

Get Work ready

Know your
rights +
find help





This booklet tells you about:

- your rights at work
- where you can get more information
- where you can get help if your rights are not respected, and
- what you can get out of taking action.

What are **your rights** at work?

Your boss has to follow employment laws and make sure that your workplace is safe. This means:


- you should get the right pay
- your boss can't fire (sack) you or end your job without good reasons
- no one should discriminate against you
- no one should sexually harass you
- no one should bully you
- you can ask for workers compensation if you get sick or injured because of work
- you can speak up and get help if something is wrong at work, and
- your boss should not punish you for speaking up.

Why do your rights matter?

If you know your rights it helps you stay safe and respected at work.

Your pay

- Your boss must pay you the 'award wage' or more.
- How much your award wage is depends on your job and your age. You can find your award wage on the [Fair Work Ombudsman website](#).
- Your boss should give you a payslip that tells you how much pay you get.
- Make sure you have a Tax File Number so you pay the correct tax. You can ask for a [Tax File Number online](#) or at a post office.
- Your boss should pay 'superannuation contributions' (super) as well as your pay. Your boss pays your super into your superannuation fund.



**You should
always get
paid for the
work that
you do.**

Rules about unpaid work

You should always get paid for the work that you do. But your boss can ask you to do:

- a short trial work shift for no pay so you can show that you can do the job, or
- an 'internship' — but they must also give you rewards other than money (for example, experience, connections or a future job).

Safe work

- Your boss must make sure that your workplace is safe.
- Your boss should give you the proper training and tools to do your job.
- Do not be afraid to ask for help if something is not safe.

Workers compensation

- Your boss must have insurance for workers called 'workers compensation'.
- If you get sick or injured (physically or mentally) because of work, you can ask for workers compensation.

- Workers compensation may pay you money for time you have to take off work and for medical treatment you need to get better.
- If you get sick or injured because of work, you should tell your boss straight away.

Bullying

- Bullying can be things that people say or do to you that make you feel hurt, scared or upset.
- To be bullying it must happen more than one time.
- It can be online or in person.
- You are not safe at work if you are being bullied.

Sexual harassment

- If someone at work makes you feel uncomfortable or embarrassed by *talking* about sexual things, that is sexual harassment. For example, if someone compliments you on the way you look, makes a sexual joke or asks you on a date after you already said 'no'.
- If someone at work makes you feel uncomfortable or embarrassed by *doing* sexual things to you or around you, that is sexual harassment. For example, if someone touches

you anywhere on your body, it can be sexual harassment.

- Even if the person saying or doing things is not trying to embarrass or upset you, it can still be sexual harassment.
- Sexual harassment is against the law. It is not OK.

Discrimination

- Discrimination is when people treat you unfairly because of who you are.
- It can happen because of your race, sex, age, caring responsibilities, gender identity, sexuality or intersex status, or because you are pregnant or have a disability.
- Discrimination might look like:
 - being asked at a job interview if you plan to have kids
 - your boss not giving you shifts after finding out you have anxiety
 - being made fun of at work because you are queer
 - someone at work making a racist joke that you can hear
 - being fired because you asked for a day off work to look after your sick mum or child

- your boss only checking your bag because of your skin colour
- telling your boss you need an extra toilet break at work because of a health problem, and your boss saying “no”, or
- not getting a promotion at work because you are a woman — even though you are qualified.

**Discrimination is
against the law.
It is not ok.**

Speaking up

- You have the right to stand up for yourself if you are treated unfairly at work.
- If you are treated badly or punished for standing up for your rights, this is called ‘victimisation’.
- Victimisation is against the law. It is not OK.



Losing your job

- Your boss must have good reasons for ending your job.
- If your boss wants to end your job, they have to follow rules about how they do it. For example, if they say you are not doing a good job, they should tell you what the problem is and give you a chance to get better at it.
- If you lose your job and you think it's unfair, get legal advice as soon as you can.

What you can do

- Know your rights.
- Get more information about your rights at work.
- Write down what is happening at work – who said or did things and when they said or did them.
- If you feel comfortable, talk to the other person about how what they said or did made you feel.
- Talk to someone you trust – friends, family, teachers, a counsellor, or a workmate.
- Get free advice from a lawyer about your situation and your options.

Get more information about your work rights

Check out these helpful websites yourself:

- Online Pay and Conditions Tool
calculate.fairwork.gov.au
- What is a tax file number?
ato.gov.au/using-our-website/easier-to-read-information/what-is-a-tax-file-number-easy-read
- Youth Law Australia
yla.org.au
- Australian Human Rights Commission
humanrights.gov.au
- Anti-Discrimination NSW
antidiscrimination.nsw.gov.au
- Fair Work Commission
fwc.gov.au
- icareNSW (information about workers compensation:)
icare.nsw.gov.au

Get help – talk to someone about how you are feeling

1800 RESPECT

1800 737 732

Webchat: 1800respect.org.au

Kids Helpline

1800 55 1800

Webchat: kidshelpline.com.au

Headspace

1800 650 890

Webchat or find a Headspace office at
headspace.org.au

13YARN (Aboriginal and Torres Strait Islander 24/7 crisis support)

13 92 76

13yarn.org.au

Get help from a lawyer

Talk to a lawyer for free about what's happening at work and what your options are.

You do not need permission to talk to a lawyer.

Everything you tell the lawyer is confidential. That means the lawyer will not tell anyone unless you ask them to.

A lawyer can:

- listen to your story
- explain the law
- help you to speak up for yourself
- talk to your boss, and
- help you make a legal complaint.

You get to make all the decisions about what happens.

Call LawAccess NSW on **1300 888 529** and tell them you want to talk to a lawyer about your work problems.

What you may get from taking action

- The chance to explain how someone's actions or words made you feel.
- The other person may realise they did the wrong thing and say sorry.
- Your workplace may make changes to try to stop the same thing from happening again. For example:
 - introducing an anti-racism policy
 - training all staff on disabilities
 - introducing flexible work hours
 - asking fair questions in a job interview, or
 - firing the person who said or did the wrong thing.
- Money for counselling you need because of the work problems.
- Money for wages you have lost because you were paid under the award wage or because you lost your job unfairly.
- Money for the hurt you felt because of the work problems.
- Superannuation money that your boss owes you.

Deadlines

If you want to talk to a lawyer, do it as soon as you can. The law says you have deadlines to start a legal case. If you have lost your job, the shortest deadline you have could be 21 days. Or it could be a lot longer. Be safe and get advice early!

**Be safe
and get
advice
early!**



This publication is a general guide to the law. You should not rely on it as legal advice, and we recommend that you talk to a lawyer about your situation.

The information is correct at the time of printing, however it may change. For more information contact LawAccess NSW on **1300 888 529**.

This publication is available in Arabic and Chinese (Sim).



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Order brochures online at: legalaid.nsw.gov.au/ways-to-get-help/publications-and-resources

For more information, visit: legalaid.nsw.gov.au

Do you need help to contact us?



If you need an interpreter, call the Translating and Interpreting Service (TIS National) on **131 450** (9am–5pm) and ask for LawAccess NSW.

Do you find it hard to hear or speak?



If you are deaf, or have a hearing or speech impairment, contact us through the [National Relay Service \(NRS\)](#). Ask for LawAccess NSW on **1300 888 529**.