Employees in Australia have entitlements and protections at work, under:

**FAIR WORK LAWS**
- minimum entitlements for all employees
- includes the National Employment Standards

**AWARDS**
- set minimum pay and conditions for an industry or occupation
- cover most employees in Australia

**ENTERPRISE AGREEMENTS**
- set minimum pay and conditions for a particular workplace
- negotiated and approved through a formal process

**EMPLOYMENT CONTRACTS**
- provide additional conditions for an individual employee
- can't reduce or remove minimum entitlements


#### CASUAL EMPLOYEES
If you are a casual employee, you also need to be given the Casual Employment Information Statement when you start work. Visit [www.fairwork.gov.au/ceis](http://www.fairwork.gov.au/ceis) for more information.

#### PAY
Your minimum pay rates are in your award or enterprise agreement. If there is no award or agreement for your job, you must get at least the National Minimum Wage. **You can't agree to be paid less.** Minimum pay rates are usually updated yearly.


**NATIONAL MINIMUM WAGE**
- **$20.33/hour**
  - full-time or part-time
- **$25.41/hour**
  - casual

FROM 1 JULY 2021

This is the adult minimum rate for employees with no award or enterprise agreement. Lower rates may apply to juniors, apprentices and employees with disability.

Use our free calculators to check your pay, leave and termination entitlements at: [www.fairwork.gov.au/pact](http://www.fairwork.gov.au/pact)

#### DID YOU KNOW?
You can create a free My account to save your workplace information in one place at: [www.fairwork.gov.au/register](http://www.fairwork.gov.au/register)

You can find free online courses to help you start a new job or have difficult conversations at work, visit: [www.fairwork.gov.au/learning](http://www.fairwork.gov.au/learning)

The **Record My Hours** app makes it quick and easy to record the hours you work.
It's free on the App Store and Google Play.
## NATIONAL EMPLOYMENT STANDARDS

These are minimum standards for all employees. Rules and exclusions may apply. Your award or agreement may provide more. Find more information on the National Employment Standards at [www.fairwork.gov.au/NES](http://www.fairwork.gov.au/NES)

<table>
<thead>
<tr>
<th></th>
<th>Full-time and part-time employees</th>
<th>Casual employees</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Annual leave</strong></td>
<td>✔️ 4 weeks paid leave per year (pro rata for part-time employees) + 1 week for eligible shift workers</td>
<td>✗</td>
</tr>
<tr>
<td><strong>Personal leave</strong> (sick or carer's leave)</td>
<td>✔️ 10 days paid leave per year (pro rata for part-time employees)</td>
<td>✗</td>
</tr>
<tr>
<td><strong>Carer's leave</strong></td>
<td>✔️ 2 days unpaid leave per permissible occasion (if no paid personal leave left)</td>
<td>✔️ 2 days unpaid leave per permissible occasion</td>
</tr>
<tr>
<td><strong>Compassionate leave</strong></td>
<td>✔️ 2 days paid leave per permissible occasion</td>
<td>✔️ 2 days unpaid leave per permissible occasion</td>
</tr>
<tr>
<td><strong>Family &amp; domestic violence leave</strong></td>
<td>✔️ 5 days unpaid leave per 12 months</td>
<td>✔️ 5 days unpaid leave per 12 months</td>
</tr>
<tr>
<td><strong>Community service leave</strong></td>
<td>✔️ 10 days paid leave with make-up pay + unpaid leave as required</td>
<td>✔️ Unpaid leave as required</td>
</tr>
<tr>
<td>• Jury service</td>
<td>✔️ Unpaid leave as required to engage in the activity</td>
<td>✔️ Unpaid leave as required to engage in the activity</td>
</tr>
<tr>
<td>• Voluntary emergency management activities</td>
<td>✔️ Paid leave (amount and eligibility rules vary between states and territories)</td>
<td>✗ Varies between states and territories</td>
</tr>
<tr>
<td><strong>Long service leave</strong></td>
<td>✔️</td>
<td>✗ Varies between states and territories</td>
</tr>
<tr>
<td><strong>Parental leave</strong> eligible after 12 months employment</td>
<td>✔️ 12 months unpaid leave – can extend up to 24 months with employer's agreement</td>
<td>✔️ 12 months unpaid leave for regular and systematic casuals – can extend up to 24 months with employer's agreement</td>
</tr>
<tr>
<td><strong>Maximum hours of work</strong></td>
<td>✔️ Full-time employees – 38 hours per week + reasonable additional hours</td>
<td>Part-time and casual employees – 38 hours or employee’s ordinary weekly hours (whichever is less) + reasonable additional hours</td>
</tr>
<tr>
<td><strong>Public holidays</strong></td>
<td>✔️ A paid day off if you’d normally work. If asked to work you can refuse, if reasonable to do so</td>
<td>✔️ An unpaid day off. If asked to work you can refuse, if reasonable to do so</td>
</tr>
<tr>
<td><strong>Notice of termination</strong></td>
<td>✔️ 1-5 weeks notice (or pay instead of notice) based on length of employment and age</td>
<td>✗</td>
</tr>
<tr>
<td><strong>Redundancy pay</strong> eligible after 12 months employment</td>
<td>✔️ 4 - 16 weeks pay based on length of employment (some exclusions apply)</td>
<td>✗ The right to become a full-time or part-time employee in some circumstances</td>
</tr>
<tr>
<td><strong>Casual conversion</strong></td>
<td>✗</td>
<td>✔️ The right to become a full-time or part-time employee in some circumstances</td>
</tr>
</tbody>
</table>
FLEXIBILITY

After 12 months employment, you can make a written request for flexible working arrangements if you're 55 or over, a carer, have a disability, are experiencing violence from a family member (or are supporting a family or household member who is), or are the parent of, or have caring responsibilities for, a child of school age or younger. This includes employees returning from parental or adoption leave asking to work part-time to care for the child.

Your employer must respond in writing within 21 days. They can only say no on reasonable business grounds.

You and your employer can also negotiate an individual flexibility arrangement. This would change how certain terms in your award or enterprise agreement apply to you. An individual flexibility arrangement must be a genuine choice – it can't be a condition of employment – and it must leave you better off overall. Find out more at:

www.fairwork.gov.au/flexibility

RIGHT OF ENTRY

Union officials with an entry permit can enter the workplace to talk to workers that they're entitled to represent, or to investigate suspected safety issues or breaches of workplace laws.

They must comply with certain requirements, such as notifying the employer, and can inspect or copy certain documents. Strict privacy rules apply to the permit holder, their organisation and your employer. Find out more at:

www.fwc.gov.au/entry-permits

AGREEMENT MAKING

Enterprise agreements are negotiated between an employer, their employees, and any employee representatives (for example, a union). This process is called 'bargaining' and has to follow set rules. The Fair Work Commission checks and approves agreements.

For information about making, varying, or terminating an enterprise agreement visit:


PROTECTIONS AT WORK

All employees have protections at work. You can't be treated differently or worse because you have or exercise a workplace right, for example, the right to request flexible working arrangements, take leave or make a complaint or enquiry about your employment.

You have the right to join a union or choose not to, and to take part in lawful industrial activity or choose not to.

You also have protections when temporarily absent from work due to illness or injury, and from discrimination, bullying and harassment, sexual harassment, coercion, misrepresentation, sham contracting, and undue influence or pressure. Find out more at:

www.fairwork.gov.au/protections

ENDING EMPLOYMENT

When your employment ends, your final pay should include all outstanding entitlements, such as wages and unused annual leave and long service leave.

You may be entitled to notice of termination, or pay instead of notice. If you're dismissed for serious misconduct, you're not entitled to notice. If you resign you may have to give your employer notice. To check if notice is required and what should be in your final pay visit:


If you think your dismissal was unfair or unlawful, you have 21 calendar days to lodge a claim with the Fair Work Commission. Rules and exceptions apply. Find out more at:

www.fwc.gov.au

TRANSFER OF BUSINESS

If a transfer of business occurs, your employment with your old employer ends. If you're employed by the new employer within three months to do the same (or similar) job, some of your entitlements might carry over to the new employer. This may happen if, for example, the business is sold or work is outsourced. Find out more at:


WHO CAN HELP?

<table>
<thead>
<tr>
<th>FAIR WORK OMBUDSMAN</th>
<th>FAIR WORK COMMISSION</th>
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<tr>
<td>· information and advice about pay and entitlements</td>
<td>· deals with claims of unfair dismissal and unlawful termination, bullying, sexual harassment, discrimination or ‘adverse action’ at work</td>
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<tr>
<td>· free calculators, templates and online courses</td>
<td>· approves, varies and terminates enterprise agreements</td>
</tr>
<tr>
<td>· help fixing workplace problems</td>
<td>· issues entry permits and resolves industrial disputes.</td>
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<tr>
<td>· enforces workplace laws and seeks penalties for breaches of workplace laws.</td>
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</tbody>
</table>

www.fairwork.gov.au - 13 13 94

www.fwc.gov.au - 1300 799 675

If you work in the commercial building industry the Australian Building and Construction Commission can help.

www.abcc.gov.au - 1800 003 338