

Australia

Worker Classifications

There are no official subcategories of Workers. However, Workers may be engaged as "casual" meaning there is no commitment to provide work or a continued pattern of work. Casual Workers have different statutory entitlements.

Fixed Term Contracts

Fixed-term contracts are rare in Australia, but they are permitted and are restricted in duration to two years if permissible. Ending a fixed-term agreement before its expiration is considered a breach of the contract. It is more common to execute a "Maximum Term" agreement, where the arrangement expires at the end of the term but may be terminated by either party during the term.

Probationary Periods

Unless otherwise dictated by registered agreement or modern award, probationary periods are generally limited to six to twelve months.

Holidays

In Australia, Workers recognize 7 national paid public holidays in addition to any holidays declared in the applicable state or territory. Workers' entitlements on those days depend on the law of the state or territory as well as any applicable awards, enterprise agreements, and other registered agreements.

Vacation

Most Workers receive four weeks of paid vacation per year accrued at a rate based on their ordinary hours of work. Vacation time is accrued per paycheck and if unused, rolls over from year to year. Any accrued but unused leave must be paid at the time of termination. Workers may be due additional vacation entitlements based on any applicable awards, enterprise agreements, and other registered agreements.

Sick Leave

Most Workers are entitled to 10 days of paid personal/carer's leave per year, 2 days of paid compassionate leave per occurrence, and 2 days of unpaid carer's leave per occurrence. Workers may be due additional entitlements based on any applicable awards, enterprise agreements, and other registered agreements.

Working Hours

A regular workweek is Monday through Friday, up to 7.7 hours per day and 38 hours per week.

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Overtime

Provisions for overtime or time in lieu are based on the law, modern award, or registered agreement applicable to each Worker.

Mandatory Bonuses

There are no mandatory bonuses in Australia.

Termination

Unless on a fixed-term agreement or in cases of serious misconduct, Workers must be given advanced written notice prior to terminations. Under the Fair Work Act, the amount of written notice required depends upon the length of the Worker's service. Additional requirements may be imposed by any applicable awards, enterprise agreements, and other registered agreements. Client must allow for the legally required notification period or provide the equivalent pay in lieu.

Resignation

Workers must give Client and/or Contractor two weeks' notice of termination of their employment unless otherwise agreed by the parties.

Other End Of Employment Rules

If a Worker or group of Workers are let go through no fault of their own (i.e. "redundancy") additional notice and compensation may be due. In some cases, the local labor authorities must be notified.

Unique Country Nuisances

Although the Fair Work Act outlines employment law, most Workers' entitlements are government by registered agreement (akin to a collective bargaining agreement) or 'Modern Award' (akin to a wage order). Different Modern Awards may apply based on the nature of the work. Within a Modern Award, entitlements may vary based on education level, work experience, or full-time versus part-time or casual status.

Mandatory Employer Costs

Employers must contribute to a Worker's superannuation fund (10%).