



# Working hard? Here are your basic rights in the workplace. Employment Rights 101

It is really important that you know and fully understand your rights in the workplace. You should stay informed about what you're entitled to, what is ethical under the Fair Work Act, and what you can do if something goes wrong in the course of your employment. Unfortunately unethical treatment of employees is an ongoing problem for many companies, which again makes it important for you to be aware of your rights. It is also common for international students to misunderstand their employment rights in Australia due to cultural differences. Here are some key points and resources to be aware of.

## TRIAL PERIODS

All employees are entitled to be paid for their work, even when on probation or being trained. Many employees who are new to Australia are mistaken about this because of unfair labour practices in other countries.

## CASUAL EMPLOYEES

New provisions came into play after 27 September 2021 regarding the employment of casual workers. Also after this date a current casual employee can make a request to their employer to become a permanent employee if certain conditions are met.

## PENALTY RATES

Many awards provide for a greater hourly rate of pay on weekends and public holidays (this is not always the case for casuals). When an employee is required to work for the 'weekly rate' on weekends it is possible that the employee is being underpaid.

## UNFAIR DISMISSAL

Not all dismissals are unfair - but an employer must have a valid reason to terminate an employee's employment. If an employee suffers a detriment **because** they've tried to exercise a workplace right then that could constitute an

**Adverse action.** An employee has 21 days from the date of the dismissal to commence proceedings for unfair dismissal in the Fair Work Commission. If an employee believes their dismissal was unfair, they should get legal advice urgently

## DISCRIMINATION, BULLYING AND HARASSMENT

Your employer is obligated to ensure that you are not subjected to discrimination, harassment or bullying in the workplace. It is illegal for a member of your workforce to treat you unfairly because of characteristics such as your race, sex, pregnancy or marital status, age, disability, or sexual orientation. If you feel that you are being unfairly treated in the workplace you should seek independent legal advice.

## SUPERANNUATION

Employees who earn \$450.00 (before tax) or more per month are entitled to superannuation, provided they are aged 18 or over. If they are under 18 and working more than 30 hours per week they are also entitled to superannuation. The employer must contribute an additional 10% of wages to a superannuation fund. Overseas students and employees on any other type of visa are entitled to superannuation.

## WHAT CAN YOU DO IF YOU ARE CONCERNED ABOUT YOUR RIGHTS?

Make sure to read over these key points, as well as to gain further understanding by looking at the resources below. Educating yourself is important so you know what your rights are and what is ethical or unethical in the workplace.

If you are worried about any of this, UOW does provide a free legal advice service that can provide you with advice and direct you on the next steps to take to get support.

## SOME USEFUL WEBSITES FOR FURTHER INFORMATION:

- [www.fairwork.gov.au](http://www.fairwork.gov.au)
- [calculate.fairwork.gov.au/FindYourAward](http://calculate.fairwork.gov.au/FindYourAward)
- [humanrights.gov.au/](http://humanrights.gov.au/)
- [www.uow.edu.au/student/support-services/legal-clinic](http://www.uow.edu.au/student/support-services/legal-clinic)
- [www.legalaid.nsw.gov.au](http://www.legalaid.nsw.gov.au)
- [www.uow.edu.au/student/support-services/legal-clinic/factsheets/](http://www.uow.edu.au/student/support-services/legal-clinic/factsheets/)
- [www.study.sydney/work/employment-conditions](http://www.study.sydney/work/employment-conditions)
- [llawarrallegalcentre.org.au](http://llawarrallegalcentre.org.au)

*This legal guide provides a brief summary and introduction of the laws and regulations and is intended as a general guide only. This guide does not cover all cases in all legal jurisdictions and might not apply in your specific circumstances. It is important that you use this information as a guide only and seek independent Legal Advice or consult the Relevant Acts. We do not accept any liability that may arise from the use of this information.*