

Factsheet One

Conditions of Employment

Your 'terms and conditions of employment' are what are provided to you in return for work performed. They include such things as leave, rates of pay, penalty rates, hours of work, public holidays, probation periods, and superannuation. These things should be explained to you when you start a new job.

You will find your terms and conditions of employment in one or a combination of the following resources:

- The Fair Work Act 2009 and the National Employment Standards which apply to all employees in the Northern Territory;
- NT legislation regarding occupational health and safety, workers' compensation, public holidays, long service leave, and anti-discrimination;
- A written common law contract;
- A verbal common law contract;
- A letter of offer;
- A workplace agreement; or
- A Modern Award.

National Employment Standards (NES)

The Fair Work Act 2009 contains minimum conditions known as the National Employment Standards (NES), which have operated since 1 January 2010. Some Modern Awards or agreements may contain additional terms which modify the way the NES applies to some people. In some cases, additional leave benefits may be provided for in Modern Awards or agreements. You should check your Modern Award or agreement for such terms.

The NES set out the following minimum conditions for NT employees:



Maximum ordinary hours per week	A maximum of 38 ordinary hours of work per week, which can be averaged out over 12 months if agreed in writing, plus reasonable additional hours;
Flexible work arrangements	<p>A request can be made for flexible working arrangements if you are a parent or have responsibility for the care of a child who is of school age or younger; are a carer (as per the meaning of the <i>Carer Recognition Act 2010</i>); have a disability; are 55 or older; are experiencing domestic or family violence from a member of the employee's family; or you are the carer or provide support to somebody who is experiencing domestic or family violence who requires care or support because they are experiencing violence from that person's family.</p> <p>To make a request you must have 12 months continuous service on a full-time or part-time basis with the employer, and if you are a long-term casual, you have an expectation of ongoing employment on a regular and systematic basis;</p>
Parental leave	52 weeks of unpaid parental leave for each parent (for permanent workers and casuals who have worked continuously for the employer for at least 12 months), with the alternative for one parent to request a second 52 weeks unpaid leave if their partner is not intending to utilise theirs. The employer can refuse the second year of leave on reasonable business grounds;
Annual leave	4 weeks of paid annual leave per year for permanent full-time employees (pro rata for part-timers), with an additional week for employees who regularly work day and night shifts and shifts on Sundays, Saturdays and public holidays;
Personal / carer's leave	10 days of paid personal leave (which can be used for sick leave or carer's leave) for permanent full-time employees (pro rata for part-timers);
Carers leave	2 days of unpaid carer's leave per each occasion that a member of your immediate family or household is ill, injured or affected by an unexpected emergency. This entitlement is for permanent and casual employees. Permanent employees can only access the unpaid entitlement if they have already used all of their paid personal leave entitlements;
Compassionate leave	2 days of paid compassionate leave per occasion for permanent employees (unpaid for casual workers);



Family and Domestic Violence leave	10 days of paid leave per year, for employees experiencing family or domestic violence, who need to do something to deal with the impact of the violence, which it is impractical for them to do outside their ordinary hours of work. The leave is available in full from the commencement of each year of employment and does not accumulate from year to year.
Community Service leave	Community service leave to engage in an eligible community service activity, including jury duty (usually 10 days paid leave) and voluntary emergency management activities (this is usually unpaid leave);
Long service leave	In the Northern Territory the amount of long service leave owed to an employee is generally determined by the <i>NT Long Service Leave Act</i> , a pre-modernised award or an agreement. It is often, but not always, 13 weeks of leave after 10 years of service.
Public holidays	A paid day off on a public holiday, except where reasonably requested to work.
Notice of termination and redundancy pay	Up to 5 weeks' notice of termination and up to 16 weeks' severance pay on redundancy, both are based on the length of service;
Provision of a Fair Work Information Statement	The statement must be provided to all new employees and contains information about the NES, Modern Awards, agreement-making, the right to freedom of association, termination of employment, individual flexibility arrangements, union rights of entry, transfer of business, and the respective roles of the Fair Work Commission and Fair Work Ombudsman

As well as the NES, you may be covered by conditions that are written in a Modern Award, agreement, individual contract, or the letter of offer given to you when you started work. When you start work, your employer should let you know which conditions cover you and where they are found.

For more information on the NES please contact the Fair Work Ombudsman at www.fairwork.gov.au

A term in your agreement, contract or Modern Award has no effect if it is detrimental to you when compared to an entitlement under the NES.

The NES apply to all employees, regardless of whether they are covered by a Modern Award or agreement.

What if I am not covered by a Modern Award or an agreement? If you are not covered by any Modern Award or agreement, including the Miscellaneous Award, then the NES set the minimum terms and conditions of your employment.

Where can I get more help?

NT Working Women's Centre Ph: 1800 817 055 www.ntwwc.com.au	Your Union Unions NT Ph: 8941 0001 www.unionsnt.com.au	NT Anti-Discrimination Commission Ph: 1800 813 846 adc.nt.gov.au
Australian Human Rights Commission Ph: 1300 656 419 www.humanrights.gov.au	Fair Work Ombudsman Ph: 13 13 94 www.fairwork.gov.au	Fair Work Commission Ph: 1300 799 675 fwc.gov.au
NT Police Ph: (emergency) 000 If calling from a mobile: 112 For non-emergency crime incidents and general enquiries: 131 444	Office of the Commissioner of Public Employment (OCPE) Promotion Appeal and Grievance Reviews Unit Ph: 8999 4129 www.ocpe.nt.gov.au	NT WorkSafe Ph: 1800 019 115 www.worksafe.nt.gov.au
Your HR Department Check grievance procedures in the workplace. This will tell you who to complain to and how to do it.	Aboriginal Interpreter Service Ph: 1800 334 944 www.ais.nt.gov.au	To access an interpreter Interpreting and Translating Service NT Ph: 1800 676 254 www.itsnt.nt.gov.au/

The NT Working Women's Centre (NTWWC) provides free and confidential information, advice and assistance to women about work. The information, opinions and advice contained have been prepared with due care and are believed to be correct at the time of publication. NTWWC expressly disclaim any liability whatsoever to any person who suffers any loss arising from the contents of, errors in, or omissions from this publication. This Factsheet is not intended as a substitute for legal advice. Please seek advice for further information about your situation. August 2024.

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