Australian Government
Office of the Registrar of Indigenous Corporations

AGS

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Summary of conditions of employment under the *Minimum Conditions of Employment Act 1993* (WA)

CEO

Permanent, Full-time or Part-time

Western Australia

This summary assumes the following:

— the employment is full-time or part-time

— the employment is *not* shift-work employment

— the employment is *not* casual employment

— the employment is covered by the Western Australian industrial relations system

November 2010

We have prepared this document to help you understand your conditions of employment. It summarises important conditions of your employment that are covered by the *Minimum Conditions of Employment Act 1993* (WA) (MCE Act).

This document is not comprehensive.

You should not rely solely on this summary of the MCE Act as it is not legal advice.

To learn more about your conditions of employment under the MCE Act, you can go to the WA Department of Commerce website at: http://www.commerce.wa.gov.au/LabourRelations/

Hours of work – full-time employee

If you are a full-time employee, you are to work an average of 38 hours per week.

[See section 9A of the MCE Act.]

In addition to ordinary hours, we may require you to work reasonable additional hours. That is, in any given week, we may require you to work 38 hours *plus* reasonable additional hours. You may refuse to work unreasonable additional hours.

[See sections 9A and 9B of the MCE Act for factors to be taken into account in assessing reasonable additional hours.]

Method of payment of pay

You may authorise us to pay you by cheque, postal order or money order, or to pay you by payment into the bank account or financial institution account that you authorise us to pay into.

[See section 17C of the MCE Act.]

Parental leave

If you have been employed with us for 12 months or more, you are entitled to 12 months of unpaid parental leave to care for your own newborn child, your spouse's newborn child or your de facto partner's newborn child, or for a newly-adopted child who is under the age of five years.

You may request a further period of up to 12 months parental leave. We may only refuse the request on reasonable business grounds.

If you intend to extend your parental leave you must provide us with a written request at least four weeks before the end of the initial 12 months of parental leave.

[See sections 32 to 39 of the MCE Act.]

Annual leave

You are entitled to four weeks of paid annual leave for each year of service with us.

Your annual leave accrues through the year on a pro rata basis each week, and your annual leave credits can be carried over from year to year.

You may take annual leave for a period agreed between us.

If you ask us if you can take a period of annual leave, and you have sufficient annual leave credits, we cannot refuse your request provided you have given us two weeks' notice of your intention to take annual leave, and providing you are using annual leave credits accrued more than 12 months earlier.

[See sections 23 to 25 of the MCE Act.]

At the end of any year of service, you can make an agreement with us, in writing, to cash out up to half of the annual leave you accrued in that year.

[See section 8 of the MCE Act.]

Sick leave, carer's leave and bereavement leave

You are entitled to two weeks of paid sick leave for each year of service with us.

Sick leave can be taken in part days. Sick leave accrues on a pro rata basis each week.

You can use your paid sick leave credits if you are unable to work due to your own illness or injury. You are not entitled to paid sick leave if you are ill or injured because of your own serious and wilful misconduct at work, or gross and wilful neglect at work.

You must advise us, generally within 24 hours of the start of the absence, of your inability to come to work, the nature of your illness or injury, and the estimated time you will be absent from work.

You must provide us with evidence that would satisfy a reasonable person that you are entitled to sick leave.

You are able to use up to two weeks each year of your sick leave entitlement as paid carer's leave.

You can take paid carer's leave where a member of your family or household requires care or support because of an illness or injury of the member, or an unexpected emergency affecting the member.

For this purpose, a member of your family or household means any of the following:

- your spouse or de facto partner
- your child, step-child or grandchild (including an adult child, step-child or grandchild)
- your parent, step-parent or grandparent

- your sibling
- any other person who, at or immediately before the relevant time for assessing your eligibility for taking leave, lived with you as a member of your household.

You cannot take any more than two weeks of paid carer's leave in any 12 month period.

You must provide us with evidence that would satisfy a reasonable person that you are entitled to paid carer's leave.

If you cannot take paid carer's leave (for example, because you have already taken two weeks of paid carer's leave in 12 months or because you have run out of paid sick leave), you are entitled to take up to two days of unpaid carer's leave for each permissible occasion.

[See sections 20A and 20B of the MCE Act.]

You are entitled to two days of paid bereavement leave following the death of a member of your family or household.

The two days of leave do not have to be consecutive.

Bereavement leave cannot be taken during any other period of leave.

A member of your family or household has the same meaning as set out above.

We may require you to provide evidence of the death, and of the relationship between you and the person who has died, which would satisfy a reasonable person that you are entitled to bereavement leave.

[See sections 27 and 28 of the MCE Act.]

Public holidays

You are entitled to stay away from work on a day or part-day that is a public holiday in the place where your work is based, and to be paid for that day or that part-day.

[See section 30 of the MCE Act.]

Redundancy

If you are made redundant we will inform you and discuss the likely effects of the redundancy as soon as practicable.

If a decision has been made to make you redundant you may take up to eight hours of paid leave to attend interviews for a new job. The eight hours do not need to be taken consecutively. You must provide us with evidence that would satisfy a reasonable person of your entitlement to this leave.

[See Part 5 of the MCE Act.]

Notification of change

If we make changes that are likely to have a significant effect on you we will inform you as soon as practicable. We will discuss with you the likely effects of these changes and the steps we may take to avoid or minimise their impact.

A change that is likely to have a significant effect is one where:

- there will be a major change in the composition, operation, size of, or skills required in our workforce
- job opportunities, promotion opportunities or job security will be reduced or lost
- there is a significant increase or decrease in your hours of work
- you will need to be retrained
- you will have to transfer to another job or work location
- your job is to be restructured.

[See Part 5 of the MCE Act.]

Redundancy pay

If you have been employed with us for more than a year and we make you redundant, and if we employee 15 employees or more, generally speaking, you will be entitled to a severance payment according to the following table.

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

[See Western Australian Industrial Relations Commission, Termination, Change and Redundancy General Order.]