



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

## WA Award Summary

# Shop and Warehouse (Wholesale and Retail Establishments) Award

**1 July 2019**

## About this Award Summary

This WA Award Summary is a summary of the state Shop and Warehouse (Wholesale and Retail Establishments) Award and does not include all obligations required by the award. It is important that you also refer to the full Shop and Warehouse (Wholesale and Retail Establishments) 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 information 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 Fashion Store)</li> <li>✓ <b>unincorporated partnerships</b> (eg Jane and Bob Smith trading as Jane’s Fashion Store)</li> <li>✓ <b>unincorporated trust arrangements</b>. (eg Jane and Bob Smith as trustees for Jane’s Fashion Store)</li> </ul> <p>This information does <b>not</b> cover businesses and organisations in the national industrial relations system which operate as:</p> <ul style="list-style-type: none"> <li>✗ <b>Pty Ltd businesses</b> that are trading or financial corporations (eg Smith Pty Ltd trading as Jane’s Fashion Store)</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>
<p><b>Step 2</b> Is the business covered by the Shop and Warehouse Award?</p>	<p>The Shop and Warehouse (Wholesale and Retail Establishments) Award covers many types of retail businesses in the state industrial relations system. Note - not all types of retail businesses are covered by this award.</p> <p>A complete list of types of businesses covered is available in the full Shop and Warehouse (Wholesale and Retail Establishments) Award on the WA Industrial Relations Commission website <a href="http://www.wairc.wa.gov.au">www.wairc.wa.gov.au</a> or contact Wageline</p>
<p><b>Step 3</b> Is the employee’s job covered by the Shop and Warehouse Award?</p>	<p>The Shop and Warehouse (Wholesale and Retail Establishments) Award sets pay rates, working hours and other employment arrangements for full time, part time and casual employees in the business covered by the award working as:</p> <ul style="list-style-type: none"> <li>✓ shop assistants and store persons</li> <li>✓ night fill workers</li> </ul>



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 10 details record keeping requirements.

The Shop and Warehouse (Wholesale and Retail Establishments) Award is a legal document that outlines the minimum wages and condition 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). Current rates applied from the first pay period on or after **1 July 2019**.

**Full time - Shop Assistant, Salesperson, Demonstrator, Store person, Packer, Despatch Hand, Reserve Stock hand, Ticket Writer, Canvasser and Collector** (See classification definitions on page 15)

Age	Hours worked as part of 38 ordinary hours per week				Sunday / Public holiday	
	Mon - Fri only (per week)	Sat up to 1 pm (per week)	Sat after 1 pm (per week)	Extra (per hour) on night of late night trading 6-9 pm (General and Special Retail shops only)	Sunday (Overtime in General Retail shops) (per hour)	Public holidays (per hour)
<b>Adult - 21 and over - 100%</b>	\$811.60	\$824.90	\$839.00	\$4.29	\$42.72	\$53.39
20 years - 90%	\$730.40	\$742.40	\$755.10	\$3.86	\$38.44	\$48.06
19 years - 80%	\$649.30	\$659.90	\$671.20	\$3.43	\$34.17	\$42.72
18 years - 70%	\$568.10	\$577.40	\$587.30	\$3.00	\$29.90	\$37.38
17 years - 60%	\$487.00	\$494.90	\$503.40	\$2.57	\$25.63	\$32.04

### Adult in charge of shop, store or warehouse – full time

	Hours worked as part of 38 ordinary hours per week				Sunday / Public holiday	
	Mon - Fri only (per week)	Sat up to 1 pm (per week)	Sat after 1 pm (per week)	Extra (per hour) on night of late night trading 6-9 pm (General and Special Retail shops only)	Sunday (Overtime in General Retail shops) (per hour)	Public holidays (per hour)
In sole charge or in charge of less than 3 other workers	\$839.20	\$852.90	\$867.50	\$4.29	\$44.17	\$55.21
In charge of 3 to 9 workers	\$861.90	\$876.00	\$891.00	\$4.29	\$45.36	\$56.70
In charge of 10 or more workers	\$902.50	\$917.30	\$933.00	\$4.29	\$47.50	\$59.38

- For Canvassers and Collectors, the adult rates listed apply regardless of age.
- See Clause 7A of the Shop and Warehouse (Wholesale and Retail Establishments) Award for allowances for employees undertaking night fill duties.
- In General Retail stores, all work on Sunday is considered overtime and is additional to a full time employee's rostered 38 ordinary hours per week.
- For rates of pay for Store person Operators Grade 1 and Grade 2, Window Dressers and Visual Merchandisers, and full time employees aged 16 or under, please consult Clause 28 of the Shop and Warehouse Award.
- Additional rates are payable for employees in Small Retail shops working after 6pm Monday to Saturday, please refer to Clause 28 of the Shop and Warehouse (Wholesale and Retail Establishments) Award for further information.
- There are restrictions on when school aged children can work, see page 11.



## Part time 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 2019**.

**Part time - Shop Assistant, Salesperson, Demonstrator, Store person, Packer, Despatch Hand, Reserve Stock hand, Ticket Writer, Canvasser and Collector** (See classification definitions on page 15)

Age	Hours worked as part of ordinary hours per week				Sunday / Public holiday	
	Mon - Fri only (per hour)	Sat up to 1 pm (per hour)	Sat after 1 pm (per hour)	Extra (per hour) on night of late night trading between 6-9 pm (General and Special Retail shops only)	Sunday (Overtime in General Retail shops) (per hour)	Public holidays (per hour)
<b>Adult - 21 and over - 100%</b>	\$21.36	\$24.68	\$24.96	\$4.29	\$42.72	\$53.39
20 years - 90%	\$19.22	\$22.21	\$22.47	\$3.86	\$38.44	\$48.06
19 years - 80%	\$17.09	\$19.75	\$19.97	\$3.43	\$34.17	\$42.72
18 years - 70%	\$14.95	\$17.28	\$17.47	\$3.00	\$29.90	\$37.38
17 years - 60%	\$12.81	\$14.81	\$14.98	\$2.57	\$25.63	\$32.04
16 years - 50%	\$10.68	\$12.34	\$12.48	\$2.15	\$21.36	\$26.70
Under 16 years - 40%	\$8.54	\$9.87	\$9.99	\$1.72	\$17.09	\$21.36

- There are restrictions on when school aged children can work, see page 11.

### Adult in charge of shop, store or warehouse – part time

	Hours worked as part of ordinary hours per week				Sunday / Public holiday	
	Mon - Fri only (per hour)	Sat up to 1 pm (per hour)	Sat after 1 pm (per hour)	Extra (per hour) on night of late night trading between 6-9 pm (General and Special Retail stores only)	Sunday (Overtime in General Retail shops) (per hour)	Public holidays (per hour)
In sole charge or in charge of less than 3 other workers	\$22.08	\$25.52	\$25.81	\$4.29	\$44.17	\$55.21
In charge of 3 to 9 workers	\$22.68	\$26.21	\$26.51	\$4.29	\$45.36	\$56.70
In charge of 10 or more workers	\$23.75	\$27.45	\$27.76	\$4.29	\$47.50	\$59.38

- For Canvassers and Collectors, the adult rates listed apply regardless of age.
- See Clause 7A of the Shop and Warehouse Award for allowances for employees undertaking night fill duties.
- In General Retail stores, all work on Sunday is considered overtime.
- For rates of pay for Store person Operators Grade 1 and Grade 2, Window Dressers and Visual Merchandisers, please consult Clause 28 of the Shop and Warehouse Award.
- Additional rates are payable for employees in Small Retail shops working after 6pm Monday to Saturday, please refer to Clause 28 of the Shop and Warehouse (Wholesale and Retail Establishments) Award.
- There are restrictions on when school aged children can work, see page 11.



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



## Casual 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 2019**.

**Casual - Shop Assistant, Salesperson, Demonstrator, Store person, Packer, Despatch Hand, Reserve Stock hand, Ticket Writer, Canvasser and Collector** (See classification descriptions on page 15)

Age	Hours worked as part of ordinary hours per week				Sunday / Public holiday	
	Mon - Fri full day (per hour)	Mon - Fri part day (per hour)	Saturday (per hour)	Extra (per hour) on night of late night trading between 6-9 pm (General and Special Retail stores only)	Sunday (Overtime in General Retail shops) (per hour)	Public holidays (per hour)
<b>Adult - 21 and over - 100%</b>	\$25.63	\$26.70	\$29.96	\$4.29	\$51.26	\$64.07
20 years - 90%	\$23.07	\$24.03	\$26.96	\$3.86	\$46.13	\$57.67
19 years - 80%	\$20.50	\$21.36	\$23.96	\$3.43	\$41.01	\$51.26
18 years - 70%	\$17.94	\$18.69	\$20.97	\$3.00	\$35.88	\$44.85
17 years - 60%	\$15.38	\$16.02	\$17.97	\$2.57	\$30.76	\$38.44
16 years - 50%	\$12.81	\$13.35	\$14.98	\$2.15	\$25.63	\$32.04
Under 16 years - 40%	\$10.25	\$10.68	\$11.98	\$1.72	\$20.50	\$25.63

- There are restrictions on when school aged children can work, see page 11.

### Adult in charge of shop, store or warehouse – casual

	Hours worked as part of ordinary hours per week				Sunday / Public holiday	
	Mon - Fri full day (per hour)	Mon - Fri part day (per hour)	Saturday (per hour)	Extra (per hour) on night of late night trading 6-9 pm (General and Special Retail stores only)	Sunday (Overtime in General Retail shops) (per hour)	Public holidays (per hour)
In sole charge or in charge of less than 3 other workers	\$26.50	\$27.61	\$30.97	\$4.29	\$53.00	\$66.25
In charge of 3 to 9 workers	\$27.22	\$28.35	\$31.81	\$4.29	\$54.44	\$68.04
In charge of 10 or more workers	\$28.50	\$29.69	\$33.31	\$4.29	\$57.00	\$71.25

- For Canvassers and Collectors, the adult rates listed apply regardless of age.
- See Clause 7A of the Shop and Warehouse (Wholesale and Retail Establishments) Award for allowances for employees undertaking night fill duties.
- In General Retail stores, all work on Sunday is considered overtime.
- For rates of pay for Store person Operators Grade 1 and Grade 2, Window Dressers and Visual Merchandisers please consult Clause 28 of the Shop and Warehouse Award.
- Additional rates are payable for employees in Small Retail shops working after 6pm Monday to Saturday, please refer to Clause 28 of the Shop and Warehouse Award (Wholesale and Retail Establishments) Award.
- A part day is a shift less than 7.6 hours. A full day is a shift 7.6 hours or more.
- There are restrictions on when school aged children can work, see page 11.



### Trainees

For pay rates for registered trainees working under the Shop and Warehouse (Wholesale and Retail Establishments) Award, please contact Wageline on 1300 655 266.



## Types of shops

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- The Shop and Warehouse (Wholesale and Retail Establishments) Award defines a variety of types of retail shops, including General Retail, Special Retail and Small Retail shops. The spread of hours in which employees can work, arrangements for working Sundays and some allowances vary, based on shop type. See below for the spread of hours in each shop.
- Please see the full Shop and Warehouse (Wholesale and Retail Establishments) Award on the WA Industrial Relations website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au) for definitions of General Retail, Special Retail and Small Retail shops.



## Spread of hours

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### General Retail Shops –

- Ordinary hours of work must be worked between 7.00 am and 6.00 pm Monday to Saturday inclusive, except on the day of late night trading when hours may be worked between 7.00 am and 9.00 pm.
- All work done on Sunday in a General Retail shop is considered overtime, and not part of ordinary hours.

### Small Retail Shops –

- Ordinary hours of work must be worked within a spread on 11 consecutive hours exclusive of meal breaks between the hours of 6.00 am and 11.30 pm, except on the day of late night trading where the spread may be 12 consecutive hours exclusive of meal breaks.
- Employees may be rostered to work on Sundays, provided the employee freely gives his/her consent on each occasion.

### Special Retail Shops –

- Ordinary hours of work may be worked on any or all days of the week between the hours of 7.00 am and 6.00 pm except on the day of late night trading when the ordinary hours of work may be worked between 7.00 am and 9.00 pm.

See the Shop and Warehouse (Wholesale and Retail Establishments) Award on the WA Industrial Relations website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au) for definitions of these types of retail shops. Please note the definitions of shop types in the Shop and Warehouse Award are different from those applying under the *Retail Trading Hours Act 1987*.



## Uniforms

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- Any employer who requires an employee to wear a uniform must supply the uniforms free of charge or pay for its purchase and the uniform will remain the property of the employer.



## Deductions from pay

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



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

- Full time employees are engaged in ongoing employment and work 38 hours per week.
- Full time employees can be employed subject to a two month probationary period.

### Ordinary hours of work – full time employees

- The ordinary hours for full time employees are as follows:
  - 38 hours per week to be worked in one of the five roster patterns explained in the award. Access the Shop and Warehouse (Wholesale and Retail Establishments) award on the WA Industrial Relations website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au)
  - Within the spread of hours defined by the type of retail shop (see page 6 for details).
  - Not more than 5 commencements in any week or 10 commencements in any fortnight.
  - Not more than 9.5 hours per day in ordinary hours, except on the day of late night trading when it is not more than 11.5 hours (except for Small Retail shops, where not more than 11 hours per day – or 12 hours on the day of late night trading - may be worked).
- When more than 38 hours are worked in any week during a period of two consecutive weeks overtime is not payable unless:
  - More than 76 ordinary hours are worked in that two week period; or
  - More than 38 ordinary hours are worked in that two week period if one week of a period of annual leave occurs in the two week period.

### Overtime and penalty rates – full time employees

When penalty rates apply for a full time employee	Penalty rates
All time worked in <b>ordinary hours</b> on Easter Saturday	Time and a half
Work on Sunday in Special Retail and Small Retail shops	Double time

When overtime applies for a full time employee	Overtime rates
Outside the spread of ordinary hours prescribed for the type of shop they are employed in. The spread of ordinary hours varies between the types of shop (see page 5).	<ul style="list-style-type: none"> <li>• Monday to Friday and Saturday prior to 12 pm - time and a half for the first two hours and double time after that</li> <li>• After 12 pm Saturday and all day Sunday - double time</li> </ul>
Before the usual starting time or after the usual finishing time in any establishment	<ul style="list-style-type: none"> <li>• Monday to Friday and Saturday prior to 12 pm - time and a half for the first two hours and double time after that</li> <li>• After 12 pm Saturday and all day Sunday - double time</li> </ul>
Work on Saturday before 12 pm in establishments which work a five-day week (Monday to Friday inclusive)	Time and a half for the first two hours and double time after that
On a rostered day off	Time and a half for the first two hours and double time after that (minimum payment of four hours)
On a Sunday in a General Retail shop (In General Retail stores all work on Sunday is considered overtime and is additional to a full time employee's rostered 38 ordinary hours per week)	Double time
If an employee works on a public holiday (or a substituted public holiday)	Double time and a half



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

- Part time employees are engaged in ongoing employment and work for a minimum of 12 hours per fortnight and a maximum of 64 hours per fortnight.
- Part time employees receive the same wages and conditions as full time employees but on a proportionate basis to the hours they work.
- Part time employees can be employed subject to a two month probationary period.

### Ordinary hours of work – part time employees

- The ordinary hours for part time employees are as follows:
  - Minimum of 12 hours and maximum of 64 hours per fortnight, Monday to Saturday (or Monday to Sunday in a Special or Small Retail shop).
  - Within the spread of hours defined by the type of retail shop (see page 6 for details).
  - Not more than 10 work commencements in any fortnight.
  - Not to be engaged for less than 3 hours in any one day.
  - No more than 9.5 hours per day except on the day of late night trading when it is not more than 11.5 hours per day (except for Small Retail shops, where not more than 11 hours per day - or 12 hours on the day of late night trading - may be worked).

### Overtime and penalty rates – part time employees

When penalty rates apply for a part time employee	Penalty rates
All time worked in <b>ordinary hours</b> on Easter Saturday	Time and a half
Work on Sunday in Small and Special Retail stores	Double time

When overtime applies for a part time employee	Overtime rates
Outside the spread of ordinary hours prescribed for the type of shop they are employed in. The spread of ordinary hours varies between the types of shops (see page 5).	<ul style="list-style-type: none"> <li>• Monday to Friday and Saturday prior to 12 pm - time and a half for the first two hours and double time after that</li> <li>• After 12 pm Saturday and all day Sunday - double time</li> </ul>
Before the usual starting time or after the usual finishing time in any establishment	<ul style="list-style-type: none"> <li>• Monday to Friday and Saturday prior to 12 pm - time and a half for the first two hours and double time after that</li> <li>• After 12 pm Saturday and all day Sunday - double time</li> </ul>
Work on Saturday before 12 pm in establishments which work a five-day week (Monday to Friday inclusive)	Time and a half for the first two hours and double time after that
On a rostered day off	Time and a half for the first two hours and double time after that (minimum payment of four hours)
On a Sunday in a General Retail shop (In General Retail stores, all work on Sunday is considered overtime)	Double time
If an employee works on a public holiday (or a substituted public holiday)	Double time and a half





## Ordinary working hours – casual employees

- Casual employees work on an irregular basis, with no expectation of ongoing work, for not more than 30 hours per week in ordinary hours.

### Ordinary hours of work – casual employees

- The ordinary hours for casual employees are as follows:
  - Maximum of 30 hours per week, except for up to 4 weeks at a time when a casual employee can work 38 hours per week.
  - Any shift must be at least 3 consecutive hours, except that school students who are employed solely to collect trolleys in or about a shopping centre complex may be employed for a minimum of two consecutive hours between 4.00 p.m. and 6.00 p.m. Monday to Saturday inclusive.

### Overtime and penalty rates – casual employees

When penalty rates apply for a casual employee	Penalty rates
All time worked in <b>ordinary hours</b> on Easter Saturday	Time and a half
Work on Sunday in Small and Special Retail shops	Double time

When overtime applies for a casual time employee	Overtime rates
Outside the spread of ordinary hours prescribed for the type of shop they are employed in. The spread of ordinary hours varies between the types of shop (see page 5).	<ul style="list-style-type: none"> <li>• Monday to Friday and Saturday prior to 12 pm - time and a half for the first two hours and double time after that</li> <li>• After 12 pm Saturday and all day Sunday - double time</li> </ul>
Before the usual starting time or after the usual finishing time in any establishment	<ul style="list-style-type: none"> <li>• Monday to Friday and Saturday prior to 12 pm - time and a half for the first two hours and double time after that</li> <li>• After 12 pm Saturday and all day Sunday - double time</li> </ul>
Work on Saturday before 12 pm in establishments which work a five-day week (Monday to Friday inclusive)	Time and a half for the first two hours and double time after that
On a Sunday in a General Retail shop (in General Retail stores, all work on Sunday is considered overtime)	Double time
If an employee works on a public holiday (or a substituted public holiday)	Double time and a half

### 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 – all employees

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- On every day that an employee works more than five ordinary hours, he or she must be provided with an unpaid meal break of 45 minutes to one hour, which can be shortened to 30 minutes by agreement.
- An employee must not take a meal break before he or she has worked at least two and a half hours and must not work more than five hours without a meal break. An employee working more than four and a half but not exceeding eight ordinary hours on any day must also receive one paid 10 minute tea break.
- An employee working more than eight ordinary hours on any day must receive two 10 minute paid tea breaks, one to be taken in the morning and one in the afternoon. Where an employee works more than five ordinary hours before or after a meal break, the tea break must be 15 minutes instead of 10 minutes.



## 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 Shop and Warehouse (Wholesale and Retail Establishments) 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 Shop and Warehouse (Wholesale and Retail Establishments) Award, such as overtime hours worked and allowances paid. Contact [Wageline](#) or view the full Shop and Warehouse (Wholesale and Retail Establishments) 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

- An employer may provide a payslip to employees for each pay period which includes the number of ordinary and overtime hours worked each day and the total for the pay period, the wages and any allowances paid as well as any deductions made.
- If a payslip is not provided the employer must allow the employee to inspect the payment record.
- Wageline's [Employment record obligations for WA award employers](#) publication includes a payslip template.



## Employment of children

- Under the *Children and Community Services Act 2004*, it is illegal to employ children under the age of 13 in this industry, except if the child is working as part of a school program, in a not for profit organisation or in a family business.
- Children who are 13 or 14 year old years may work in a shop or retail outlet between 6 am and 10 pm (not in school hours) if the employer has obtained written permission from a parent or guardian of the child.
- Children who are school aged must not be employed during school hours, unless participating in a school program.
- There are significant penalties for breaching the employment of children laws:
  - employing a child without the permission of a parent – a fine of up to \$24,000 or \$120,000 for a corporation
  - employing a child before 6am or after 10pm – a fine of up to \$24,000 or \$120,000 for a corporation.
- The [Employment of children laws in WA – shop, restaurant, fast food or takeaway food businesses](#) page has more information about employing children under the age of 15 years, including a template for written parental permission.



## Allowances

Allowance	When allowance is paid	Rate
Meal allowance	<ul style="list-style-type: none"> <li>• When an employee is required to continue working after the usual finishing time for more than one hour</li> <li>• When an employee commences work prior to 1.00 pm on the day of late night trading and is required to work beyond 7.00 pm</li> </ul>	Meal allowance of <b>\$12.75</b> per occasion - may be paid prior to meal period on the day, or as part of the normal wage
First Aid Allowance	Where an employee possesses a First Aid Certificate and is appointed to perform first aid duties	Allowance of <b>\$10.65</b> per week
Location Allowance	Paid when working in certain regional towns in Western Australia (paid on a proportionate basis to casual/part time employees and apprentices)	Visit the <a href="#">Location Allowance</a> page for the amount payable for each town or Clause 39 of the Award

Motor vehicle allowance also applies if an employee is required and authorised to use their own motor vehicle in the course of their duties. See Clause 32 of the Shop and Warehouse Award on the WA industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au) for details.



## Public holidays

- Under the Shop and Warehouse (Wholesale and Retail Establishments) Award, when a public holiday falls on a Saturday or Sunday, the public holiday is observed on the following Monday. When Boxing Day falls on a Monday, that public holiday is observed on the following Tuesday.
- Visit the [Public Holidays in Western Australia](#) page to view the public holiday dates.

### Full time and part time employees

- Full time and part time employees who would normally be required to work on one or more of the designated public holidays, but who are not required to work because it is a public holiday, are entitled to be paid for that day.
- If a full time or part time employee is required to work on one or more of these days, public holiday pay rates will apply.
- The Shop and Warehouse (Wholesale and Retail Establishments) Award provides that when any of the days that are public holidays under the award fall on a day that a full time or part time employee is usually required to work less than one fifth of their ordinary weekly hours of duty, the employee is entitled to time off duty without deduction of pay equivalent to the difference between the time usually worked on that day and one fifth of their ordinary weekly hours.
- The Shop and Warehouse (Wholesale and Retail Establishments) Award also provides that when a public holiday falls on an accrued day off (known as a 'rostered day off'), an employee is to be compensated in one of the following methods by agreement between the employer and employee:
  - payment of an additional day's wages, or
  - another day shall be allowed with pay within twenty eight days, or
  - an additional day shall be added to the annual leave entitlement.

### Casual employees

- Casual employees who are required to work on one of the days that are public holidays for the purposes of the award must be paid at public holiday rates.



## 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	✓	✓	✓
Unpaid pandemic leave	✓	✓	✓

This WA Award summary covers the basic leave entitlements for employees covered by the Shop and Warehouse (Wholesale and Retail Establishments) Award but does **not** include all details on leave obligations and entitlements. Full details of conditions are contained in the Shop and Warehouse (Wholesale and Retail Establishments) Award on the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://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 four weeks of paid annual leave per year paid on a pro rata basis according to the number of hours they are required ordinarily to work in a four week period. Casual employees are not entitled to annual leave.
- Annual leave is a minimum entitlement in the *Minimum Conditions of Employment Act 1993* and the Shop and Warehouse (Wholesale and Retail Establishments) 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%.
- On termination, annual leave loading of 17.5% is paid out on fully accrued annual leave entitlements for completed years of employment. Annual leave loading is not paid on proportionate leave (leave accrued in an incomplete year of employment) on 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.
  - A part time employee accrues the relevant proportion of 2.923 hours 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.
- 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 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 exceed 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 [Employment record obligations for WA award employers](#) publication includes a leave record template.



### 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 2 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

- Long service leave is a paid leave entitlement for employees who have continuous employment with 'one and the same employer' for a specified period. Full time, part time and casual employees are entitled to long service leave under the *Long Service Leave Act 1958*.
- To be entitled to long service leave an employee's employment with their employer must be continuous. The amount of their long service leave is determined by the employee's period of continuous employment.
- There are a range of paid and unpaid absences or interruptions to an employee's employment that 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. See the [Long service leave – What is continuous employment](#) page for more information.

- ‘The one and the same employer’ also includes employers who previously owned a business, where there has been a transmission of business. This means an employer who buys or otherwise acquires 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 a sale of business contract.

### Taking long service leave

The long service leave entitlement for full time, part time and casual employees is:

- after 10 years of continuous employment with the one and the same employer –  $8^{2/3}$  (8.667) weeks of leave on ordinary pay;
- for every 5 years of continuous employment with the one and the same employer after the initial 10 years –  $4^{1/3}$  (4.333) weeks of leave on ordinary pay.

### When employment ceases

Employee with between 7 and 10 years of continuous employment	<p>When an employee with at least 7 but less than 10 years of continuous employment resigns or is terminated, they are entitled to pro rata long service leave on the basis of <math>8^{2/3}</math> (8.667) weeks for 10 years of continuous employment. This entitlement:</p> <ul style="list-style-type: none"> <li>• is calculated on the employee’s entire period of employment; that is, years, months, weeks and days</li> <li>• applies to employees who resign, are made redundant, die or whose employer has terminated them for any reason other than serious misconduct</li> <li>• does not apply to an employee whose employer has terminated them for serious misconduct.</li> </ul>
Employee with 10 or more years of continuous employment	<p><b>Full entitlement – 10 years or more of continuous employment</b> An employee who resigns or whose employment is terminated for any reason is entitled to:</p> <ul style="list-style-type: none"> <li>• <math>8^{2/3}</math> (8.667) weeks of leave if they have completed 10 years of continuous employment</li> <li>• an additional <math>4^{1/3}</math> (4.333) weeks of leave for each subsequent 5 years after the initial 10 years of continuous employment.</li> </ul> <p><b>Pro-rata entitlement – more than 10 years of continuous employment</b> When an employee with more than 10 years but less than 15 years of continuous employment resigns or is terminated they are entitled to pro rata leave. This entitlement:</p> <ul style="list-style-type: none"> <li>• is calculated on the basis of <math>8^{2/3}</math> weeks for 10 years of continuous employment for each year of employment since they completed 10 years of continuous employment</li> <li>• is calculated on completed years of employment only; that is, it does not include months, weeks or days</li> <li>• does not apply to an employee whose employer has terminated them for serious misconduct.</li> </ul> <p>This pro rata entitlement (calculated on the on the basis of <math>8^{2/3}</math> weeks for 10 years of continuous employment) will also apply to each year of employment since an employee completed 15, 20 25, 30, 35 years etc. of employment.</p>

- The [long service leave](#) pages of the Wageline website contain extensive information on:
  - What counts as continuous employment, including details on the impact of various types of paid and unpaid absences or interruptions on continuous employment
  - What happens when business ownership changes
- The [WA long service leave calculator](#) can provide an estimate of an employee’s long service leave entitlement when employment ends as a result of resignation, dismissal, death or redundancy. The WA long service leave calculator is available at [www.dmirs.wa.gov.au/lslcalculator](http://www.dmirs.wa.gov.au/lslcalculator).



## 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.



## Resignation, termination and redundancy

### Resignation by the employee

- A casual employee can resign by giving one hour's notice to the employer.
- Full time and part time employees are required to provide the following notice of resignation:
  - Employees with more than 2 months of service - one week's notice.
  - Employees with between 1 and 2 months of service - one day's notice.
  - Employees with less than 1 month of service - a moment's notice.

### Termination

- An employer is required to give a casual employee one hour's 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 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.



## Classifications

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**Shop Assistant** means an employee performing one or more of the following functions in retail or wholesale establishments:

- the receipt into and preparation for sale and or display of goods in or about any shop
- the prepacking or packing, weighing, assembling, pricing or preparing of goods or provisions or produce for sale
- the display, shelf filling, replenishing or any other method of exposure or presentation for sale of goods
- the sale of goods by any means
- the receiving, arranging or making payment by any means
- the recording by any means of a sale or sales
- the wrapping or packing of goods for despatch.

Shop assistants include:

- milk bar assistants
- checkout operators
- refund assistants
- persons employed as spruikers in shops
- persons employed as layby attendants
- persons employed in hiring out activities in a shop
- persons engaged to collect trolleys by any means
- persons employed on information desks or booths
- persons employed on customer service or as door greeter
- persons employed on service desks
- persons employed as bag checkers in or about the entrance to stores
- persons engaged in operating photographic processing machinery
- persons engaged in the stocking or collection of money from and preparation of commodities for sale in automatic vending devices
- persons engaged in the cooking and or preparation of provisions for sale in the shop of the employer other than for consumption in a cafeteria.

**Store person** means a worker performing one or more of the following duties: receiving, handling, storing, assembling, recording, preparing, packing, weighing and/or wrapping, branding, sorting, stacking or unpacking, checking, distributing or despatching or distributing goods in a shop, store or warehouse or delivering goods from a shop, store or warehouse for transit. Such duties include the use of computerised equipment where necessary.

**Store person Operator Grade I** means an employee employed as such carrying out the duties of a store person who is substantially required to operate the following mechanical equipment in the performance of his or her duties:

- Ride-on power operated tow motor
- Ride-on power operated pallet truck
- Walk beside power operated high lift stacker.

**Store person Operator Grade II** means an employee employed as such carrying out the duties of a store person who is substantially required to operate the following mechanical equipment in the performance of his or her duties:

- Ride-on power operated forklift
- High lift stock picker
- High lift stacker
- Power operated overhead traversing hoist.

**Despatch hand** means an employee who is substantially engaged in handling or receiving goods in or from departments for despatch or who passes them over to the packing room, or prepares and hands over packages to carters for delivery and who, if required, is responsible for the proper checking off of such packages and for the proper branding and marking thereof, and keeping necessary records, such as rail notes and cart notes.

**Packer** means an employee who packs goods for transport by air, post, rail or ship. An employee who packs goods for delivery by road transport to destinations beyond a radius of 25 miles (40 kilometres) of the nearest post office to the employer's business is classed as a packer.

**Canvasser** means an employee who collects or requests orders by retail for goods in places other than the employer's establishment, but does not include motor vehicle salespeople.

**Collector** means an employee whose principal duties consist of collecting money for the employer in places other than the employer's establishment. The duties of a Canvasser or Collector may be amalgamated to suit the convenience of the employer's business.

**Window Dresser/Visual Merchandiser** means an employee whose principal duties consist of the arranging, creating, labelling or presentation of merchandise, fixtures and surrounding areas. Such duties include the use of tools, paint and other equipment associated with the visual display and presentation of goods and merchandise.

**Wholesale Salesperson** means a worker performing one or more of the following duties in any establishment selling by wholesale: receiving, selling, assembling orders, distributing, handling goods for manufacture or sale by wholesale.

## Disclaimer

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