employee taking one week's annual leave at full pay, the employee and their employer may agree to the employee taking two weeks' annual leave at half pay. In this example:
    - the employee's pay for the two weeks' leave is the same as the pay the employee would have been entitled to for one week's leave at full pay; and
    - one week of leave is deducted from the employee's annual leave accrual.
  - Any agreement to take twice as much annual leave at half pay must be recorded in writing and signed by the employee (and a parent/guardian if the employee is under 18).
  - The employer must keep the written agreement as part of the employee's employment record.
  - The agreed period of leave must start before 31 July 2020, but may end after that date.
- The granting annual leave in advance provisions in the COVID-19 General Order are:
  - An employee and employer may agree to an employee taking a period of annual leave in advance of the entitlement being accrued if all of the following conditions are met:

- any agreement to annual leave in advance must be recorded in writing and signed by the employee (and a parent/guardian if the employee is under 18); and
- the written agreement must state the amount of leave to be taken in advance and the date on which the leave will commence; and
- the employer must keep the written agreement as part of the employee's employment record.
- If, on the termination of the employee's employment, the employee has not accrued an entitlement to all of the period of paid annual leave taken in advance, the employer may deduct from any money due to the employee on termination an amount equal to the amount that was paid to the employee in respect of any part of the period of annual leave taken in advance to which an entitlement has not been accrued. This provision will continue to apply notwithstanding the expiration of the General Order.
- Where an agreement has been reached under this clause and the leave commenced before the expiration of the General Order, then the arrangement may continue to operate for the period agreed between the parties.



### Sick and carer's leave

- Sick and carer's leave entitles an 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). Casual employees are not entitled to paid sick leave or paid carer's leave.
- Full time employees are entitled to paid sick and carer's leave equal to the number of hours they would ordinarily work in a two week period, up to 80 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 is granted to employees as follows:
  - In the employee's first year of employment – an employee is credited with one day of sick / carer's 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 sick / carer's leave on the anniversary of their engagement.
- In the first year of employment, a full time employee can use any paid sick and carer's leave that they have accrued to date for caring purposes.
- In the second and subsequent years of employment, a full time employee can only use a maximum of two weeks of their accrued sick leave entitlement for caring purposes.
- Employees, including casuals, are entitled to unpaid carer's leave of up to two days for each occasion on which a member of the employee's family or household requires care or support because of an illness or injury or an unexpected emergency affecting the member.
- 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 [Employment record obligations for WA award employers](#) publication includes a leave record template.



### Unpaid pandemic leave

- The COVID-19 General Order has implemented a new entitlement to unpaid pandemic leave for all employees working under this WA award. The new provision is effective from 14 April 2020 and applies until 31 July 2020 unless extended.
- The unpaid pandemic leave provisions in the COVID-19 General Order are:
  - (1) Subject to subclauses (2) and (3), an employee is entitled to take up to two weeks' unpaid leave if the employee is required, by government or medical authorities or acting on the advice of a medical practitioner, to self-isolate or is otherwise prevented from working by measures taken by government or medical authorities in response to the COVID-19 pandemic. An employer and employee may agree that the employee may take more than two weeks' unpaid pandemic leave.
  - (2) The employee must give their employer notice of the taking of leave under subclause (1) and of the reason the employee requires the leave, as soon as practicable. This may be a time after the leave has started.

- (3) The employee who has given their employer notice of taking leave under subclause (1) must, if required by the employer, give the employer evidence that would satisfy a reasonable person that the leave is taken for a reason given in subclause (1).
- (4) Leave taken under subclause (1) does not affect any other paid or unpaid leave entitlement of the employee and counts as service for the purposes of entitlements.
- (5) Such leave:
  - (a) is available in full immediately rather than accruing progressively during any period of service;
  - (b) will be available until 31 July 2020 (unless extended by further variation depending on the duration of the COVID-19 pandemic);
  - (c) will be available to full time, part time and casual employees (it is not pro rata); and
  - (d) must start before 31 July 2020, but may end after that date.
- (6) It is not necessary for employees to exhaust their paid leave entitlements before accessing unpaid pandemic leave.
- (7) Such unpaid leave does not operate on a 'per occasion' basis and is available once for those employees compelled to self-isolate, even if they are required to self-isolate on more than one occasion.
- (8) Those caring for others who are compelled to self-isolate are not entitled to unpaid pandemic leave.



## Public holidays

- Full time employees are entitled to public holidays (or days substituted for public holidays) without deduction of pay. If a public holiday falls on a Saturday or Sunday, the following Monday will be considered to be the public holiday. If Boxing Day falls on a Sunday or Monday, the following Tuesday will be considered to be the public holiday.
- When a public holiday is substituted with another day, the public holiday itself is no longer considered a public holiday for the purposes of the WA award.
- If an employee works on a public holiday or substituted public holiday, they must receive at least four hours' pay, even if they work fewer hours. In addition, hours worked on a public holiday or substituted holiday must be paid at the rate of double time and a half.
- Visit the [Public Holidays in Western Australia](#) page to view the public holiday dates.



## Resignation, termination and redundancy

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

## Redundancy

- Please contact Wageline on 1300 655 266 to discuss redundancy provisions under the Building Trades (Construction) Award.

## 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 day's ordinary pay for that public holiday.
- Where two or more public holidays occur within a seven day span, they are regarded as a group of public holidays. If the first of the group falls within ten consecutive days after termination, the whole group of holidays is deemed to fall within the ten 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.
- The [Dismissal information](#) page outlines obligations and requirements when an employee is terminated.

## Disclaimer

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