Do Schools need to comply?

The National Employment Standards (NES) apply to all employees of Independent Schools.

Conditions of compliance:

The NES apply to all employees covered by the national workplace relations system regardless of the applicable industrial agreement or contract of employment. Terms in awards, agreements, and employment contracts cannot exclude or provide for an entitlement less than the NES, and thus have no effect.

However, awards and agreements are specifically allowed to affect the operation of the NES in certain ways. For example, they may specify terms that deal with:

- Averaging employee’s ordinary hours of work.
- The cashing out and taking of paid annual leave.
- The cashing out of paid personal/carer’s leave.
- The substitution of public holidays.
- Situations in which redundancy pay entitlements do not apply.

In order to be familiar with all the details, you should check Fair Work Online at the link below.

If you have to comply, what do you have to do?

There are ten (10) minimum standards that have to be met by employers. In summary, they are:

1. **Maximum weekly hours of work** – 38 hours per week plus reasonable additional hours.
2. **Requests for flexible working arrangements** – an entitlement allowing parents or carers of a child under school age, or a child under 18 with a disability, to request a change in working arrangements to assist with the care of a child.
3. **Parental leave and related entitlements** – up to twelve months leave per employee, plus the right to request an additional twelve months leave, plus other forms of maternity, paternity and adoption related leave.
4. **Annual leave** – four weeks paid leave per year, plus an additional week for certain shift workers.
5. **Personal/carer’s leave and compassionate leave** – 10 days paid personal/carer’s leave, two days unpaid carer’s leave as required, and two days compassionate leave (unpaid for casuals) as required.
6. **Community service leave** – unpaid leave for voluntary emergency activities and leave for jury service, with an entitlement to be paid for up to 10 days for jury service.
7. **Long service leave** – a transitional entitlement for employees as outlined in an applicable pre-modernised award, pending the development of a uniform long service leave standard.
8. **Public holidays** – a paid day off on a public holiday except where reasonably requested to work.
9. **Notice of termination and redundancy pay** – up to five weeks’ notice of termination and up to 16 weeks’ severance pay on redundancy, both based on length of service.

10. **Provision of a Fair Work Information Statement** – must be provided by employers to all new employees, and contains information about the NES, modern awards, agreement-making, the right of freedom of association, termination of employment, individual flexibility arrangements, union rights of entry, transfer of business, and the respective roles of Fair Work Australia and the Fair Work Ombudsman.

**What are the consequences if you don’t comply?**

Member Schools could be exposed to penalties of up to $33,000 for a corporation or $6000 for an individual, per breach for failing to comply with the NES.

**See also:**

[Human Resource Management](#)

**Useful links:**

[Fair Work Ombudsman](#)