

International students

Like many international students, you may get a part-time or casual job to help pay your living expenses while you study in Australia. It is important that you know your rights in the workplace and rules for your visa.

Your workplace rights and protections

All employees have basic rights and protections in the workplace, including minimum pay and conditions. You continue to have the same entitlements and protections under the Fair Work Act as other employees regardless of your migration status under the Migration Act. The Fair Work Ombudsman makes sure that these rights are protected and enforced fairly under Australia's workplace laws.

If you're a migrant worker you can still ask for our help to get your minimum entitlements even if under the Migration Act you have breached your visa conditions, don't have work rights or don't have the right to be in Australia. We are an Australian Government agency who helps regulate Australian workplaces. You can't get into trouble or have your visa cancelled for contacting us to ask for information about your pay or other workplace rights.

There are protections for eligible visa holders experiencing workplace exploitation. For more information, see our [Visa protections – pilot programs](https://www.fairwork.gov.au/visa-protections) page at [fairwork.gov.au/visa-protections](https://www.fairwork.gov.au/visa-protections).

Your sponsoring employer cannot cancel your visa. Only the Department of Home Affairs (Home Affairs) can grant, refuse or cancel visas. They can also provide information on visa choices and rights and obligations, including how to change your sponsor or apply for permanent residence. If you require further information or assistance from the Department of Home Affairs visit [homeaffairs.gov.au](https://www.homeaffairs.gov.au) or phone 13 18 81.

This fact sheet will help you understand your basic workplace rights, where to obtain further information, and how to seek assistance from the Fair Work Ombudsman. For more information, contact the Fair Work Infoline on 13 13 94 or visit [fairwork.gov.au](https://www.fairwork.gov.au).

All references to an award or agreement in this fact sheet include modern awards, enterprise agreements, and award or agreement-based transitional instruments.

What is the difference between full-time, part-time and casual work?

Full-time employees

Full-time employees generally work 38 hours per week and receive pay for a full week's work as well as conditions like paid annual leave and sick leave. A full-time worker is also entitled to notice of termination of their employment. This means that if your employer no longer wants to employ you, they have to provide a period of notice (or payment instead of the notice period) depending on how long you have worked there.

Part-time employees

Part-time employees work regular hours each week, but less than the 38 hours of full-time employees. Part-time employees get the same minimum entitlements (such as sick leave and annual leave) as a full-time employee, but on a pro-rata basis.

Casual employees

From 26 August 2024, an employee is only a casual if:

- there isn't a firm advance commitment to ongoing work, and
- they're entitled to receive a casual loading or specific casual pay rate.

When assessing if there is or isn't a firm advance commitment to ongoing work, there are several factors to consider, including the real substance, practical reality and true nature of the employment relationship.

A regular pattern of work doesn't automatically mean the employee is permanent. Casual employees do not get paid sick leave or annual leave and are not usually entitled to notice of termination. This means a casual employee can be terminated at any time. Find more information about casual employees at [fairwork.gov.au/casual](https://www.fairwork.gov.au/casual).

Fixed term employees

Some employees may also be hired on a fixed term contract. A fixed term contract is a contract of employment that has a set end date (for example, the contract ends after a set period of time or a season). Employees on fixed term contracts who are engaged on a full-time or part-time basis have similar conditions and entitlements as permanent (ongoing) employees. Find more information on fixed term contracts at fairwork.gov.au/fixed-term-employees.

Regardless of your type of employment, you must have permission to work in Australia and hold a valid work visa. It is important you understand the rules of your work visa before starting a job, including the number of hours you are allowed to work each week. For information on visa requirements, contact the Department of Home Affairs website at homeaffairs.gov.au or phone 13 18 81.

What are my minimum rights and conditions at work?

All employees in the national workplace relations system receive basic minimum entitlements known as the National Employment Standards (NES).

The NES include:

- maximum weekly hours of work
- requests for flexible working arrangements
- parental leave and related entitlements
- annual leave
- sick and carer's leave (also known as personal/carer's leave), compassionate leave, and family and domestic violence leave
- community service leave
- long service leave
- public holidays
- notice of termination and redundancy pay
- superannuation (super)
- the Fair Work Information Statement and Casual Employment Information Statement
- the right for casual employees to become permanent employees in some circumstances.

Please note, only certain NES entitlements apply to casual employees. Find out more about the NES at fairwork.gov.au/nas.

Employees' minimum rights and conditions at work may be set by a legal document like an award, an agreement, or a contract of employment. Ask your employer which one applies to you to find out how you are affected.

If an award or agreement does not apply, all employees in the national workplace relations system will receive basic minimum pay, conditions and protections under Commonwealth workplace laws.

If you are asked to sign any type of document agreeing to specific work conditions, make sure you read it very carefully and understand it before signing. Keep a copy for your records. You should not feel undue pressure to sign any agreement with your employer. If you do, contact the Fair Work Infoline on 13 13 94.

Your award or agreement should tell you things like:

- your minimum rate of pay – your employer can pay you more than the minimum if they want to, but they can't pay you less
- when you will be paid – you should be paid at least once a month
- if you are entitled to more money (such as penalty rates) for working nights, weekends or public holidays, or overtime pay for working outside your regular hours
- if you should be paid an allowance for doing certain tasks
- the minimum number of hours per shift you can be rostered and paid for
- when you should be taking breaks during your shift
- how much notice you need to give your employer if you want to resign from your job
- the right for casual employees to become permanent employees.

Find more information about awards and agreements at fairwork.gov.au/employment-conditions.

What is not okay at work?

- Unpaid work trials for any period beyond what's reasonably required for you to demonstrate the skills required for the job. What's reasonable will vary depending on the nature and complexity of the job but could range from an hour to one shift
- Not being paid for meetings or training and the time you spend opening and closing the business
- Not being given a pay slip – you should receive a pay slip within one day of being paid
- Receiving goods or services instead of pay
- Being pressured, forced or threatened to sign a workplace agreement
- Being sacked because you were sick or injured
- Making you pay for any costs relating to your recruitment, or the costs associated with the business becoming or being an approved sponsor, including migration agent costs
- Being discriminated against, including not being hired, or being sacked, because of a protected attribute – see our Discrimination page for more information at fairwork.gov.au/discrimination
- Pay secrecy – you have the right to talk about (or not talk about) your current or past pay, and ask other employees the same thing. For more information go to fairwork.gov.au/pay-secrecy
- Bullying or sexual harassment in the workplace – everyone has the right not to be bullied, sexually harassed or discriminated against at work. See fairwork.gov.au/bullying-harassment

There are other general workplace protections that all employees have. For more information see our Protections at work fact sheet at fairwork.gov.au/factsheets.

If you feel like any of these things are happening to you, you should contact the Fair Work Infoline on 13 13 94 for assistance.

Can my employer deduct money from my wages?

Your employer can only deduct money from your wages if the deduction is reasonable and:

- you agree in writing and it's mainly for your benefit
- it's allowed by a law, a court order, or by the Fair Work Commission
- it's allowed under your award, or
- it's allowed under your enterprise agreement and you agree to it.

For example, if you accidentally break something, your employer can't deduct money from your wages.

Even if the deduction is authorised under a term in an award, enterprise agreement or contract of employment, the term has no effect if:

- the deduction is directly, or indirectly, for the employer's benefit, and is unreasonable, or
- the employee is under the age of 18 and the employee's parent or guardian has not authorised the deduction in writing.

Employee authorised deductions

Your employer can only make employee authorised deductions where the deductions are mainly for your benefit.

You can make a one-off written authorisation that gives your employer permission to deduct money from your pay, even where the amount can change from year to year.

An employee's written agreement to a deduction must be genuine and can be withdrawn in writing at any time. You can't be forced to agree to a deduction.

Find more information about deductions at fairwork.gov.au/deductions.

If you are concerned about deductions from your wages, contact the Fair Work Infoline on 13 13 94.

Can my employer pay me in cash?

Your employer may choose to pay you using cash, cheque, money or postal order, or through electronic funds transfer into your bank account.

It is acceptable for your employer to pay you in cash as long as tax has been taken from your earnings and sent to the Australian Taxation Office (ATO).

Generally, you should also be receiving super. You should check your pay slip each time you are paid to make sure this is being done.

‘Cash in hand’ is a term used to describe cash payments where tax has not been taken out – this is against the law.

Contact the Fair Work Infoline on 13 13 94 if you are unsure about your pay arrangements.

My employer wants me to sign an individual flexibility arrangement, what do I do?

Employers and employees can enter into individual flexibility arrangements (IFAs) which alter the way a modern award or enterprise agreement applies to an employee. This can change the way some entitlements, such as penalty rates or allowances, apply in your employment.

An employer can't force you to enter into an IFA. If you feel that you are being pressured to do so, you should contact the Fair Work Ombudsman.

In order to create an IFA, the employer is required to ensure that you are better off overall than you would be normally under the award or agreement. This may mean that you receive additional benefits in one area, to compensate for those changed in another area. If you believe that you are not better off overall, you should not enter into the IFA. If you wish to seek further information, contact the Fair Work Infoline on 13 13 94.

Am I an employee or independent contractor?

Employees work for another person or business under a contract of employment in return for payment. They can be hired on a full-time, part-time, casual or fixed-term basis.

Their pay and conditions are usually set by an award or enterprise agreement.

Independent contractors work for themselves by providing services to another person or business.

Generally, independent contractors set their own fees, will use their own equipment, choose the hours they work, decide how the work is done, and can work for more than one client at a time. Contractors don't have the same rights and obligations as employees.

Whether you're a contractor or an employee depends on a number of 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 your contract and, in most cases, the practical reality of the relationship.

Some employers may misrepresent employment relationships as independent contracting arrangements to avoid paying legal minimum rates of pay, tax, and entitlements like annual leave and sick leave. This is called ‘sham contracting’ and it is against the law, unless the employer can prove that they reasonably believed the employee was a contractor.

For more information about independent contractors and sham contracting visit [fairwork.gov.au/contractors](https://www.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 the pay and conditions for these workers. For more information on regulated workers, visit [fairwork.gov.au/regulated-workers](https://www.fairwork.gov.au/regulated-workers).

When should I contact the Fair Work Ombudsman?

If you believe you are not receiving your minimum rights and conditions at work or are having workplace issues, contact the Fair Work Ombudsman for free information and advice.

CONTACT US

Fair Work online: [fairwork.gov.au](https://www.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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