

International Students Working in NSW

Your basic workplace rights and responsibilities



As an international student, you have the same rights and responsibilities as any other worker in NSW. However, **the work you do must meet your visa conditions**. This fact sheet outlines some of the key things you must be aware of when starting work.

Starting work on trial

When offered a job, you may be asked to work for a trial or probation period to see if you can do the job. Your employer must tell you how long the probation or trial period will be (maximum three months) and **you must be paid for any work you do**.

Unpaid work trials are against the law in Australia – **you should not be asked to work for free**. You should be paid for all the hours you work, including meetings and training, as well as for the time spent opening and closing the business.

The **only** instance you may be asked to do work experience for no pay is when it is organised as part of your course of study. This placement must be through a registered educational training organisation like a school, TAFE or university.

Get the job offer in writing

When you are offered a job, it is a good idea to ask your employer to explain in writing the conditions you will be working under and what you will be expected to do.

The letter should include:

- the name of your employer
- what the job involves and a list of your duties
- how much you will be paid each hour, week or fortnight
- your hours of work
- whether you are casual, part-time or full-time
- the employment conditions and arrangements you will be working under, such as an award or agreement.

Before you agree to the job offer

You may be employed under an award or an agreement. To find out how the award or agreement covers you in the job you are doing (i.e. the minimum wage you must be paid, when you can take breaks during your shift and what duties your employer can expect you to do) call the **Fair Work Infoline on 13 13 94**.

If you are asked to sign a document agreeing to certain working conditions, **read it very carefully**. Don't feel pressured to sign it straight away, especially if it doesn't suit you.

Ask your employer for time to consider the document. Feel free to take the agreement home and get other people you trust to read it over with you. You may want to seek legal advice before you make your decision.

If you are unsure about the conditions of the agreement you have been asked to sign, contact the **Fair Work Infoline on 13 13 94**.

Your pay

Your employer must pay you at least the minimum rate set out in the award that applies to your job. This rate will depend on the type of work you do and the times you work. Your employer can pay you more than this amount, but not less.

You may also be paid allowances for doing certain tasks, overtime pay for working outside your regular hours or penalty rates for working nights, weekends or public holidays.

Your employer must pay you at least once a month.

You must be paid in cash, by cheque or have the money deposited into your bank account. It is not acceptable to receive goods or services instead of pay.

Your employer must give you a pay slip when you receive your pay, which explains exactly how much you are being paid.

Your employer can't deduct any money from your pay unless you have agreed to it in writing or it is required under the law. For example, if you accidentally break something, your employer must not deduct money from your wages. No deductions can be made from your annual holiday pay.

You should also be receiving **superannuation**. Check your pay slip each time to make sure this is being done.

If you are worried about deductions from your wages or concerned that you are being underpaid, contact the **Fair Work Infoline** on **13 13 94** for free information and advice. You can also lodge a complaint online by visiting **www.fwo.gov.au**.

National Employment Standards

All workers in the private sector are covered by the ten National Employment Standards. These are the minimum standards of employment for anyone working in Australia. Only some of these entitlements apply to casual workers. For a complete list of the National Employment Standards, visit **www.fairwork.gov.au**

Casual workers

Casual workers receive an additional payment called a loading to compensate for not receiving paid leave, such as sick leave and other leave, no notice period for termination and no guarantee of employment.

Useful tip: Work Diary

It is a good idea to keep a work diary. Write down your start and finish times, any breaks, who you worked with, the type of work you did and the amount you got paid. You may need to rely on this information in the future if you are having problems at work.

Your workplace responsibilities

As an employee, you must obey any lawful and reasonable instructions given by your employer and work with them to maintain a safe and healthy workplace.

Ending your employment

Your employment can be terminated by either you or your employer giving the appropriate notice, preferably in writing. Check your award or agreement for notice periods.

If you think you have been unfairly dismissed, it is important to act quickly.

For more information about what to do, contact the **Fair Work Infoline** on **13 13 94**.

Useful websites and contacts

NSW Industrial Relations
www.industrialrelations.nsw.gov.au

Fair Work Online
www.fairwork.gov.au
☎ **13 13 94**

Department of Immigration and Citizenship
www.immi.gov.au
☎ **13 18 81**

WorkCover NSW - for information on health and safety in the workplace
www.workcover.nsw.gov.au
☎ **13 10 50**

Maria's story

Maria saw a sign in the window of a local café asking for experienced waiters and waitresses. Maria took in her resume and explained that she had worked in a café to earn some money when she was a student and she had more than six months of experience working as a waitress.

Alex, the owner, said he would give her a week's trial starting the following Monday. She would need to be there from 6.00 pm until 10.00 pm each night. Alex explained that the trial work would give him a chance to see how well she worked as a waitress.

Maria did the work trial and was happy with how things went. Alex called Maria over at the end of the Friday shift and said he was sorry but he couldn't offer her any more work as she was too slow serving the customers.

Maria said that she was disappointed by his decision but she was happy to have earned some money. Alex told her that as this had been a work trial she wouldn't be paid.

This is illegal! Alex can ask Maria to do a work trial but she must get paid for all the hours that she worked during the trial period.