



Australian Government
Workplace Ombudsman

I GOT THE JOB!

FACTS FOR FIRST-TIME WORKERS

All people working in Australia have basic rights and protections at work.

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

The role of the Workplace Ombudsman is to make sure that your rights are protected, understood and enforced.

So, what are your workplace rights?

My job

WHAT'S THE DIFFERENCE BETWEEN FULL-TIME, PART-TIME AND CASUAL?

Full-timers generally work 38 hours per week, are paid for a full week's work and receive entitlements like annual leave and sick leave.

Part-timers work regular hours each week, but less hours than full-time employees. You're usually given the same benefits as full-timers but on the basis of the hours you work (pro rata).

Casuals work on an hourly or daily basis and are less likely to have regular or guaranteed hours of work. You generally don't get paid sick leave or annual leave, but your pay rate is usually higher.

WHAT'S THE DEAL WITH AWARDS AND WORKPLACE AGREEMENTS?

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).

These will help you to find out:

- your minimum rate of pay – your employer can pay you more, but not less
- how many hours you will work each week
- if you are entitled to penalty rates (more money) for working nights, weekends or public holidays
- 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 quit your job.

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

Remember:

- You can't be forced or threatened into signing an agreement.
- If you're starting a new job it can be a condition of your employment to sign an ITEA until 31 December 2009.
- If you're under the age of 18, a parent or guardian must co-sign your ITEA.

Getting paid

- Unpaid 'trials' are generally against the law. You shouldn't be asked to work for free.
- You should be paid for all hours you work, including meetings or training and any time you spend opening and closing the business.
- In most jobs you will be paid junior rates until you turn 21.
- You should be given a pay slip within one day of being paid.
- Money can't be taken out of your pay if customers leave without paying or if the cash registers are short.
- 'Cash in hand' is when you are paid without tax being taken out and it is against the law.
- You should give your employer your tax file number otherwise you can be taxed at a higher rate.

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 both agree otherwise.
- Generally you should get an unpaid break if you work five hours or more.
- You can say no to working on a public holiday if you have reasonable grounds.

Finishing up

- You generally have to give your employer notice you're quitting your job. If you don't give enough notice, your employer can keep pay to cover the notice period.
- Generally, if you're a casual your job may be terminated at one hour's notice.
- You can't be sacked because of things like your race, sex or age.

Think you're being underpaid or not getting a fair deal?

If you believe you're not getting your minimum rights and conditions at work, contact the Workplace Ombudsman for FREE information and advice. Call our Help Line on **1300 724 200** or go to www.wo.gov.au and chat online with an adviser.

You can also check the facts on our website:

www.wo.gov.au/youngworkers

What info should be on my pay slip?

- the name of your employer
- your name
- the date of pay
- the period of pay (for example 24/03/08 to 30/03/08)
- your pay before tax (gross) and pay after tax (net)
- any penalty rates, allowances or other entitlements paid
- if you're paid an hourly rate, your ordinary hourly rate of pay and the number of hours you worked in the period of pay
- any deductions taken from your pay, like superannuation

Protecting your workplace rights