

Youth Law: Employment

This factsheet is to provide information for young people in relation to their employment rights in the ACT. If you have a specific employment matter that you need legal assistance with, please call the **Youth Law Centre ACT** on **6173 5410** or **1300 654 314**.

Note: The Youth Law Centre (YLC) is Legal Aid ACT's dedicated service for young people under the age of 25. It is a free and confidential legal service.

Employment

Minimum Age of Employment

There is no minimum age to start casual or part-time work in the ACT, however, strict rules apply if you start work before you turn 15. There are no restrictions on the number of hours you can work if you are aged between 15 to 17 years.

If you are under the age of 15, you can only do 'light work' for a maximum of 10 hours per week. This applies even if you are working for a family business. Examples of light work are:

- Running errands;
- Casual work in and around a private home;
- Work related to sporting activities such as being an umpire, referee or tennis court attendant;
- Clerical work;
- Work as a cashier;
- Gardening;
- Babysitting;
- Modelling; or
- Performing acts (including film, television or theatre).

If you are under 15, your parents or guardian will need to give written permission to your employer before you commence work.

It is against the law for an employer to employ you during hours you are required to be at school.

School Work Experience and Placements

Generally, people under the age of 15 cannot do work experience. However, your school can apply for exemption to let you participate in work experience program through school even if you are under the age of 15.

You cannot be paid for work experience – however, you are still protected by the law during your placement. This means that you cannot be bullied, harassed or asked to complete tasks that are unsafe. You should also get a break during your workday.

Trial Work

Trial work should almost always be paid (with very limited exceptions). It is generally against the law for your employer to refuse to pay you, even if you worked for a small number of hours.

Casual, Part time and Full time Work

Working as a Casual

You are considered a casual if there is no 'firm advance commitment to continuing and indefinite work', and you receive a casual loading which is usually 25% extra than permanent staff.

Generally, this means that you are not guaranteed any particular shifts or number of hours a week. Generally you are not entitled to paid leave except 10 days of paid family and domestic violence leave per year.

Working Part-Time

Part time employees work less than 38 hours each week but still have regular and set hours which are agreed between the employer and employee. These

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hours are usually rostered on and can't change without notice. They are still considered 'permanent workers' (as opposed to casual).

They have the same rights as full-time employees but receive entitlements such as leave and penalty rates on a pro-rata basis – that is, proportional to the hours worked.

Working Full-Time

Full-time, permanent work is when you work an average of 38 hours each week and are employed on a permanent basis (as opposed to casual).

Getting Paid

You must be paid for the work that you do. The amount you are paid depends on whether you are casual, part time or full time, as well as your age and the type of work that you do.

From 1 January 2025, intentionally underpaying an employee's wages or entitlements can be a criminal offence.

All employees in Australia must be paid at least the [National Minimum Wage](#), which is different for every type of job and industry (and changes on 1 July every year). While your boss can pay you more than the minimum wage, they cannot pay you less. Importantly, the minimum wage for every type of job in Australia must be at least **\$24.10 an hour for people over 21** (except for juniors, apprentices and trainees). So, if you're getting less than that, you're being underpaid.

Tax

Most employers take tax from your pay every cycle (called 'pay as you go' or PAYG payments). You should complete your tax return with the Australian Taxation Office ('ATO') to ensure that you are

refunded if you have paid too much tax.

Superannuation

Superannuation is money that you set aside over your lifetime to help you with your retirement. If you are **over 18**, your employer must pay superannuation into your superannuation account regardless of how many hours you work.

The minimum contribution must be at least 11.5% of your pay. From 1 July 2025, it will be minimum 12% of your pay.

If you are **under 18**, you are also entitled to superannuation contributions if you are working over 30 hours per week. You can contact ATO to confirm you are being paid the correct amount of super.

Workplace Discrimination

Some people may experience discrimination in their workplace. Examples include being treated unfairly because of your sexuality, relationship status, family responsibilities, race or disability. Discrimination can be direct or indirect. If you believe you have been discriminated against in your workplace, you should contact the Fair Work Ombudsman, the Australian Human Rights Commission or the ACT Human Rights Commission.

Safety at Work

All employees have a right to a safe workplace. Employers have a duty to ensure that their employees are safe while at work, as far as reasonably practicable.

If a serious or dangerous incident occurs in the workplace, you should let WorkSafeACT know as soon as possible so that the incident can be appropriately investigated.

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If you are injured at work, you should get legal advice on how you can be compensated. In the ACT, a worker can get compensated for personal injury arising out of or in the course of their employment. A worker is entitled to compensation if their employment substantially contributed to a disease or pre-existing condition, or where they were injured during their journey to or from work or work-related training.

Losing Your Job

An employer must not terminate your employment unless they have given you proper notice of the day of the termination. The notice period depends on the amount of time you have been employed by the employer. However, this does not apply to casual or fixed term employees.

It is illegal for an employer to terminate your employment for certain reasons including:

- Because you filed a complaint against them;
- Temporary absence from work because of illness or injury;
- Absence from work during maternity leave;
- Raising concerns about work health and safety or exercising any other workplace rights.

If you think you have been unlawfully terminated, you should get legal advice as soon as possible. Complaints must be lodged to the Fair Work Commission within 21 days of being terminated.

Unfair Dismissal

It is important to know that any application to the Fair Work Commission about a dismissal must be lodged within 21 days after the dismissal took effect. If you lodge after 21 days, you must show that there were exceptional circumstances, which can be difficult to do.

A dismissal is unfair where it is harsh, unjust or unreasonable. In deciding whether your dismissal is unfair, the Fair Work Commission will consider all circumstances leading to your dismissal.

To be eligible to make an unfair dismissal application you:

- Must have worked for your employer for at least 6 months (or 12 months if they are a small business with fewer than 15 employees); and
- Have earned less than the high-income threshold (currently \$167,500 a year). You can also be eligible if you earn more than this amount IF you are covered by modern award or enterprise agreement.

Generally, casual employees cannot make an application for unfair dismissal – however, employees will not be treated as casual if they have been employed on a regular or systematic basis and had a reasonable expectation of continuing employment. If you believe you have been unfairly dismissed, please call the **Youth Law Centre ACT** for legal advice.

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Useful Contacts

Legal Aid ACT

Monday to Thursday: 8:30am to 7:00pm

Friday: 8:30am to 5:00pm

www.legalaidact.org.au

Phone: **1300 654 314**

Youth Law Centre

Monday to Friday: 8:30am to 5:00pm

ylc@legalaidact.org.au

Phone: **(02) 6173 5410**

Kids Helpline


www.kidshelpline.com.au

Phone: **1800 55 1800**

Complaints & suggestions: If you have any complaints or suggestions about our services, please write to the Chief Executive Officer at our postal address.

Interpreter: If you need an interpreter, please contact Translating and Interpreting Service (TIS) on 131 450.

Enquiries Helpline Address 02 6243 3411
1300 654 314 (free)
2 Allsop Street Canberra
GPO Box 512 Canberra 2601

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