

Migraine
Australia

Migraine Australia is a national patient advocacy organisation to support all Australians living with migraine and their families. We are the voice of migraine in Australia.

YOUR RIGHTS AT WORK



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YOUR RIGHTS AT WORK

Your basic rights at work are found in numerous documents depending on your industry, workplace, or position. This factsheet will focus on the national workplace relations system as it covers most Australian workplaces, this may exclude some state and local public sector employees.

NATIONAL EMPLOYMENT STANDARDS

The NES are your basic employment entitlements. An Award, enterprise agreement or contract cannot provide for conditions that are less than the NES.

NATIONAL MINIMUM WAGE

Between 1 July 2020 and 30 June 2021, the minimum wage is \$19.84 per hour

Casual employees are entitled to a 25% casual loading on top of the minimum wage. Your employer cannot pay you less than the minimum wages, unless:

- you are under the age of 21, where junior rate will apply
- in a registered training agreement like an apprenticeship or trainee position
- on a support wage, if due to a disability you have a reduced work capacity

THE 11 MINIMUM ENTITLEMENTS

NES Entitlement	Full Time	Part Time	Casual
Maximum Weekly Hours	38hrs per week	Your ordinary work hours in a week	N/A
Requests for Flexible Working Arrangements	Who: A parent or carer of a child who is of school age or younger, carer, have a disability, over 55, experience family or domestic violence. If you have worked for the same employer for 12 months, you can request flexible working arrangements such as hours, patterns, or locations.		May be entitled if you are a regular and systematic casual, meet the 12 month requirement, and have expectation of ongoing work.
Parental Leave and Related Entitlements	Who: If you have given birth, if your partner has given birth, or you have adopted a child under 18 years of age. Must have worked for the same employer for 12 months prior to taking leave.		May be entitled if you are a regular and systematic casual, meet the 12 month requirement, and have expectation of ongoing work.
Annual Leave	4 weeks paid leave Up to 5 weeks paid leave for shift workers as per the award	4 weeks (pro rata) paid leave	N/A

NES Entitlement	Full Time	Part Time	Casual
Personal/Carers Leave	10 days paid per year 2 days unpaid carers leave	10 days paid per year pro rata 2 days unpaid carers leave	2 days unpaid carers leave per year
Compassionate Leave	2 days paid leave per year	2 days paid leave per year	2 days unpaid leave per year
Unpaid Family and DV Leave	5 days unpaid leave per year	5 days unpaid leave per year	5 days unpaid leave per year
Community Service Leave	Unpaid voluntary emergency management activities. There is no limit for days taken Jury Duty: paid 'make-up pay' (the difference between any jury duty payment from the court and the employee's base pay rate for the ordinary hours they would have worked) for the first 10 days of jury selection and jury duty, evidence needs to be provided		Unpaid voluntary emergency management activities. There is no limit for days taken Jury Duty: Unpaid
Long Service Leave	All employees are entitled to LSL. The amount and when it can be accessed differs between states and territories		
Public Holidays	All employees have a right to be absent from work on a day or part day that is a public holiday.		
	If a public holiday falls on a day you ordinarily work, you will be paid your base rate, if not worked Working on a public holiday will attract penalty rates. An employee's roster can't be changed to deliberately avoid this payment.		Not entitled to paid public holiday if not worked Working on a public holiday will attract penalty rates.
Notice of Termination and Redundancy Pay	Notice is to be provided for resignation and dismissal (unless terminated on the grounds of serious misconduct) according to your length of service. Final payments could include: payment in lieu of notice, pro-rata long service leave (according to applicable state law), and redundancy pay		Notice periods do not apply
Fair Work Information Statement	Employers have to give every new employee a copy of the Fair Work Information Statement (the FWIS) before, or as soon as possible after, they start their new job.		Employers have to give every new casual employee a Casual Employment Information Statement (the CEIS) before, or as soon as possible after, they start their new job
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Offers and Requests to Convert From Casual to Permanent Employment (Added 26 March 2021)	N/A	Casual employees who have worked for their employer for 12 months need to be offered the option to convert to full-time or part-time (permanent) employment by their employer. Certain eligibility requirements need to be met for this to occur

MODERN AWARD

Most Australian workers will be covered by a Modern Award, depending on their industry and type of job. Your Modern Award states the rights according to the particular industry you work in. The conditions and wages will be equal to or greater than the minimum standards.

Finding your Award:

1. Your contract may state which Award you are employed under.
2. See the Fair Work Ombudsman's website <https://www.fairwork.gov.au/awards-and-agreements/awards/find-my-award/>. Or call on 13 13 94.
3. Talk to your union - <https://www.australianunions.org.au/>

ENTERPRISE AGREEMENT

Many businesses in Australia will have an Enterprise Agreement. These set out the minimum employment conditions that can apply to one business or a group of businesses. Where there is a registered agreement, the Award will not apply, however the conditions and pay cannot be less than those in the Award or the NES.

CONTRACT

Your individual contract cannot be less than what is in the NES, Award or Enterprise Agreement.

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