



Australian Government

Fair Work
OMBUDSMAN

A guide to starting a new job



Starting a new job can be an exciting time. It can also be a little nerve-wracking. Although every workplace is different, there are some rights and responsibilities that apply to all employees and employers. Know your rights and responsibilities before you start work, so you can focus on settling into your new job.

This guide provides the information you need to know and links to further information. You can also access our 'Starting a new job' online learning course at www.fairwork.gov.au/learning



Your rights and entitlements

Most employers and employees in Australia are covered by the *Fair Work Act 2009* (the FW Act). The FW Act sets out your workplace rights and obligations. Before starting a new job make sure you know the answers to these important questions:

What are the National Employment Standards?

The FW Act contains the National Employment Standards or 'NES'. The NES are the minimum standards of employment and cover:

1. **Maximum weekly hours** – 38 hours per week, plus reasonable additional hours
2. **Requests for flexible working arrangements** – certain employees can request a change in their working arrangements
3. **Parental leave** – up to 12 months unpaid leave per employee, as well as the right to request an additional 12 months leave
4. **Annual leave** – four weeks paid leave per year, plus an additional week for some shiftworkers
5. **Personal/carer's leave and compassionate leave** – up to 10 days per year paid personal/carer's leave (sometimes called sick leave), two days unpaid carer's leave and two days compassionate leave (unpaid for casuals) as required
6. **Community service leave** – unpaid leave for voluntary emergency management activities and leave for jury service
7. **Long service leave** – paid leave for employees who have been with the same employer for a long time
8. **Public holidays** – an entitlement to a day off on a public holiday, unless reasonably requested to work
9. **Notice of termination and redundancy pay** – up to five weeks notice of termination and up to 16 weeks redundancy pay
10. **Fair Work Information Statement** – a document that must be provided to all new employees.

For more information about the NES go to www.fairwork.gov.au/nas



Am I full-time, part-time or casual?

Your type of employment will affect your hours of work, your rate of pay and some of your entitlements. You should ask your employer what your employment type will be before you start your new job.

- **Full-time employees** work 38 hours per week, plus reasonable additional hours.
- **Part-time employees** work less than 38 hours per week. These employees work a regular pattern of hours which are usually recorded in writing. Part-time employees get entitlements such as annual leave and personal/carer's leave on a pro-rata basis – this means that it is based on how many ordinary hours they work.
- **Casual employees** usually aren't guaranteed a certain number of hours each week. They usually get a casual loading (an extra percentage added to their rate of pay) instead of entitlements like paid personal/carer's leave or annual leave, a paid day off on a public holiday or redundancy pay.

You could also be either a fixed term employee and/or a junior employee. Ask your employer if you're not sure.

- **Fixed term employees** are engaged for a specified period of time, task or season. For example, a fixed term employee may be used to cover a parental leave absence or to work on a particular project. Fixed term employees can be full-time, part-time or casual.
- **Junior employees** are under 21 years of age. Junior employees generally get the same entitlements as adult employees but often get a lower rate of pay based on their age.

For more information on the different types of employment go to www.fairwork.gov.au/employment



What award or agreement covers my employment?

Your new job is likely be covered by an award or enterprise agreement. These are legal documents that provide entitlements such as rates of pay and breaks.

Awards

An award automatically applies to employers and employees working in an industry or occupation. To find the award that applies to your new job go to www.fairwork.gov.au/awards

Enterprise agreements

An agreement sets out the terms and conditions of employment between a group of employees and one or more employers. For an enterprise agreement to apply to your employment it needs to have been approved by the Fair Work Commission.

An agreement will generally override any award that would otherwise apply, although it does need to meet the minimum wage provided in the award.

For information on agreements, or to search for the agreement that applies in your workplace, visit www.fwc.gov.au

Award/Agreement free employees

Some jobs will not be covered by an award or enterprise agreement. Employees in these types of jobs are award/agreement free but are still entitled to the National Minimum Wage and the NES.



What should I be paid?

You must be paid at least the minimum wage in your award or agreement. If you're award/agreement free you must be paid at least the National Minimum Wage.

Wages may be paid by cash, cheque or electronic funds transfer to your bank account (EFT).

Rates of pay in awards and agreements will depend on your duties, age, experience and qualifications. If your duties change, you may get a different rate of pay.

Minimum rates of pay usually increase on 1 July each year.



What about taxation and superannuation?

In most cases, your employer should deduct tax from your wages. Paying 'cash in hand' without deducting tax is illegal.

If you earn over a certain amount each month, your employer is also required to pay superannuation for you. Superannuation is paid in addition to your minimum wage; your employer cannot deduct it from your wages.

The Australian Tax Office (ATO) can provide you with more information about taxation and superannuation at www.ato.gov.au



What paperwork should I get?

You should get a pay slip from your employer no later than one day after pay day. Your employer should also be keeping records about your employment including details about your pay, hours of work, leave entitlements and any agreements that you've made such as an individual flexibility agreement.



Do I have to complete a probation period?

Some employers will put new employees on a probation period to make sure they're suited to the job. Employees on probation should still be paid the correct minimum wage and get their NES entitlements, including notice of termination if the employer decides to end their employment.



What should I watch out for?

- **Sham contracting:** your employer should not engage you as an independent contractor to avoid paying your entitlements when you're actually an employee.
- **Goods or services instead of pay:** you should be paid at least your minimum wage for all hours that you work. You shouldn't get things like food or clothes instead of your wages.
- **Deductions:** your employer can only take money out of your pay in limited circumstances. Your employer cannot take money out of your pay for breakages, till shortages or customers who don't pay.
- **Adverse action and discrimination:** your employer shouldn't take adverse action against you for exercising your workplace rights (eg. taking leave under the NES) or for a discriminatory reason such as pregnancy, age or religion. Adverse action can include things like your employer ending your employment or cutting your shifts.

For more information on your workplace rights check out the factsheets available at www.fairwork.gov.au/factsheets

Tailored advice from your union

Unions represent employees in the workplace. Unions can provide their members with information, advice and support.

For information about union membership and advice and assistance on workplace issues please visit the Australian Council of Trade Unions at www.actu.org.au



Your responsibilities

As an employee you'll have responsibilities to your employer. The work that you do will be helping your employer to run their business so you should make sure that you're working to the best of your ability. You should perform all the duties of your new job and comply with any lawful and reasonable directions that your employer gives you. You should also let your employer know if there is anything in the workplace that concerns you.

Make sure that you know about and follow the workplace's policies and procedures, including those that relate to a safe and healthy workplace. Part of contributing to a safe and healthy workplace is ensuring that you do not discriminate, bully or harass other employees or anyone else you interact with in your new role. You should also make sure that you don't reveal any confidential information about the business.

It will be important to your new employer that you are punctual and reliable. You should let your employer know as soon as possible if you can't make it to work. For example, if you're sick or have to care for someone who is sick. Find out your employer's preferred way of notifying them. For example, do you have to call them if you're sick or can you send a text message?



Your first day

You'll need to remember a lot of new things on your first day. Don't be afraid to ask questions to try and find out what you can before you start.

- **Work location** – where you were interviewed might not be where you'll be working, so check where you need to go on your first day
- **Supervisor** – make sure you know who you need to talk to when you arrive on your first day
- **Hours of work** – know when you need to arrive on the first day and what hours you'll work
- **Travel arrangements** – in some industries your employer will provide you with transport to work; otherwise you should work out how you'll get to work and how long it will take
- **Dress code** – find out what you should wear. If the business has a uniform you should make arrangements to collect this
- **Facilities** – find out if the business has a kitchen or meals area and what facilities are available for you to prepare or buy your meals
- **Your duties** – find out what type of tasks you'll be doing
- **Paperwork** – you'll generally need to fill in forms about taxation and superannuation, provide your employer with your bank details and you might also need to sign a contract, a confidentiality agreement or other documents
- **Workplace policies** – find out what the policies and procedures are in your new workplace. These can cover things like social media use, public holidays and sick leave procedures.

Be MoneySmart

Now that you're earning money you want to be smart about what you do with it.

The Australian Securities and Investments Commission (ASIC) have free Be MoneySmart online training modules to help apprentices and VET school students manage their money and learn skills that will help them in the future.

For more information refer to their website at www.moneysmart.gov.au/teaching/teaching-resources/teaching-resources-for-vet



Resolving workplace issues

Even in the best workplaces there may be times when issues arise. Sometimes they will be minor and will be easily resolved, but sometimes the situation will be more complex. Although it can be difficult, it's important that you try to deal with any issues straight away, otherwise they can get worse.

As soon as you can, you should speak with your employer about the issue. If you're unsure about how to start this conversation you should look at our free 'Difficult conversations in the workplace - employee course' in our Online Learning Centre at www.fairwork.gov.au/learning

You need to be prepared to work with your employer to resolve an issue. Remember that they also need to consider other employees.

If you take a flexible and practical approach to resolving the issue, you and your employer should be able to find the solution that best suits everyone involved.



Getting the most out of your job

When you start a new job you want to make the most of this opportunity. Be flexible and positive. If your employer has put you on a probation period, work with them to see how you're performing and how you can improve your work. Once you've finished your probation period, you can keep looking for ways to be a good employee. For example, you can use your initiative, organise and prioritise your work and look for better ways of doing things. Even once your probation period is finished you should continue working with your employer to improve your skills and knowledge. Keep learning on the job and remember there might also be formal training opportunities.

Everyone wants to work in a happy and productive workplace. Part of being a great employee is contributing to a positive workplace culture. You can do this by assisting other employees where appropriate and working cooperatively with your team.

You should also think about the way that you work with your employer. If you show your employer that you are a trustworthy employee and build a good working relationship, it will be easier to talk to them about work and any issues that arise.

There are a number of skills that will help you to succeed in your new job. These include:

- being a clear communicator
- working well in a team
- problem solving
- planning and organising your work
- working independently
- learning and developing new skills
- using relevant technology
- showing initiative and contributing.

You can improve some of these skills by completing our 'Starting a new job' online learning course at www.fairwork.gov.au/learning



Your employment details

This worksheet will help you make sure you have all the information you need when starting a new job. If you're not sure of the answer, speak to your new boss or contact the Fair Work Infoline on 13 13 94.



First day

Where do you need to go on your first day?

What time do you start on your first day?

Who do you need to report to on your first day?



Paperwork

Have you signed and completed all of the paperwork you need to give your employer?

- Letter of offer/employment contract
- Tax File Number declaration form
- Superannuation choice form

The ATO can provide you with more information about taxation and superannuation at www.ato.gov.au

- Other (eg. deductions, policies):

What information do you need to take on your first day?

- Bank account details
- Tax file number
- Licences (eg. drivers licence, RSA)
- Passport and visa
(if you're visiting and working in Australia)
- Proof of age (if you're under 21)
- Qualifications and/or school records
- Apprenticeship or traineeship papers
- Emergency contact details
- Other:



Uniform

Do you have to wear a uniform for work?

- Yes, my employer has already provided it/will provide it on my first day
- Yes, I need to buy the uniform
- No, but I understand the dress code



Tools

Do you need tools for work?

- Yes, my employer has already provided them/will give them to me on my first day
- Yes, I need to bring/buy my own tools
- N/A



Award/Agreement

What's your award/agreement?

- My award/agreement is:

- I am award/agreement free

To find out more about awards go to: www.fairwork.gov.au/awards



Employment type

Are you full time, part time or casual?

- Full-time
- Part-time
- Casual

Are you ongoing (permanent) or fixed term?

- Ongoing (permanent)
- Fixed term

Are you a junior and/or an apprentice/trainee?

- Junior
- Apprentice/trainee
- N/A



Probation

Do you have to complete a probation period?

Yes, my probation period is from: _____ to _____

No, I do not have a probation period



Duties

Do you know what your main duties will be?

Yes

No, I need to follow this up with my employer



Pay

What is your base rate of pay?

My rate of pay is \$ _____

How you will be paid?

Direct deposit/EFT

Cheque

Cash

How often will you be paid?

Weekly

Fortnightly

Monthly

How will you be given your payslip?

Hard copy

Email

Mail

Other: _____



Hours and shifts

What are the minimum hours you will work each week?

_____ hours per week

Do you know what your roster will be?

Yes

No, I need to follow this up with my employer



Meal and rest breaks

What meal and rest breaks are you entitled to?

Tip: It's a good idea to keep your own diary to record:

- the dates you worked

- the time you started and finished

- your break times

- the name of your supervisor on your shift

- any leave you take.



Fair Work Information Statement

Have you received a Fair Work Information Statement from your employer?

Yes

No, I need to follow this up with my employer



Leave

Do you know what leave you're entitled to?

Select those that apply to you:

Annual leave

Personal/carer's leave

Compassionate leave

Community service leave



Things to find out on your first day at work

Anything that I haven't been able to answer above!

Where should I store my personal items?

What do I do if there is an emergency?

What are the rules about making personal calls, using social media, or having visitors at work?

Who should I contact if I'm sick or running late?

Who should I ask if I have questions about my job?

Find out more

For more information about starting a new job, see our 'Starting a new job' online learning course at www.fairwork.gov.au/learning

Find out more

www.fairwork.gov.au

FairWork Infoline – 13 13 94



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