

Introduction to the National Employment Standards

What are the National Employment Standards?

The National Employment Standards (NES) are the minimum standards of employment which cover the following:

- [Maximum weekly hours of work](#) – 38 hours per week, plus reasonable additional hours.
- [Requests for flexible working arrangements](#) – certain employees can ask to change their working arrangement.
- [Parental leave and related entitlements](#) – up to 12 months unpaid leave and the right to ask for an extra 12 months unpaid leave. Also includes adoption-related leave.
- [Annual leave](#) – 4 weeks paid leave per year, plus an additional week for some shift workers.
- [Personal/carer's leave, compassionate leave, and family and domestic violence leave](#) – 10 days paid personal/carer's leave (pro rata for part-time employees), 2 days unpaid carer's leave as required, 2 days compassionate leave as required and 5 days unpaid family and domestic violence leave (in a 12-month period).
- [Community service leave](#) – unpaid leave for voluntary emergency activities and leave for jury service, with an entitlement to be paid for up to 10 days for jury service.
- [Long service leave](#) – paid leave for employees who have been with the same employer for a long time.
- [Public holidays](#) – a paid day off on a public holiday (unpaid for casuals), except where reasonably requested to work.
- [Notice of termination and redundancy pay](#) – up to 5 weeks notice of termination and up to 16 weeks redundancy pay, both based on length of service.
- [Provision of a Fair Work Information Statement](#) and the [Casual Employment Information Statement](#) – the Fair Work Information Statement must be provided by employers to all new employees. Casual employees must also be given the Casual Employment Information Statement.
- [Casual conversion](#) – the right for casual employees to become permanent employees.

Who do the NES apply to?

The NES apply to all employees covered by the national workplace relations system, however only certain entitlements apply to casual employees.

These are:

- maximum weekly hours
- 2 days unpaid carer's leave and 2 days unpaid compassionate leave per occasion
- 5 days unpaid family and domestic violence leave (in a 12-month period)
- community service leave (except paid jury service)
- public holidays
- the Fair Work Information Statement and the Casual Employment Information Statement
- right to casual conversion.

Casual employees have the right to become a permanent (full-time or part-time) employee in some circumstances. This is known as 'casual conversion'. This can be a requirement for the employer to offer their employee casual conversion, or a right for the employee to request it.

In addition, casual employees who have been employed for at least 12 months by an employer on a regular and systematic basis and with an expectation of ongoing employment are entitled to:

- make requests for flexible working arrangements
- parental leave and related entitlements.

There are also two NES that apply to all full-time and part-time employees, whether they are covered by the national workplace relations system or not. These are:

- parental leave and related entitlements
- notice of termination.

How do the NES apply?

Terms in awards, registered agreements and employment contracts cannot exclude or provide for an entitlement less than the NES, and those that do have no effect. However, they can affect the operation of the NES in certain ways.

For example, they may specify terms that deal with:

- averaging an employee's ordinary hours of work
- the cashing out and taking of paid annual leave

- the cashing out of paid personal/carer's leave
- extra personal/carer's leave or annual leave in exchange for foregoing an equivalent amount of pay
- the substitution of public holidays
- situations in which redundancy entitlements do not apply.

They may also supplement the NES by providing entitlements that are more favourable for employees.

Penalties in excess of \$13,000 (for an individual) or \$66,000 (for a company) can apply for a contravention of the NES. Penalty amounts are subject to change. [You can check the current penalty amounts](#) at fairwork.gov.au/litigation

CONTACT US

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: **13 13 94**

Need language help?

Contact the Translating and Interpreting Service (TIS) on **13 14 50**

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: **13 36 77**. Ask for the Fair Work Infoline **13 13 94**

Speak & Listen: **1300 555 727**. Ask for the Fair Work Infoline **13 13 94**

The Fair Work Ombudsman is committed to providing you with advice that you can rely on. The information contained in this fact sheet 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 a workplace relations professional.

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