

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
			
▶ minimum entitlements for all employees ▶ includes the National Employment Standards	▶ set minimum pay and conditions for an industry or occupation ▶ cover most employees in Australia	▶ set minimum pay and conditions for a particular workplace ▶ negotiated and approved through a formal process	▶ provide additional conditions for an individual employee ▶ can't reduce or remove minimum entitlements

Find your award at fairwork.gov.au/awards

Check if your workplace has an enterprise agreement at fwc.gov.au/agreements



Other information statements

Depending on your employment type you may also need to be given other information statements when you start work or enter into a fixed term contract.

For **casual employees** that includes the Casual Employment Information Statement, available at fairwork.gov.au/ceis

For employees **engaged on a fixed term contract** that includes the Fixed Term Contract Information Statement available at fairwork.gov.au/ftcis



Your 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. Minimum pay rates are usually updated yearly.

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

National minimum wage
From 1 July 2023



\$23.23/hour or \$882.80/week
(based on a 38 hour week)
for full-time employees



\$23.23/hour
for part-time employees



\$29.04/hour
for casual employees

This is the **adult minimum rate for employees with no award or enterprise agreement**. Lower rates may apply to juniors, apprentices, trainees and employees with disability whose disability affects their productivity. Lower rates may also apply under some awards, for example rates that apply for a limited time after an employee starts their job. **You can't agree to be paid less than the minimum pay rates that apply for your job.**



Use our free calculators to check your pay, leave and termination entitlements at: fairwork.gov.au/pact



Who can help?

Fair Work Ombudsman

- ▶ has information and advice about pay and entitlements
- ▶ provides free calculators, templates and online courses
- ▶ helps fix workplace problems
- ▶ enforces workplace laws and seeks penalties for breaches of workplace laws.

fairwork.gov.au – 13 13 94

Fair Work Commission

- ▶ deals with disputes about a range of issues, including unfair dismissal, bullying, sexual harassment, discrimination and 'adverse action' at work
- ▶ approves, varies and terminates enterprise agreements
- ▶ makes, reviews and varies awards
- ▶ issues entry permits and resolves industrial disputes
- ▶ regulates registered organisations.

fwc.gov.au – 1300 799 675



National employment standards

The National Employment Standards (NES) are minimum entitlements that apply to all employees. The NES entitlements include the right to receive certain information statements, the right to request flexible working arrangements, and a right to be paid superannuation contributions from your employer. Other NES entitlements are summarised in the table below. Rules and exclusions may apply. **Your award or agreement may provide more.** Find more information on the NES at 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	✗ No entitlement to paid annual leave
Personal leave (Sick or carer's leave)	✓ 10 days paid leave per year (pro rata for part-time employees)	✗ No entitlement to paid personal leave
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 and domestic violence leave	✓ 10 days paid leave per year	✓ 10 days paid leave per year
Community service leave Jury service Voluntary emergency management activities	✓ 10 days paid leave with make-up pay + unpaid leave as required for jury service ✓ Unpaid leave to engage in other eligible community service (such as voluntary emergency management activities)	✓ Unpaid leave as required for jury service ✓ Unpaid leave to engage in other eligible community service (such as voluntary emergency management activities)
Long service leave	✓ May be entitled to long service leave under the NES, an enterprise agreement or under state or territory legislation. Amount and eligibility rules vary	✓ May be entitled to long service leave under the NES, an enterprise agreement or under state or territory legislation. Amount and eligibility rules vary
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 employees – 38 hours or employee's ordinary weekly hours (whichever is less) + reasonable additional hours	✓ 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	✗ No entitlement to notice of termination
Redundancy pay Eligible after 12 months employment	✓ 4-16 weeks pay based on length of employment (some exclusions apply)	✗ No entitlement to redundancy pay
Casual conversion	✗ Not applicable	✓ The right to become a full-time or part-time employee in some circumstances



Flexibility

After 12 months employment, you may have the right to make a **written request for flexible working arrangements**. This includes if you're pregnant, 55 or over, a carer, have a disability, are experiencing family and domestic violence, are supporting a member of your immediate family or household who is experiencing family and domestic violence, or are the parent of, or have caring responsibilities for, a child of school age or younger. Employers need to follow certain rules for responding to a request for flexible work arrangements, including responding in writing within 21 days.

Find out more about these rules at:

fairwork.gov.au/flexibility

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.



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 to protect your personal information. Find out more at:

fwc.gov.au/entry-permits

Agreement making

Enterprise agreements are negotiated between an employer (or one or more related employers), 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:

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 3 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:

fairwork.gov.au/transfer-of-business



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 have the right to talk about (or not talk about) your current or past pay, and the terms and conditions of employment that would be needed to work out your pay (such as your hours of work). You can also ask other employees the same thing (about their pay and terms and conditions of employment) but they don't have to tell you.

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

Find out more at:

fairwork.gov.au/protections

fairwork.gov.au/bullying-harassment



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:

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: fwc.gov.au

Did you know:

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

fairwork.gov.au/register

You can find free **online courses** to help you start a new job or have difficult conversations at work:

fairwork.gov.au/learning

You can access a wide range of free **tools and resources**, such as templates, best practice guides and fact sheets:

fairwork.gov.au/tools-and-resources