

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. They can't exclude the NES.

The 10 minimum entitlements of the NES are:

- Maximum weekly hours (<http://www.fairwork.gov.au/Employee-entitlements/hours-of-work-breaks-and-rosters/Hours-of-work/default>)
- Requests for flexible working arrangements (<http://www.fairwork.gov.au/Employee-entitlements/Flexibility-in-the-workplace/flexible-working-arrangements>)
- Parental leave and related entitlements (<http://www.fairwork.gov.au/Leave/maternity-and-parental-leave/default>)
- Annual leave (<http://www.fairwork.gov.au/leave/annual-leave/default>)
- Personal carers leave (<http://www.fairwork.gov.au/leave/sick-and-carers-leave/default>) and compassionate leave (<http://www.fairwork.gov.au/leave/compassionate-and-bereavement-leave>)
- Community service leave (<http://www.fairwork.gov.au/leave/community-service-leave/default>)
- Long service leave (<http://www.fairwork.gov.au/leave/long-service-leave/default>)
- Public holidays (<http://www.fairwork.gov.au/Leave/Public-holidays/default>)
- 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>)
- Fair Work Information Statement (<http://www.fairwork.gov.au/Employee-entitlements/National-Employment-Standards/fair-work-information-statement>)

Who's covered by the NES

All employees in the national workplace relations system (<http://www.fairwork.gov.au/Dictionary.aspx?TermID=2033>) are covered by the NES regardless of the award, registered agreement or employment contract that applies.

Casual employees and the NES

Casual employees only get NES entitlements relating to:

- unpaid carer's leave
- unpaid compassionate leave
- community service leave
- the Fair Work Information Statement.

In some states and territories long serving casuals are eligible for long service leave.

Where there is an expectation of ongoing work for a casual and the casual has been employed regularly and systematically for at least 12 months, they have extra entitlements from the NES.

These are:

- the right to request for flexible working arrangements
- access to parental leave.

Source reference: Fair Work Act 2009 (Cth) section 61  (<http://www.comlaw.gov.au/Series/C2009A00028>)

Think a mistake might have been made?

Mistakes can happen. The best way to fix them usually starts with talking.

Check out our Help resolving workplace issues (<http://www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-resolving-workplace-issues/default>) section for practical advice on:

- figuring out if a mistake has been made
- talking to your employer or employee about fixing it
- getting help from us if you can't resolve it.

What to do next

- Download the Fair Work Information Statement (DOCX 136.1KB) (<http://www.fairwork.gov.au/ArticleDocuments/724/Fair-Work-Information-Statement.docx.aspx>) (PDF 220.1KB) (<http://www.fairwork.gov.au/ArticleDocuments/724/Fair-Work-Information-Statement.pdf.aspx>)
- Find an Award (<http://www.fairwork.gov.au/Awards-and-agreements/Awards/default>) that applies
- Search the Fair Work Commission website (<https://www.fwc.gov.au/awards-and-agreements/agreements>)  for an agreement

Help for small business

- Find tools, resources and information you might need on our Small business page (<http://www.fairwork.gov.au/Find-help-for/Small-business/default>).

You might also be interested in

- Introduction to the National Employment Standards fact sheet (<http://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/minimum-workplace-entitlements/introduction-to-the-national-employment-standards>)
- Award and agreement free wages and conditions (<http://www.fairwork.gov.au/awards-and-agreements/award-and-agreement-free-wages-and-conditions>)
- My employment checklist (DOCX 443.2KB) (<http://www.fairwork.gov.au/ArticleDocuments/715/My-employment-checklist.docx.aspx>) (PDF 327.2KB) (<http://www.fairwork.gov.au/ArticleDocuments/715/My-employment-checklist.pdf.aspx>)

Page reference No: 2143

The Fair Work Ombudsman is committed to providing advice that you can rely on.

The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional.

Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.

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Find out more
www.fairwork.gov.au
Small Business Helpline – 13 13 94



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