



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

WA award summary

# Children's Services (Private) Award

1 January 2021 – 30 June 2021

About this award summary

This WA award summary is a summary of the state Children's Services (Private) Award and does not include all obligations required by the award. It is important that you also refer to the full Children's Services (Private) 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.

The 2020 State Wage Order issued by the WAIRC in June 2020 granted an increase in pay rates under this award effective from the first pay period on or after 1 January 2021.

## How can we help?

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



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

<p><b>Step 1</b> Is the business in the state system?</p>	<p>This WA award summary applies to businesses in the <b>state industrial relations system</b>. It covers businesses which operate as:</p> <ul style="list-style-type: none"> <li>✓ <b>sole traders</b> (e.g. Jane Smith trading as Jane’s Childcare)</li> <li>✓ <b>unincorporated partnerships</b> (e.g. Jane and Bob Smith trading as Jane’s Childcare)</li> <li>✓ <b>unincorporated trust arrangements</b> (e.g. Jane and Bob Smith as trustees for Jane’s Childcare)</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> apply to businesses in the national industrial relations system which operate as:</p> <ul style="list-style-type: none"> <li>✗ <b>Pty Ltd businesses</b> (e.g. Smith Pty Ltd trading as Jane’s Childcare)</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.</p> <p>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 Children’s Services (Private) Award?</p>	<p>The Children’s Services (Private) Award applies to businesses in the state industrial relations system which are private nurseries, private child care or private day care facilities which provide care for children and which do not receive recurrent funding from the State or Federal Governments.</p>
<p><b>Step 3</b> Is the employee’s job covered by the Children’s Services Private?</p>	<p>The Children’s Services (Private) Award sets pay rates, working hours and other employment arrangements for full time, part time and casual employees working as:</p> <ul style="list-style-type: none"> <li>✓ Child care workers</li> <li>✓ Cooks and kitchen hands</li> <li>✓ Directors and assistant directors</li> <li>✓ Pre-school teachers</li> <li>✓ Cleaners and gardeners</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 Children’s Services (Private) 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). The 2020 State Wage Order increased pay rates effective from the first pay period on or after **1 January 2021**. The tables below provide the rates that apply 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 January 2021 until end of last pay period commenced in June 2021

Award Level (See classifications pages 12-15)	Level	Weekly	Hourly	Casual (includes 20% loading)
<b>Children's Services Employee Level 1 Grade One</b>				
Cleaner	1.1	\$803.20	\$21.14	\$25.36
Kitchen Hand	1.2	\$810.60	\$21.33	\$25.60
<b>Children's Services Employee Level 1 Grade Two (Cook/Gardener)</b>				
On commencement	1.3	\$815.20	\$21.45	\$25.74
After 1 year in the industry	1.4	\$824.50	\$21.70	\$26.04
<b>Children's Services Employee Level 2</b>				
On Commencement	2.1	\$803.20	\$21.14	\$25.36
After 1 year in the industry	2.2	\$813.60	\$21.41	\$25.69
After 2 years in the industry	2.3	\$824.10	\$21.69	\$26.02
After 3 years in the industry	2.4	\$834.70	\$21.97	\$26.36
<b>Children's Services Employee Level 2 E Worker</b>				
On commencement	2.5	\$852.50	\$22.43	\$26.92
After 1 year in the industry	2.6	\$861.40	\$22.67	\$27.20
<b>Children's Services Employee Level 3</b>				
On commencement	3.1	\$865.80	\$22.78	\$27.34
After 1 year in the industry	3.2	\$891.80	\$23.47	\$28.16
After 2 years in the industry	3.3	\$916.10	\$24.11	\$28.93
CSE Level 3 holding AQF Certificate IV	3.4	\$936.50	\$24.64	\$29.57
CSE Level 3 holding AQF Diploma in Children's Services or CSE Level 3 who is an E worker	3.5*	\$960.60	\$25.28	\$30.33
<b>Children's Services Employee Level 4</b>				
On commencement	4.1	\$1,004.90	\$26.44	\$31.73
After 1 year in the industry	4.2	\$1,018.30	\$26.80	\$32.16
After 2 years in the industry	4.3	\$1,031.40	\$27.14	\$32.57
<b>Children's Services Employee Level 5</b>				
On commencement	5.1	\$1,045.50	\$27.51	\$33.02
After 1 year in the industry	5.2	\$1,058.70	\$27.86	\$33.43
After 2 years in the industry	5.3	\$1,071.90	\$28.21	\$33.85
CSE Level 5 holding AQF 6	5.4	\$1,075.50	\$28.30	\$33.96
<b>Children's Services Employee Level 6</b>				
<b>Level 6 Grade 1</b>				

Award Level (See classifications pages 12-15)	Level	Weekly	Hourly	Casual (includes 20% loading)
On commencement	6.1	\$1,192.70	\$31.39	\$37.66
After 1 year in the industry	6.2	\$1,206.00	\$31.74	\$38.08
After 2 years in the industry	6.3	\$1,219.30	\$32.09	\$38.50
<b>Level 6 Grade 2</b>				
On commencement	6.4	\$1,259.80	\$33.15	\$39.78
After 1 year in the industry	6.5	\$1,270.30	\$33.43	\$40.11
After 2 years in the industry	6.6	\$1,283.80	\$33.78	\$40.54
<b>Level 6 Grade 3</b>				
On commencement	6.7	\$1,297.50	\$34.14	\$40.97
After 1 year in the industry	6.8	\$1,310.90	\$34.50	\$41.40
After 2 years in the industry	6.9	\$1,324.20	\$34.85	\$41.82
<b>Pre-school Teachers Level 7</b>				
	7.1	\$968.90	\$25.50	\$30.60
	7.2	\$1,004.90	\$26.44	\$31.73
	7.3	\$1,040.90	\$27.39	\$32.87
	7.4	\$1,069.50	\$28.14	\$33.77
	7.5	\$1,096.30	\$28.85	\$34.62
	7.6	\$1,132.20	\$29.79	\$35.75
	7.7	\$1,171.80	\$30.84	\$37.00
	7.8	\$1,204.10	\$31.69	\$38.02
	7.9	\$1,233.00	\$32.45	\$38.94
	7.10	\$1,269.10	\$33.40	\$40.08
	7.11	\$1,305.00	\$34.34	\$41.21

\*Note: Pay Level 3.5 is fixed at the mid-point between the Level 3.3 and Level 4.1 rates.

- An Assistant Director who holds an Advanced Diploma (AQF 6) must be paid no less than Level 5.4
- A Director or Assistant Director who holds a Graduate Certificate in Child Care Management or equivalent will be paid an all-purpose allowance of **\$53.60** per week (calculated at 5% of the weekly rate for Assistant Director (Pay Level 5.3))

**Junior rates of pay – applicable from the first pay period on or after 1 January 2021 until end of last pay period commenced in June 2021**

Junior employees can only be paid junior rates if they are employed as a Children Services Employee (Level 2).

Junior child care workers	Level	Weekly				Hourly
		20 years (95%)	19 years (85%)	18 years (75%)	17 years (60%)	15 or 16 years (50%)
On commencement	2.1	\$763.00	\$682.70	\$602.40	\$481.90	\$10.57
After 1 year in the industry	2.2	\$772.90	\$691.60	\$610.20	\$488.20	\$10.71
After 2 years in the industry	2.3	\$782.90	\$700.50	\$618.10		
After 3 years in the industry	2.4	\$793.00	\$709.50	\$626.00		

Under the *Children and Community Services Act 2004*, it is illegal to employ children under the age of 15 in this industry, except if the child is working as part of a school program or in a family business.

## 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.
- Registered trainees under the Children's Services (Private) Award must be paid the minimum adult or junior rates for registered trainees and are covered by all other provisions of this award, including working hours, penalty rates, allowances and leave entitlements.
- The pay rates that apply to registered trainees under this WA award are listed in the minimum pay rates for registered trainees section of the [Pay rates for trainees](#) page.
- 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.



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



## Meal breaks

- Employees must receive an unpaid meal break of between 30 minutes and one hour after no more than 5 hours of work. All employees must also receive a 10 minute paid tea break between the second and third hour of work provided that employees responsible for supervising children continue supervision during the tea break.
- If an employee is required to work for more than 5 hours without a meal break, all time worked in excess of 5 hours must be paid at overtime rates.



## Employment of children

- 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 (e.g. work experience placement) or in a family business.
- School aged children must not be employed during school hours, unless participating in a school program.
- Visit the [When children can work in Western Australia](#) page for more information.



## Allowances

### Meal allowance

If the employee is required to work 2 hours or more after the usual finishing time, without being notified on the previous day or earlier, they must be provided with a meal or paid **\$9.85** per occasion.

### Location allowance for employees in regional areas

- Employees employed 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, apprentices and trainees 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 dependant (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 dependant also receives a location or district allowance payment as part of their own employment.

- If an employee has a 'partial dependant' (a dependant who receives a district or location allowance of their own which is less than the location allowance the employee is entitled to under this award) the employee is entitled to receive:
  - the relevant location allowance for the employee's town; plus
  - an amount equal to the difference between the employee's location allowance and the amount their partial dependant receives in district or location allowance.
- 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



## Hours and overtime

### Ordinary hours

- The ordinary hours of work are an average of 38 per week to be worked on one of the following bases:
  - 38 hours within a work cycle not exceeding seven consecutive days;
  - 76 hours within a work cycle not exceeding 14 consecutive days;
  - 114 hours within a work cycle not exceeding 21 consecutive days; or
  - 152 hours within a work cycle not exceeding 28 consecutive days
- The ordinary hours of work are to be worked Monday to Friday between the hours of 7.00am and 6.00pm.
- Hours must be worked continuously except for meal breaks. A maximum of 5 hours may be worked prior to a meal break. Where an employee works more than 5 hours without a meal break, all time worked in excess of 5 hours must be paid at overtime rates.
- The method of implementing a 38 hour week must comply with Clause 8 of the Children's Services (Private) Award. Visit the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au) to view the award.
- Casual and part time employees must be paid for at least 3 hours per day.
- A part time employee who is employed to regularly work less than 20 hours per week may with the consent of the employer, elect to be paid as a 'casual'.

### Overtime

- All work on Monday to Friday beyond the ordinary hours or outside the spread of hours (Monday to Friday between the hours of 7.00am and 6.00pm) must be paid for at the rate of time and one half for the first two hours and double time after that.
- Work on a Saturday or Sunday must be paid at the rate of double time.



## Deductions from pay

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An employer may **only** make a deduction from an employee's pay if:

- the employee has agreed to the deduction in writing, (as part of a written employment contract or otherwise) and the deduction is on behalf of the employee;
- the employer is authorised by the WA award to make the deduction and the deduction is on behalf of the employee; or
- the employer is required by a court or a State or federal law to make the deduction (e.g. tax that must be withheld from the employee's pay).



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

### Payslips

- An employer must provide a payslip to an employee each time they are paid which includes the gross salary, the net wages payable and show details of all deductions made.
- Wageline's [Employment record obligations for WA award employers](#) publication includes a payslip template



## Public holidays

- A full time employee is entitled to public holidays (or days substituted for public holidays) without deduction of pay. A part time employee is entitled to a public holiday (or day substituted for a public holiday) 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 a public holiday falls on a Saturday or Sunday (except ANZAC Day), the following Monday will be considered to be the public holiday. However, if Boxing Day falls on a Sunday or Monday, the following Tuesday will be considered to be the public holiday. When a public holiday is substituted with another day, the public holiday itself is no longer considered a public holiday for the purposes of the award.
- Hours worked on a public holiday or substituted holiday must be paid at the rate of double time and a half or if the employee agrees paid at time and a half and the employee is allowed to observe the holiday on a mutually agreed day.
- Visit the [Public Holidays in Western Australia](#) page to view the public holiday dates.



## 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	✓	✓	✓

This WA award summary covers the basic leave entitlements for employees covered by the Children's Services (Private) Award but does **not** include all details on leave obligations and entitlements. Visit the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au) for full details of conditions contained in the Children's Services (Private) Award, the *Minimum Conditions of Employment Act 1993* and the *Long Service Leave Act 1958*.

### 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*. The Children's Services (Private) Award also contains provisions regarding bereavement leave which may be more beneficial in certain circumstances. Visit the WA Industrial Relations Commission website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au) to view the award.

### Parental leave

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

### Long service leave

- Long service leave is a paid leave entitlement for employees who have continuous employment with 'one and the same employer' for a specified period. Full time, part time and casual employees are entitled to long service leave under the *Long Service Leave Act 1958*.
- To be entitled to long service leave an employee's employment with their employer must be continuous. The amount of their long service leave is determined by the employee's period of continuous employment.



- There are a range of paid and unpaid absences or interruptions to an employee's employment that count towards the employee's period of employment for the purposes of accruing long service leave. Some other types of absences do not break an employee's continuous employment, but do not count towards an employee's period of employment for the purposes of accruing long service leave. See the [Long service leave – What is continuous employment](#) page for more information.
- 'The one and the same employer' also includes employers who previously owned a business, where there has been a transmission of business. This means an employer who buys or otherwise acquires a business or part of a business will take on the long service leave obligations for existing employees if there has been a transmission of business. This applies regardless of anything written in a sale of business contract.

Taking long service leave	
<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 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 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.

## 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 Children's Services (Private) Award sets out additional requirements regarding annual leave and annual leave loading.
- During a period of annual leave an employee must be paid annual leave loading of 17.5%.
- On termination, annual leave loading of 17.5% is paid out on fully accrued annual leave entitlements for completed years of employment. Annual leave loading is not paid on proportionate leave (leave accrued in an incomplete year of employment) on termination.
- Annual leave accrues on a weekly basis:
  - A full time employee accrues 2.923 hours of annual leave for each completed week of work.
  - A part time employee accrues the relevant proportion of 2.923 hours annual leave for each completed week of work.
  - Visit Wageline's [Annual leave calculation guide](#) to work out annual leave entitlements.
- Wageline's [Employment record obligations for WA award employers](#) publication includes a leave record template.



## Resignation, termination and redundancy

### Resignation by the employee

Full time and part time employees are required to provide:

- one week's notice if they are employed as a Childcare Support Employee (Grade 1 or 2 ) or Childcare Giver and have been employed for less than one year.
- two weeks' notice in all other circumstances.

## Termination

Except in cases of serious misconduct, an employer is required to give full time and part time employees the following period of notice of termination (or payment in lieu):

Period of continuous service	Notice period
Not more than 1 year	1 week – Child Care Support Employee (Grade 1 or 2) or Child Care Giver 2 weeks – all other employees
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 in the termination section 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 Children's Services (Private) 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. Where a registered trainee has completed their traineeship and their services are retained, or where a trainee is terminated at the end of their traineeship but then re-employed by the same employer within six months, the period of the traineeship is counted towards the period of continuous service for award severance pay.

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

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

- Employers covered the Children’s Services (Private) Award by 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

All employees shall be classified by the employer into one of the levels contained in this clause in accordance with the employee’s skills, responsibilities, qualifications and duties

### Children’s Services Employee Level 1

#### Grade One

An untrained ancillary employee employed to clean or work as a kitchen hand and:

- is responsible for the quality of the employee's own work subject to direct supervision;
- works under direct supervision either individually or in a team environment; and
- exercises discretion within the level of the employee's skills in the performance of tasks.

#### Grade Two

An untrained ancillary employee who is employed to undertake cooking or gardening duties and:

- works under routine supervision either individually or in a team environment;
- is responsible for assuring the quality of the employee's own work subject to routine supervision;
- is required to exercise discretion during the course of his/her own work.

### Children’s Services Employee Level 2

An employee working under routine supervision, engaged to assist in the supervision and care of children and generally to assist in the functioning of the centre. This is also an employee who is appointed as an E Worker **that does not meet** the following requirements of a Children’s Services Employee Level 3:

- has completed AQF Certificate III in Children’s Services or an equivalent qualification; or
- possesses, in the opinion of the employer, sufficient knowledge or experience to perform the duties at this level.

Responsibilities of an employee at this level may include the following:

- maintain a clean, hygienic environment;
- maintain and attend to personal hygiene of children;
- maintain and attend to own personal hygiene;
- attend to nutritional needs of children;
- respond to child's apparent ill-health;
- respond to accident, emergency or threat;
- implement routines which enhance well being;
- interact positively and appropriately with children;
- participate in the planning and preparation of programmes;
- assist to prepare an environment based on programme requirements;
- assist in the implementation of programmes;
- contribute to team approach;
- seek to further professional development;
- liaise effectively with parents;
- uphold the Centre's philosophy;
- participate in appropriate administrative processes;
- contribute to maintenance and care of buildings and equipment; and
- implement Centre policies and procedures.

Additional duties of an employee at this level with more than 2 years' experience in the industry may include the following:

- Assist in the facilitation of programmes suited to the needs of individual children and groups.
- Provide input to trained staff by observations of individual children and groups.
- Work under direction with individual children with special needs.

An E Worker at this level will take on the same duties and perform the same tasks as a CSE Level 2 and:

- is able to display various methods and techniques of child management;
- is able to direct other staff members when exercising responsibility in their allocated area;
- possesses observational skills in excess of CSE;
- participates in a team approach to the delivery of care.

Subject to this Award, an employee at this Level is entitled to incremental progression to pay level 2.3.

However, an employee at this level who is an E Worker must be paid no less than the rate prescribed for pay Level 2.5, and may progress to level 2.6.

### **Children's Services Employee Level 3**

This is an employee who:

- has completed AQF Certificate III in Children's Services or an equivalent qualification; or
- possesses, in the opinion of the employer, sufficient knowledge or experience to perform the duties at this level; or
- who is appointed as an E Worker that meets the requirements above.

An employee appointed at this level will undertake the same duties and perform the same tasks as a CSE Level 2 employee, and will undertake the following additional indicative duties:

- Assist in the preparation, implementation and evaluation of developmentally appropriate programs for individual children or groups.
- Responsible for recording observations of individual children or groups for program planning purposes for qualified staff.
- Under direction, work with individual children with particular needs.
- Assist in the direction of untrained staff.
- Undertake and implement the requirements of quality assurance.
- Work in accordance with food safety regulations.

An E Worker will take on the same duties and perform the same tasks as a CSE Level 3 and:

- is able to display various methods and techniques of child management;
- is able to direct other staff members when exercising responsibility in their allocated area;
- possesses observational skills in excess of CSE;
- participates in a team approach to the delivery of care.

Subject to this Award, an employee at this Level is entitled to incremental progression to pay level 3.3. However:

- An employee at this level who holds a relevant AQF Certificate IV or equivalent and who exercises skills and competencies beyond those required for AQF Certificate III in the ongoing performance of their work must be paid no less than the rate prescribed for pay Level 3.4.
- An employee at this level who has completed an AQF Diploma in Children's Services or equivalent, and who applies skills and knowledge acquired beyond the competencies required for AQF Certificate III in the ongoing performance of their work, must be paid no less than the rate prescribed for pay Level 3.5.
- An employee at this level who is an E Worker must be paid no less than the rate prescribed for pay Level 3.5.

#### **Children's Services Employee Level 4**

This is an employee who has completed a Diploma in Children's Services or equivalent as recognised by licensing authorities and is appointed as the person in charge of a group of children in the age range from birth to 6 years. It shall also include persons employed as supplementary service grants (SUPS) employees and persons who do not hold approved qualifications but who have obtained an exemption from the Child Care Licensing Unit to work at this level and who are so appointed.

An employee appointed at this level will take on the same duties and perform the same tasks as a CSE Level 3 and undertake the following additional indicative duties:

- Responsible, in consultation with the Assistant Director/Director for the preparation, implementation and evaluation of a developmentally appropriate program for individual children or groups of children in care.
- Responsible for the direction and general supervision of other employees up to CSE Level 3.
- Responsible to the Assistant Director/Director for the supervision of students on placement.
- Ensure a safe environment is maintained for both staff and children.
- Ensure that records are maintained accurately for each child in their care.
- Develop, implement and evaluate daily care routines.
- Ensure the centre or service's policies and procedures are adhered to.
- Liaise with families.

#### **Children's Services Employee Level 5**

This is an employee who has completed a [AQF 5] Diploma in Children's Services or equivalent, and/or is appointed as either an Assistant Director of a service, or a Children's Services Coordinator:

An Assistant Director appointed at this level will take on the same duties and perform the same tasks as a CSE Level 4 and be responsible for the following additional indicative duties:

- coordinate and direct the activities of employees engaged in the implementation and evaluation of developmentally appropriate programs;
- contribute, through the Director, to the development of the centre or service's policies;
- coordinate centre operations including Occupational Health and Safety, program planning, staff training;
- take responsibility for the day-to-day management of the centre or service in the temporary absence of the Director and for management and compliance with licensing and all statutory and quality assurance issues; and
- generally supervise all employees within the service.

A Children's Services Coordinator undertakes additional responsibilities including coordinating the activities of more than one group, supervising staff, trainees and students on placement, and assisting in administrative functions.

An Assistant Director who holds an Advanced Diploma (AQF 6) must be paid no less than CSE Level 5.4.

## Children's Services Employee Level 6 - Director

A Director is an employee:

- who holds:
  - a relevant Degree, or
  - an AQF Advanced Diploma, or
  - a Diploma in Children's Services, or
  - a Diploma in Out of Hours Care, or
  - is a person possessing such experience, or holding such qualifications deemed by the employer to be appropriate to the position, and
- is appointed as the Director of a Service and is responsible for the overall management and administration of the service with the following additional indicative duties:
  - supervise the implementation of developmentally appropriate programs for children;
  - recruit staff in accordance with relevant regulations;
  - maintain day-to-day accounts and handle all administrative matters;
  - ensure that the centre or service adheres to all relevant regulations and statutory requirements;
  - ensure that the centre or service meets or exceeds quality assurance requirements;
  - liaise with families and outside agencies;
  - formulate and evaluate annual budgets;
  - liaise with management committees or proprietors as appropriate;
  - provide professional leadership and development to staff;
  - develop and maintain policies and practices for the centre or service, or
- is appointed to act as the Supervising Officer pursuant to the Community Services (Child Care) Regulations 1988 as amended.

### Director Level 1

Is an employee appointed as the Director of a service licensed for up to 39 children and paid at the Level 6.1 to 6.3 salary range.

### Director Level 2

Is an employee appointed as the Director of a service licensed for between 40 and 59 children and is paid at the Level 6.4 to 6.6 salary range.

### Director Level 3

Is an employee appointed as the Director of a service licensed for 60 or more children and paid at the Level 6.7 to 6.9 salary range.

## Disclaimer

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