



## International students

# Do you know your workplace rights?

Like many international students you may get a part-time or casual job to help pay your living expenses while you study in Australia.

This guide will help you to understand your rights in the workplace. You can also read more information and get practical advice from [www.fairwork.gov.au/internationalstudents](http://www.fairwork.gov.au/internationalstudents)

All people working in Australia have basic entitlements. These include the right to minimum pay and conditions for any job you are employed to do - regardless of the length of your stay.

The Fair Work Ombudsman's role is to protect and enforce your workplace rights. We're here to help you.

### Before you start looking for work

Make sure you have permission to work in Australia and you understand the working conditions of your student visa. For information contact the Department of Immigration and Citizenship (DIAC) on **13 18 81** or visit [www.immi.gov.au](http://www.immi.gov.au)

You'll also need a Tax File Number (TFN). These are issued by the Australian Taxation Office (ATO) and are used to identify people for tax purposes. To avoid paying the highest rate of tax you should give your employer your TFN. For information phone the ATO on **13 28 61** or visit [www.ato.gov.au](http://www.ato.gov.au)

[www.fairwork.gov.au](http://www.fairwork.gov.au)

Fair Work Infoline **13 13 94**  
Mon-Fri 8.00am-6.00pm local time



Australian Government

**Fair Work**  
OMBUDSMAN

# Working in Australia

## The difference between full-time, part-time and casual jobs

Full-time employees generally work 38 hours a week. They are paid for a full week's work and receive benefits like paid annual leave and sick leave.

Part-time employees work less hours than full-time employees but generally receive the same benefits. These are calculated on a proportional or 'pro rata' basis. If you are employed part-time you will usually work regular hours or shifts.

Casual employees work on an hourly or daily basis and are less likely to have regular or guaranteed hours. They do not get paid sick leave or annual leave, but the pay rate is usually higher to make up for this.

## Finding out about your entitlements

Your minimum pay and conditions may be set by an award, agreement or contract of employment. These are legal documents which set out your employer's obligations to you and your responsibilities as an employee.

Ask your employer which award or agreement applies to you and your job so you can find out how it affects you.

If an agreement or an award does not apply, laws in Australia will provide basic minimum pay and conditions.

If you are asked to sign any type of document agreeing to work conditions, make sure you read it very carefully and understand it before you sign. Also keep a copy for your records.

Your award or agreement should tell you things like:

- your minimum rate of pay
- if you are entitled to penalty rates (higher pay rates) for working nights, weekends or public holidays
- the minimum number of hours per shift you can be rostered and paid for
- if you should be paid an allowance for doing certain tasks.

Most people working in Australia are also protected by the National Employment Standards (NES). The NES provide all people working full-time and part-time in the national system with 10 minimum rights and conditions. Some of the NES also apply to casual employees. You can read more about the NES at [www.fairwork.gov.au](http://www.fairwork.gov.au)

## Your workplace rights

These are general conditions most workers are entitled to in Australia – you should check your award or agreement for the specific conditions that apply to you.

### Getting paid

- You should be paid for all hours you work, including:
  - trial shifts or probation periods
  - meetings
  - training
  - opening and closing the business.
- Your employer should pay you at least the legal minimum rate shown in your award or agreement. Your employer can pay you more than the minimum rate, but not less.
- Depending on your age you may be paid a junior rate. In most jobs you will be paid junior rates until you turn 21.
- You should be paid at least once a month and receive a pay slip within one working day of being paid.
- Money can't generally be taken out of your pay if customers leave without paying, if the cash registers are short, or if you accidentally break something.
- Your employer may pay you in cash, by cheque or bank deposit.

### Shifts and holidays

- You should start and finish your shift at the rostered time even if work is busy or quiet, unless you and your employer agree otherwise.
- You should generally get a 30 minute unpaid rest or meal break after five hours work.
- You can say no to working on a public holiday if you have reasonable grounds. What is considered reasonable grounds depends on the kind of work you do.

### Finishing a job

- If you want to resign from your job you usually have to tell your employer in advance. If you don't give your employer enough notice they may be able to keep some of your pay to cover the notice period.
- If you are a casual employee your job may be terminated, by you or your employer, at one hour's notice.

## Things to be careful of

- If you are paid in cash, check your pay slip to make sure you have received your minimum legal entitlements and that tax has been taken out of your pay. 'Cash in hand' is a term used to describe when you are paid in cash without tax being taken from your earnings. Being paid 'cash in hand' is against the law.
- Independent contracting is where one business does work for another business. Generally an independent contractor would be asked for their Australian Business Number (ABN) in order to be paid. Some employers disguise employment relationships as independent contracting to avoid paying minimum rates and tax or honouring conditions like annual leave and sick leave. This is called 'sham contracting' and it is against the law.
- Your employment can't be terminated for asking your employer about your pay and entitlements, or for contacting the Fair Work Ombudsman.
- It is illegal for anyone to discriminate against you at work, or when you are seeking work, for reasons including, but not limited to, your race, colour, sex, sexual preference, age, marital status or religion.
- It is not okay for you to be dismissed because you are temporarily absent from work because of illness or injury.
- Your employer cannot put undue pressure or use undue influence to get you to sign an agreement or agree to certain arrangements.

If you feel like any of these things are happening to you, you should contact the Fair Work Ombudsman immediately.

## How the Fair Work Ombudsman can help you

Contact us for information and advice if:

- You have any questions about your work situation
- You believe you are not receiving your minimum pay, leave and conditions.

Visit [www.fairwork.gov.au/internationalstudents](http://www.fairwork.gov.au/internationalstudents)

Call the Fair Work Infoline **13 13 94** Monday to Friday between 8.00am and 6.00pm.

## Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50.