

## Do you have a problem at work?

Australia's employment system has a set of rules and obligations that all employers and employees need to follow.

### Have you been dismissed?

If you think you have been dismissed unfairly you only have **21 days** from the date of your dismissal to lodge an application with the Fair Work Commission.

You should call Legal Aid ACT urgently.

#### Legal Aid ACT

We provide free legal advice on employment law issues.

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

Phone: **1300 654 314**

You can only make an unfair dismissal claim if you have been employed for at least 6 months. If it is a small business, then you must have been employed for at least 12 months before you can bring a claim of unfair dismissal.

### General Protections

An employer must not take 'adverse action' against an employee. This means that employers are not allowed to:

- deny employees their legal entitlements;
- change an employee's job to their disadvantage;
- treat an employee differently to other staff;
- offer an employee unfair terms and conditions compared to other staff; and
- (in some circumstances) refuse to hire someone applying for a role.

If you think you have been treated unfairly, call Legal Aid ACT.

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Remember, if the dispute involves your dismissal you only have 21 days from the date of dismissal to lodge an application with the Fair Work Commission.

#### Fair Work Commission

To lodge an application for an unfair dismissal

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

### Hours of work

There are a maximum number of hours that you can be asked to work each week. If you are full-time this is generally 38 hours. If you work more than this number on a regular basis then you may need to be paid overtime or penalty rates.

### Pay and Payslips

Being paid the right amount for our work is important, so is receiving payslips so you can check you are getting paid the correct amount. If you are not receiving a payslip following every pay, ask your employer for this.

### Superannuation

Once you earn over a certain amount each month your employer must make superannuation payments on your behalf into a superannuation fund of your choice.

## Do you have a problem at work?

### Leave

Full time and part time employees are entitled to annual leave, personal (sick) leave, compassionate leave, long service leave, parental leave and time off on public holidays. Casuals are not entitled, but should be getting paid a casual loading in place of these entitlements.

### Parental Leave

Parental leave laws can be confusing. If you or your partner is having a baby or adopting, then you may be entitled to parental leave. If you would like help understanding your entitlement, come and have a chat with Legal Aid.

### Flexible work arrangements

You can ask for flexibility at work in certain circumstances. For example, this might be because you need to care for children or an elderly person, you have a disability, or you are dealing with family violence. Your employer must consider your request for flexibility at work in these circumstances.

### Bullying and Harassment

Everyone has a right to not be bullied or harassed at work.

### Discrimination

Discrimination means treating a person unfairly or differently because of their race, colour, gender, sexuality, age, disability or religion.

If you have been discriminated against in the workplace, you may be able to apply to the Fair Work Commission or make a complaint to the ACT Human Rights Commission. We are happy to guide you through the complaint process.

#### ACT Human Rights Commission

To make a complaint  
Phone: **(02) 6205 2222**

### Redundancy

Redundancy is different to being sacked. In certain circumstances an employer is allowed to make employees redundant.

### Safe Workplace

All employees have a right to work in a safe workplace. An employer has a duty to take all reasonably practicable steps to protect the health, safety and welfare of employees while at work.

If you are worried about your safety at work then talk to us. Please note though that Legal Aid ACT cannot help you with any workers compensation claim.

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*This Factsheet was last reviewed November 2020.*