DSA LAW
LAWYERS &
CONSULTANTS

Your Employee Rights Handbook

A Quick Reference Guide for Australian Workers

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Introduction

Your job shouldn't leave you feeling powerless. Knowing your basic rights helps you spot problems early—and act fast.

This guide gives you clear, immediate steps to protect yourself at work—and tells you exactly when to call us for help.

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Your Basic Rights: Quick Reference

Minimum Wage (as of July 2025)

- ⊘ **National Minimum Wage:** $24.10/hour (or higher under your award or agreement)
- ⊘ **Check your exact rate:** fairwork.gov.au/pay

Leave Entitlements

Annual Leave	4 weeks	Yes	❌
Sick/Carer's Leave	10 days	Yes	❌
Parental Leave	Up to 12 months	Yes (if eligible)	❌
Compassionate Leave	2 days (per occasion)	Yes	✅
Unpaid Family Leave	Up to 2 days	Yes	✅

Maximum Working Hours

- ⊘ **Standard:** 38 hours/week (plus "reasonable" extra hours)
- ⊘ Must have 10 hours between shifts (usually)

Your Basic Rights: Quick Reference

Breaks

- ⊘ No universal lunch break under law—but many awards require a 30–60 min unpaid break after 5 hours
- ⊘ Rest breaks may apply in high-risk roles (e.g., transport, healthcare)

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Notice of Termination

<1 year	1 week
1–3 years	2 weeks
3–5 years	3 weeks
5+ years	4 weeks
(+1 week extra if aged 45+ and employed ≥2 years)	

Action: Save your award or enterprise agreement—find it at fairwork.gov.au/awards

Red Flags in Your Employment Contract

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Watch Out For:

⊘ "You agree to waive all statutory rights" → Illegal. You can't sign away Fair Work rights.

⊘ Vague job descriptions with unlimited duties → Could be used to avoid penalty rates.

⊘ "At-will" termination clauses → Australia doesn't have "at-will" employment.

⊘ Non-compete clauses that are too broad → Should be reasonable in time, location, and scope.

⊘ Zero-hour guarantees for part-timers → If you're classified as part-time, you're entitled to set hours.

⊘ Clauses saying you're a "contractor" when you act like an employee → Could be sham contracting.

What to Do If You Spot These:

⊘ Don't sign yet.

⊘ Take a photo of the clause.

⊘ Send it to us for a free review—we'll tell you if it's enforceable.

Unfair Dismissal: The 21-Day Deadline

🚫 **WARNING:**

You have ONLY 21 calendar days from your last day of work to file an unfair dismissal claim with the Fair Work Commission.

This deadline is strict—missing it usually means you lose your right to claim, even if your dismissal was clearly unfair.

What Counts as Unfair Dismissal?

- ⊘ Fired without a valid reason (e.g., "we don't like your attitude")
- ⊘ Not given a chance to respond to concerns
- ⊘ Dismissed for taking sick leave or asking about your rights
- ⊘ Let go because of pregnancy, age, race, or union activity
- ⊘ Terminated while on workers' compensation (in most cases)
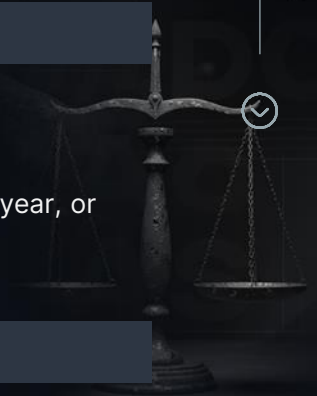
Your Action Plan

📅 Day 1–7: Do This

- ⊘ Write down exactly what happened (date, time, who was there)
- ⊘ Save your termination letter, emails, and texts
- ⊘ Check if you're eligible (employed ≥6 months, earn under $175,000/year, or covered by an award)

📅 Day 8–14: Do This

- ⊘ Call us immediately—don't wait or try to file on your own
- ⊘ Gather evidence: performance reviews, warnings, witness contacts
- ⊘ Avoid signing any "exit agreements" without legal advice

Unfair Dismissal:
The 21-Day Deadline

Your Action Plan

Day 15–21: Do This

- ⊘ Let us prepare and file your claim correctly—timing, wording, and evidence matter
- ⊘ We'll handle all communication with the Commission and your employer
- ⊘ Focus on your wellbeing while we protect your rights

What You Need to Prove

- ❏ You were dismissed
- ❏ The dismissal was harsh, unjust, or unreasonable
- ❏ You met eligibility criteria
- ❏ Your claim is filed within 21 days

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Don't risk your claim by going it alone. Even small errors can get your application rejected.

Workplace Bullying & Harassment

What Counts:	What Doesn't Count:
Repeated yelling, insults, or humiliation	One-off disagreements or fair performance feedback
Excluding someone from meetings or work events	Reasonable management action (e.g., scheduling changes, discipline)
Spreading rumours or false information	
Unreasonable workloads or constant criticism	Personality clashes without repeated harmful behaviour
Sexual comments, gestures, or unwanted advances	

Your Action Steps

How to Document:

- ⊘ Keep a dated log: who, what, when, where, witnesses
- ⊘ Save emails, texts, screenshots
- ⊘ Note how it affected your health or work
- ⊘ Never delete anything—even if it's upsetting

Workplace Bullying & Harassment

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Your Action Steps

Reporting Options:

- ⊘ Report to your manager or HR (in writing)
- ⊘ Use your workplace's formal complaint process
- ⊘ Contact Safe Work Victoria (1800 136 089) for serious bullying
- ⊘ If it continues or involves discrimination, call us—you may be entitled to legal remedies

Are You Being Underpaid?
Quick Check

Check These:

Penalty Rates?

❑ Working weekends? → Higher pay usually applies

❑ Public holidays? → Often 2.5x base rate

❑ Evening/night shifts? → Check your award for loadings

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Overtime?

❑ Worked past 38 hrs/week (or your ordinary hours)? → Overtime rates likely apply

❑ Asked to "volunteer" extra hours? → Still must be paid

Superannuation?

❑ Paid at least 11% of ordinary earnings (as of July 2025)?

❑ Paid at least quarterly? (Should be monthly in most cases)

If Something's Wrong:

⊘ **Calculate** what you're owed using Fair Work's Pay Calculator

⊘ **Talk to your employer** (in writing—email is best)

⊘ If unresolved, **call us—we can help** recover unpaid wages, including penalties and interest

Document Everything: What to Keep

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Save These:

- ⊘ Pay slips (every one!)
- ⊘ Timesheets or rosters
- ⊘ Employment contract & award
- ⊘ Emails about shifts, complaints, or warnings
- ⊘ Photos of workplace messages or notices

How to Organize:

- ⊘ Create a folder on your phone/cloud called "Work Records"
- ⊘ Use a simple log: Date | Event | What Happened | Witnesses
- ⊘ Back up everything monthly
- ⊘ Never store only on a work device
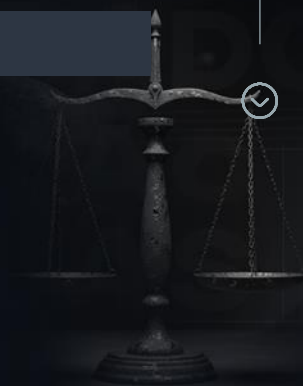
When to Get Legal Help NOW

Contact DSA Law immediately if:

⊘ You've been fired and it's been 14+ days (21-day deadline is urgent!)

⊘ You're being pressured to resign ("constructive dismissal")

⊘ You've reported bullying or discrimination and nothing's changed

⊘ Your employer threatens you for asking about pay or rights

⊘ You suspect you're misclassified as a contractor

⊘ You're asked to sign a separation agreement or deed of release

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We offer a free 15-minute consultation

to review your situation and tell you your options—no obligation, just clarity.

📞 (03) 8595 9580   🌐 www.dsalaw.com.au