





IMPORTANT INFORMATION ABOUT YOUR PAY AND CONDITIONS

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

| FAIR WORK LAWS | AWARDS | ENTERPRISE AGREEMENTS | EMPLOYMENT CONTRACTS |
|--|---|--|---|
|  <ul style="list-style-type: none"> • minimum entitlements for all employees • includes the National Employment Standards |  <ul style="list-style-type: none"> • set minimum pay and conditions for an industry or occupation • cover most employees in Australia |  <ul style="list-style-type: none"> • set minimum pay and conditions for a particular workplace • negotiated and approved through formal process |  <ul style="list-style-type: none"> • provide additional conditions for an individual employee • can't reduce or remove minimum entitlements |

Find your award at www.fairwork.gov.au. Check if your workplace has an enterprise agreement at www.fwc.gov.au/agreements

\$ 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. Find out what you should get at www.fairwork.gov.au/minimum-wages

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|--|---|---|---|
| NATIONAL MINIMUM WAGE FROM 1 JULY 2019 |  \$19.49/hour full-time or part-time |  \$24.36/hour casual |  Use our free calculators to check your pay, leave and termination entitlements at: www.fairwork.gov.au/pact |
| This is the adult rate for employees with no award or enterprise agreement. Lower rates may apply to juniors, apprentices and employees with disability. | | | |

✓ 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

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

*The High Court will hear an appeal of a recent decision on the method of accruing and taking paid personal/carer's leave under the National Employment Standards. This document currently reflects the state of the law as it applies to affected employees, but is subject to any changes at law. For details see www.fairwork.gov.au/leave/sick-and-carers-leave

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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

DID YOU KNOW?

You can create a free My account to save your workplace information in one place at:

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

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.



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:

www.fairwork.gov.au/ending-employment

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.fairwork.gov.au/termination



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, from discrimination, bullying and harassment, coercion, misrepresentation, sham contracting, and undue influence or pressure. Find out more at:

www.fairwork.gov.au/protections



AGREEMENT MAKING

Enterprise agreements are negotiated between an employer, their employees, and any employee representatives (e.g. 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:

www.fwc.gov.au/agreements



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:

www.fairwork.gov.au/transfer-of-business



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

WHO CAN HELP?

FAIR WORK OMBUDSMAN

- information and advice about pay and entitlements
- free calculators, templates and online courses
- help resolving workplace issues
- investigates and enforces breaches of workplace laws.

www.fairwork.gov.au - 13 13 94

FAIR WORK COMMISSION

- hears claims of unfair dismissal, unlawful termination, bullying, discrimination or 'adverse action' at work
- approves, varies and terminates enterprise agreements
- issues entry permits and resolves industrial disputes.

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