



## At What Age?

There is no law setting a minimum age for employment, so you can start a casual or part-time job at any time (within reason)!

During the time between finishing Year 10 and turning 17, you must either be full time in school, in approved education or training (e.g. TAFE, traineeship, apprenticeship) in full time paid employment or in a combination of work, education and/or training.

## What Contract?

Every worker has a contract of employment, even if you are just working a couple of hours a week. The contract determines the rights and responsibilities of you and your boss. If you haven't been handed a document with "contract" in the title, your conditions of employment may be found in a letter offering you the job, or you may have a "verbal contract" i.e. what you and the boss said when discussing the job.

As well as these forms of contract, most workplaces are bound by an Industrial Modern Award. An Award sets out minimum standards of employment, including wages, for a particular line of work – e.g. retail, hospitality, building, hairdressing, manufacturing. If your employer doesn't tell you which Modern Award covers you, you can find out by contacting Fair Work Australia, and read your Award on-line at [www.fwa.gov.au](http://www.fwa.gov.au).

Most workers are also protected by rights contained in the National Employment Standards, a law which covers things such as hours of work, leave and public holidays, and flexible hours for parents and carers, regardless of the particular type of work. So you see, you have many rights as a worker, and it's important to know what these are! While most employers do the right thing, some do not, and it's not uncommon for young people to be exploited in the workplace. If unsure of your rights, you can contact one of the Help points listed at the end of this section.

## Wages

Your contract of employment should set out your rate of pay – if not, check out your Award (see above). As well as an hourly rate, you might have other entitlements such as overtime pay, penalty rates for working outside normal hours, and allowances for expenses like uniforms or tools.

Young people are sometimes offered unpaid "trial" work. This is illegal. It's okay for the boss to give you a trial period, but you are entitled to full pay for all the hours worked, even if you aren't kept in the job when the trial ends.

Your boss is required by law to give you pay-slips showing details like how many hours you have worked, how much pay you received, the tax taken out and superannuation paid.

If you have been underpaid or denied your entitlements, you can take legal action to recover the money from your boss or ex-boss (see Help points on the back of this page).

## Ending a Job

In most cases, a worker can resign from a job whenever they like, as long as reasonable notice is given to the boss under the terms of the employment contract.

An employer can end a casual worker's contract at any time; but needs to have a genuine reason to dismiss a permanent employee. Reasons might include unsatisfactory performance, misconduct, or redundancy. All outstanding wages and entitlements must be paid to the worker.

It's unlawful for the boss to sack you for certain reasons:- such as forms of discrimination; not coming to work because of sickness or injury; or making a formal complaint against the employer. If you are unlawfully dismissed you can seek reinstatement (getting your job back), or compensation for lost wages, by filing an unlawful termination claim with Fair Work Australia.

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## Ending a job cont'd

A different type of claim is for unfair termination – where you believe you were sacked in harsh, unjust or unreasonable circumstances. Not all employees can make an unfair termination claim. Employment law can be complicated, so if you think your dismissal was wrong seek legal advice and do so quickly. You only have 21 days, from the date of dismissal, to file an unlawful or unfair termination claim.

## Discrimination

It is against the law for a person to be discriminated against, while in a job or applying for a job, on the basis of race, sex (gender), pregnancy, disability, age, marital status, carer/family responsibilities, sexual preference or transgender status. Sexual harassment is a form of sex discrimination. For more information on discrimination law see the month of December.

## Health and Safety

Employers have a duty to ensure the health, safety and welfare of employees, and this includes safe equipment and procedures, training and supervision. Employees themselves have a duty to take care at work. You should tell the boss if you notice anything unsafe.

Some young people experience bullying at work, involving teasing, verbal abuse, harassment or physical violence. This is unlawful whether it occurs at the hands of the boss or other employees, and you can report the behaviour to WorkCover (see Help points). You might be eligible for workers compensation payments if you are physically or psychologically injured.

## HELP POINTS

### Fair Work Australia

[www.fwa.gov.au](http://www.fwa.gov.au)

1300 799 675

### NSW Industrial Relations

[www.youngpeopleatwork.nsw.gov.au](http://www.youngpeopleatwork.nsw.gov.au)

### WorkCover Authority of NSW

[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

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### Shoalcoast Community Legal Centre

[www.shoalcoast.org.au](http://www.shoalcoast.org.au)

4422 9529 (Shoalhaven)

1800 229 529 (Eurobodalla and Bega Valley)

### LawAccess NSW

[www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au)

1300 888 529

### NSW Anti-Discrimination Board

<http://www.antidiscrimination.lawlink.nsw.gov.au>

1800 670 812