

Workers' rights, not wrongs

Frequently Asked Questions

What are penalty rates, and am I entitled to them?

Penalty rates are an additional amount of money paid when you work at particular times such as on the weekend, on public holidays, late night shifts and early morning shifts. The amount will vary depending on your industry and when you work. See the [Fair Work Ombudsman website](#) for more information and to use their pay calculator.

What if I signed a contract that pays me less than the minimum wage?

An employment contract cannot provide for less than the legal minimum set out in the [National Employment Standards](#) or any awards, enterprise agreements or other registered agreements that may apply. You may get [help from the Fair Work Ombudsman](#) with resolving any issues if you are being paid less than the legal minimum.

Am I entitled to breaks during work?

Awards, enterprise agreements and other registered agreements provide for paid and unpaid breaks and define the length of those breaks, when they need to be taken and the rules about payment. For more information about breaks, see the [Fair Work Ombudsman website](#).

Can I be asked to do a free trial?

The answer to this question is yes, if it meets certain conditions. According to the Fair Work Ombudsman, unpaid work trials may be unlawful where:

- it isn't necessary to demonstrate the skills required for the job, or has continued for longer than is actually needed. This will be dependent on the nature and complexity of the work, but could range from an hour to one shift
- it involves more than only a demonstration of the person's skills, where they are directly relevant to a vacant position, or
- the person is not under direct supervision for the trial.

See the Fair Work Ombudsman website for [more information about unpaid trials](#).

These are only some questions asked about work in Australia, so the [Fair Work Ombudsman website](#) is a useful tool for answering any other questions you may have.

