



## WA Award Summary

# Restaurant, Tearoom and Catering Workers Award

1 July 2019

## About this Award Summary

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This WA Award Summary is a summary of the state Restaurant, Tearoom and Catering Workers Award and does not include all obligations required by the award. It is important that you also refer to the full Restaurant, Tearoom and Catering Workers 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.

## 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 Café)</li> <li>✓ <b>unincorporated partnerships</b> (eg Jane and Bob Smith trading as Jane’s Café)</li> <li>✓ <b>unincorporated trust arrangements</b> (Jane and Bob Smith as trustees for Jane’s Café)</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 Café)</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 Restaurant, Tearoom and Catering Workers Award?</p>	<p>The Restaurant, Tearoom and Catering Workers Award applies to businesses in the state industrial relations system which are:</p> <ul style="list-style-type: none"> <li>✓ cafes and restaurants (not part of a hotel or motel or licenced club)</li> <li>✓ take away food outlets</li> <li>✓ catering establishments servicing weddings, parties, festivals and sporting events</li> <li>✓ catering contractors</li> </ul> <p>The Award may also apply to some school canteens run by P&amp;Cs in Government schools – please call Wageline on 1300 655 266 to discuss coverage for school canteens.</p> <p>The Restaurant Tearoom and Catering Workers Award does <b>not</b> apply to state system businesses in Western Australia trading as:</p> <table border="0" style="width: 100%;"> <tr> <td>• Red Rooster</td> <td>• KFC</td> <td>• McDonalds</td> </tr> <tr> <td>• Pizza Hut</td> <td>• Chicken Treat</td> <td>• Subway</td> </tr> <tr> <td>• Hungry Jacks</td> <td>• Chooks Fresh and Tasty</td> <td>• Heros Pizza</td> </tr> </table> <p>These businesses are covered by the Fast Food Outlet Award. View this Award on the WA Industrial Relations Commission website <a href="http://www.wairc.wa.gov.au">www.wairc.wa.gov.au</a> or call Wageline for details.</p>	• Red Rooster	• KFC	• McDonalds	• Pizza Hut	• Chicken Treat	• Subway	• Hungry Jacks	• Chooks Fresh and Tasty	• Heros Pizza
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• Pizza Hut	• Chicken Treat	• Subway								
• Hungry Jacks	• Chooks Fresh and Tasty	• Heros Pizza								
<p><b>Step 3</b> - is the employee’s job covered by the Restaurant, Tearoom and Catering Workers Award?</p>	<p>The Restaurant, Tearoom and Catering Workers 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> <table border="0" style="width: 100%;"> <tr> <td>✓ wait and bar staff</td> <td>✓ baristas</td> </tr> <tr> <td>✓ chefs, cooks, kitchen and catering staff</td> <td>✓ counter staff in cafes and take away food outlets</td> </tr> </table>	✓ wait and bar staff	✓ baristas	✓ chefs, cooks, kitchen and catering staff	✓ counter staff in cafes and take away food outlets					
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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 8 details record keeping requirements.

This 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**.



### Adults – 20 years and older

Classifications (See page 13 for definitions)	Full time/part time employee				Casual employee (Rate includes casual loadings)		
	Fortnightly	Hourly Mon - Fri*	Hourly Sat/Sun	Public holiday (min 4 hours)	Hourly Mon - Fri	Hourly Sat/Sun	Public holiday
Introductory (max 3 months)	\$1,493.90	\$19.66	\$29.48	\$49.14	\$24.57	\$29.48	\$44.23
Level 1	\$1,530.10	\$20.13	\$30.20	\$50.33	\$25.17	\$30.20	\$45.30
Level 2	\$1,584.50	\$20.85	\$31.27	\$52.12	\$26.06	\$31.27	\$46.91
Level 3	\$1,624.30	\$21.37	\$32.06	\$53.43	\$26.72	\$32.06	\$48.09
Level 4	\$1,701.80	\$22.39	\$33.59	\$55.98	\$27.99	\$33.59	\$50.38
Level 5	\$1,794.50	\$23.61	\$35.42	\$59.03	\$29.51	\$35.42	\$53.13
Level 6	\$1,836.50	\$24.16	\$36.25	\$60.41	\$30.21	\$36.25	\$54.37

- \*A full time or part time employee must receive an extra **\$1.66 per hour** for any ordinary hours worked prior to 7:00 am or after 7:00 pm on Monday to Friday. If the employee works the majority of their ordinary hours in a shift between midnight and 7.00 am they must instead be paid **\$1.75 per hour** extra for each such hour or part hour.

### Annualised salary

Full and part time employees may agree with their employer to be paid an annualised salary, which must be equivalent to their normal wage plus at least 25%, and be sufficient to cover what the employee would have been entitled to if they had received all their overtime and penalty rates entitlements. More details are in Clause 24 of the Award.

### Higher duties

An employee who is performing work for two or more hours in any day at a higher classification level than their normal level must be paid the higher pay rate for those hours. If the employee is required to perform higher duties for more than half of one day or one shift, they must be paid the higher wage rate for the whole day or shift.



### Apprentices

Employers are required to pay an apprentice for the time spent at off the job training as normal working hours.

Apprentice	Fortnightly Mon - Fri	Hourly Mon - Fri	Hourly Sat - Sun	Hourly Public Holiday
1st year - under 21	\$936.00	\$12.32	\$18.47	\$30.79
1st year - 21 or over - Adult apprentice	\$1,276.40	\$16.79	\$25.19	\$41.99
2nd year	\$1,276.40	\$16.79	\$25.19	\$41.99
3rd year	\$1,497.60	\$19.71	\$29.56	\$49.26

- \*A full time or part time employee must receive an extra **\$1.66 per hour** for any ordinary hours worked prior to 7:00 am or after 7:00 pm on Monday to Friday. If the employee works the majority of their ordinary hours in a shift between midnight and 7.00 am they must instead be paid **\$1.75 per hour** extra for each such hour or part hour.



## Trainees

For pay rates for registered trainees working under the Restaurant, Tearoom and Catering Workers Award, please contact Wageline on 1300 655 266.



## Juniors – under 20 years of age

- Junior employees are paid a percentage of the ‘lowest adult rate’. Those starting work in the restaurant/café industry who have not yet demonstrated the competency requirements of a Level 1 may be paid the **applicable percentage of the Introductory Level** for a period of up to three months. After this time, juniors must be paid the **applicable percentage of a Level 1**.
- Junior employees, who already possess the competencies of a Level 1 when first engaged, must be paid the **applicable percentage of a Level 1** from their commencement.
- 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 or in a family business or a not-for-profit organisation.

### Junior rates as a % of the Introductory Rate

Age (per cent)	Full time/Part time employee			Public Holiday (min 4 hours)	Casual employee (Rate includes casual loading)		
	Fortnightly	Hourly Mon - Fri*	Hourly Sat/Sun		Hourly Mon - Fri	Hourly Sat/Sun	Public Holiday
Under 16 (50%)	\$747.00	\$9.83	\$14.74	\$24.57	\$12.29	\$14.74	\$22.12
16 (60%)	\$896.30	\$11.79	\$17.69	\$29.48	\$14.74	\$17.69	\$26.54
17 (70%)	\$1,045.70	\$13.76	\$20.64	\$34.40	\$17.20	\$20.64	\$30.96
18 (80%)	\$1,195.10	\$15.73	\$23.59	\$39.31	\$19.66	\$23.59	\$35.38
19 (90%)	\$1,344.50	\$17.69	\$26.54	\$44.23	\$22.11	\$26.54	\$39.80

- \*A full time or part time employee must receive an extra **\$1.66 per hour** for any ordinary hours worked prior to 7:00 am or after 7:00 pm on Monday to Friday. If the employee works the majority of their ordinary hours in a shift between midnight and 7.00 am they must instead be paid **\$1.75 per hour** extra for each such hour or part hour.
- Please note employees under 15 years of age cannot be employed before 6am or after 10pm.

### Junior rates as a % of a Level 1

Age (per cent)	Full time/Part time employee			Public Holiday (min 4 hours)	Casual employee (Rate includes casual loading)		
	Fortnightly	Hourly Mon - Fri*	Hourly Sat/Sun		Hourly Mon - Fri	Hourly Sat/Sun	Public Holiday
Under 16 (50%)	\$765.10	\$10.07	\$15.10	\$25.17	\$12.58	\$15.10	\$22.65
16 (60%)	\$918.06	\$12.08	\$18.12	\$30.20	\$15.10	\$18.12	\$27.18
17 (70%)	\$1,071.10	\$14.09	\$21.14	\$35.23	\$17.62	\$21.14	\$31.71
18 (80%)	\$1,224.10	\$16.11	\$24.16	\$40.27	\$20.13	\$24.16	\$36.24
19 (90%)	\$1,377.10	\$18.12	\$27.18	\$45.30	\$22.65	\$27.18	\$40.77

- \*A full time or part time employee must receive an extra **\$1.66 per hour** for any ordinary hours worked prior to 7:00 am or after 7:00 pm on Monday to Friday. If the employee works the majority of their ordinary hours in a shift between midnight and 7.00 am they must instead be paid **\$1.75 per hour** extra for each such hour or part hour.
- Please note employees under 15 years of age cannot be employed before 6am or after 10pm.



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



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

- Full time employees are engaged in ongoing employment.
- Full time employees can be employed on a three month probation, which can be extended for up to a further three months provided it is extended before the end of the first three month period and the extension is reasonable.

### Ordinary hours of work

The ordinary hours for a full time employee are:

- 76 hours of work per fortnight
- no more than 10 days in any fortnight
- a minimum of 4 hours and no more than 10 hours per shift
- a maximum spread of shift of 12 hours.

### Overtime and penalty rates

When penalty rates apply for a full time employee	Penalty rates
If an employee works ordinary hours on a Saturday or Sunday	Time and a half
If an employee works on a public holiday	Double time and a half (minimum payment of four hours)
If an employee works any ordinary hours prior to 7.00 am or after 7.00 pm on any day, Monday to Friday	Extra <b>\$1.66 per hour</b> for each such hour, or part of an hour worked
If an employee works the majority of their ordinary hours between midnight and 7.00 am, Monday to Friday	Extra <b>\$1.75 per hour</b> for each such hour, or part of an hour worked

When overtime applies for a full time employee	Overtime rates
If an employee works more than: <ul style="list-style-type: none"> <li>• 10 hours per day</li> <li>• 10 days per fortnight</li> <li>• 76 hours per fortnight</li> </ul>	<ul style="list-style-type: none"> <li>• Monday to Friday - time and a half for the first two hours and double time after that</li> <li>• Saturday or Sunday - double time</li> </ul>
If an employee works outside the maximum 12 hour daily spread of shift	<ul style="list-style-type: none"> <li>• Monday to Friday - time and a half for the first two hours and double time after that</li> <li>• Saturday or Sunday - double time</li> </ul>
If an employee works overtime on a Saturday or Sunday	Double time

- By agreement, time off during ordinary hours (calculated at the applicable overtime rate) can be granted instead of payment for overtime.



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

- Part time employees are engaged in ongoing employment.
- Part time employees can be employed on a three month probation, which can be extended for up to a further three months provided it is extended before the end of the first three month period and the extension is reasonable.

### Ordinary hours of work

The ordinary hours for a part time employee are:

- a minimum of 20 hours per fortnight
- a maximum of 10 days per fortnight
- a minimum of 4 hours and no more than 10 hours per shift
- a maximum spread of shift of 12 hours
- the employer and employee may agree to the employee working additional ordinary hours in a particular pay period (up to a maximum of 76 hours) and these extra hours are paid for at ordinary rates of pay.

## Overtime and penalty rates

When penalty rates apply for part time employee	Penalty rates
If an employee works ordinary hours on a Saturday or Sunday	Time and a half
If an employee works on a public holiday or a substituted public holiday	Double time and a half (minimum payment of four hours)
If an employee works any ordinary hours prior to 7.00 am or after 7.00 pm on any day, Monday to Friday	Extra \$1.66 per hour for each such hour, or part of an hour worked
If an employee works the majority of their ordinary hours between midnight and 7.00 am, Monday to Friday	Extra \$1.75 per hour for each such hour, or part of an hour worked

When overtime applies for a part time employee	Overtime rates
If an employee work more than: <ul style="list-style-type: none"> <li>10 hours per day</li> <li>10 days per fortnight</li> <li>76 hours per fortnight</li> </ul>	<ul style="list-style-type: none"> <li>Monday to Friday - time and a half for the first two hours and double time after that</li> <li>Saturday or Sunday - double time</li> </ul>
If an employee is directed to work outside their rostered hours of duty - i.e. where the employer and employee have not agreed on the employee working additional ordinary hours in a particular pay period (up to a maximum of 76) at ordinary rates.	<ul style="list-style-type: none"> <li>Monday to Friday - time and a half for the first two hours and double time after that</li> <li>Saturday or Sunday - double time</li> </ul>
If an employee works outside the daily maximum 12 hour spread of shift.	<ul style="list-style-type: none"> <li>Monday to Friday - time and a half for the first two hours and double time after that</li> <li>Saturday or Sunday - double time</li> </ul>
All overtime worked on a Saturday or Sunday	Double time

- By agreement, time off during ordinary hours (calculated at the applicable overtime rate) can be given instead of payment for overtime.
- Specific hours provisions apply for part time school canteen workers - see Clause 51 of the award.



## Ordinary working hours – casual employees

- A casual employee must be informed, before they are employed, that they are employed on a casual basis and that they have no entitlement to paid sick leave or annual leave.
- A casual employee must be provided with a minimum of two consecutive hours of work per shift.

When penalty rates apply for a casual employee	Penalty rates
If an employee works Monday to Friday	25% loading
If an employee works on a Saturday or Sunday	50% loading
If an employee works on a public holiday	125% loading



## Meal breaks – all employees

- All employees are entitled to:
  - an unpaid meal break of between 30 and 60 minutes after not more than 6 hours of work
  - a 10 minute paid break if the shift is 6 or more hours long.
- If it is not possible for the employer to grant a meal break on any day, the meal break must be treated as time worked and the employee must be paid a 50% loading on the employee's ordinary hourly rate, until the employee is released for a meal.



## Allowances

Allowance	When allowance is paid	Rate
Split shift	If a full time or part time employee works their ordinary hours in more than one period on any one day (split shift).	<b>\$2.70</b> per day
Meal money	If an employee is required to work two or more hours of overtime on any day without being notified on the previous day (or earlier) and the employer has not supplied a substantial meal.	<b>\$11.30</b> per meal
Location allowance	If working in certain regional towns in Western Australia (paid on a proportionate basis to casual and part time employees, juniors and apprentices).	Visit the <a href="#">Location Allowance</a> page for the amount payable for each town or Clause 41 of the award
Protective clothing	If required to wash dishes, clean toilets or handle detergents, acids, soaps or any injurious substances and the employer has not supplied rubber gloves.	<b>\$3.90</b> per fortnight, or <b>\$1.95</b> if working less than 38 hours per fortnight
Employee's knives	If an employee is required to use their own knives.	<b>\$14.40</b> per fortnight, or <b>\$7.20</b> if working less than 38 hours per fortnight
Uniforms and laundry allowance	<p><b>Cooks</b> - If a cook wears the ordinary apparel usually worn by cooks such as black and white check trousers, white shirt, white apron and cap and the employer has not paid for their laundering.</p> <p><b>Other employees</b> - If the employer requires a special uniform (as defined in the award) and the employer has not paid for the laundering. (Such a uniform must be provided by the employer).</p>	<p><b>\$11.00</b> per fortnight, or <b>\$5.50</b> per fortnight for employees working less than 38 ordinary hours per fortnight</p> <p><b>\$7.20</b> per fortnight, or <b>\$3.60</b> for employees working less than 38 ordinary hours per fortnight</p>



## 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 records

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- Employers are legally required to keep employment records which demonstrate that employees have been paid all entitlements under the Restaurant Tearoom and Catering Workers 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 Restaurant Tearoom and Catering Workers Award, such as overtime hours worked and allowances paid. Contact [Wageline](#) or view the full Restaurant Tearoom and Catering Worker's 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 [record keeping templates](#) help small business employers meet their legal obligations for time and wages record keeping and keep accurate employee leave records.



## Payslips

- It is recommended that employers provide a pay slip to each employee showing the number of ordinary hours and overtime hours for each pay period and the wages and any allowances paid and any deductions made.
- If a payslip is not provided, the employer must grant the employee access to the time and wages record at the time of payment.
- Visit the [Record keeping requirements page](#) for Wageline's payslip and record keeping templates.





## Leave entitlements

### Quick reference guide

Leave entitlement	Full time	Part time	Casual
Annual leave	✓	✓	✗
Sick and carers leave	✓	✓	✗
Unpaid carers leave	✓	✓	✓
Bereavement leave	✓	✓	✓
Unpaid parental leave	✓	✓	✓
Long Service leave	✓	✓	✓

This WA Award Summary covers the basic leave entitlements for employees covered by the Restaurant, Tearoom and Catering Workers Award but does **not** include all details on leave obligations and entitlements. Full details of conditions are contained in the Restaurant, Tearoom and Catering Workers 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 Restaurant, Tearoom and Catering Workers 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%. If an employee would have received any additional rates for work performed in ordinary hours, had he or she not been on leave, and this would be a greater amount than the 17.5% loading, then such additional rates must be paid in lieu of the 17.5% loading.
- 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 service.
  - Visit Wageline's [Annual Leave Calculation Guide](#) to work out annual leave entitlements.
  - Wageline's [record keeping templates](#) include an annual leave record template.



### Parental leave

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



### Bereavement leave

- All employees, including casual employees, are entitled to two days paid bereavement leave 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.



## 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 [record keeping templates](#) include a sick and carer's leave record template.



## Long service leave

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

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

- An employee who has completed a full qualifying period of service (e.g. 10 years) is entitled to be paid out their full long service leave entitlement (e.g. 8<sup>2/3</sup> weeks) on termination, regardless of the circumstances of the termination.
- Where an employee has a period of service that is less than the full qualifying period and they were terminated by their employer for serious misconduct, they are not entitled to **pro rata** LSL.
- Visit the [Long Service Leave](#) page for more details and a calculation guide.
- Wageline's [record keeping templates](#) include a long service leave record template.



## Employment of children

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- Under the *Children and Community Services Act 2004*, the minimum age for employment in a restaurant, cafe, fast food or takeaway food business is 13 years of age, except if the child is working as part of a school program or in a family business.
- A child who is 13 or 14 years old may work in a restaurant, café or fast food or takeaway food outlet between 6 am and 10 pm (excepting school hours) if the employer has obtained written permission from their parent or guardian.
- A person must not employ a child of compulsory school age during the hours when the child is required to attend school or otherwise participate in an educational program of a school.
- 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.

### Resources for businesses which employ children

- The [Employment of children laws – shop, restaurant, fast food or takeaway food business](#) page provides specific information for employers and store managers.
- A template form for gaining written parental permission for employing children under 15 is available.
- Conducting a self-audit will assist retail and food industry employers to ensure all employment arrangements comply with the child employment laws. Wageline's [Self-Audit Checklist](#) for this industry is a tool to help employers to conduct a self-audit of compliance with the child employment laws.



## Public holidays

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- Under the Restaurant, Tearoom and Catering Workers' Award, when a public holiday falls on a Saturday or Sunday, the public holiday is observed on that actual day.
- Full time employees who would normally be required to work on one or more of the designated public holidays under the award, but who are not required to work because it is a public holiday, are entitled to be paid for that day. Part time employees who would normally be required to work on one or more of the designated public holidays under the award, but who are not required to work because it is a public holiday, are entitled to be paid for that day.
- If an employee is required to work on a public holiday, public holiday pay rates will apply.
- If any public holiday under the award falls on a full time employee's non-working day (referred to as a 'rostered day off'), the public holiday is observed on the next rostered working day. In this situation the next rostered working day is considered to be a public holiday, while the non-working day is not. If the employee is required to work on the next rostered working day, they are entitled to be paid at public holiday rates of pay.
- Visit the [Public Holidays in Western Australia](#) page to view the public holiday dates.



## Resignation, termination and redundancy

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### Resignation by the employee

- Full time and part time employees must give:
  - in the first year of service - at least one day's notice
  - in the second year of service - at least one week's notice
  - in the third and succeeding years - at least two weeks' notice
- A casual employee must give one hour's notice to the employer.
- A probationary employee must give one day's notice to the employer, during the probationary period.

## Termination notice periods

- An employer must give a casual employee one hour's notice of termination.
- An employer must give a probationary employee one day's notice of termination.
- Prior to terminating an apprentice, 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, an employer is required to give full time and part time employees the following period of notice of termination (or payment in lieu):

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

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

## Redundancy

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

## Dismissal requirements

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



### Introductory

An employee may be paid at the Introductory Rate if they are entering the hospitality industry and have not demonstrated the competency requirements of Level 1 (please see below). An employee may be paid at the Introductory Rate for a **maximum of three months**, unless the employee and employer reach a written agreement that further training is required.

### Food and Beverage employees

**Food and Beverage Attendant Grade 1 (Level 1)** means an employee who is engaged in any of the following:

- picking up glasses
- removing food plates
- general assistance to food and beverage attendants of a higher grade not including service to customers
- emptying ashtrays
- setting and/or wiping down tables
- cleaning and tidying of associated areas.

**Food and Beverage Attendant Grade 2 (Level 2)** means an employee who has not achieved the appropriate level of training and who is engaged in any of the following:

- engaged on delivery duties
- receipt of monies
- supplying, dispensing or mixing of liquor
- attending a snack bar
- assisting in the cellar or bottle department
- undertaking general waiting duties of both food and/or beverage including cleaning of tables.

**Food and Beverage Attendant Grade 3 (Level 3)** means an employee who has the appropriate level of training and is engaged in any of the following:

- supplying, dispensing or mixing of liquor
- engaged on delivery duties
- assisting in the cellar or bottle department, where duties could include working up to 4 hours per day (averaged over the relevant work cycle) in the cellar without supervision.
- undertaking general waiting duties of both food and liquor including cleaning of tables
- receipt and dispensing of monies

In addition to the tasks performed by a food and beverage attendant grade 2 the employee may also be involved in:

- full control of a cellar (including the receipt, delivery and recording of goods within such an area)
- taking reservations, greeting and seating guests
- supervising food and beverage attendants of a lower grade
- training food and beverage attendants of a lower grade
- mixing a range of sophisticated drinks.

**Food and Beverage Attendant (Tradesperson) Grade 4 (Level 4)** means an employee who has completed the appropriate level of training or who has passed the appropriate trade test and who carries out specialised skilled duties in a fine dining room or restaurant.

**Food and Beverage Supervisor (Level 5)** means an employee who has the appropriate level of training including a supervisory course and who has the responsibility for supervision, training and co-ordination of food and beverage staff, or stock control for a bar or series of bars.

### Kitchen employees

**Kitchen Attendant Grade 1 (Level 1)** means an employee engaged in any of the following:

- general cleaning duties within a kitchen or food preparation area, including the cleaning of cooking and general utensils used in a kitchen and restaurant
- assembly and preparation of ingredients for cooking
- general pantry duties
- assisting employees who are cooking.

**Kitchen Attendant Grade 2 (Level 2)** means an employee who has the appropriate level of training and who is engaged in specialised non-cooking duties in a kitchen or food preparation area or supervision of kitchen attendants.

**Kitchen Attendant Grade 3 (Level 3)** means an employee who has the appropriate level of training including a supervisory course, and has the responsibility for the supervision, training and co-ordination of kitchen attendants of a lower grade.

**Cook Grade 1 (Level 2)** means an employee who carries out cooking of breakfasts and snacks, baking, pastry cooking or butchering.

**Cook Grade 2 (Level 3)** means an employee who has the appropriate level of training and who performs cooking duties including baking, pastry cooking or butchering.

**Cook (Tradesperson) Grade 3 (Level 4)** means a “commi chef” or equivalent who has completed an apprenticeship or has passed the appropriate trade test, and who is engaged in cooking, baking, pastry cooking or butchering duties.

**Cook (Tradesperson) Grade 4 (Level 5)** means a “demi chef” or equivalent who has completed an apprenticeship or has passed the appropriate trade test and who is engaged to perform general or specialised cooking, butchering, baking or pastry cooking duties and/or supervises and trains other cooks and kitchen employees.

**Cook (Tradesperson) Grade 5 (Level 6)** means a “chef de partie” or equivalent who has completed an apprenticeship or has passed the appropriate trade test in cooking, butchering, baking or pastry cooking and has completed additional appropriate training and who performs any of the following:

- general and specialised duties including supervision or training of other kitchen staff
- ordering and stock control or
- who has sole responsibility for other cooks and other kitchen employees in a single kitchen establishment.

## Disclaimer

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The Department of Mines, Industry Regulation and Safety has prepared this WA award summary to provide information on pay rates and major award provisions. It is provided as a general guide only and is not designed to be comprehensive or to provide legal advice. The Department does not accept liability for any claim which may arise from any person acting on, or refraining from acting on, this information.