



Fair Work Information Statement and the National Employment Standards

Australia's new workplace relations system

From 1 July 2009, most Australian workplaces are governed by a new system created by the *Fair Work Act 2009*.

The Fair Work Ombudsman helps employees, employers, contractors and the community to understand and comply with the new system. We provide education, information and advice, help to resolve workplace complaints, conduct investigations, and enforce relevant Commonwealth workplace laws.

The provision of the Fair Work Information Statement (the Statement) forms part of the National Employment Standards (NES). As of 1 January 2010, the NES apply to all employees covered by the national workplace relations system, regardless of the applicable industrial instrument or contract of employment.

Terms in awards, agreements and employment contracts cannot exclude or provide for an entitlement less than the NES, and those that do have no effect. An employer must not contravene a provision of the NES. A contravention of a provision of the NES may result in penalties of up to \$10,800 for an individual and \$54,000 for a corporation.

Overview

The Statement must be given to each new employee commencing employment from 1 January 2010.

The Statement is published by the Fair Work Ombudsman and must be published in the *Commonwealth Government Notices Gazette* (the *Gazette*). If the Fair Work Ombudsman changes the Statement in any way, they must publish the new version in the *Gazette*.

What information must be contained in the Statement?

The Statement contains information about the following:

- the NES
- modern awards
- agreement-making under the *Fair Work Act 2009*
- the right to freedom of association

- the role of the Fair Work Commission and the Fair Work Ombudsman
- termination of employment
- individual flexibility arrangements
- right of entry (including the protection of personal information by privacy laws)
- an explanation of the effect on an employee's entitlements under the NES if both of the following occur:
 - a transfer of a business occurs as described in the *Fair Work Act 2009*
 - the employee becomes a transferring employee.

Who must receive the Statement?

An employer must give each new employee the Statement before (or as soon as practicable after) the employee starts his or her employment. The employer is not required to give the employee the Statement more than once in 12 months.

Employers must give the Statement to an employee.

This may occur by any means, for example:

- the employer gives it to the employee personally
- the employer sends it by pre-paid post to:
 - the employee's residential address or
 - a postal address nominated by the employee
- the employer sends it to:
 - the employee's work email address or
 - another email address nominated by the employee

- the employer sends to the employee's work email address (or to another email address nominated by the employee):
 - an electronic link to the Fair Work Ombudsman website on which the Statement is located or
 - an electronic link that takes the employee directly to a copy of the Statement on the employer's intranet
- the employer faxes it to:
 - the employee's work fax number or
 - the employee's home fax number or
 - another fax number nominated by the employee.

Further Information

The Fair Work Ombudsman has published a fact sheet on each NES entitlement. For further information on a specific NES entitlement, please see the relevant fact sheets at www.fairwork.gov.au.

The requirement to provide new employees with a Fair Work Information Statement is provided for by sections 124 & 125 of the *Fair Work Act 2009*.

You can access a copy of the Fair Work Information Statement at www.fairwork.gov.au/fwis.

For further information, visit www.fairwork.gov.au or contact Fair Work Infoline **13 13 94**.

Related Publications

Introduction to the NES

Maximum working hours and the NES

Requests for flexible working arrangements and the NES

Parental leave and related entitlements and the NES

Annual leave and the NES

Personal/carer's leave and compassionate leave and the NES

Community service leave and the NES

Long service leave and the NES

Public holidays and the NES

Notice of termination and redundancy pay and the NES

Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: **13 13 94**

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

- For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94
- Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94