



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

WA award summary

Earth Moving and Construction Award

1 January 2021 – 30 June 2021

About this award summary

This WA award summary is a summary of the state Earth Moving and Construction Award and does not include all obligations required by the award. It is important that you also refer to the full Earth Moving and Construction Award that is available on the WA Industrial Relations Commission website 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 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?





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

| | |
|------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Step 1 - is the business in the state system?</p> | <p>This WA award summary applies to businesses in the state industrial relations system. It covers businesses (and their employees) that operate as:</p> <ul style="list-style-type: none"> ✓ sole traders (e.g. Jane Smith trading as Jane’s Earthmoving) ✓ unincorporated partnerships (e.g. Jane and Bob Smith trading as Jane’s Earthmoving) ✓ unincorporated trust arrangements (e.g. Jane and Bob Smith as trustees for Jane’s Earthmoving) ✓ incorporated associations and other non-profit bodies that are not trading or financial corporations <p>This summary does not cover businesses and organisations in the national ‘fair work’ industrial relations system which operate as:</p> <ul style="list-style-type: none"> ✗ Pty Ltd businesses that are trading or financial corporations (e.g. Smith Pty Ltd trading as Jane’s Earthmoving) ✗ incorporated partnerships or incorporated trusts ✗ incorporated associations and other non-profit bodies that are trading or financial corporations <p>For more information visit the Guide to who is in the WA state system page.</p> <p>If the business or organisation is in the national system visit the Fair Work Ombudsman website www.fairwork.gov.au</p> |
| <p>Step 2 - is the business covered by the Earth Moving and Construction Award?</p> | <p>The Earth Moving and Construction Award covers earth moving and construction businesses in the state industrial relations system.</p> <p>A complete list of types of businesses covered is available in the full Earth Moving and Construction Award on the WA Industrial Relations Commission website www.wairc.wa.gov.au</p> |
| <p>Step 3 - is the employee’s job covered by the Earth Moving and Construction Award?</p> | <p>The Earth Moving and Construction Award sets pay rates, working hours and other employment arrangements for employees working as:</p> <ul style="list-style-type: none"> ✓ Drivers of earthmoving equipment ✓ Mobile crane drivers ✓ Tractor drivers ✓ Bobcat drivers ✓ Front end loader operators |



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 6 details record keeping requirements.

The Earth Moving and Construction 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

| Classifications Part 2 - Mechanical Equipment (see definitions page 11-13) | Weekly | Hourly | Casual (includes 20% loading) |
|---------------------------------------------------------------------------------------|---------------|---------------|-----------------------------------------|
| Group 1 | \$792.80 | \$20.86 | \$25.04 |
| Group 2 | \$798.70 | \$21.02 | \$25.22 |
| Group 3 | \$813.30 | \$21.40 | \$25.68 |
| Group 4 | \$823.30 | \$21.67 | \$26.00 |
| Group 5 | \$827.90 | \$21.79 | \$26.14 |
| Group 6 | \$835.70 | \$21.99 | \$26.39 |
| Classifications Part 2a - Mobile Crane Drivers (see definitions page 11-13) | Weekly | Hourly | Casual (includes 20% loading) |
| Operator of mobile crane with lifting capacity of: | | | |
| Up to 8 tonnes | \$818.80 | \$21.55 | \$25.86 |
| In excess of 8 and not exceeding 15 tonnes | \$824.90 | \$21.71 | \$26.05 |
| In excess of 15 and not exceeding 40 tonnes | \$831.50 | \$21.88 | \$26.26 |
| In excess of 40 and not exceeding 80 tonnes | \$837.00 | \$22.03 | \$26.43 |
| In excess of 80 and not exceeding 100 tonnes | \$841.70 | \$22.15 | \$26.58 |
| In excess of 100 and not exceeding 140 tonnes | \$848.30 | \$22.32 | \$26.79 |
| In excess of 140 and not exceeding 180 tonnes | \$857.30 | \$22.56 | \$27.07 |
| In excess of 180 and not exceeding 220 tonnes | \$872.90 | \$22.97 | \$27.57 |
| In excess of 220 tonnes | \$888.60 | \$23.38 | \$28.06 |

- The Earth Moving and Construction Award also contain rates of pay for engine drivers, compressor drivers and drivers of a steam crane. Visit the WA Industrial Relations Commission website www.waipc.wa.gov.au for details in the full award.
- 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. See page 5 for details.

Additional rates

| Additional weekly rates are applicable to employees who are: | Weekly rate |
|---------------------------------------------------------------------|--------------------|
| Operating side loader (truck mounted) | \$1.37 |
| Operating mechanical bucket type loader, truck/tractor mounted | \$1.37 |
| In charge of plant | \$21.94 |



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



Meal allowance

An employee required to work two or more hours' overtime, without having been notified on the previous day, must be supplied with a meal or be paid **\$9.90**. If owing to the overtime worked, a second or subsequent meal is required, the employee must be supplied with each meal or be paid **\$6.10** for each meal so required.

Travel allowance

An employee required on any day to report directly to a job within a radius of 50km from the G.P.O. Perth must be paid an allowance of **\$13.30 per day**. For details on allowances in the case of jobs outside a 50km radius, or for country work, view the Earth Moving and Construction Award on the WA Industrial Relations Commission website www.wairc.wa.gov.au

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

Ordinary hours of work, except for employees engaged on continuous shift work, are:

- an average of 38 hours per week, to be worked on one of the bases prescribed in the award;
- worked on any day, Monday to Friday inclusive;
- worked between the hours of 7.00am and 6.00pm; and not in excess of 8 hours on any day (or 10 hours by agreement between the employer and the majority of employees in the plant or section concerned).

Overtime

- All work done beyond the ordinary working hours Monday to Friday inclusive, must be paid for at the rate of time and a half for the first two hours and double time after that.
- All work done beyond the ordinary working hours prior to 12 noon on Saturdays, must be paid for at the rate of time and a half for the first two hours and double time thereafter.
- All time worked on Saturday after 12 noon and on Sundays must be paid for at the rate of double time.



Meal breaks

- Each worker is entitled to a meal break of not more than one hour after not more than 5 hours of work.
- When an employee is required for duty during their usual meal break, and their meal break is postponed for more than half an hour, they must be paid at the rate of double time until the meal break is provided.



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.
- A child under 18 must not be employed in a job that jeopardises their wellbeing.
- Visit the [When children can work in Western Australia](#) page for more information.



Public holidays

- 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.
- Under this award if a public holiday falls on a Saturday or Sunday, 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.
- Employees required to work on a public holiday 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.



Deductions from pay

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

- Employers are legally required to keep employment records which demonstrate that employees have been paid all entitlements under the Earth Moving and Construction 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 Earth Moving and Construction Award, such as overtime hours worked and allowances paid. Contact [Wageline](#) or view the full Earth Moving and Construction Award on the WA Industrial Relations Commission website 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](#).



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 Earth Moving and Construction Award but does **not** include all details on leave obligations and entitlements. Full details of conditions are contained in the Earth Moving and Construction Award on the [WA Industrial Relations Commission](http://www.wairc.wa.gov.au) website www.wairc.wa.gov.au, the *Minimum Conditions of Employment Act 1993* and the *Long Service Leave Act 1958* (or the *Construction Industry Portable Paid Long Service Leave Act 1985* where applicable).

Bereavement leave

- All employees, including casual employees, are entitled to two days paid bereavement leave per occasion on the death of a spouse, de facto partner, parent, step-parent, grandparent, child, step-child, grandchild, sibling or any other member of the employee's household. The 2 days need not be consecutive.
- Bereavement leave is a minimum entitlement from the *Minimum Conditions of Employment Act 1993*.

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 annual leave of four weeks 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 Earth Moving and Construction Award sets out additional requirements regarding annual leave and annual leave loading.
- During annual leave, a worker must be paid at their normal rate of pay plus a loading of 17.5% or the amount that would have been paid to them for work in ordinary hours had they not been on leave, whichever is the greater of the two.
- Annual leave loading is not payable on any unused annual leave paid out 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.
 - Wageline's [Annual leave calculation guide](#) can assist with calculating annual leave entitlements.
- Wageline's [Employment record obligations for WA award employers](#) publication includes a leave record template.

Long service leave

- This WA award summary provides information based on the provisions of the *Long Service Leave Act 1958*. Employees who work on site in the construction industry may instead be covered by the *Construction Industry Portable Paid Long Service Leave Act 1985*. Visit www.myleave.wa.gov.au for more information.
- Long service leave is a paid leave entitlement for employees who have continuous employment with 'one and the same employer' for a specified period. Full time, part time and casual employees are entitled to long service leave under the *Long Service Leave Act 1958*.
- To be entitled to long service leave an employee's employment with their employer must be continuous. The amount of their long service leave is determined by the employee's period of continuous employment.

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

Taking long service leave

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

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

When employment ceases

| | |
|---------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Employee with between 7 and 10 years of continuous employment | <p>When an employee with at least 7 but less than 10 years of continuous employment resigns or is terminated, they are entitled to pro rata long service leave on the basis of $8^{2/3}$ (8.667) weeks for 10 years of continuous employment. This entitlement:</p> <ul style="list-style-type: none"> • is calculated on the employee’s entire period of employment; that is, years, months, weeks and days; • applies to employees who resign, are made redundant, die or whose employer has terminated them for any reason other than serious misconduct; and • does not apply to an employee whose employer has terminated them for serious misconduct. |
|---------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| | |
|---------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Employee with 10 or more years of continuous employment | <p>Full entitlement – 10 years or more of continuous employment</p> <p>An employee who resigns or whose employment is terminated for any reason is entitled to:</p> <ul style="list-style-type: none"> • $8^{2/3}$ (8.667) weeks of leave if they have completed 10 years of continuous employment; and • an additional $4^{1/3}$ (4.333) weeks of leave for each subsequent 5 years after the initial 10 years of continuous employment. <p>Pro-rata entitlement – more than 10 years of continuous employment</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"> • is calculated on the basis of $8^{2/3}$ weeks for 10 years of continuous employment for each year of employment since they completed 10 years of continuous employment; • is calculated on completed years of employment only; that is, it does not include months, weeks or days; and • does not apply to an employee whose employer has terminated them for serious misconduct. <p>This pro rata entitlement (calculated on the basis of $8^{2/3}$ 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.

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.

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.



Resignation, termination and redundancy

Resignation by the employee

- Full time and part time employees are required to provide one week's notice.
- 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.
- 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

- If an employee ceases to be employed for any reason other than misconduct or refusal of duty, the following award severance payments must be paid to the employee:

| Period of continuous service* | Award severance pay |
|-----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| Less than 12 months # | 1.75 hours per completed week of service |
| 1 year or more but less than 2 years ^ | 2.4 weeks' pay plus, for all service in excess 1 year, 1.75 hours' pay per completed week of service up to a maximum of 4.8 weeks' pay. |
| 2 years or more by less than 3 years ^ | 4.8 weeks' pay plus, for all service in excess of 2 years, 1.6 hours' pay per completed week of service up to a maximum of 7 weeks' pay. |
| 3 years or more but less than 4 years ^ | 7 weeks' pay plus, for all service in excess of 3 years, 0.73 hours' pay per completed week of service up to a maximum of 8 weeks' pay. |
| 4 years or more ^ | 8 weeks' pay. |

* 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.

Employees with less than 12 months continuous service are only entitled to severance pay if the employer terminates the employment (for any reason other than misconduct or refusal of duty).

^ Employees with more than 12 months continuous service are entitled to severance pay if their employment ends for any reason (including resignation by the employee) other than misconduct or refusal of duty.

- Any period of service as a casual does not count as continuous service for the purposes of severance.
- 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 employer has given notice of termination to the employee and the employee resigns during the notice period, the employee is 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.

Severance pay – Employers who employ 15 or more employees

- Employers covered the Earth Moving and Construction Award who employ 15 or more employees must pay the award severance pay detailed above, or the severance pay outlined below, based on whichever provides **the greater entitlement to the employee**.
- The severance payments outlined below are only applicable if the **employer has made the employee redundant** because the employer has made a definite decision that the employer no longer wishes the job the employee has been doing done by anyone. If an employee resigns, or they are terminated by the employer for reasons other than redundancy, the severance payments below are not applicable. However, the award severance payments detailed above *may* still be applicable (refer to the information regarding the award severance payments in the above table).
- The severance payments outlined below 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. However, the award severance payments detailed above *may* still be applicable (refer to the information regarding the award severance payments in the above table).

| 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 |

| Period of continuous service* | Number of weeks severance pay |
|--------------------------------|-------------------------------|
| 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.

- 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.

Other redundancy obligations

- 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.



Classifications

Part 2 – Mechanical Equipment

Group 1

- Operator lance type hand sprayer
- Operator aggregate dryer
- Operator pre-mix drag spreader
- Operator aggregate belt spreader
- Operator of joint inserting machine
- Operator concrete spray curing machine, self-propelled
- Operator pneumatic tyre tractor without power operated attachments, up to and including 15kW net engine power

Group 2

- Operator crawler tractor without power operated attachments up to and including Class M4
- Operator crawler tractor with power operated attachments Class M2
- Operator pneumatic tyred tractor without power operated attachments about 15kW up to and including 60kW net engine power. (This includes tilting or one man hitch trailer.)
- Operator pneumatic tyred tractor with power operated attachments, up to and including 15KW net engine power
- Operator rear and bottom dump to and including 2 cubic metres struck capacity.
- Operator backhoe self powered (not self-propelled)

- Operator roller powered, under 8 tonnes.
- Operator roller powered, vibrating, under 4 tonnes
- Operator trenching machine of the small Ditch Witch type
- Operator bitumen sprayer
- Screed operator, asphalt power
- Mixer operator, asphalt plant (capacity of less than 10 tonnes of hot mix per hour).
- Operator concrete spreader, powered, self-propelled
- Operator concrete finisher, powered, self-propelled
- Operator concrete finisher, powered, hand propelled
- Second-driver - navy and dragline or dredge type excavator

Group 3

- Operator crawler tractor without power operated attachments Class M5 up to and including Class M10
- Operator crawler tractor with power operated attachments Class M3 up to and including Class M5
- Operator pneumatic tyred tractor without power operated attachments above 60kW up to and including 150kW net engine power
- Operator pneumatic tyred tractor with power operated attachments above 15kW up to and including 60kW net engine power (not including tilting or one person hitch trailer)
- Operator drawn grader
- Operator trenching machine, chain type up to and including 1.5 metre depth or up to and including 300mm width
- Operator pile driver (power operated winch)
- Operator rear and bottom dump of capacity above 2 cubic metres struck capacity up to and including 15 cubic metres struck capacity
- Driver of bitumen sprayer
- Operator Aggregate Loader (Country Roads Board, Victoria Model)
- Operator asphalt paver
- Mixer operator, asphalt plant (capacity of more than 10 tonnes of hot mix per hour)
- Operator road roller, powered, 8 tonnes and up to 20 tonnes
- Operator road roller, powered, 8 tonnes and up to 25 tonnes
- Operator road roller, powered, vibrating, 4 tonnes and over
- Locomotive driver - petrol, oil, pneumatic or electric driven (if carrying passengers an additional rate of **60 cents**)
- Operator crawler loader up to and including 500kg mass

Group 4

- Operator crawler tractor without power operated attachments above Class M10 up to and including Class M30
- Operator crawler tractor with power operated attachments above Class M5 up to and including Class M15
- Operator grader power operated, below 35kW net engine power
- Operator excavator up to and including 0.5 cubic metres
- Operator trenching machine ladder type, depth greater than 1.5 metres up to 2.4 metres and width above 300mm up to 450mm and bucket wheel trencher with equivalent capacity in cubic metres per hour
- Operator pneumatic tyred tractor with power operated attachments above 60kW up to and including 150kW net engine power.
- Operator self powered scraper up to and including 100 cubic metres struck capacity
- Operator rear and bottom dump above 15 cubic metres struck capacity up to and including 30 cubic metres struck capacity
- Operator pneumatic tyred tractor without power operated attachments above 150kW up to and including 500kW net engine power
- Operator crawler loader above 5,000kg mass up to and including 15,000kg mass

- Operator pneumatic tyred loader above 30kW up to and including 105kW net engine power
- Operator road roller, powered, over 25 tonnes
- Operator special track laying, fixing or levelling machine (employed on railway construction in WA)

Group 5

- Operator crawler tractor with power operated attachments above Class M15 and up to and including Class M30
- Operator grader power operated 35kW up to and including 70kW net engine power
- Operator pneumatic tyred tractor with power operated attachments above 150kW up to and including 500kW net engine power
- Operator self-powered scraper above 10 cubic metres struck capacity up to and including 20 cubic metres struck capacity
- Operator excavator above 0.5 cubic metres up to and including 2.2 cubic metres (This group including Gradall)
- Operator trenching machine ladder type, greater than 2.4 metres depth, and minimum 450mm width and bucket wheel trench equivalent in cubic metres per hour
- Operator rear and bottom dump above 30 cubic metres struck capacity up to and including 60 cubic metres struck capacity
- Operator crawler loader above 15,000kg mass and up to and including 30,000kg mass
- Operator pneumatic tyred loader over 105kW up to and including 200kW net engine power
- Operator crawler tractor without power operated attachments above Class M30 up to and including 60,000kg mass

Group 6

- Operator excavator above 2.2 cubic metres struck bucket capacity up to and including 5.5 cubic metres struck bucket capacity
- Operator grader power operated above 75kW up to and including 190kW net engine power
- Operated pneumatic tyred loader above 200kW up to and including 500kW net engine power
- Operator crawler tractor with power operated attachment, above Class M30 up to and including 60,000kg mass
- Operator crawler loader above 30,000kg mass up to and including 60,000kg mass
- Operator rear and bottom dump above 60 cubic metres struck capacity up to and including 120 cubic metres struck capacity
- Operator self-power scraper above 20 cubic metres struck capacity up to and including 50 cubic metres struck capacity

Special work

A driver operating a tractor fitted with a blade and using such blade in breaking trail in heavy sidling country shall be paid an additional allowance of **8 cents** per hour for each day or part of a day in which they are so occupied.

Disclaimer

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.