Do young workers have special rights at work?

Young people are a vulnerable group of workers. The Workplace Ombudsman wants to ensure that young workers and their employers know their rights and obligations.

The Workplace Ombudsman protects employees’ rights under Commonwealth workplace relations laws. These include the right to minimum wage rates and conditions, and protection from undue pressure in relation to signing workplace agreements.

You need to know your rights. This information sheet will help you.

Am I getting paid properly?

- You should be paid the correct rates for all hours worked, including going to compulsory work meetings, training and time spent opening and closing the business.
- You should get a pay slip within one day of being paid.
- You shouldn’t have money taken from your pay to cover for customers who leave without paying or if registers are short.
- You should be paid for ‘trial work’ unless it’s part of an approved education or training course.
- If you have to work on a public holiday, you may be entitled to be paid more (penalty rates).
- Weekend and penalty rates are common for people covered by awards – check yours to see if you’re eligible to get them.

Some examples:

- In a Victorian fast-food outlet in a shopping mall, the basic rate of pay for a 17 year old casual worker who serves food should be (as a guide) about $11.47 an hour.

(National Fast Food Retail Award 2000 [AP806313 – Fed] based on 17 year old grade 1 Retail Food Employee with 25% casual loading (excluding any overtime, penalty rates, allowances or other entitlements which might apply to the work performed.)

- In a Queensland fashion store, an 18 year old full-time shop assistant’s basic rate of pay should be (as a guide) about $9.94 an hour with standard conditions such as annual and personal leave.

(Retail Industry Award – State 2004 [AN140257 – Qld] – based on 18 and under 19 years of age shop assistant – no casual loading (excluding any overtime, penalty rates, allowances or other entitlements which might apply to the work performed.)

- This is provided as an indication of pay rates only and may not apply to all circumstances.

Find out how much you should be paid on the Australian Pay and Classification Scales on www.workplace.gov.au or call the Workplace Infoline on 1300 363 264.

What about shifts and holidays?

- Generally you should get an unpaid break if you work five hours or more (check your actual award or agreement).
- Full-time employees get a minimum of four weeks paid annual leave per year (or equivalent for permanent part-time workers).
- You don’t have to work on public holidays if you have reasonable grounds to refuse. What is reasonable depends on the kind of work you do, your personal circumstances and whether you get extra pay or other benefits for working a public holiday.
- You should start and finish your shift at the rostered time regardless of how busy it is, unless you and your manager both agree otherwise.

For more information about working on public holidays and other working conditions visit www.workplace.gov.au or call the Workplace Infoline on 1300 363 264.
What kinds of workplace agreements are there?

- There are lots of things that might provide your minimum terms and conditions at work, for example awards, collective agreements, Australian Workplace Agreements (AWAs) and common law contracts. Whatever type it is, you have a right to see it.
- You can't be forced to sign a new AWA as an existing employee, (however it can be a condition of employment if you’re starting a new job).
- If you’re under 18 years old, a parent or guardian must co-sign your AWA.
- It’s unlawful to be forced or threatened into signing any workplace agreement.

If you don’t think you’re getting what you should, or you’re being pressured to sign an agreement, or for more information, contact the Workplace Infoline on 1300 363 264.

What happens when my job finishes?

- Full-time and part-time workers should be paid out any annual leave owing when they leave a job.
- If you’re a full-time or part-time employee and you’re sacked or made redundant, you might be entitled to payment in lieu of notice (except in cases of serious misconduct).
- Generally a casual employee’s employment may be terminated by giving one hour’s notice.

For more information about your termination entitlements visit www.workplace.gov.au or call the Workplace Infoline on 1300 363 264.

What’s the difference between full-time, part-time and casual?

Casuals usually don’t get annual and personal leave. However, Commonwealth workplace relations laws mean casual employees should paid a ‘casual loading’ (a higher rate of pay) in lieu of these entitlements. Casual workers are also less likely to have guaranteed hours of work each week and may be called to work at short notice.

Can I join a union?

Yes. All employers, workers and independent contractors are free to become, or not to become, members of an industrial association, such as a union. An employer can’t sack a worker because they do or don’t belong to a union.

For more information visit www.wo.gov.au or contact the Workplace Ombudsman Client Service Centre on 1300 724 200.

How do I contact the Workplace Ombudsman?

- Over the telephone - call the Workplace Ombudsman Help Line on 1300 724 200 to lodge a complaint for the cost of a local call.
- Over the internet - visit our website at www.wo.gov.au to lodge a complaint online, use our “Live Help” secure online chat link to an adviser and access a range of information resources.
- By email - via a special “Contact Us” email form available at www.wo.gov.au.
- By post - address your letter to the Workplace Ombudsman at GPO Box 9887 in your capital city.
- In person - visit one of our offices located in each capital city and in 18 regional areas across the country. Find your nearest office at www.wo.gov.au.

Related publications

- Time and Wages Record-keeping Fact Sheet
- Pay Slips Template & Fact Sheet
- Infringement Notices Fact Sheet
- Termination of Employment Fact Sheet
- Agreement-making Rights & Rules Fact Sheet
- Public Holidays and Leave Entitlements Fact Sheet

Contact the Translating and Interpreting Service (TIS) on 131 450 for the cost of a local call 24 hours a day 7 days a week if you need help communicating in English.

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