

Workplace Relations Fact Sheet

Your rights and obligations

Know your rights

Australia's federal workplace relations system has a set of rules and obligations that all employers in the system are required to follow.

As an employee, you should know where you stand.

All full-time employees are protected by a key set of pay and conditions which cover:

- Guaranteed minimum wage rates
- Maximum working hours
- Four weeks paid annual leave
- Two weeks personal/carer's leave
- One year unpaid maternity or paternity leave

Part-time employees get similar entitlements based on their hours of work. Casual employees are guaranteed minimum wage rates, casual loadings and unpaid carer's leave.

Employees cannot be sacked because of their race, gender, age, disability, religion, pregnancy, family responsibilities or trade union membership.

Employees have the right to join, or not join, a union.

Employees must be issued pay slips and have accurate and complete time and wage records kept by their employer.

There is a Workplace Ombudsman to assist employees and ensure that employers meet their obligations and has the power to take legal action on such issues as:

- Whether an employee has been forced to sign a workplace agreement
- Whether employees have been underpaid
- Keeping records of employee entitlements
- Whether employers have provided pay slips.

Know where you stand

The Workplace Authority provides independent advice to employees and employers about the workplace relations system. It has a particular focus on helping young employees understand their workplace entitlements and agreements. Whether you're an employee or an employer, there's one place you can go for information, help and advice.

workplace.gov.au
Workplace Infoline
1300 363 264



Australian Government

Workplace Authority

Know your agreement

Under the workplace relations system there are a variety of working arrangements available, including Australian workplace agreements, collective agreements, union collective agreements and awards. There are protections in place for all these arrangements.

The Workplace Authority checks workplace agreements against a Fairness Test to make sure employees get fair compensation if they agree to change key award conditions. It means that if you trade existing protected award conditions, such as penalty rates, you must get fair compensation in return. Usually, the fair compensation will be a higher rate of pay.

The Fairness Test applies to employees' agreements in industries or occupations where an award usually applies that have had certain conditions removed or changed. These are:

- Penalty rates, including working on public holidays and weekends
- Shift and overtime loadings
- Monetary allowances
- Annual leave loadings
- Public holidays
- Rest breaks
- Incentive-based payments and bonuses.

If an agreement doesn't pass the Fairness Test it will have to be changed so that it gives fair compensation, and the employer will have to make up any back pay.

The Fairness Test applies to Australian workplace agreements for employees earning under \$75,000 and all collective agreements.

There is a range of support available to help you when negotiating your Australian workplace agreement:

- Employees can have someone with them when negotiating an agreement. It could be your spouse, a union representative or a friend
- Employees have 7 days to consider their workplace agreement, although this can be waived if the employee agrees
- A current employee cannot be sacked for refusing to sign a workplace agreement
- Employees cannot be sacked because an agreement doesn't pass the Fairness Test
- People under the age of 18 must have a responsible adult, such as a parent, co-sign their workplace agreement.

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