

OFFERED

A JOB?

KNOW YOUR

WORKPLACE

RIGHTS



Industrial
Relations



www.industrialrelations.nsw.gov.au

WORKPLACE RIGHTS WHAT DOES IT MEAN?

Workplace rights are the conditions and entitlements you receive in the workplace. This includes rates of pay, annual leave and sick leave amongst other things.

In Australia, national industrial relations laws set out the workplace rights and responsibilities of workers and their employers. These laws help make sure that everyone gets a fair day's pay for the work they do.

This booklet will help you understand your rights at work and provide information about where you can go if you need help.

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WHAT AGE CAN I START WORK?

There is no minimum legal age limit for starting work in NSW. Many teenagers start a part-time or casual job while still at school.

But if you are under the age of 17 and wishing to seek full-time work with the intention of leaving school, you should talk to the Career Adviser at your school to find out how you can apply to leave school.

Looking for your first job? For some helpful hints about writing your resume, how to make a good impression in an interview and other helpful information visit www.youngpeopleatwork.nsw.gov.au

STARTING WORK ON A TRIAL

When you are offered a job, you may be asked to work for a trial or probation period to see if you can do the job. This trial period also gives you a chance to see if you enjoy the work.

If you are completing a trial or probationary period, you must be paid. There is no such thing as 'unpaid trial work' and it is illegal for your employer not to pay you for any work that you do!

If you are asked to do work experience (usually 2 – 4 weeks) through a registered educational training organisation – like a school,

TAFE or university you will not be paid during that set time. Similarly if you are doing volunteer work for a charity or not-for-profit organisation you will not be paid.

If you are not sure about the work arrangement offered to you call the Fair Work Infoline on 13 13 94.

LETTER OF OFFER

Congratulations, so you got the job! Before you start work, your employer should give you a letter of offer setting out some important information, which could include:

- what the job involves and a list of your duties (your classification/grade)
- how much you will be paid each hour, week or fortnight
- your hours of work
- whether you are casual, part-time or full-time.

If you are asked to sign a document agreeing to working conditions, you should first read it very carefully.

Feel free to ask the boss for time to consider the document. Take the document home and get other people you trust to read it over with you.

Many young workers will be offered casual work when they get their first job either after school or on weekends. Casual workers receive an additional payment each hour, called a loading, to compensate for not receiving paid leave such as personal carer's (sick) leave and annual leave, and having no guarantee of regular employment.

FAIR WORK INFORMATION STATEMENT

When you start a job you must be given a copy of the Fair Work Information Statement by your boss. This information statement will explain to you in more detail your rights under the national industrial relations laws.

It will also provide you with useful contact numbers and website details explaining where you can get more information.

YOUR RIGHTS

Employers and employees in the private sector are covered by 10 National Employment Standards (NES). The NES are set out in the *Fair Work Act 2009* and comprise 10 minimum standards of employment.

The NES applies to all employees covered by the national industrial relations system, however only certain entitlements apply to casual employees.

In addition to the NES, most workers receive extra rights from a legal document called a modern award. There is a different award for each industry.

An award sets out the minimum wage and conditions of employment including:

- hours of work
- pay rates, penalty rates for weekend work, overtime
- allowances e.g. tools or uniforms
- annual leave and personal carer's (sick) leave entitlements*
- employment protection provisions e.g. redundancy payments
- part-time or casual work.

** Sometimes the award may refer you to the National Employment Standards (NES) for this information. See page 8 for information about the NES.*

To find out more about your workplace rights and what actions you can take if you are not receiving those rights visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94.

YOUR RESPONSIBILITIES

When starting a new job first impressions count!!

Here are some tips:

- Be on time! It will be expected that you arrive on time, so do whatever is necessary to make sure that you arrive on or before the agreed starting time. This may mean that you get things ready for your first day (clothes, lunch etc) the night before. Make sure you plan how you are going to get to work and if using public transport check timetables.
- Ask questions. Find out about your job. Learn about where you are working as well as making an effort to master any equipment,

software and other tools used in the job. There may be manuals, written procedures, websites or other resources available at your work that will help you, so make use of them and ask questions if you are unsure about anything.

- When at work...work! Let's face the facts. You are being paid to work, so don't get distracted by personal matters. Avoid making personal calls and updating your Facebook page in work time.
- Know the rules! Most workplaces have policies covering things like occupational health and safety, internet use, uniforms and taking of breaks. Make sure you know the rules of your workplace – and stick to them!

YOUR PAY

Your employer must pay you at least the minimum rate set out in in your modern award. However, your employer can pay you more than the minimum rate if they want to.

Your pay rate will depend on the type of work you do, and the actual times you work.

If you are under 21 most awards state that you will be paid a junior rate, which is based on your age, and is less than the adult rate.

Tip! – remember to tell your boss when you have a birthday as you may need to receive a yearly pay increase until you turn 21.

You may also be paid allowances for doing certain tasks, overtime pay for working outside your regular hours or penalty rates for working nights, weekends or public holidays.

You should be paid at least weekly or fortnightly. You may be paid in cash, by cheque or deposit into your bank account.

You must be given a pay slip by your boss every time you get paid.

You must give your boss your tax file details.

Remember, your employer cannot take money out of your pay without your written permission, unless it is required by law, such as tax.

KEEP A WORK DIARY

It is a good idea to keep a work diary as a record of events as you may need to refer to it sometime in the future, especially if you feel you are being underpaid or are having problems at work.

Keeping a work diary is particularly useful if you are doing a trial period of work.

You should write down:

- start and finish times
- any meal breaks
- who you worked with (supervisor, other workers)
- what work you did
- how much you got paid or didn't get paid.

Get into the habit! To be effective you need to record the information on the day it happens and do not change or alter it (in case it needs to be used as evidence at a later date).

It is also important to keep your pay slips and all work-related correspondence between you and your employer in a safe place such as a file or folder at home.

APPRENTICESHIPS & TRAINEESHIPS

Becoming an apprentice or trainee is a great way to turn a specific interest or talent that you have into a full-time job.

Your employer must register you as an apprentice or trainee and organise your training contract and a summary training plan with the Australian Apprenticeship Centre.

You are responsible for enrolling yourself at TAFE once you have your approval notification.

Check you are being offered the correct apprenticeship or traineeship rate for your award by calling the Fair Work Infoline on 13 13 94 or online via Live Help at www.fairwork.gov.au

If you experience any problems with your apprenticeship or traineeship or simply want some more information, you should talk to the Department of Education and Training (*see back cover for details*).

USEFUL CONTACTS

Department of Education and Training – State Training Services
Information on Apprenticeships and Traineeships

☎ 13 28 11

📞 www.training.nsw.gov.au

Unions NSW

☎ 02 9881 5999

📞 www.unionsnsw.org.au

WorkCover NSW

Workplace occupational health and safety including bullying at work

☎ 13 10 50

📞 www.workcover.nsw.gov.au

USEFUL CONTACTS

Fair Work Infoline

National system wages and work conditions

☎ 13 13 94

🖱 www.fairwork.gov.au

NSW Industrial Relations

Whether you are looking for your first job or need to know about your rights in the workplace

🖱 www.youngpeopleatwork.nsw.gov.au

🖱 www.moneystuff.net.au

Twitter: NSW_IR

Anti Discrimination Board of NSW

General Enquiry Service:

☎ (02) 9268 5544

For rural and regional

New South Wales only:

☎ 1800 670 812

🖱 www.lawlink.nsw.gov.au/adb