



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

## WA award summary

# Bakers (Country) Award

**1 July 2020 – 31 December 2020**

## About this award summary

This WA award summary is a summary of the state Bakers (Country) Award and does not include all obligations required by the award. It is important that you also refer to the full Bakers (Country) 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.dmir.wa.gov.au/wageline](http://www.dmir.wa.gov.au/wageline) or by contacting Wageline on 1300 655 266.

This WA award summary includes information on the provisions of the COVID-19 General Order issued by the Western Australian Industrial Relations Commission (WAIRC) on 14 April 2020 which applies until 31 March 2021 unless extended, and information on the provisions of the COVID-19 JobKeeper General Order issued by the WAIRC on 15 May 2020 which applies until 28 March 2021 unless extended.

## How can we help?





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

<p><b>Step 1</b> Is the business in the state system?</p>	<p>This WA award summary applies to businesses in the <b>state industrial relations system</b>. It covers businesses (and their employees) that operate as:</p> <ul style="list-style-type: none"> <li>✓ <b>sole traders</b> (e.g. Jane Smith trading as Jane’s Bakery)</li> <li>✓ <b>unincorporated partnerships</b> (e.g. Jane and Bob Smith trading as Jane’s Bakery)</li> <li>✓ <b>unincorporated trust arrangements</b> (e.g. Jane and Bob Smith as trustees for Jane’s Bakery )</li> <li>✓ <b>incorporated associations and other non-profit bodies</b> that are not trading or financial corporations</li> </ul> <p>This summary does <b>not</b> cover businesses and organisations in the national ‘fair work’ 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 (e.g. Smith Pty Ltd trading as Jane’s Bakery)</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 type of business covered by Award?</p>	<p>The Bakers (Country) Award covers breadmaking businesses and bakeries in the state industrial relations system.</p>
<p><b>Step 3</b> Is the business located in the relevant part of Western Australia?</p>	<p>The Bakers (Country) Award only covers relevant businesses that are located more than 45km from the General Post Office Perth.</p> <p>Note: The Bakers (Metropolitan) Award covers businesses located within a radius of 45kms from the General Post Office Perth. The WA award summary for the Bakers (Metropolitan) Award is available at <a href="http://www.dmirs.wa.gov.au/awardsummaries">www.dmirs.wa.gov.au/awardsummaries</a>.</p>
<p><b>Step 4</b> Is the employee’s job covered by the Bakers Country Award?</p>	<p>The Bakers (Country) Award sets pay rates, working hours and other employment arrangements for employees working as:</p> <ul style="list-style-type: none"> <li>✓ Bakers and apprentice bakers</li> <li>✓ Doughmakers</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 7 details record keeping requirements.

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

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

Employees who believe that they have been underpaid, or wish to make an anonymous report of wage theft, 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 2020**. The 2020 State Wage Order increased pay rates effective from the first pay period on or after 1 January 2021.

**Adult rates of pay – applicable from the first pay period on or after 1 July 2020 until end of last pay period commenced in December 2020 (new rates applied from first pay period on or after 1 January 2021).**

Classification (See page 14)	Weekly	Hourly	Casual (includes 20% loading)
Doughmaker	\$833.10	\$21.92	\$26.31
Single hand baker	\$833.10	\$21.92	\$26.31
Baker	\$831.10	\$21.87	\$26.25

A doughmaker or single hand baker must be paid a **disability allowance of \$7.00 per week**, in addition to the pay rates listed above.

**Junior rates of pay – applicable from the first pay period on or after 1 July 2020 until end of last pay period commenced in December 2020 (new rates applied from first pay period on or after 1 January 2021).**

Junior employees (19 years and under) are paid a percentage of the Baker adult rate of pay.

Junior employees	% of adult rate	Weekly	Hourly	Casual (includes 20% loading)
15 years	45%	\$374.00	\$9.84	\$11.81
16 years	60%	\$498.70	\$13.12	\$15.75
17 years	70%	\$581.80	\$15.31	\$18.37
18 years	80%	\$664.90	\$17.50	\$21.00
19 years	90%	\$748.00	\$19.68	\$23.62

There are restrictions on employment of children in this industry. See page 7 for details.

**Apprentice rates of pay– applicable from the first pay period on or after 1 July 2020 until end of last pay period commenced in December 2020 (new rates applied from first pay period on or after 1 January 2021).**

3 Year Term	Age of apprentice	Weekly	Hourly
1st Year	Under 21 years of age	\$457.10	\$12.03
	21 or older	<b>\$638.20</b>	<b>\$16.79</b>
2nd Year	under 21 years of age	\$623.30	\$16.40
	21 or older	<b>\$638.20</b>	<b>\$16.79</b>
3rd Year	All ages	\$731.40	\$19.25

An employer is required to pay an apprentice for time spent at TAFE (or other off the job training) as normal working hours. An employer is not required to pay TAFE fees on behalf of the apprentice.

### Registered trainees

- Registered trainees are employees who are undertaking a traineeship registered with the [Apprenticeship Office](#) at the Department of Training and Workforce Development. Traineeships can be undertaken on a full time, part time or school-based basis.
- There is no job classification for a registered trainee under the Bakers (Country) Award and if an employee was undertaking a traineeship in this industry, they would be award free. Visit the [Apprenticeship Office](#) website for information on whether training packages are available for the industry covered by this award.
- Visit the [Pay rates for trainees](#) page for wage rates for award free full time, part time and school based registered trainees. Registered trainees in this industry are entitled to [annual leave](#), [sick and carer's leave](#) and other leave and employment entitlements that apply to award free employees while undertaking a traineeship.
- An employer is required to pay a registered trainee for time spent at TAFE (or other off the job training) as normal working hours. An employer is not required to pay TAFE fees on behalf of the registered trainee.



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## Allowances

### Higher duties allowance

An employee engaged for more than half of one day or shift carrying out duties at a higher rate than the employee's ordinary classification must be paid the higher rate for that day or shift. If employed for less than half of one day or shift, the employee must be paid the higher rate for the time worked.

### Foreperson allowance

In addition to the pay rate for a doughmaker, a **foreperson** must be paid the following allowance per week:

Number of employees	Allowance per week
If in charge of less than 4 other employees	\$16.40
If in charge of 4 but less than 10 other employees	\$26.10
If in charge of 10 and not more than 20 other employees	\$39.90
If in charge of 20 or more other employees	\$54.40

### Location allowance for employees in regional areas

- Employees working in certain regional towns must be paid the location allowance relevant to that town. Rates listed below are for adult employees working full time. Junior employees, casual employees, part time employees and apprentices must be paid proportionate location allowance based on the proportion which their weekly wage is to the adult rate under the WA award.
- If an employee has a dependent (a spouse or partner, or a child if there is no spouse or partner) the employee is entitled to receive double the allowance specified for the relevant town except if the dependent also receives a location or district allowance payment as part of his or her own employment.
- If an employee receives free board and lodging, or is paid an allowance for board and lodging, the rate of location allowance is adjusted to 66.67% (two thirds) of the rate for the relevant town.

### Location allowance rates effective 1 July 2020

Town	\$ per week	Town	\$ per week	Town	\$ per week
Agnew	\$22.30	Halls Creek	\$52.40	Norseman	\$19.80
Argyle	\$59.70	Kalbarri	\$8.00	Nullagine	\$57.80
Balladonia	\$23.10	Kalgoorlie	\$9.50	Onslow	\$38.90
Barrow Island	\$38.90	Kambalda	\$9.50	Pannawonica	\$29.10
Boulder	\$9.50	Karratha	\$37.60	Paraburdoo	\$28.90
Broome	\$35.90	Koolan Island	\$39.30	Port Hedland	\$31.10
Bullfinch	\$10.40	Koolyanobbing	\$10.40	Ravensthorpe	\$11.70
Carnarvon	\$18.40	Kununurra	\$59.70	Roebourne	\$43.30
Cockatoo Island	\$39.30	Laverton	\$22.80	Sandstone	\$22.30
Coolgardie	\$9.50	Learmonth	\$32.80	Shark Bay	\$18.40
Cue	\$22.90	Leinster	\$22.30	Southern Cross	\$10.40
Dampier	\$31.30	Leonora	\$22.80	Telfer	\$53.20
Denham	\$18.40	Madura	\$24.10	Teutonic Bore	\$22.30
Derby	\$37.30	Marble Bar	\$57.90	Tom Price	\$28.90
Esperance	\$6.50	Meekatharra	\$19.80	Whim Creek	\$37.20
Eucla	\$25.00	Mount Magnet	\$24.80	Wickham	\$35.90
Exmouth	\$32.80	Mundrabilla	\$24.60	Wiluna	\$22.50
Fitzroy Crossing	\$45.30	Newman	\$21.40	Wyndham	\$55.90



### Ordinary hours of work

#### All employees

- The ordinary hours of work is an average of 38 hours in a week to be worked on one of the following basis:
  - 38 hours within a work cycle not exceeding seven consecutive days; or
  - 76 hours within a work cycle not exceeding 14 consecutive days; or
  - 114 hours within a work cycle not exceeding 21 consecutive days; or
  - 152 hours within a work cycle not exceeding 28 consecutive days.
- The hours of work each day will be arranged to suit the requirements of the business and consist of any five consecutive days of the week.

#### Doughmakers

- There are no restrictions on the times and days that doughmakers may work ordinary hours, provided those hours are in accordance with the above parameters.

#### Non-doughmakers

- Ordinary hours may be worked:
  - From 1:00am on Monday and 2:00am on Tuesday, Wednesday and Thursday, with a finishing time of no later than 6:00pm on Monday, Tuesday and Wednesday.
  - On Thursday, the finishing time must not be later than 12 noon, and a further shift may then commence no earlier than 8:00pm on that day.
  - If a further shift is required on Friday, the starting time must not be earlier than 1:00pm (or 12 noon if a treble of quadruple bake is required), with a finishing time no later than 7:00pm on that day.
  - On Saturday, the starting time must not be earlier than 2:00am, with a finishing time no later than 12 noon.
  - On Sunday, the starting time must not be earlier than 5:00am, with a finishing time no later than 12 noon.
- Non-doughmakers who are required to make dough(s) outside of their ordinary hours for less than a full shift must be credited for a minimum of 3 hours work (or the actual time if in excess of 3 hours) and this time will then form part of the employee's daily ordinary working hours.
- A foreperson, or if no foreperson is available, one employee acting in place for such a foreperson, may work for one hour before the starting time as part of their ordinary hours.
- No employee is allowed to resume work until they have had a full eight hours off duty on Monday to Thursday inclusive and six hours off duty on Friday where work is performed on a sixth shift.

### Penalty rates for ordinary hours

#### Doughmakers

- On Mondays, doughmakers must be paid double time for any work performed between the start time applying to other employees engaged in breadmaking and baking and 3:00am.
- On Tuesday, Wednesday, Thursday and Friday, doughmakers must be paid double time for any work performed between the start time applying to other employees engaged in breadmaking and baking and 5:00am.

#### Non-Doughmakers

- Where a treble or quadruple bake is required on a Friday, all time worked between 12 noon and 1:00pm must be paid at double time (this forms part of the employee's ordinary hours).
- All work on a Friday between 1:00pm and 7:00pm as part of the employee's ordinary hours must be paid at the rate of time and a half.
- All work performed between 1:00am and 3:00am on Mondays, and 2:00am and 5:00am on Tuesday, Wednesday, Thursday, Friday and Saturday as part of the employee's ordinary hours must be paid at the rate of double time.
- All work performed on Saturday after 5:00am and before 12 noon as part of the employee's ordinary hours must be paid for at the rate of time and a half.
- All work performed on Sunday between 5:00am and 12 noon as part of the employee's ordinary hours must be paid for at the rate of double time.
- Where non-doughmakers are required to make yeast goods outside the prescribed ordinary hours of work, they must be paid at time and a half for the first two hours and double time thereafter.

## Overtime

- All time worked in excess of an employee’s ordinary rostered daily hours of work must be paid for at the rate of time and a half for the first two hours and double time thereafter.
- All time worked in excess of an employee’s ordinary rostered weekly hours of work (excluding any daily overtime that has already been paid for) must be paid for at the rate of time and a half for the first three hours and double time after that.

**Table of Ordinary Hours, Overtime Hours and Penalty Rates (Non-Doughmakers)**

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
<b>Midnight</b>	Overtime	Overtime	Overtime	Overtime	Ordinary	Overtime	Overtime
<b>1:00am</b>	Ordinary x 2	Overtime	Overtime	Overtime	Ordinary	Overtime	Overtime
<b>2:00am</b>	Ordinary x 2	Ordinary x 2	Overtime				
<b>3:00am</b>	Ordinary	Ordinary x 2	Ordinary x 2	Ordinary x 2	Ordinary x 2	Ordinary x 2	Overtime
<b>4:00am</b>	Ordinary	Ordinary x 2	Ordinary x 2	Ordinary x 2	Ordinary x 2	Ordinary x 2	Overtime
<b>5:00am</b>	Ordinary	Ordinary	Ordinary	Ordinary	Ordinary	Ordinary x 1.5	Ordinary x 2
<b>6:00am</b>	Ordinary	Ordinary	Ordinary	Ordinary	Ordinary	Ordinary x 1.5	Ordinary x 2
<b>7:00am</b>	Ordinary	Ordinary	Ordinary	Ordinary	Ordinary	Ordinary x 1.5	Ordinary x 2
<b>8:00am</b>	Ordinary	Ordinary	Ordinary	Ordinary	Ordinary	Ordinary x 1.5	Ordinary x 2
<b>9:00am</b>	Ordinary	Ordinary	Ordinary	Ordinary	Ordinary	Ordinary x 1.5	Ordinary x 2
<b>10:00am</b>	Ordinary	Ordinary	Ordinary	Ordinary	Ordinary	Ordinary x 1.5	Ordinary x 2
<b>11:00am</b>	Ordinary	Ordinary	Ordinary	Ordinary	Ordinary	Ordinary x 1.5	Ordinary x 2
<b>12:00pm</b>	Ordinary	Ordinary	Ordinary	Overtime	Ordinary x 2 <sup>#</sup>	Overtime	Overtime
<b>1:00pm</b>	Ordinary	Ordinary	Ordinary	Overtime	Ordinary x 1.5	Overtime	Overtime
<b>2:00pm</b>	Ordinary	Ordinary	Ordinary	Overtime	Ordinary x 1.5	Overtime	Overtime
<b>3:00pm</b>	Ordinary	Ordinary	Ordinary	Overtime	Ordinary x 1.5	Overtime	Overtime
<b>4:00pm</b>	Ordinary	Ordinary	Ordinary	Overtime	Ordinary x 1.5	Overtime	Overtime
<b>5:00pm</b>	Ordinary	Ordinary	Ordinary	Overtime	Ordinary x 1.5	Overtime	Overtime
<b>6:00pm</b>	Overtime	Overtime	Overtime	Overtime	Ordinary x 1.5	Overtime	Overtime
<b>7:00pm</b>	Overtime	Overtime	Overtime	Overtime	Ordinary x 1.5	Overtime	Overtime
<b>8:00pm</b>	Overtime	Overtime	Overtime	Ordinary	Overtime	Overtime	Overtime
<b>9:00pm</b>	Overtime	Overtime	Overtime	Ordinary	Overtime	Overtime	Overtime
<b>10:00pm</b>	Overtime	Overtime	Overtime	Ordinary	Overtime	Overtime	Overtime
<b>11:00pm</b>	Overtime	Overtime	Overtime	Ordinary	Overtime	Overtime	Overtime

**Ordinary** = Ordinary hours (without penalty rates)

**Ordinary x 1.5** = Ordinary hours paid at time and a half

**Ordinary x 2** = Ordinary hours paid at double time

**Overtime** = Overtime hours\*

\* Overtime rates are also payable for work performed in excess of an employee’s ordinary hours, regardless of when those overtime hours are worked.

# Ordinary hours may only be worked for a triple or quadruple bake.

## 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 on the provisions and the rules and requirements.

These new provisions apply from 15 May 2020 until 28 March 2021, unless extended.



## Meal breaks and rest breaks

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- An employee must receive a meal break of between 20 to 40 minutes after the completion of between 2.5 to 5 hours' work.
- Where an employee's shift is longer than 4 hours, after every four hours the employee is entitled to a rest break of 10 minutes which counts as part of the time worked. This time will be taken to suit the convenience of the employer, either before or after the time the entitlement accrues.



## Public holidays

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- Full time employees are entitled to public holidays (or days substituted for public holidays) without deduction of pay. Part time employees are entitled to public holidays (or days substituted for public holidays) without deduction of pay if they would ordinarily be required to work on that day if it was not a public holiday.
- Under this award, if Christmas Day or Boxing Day falls on a Sunday, the following Monday will be considered to be the public holiday. When a public holiday is substituted with another day, the public holiday itself is no longer considered a public holiday for the purposes of the WA award.
- If an employee works on a public holiday or substituted public holiday they must be paid at the rate of double time and one half.
- Visit the [Public Holidays in Western Australia](#) page to view the public holiday dates.



## Employment of children

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



## 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;
- the employer is authorised to deduct and pay on behalf of the employee under the relevant WA award; or
- 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 Bakers (Country) 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. Employers often fail to keep sufficient detail in their 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 Bakers (Country) Award, such as overtime hours worked and allowances paid. Contact [Wageline](http://Wageline) or view the full Bakers (Country) 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

- Employees must be provided with a payslip for each pay period.
- The payslip should include the rate of pay, the ordinary hours and the overtime hours worked, any penalty loadings, the gross and net wage, any allowances paid and any deductions made.
- Wageline's [Employment record obligations for WA award employers](#) publication includes a payslip template.



### 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 Bakers (Country) Award but does **not** include all details on leave obligations and entitlements. Full details of conditions are contained in the Bakers (Country) 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*.

## 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	
<p>The long service leave entitlement for full time, part time and casual employees is:</p> <ul style="list-style-type: none"> <li>• after 10 years of continuous employment with the one and the same employer – <math>8^{2/3}</math> (8.667) weeks of leave on ordinary pay; and</li> <li>• for every 5 years of continuous employment with the one and the same employer after the initial 10 years – <math>4^{1/3}</math> (4.333) weeks of leave on 'ordinary pay'.</li> </ul>	
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; and</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></p> <p>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; and</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></p> <p>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; and</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 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).

### 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 leave that they have accrued to date for caring purposes.
- In the second and subsequent years of employment, a full time employee can only use a maximum of 76 hours of their accrued sick leave entitlement for caring purposes, or a part time employee the relevant proportion of 76 hours based on their ordinary hours of work.
- An employee is entitled to up to two days of unpaid carer's leave per occasion if an employee does not have sufficient paid leave accrued or has exceeded the maximum amount of carer's leave that can be taken in any 12 month period.
- Casual employees are not entitled to paid sick leave or paid carer's leave. Casual employees can access up to two day's unpaid carer's leave per occasion.
- Sick and carer's leave is a minimum entitlement from the *Minimum Conditions of Employment Act 1993*.
- Wageline's [Sick leave calculation guide](#) can assist with calculating sick and carer's leave entitlements.
- Wageline's [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 two days need not be consecutive.
- Bereavement leave is a minimum entitlement from the *Minimum Conditions of Employment Act 1993*.

### Parental leave

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

### 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 Bakers (Country) Award sets out additional requirements regarding annual leave.
- 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 March 2021, 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 March 2021, 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.

### 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 March 2021 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 March 2021 (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 March 2021, 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

- Full time and part time employees are required to provide notice based on their years of service –

Period of continuous service	Resignation notice period
During the first month	1 day
More than 1 month, but less than 1 year	1 week
1 year but less than 3 years	2 weeks
3 years but less than 5 years	3 weeks
5 years and over	4 weeks

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

### Termination

- An employer is required to give a casual employee one hours' notice of termination (or payment in lieu).
- 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.

### 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.

### 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.
- When an employee has been made redundant they are entitled to receive:
  - the appropriate notice period or pay in lieu of notice, as outlined under Termination above;
  - paid leave for job interviews;
  - any unpaid wages;
  - any unused accrued and pro rata annual leave;
  - any unused accrued long service leave;

- pro rata long service leave (if applicable); and
- severance pay (if applicable).
- Visit the [Redundancy – General information](#) page for information on redundancy obligations.

**Award severance pay – Employers who employ less than 15 employees**

- Employers covered by the Bakers (Country) Award who employ less than 15 employees must pay the severance pay entitlements in the award when an employee is made redundant, as outlined in the table below.
- Award severance pay does not need to be paid to casual employees, apprentices, employees who have been engaged for a specific period of time or for a specified task or tasks, or employees terminated as a consequence of conduct that justifies instant dismissal.

Period of continuous service with employer *	Award severance pay
less than 1 year	nil
1 year but less than 2 years	4 weeks
2 years but less than 3 years	6 weeks
3 years but less than 4 years	7 weeks
4 years and over	8 weeks

\* An employee’s period of continuous service includes any service with that business under a previous employer where there has been a transmission of the business.

**Severance pay – Employers who employ 15 or more employees**

- Employers covered the Bakers (Country) Award who employ 15 or more employees must pay severance pay when an employee is made redundant, as outlined in the table below.

Period of continuous service*	Number of weeks severance pay
Less than 1 year	Nil
1 year and less than 2 years	4 weeks
2 years and less than 3 years	6 weeks
3 years and less than 4 years	7 weeks
4 years and less than 5 years	8 weeks
5 years and less than 6 years	10 weeks
6 years and less than 7 years	11 weeks
7 years and less than 8 years	13 weeks
8 years and less than 9 years	14 weeks
9 years and less than 10 years	16 weeks
10 years and over	12 weeks

\* An employee’s period of continuous service includes any service with that business under a previous employer where there has been a transmission of the business.

- These severance pay requirements do not apply to probationary employees, apprentices and trainees, casual and contract employees or employees terminated due to serious misconduct or for other reasons not related to redundancy.
- Redundancy pay is calculated based on the applicable number of weeks' severance multiplied by ordinary time earnings. Ordinary time earnings excludes overtime, penalty rates, and allowances.
- If the employee resigns during the notice period, they are entitled to the same severance pay they would receive if they had worked until the end of the notice period. However, in this circumstance the employee is not entitled to payment in lieu of notice.
- Visit the [Redundancy payments](#) page for more information on redundancy payments.



## Classifications

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- **“Baker”** is an employee competent by training and experience to perform, and who may be required to perform, any or all of the operations involved in the baking of bread. Such operations, without limiting the definition, include the mixing, handling, moulding or baking of dough. Provided that such a baker may be required by the employer to perform any general work in connection with the bakehouse.
- **“Single hand baker”** is a baker who is employed in a bakehouse where there is no other person regularly employed in the mixing, handling or baking of dough. Provided that this shall not apply where the employer regularly and substantially works in the bakehouse.
- **“Doughmaker”** is an employee who is required to perform any or all of the operations involved in the making of dough. Such operations include all work incidental to, preparing for, and finishing off the making of dough.

### 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.