

Introduction to the National Employment Standards

What are the National Employment Standards?

The National Employment Standards (NES) are minimum employment entitlements that have to be provided to all employees in the [national workplace relations system](#). Some rules and exclusions apply.

The minimum entitlements of the NES are:

- [Maximum weekly hours of work](#) – 38 hours per week, plus reasonable additional hours.
- [Requests for flexible working arrangements](#) – certain employees can ask to change their working arrangements.
- [Parental leave and related entitlements](#) – up to 12 months of unpaid leave and the right to ask for an extra 12 months of unpaid leave. Also includes adoption-related leave.
- [Annual leave](#) – 4 weeks of paid leave per year, plus an additional week for some shiftworkers.
- [Sick and carer's leave and compassionate leave](#) – 10 days of paid sick and carer's leave (pro rata for part-time employees), 2 days of unpaid carer's leave as required and 2 days of compassionate leave as required.
- [Family and domestic violence leave](#) – 10 days of paid leave per year.
- [Community service leave](#) – unpaid leave for voluntary emergency activities and leave for jury service, with an entitlement to be paid for up to 10 days for jury service.
- [Long service leave](#) – paid leave for employees who have been with the same employer for a long time.
- [Public holidays](#) – a paid day off on a public holiday (unpaid for casuals), except where reasonably requested to work.
- [Notice of termination and redundancy pay](#) – up to 5 weeks' notice of termination and up to 16 weeks redundancy pay, both based on length of service.

- [Superannuation \(super\)](#) – employers must make contributions to eligible employees' super funds under super guarantee laws. Super is also a NES entitlement (some exclusions apply).
- Provision of the [Fair Work Information Statement](#) and the [Casual Employment Information Statement](#) – the Fair Work Information Statement must be provided by employers to all new employees. All casual employees must also be given the Casual Employment Information Statement when they start employment, and at set times throughout their employment.
- [Employee choice about casual employment](#) – pathways for a casual employee to become a full-time or part-time employee in some circumstances.

Who do the NES apply to?

The NES apply to all employees covered by the national workplace relations system, however only certain entitlements apply to casual employees (rules and exclusions apply).

These are:

- maximum weekly hours
- 2 days of unpaid carer's leave and 2 days of unpaid compassionate leave per occasion
- 10 days of paid family and domestic violence leave (in a 12-month period)
- community service leave (except paid jury service)
- public holidays
- receiving the Fair Work Information Statement and the Casual Employment Information Statement
- the right to super contributions
- employee choice about casual employment.

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

- make requests for flexible working arrangements
- parental leave and related entitlements.

There are also 2 NES entitlements that apply to all full-time and part-time employees, whether they are covered by the national workplace relations system or not. These are:

- parental leave and related entitlements
- notice of termination.

How do the NES apply?

Terms in awards, enterprise agreements and employment contracts cannot exclude or provide for an entitlement less than the NES, and those that do have no effect. However, they can affect the operation of the NES in certain ways.

For example, they may specify terms that deal with:

- averaging an employee's ordinary hours of work
- the cashing out and taking of paid annual leave
- the cashing out of paid sick and carer's leave
- extra sick and carer's leave or annual leave in exchange for foregoing an equivalent amount of pay
- the substitution of public holidays
- super obligations
- situations in which redundancy entitlements do not apply.

They may also supplement the NES by providing entitlements that are more favourable for employees.

Find out more about the NES entitlements at fairwork.gov.au/nas

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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