**NATIONAL EMPLOYMENT STANDARDS**

The National Employment Standards (NES) are **10 minimum employment entitlements** that have to be provided to all employees. The national **minimum wage and the NES** make up the minimum entitlements for employees in Australia. An award, employment contract, enterprise agreement or other [registered agreement](http://www.fairwork.gov.au/Dictionary.aspx?TermID=2034) can't provide for conditions that are less than the national minimum wage or the NES.

Google National Employment Standards or go to [*http://www.fairwork.gov.au/employee-entitlements/national-employment-standards*](http://www.fairwork.gov.au/employee-entitlements/national-employment-standards)& complete the missing words in the boxes below.

**The 10 minimum entitlements of the NES are:**

**1.** [**Maximum weekly hours**](http://www.fairwork.gov.au/Employee-entitlements/hours-of-work-breaks-and-rosters/Hours-of-work/default)**:**

Ordinary hours are an employee's normal and regular hours of work, which do not attract overtime rates. Awards, enterprise agreements and other [registered agreements](http://www.fairwork.gov.au/Dictionary.aspx?TermID=2034) set out the maximum ordinary hours in a day, week, fortnight or month.

The ordinary hours can be different for full-time, part-time and casual employees.

An employee can work a maximum of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ hours in a week.

**2.** [**Requests for flexible working arrangements**](http://www.fairwork.gov.au/Employee-entitlements/Flexibility-in-the-workplace/flexible-working-arrangements)

Certain employees have the right to request flexible working arrangements. Employers can only refuse these requests on reasonable business grounds. Flexible working arrangements include changes to:

* hours of work (eg. changes to start and finish times)
* patterns of work (eg. split shifts or job sharing)
* locations of work (eg. working from home).

Employees who have worked with the same employer for at \_\_\_\_\_\_\_\_\_\_\_ months can request flexible working arrangements if they:

* are the parent, or have responsibility for the care, of a child who is school aged or younger
* are a carer (under the *Carer Recognition Act 2010*)
* have a disability
* are 55 or older
* are experiencing family or domestic violence, or
* provide care or support to a member of their household because of domestic violence.

**Example:**

Greg wants to start work at 10am instead of 9am so he can take his son to pre-school. He can request flexible working arrangements to help him care for his son.

**3.** [**Parental leave and related entitlements**](http://www.fairwork.gov.au/Leave/maternity-and-parental-leave/default)

Parental leave is leave that can be taken when:

* an employee gives birth
* an employee's spouse or de facto partner gives birth
* an employee adopts a child under 16 years of age.

Employees are entitled to 12 months of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ parental leave. They can also request an additional 12 months of leave.

**4.** [**Annual leave**](http://www.fairwork.gov.au/leave/annual-leave/default)

Annual leave (also known as holiday pay) allows an employee to be paid while having time off from work. All employees (except for casual employees) get paid annual leave.

Awards, enterprise agreements and other [registered agreements](http://www.fairwork.gov.au/Dictionary.aspx?TermID=2034) can't offer less than the NES but they can give more annual leave.

Full-time and part-time employees get \_\_\_\_\_\_ weeks of annual leave, based on their ordinary hours of work.

Annual leave accumulates from the first day of employment, even if an employee is in a probation period. The leave accumulates gradually during the year and any unused annual leave will roll over from year to year.

**Example:**

Jane is a part-time employee who works 20 hours per week for a year.

At the end of the year, she is entitled to 80 hours of annual leave (the equivalent of 4 weeks work for her).

**5.** [**Personal carers leave**](http://www.fairwork.gov.au/leave/sick-and-carers-leave/default)**and** [**compassionate leave**](http://www.fairwork.gov.au/leave/compassionate-leave)

Sick and carer's leave (also known as personal leave / carer's leave) lets an employee take time off to help them deal with personal illness, injury, caring responsibilities and family emergencies. An employee may have to take time off to care for an immediate family or household member who is sick or injured or help during a family emergency. This is known as carer's leave but it comes out of the employee's personal leave balance.

An immediate family member is a: spouse, de facto partner, child, parent, grandparent,

grandchild, sibling, or family member of the employee's spouse or de facto partner.

Employees get \_\_\_\_\_\_\_ days each year for full-time employees or pro rata of 10 days each year depending on their hours of work for part-time employees.

**Example:**

Suzanne is a full-time employee who works 38 hours per week. Rebecca is a part-time employee who works 19 hours per week. Suzanne gets 10 days paid sick and carer's leave per year. Rebecca gets 5 days paid sick and carer's leave per year as she works half the hours Suzanne works.

**6.** [**Community service leave**](http://www.fairwork.gov.au/leave/community-service-leave/default)

Employees, including casual employees, can take community service leave for certain activities such as:

* voluntary emergency management activities eg fire-fighting, civil defence or rescue body
* jury duty (including attendance for jury selection).

With the exception of jury duty, community service leave is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**7.** [**Long service leave**](http://www.fairwork.gov.au/leave/long-service-leave/default)

An employee gets long service leave after a long period of working for the same employer (7-10 years). Most employees' entitlement to long service leave comes from long service leave laws in each state or territory.

**In Western Australia:**

* Long service leave is an additional paid leave entitlement for employees who have worked in a business for a long period of time. Full time, part time and casual employees are entitled to long service leave.
* Long service leave is 82/3 weeks of paid leave after 10 years’ service working in the same business.  For every five years of continuous employment after this initial 10 years, you are entitled to 41/3 weeks of paid long service leave.
* If you resign, are dismissed (except for serious misconduct) or made redundant, you are entitled to be paid out long service leave if you have worked continuously with the business (even if there have been different owners) for at least 7 years.  If you have between 7 and 10 years’ service the long service leave payment owed to you is worked out on a pro-rata basis for the entire period of employment, including years, months and days.  If you leave after working 10 or more years, your payment is worked out on completed years of service only

*http://www.commerce.wa.gov.au/labour-relations/long-service-leave-entitlements-employees*

**Note:** The state and territory long service leave laws don't apply when there are long service leave entitlements in:

* a federal [pre-modern award](http://www.fairwork.gov.au/Dictionary.aspx?TermID=2077) that would have covered an employer and their employees before 1 January 2010
* a [registered agreement](http://www.fairwork.gov.au/Dictionary.aspx?TermID=2034), that covers an employee.

**8.** [**Public holidays**](http://www.fairwork.gov.au/Leave/Public-holidays/default)

Public holidays can be different depending on the state or territory you work in.

It's important to know when public holidays are because employees can get different entitlements on these days.

**Example: Employee working outside their state on a day that is a public holiday**

Cass is an employee of a business located in Melbourne. She has been sent to Sydney to perform work during November. During her interstate visit, the Melbourne Cup public holiday is observed. As Cass's base of employment is Melbourne, she is entitled to the public holiday entitlements for that day, even though it is not a public holiday where she is physically working.

In WA in 2015 there were \_\_\_\_\_\_\_\_\_\_\_\_ public holidays.

**9.** [**Notice of termination**](http://www.fairwork.gov.au/Ending-employment/notice-and-final-pay/default) **and** [**redundancy pay**](http://www.fairwork.gov.au/ending-employment/redundancy/default)

A notice period is the length of time that an employee or employer has to give to end employment. To end an employee’s employment (also known as firing or terminating employment), an employer has to give them \_\_\_\_\_\_\_\_\_\_\_\_\_\_ notice of their last day of employment. An employer can either:

* let the employee work through their notice period, or
* pay it out to them (also known as pay in lieu of notice).

If an employee’s employment is ended while they’re on probation, they still have to get or be paid out notice based on their length of service.

Employees who are resigning don’t need to give notice in writing - they can give it verbally.

**Serious misconduct is when an employee:**

* causes serious and imminent risk to the health and safety of another person or to the reputation or profits of their employer’s business (theft, fraud, assault), or
* deliberately behaves in a way that is inconsistent with continuing their employment.

When an employee is terminated on the grounds of [serious misconduct](http://www.fairwork.gov.au/Dictionary.aspx?TermID=2080), the employer does not have to provide any notice of termination. However, the employer does have to pay the employee all outstanding entitlements such as payment for time worked or annual leave.

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**Redundancy happens when an employer either:**

* doesn't need an employee’s job to be done by anyone, or
* becomes insolvent or bankrupt.

Redundancy can happen when the business:

* introduces new technology (eg. the job can be done by a machine)
* slows down due to lower sales or production
* relocates interstate or overseas
* restructures or reorganises because a merger or takeover happens.

When an employee's job is made redundant their employer has to give them redundancy pay, also known as severance pay. Redundancy pay doesn't need to be paid in some circumstances, for example by some small businesses and to casual employees.

**10. Fair Work Information Statement**

Employers have to give every new employee a copy of the Fair Work Information Statement before, or as soon as possible after, they start their new job.

The Statement provides new employees with information about their \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of employment.

*Source reference:* [*Fair Work Act 2009 (Cth) section 117 *](http://www.comlaw.gov.au/Series/C2009A00028)