

Becoming work ready

Employment rights, pay and entitlements

Every worker needs to be aware of the employment laws that create their workplace rights, protections and obligations. Industrial relations is the management of work-related obligations and entitlements between employers and their employees.

In Western Australia there are 2 industrial relations systems that provide employees with rights and protections. Both systems have similar, but different laws, processes and standards for employment, pay and conditions.

For an individual employee, only one industrial relations system will apply. This is decided by the employer's business structure. Employers can provide this information when asked.

Industrial relations systems

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| West Australian state industrial relations system | https://www.commerce.wa.gov.au/labour-relations/guide-who-wa-state-system Employees are in the state system when they are employed by: <ul style="list-style-type: none"> • a sole trader • an unincorporated partnership or trust • non-trading incorporated or not for profit organisations • a local government • a public sector (state) agency. |
| Australian national Fair Work system | https://www.fairwork.gov.au/ Employees are in the national system when they are employed by: <ul style="list-style-type: none"> • a company such as a Pty Ltd business • an incorporated partnership or trust • trading incorporated or not for profit organisations • a public sector (federal) agency. |

There is a minimum age of employment in Western Australia.

Minimum age of employment

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| Guidelines | https://www.commerce.wa.gov.au/labour-relations/when-children-can-work-western-australia The guidelines for the minimum age of employment in WA. |
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Employment rights and conditions

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| Type of employment | https://www.fairwork.gov.au/starting-employment/types-of-employees Employees get different pay and entitlements depending on the type of employment: full time, part time, casual, fixed term, apprentice or trainee. |
| Awards and agreements | https://www.fairwork.gov.au/find-help-for/young-workers-and-students/pay-entitlements-and-working-conditions Pay rates, entitlements and working conditions are set out in either: <ul style="list-style-type: none"> • a modern award for specific occupations or industries • an enterprise or industrial agreement for specific businesses • an employment contract for any award or agreement-free workers. |
| Employment contract | https://www.fairwork.gov.au/employment-conditions/contracts The employer and employee agree on the employment terms and conditions. |

The employment rights include **minimum rates of pay** for adults, juniors and apprentices.

Pay, wages and salary

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| Pay | Employers need to pay above the minimum wage for the industrial relations system, award or agreement and employment contract. <ul style="list-style-type: none"> • State: https://www.commerce.wa.gov.au/labour-relations/wa-pay-rates • National: https://www.fairwork.gov.au/pay-and-wages |
| Minimum wage | The minimum wage is a minimum adult pay rate (hourly, weekly) set each year. As of 1 July 2023, the current adult minimum wage is: <ul style="list-style-type: none"> • State: \$863.40 per week https://www.commerce.wa.gov.au/labour-relations/minimum-pay-rates-award-free-employees-0 • National: \$882.80 per week https://www.fairwork.gov.au/minimumwage. |
| Junior pay rates | https://www.fairwork.gov.au/pay-and-wages/minimum-wages/junior-pay-rates A junior worker is an employee under 21 years old. Many awards or agreements include an age based junior worker pay rate as a percentage of the adult rate, otherwise juniors are paid the same as adults. |
| Other payments | https://www.fairwork.gov.au/pay-and-wages/penalty-rates-allowances-and-other-payments/ There are additional payments that apply in specific situations. <ul style="list-style-type: none"> • Penalty rates: work completed at night, on weekends or public holidays. • Overtime: work completed at an agreed time in addition to normal hours. • Allowances: for tasks, skills, use of tools or expenses. • Loading: for employment types and entitlements. |
| Annualised salary | https://www.fairwork.gov.au/pay-and-wages/minimum-wages/annualised-salaries A salary is an annual total of the minimum weekly wage plus penalties, overtime, allowances and loading usually agreed in the employment contract. |
| Check your pay | Find the right pay rate or use the pay calculator to check pay and entitlements: <ul style="list-style-type: none"> • https://www.commerce.wa.gov.au/labour-relations/finding-right-pay-rate • https://www.fairwork.gov.au/pay-and-wages/pay-calculator. |

| Entitlements | |
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| Minimum employment entitlements | <p>There are minimum employment entitlements for work.</p> <ul style="list-style-type: none"> • State: https://www.commerce.wa.gov.au/labour-relations • National: https://www.fairwork.gov.au/employment-conditions/national-employment-standards <p>For full time employees, further minimum employment entitlements include:</p> <ul style="list-style-type: none"> • maximum hours of work are 38 hours per week • additional hours must be reasonable and paid as overtime • rate of pay on leave is the current rate of pay • flexible work arrangements can be requested for a variety of reasons • notice of significant change to a job role • notice of ending an employment relationship • final payment of all outstanding entitlements. |
| Minimum leave entitlement | <p>Leave is time away from work that can be taken for a number of reasons.</p> <ul style="list-style-type: none"> • State: https://www.commerce.wa.gov.au/labour-relations/annual-personal-and-other-leave • National: https://www.fairwork.gov.au/leave <p>For full time employees, the minimum leave entitlements are:</p> <ul style="list-style-type: none"> • annual leave of four weeks for each year of service • personal, sick or carers leave of 10 days for each year of service • public holiday leave of approximately 11 days each year • compassionate or bereavement leave of 2 days for immediate family • parental leave of 12 months unpaid and a further 12 months unpaid • family and domestic violence leave of 5 to 10 days each year • community service leave is unpaid except for jury duty. |
| Long service leave | <p>https://www.commerce.wa.gov.au/labour-relations/long-service-leave-0</p> <p>Long service leave is an entitlement for almost 9 weeks paid leave after continuous employment with the same employer for 10 years.</p> <p>https://www.wa.gov.au/organisation/myleave-construction-long-service-wa</p> <p>Onsite building and construction industry employees have portable long service leave and keep their entitlement when they move projects or employers.</p> |
| Casual employment entitlements | <p>https://www.fairwork.gov.au/starting-employment/types-of-employees/casual-employees/becoming-a-permanent-employee</p> <p>Casual employees have fewer entitlements than full time employees. They have a pathway into permanent employment known as casual conversion.</p> |

The minimum employment entitlements require employees to be **paid in money, directly into a bank account, at least monthly**, agree to any **pay deductions** and receive a **pay slip.**

| Getting paid | |
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| Provide bank details | Choose a bank account and provide the bank details to the employer. The bank details are the account name, BSB number and account number. |
| Payslips | <p>Pay slips provide the information on an employees pay for a pay period.</p> <ul style="list-style-type: none"> • Reading your payslip - Video: https://youtu.be/1qQEK6FbZD0. |

There is support available for workers with concerns about their pay and entitlements.

| Pay concerns | |
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| Unpaid work | https://www.fairwork.gov.au/starting-employment/unpaid-work <ul style="list-style-type: none"> • Students on work experience or internships approved by their school, training organisation or university can be unpaid for short periods of time. • Job applicants demonstrating their skills relevant to a vacant job and being evaluated for that job in a short work trial can be unpaid. • Employees in job-required training, attending team meetings or on opening or closing shifts are entitled to the appropriate pay and conditions. |
| Report wage theft | Employees can report a wage or entitlement underpayment: <ul style="list-style-type: none"> • State: https://www.commerce.wa.gov.au/labour-relations/making-complaint-about-underpayment-wages-or-entitlements • National: https://www.fairwork.gov.au/workplace-problems/common-workplace-problems/my-pay-doesnt-seem-right. |

Workers have protection from actions being taken after using their rights or protected actions.

| General protections | |
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| Protections | https://www.fairwork.gov.au/employment-conditions/protections-at-work Workers have protections from adverse action, coercion, inappropriate influence, misrepresentation or sexual harassment. |
| Discrimination | https://www.fairwork.gov.au/employment-conditions/protections-at-work/protection-from-discrimination-at-work Employees have the right to a workplace free of discrimination on the basis of a comprehensive list of protected attributes. |
| Industrial activities and associations | https://www.fairwork.gov.au/employment-conditions/protections-at-work#industrial-activities Employees have the protected action to join (or not join) industrial activities or associations (like a trade union or employer association). |
| Pay secrecy | https://www.fairwork.gov.au/pay-and-wages/pay-secrecy Employees have the protected action to ask (or not ask) other employees and share (or not share) information about their pay and conditions. |
| Bullying and harassment | Employees have the right to a workplace free from bullying and harassment with processes to report inappropriate behaviour. <ul style="list-style-type: none"> • State: https://www.commerce.wa.gov.au/labour-relations/stop-bullying-and-sexual-harassment-orders-0 • National: https://www.fairwork.gov.au/employment-conditions/bullying-sexual-harassment-and-discrimination-at-work/bullying-in-the-workplace. |

Trade unions play an important role in representing the collective voice of employees.

| Trade union representation | |
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| Trade unions | https://www.fairwork.gov.au/employment-conditions/the-role-of-unions Unions represent the general interests of workers in industries or occupations. |
| Members | Union members are provided with individual support: Australian Unions: https://www.australianunions.org.au/campaigns/for-the-workers/ Unions WA: https://www.unionswa.com.au/ . |