

Fair Work Handbook

A guide to the Fair Work Act



The Fair Work Ombudsman is committed to providing you with advice that you can rely on.

The information contained in this guide is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or a workplace relations professional.

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This handbook is for employers and managers and is about workplace rights and responsibilities under the Fair Work Act (FW Act). It also includes some helpful information for regulated businesses. You can use this handbook as a standalone resource, or you can add it to an existing workplace or operations handbook. As an employer, regulated business or manager, you're responsible for giving your employees and regulated workers their correct entitlements. It's important you understand your rights and obligations.

Our role

The Fair Work Ombudsman helps the workplace community understand and follow Australian workplace laws. We do this by:

- providing information and education
- providing tools, templates and guides
- helping you resolve workplace issues.

All our services are free.

We have information available in 30 different languages to help you understand what your rights are when working in Australia.

Practical tip – Free Online Learning Centre

We've developed easy-to-use, free and interactive short online courses to help businesses and managers achieve best practice and compliance with the FW Act. The courses are on topics including hiring employees, managing performance, and having difficult conversations in the workplace. You can complete these courses at fairwork.gov.au/learning

Register for My account to get personalised workplace information tailored to your industry and workplace at fairwork.gov.au/register

You'll be able to:

- get help with workplace laws, including help sorting out workplace issues
- save results from our Pay, Leave, and Notice and Redundancy calculators
- save your favourite web pages, including award summaries from Find my award
- subscribe to receive email updates and manage your subscription preferences.

Practical tip – Check your knowledge with the Workplace Basics quiz

You can check your knowledge of workplace laws with the FWO's Workplace Basics quiz. The quiz will provide you with tailored feedback and resource links to brush up on any areas you need help with. You can access the quiz at fairwork.gov.au/basicquiz

Your industry or business association

Your industry or business association can provide you with tailored advice and assistance. You can find a list of registered organisations from the Fair Work Commission (the Commission) at fwc.gov.au/registered-organisations/find-registered-organisation

Some associations, such as the Ai Group represent employers across a variety of industries. Find out more at aigroup.com.au

You can also visit the Australian Chamber of Commerce and Industry for a list of industry specific organisations and state and territory chambers of commerce at acci.com.au



Know the law

There are workplace laws that apply to all employees in the national workplace relations system.

The minimum entitlements are set out in the National Employment Standards and the award or enterprise agreement that applies to your business.

National Employment Standards

The National Employment Standards (NES) are minimum employment entitlements that must be provided to all employees in the [national workplace relations system](#). This is regardless of the award, enterprise agreement or employment contract that applies. Some rules and exclusions apply.

The minimum entitlements of the NES are:

- **Maximum weekly hours of work** – 38 hours per week, plus reasonable extra hours.
- **Requests for flexible working arrangements** – certain employees can request a change in their working arrangements.
- **Parental leave** – up to 12 months of unpaid leave as well as the right to request an additional 12 months of leave.
- **Annual leave** – 4 weeks of paid leave per year, plus an extra week for some shiftworkers.
- **Sick and carer's leave and compassionate leave** (also called personal/carer's leave) – 10 days per year of paid sick and carer's leave for employees other than casuals (pro-rata for part-time employees), 2 days of unpaid carer's leave as required (including for casuals) and 2 days of compassionate leave (unpaid for casuals) as required.
- **Family and domestic violence leave** – 10 days of paid leave per year.
- **Community service leave** – unpaid leave for voluntary emergency management activities and leave for jury service (paid in some circumstances).
- **Long service leave** – paid leave for employees who have been with the same employer for a long time. This may be under the NES or applicable state or territory law.
- **Public holidays** – a paid day off on a public holiday, unless reasonably requested to work.
- **Superannuation (super)** – employers must make contributions to eligible employees' super funds under super guarantee laws. Super is also a NES entitlement. For more information see our Tax and superannuation page at [fairwork.gov.au/super](https://www.fairwork.gov.au/super)
- **Notice of termination of employment and redundancy pay** for some employees – up to 5 weeks notice of termination and up to 16 weeks of redundancy pay.
- **Information statements** – the Fair Work Information Statement must be provided to all new employees before, or as soon as possible after they start a new job. Visit [fairwork.gov.au/fwis](https://www.fairwork.gov.au/fwis) to download a copy. The Casual Employment Information Statement must also be provided to all casual employees when they start employment, and at set times throughout their employment. Visit [fairwork.gov.au/ceis](https://www.fairwork.gov.au/ceis) to download a copy.
- **Employee choice about casual employment** – pathways for a casual employee to become a permanent (full-time or part-time) employee in some circumstances.

Casual employees only get NES entitlements relating to:

- unpaid carer's leave
- unpaid compassionate leave
- unpaid community service leave
- family and domestic violence leave
- the Fair Work Information Statement and Casual Employment Information Statement
- pathways to become a full-time or part-time employee in some circumstances.

In some states and territories, long serving casuals are eligible for long service leave.

In addition, casual employees who have been employed for at least 12 months by an employer on a regular and systematic basis and have a reasonable expectation of ongoing employment on that basis are entitled to:

- make a request for flexible working arrangements
- take unpaid parental leave and related entitlements.

For more information about the NES visit fairwork.gov.au/nas

Awards

An award is a document that sets out the minimum wages and conditions for a certain job (for example, the Clerks Award) or industry (for example, the Retail Award). They apply automatically unless your employees are covered by an enterprise agreement. Awards apply on top of the NES and can include information on:

- minimum wages, including annualised wage arrangements
- types of employment (for example, full-time, part-time or casual)
- extra amounts such as penalty rates, overtime and allowances
- working arrangements (for example, rostering or variations to working hours)
- annual leave loading and arrangements for taking leave
- super
- procedures for consultation, representation and dispute settlement.

Awards may not apply to some managers or high-income employees (who have an appropriate written guarantee of annual earnings). To work out which award applies to your business and how your employees should be classified go to fairwork.gov.au/findmyaward

Enterprise agreements

An enterprise agreement is a document that sets out the terms and conditions that apply to a particular business or workplace. Like awards, enterprise agreements can have extra entitlements, but they can't provide for less than the NES. Enterprise agreements can benefit a business because they're tailored to a workplace's needs. The Commission provides information on the process of making enterprise agreements. Find out more on the Commission's Agreements page at fwc.gov.au/agreements

Important – When a business changes hands

If you purchased an existing business, your employees may be covered by an enterprise agreement with their former employer under transfer of business rules. For more information about these rules go to fairwork.gov.au/transferofbusiness

Award and agreement-free employees

Some employees aren't covered by an award or enterprise agreement. These employees are still covered by the NES and the National Minimum Wage. For more information about entitlements for award and agreement free employees go to fairwork.gov.au/award-free

Employment contracts

An employment contract can be in writing or verbal. It's best practice to record your employee's terms and conditions when they're hired. This can be done in a letter of engagement or through a more formal contract.

A contract must provide the same or more generous conditions than the NES and any relevant award or enterprise agreement. A contract can't undercut an employee's minimum entitlements from the NES or any relevant award or enterprise agreement, even if they agree to it.

Rules also apply around the use of pay secrecy terms in employment contracts. For more information including what they cover, and who they apply to, see Prohibiting pay secrecy at fairwork.gov.au/pay-secrecy

You can use the business.gov.au – Employment Contract Tool to build an employment contract that complies with workplace laws and is tailored to your business needs from employ.business.gov.au

Employees on fixed term contracts

A fixed term employee is someone whose contract of employment has a set end date (for example, the contract ends after a set period of time or a season).

Fixed term employees must be given the Fixed Term Contract Information Statement when they enter into a new fixed term contract. You can download the statement from fairwork.gov.au/ftcis

There are rules that limit the use of fixed term contracts. Generally, employers can't employ someone on a fixed term contract:

- that is for longer than 2 years, including any extensions or renewals
- that has more than one extension option, or
- where the employee has been employed under consecutive contracts.

There are some exceptions, which mean these rules don't apply to all employees on a fixed term contract. For more information, visit our Fixed term employees page at fairwork.gov.au/fixed-term-employees



All employees working in Australia are entitled to a minimum wage. This is the minimum amount an employee can be paid for the work they're doing. The National Minimum Wage (NMW) applies to employees not covered by an award or enterprise agreement. Employees who are award and agreement-free will receive at least the NMW for all hours worked.

For most employees, their minimum wage is set by the award that covers their industry or occupation and the NMW doesn't apply. Employees covered by an award or enterprise agreement are entitled to the minimum pay rates, including penalty rates and allowances, in their award or enterprise agreement.

These pay rates may be higher than the NMW.

Some minimum award wages may also be less than the NMW. For example, some awards contain introductory pay rates for new employees in their industry. These rates apply for a limited time until an employee progresses to the next level.

Employees can't agree to be paid less than the minimum pay rates that apply for their job.

Find out more information about minimum wages at fairwork.gov.au/minimum-wages

Employees have the right to talk about (or not talk about) their current or past pay, and the terms and conditions of employment that would be needed to work out their pay (such as hours of work). They can also ask other employees the same thing (about their pay and terms and conditions of employment) but employees can't be forced to share this information if they don't want to.

For more information, including when these rights started applying and who they apply to, see Prohibiting pay secrecy at fairwork.gov.au/pay-secrecy

Practical tip – Check pay rates with our Pay Calculator

Our Pay Calculator can show you the correct base pay rates, allowances and penalty rates (including overtime) for your award. You can find it at fairwork.gov.au/pact

Every year, the Commission reviews the NMW and pay rates under awards. Any changes that are made usually begin on the first full pay period on or after 1 July.

An employee's minimum pay rate can depend on their:

- age (for example, junior employees may get different pay rates)
- job classification, duties, qualifications and level of responsibility
- type of employment (full-time, part-time, casual)
- hours and times of work (for example, working a weekend).

If any of these factors change, then your employee's pay rate may need to change.

Important – Review the salary

Where an employee is paid a salary under a contract, you need to make sure the amount covers all the employees' entitlements under the relevant award or enterprise agreement.

It's important to get pay rates right. Employers who fail to comply with their obligations under relevant Commonwealth workplace laws may face significant penalties.

From 1 January 2025, intentional underpayment of wages by an employer is a criminal offence. Prosecution can result in monetary fines, prison time, or both. Honest mistakes aren't considered a criminal offence.

A small business employer (with less than 15 employees) won't be referred for criminal prosecution if they've taken steps to ensure employees are paid correctly as set out in the Voluntary Small Business Wage Compliance Code. Civil penalties may still apply.

Find more information about criminal prosecution at fairwork.gov.au/criminal



Leave

Employees take leave for many reasons, for example, to go on a holiday, because they are sick or to take care of sick family members.

Minimum leave entitlements for employees come from the NES. An award, enterprise agreement or contract of employment can provide for other leave entitlements, but they can't be less than what's in the NES. For more information about the different types of leave visit fairwork.gov.au/leave



Record-keeping and pay slips

Employee records

In any business, large or small, record-keeping is vital to success. Record-keeping and pay slip obligations ensure employees receive correct wages and entitlements and employers can show that they have paid employees correctly.

You need to keep detailed records for each employee about their employment, such as pay, hours of work, leave, super and other matters.

These records must:

- be in a form that is readily accessible to a Fair Work Inspector
- be legible and in English
- be kept for 7 years
- not be changed, except for the purposes of correcting an error
- not be false or misleading to the employer's knowledge.

For more information about what records need to be kept, see our Record-keeping page at fairwork.gov.au/recordkeeping

Pay slips

Employees need to be issued a pay slip within one working day of being paid. Pay slips can be issued electronically or in hard copy.

Pay slips must cover details of an employee's pay for each pay period. Below is a list of what to include:

- the employer's name and ABN
- the employee's name
- date of the payment and period the pay slip covers
- before and after-tax amounts
- if paid hourly – the employee's hourly rate, the hours worked at that rate, and the total amount paid at that rate
- if paid a salary – the employee's salary rate
- loadings, allowances, bonuses, incentive payments and other separate monetary amounts
- any deductions
- super contributions made or required for that pay period and the fund name or name and number (exemptions may apply where the employer doesn't yet have fund details for a new employee)
- any leave taken in the pay period* (see note below).

***Important: Pay slips must not mention paid family and domestic violence leave,** however employers must keep a record of this leave balance and any leave taken by employees.

This leave must be shown on a pay slip as ordinary hours of work, or another kind of payment for performing work such as an allowance, bonus or overtime payment. It is best practice to show this time on the pay slip in a way that makes it appear that the employee has not taken leave.

However, the pay slip may record the time as another type of leave (for example, annual leave) at the employee's request. Find out more about pay slips at fairwork.gov.au/payslips

Practical tip – Free online course and templates

Our short, interactive Record-keeping and pay slips online course helps small businesses understand and meet their record-keeping and pay slip obligations. The course is available from our Online learning centre at fairwork.gov.au/learning

You can also find our pay slip and record-keeping templates at fairwork.gov.au/templates



Hiring employees

Hiring a new employee is an important decision for your business. There are specialised resources to help you meet Australian laws when hiring. You can:

- use the Business.gov.au – Hiring employees checklist to make sure you get things right at the start at business.gov.au/people/hiring/hiring-employees
- complete our Hiring employees online course for interactive activities, templates and checklists to help you through the process at fairwork.gov.au/learning

Job ads can't include pay rates that would breach the FW Act or a fair work instrument such as an award or enterprise agreement. This means that job ads can't include pay rates that undercut employees' minimum entitlements.

Get help working out your employee's classification by visiting our Award classifications page at fairwork.gov.au/award-classifications

You can then find the minimum pay rates, penalty rates and allowances that apply by using our Pay Calculator at fairwork.gov.au/pact

You can also find templates to help you advertise your job and create a job description at fairwork.gov.au/templates

Important – Unpaid work trials

Unpaid work trials for any period beyond what is reasonably required to demonstrate the skills needed for the job are unlawful. What's reasonable will vary depending on the nature and complexity of the work but could range from an hour to one shift. For more information about unpaid trials and unpaid work visit fairwork.gov.au/unpaidwork

Independent Contractors

Independent contractors, also called contractors or subcontractors, work for themselves by providing services to another person or business. They aren't employed by that person or business. Independent contractors usually negotiate their own fees and working arrangements and can work for more than one client at a time.

Contractors don't have the same rights and obligations as employees.

Whether a worker is a contractor or an employee depends on several factors, including:

- the amount of control the business has over how work is performed
- who bears financial responsibility and risk
- who supplies the tools and equipment
- the worker's ability to delegate or subcontract work
- how hours of work are set
- expectation of work continuing indefinitely.

These factors are assessed looking at the terms of the contract between the parties and, in most cases, the practical reality of the relationship.

Misrepresenting what is actually an employment relationship as an independent contracting arrangement is known as 'sham contracting' and is against the law, unless the employer 'reasonably believed' that the relationship was an independent contracting arrangement. Dismissing or threatening to dismiss an employee to engage them as an independent contractor is also against the law. For more information about independent contractors and sham contracting, visit our independent contractors page at fairwork.gov.au/contractors

Regulated workers

Some independent contractors have special laws that apply to them. These contractors are called regulated workers.

A regulated worker is an employee-like worker doing digital platform work (for example, work in the gig economy) or a regulated road transport contractor. For example, drivers for a rideshare or food delivery app may be regulated workers.

While these workers may have some similar characteristics to an employee, they are still independent contractors.

The Fair Work Commission can set rules about pay and conditions for these workers. These include:

- minimum standards orders and guidelines
- road transport contractual chain orders and guidelines.

The Fair Work Commission can also register collective agreements which set terms and conditions for regulated workers in a similar way to enterprise agreements.

Protections for regulated workers

Regulated workers may also have other rights and protections under the Fair Work Act, including:

- protection against unfair deactivation from a digital labour platform
- protection from unfair termination of a services contract
- protection from unfair terms in a services contract

Regulated workers can be workplace delegates. Workplace delegates also have rights to represent regulated workers.

For more information on regulated workers visit fairwork.gov.au/regulated-workers

Important – Minimise your business risk when using labour hire employees

Your business may need to engage contractors from time to time. If you're contracting out work to another business, this can create a contracting network or supply chain. It makes business sense to manage your supply chain and use contractors who do the right thing and follow workplace laws.

Employees, unions and host employers can apply to the Commission for orders relating to labour hire employees.

When one of these orders applies, a labour hire employer must pay their employees supplied to a host employer at least the same rate they'd receive under the host employer's:

- enterprise agreement, or
- other kind of instrument that provides for terms and conditions of employment (for example, a public service determination).

These orders are subject to certain rules. Find more information on the Commission website at fwc.gov.au

For practical steps to minimise your risk of hiring a non-compliant contractor, see our Contracting labour and supply chains page at fairwork.gov.au/supplychain






Handling workplace issues

Often workplace issues arise because:

- employers and employees don't know what the law is
- communication has broken down.

If problems arise in the workplace, it's important to take time to understand and discuss the issues with your employees. Most workplace issues can be resolved with the right tools.

 Check the process	 Discuss the issues	 Put the agreed actions in writing
<ul style="list-style-type: none"> • Most awards and enterprise agreements have a dispute resolution procedure. • Some businesses also have formal or set processes for dealing with workplace issues. 	<ul style="list-style-type: none"> • Prepare yourself for the conversation. • Make time to talk to your employee without interruptions. • Offer your employee the option to bring a support person. This can be a co-worker, family member, friend or union representative. • Listen, keep an open mind and consider all points of view. 	<ul style="list-style-type: none"> • It's a good idea to put things in writing. • It's a good way to set out the issues or outline any courses of action that are agreed to.

For further help you can:

- complete our Difficult conversations in the workplace online course to give you the skills to have a difficult conversation in the workplace at fairwork.gov.au/learning
- use our Effective dispute resolution Best Practice Guide for more detailed steps and tips at fairwork.gov.au/bestpracticeguides



Performance management

Knowing how to manage underperformance is important for every business. If it's not handled quickly, well and sensitively, it is likely to have consequences for you, your employee and the rest of the workplace.

Good employee management is linked to lower staff turnover, higher productivity and business success.

Effective managers know how to motivate and communicate with their employees. They also understand their legal obligations and promptly deal with any problems that arise in the workplace.

A simple way to help you get the best from your employees is to implement a performance system.



Plan

- Review your business goals.
- Consider individual performance goals that help achieve business goals.
- Create a performance agreement template for your workplace.



Discuss

- Meet with employees to discuss their individual goals.
- Also discuss any skills to develop and how.
- Record these in a performance agreement.



Monitor

- Monitor employee performance.
- Provide regular feedback, both positive and constructive.
- Deal with performance issues as they arise.
- Support employees to improve performance.



Review

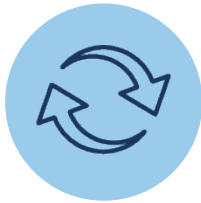
- Conduct a review with employees every 6 or 12 months to assess performance.
- Revise performance goals and set new ones for the next performance cycle.

Practical tip – Free specialised resources

We've developed resources to help you manage performance.

Visit fairwork.gov.au/misconduct to access our:

- Managing performance online course to learn how to promote good employee performance and address underperformance
- Managing underperformance best practice guide for steps and practical tips
- templates to help manage performance.



Flexibility

Flexibility in the workplace allows employers and employees to make arrangements about working conditions that suit them. This helps employees maintain a work/life balance and can help employers improve the productivity and efficiency of their business.

As long as employees are still receiving their minimum entitlements, employers and employees can negotiate ways to make their workplace more flexible. Examples include changing what hours are worked and where work is performed.

There are 2 formal ways employers and employees can make their workplace more flexible:

- **flexible working arrangements** – certain employees have the right to request flexible working arrangements, but all employees can benefit from flexibility. Explore the advantages of offering flexible work options in our Flexible working arrangements best practice guide at fairwork.gov.au/flexibleworkingarrangements
- **individual flexibility agreements** – employers and employees can negotiate to change how certain terms in an award or enterprise agreement apply to them. Our Use of individual flexibility arrangements best practice guide provides further information about implementing these arrangements at fairwork.gov.au/bestpracticeguides

Practical tip – Online learning

More and more employers are making flexibility work for their business and their employees. Complete our Workplace flexibility online course to find out more at fairwork.gov.au/learning



Right to disconnect

The new right to disconnect rules apply from:

- **26 August 2024** for [non-small business employers](#) (15 or more employees)
- **26 August 2025** for [small business employers](#) (less than 15 employees).

Eligible employees have the right to refuse to monitor, read or respond to contact (or attempted contact) outside their working hours, unless doing so is unreasonable. This includes contact (or attempted contact) from an employer or a third party, such as clients, suppliers, staff from other businesses, or members of the public.

Contact could include a range of communication channels used to engage with employees, such as calls, emails, texts, social media and messaging services.

Awards and enterprise agreements may also include right to disconnect provisions.

Employers and employees are encouraged to discuss contact out of hours and set expectations that suit the workplace and the employee's role.

When working out whether an employee’s refusal is unreasonable, the following factors must be considered:

- the reason for the contact
- how the contact is made and how disruptive it is to the employee
- how much the employee is compensated or paid extra for:
 - being available to perform work during the period they’re contacted, or
 - working additional hours outside their ordinary hours of work
- the employee’s role in the business and level of responsibility
- the employee’s personal circumstances, including family or caring responsibilities.

Other matters may also be considered.

For more information about the right to disconnect visit [fairwork.gov.au/righttodisconnect](https://www.fairwork.gov.au/righttodisconnect)



Ending employment

Termination of employment is when an employment relationship ends. This can happen for several reasons including redundancy, resignation or dismissal.

Notice of termination and redundancy

Full-time and part-time employees are entitled to notice of termination, or payment in lieu of notice. The notice needs to be given to them in writing.

The amount of notice an employer is required to give an employee depends on the employee’s length of service and age. It is important to check the award, employment contract or enterprise agreement to see whether there are any conditions and if a longer notice period is required.

Period of continuous service	Notice period
1 year or less	1 week
More than 1 year to 3 years	2 weeks
More than 3 years to 5 years	3 weeks
More than 5 years	4 weeks

Employees who are over 45 and have worked for the business for at least 2 years get an extra week of notice.

For more information see our Notice of termination & redundancy pay fact sheet at [fairwork.gov.au/factsheets](https://www.fairwork.gov.au/factsheets)

Redundancy

Redundancy happens when an employee's job is terminated because their employer either:

- doesn't need the employee's job to be done by anyone, or
- becomes insolvent or bankrupt.

Redundancy can happen when the business:

- introduces new technology (for example, the job can be done by a machine)
- slows down due to lower sales or production
- closes down
- relocates interstate or overseas
- restructures or reorganises, such as where a merger or takeover happens.

When an employee's job is made redundant and their employment is terminated, their employer must give them redundancy pay, also known as severance pay. The amount of redundancy pay depends on the employee's length of service and the relevant award or enterprise agreement. You should check the award or enterprise agreement to find out how much redundancy pay your employee is entitled to.

Redundancy pay doesn't need to be paid to some employees, including:

- employees whose period of continuous service with the employer is less than 12 months
- employees employed for a specific task, project, time period or season
- employees dismissed because of serious misconduct
- casual employees
- apprentices
- trainees engaged only for the length of their training agreement
- employees of a small business that has less than 15 employees.

Note: a non-small business can become a small business as part of the process of downsizing its workforce. This can be due to insolvency in the period leading up to (or after):

- becoming bankrupt, or
- going into liquidation.

Non-small business employers that become a small business employer in these circumstances may still be required to pay their employees redundancy pay.

Some awards or enterprise agreements include different redundancy provisions, such as an industry-specific redundancy scheme, which may entitle employees to redundancy pay in a wider range of situations.

For more information about redundancy visit fairwork.gov.au/redundancy

Practical tip – Notice and Redundancy Calculator

Use our Notice and Redundancy Calculator to find out how much notice and redundancy pay is required under the award or the NES at fairwork.gov.au/pact

Final pay

An employee should get the following entitlements in their final pay:

- outstanding wages for hours they have worked, including penalty rates and allowances
- any accumulated annual leave
- if it applies:
 - annual leave loading
 - accrued or pro rata long service leave
 - redundancy pay.

Sick and carer's leave is generally not paid out when employment ends.

Remember, employees need to be given a pay slip with their final pay.

Important – Deductions

You aren't automatically entitled to deduct money from an employee's final pay if they don't give notice or fail to return items (for example, keys or uniforms). Deductions need to be properly authorised.

For information about deductions visit fairwork.gov.au/deductions

Unfair dismissal

Unfair dismissal is when an employee is dismissed from their job in a harsh, unjust or unreasonable manner. The Commission provides more information on unfair dismissal at fwc.gov.au/job-loss-or-dismissal/unfair-dismissal

Businesses with less than 15 employees should use the Small Business Fair Dismissal Code and Checklist to make sure that a dismissal is fair at fairwork.gov.au/unfairdismissal



Protections at work

All employees have protected rights at work. These protected rights include:

- workplace rights
- taking or not taking part in industrial activities or belonging or not belonging to an industrial association such as a union
- being free from discrimination.

Workplace rights

A person has a workplace right if they:

- have a benefit, role or responsibility under a workplace law (for example, FW Act), instrument (for example, award or enterprise agreement) or an order made by an industrial body (for example, the Commission)
- can start or take part in a process or proceeding under a workplace law or instrument
- can make a complaint or inquiry about their employment to a body
- are an employee and can make a complaint or inquiry about their employment.

Industrial activities

A person has the right to belong or not belong to an industrial association (for example, a trade union or employer association). A person also has the right to take part or not take part in industrial activity.

Discrimination

An employee or prospective employee has the right to be free from discrimination at work. Discrimination occurs in the workplace when an employer takes adverse action against an employee or prospective employee because of a protected attribute. Protected attributes include race, colour, sex, sexual orientation, breastfeeding, gender identity, intersex status, age, physical or mental disability, family or carer's responsibilities and pregnancy, or because the employee is (or has been) experiencing family and domestic violence.

Adverse action includes doing, threatening or organising any of the following:

- firing an employee
- injuring the employee in their employment (for example, not giving an employee legal entitlements such as pay or leave)
- changing an employee's job to their disadvantage
- treating an employee differently than others
- not hiring someone
- offering a potential employee different and unfair terms and conditions for the job compared to other employees.

For more information, download our Protections at work fact sheet at fairwork.gov.au/factsheets

Practical tip – Diversity

A diverse and inclusive workplace is good for business. It can help you boost productivity, reduce turnover and save money. It also minimises the risk of discrimination occurring.

Complete our Diversity and discrimination online course to find out how to make your business a place where differences such as age, gender and race are genuinely valued. You'll also learn about preventing discrimination and how to appropriately handle complaints. Find the course in our Online learning centre at fairwork.gov.au/learning



What to do if we contact you

We're responsible for promoting compliance with Australian workplace laws and educating about rights and responsibilities at work. If we contact you, you should:

- work with us, including by providing documents and records if requested
- give us accurate information
- address any workplace issues we find.

Remember, we're here to help you.

For more information about resolving workplace problems visit fairwork.gov.au/workplace-problems

CONTACT US

Fair Work online: fairwork.gov.au

Fair Work Infoline: **13 13 94**

Need language help?

Contact the Translating and Interpreting Service (TIS) on **13 14 50**

Help for people who are deaf or have hearing or speech difficulties

You can contact us through the National Relay Service (NRS).

Select your [preferred access option](#) and give our phone number: **13 13 94**

The Fair Work Ombudsman is committed to providing you with advice that you can rely on. The information contained in this fact sheet is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or a workplace relations professional.

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