



Australian Government

WorkChoices

Minimum conditions under the Standard

The Australian Fair Pay and Conditions Standard (the Standard) sets out the minimum wages and conditions of employment that apply to employees in the federal WorkChoices system.

These minimum conditions of employment are:

- a maximum of 38 ordinary hours of work per week;
- four weeks of paid annual leave (with an additional week for shift workers);
- ten days of paid personal/carer's leave (including sick leave and carer's leave), with provision for an additional two days of unpaid carer's leave per occasion and an additional two days of paid compassionate leave per occasion; and
- 52 weeks of unpaid parental leave (including maternity, paternity and adoption leave).

These conditions, together with preserved Australian Pay and Classification Scales (APCS) and wages set by the Australian Fair Pay Commission (Fair Pay Commission) make up the Standard.

For more information on rates of pay under the Standard, see the 'WorkChoices and minimum rates of pay' fact sheet.

For more information on leave entitlements under the Standard, see the:

- 'WorkChoices and annual leave';
- 'WorkChoices and parental leave'; and
- 'WorkChoices and personal/carer's leave' fact sheets.



WorkChoices and the Australian Fair Pay and Conditions Standard

Employees covered by the Standard

The Standard will apply to all employees who are employed by:

- trading, financial and foreign corporations (constitutional corporations);
- employers in the Australian Capital Territory, the Northern Territory and Christmas and Cocos (Keeling) Islands;
- the Commonwealth, including its authorities;
- employers who employ waterside, maritime and flight crew employees (and their employees) in connection with interstate, overseas, inter-territory or state-territory trade and commerce; and
- employers in Victoria.

See the 'WorkChoices and who is covered' fact sheet for more information on whether you are covered by WorkChoices.

Employees not covered by the Standard

The Standard does not apply to:

- employees covered by the five-year transitional federal award system;
- employees covered by Australian Workplace Agreements (AWAs) or certified agreements approved prior to the commencement of WorkChoices; and
- employees covered by preserved state agreements.

For more information see the 'WorkChoices and who is covered' fact sheet.

How the Standard interacts with awards

Under WorkChoices, annual leave, personal/carer's leave and parental leave provisions in awards will no longer be allowable and can not be included in awards or varied. This is because the Standard now sets these minimum conditions of employment.

However, current award provisions about annual leave, personal/carer's leave and parental leave will be preserved. Where an employee's entitlement under a preserved term is more generous than the Standard, the award term will apply.

Preserved award terms will not bind employers who become covered by the award after the commencement of WorkChoices.

Preserved award conditions will not form part of the Standard for agreement making.

For more information see the 'WorkChoices and awards' fact sheets.

The Standard provides a maximum of 38 ordinary hours of work per week. Employees can be required to work reasonable additional hours. For those covered by federal awards or Notional Agreements Preserving State Awards (NAPSAs), the 38 ordinary hours of work provision must be varied to comply with the Standard within three years of WorkChoices commencing. If an award currently provides for less than 38 ordinary hours this will not change as it is consistent with the Standard. Hours of work will remain an allowable award matter.

Hours of work can be averaged over a period of up to 12 months by written agreement (subject to any requirements set out in an award or workplace agreement).

How the Standard interacts with workplace agreements and contracts of employment

The Standard applies to new federal workplace agreements made after the commencement of WorkChoices. The Standard overrides an agreement or contract of employment where it provides less favourable entitlements to an employee.

The Standard does not apply to pre-WorkChoices federal agreements (certified agreements and AWAs) made before the commencement of WorkChoices or preserved state agreements.

For more information see the 'WorkChoices and federal awards and agreements' fact sheet.

Disputes about the Standard

Disputes regarding the Standard are to be resolved through the model dispute settling procedure (DSP).

Civil remedies are also available for contraventions of the Standard.

WorkChoices is a new system of workplace relations legislation that covers up to 85 per cent of Australian employees. This series of fact sheets is available to assist workers and employers to understand their rights and obligations under the legislation.

For more information call the **WorkChoices Infoline** on **1300 363 264** or visit the **WorkChoices** website **www.workchoices.gov.au**



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