

The National Employment Standards

The following provisions are a concise summary of approximately 60 pages. Please refer to the NES for full details in relation to each of the areas.

1. Maximum Weekly Hours

- 38 hours is the maximum ordinary hours per week
- Employer may request the working of additional hours
- Employees may refuse to work these additional hours if unreasonable – see definition

2. Employee Requests for Flexible Working Arrangements

- Employee may request flexible work arrangements to care for pre-school age child or a child under 18 who has a disability
- The request can be made by a permanent employee with at least 12 months service or a casual employee with regular and systematic work over the preceding 12 months.
- Employer must respond to a request within 21 days and can only refuse on reasonable grounds

3. Parental Leave

- Employees with 12 months service may request up to 12 months Parental Leave
- The employee must provide 10 weeks notice of the expected date of proceeding on leave
- The employee may request transfer to a safe job.
- Please refer to NES for full details

4. Annual Leave

- Employees are entitled to 4 weeks annual leave per year
- Annual leave accrues progressively throughout the year
- Annual leave may be taken for a period agreed between an employee and his or her employer.
- The employer must not unreasonably refuse to agree to a request to take paid annual leave.
- Modern Awards may add further entitlements such as annual leave loading 17.5%
- Annual leave cannot be cashed out unless allowed in the applicable Award

5. Personal/Carer's Leave and Compassionate Leave

- Employees are entitled to 10 days personal/carers leave per year
- Leave accrues progressively through the year.
- An employee may take paid personal/carers leave:
 - because the employee is unfit for work because of a personal illness or injury;
 - or
 - to provide care or support to a member of the employee's immediate family or household, who requires care or support because of a personal illness or injury or an unexpected emergency affecting the member.
- The employer may require reasonable evidence – i.e. medical certificate etc
- Additional 2 days unpaid personal/carers leave is available once paid leave has been used
- Personal/carers leave cannot be cashed out unless allowed by the applicable Award
- An employee is entitled to 2 days compassionate leave for each occasion when a member of the employee's immediate family or household:

- (a) contracts or develops a personal illness that poses a serious threat to his or her life;
 - (b) sustains a personal injury that poses a serious threat to his or her life; or
 - (c) dies.
- The leave can be taken as 2 single days, one period of 2 days or as otherwise agreed between the employee and the employer.

6. Community Service Leave

- Community service leave includes SES type activities
- Jury service– employers are required to pay the difference
- The employer is only required to pay for the first 10 days of jury service.

7. Long Service Leave

- Refer to NSW Long Service Leave Acts

8. Public Holidays

- Employees are entitled to following public holidays and State declared public holidays
- Where an employee is rostered to work on the following public days they are entitled to be absent from work with pay:
 - 1 January (New Year's Day);
 - 26 January (Australia Day);
 - Good Friday;
 - Easter Monday;
 - 25 April (Anzac Day);
 - the Queen's birthday holiday (on the day on which it is celebrated in a State or Territory);
 - 25 December (Christmas Day);
 - 26 December (Boxing Day);
 - any other day, or part-day, declared by or under a law of a State to be observed generally within the State or region of the State, as a public holiday
- A State or a Modern Award may substitute a public holiday to occur on another day.

9. Notice of Termination & Redundancy

- The Standard only prescribes to employer and employee notice requirements
- The employer must give an employee written notice of termination – prior to the termination.
- **Redundancy Pay** - Please refer to the NES for full details of redundancy provisions
- The notice period may be worked by the employee or may be paid in lieu to the employee.

Notice Provisions

Not more than 1 year	1 week
More than 1 year but not more than 3 years	2 weeks
More than 3 years but not more than 5 years	3 weeks
More than 5 years	4 weeks

If an employee is over 45 and has been employed for at least 2 years – increase the above notice by 1 week.

10. Fair Work Information Statement

Employers must provide new employees with a copy of the Fair Work Information Statement.