

# NATIONAL EMPLOYMENT STANDARDS

Advantage Partnership Lawyers

## Introduction

**The Fair Work Act 2009 provides employers with a minimum terms and conditions of employment under the National Employment Standards (NES).**

**There are currently ten minimum employment standards which commenced operation on 1 January 2010. The 2010 standards support the new Modern Award System and will override any new or existing Enterprise Agreements**



Suite 2, Level 9, Dymocks Building  
428 George Street, Sydney NSW 2000

P (02) 9221 7555

E [legal.one@advantagepartnership.net](mailto:legal.one@advantagepartnership.net)

[www.advantagepartnership.net](http://www.advantagepartnership.net)

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## There are 10 National Employment Standards

The Act requires that a "Fair Work Information Statement" which highlights the Employment Standards be provided to all new employees from January 1 2010.

The National Employment Standards provide 10 minimum employment entitlements that have to be provided to all employees. These minimum employment entitlements are:

1. Four weeks paid annual leave each year (pro rata).
2. A maximum standard working week of 38 hours for full-time employees, plus 'reasonable' additional hours.
3. A right to request flexible working arrangements to care for a child under school age, or a child (under 18) with a disability.
4. Parental and adoption leave of 12 months (unpaid), with a right to request an additional 12 months.
5. Ten days paid personal/carer's leave each year (pro rata), two days paid compassionate leave for each permissible occasion, and two days unpaid carer's leave for each permissible occasion.
6. Community service leave for jury service or activities dealing with certain emergencies or natural disasters. This leave is unpaid except for jury service.
7. Long service leave.
8. Public holidays and the entitlement to be paid for ordinary hours on those days.
9. Entitlement to notice of termination, redundancy pay or payment in lieu.
10. The right for new employees to receive the Fair Work Information Statement.

If you, or your team, need help structuring your employment documents to reflect the National Employment Standards we are more than happy to assist.

# NATIONAL EMPLOYMENT STANDARDS のご案内 (国際雇用基準)

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Fair Work Act 2009 は、  
**National Employment Standard (NES)** に基づき、雇用主に対して最低限の雇用期間と雇用条件を規定しています。

近年では 2010 年 1 月 1 日より 10 項目の雇用基準が施行されています。本基準は新しい現代の裁定システムを後押しし、どのような新しい、または既存の企業協定よりも優先されるものです。



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## 10 項目の国際雇用基準

これらの基準は、雇用の基準に焦点をあてた“Fair Work Information Statement”が 2010 年 1 月 1 日より全ての新たな被雇用者へ適用されることを定めています。

国際雇用基準は、雇用者に対して以下の通り規定しています。

1. 年間で 4 週間の有給休暇（日割り計算）
2. フルタイムの従業員に対して、最大勤務時間を週 38 時間、さらに“妥当な理由”での追加勤務時間を定めています
3. 小学生以下の子供を持つ従業員、または 18 歳以下の障害児をもつ従業員は、子供の世話をするために必要な融通のきいた勤務体系を取る権利をもちます
4. 育児休暇・養子休暇は 12 ヶ月（無給）、追加でさらに 1 年の休暇を申請できます
5. 年間で 10 日間の有給個人休暇・介護休暇（日割り）、2 日間の特別有給休暇、2 日間の無給介護休暇
6. 陪審員や特定の緊急事態、自然災害時の活動等の社会奉仕活動のための休暇。本休暇は陪審員としての休暇以外は無給
7. ロングサービス休暇
8. 祝祭日と、それらの日に就労した場合、通常と同様の支払いを受ける資格
9. 退職手当、解雇費用の事前予告をうける資格
10. 公正労働情報を新しく雇用された従業員が受ける権利

国際雇用基準を反映させた雇用書類の構築をお考えでしたら、弊事務所までご相談ください。