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

# Find out more about your workplace entitlements and obligations during the impact of coronavirus at [coronavirus.fairwork.gov.au](https://coronavirus.fairwork.gov.au/)

# Important information about your pay and CONDITIONS

### 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 formal process

### Employment contracts

* provide additional conditions for an individual employee
* can’t reduce or remove minimum entitlements

Find your award at [**www.fairwork.gov.au**](http://www.fairwork.gov.au/)**.** Check if your workplace has an enterprise agreement at [**www.fwc.gov.au/agreements**](http://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**](https://www.fairwork.gov.au/pay/minimum-wages)

#### NATIONAL MINIMUM WAGE FROM 1 JULY 2020

* **$19.84/hour** full-time or part-time
* **$24.80/hour** casual

**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)

### NATIONAL EMPLOYMENT STANDARDS

These are minimumstandards 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)

**Last updated 13 August 2020**

|  | Full-time and part-time employees  | Casual employees |
| --- | --- | --- |
| Annual leave | Tick demonstrating that employee has minimum entitlements4 weeks paid leave per year (pro rata for part-time employees) + 1 week for eligible shift workers  | Cross demonstrating there are no minimum entitlements for this employee |
| **Personal leave** (sick or carer’s leave) | Tick demonstrating that employee has minimum entitlements10 days paid leave per year (pro rata for part-time employees) | Cross demonstrating there are no minimum entitlements for this employee |
| **Carer’s leave** | Tick demonstrating that employee has minimum entitlements2 days unpaid leave per permissible occasion (if no paid personal leave left) | Tick demonstrating that employee has minimum entitlements2 days unpaid leave per permissible occasion  |
| **Compassionate leave** | Tick demonstrating that employee has minimum entitlements2 days paid leave per permissible occasion | Tick demonstrating that employee has minimum entitlements2 days unpaid leave per permissible occasion |
| Family & domestic violence leave | Tick demonstrating that employee has minimum entitlements5 days unpaid leave per 12 months | Tick demonstrating that employee has minimum entitlements5 days unpaid leave per 12 months |
| **Community service leave**  * Jury service
 | Tick demonstrating that employee has minimum entitlements10 days paid leave with make-up pay + unpaid leave as required  | Tick demonstrating that employee has minimum entitlementsUnpaid leave as required |
| * Voluntary emergency management activities
 | Tick demonstrating that employee has minimum entitlementsUnpaid leave as required to engage in the activity  | Tick demonstrating that employee has minimum entitlementsUnpaid leave as required to engage in the activity |
| **Long service leave** | Tick demonstrating that employee has minimum entitlementsPaid leave (amount and eligibility rules vary between states and territories)  | Asterik image demonstrating that there are different entitlements for employees dependent on state or territoryVaries between states and territories |
| **Parental leave** eligible after 12 months employment | Tick demonstrating that employee has minimum entitlements12 months unpaid leave – can extend up to 24 months with employer’s agreement  | Tick demonstrating that employee has minimum entitlements12 months unpaid leave for regular and systematic casuals – can extend up to 24 months with employer’s agreement |
| **Maximum hours of work** | Tick demonstrating that employee has minimum entitlementsFull-time employees - 38 hours per week + reasonable additional hoursPart-time and casual employees - 38 hours or employee’s ordinary weekly hours (whichever is less) + reasonable additional hours  |
| **Public holidays**  | Tick demonstrating that employee has minimum entitlementsA paid day off if you’d normally work. If asked to work you can refuse, if reasonable to do so  | Tick demonstrating that employee has minimum entitlementsAn unpaid day off. If asked to work you can refuse, if reasonable to do so |
| **Notice of termination** | Tick demonstrating that employee has minimum entitlements1-5 weeks notice (or pay instead of notice) based on length of employment and age | Cross demonstrating there are no minimum entitlements for this employee |
| **Redundancy pay**eligible after 12 months employment | Tick demonstrating that employee has minimum entitlements4- 16 weeks pay based on length of employment (some exclusions apply) | Cross demonstrating there are no minimum entitlements for this employee |

# Important information about your pay and CONDITIONS

### 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**](http://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**](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.

### 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**](http://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:

| 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**](http://www.fairwork.gov.au/) **– 13 13 94** | **FAIR WORK COMMISSION*** hears claims of unfair dismissal and 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**](http://www.fwc.gov.au/) **– 1300 799 675** |

 [**www.fairwork.gov.au/termination**](http://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**](http://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**](http://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**](http://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**](http://www.fwc.gov.au/entry-permits)

 If you work in the commercial building industry the Australian Building and Construction Commission can help. [**www.abcc.gov.au**](http://www.abcc.gov.au/) **– 1800 003 338**

**Last updated 13 August 2020**