



COMMONWEALTH OF AUSTRALIA

Fair Work Act 2009

Notice under section 124(1) of the publication of the Fair Work Information Statement – June 2023

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 on 6 June 2023, as set out herein:





Sandra Parker

Fair Work Ombudsman

5 June 2023

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

CASUAL EMPLOYEES

If you are a casual employee, you also need to be given the Casual Employment Information Statement when you start work. Visit fairwork.gov.au/ceis for more information.

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 fairwork.gov.au/minimum-wages

**NATIONAL
MINIMUM WAGE**
FROM 1 JULY 2022



\$21.38/hour or \$812.60/week
(based on a 38 hour week)
for full-time employees



\$21.38/hour
for part-time
employees



\$26.73/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.



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

WHO CAN HELP?

FAIR WORK OMBUDSMAN

- information and advice about pay and entitlements
- free calculators, templates and online courses
- help fixing workplace problems
- enforces workplace laws and seeks penalties for breaches of workplace laws.

fairwork.gov.au - 13 13 94

FAIR WORK COMMISSION

- deals with claims 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

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 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 (pro rata for part-time employees)	✗
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	<ul style="list-style-type: none"> ✓ Employees of small businesses* — 5 days unpaid leave per year until 1 August 2023. From 1 August 2023, 10 days paid leave per year ✓ Employees of other businesses — 10 days paid leave per year <small>*A small business is a business that had less than 15 employees on 1 February 2023.</small>	
Community service leave <ul style="list-style-type: none"> • Jury service • Voluntary emergency management activities 	<ul style="list-style-type: none"> ✓ 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) 	<ul style="list-style-type: none"> ✓ 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	✓ Full-time, part-time and casual employees 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	<ul style="list-style-type: none"> ✓ 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)	✗
Casual conversion	✗	✓ 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

The **Record My Hours** app makes it quick and easy to record the hours you work:
fairwork.gov.au/app