



Summary of conditions of employment

National Employment Standards

Permanent, Full-time or Part-time

Federal Industrial Relations System

THIS SUMMARY ASSUMES THE FOLLOWING THINGS

- The employment is full-time or part-time employment (options for both full-time and part-time are provided, you should refer to the option that is applicable for you)
- The employment is **not** for shift-work
- The employer is covered by the federal industrial relations system (see: *The federal industrial relations system: A guide for Aboriginal and Torres Strait Islander Corporations and their employees* for more information)
- The employment is not covered by a modern award or other industrial instrument and the employee is therefore 'award/agreement free'

July 2024

We have prepared this document to help you understand your conditions of employment. The document summarises important conditions of your employment that are covered by the National Employment Standards in the *Fair Work Act 2009* (the **NES**).

This summary of the **NES** is not legal advice and you should not rely on it as legal advice.

To learn more about your conditions of employment under the **NES**, you can go to the Fair Work Ombudsman website at: <https://www.fairwork.gov.au/employment-conditions/national-employment-standards>.

Hours of work

[corporation to strike out the clause relating to full-time employees if the employee is engaged part-time, or the clause relating to part-time employees if the employee is engaged full time]

If your contract states that you are employed full-time:

You are to work 38 hours per week.

In addition to ordinary hours, we may require you to work reasonable additional hours. That is, in any given week, we may require you to work 38 hours plus reasonable additional hours. You may refuse to work unreasonable additional hours.

[Note: see NES FW Act sections 62(1) and 61(2).]

If your contract states that you are employed part-time:

You are to work the hours specified in the contract (less than 38 hours per week).

In addition to ordinary hours, we may require you to work reasonable additional hours. That is, in any given week, we may require you to work your ordinary hours plus reasonable additional hours. You may refuse to work unreasonable additional hours.

Your right to request flexible working arrangements

If you have been employed with us for 12 months, and you:

- are pregnant;
- are a parent, or are responsible for the care of, a child school age or younger;
- are a carer;
- have a disability;
- are 55 or older;
- are experiencing family and domestic violence or providing care or support to an immediate family member or household member who requires care or support because of family and domestic violence,

you have a right to ask us to change your working arrangements.

[See NES FW Act section 65.]

Parental leave

If you have been employed with us for 12 months, you are entitled to 12 months of unpaid parental leave to care for your own newborn child or your spouse's or your de facto partner's newborn child, or for a newly-adopted child who is under the age of 16 years, that you have a responsibility to care for.

[See NES FW Act sections 67–70.]

Annual leave

Full time employees are entitled to four weeks of paid annual leave for each year of service with us, pro rata for part-time employees. If your contract of employment states that you are entitled to more than four weeks of paid annual leave, then you will be entitled to the amount of annual leave as set out in the contract.

Your annual leave accrues through the year, and your annual leave credits can be carried over from year to year.

[See NES FW Act sections 87(1) and 87(2).]

You may take annual leave for a period agreed between you and us.

If you ask us for annual leave for a period, and you have sufficient annual leave credits, we will not unreasonably refuse to agree to your request.

[See NES FW Act sections 88 (1) and 88(2)].

Personal/carer's leave and compassionate leave

Full-time employees are entitled to 10 days of paid personal/carer's leave for each year of service with us, pro rata for part-time employees.

Your paid personal/carer's leave accrues through the year, and your paid personal carer's leave credits can be carried over from year to year.

[See NES FW Act sections 96–101.]

You are also entitled to two days of unpaid personal/carer's leave, for each permissible occasion.

You are entitled to two days of paid compassionate leave for each time:

- a member of your immediate family or your household contracts or develops a personal illness, or suffers an injury, that poses a serious threat to their life, or dies; or
- a child is stillborn, where the child would have been a member of your immediate family or household; or

- you, or your spouse or de facto partner, has a miscarriage.

If you take personal/carer's leave or compassionate leave, you must tell us that you are taking the leave as soon as you can, and you must give us reasonable evidence to show that you are taking the leave for the reason you are claiming it.

[See NES FW Act sections 102–106 and 107.]

Paid family and domestic violence leave

You are entitled to take 10 days of paid family and domestic violence leave in a 12-month period. Paid family and domestic violence leave is available if you are experience family and domestic violence and you need to do something to deal with its impact, and it is impracticable to do that thing outside of your work hours.

Paid family and domestic violence leave does not accumulate from year to year.

[Note: see NES FW Act sections 106A – 106E].

Community service leave

You are entitled to take community service leave. This covers jury service, and reasonable time to do voluntary emergency management activities.

If you take community service leave, you must tell us that you are taking the leave and the expected period of absence as soon as you can, and you must, if requested, give us reasonable evidence to show that you are taking the leave for the reason you are claiming it.

[See NES FW Act sections 108–110.]

Public holidays

You are entitled to be absent from work on a day or part-day that is a public holiday in the place where your work is based, and to be paid for that day or that part-day,

If you are employed part-time, you are only entitled to be paid if your pattern of work means that you would normally have worked on that day.

But we may ask you to work on a public holiday. You may say no to our request, if our request is unreasonable, or if it is reasonable for you to say no.

[See NES FW Act sections 114–116.]

Superannuation

The FW Act and superannuation legislation, including the *Superannuation Guarantee (Administration) Act 1992* (Cth), the *Superannuation Guarantee Charge Act 1992* (Cth), the *Superannuation Industry (Supervision) Act 1993* (Cth) and the *Superannuation (Resolution of Complaints) Act 1993* (Cth), deal with the rights and obligations of employers and employees.

Notice of termination of employment

If we decide to terminate your employment, we will give you the amount of notice that is required by the contract of employment (if any), or the amount of notice set out in the table below (whichever is greater).

| <i>Period of your employment with us</i> | <i>Notice</i> |
|---|---------------|
| Up to 1 year | 1 week |
| More than 1 year but not more than 3 years | 2 weeks |
| More than 3 years but not more than 5 years | 3 weeks |
| More than 5 years | 4 weeks |

And if you are over 45 years old and you have been employed with us for at least two years, we will give you an additional week of notice.

However, you are not entitled to notice if your employment is terminated because you engaged in serious misconduct.

Your employment contract may require that we provide notice greater than the notice set out in the table above. In which case, the greater notice period will apply.

If you decide to resign at any time, including while you are on probation, you will give us the amount of notice set out in your employment contract.

We may elect to pay you an amount in lieu of notice. This amount will be equal to the amount we would have paid you if you had worked with us until the end of your notice period.

[Note: see NES FW Act section 117.]

Redundancy pay

If you have been employed with us for at least one year, you may be entitled to be paid redundancy pay if we terminate your employment because we no longer need your job to be done by anyone (except where this is due to the ordinary and customary turnover of labour) or where we become insolvent.

The amount of your redundancy pay will depend on how long you have been employed by us. The minimum amount of your redundancy pay will be calculated using the table in section 119 of the Fair Work Act.

[Note: see NES FW Act sections 119 – 121.]

[Note: The redundancy entitlements under the NES may not apply if the employer is a small business employer within the meaning of the FW Act: see section 121 of the Fair Work Act.]

Fair Work Information Statement

We will provide you with a copy of the Fair Work Information Statement, prepared by the Fair Work Ombudsman, when you start employment with us.

[See NES FW Act section 125.]