



AURORA

RESOURCING & TALENT

WORKPLACE RIGHTS

Aurora Resourcing and Talent Adhere to the Australian Work rights outlined by the Fair work commission. These rights include the rights to sick leave, maternity leave, flexible working arrangements, and more.

These rights govern the expectations behaviour and relationship that you can expect from Aurora Resourcing and Talent.

Employee rights in the workplace under the Fair Work Act

The Fair Work Act is a workplace protection act that applies to temporary working visa holders, permanent residents, and Australian citizens in any Australian workplace, with the exception of state and local government employees whose rights are protected by the various state Industrial Relations Acts.

What is a workplace right under the Fair Work Act? It's a broad legal protection against unfair and unsafe workplace treatment. Workplace rights under the Fair Work Act are available to full-time employees, part-time employees, casual workers, prospective employees, independent contractors, prospective independent contractors, persons who contract with independent contractors, and industrial associations.

Importantly, the Fair Work Act specifically protects your ability to make a complaint about or seek an inquiry into potential violations of your workplace rights. This includes your right to seek outside legal advice when you believe your workplace rights have been violated, to make complaints to your employer or a government agency with the power to investigate workplace rights violations, and to take legal action and seek a remedy through the courts.

Worker's Minimum Entitlements Under the National Employment Standards

According to the most recent record, The National Employment Standards (NES) in Australia outlines the minimum employment entitlements for workers. These standards are a key component of the Fair Work Act 2009 and provide important protections for employees in the country. These entitlements can be found here <https://www.fairwork.gov.au/employment-conditions/national-employment-standards>. These standards ensure that employees in Australia are provided with basic rights and entitlements and are protected from unfair practices in the workplace. Employers must comply with these standards, and failure to do so can result in penalties and legal action.

Workers' Rights Australia

Employee Rights in Australia

Workplace laws provide rights and entitlements to employees, including full-time and part-time workers who are entitled to paid leave and redundancy pay. On the other hand, casual workers do not have a firm commitment to continued employment or a regular work schedule but have certain unpaid leave rights. Independent contractors, who enter into contracts with businesses or individuals, have different protections under Australian workplace laws. Regardless of the type of employment, all workers in Australia have the right to fair treatment under the law.

Casual Workers' rights in Australia.

Casual workers differ from full-time and part-time workers because their job offer has no firm advance commitment to continued employment or regular work schedule. This understanding must be made clear at the time of job offer and agreed to by the worker when they accept the job. What this may mean in practice is that a casual worker's hours and shift schedule change week-to-week, and they may refuse to work certain shifts. Casual workers are not entitled to the same paid leave that full-time and part-time employees are, but they do have certain unpaid leave rights: 2 days unpaid carer's leave, 2 days unpaid compassionate leave per occasion, and 5 days unpaid family and domestic violence leave per 12-month period. Casual workers also have a right to access a path to full employment. When casual workers have been regularly employed for 12 months and can reasonably expect to continue employment, they also have a right to flexible work arrangements and unpaid parental leave.

Agency worker rights in Australia

Agency workers are casual workers employed by labour hire agencies on behalf of another company to provide a specific service. As such, they are subject to the same rights and entitlements as casual workers. Moreover, agency workers are also protected from discrimination on the basis of their employment status, and the labour hire agency has a duty to ensure that they are provided with a safe working environment. They may have the right to join a union and engage in collective bargaining with their employer to negotiate better terms and conditions of employment. Finally, agency workers are protected from sham contracting, which occurs when an employer

disguises an employment relationship as an independent contracting arrangement. If their work arrangement meets the criteria of an employment relationship, agency workers have the right to be classified as employees.

Mental health rights at work

Workplace health and safety laws in Australia give workers the right to a mentally healthy work environment. Employers must:

- Provide a safe workplace (both mentally and physically)
- Prevent harm by managing factors that could create an unsafe work environment
- Prohibit discrimination against an employee on the basis of mental health status
- Respect the confidentiality of employee's medical conditions, including mental health status
- Make reasonable accommodations like adjustments to work hours or responsibilities to enable 'recovery at work' and create a 'return to work plan' for the affected employee
- Maintain a record of workplace injuries, including mental health injuries

Employee rights to occupational health and safety

Workers in Australia are protected by occupational health and safety (OHS) laws that require their employers to provide a safe workplace. Workers OHS rights include the rights to:

- Have your health and safety protected
- Be consulted on workplace changes that may affect your health and safety
- Representation by an elected Health and Safety Representative (HSR) or to stand for election as an HSR yourself
- Safe workplace equipment
- Appropriate instruction and training to safely complete your work
- Workplace facilities required to ensure your personal welfare (toilets, first aid, etc.)
- Workplace condition and employee health monitoring by employer
- Request that your employer commence proceedings for the election of an HSR
- Request that your union conduct an HSR election
- Refuse work that could reasonably present a serious, imminent, and immediate threat to your health and safety
- Ask your HSR to halt unsafe work activity
- Have your HSR present during any interview by the employer on health and safety
- Be protected from discrimination or retaliation based on health and safety matters
- Have your HSR seek the assistance of a union on health and safety matters
- Ask for expert review by your union of a Health and Safety Inspector Decision that affects you
- Change your HSR by-election if they have been in the role for more than 12 months
- Workplace accommodations that do not expose you to an unsafe working environment

Disabled employee rights in the workplace

Workers with disabilities are protected from discrimination and unfair treatment by their employers. Illegal discrimination includes:

- Not hiring a job candidate
- Offering unfair or differential terms and conditions of employment
- Treating an employee differently
- Disadvantaging an employee
- Changing an employee's job in a way that disadvantages them
- Unfairly dismissing an employee
- Disabled employees are also entitled to a different minimum rate of pay, which is assessed by a qualified independent assessor based on the employee's ability to complete their work responsibilities.

Employees who feel unfairly dismissed have the right to make an unfair dismissal claim if they meet certain eligibility requirements. For permanent employees, this includes having worked for their employer for at least six months or for 12 months if the employer has less than 15 employees. For casual employees, they must have been employed on a regular and systematic basis and have a reasonable expectation of continuing their employment with the employer. Applications for unfair dismissal and general protection dismissals must be filed within 21 days from the date the dismissal took effect, but extensions may be granted for exceptional circumstances.

Protection from Discrimination

It is illegal for an employer to treat an employee unfairly or unfavourably because of their race, gender, age, religion, or disability. This protection means that employees should not be discriminated against or harassed in any way based on these characteristics. Discrimination can include not being given a job or a promotion, being paid less than other employees doing the same job or being subjected to offensive or abusive behaviour. This protection is in place to ensure that all employees are treated fairly and have an equal opportunity to succeed in the workplace regardless of their personal characteristics. If an employee believes they have been discriminated against, they can make a complaint to their employer or a government agency.

Protections against coercion and misrepresentation

Employers are prohibited from forcing or pressuring employees to perform certain actions or prevent them from exercising their rights in the workplace. For example, an employer cannot threaten to terminate an employee's job if they refuse to work overtime or perform duties outside their job description. Similarly, employers cannot provide false information or misrepresent the employee's legal rights and obligations. This ensures that employees can work in a safe and fair work environment, free from undue pressure or coercion from their employers.

Anti-Bullying Provisions

The anti-bullying provisions of the National Employment Standards (NES) aim to protect employees from workplace bullying and harassment. Workplace bullying can be verbal, physical, or psychological and can include behaviours such as yelling, belittling, spreading rumours, and isolating employees. The NES defines bullying as repeated and unreasonable behaviour that creates a risk to the health and safety of the employee. They also have a responsibility to provide a safe and healthy workplace for their employees. This includes taking steps to prevent workplace bullying and harassment. Employers can develop policies and procedures to prevent and address bullying and ensure that employees are aware of their rights and obligations. Training and education programs can also help raise awareness of bullying and promote a positive workplace culture.