

NATIONAL EMPLOYMENT STANDARDS



YOUR RIGHTS UNDER THE FAIR WORK ACT

The National Employment Standards (NES) are ten minimum employment standards guaranteed in the Fair Work Act 2009.

1. Hours of work
2. Right to request flexible work arrangements
3. Parental leave and related entitlements
4. Annual leave
5. Personal/carer's leave and compassionate leave
6. Community service leave
7. Long service leave
8. Public holidays
9. Notice of termination and redundancy pay
10. Provision of a Fair Work Information Statement

WORK/LIFE BALANCE AND THE FAIR WORK ACT

Under the 10 provisions working mothers and fathers are entitled to a work life that can be adapted to suit their responsibilities and carer's needs. Most particularly, the following standards are below expanded to show their full scope:

1. Right to request flexible work arrangements - Parents or carers may request adjusted working arrangements if they care for a child under school age or a child under 18 with a disability.
2. Parental leave and related entitlements - All employees are entitled up to 12 months unpaid leave and the right to request an additional 12 months unpaid leave, and other forms of maternity, paternity and adoption related leave.
5. Personal/carer's leave and compassionate leave - 10 days paid personal/carer's leave, two days unpaid carer's leave and two days compassionate leave (unpaid for casuals) as required.

WHAT YOU'RE ENTITLED TO

If an employer provides an employee with entitlements that are less than the NES, it is a punishable offence and they might be answerable for penalties of up to \$6,600 for an individual and \$33,000 for a corporation.

Though your employer may refuse your request for flexible arrangements on "reasonable business grounds" you are entitled to request in writing; changes to your hours of work, patterns and location of work (e.g. reduced hours, job sharing arrangements or working from home or another location).

THE AWU'S MINIMUM STANDARDS

The NES is the very minimum you should expect from your employment but as a member of the AWU you can expect much more. The AWU believes that you are entitled to a range of expanded clauses and endeavours to have the following work/life provisions included in all Enterprise Agreements:

- 18 weeks employer paid maternity leave and 6 weeks employer paid paternity;
- Top-up pay on the government's 18 weeks at minimum wage Paid Parental Leave Scheme;
- The right to appeal to Fair Work Australia any rejections of flexible arrangement requests, and
- Special domestic violence clauses.

The AWU also helps workers who are trying to make individual arrangements to accommodate their carer's duties, or work/life balance. The union can represent you to your boss or provide you with the information and assistance you need to address the matter.

Free call on: 1300 885 653



Need more information on this issue? Call the AWU free on 1300 885 653.