



Australian Government  
Workplace Ombudsman

# WORKING IN AUSTRALIA WHAT ARE MY WORKPLACE RIGHTS?

## FACTS FOR INTERNATIONAL STUDENTS

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

All people working in Australia have basic rights and protections in the workplace.

These include the right to minimum pay and conditions for any job you are employed to do.

The Workplace Ombudsman makes sure that these rights are protected and enforced fairly under Australia's workplace relations laws.

You need to know your workplace rights. This brochure will help you.

Protecting your workplace rights

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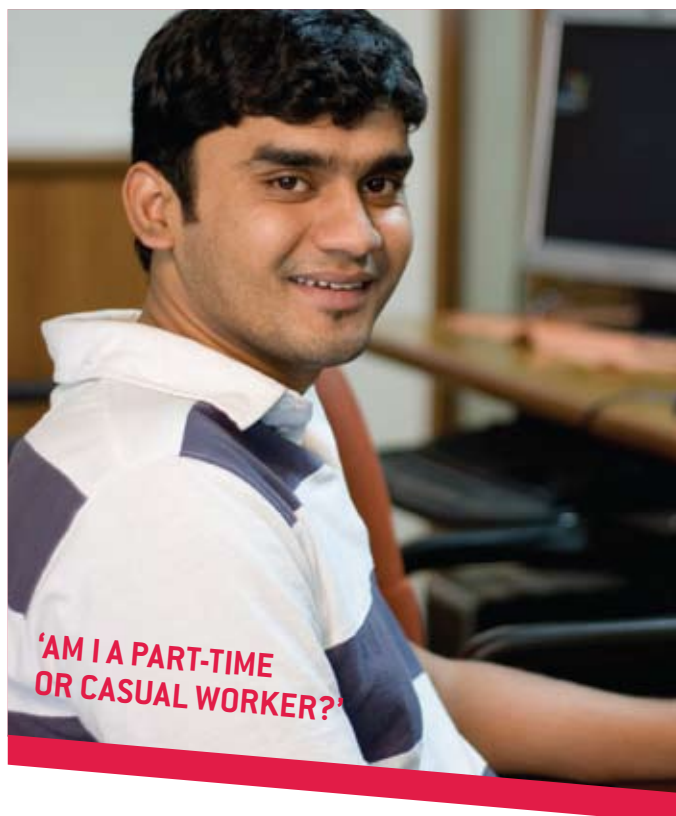
## WHAT IS THE DIFFERENCE BETWEEN FULL-TIME, PART-TIME AND CASUAL WORK?

Full-time employees generally work 38 hours per week and receive pay for a full week's work as well as conditions like annual leave and sick leave.

Part-time employees work regular hours each week, but less hours than full-time employees. You generally receive the same benefits as full-time workers but on the basis of the hours you work (pro rata).

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

You must have permission to work in Australia and hold a valid work visa. It is important you understand the rules of your work visa before starting a job. For information go to the Department of Immigration and Citizenship (DIAC) website [www.immi.gov.au](http://www.immi.gov.au).



## WHAT ARE MY MINIMUM RIGHTS AND CONDITIONS AT WORK?

Your minimum rights and conditions at work may be set by a legal document like a federal or state award, a collective agreement, or an individual transitional employment agreement (ITEA). Ask your employer which one will apply to you and your job so you can find out how it will affect 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 signing. Keep a copy for your records.

Your award or agreement should tell you things like:

- your minimum rate of pay – remember, your employer can pay you more than the minimum if they want to, but they cannot pay you less
- the number of hours you will work each week
- when you will be paid – you should be paid at least once a month
- if you are entitled to more money (penalty rates) for working nights, weekends or public holidays, or overtime pay for working outside your regular hours
- if you should be paid an allowance for doing certain tasks
- the minimum number of hours per shift you can be rostered and paid for
- when you should be taking breaks during your shift
- how much notice you need to give your employer if you want to resign from your job.

Go to [www.workplaceauthority.gov.au](http://www.workplaceauthority.gov.au) for more information about awards, collective agreements and ITEAs.



## WHAT IS NOT OK AT WORK?

- Unpaid work trials are generally against the law – you should not be asked to work for free. You should be paid for all hours you work, including meetings or training and the time you spend opening and closing the business
- Not being given a pay slip – you should receive a pay slip within one day of being paid
- Having money taken out of your pay to cover customers who have left without paying or if the registers are short
- Being sent home from work early – you should start and finish your shift at the rostered time no matter how busy or quiet it is, unless you and your employer agree otherwise
- Receiving goods or services instead of pay
- Being pressured, forced or threatened to sign a workplace agreement
- Being sacked because you were sick or injured
- Being sacked because of your race, colour, sex, sexual preference, marital status, pregnancy or religion.

If you feel like any of these things are happening to you, you should contact the **Workplace Ombudsman** Help Line on **1300 724 200** for assistance.



## CAN MY EMPLOYER PAY ME IN CASH?

Your employer may choose to pay you in cash, by cheque or bank deposit.

It is ok for your employer to pay you in cash as long as tax has been taken from your earnings and sent to the Australian Taxation Office (ATO) [www.ato.gov.au](http://www.ato.gov.au). Check your pay slip to make sure this is being done.

'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.

Contact the **Workplace Ombudsman** Help Line on **1300 724 200** if you are unsure about your pay arrangements.

## AM I AN EMPLOYEE OR INDEPENDENT CONTRACTOR?

Employees generally work for another person under a contract of employment, like an award or agreement, in return for regular pay.

Independent contracting is where one business does work for another business. Generally, independent contractors will use their own equipment, choose what hours they work and decide how they do the work.

Some employers disguise employment relationships as an independent contracting arrangement to avoid paying legal minimum rates of pay, tax, and entitlements like annual leave and sick leave. This is called 'sham contracting' and it is against the law.

Contact the **Workplace Ombudsman** Help Line on **1300 724 200** if you are unsure about your employment arrangements.

## WHEN TO CONTACT THE WORKPLACE OMBUDSMAN?

If you believe you are not receiving your minimum rights and conditions at work, contact the Workplace Ombudsman for FREE information and advice.

## HOW DO YOU CONTACT THE WORKPLACE OMBUDSMAN?



**Over the telephone** – call the Workplace Ombudsman Help Line on 1300 724 200.



**Over the internet** – visit our website at [www.wo.gov.au](http://www.wo.gov.au) to lodge a complaint, use our “Live Help” advisory service, or to access our online tools and information.



**By email** – via a special “Contact Us” form available at [www.wo.gov.au](http://www.wo.gov.au).



**By post** – address your letter to the Workplace Ombudsman at GPO Box 9887 in your capital city.



**In person** – visit one of our offices located in each capital city and in 18 regional areas across the country. Find your nearest office at [www.wo.gov.au](http://www.wo.gov.au).

Contact the **Translating and Interpreting Service (TIS)** on **131 450** if you need help communicating in English.

## WHERE TO GET MORE INFORMATION?

- Australian Tax Office [www.ato.gov.au](http://www.ato.gov.au) for tax and superannuation help
- Department of Immigration and Citizenship [www.immi.gov.au](http://www.immi.gov.au) for information about your visa
- Workplace Authority [www.workplaceauthority.gov.au](http://www.workplaceauthority.gov.au) for general information and advice on all workplace relations matters including minimum pay and conditions of employment, and advice on negotiating workplace agreements
- Australian Industrial Relations Commission [www.airc.gov.au](http://www.airc.gov.au) if you feel you have been sacked unfairly or because of discrimination
- Human Rights & Equal Opportunity Commission [www.hreoc.gov.au](http://www.hreoc.gov.au) if you feel you are being harassed, bullied or discriminated against.

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### Disclaimer

This information has been provided by the Workplace Ombudsman as general guidance only and should not be treated as legal advice. The relevant law is set out in the *Workplace Relations Act 1996* and the *Workplace Relations Regulations 2006*, the *Independent Contractors Act 2006* and the *Independent Contractors Regulations 2007*.