



COMMONWEALTH OF AUSTRALIA

Fair Work Act 2009

Notice under section 124(1) of the publication of the Fair Work Information Statement

I, SANDRA PARKER, Fair Work Ombudsman, acting in accordance with section 124(1) of the *Fair Work Act 2009*, hereby GIVE NOTICE, of the publication of the Fair Work Information Statement as set out herein:

Sandra Parker

Fair Work Ombudsman

3 September 2019



If you're a new employee, your employer needs to give you a copy of the Fair Work Information Statement before, or as soon as possible after, you start a job. For information tailored to you, register for an online account at www.fairwork.gov.au/register, or call the Fair Work Infoline on 13 13 94.

▲ Minimum rights and entitlements

Workers in Australia are entitled to basic rights and protections at work. If you're in the national workplace relations system, these protections include minimum pay rates and a set of entitlements called the National Employment Standards. You're also likely to be covered by a modern award or enterprise agreement, which may provide you with more entitlements.

You might also sign a contract or agreement with your employer. Contracts can set out additional conditions of employment but can't provide less than your minimum entitlements under the National Employment Standards or an applicable award or enterprise agreement.

▲ Minimum pay rates

Your minimum pay rate will usually be set in an award or an enterprise agreement. If there's no modern award or enterprise agreement covering your work, you're still entitled to at least the national minimum wage which, from 1 July 2019, is:

- \$19.49 per hour for full-time and part-time adult employees
- \$24.36 for casual adult employees.

The national minimum wage is reviewed annually. You can find your minimum pay rates by using our Pay Calculator at www.fairwork.gov.au/PACT.

▲ Modern awards

There are 122 industry or occupation awards that cover most people working in Australia. Awards may contain entitlements like minimum wages (pay), penalty rates, types of employment, flexible working arrangements, hours of work, meal and rest breaks, classifications, allowances, annual leave loading, and redundancy. To find out if you're covered by an award, use Find my award at www.fairwork.gov.au/awards.

▲ Enterprise agreements

Enterprise agreements set employment conditions that can apply to a business and their workers or a group of businesses and their workers. Enterprise agreements are negotiated ('bargained') between the employer, their employees and any employee representatives (such as a union or other bargaining representative).

Bargaining for an agreement has to follow set rules. Once approved by the Fair Work Commission, an enterprise agreement is enforceable and provides the terms and conditions of employment that apply at your workplace.

For information about making, varying, or terminating enterprise agreements visit the Fair Work Commission website at www.fwc.gov.au.

▲ The National Employment Standards (NES)

There are 10 minimum workplace entitlements in the NES that apply to all employees:

1. Maximum weekly hours of 38 if you're a full-time employee, plus 'reasonable' additional hours.
2. The right to request flexible working arrangements.
3. Parental and adoption leave of 12 months (unpaid), with the right to request an additional 12 months.
4. Four weeks paid annual leave each year (pro rata if you're a part-time employee).
5. A total of 10 days paid sick and carer's leave each year, two days paid compassionate leave for each permissible occasion, two days unpaid carer's leave for each permissible occasion, and five days unpaid family and domestic violence leave (in a 12-month period).
6. Community service leave for jury service or activities dealing with certain emergencies or natural disasters. This leave is unpaid except for jury service.
7. Long service leave.
8. The entitlement for you to be absent on public holidays and for you to be paid for ordinary hours on those days.
9. Notice of termination and redundancy pay.
10. The right to receive this Fair Work Information Statement if you're a new employee.

Casual employees are entitled to some of the entitlements in the NES, but not all. For example, as a casual employee you're entitled to two days of unpaid carer's leave for each permissible occasion. You're also entitled to parental and adoption leave of 12 months (unpaid) – with a right to request an additional 12 months if you've worked on a regular and systematic basis for at least 12 months and have a reasonable expectation of continuing employment. In addition, you're entitled to five days unpaid family and domestic violence leave each 12 month period.

To read more about the NES entitlements that apply to you, go to the National Employment Standards page at www.fairwork.gov.au/NES.

▲ If the business you work for changes owners

If the business you work for changes owners or is sold – and you're employed by the new employer within three months of your employment with the old employer ending – some of your entitlements may carry over to the new employer. You can check what you're entitled to at www.fairwork.gov.au/transfer-of-business.

▲ Workplace flexibility

You have the right to request flexible working arrangements under the NES if:

- you're a parent of, or have responsibility for caring for, a child of school age or younger
- you provide personal care, support and assistance to another person who needs it because of a disability, medical condition, mental illness or frailty and age
- you have a disability
- you are 55 or older
- you're experiencing family violence
- you're providing care or support for an immediate family member, or someone you live with, who is experiencing family violence, or
- you're returning to work after a period of parental or adoption leave and wish to work part-time to care for your child, or the child who you have responsibility caring for.

Your employer can only refuse a request on reasonable business grounds. If they do, they must respond to your request in writing and include details for why they refused your request.

▲ Individual flexibility arrangements

You and your employer can negotiate to change how certain terms in an award or enterprise agreement apply to your situation. An individual flexibility arrangement cannot be a condition of employment – it must be a genuine choice. To find out more see Flexibility in the workplace at www.fairwork.gov.au/flexibility.

▲ Protection from discrimination and other adverse action

You're protected from an employer taking 'adverse action' against you for certain reasons. These protections apply to casual, full-time and part-time employees.

Adverse action can include dismissing you, refusing to employ you, negatively changing your position, or treating you differently for discriminatory reasons. For example, you're protected from adverse action if you make a complaint to an organisation like the Fair Work Ombudsman, or if you take personal leave or request flexible work arrangements, or exercise your right to freedom of association (including becoming or not becoming a member of a union).

You also have the right to be protected from unlawful discrimination because of your race, colour, gender or age; and protection from undue influence or pressure from your employer about entering into an agreement in relation to your employment entitlements.

If you have experienced adverse action, discrimination or undue pressure by your employer you can seek assistance from the Fair Work Ombudsman or the Fair Work Commission. If you have been dismissed, there might be strict timeframes that apply, so make sure you lodge an application with the Fair Work Commission *within 21 days of the date of your dismissal*. See the Fair Work Commission website at www.fwc.gov.au for more information.

▲ Ending employment

Your employment might end for a number of reasons – if you resign, your position is made redundant, or you are dismissed. To find out more see Ending employment at www.fairwork.gov.au/ending-employment.

When your employment ends, you should get any outstanding employment entitlements, including outstanding wages and unused annual and long service leave.

If you think you've been unfairly dismissed, you might be able to lodge an application with the Fair Work Commission *within 21 days of the date of your dismissal*. There are rules about applying, including minimum employment periods, strict timeframes for applying and special rules for small business. Go to the Fair Work Commission website at www.fwc.gov.au for more information.

▲ Right of entry

A permit holder, often a union official, may enter the workplace in order to:

- talk to employees whose industrial interests the permit holder's organisation is entitled to represent
- look into a suspected breach of workplace laws
- look into a suspected breach of health and safety laws, in which case they must also comply with right of entry requirements of the work health and safety laws.

A permit holder must comply with certain requirements such as notice to the employer and can inspect or copy certain documents. Strict privacy restrictions apply to the permit holder, their organisation and your employer.

▲ The Fair Work Ombudsman

The **Fair Work Ombudsman** is an independent statutory agency that promotes harmonious, productive and cooperative workplace relations and ensures compliance with Australian workplace laws. The Fair Work Ombudsman provides reliable and timely information about Australia's workplace relations system as well as help resolving workplace issues.

For more information about the Fair Work Ombudsman visit www.fairwork.gov.au or call **13 13 94**.

▲ The Fair Work Commission

The **Fair Work Commission** is Australia's national workplace relations tribunal responsible for maintaining a safety net of minimum wages and employment conditions, as well as a range of other workplace functions, including agreement-making, workplace bullying and unfair dismissal. For more information about the Fair Work Commission see www.fwc.gov.au or call **1300 799 675**.

The Fair Work Information Statement is prepared and published by the Fair Work Ombudsman in accordance with section 124 of *the Fair Work Act 2009*.