

Understanding minimum employment conditions: 5 FAQs you should know the answer to

In Australia, employers and employees within the national workplace relations system are covered by the National Employment Standards (NES). Together with modern awards, the NES makes up the safety net of minimum conditions for employees.

Understanding the minimum entitlements of your employees is essential, and we receive questions daily from our members to assist them in understanding their obligations.

The NES - 5 FAQs you should know the answer to

<i>Can employees be required to work more than 38 hours per week as part of their contract of employment?</i>	Yes - if the additional hours are reasonable. This will depend on a range of factors specified in the NES including, for example, the notice given by the employer that the employee will be required to work the additional hours and the amount of hours stated in any written contract of employment.
<i>If an employee has only been employed 3 months are they entitled to paid sick leave?</i>	All employees accrue sick leave from the first day of employment. Entitlement to paid sick leave is 10 days per year. Therefore, an employee with 3 months' service is entitled to 2.5 days paid sick leave.
<i>Are all employees entitled to take parental leave under the NES?</i>	No - an employee must have 12 months' service to be entitled to unpaid parental leave under the NES. If they meet this criterion they become entitled to 12 months' unpaid leave. The employee also has an entitlement to request an additional period of up to 12 months, subject to the employer's right to refuse on reasonable business grounds.
<i>Which employees have the right to request flexible work arrangements, such as changing to part-time hours or working from home?</i>	Under the NES, an employee with 12 months' service will have the right to request a change in working arrangements where the employee is: <ul style="list-style-type: none"> ▪ the parent, or has responsibility for the care, of a child who is of school age or younger ▪ a carer ▪ disabled ▪ 55 or older ▪ experiencing family violence or who provides care or support to an immediate family member who is experiencing family violence An employer can refuse a request based on reasonable business grounds.
<i>Are casual employees entitled to compassionate leave under the NES?</i>	Yes – all employees are entitled to compassionate leave under the NES. However, casual employees are not entitled to receive paid compassionate leave.



These questions, and many more, are answered in Ai Group's comprehensive **National Employment Standards Handbook** – an essential guide for any business or HR professional.

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