

## Visa holders & migrants

Find out what visa holders and migrants need to know before they start working in Australia.

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### Language help

Visit our [Language help \(http://www.fairwork.gov.au/language-help/default\)](http://www.fairwork.gov.au/language-help/default) page for workplace information translated into a variety of languages.

If you need an interpreter when contacting us or the Department of Immigration and Border Protection (DIBP), call the Translating and Interpreting Service on 131 450.

### Working in Australia

We work together with the DIBP to help you understand your legal rights and responsibilities when working in Australia.

### Check your visa

If you're here on a visa, make sure your visa allows you to work in Australia and check for any conditions like the number of hours you are able to work.

Your employer can't cancel your visa. Only the DIBP can grant, refuse or cancel visas.

The DIBP can give you information about:

- which visa to apply for
- your rights and obligations under a visa
- how to change your visa (eg. change your sponsor)
- how to cancel your visa
- how to apply for permanent residency.

For help with visas contact the [Department of Immigration and Border Protection](http://www.immi.gov.au/) (http://www.immi.gov.au/).

### Get a Tax File Number

To get paid correctly you'll need a Tax File Number (TFN). You need to give your employer your TFN so you don't pay the highest rate of tax.

To apply for a TFN, visit the [Australian Taxation Office website](http://www.ato.gov.au/Individuals/Tax-file-number/Applying-for-a-TFN/) (http://www.ato.gov.au/Individuals/Tax-file-number/Applying-for-a-TFN/).

### Know your workplace rights

For a brief overview of your workplace rights and entitlements, download a fact sheet:

- [457 visa holders - workplace rights and entitlements fact sheet \(http://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/rights-and-obligations/457-visa-holders-workplace-rights-and-entitlements\)](http://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/rights-and-obligations/457-visa-holders-workplace-rights-and-entitlements)
- [Visa holders and migrant workers - workplace rights and entitlements fact sheet \(http://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/rights-and-obligations/visa-holders-and-migrant-workers-workplace-rights-and-entitlements\)](http://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/rights-and-obligations/visa-holders-and-migrant-workers-workplace-rights-and-entitlements).

From 14 December 2015 a 'paying for visa sponsorship framework' was introduced. The framework has been set up to prevent a person from asking for, receiving, offering or providing a benefit in return for visa sponsorship or employment that requires visa sponsorship. To find out more about the framework and related penalties, visit the [Department of Immigration and Border Protection \(https://www.border.gov.au/Trav/Work/Work-1\)](https://www.border.gov.au/Trav/Work/Work-1).

## International students

If your visa allows, you may get a part time or casual job to help pay for your living expenses while you study in Australia. It's important to know your rights in the workplace.

For an overview of your basic rights in the workplace, download our International students fact sheet (<http://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/rights-and-obligations/international-students>) .

Learn more about your rights and responsibilities regarding:

- Unpaid trials (<http://www.fairwork.gov.au/Pay/Unpaid-work/unpaid-trials>)
- Student placements (<http://www.fairwork.gov.au/pay/unpaid-work/student-placements>)
- Work experience and internships (<http://www.fairwork.gov.au/pay/unpaid-work/work-experience-and-internships>) .

## Seasonal workers

People from the Pacific region and Timor-Leste can work in Australia in certain industries as seasonal workers. To find out more visit the Seasonal Worker Programme (<http://www.fairwork.gov.au/how-we-will-help/helping-the-community/seasonal-worker-programme>) .

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## Minimum wages and conditions in Australia

Everyone working in Australia is entitled to basic rights and protections in the workplace.

All employees in the national workplace relations system (<http://www.fairwork.gov.au/Dictionary.aspx?TermID=2033>) are covered by the 10 minimum entitlements of the National Employment Standards (<http://www.fairwork.gov.au/Employee-entitlements/National-Employment-Standards/default>) :

- Maximum weekly hours (<http://www.fairwork.gov.au/employee-entitlements/hours-of-work-breaks-and-rosters/hours-of-work/default>)
- Requests for flexible working arrangements (<http://www.fairwork.gov.au/Employee-entitlements/Flexibility-in-the-workplace/flexible-working-arrangements>)
- Parental leave and related entitlements (<http://www.fairwork.gov.au/Leave/maternity-and-parental-leave/default>)
- Annual leave (<http://www.fairwork.gov.au/leave/annual-leave/default>)
- Personal carer's leave and compassionate leave (<http://www.fairwork.gov.au/leave/sick-and-carers-leave/default>)
- Community service leave (<http://www.fairwork.gov.au/leave/community-service-leave/default>)
- Long service leave (<http://www.fairwork.gov.au/leave/long-service-leave/default>)
- Public holidays (<http://www.fairwork.gov.au/Leave/Public-holidays/default>)
- Notice of termination and redundancy pay (<http://www.fairwork.gov.au/Ending-employment/default>)
- Fair Work Information Statement (<http://www.fairwork.gov.au/Employee-entitlements/National-Employment-Standards/fair-work-information-statement>)

Minimum wages and other conditions for your job may be contained in an award, registered agreement and/or an employment contract.

Ask your employer or visit our Awards and agreements (<http://www.fairwork.gov.au/awards-and-agreements/default>) page to find out what your job is covered by.

Learn more about Employment contracts (<http://www.fairwork.gov.au/awards-and-agreements/employment-contracts>) .

## Pay

Find out about Pay (<http://www.fairwork.gov.au/Pay/default>) including:

- Minimum wages (<http://www.fairwork.gov.au/pay/minimum-wages/default>)
- Deducting pay and overpayments (<http://www.fairwork.gov.au/pay/deducting-pay-and-overpayments>) , including cash-back schemes (<http://www.fairwork.gov.au/pay/deducting-pay-and-overpayments#cash-back>)
- Tax and superannuation (<http://www.fairwork.gov.au/pay/tax-and-superannuation>) .

Your employer should give you a pay slip every time you're paid. Visit our Pay slips (<http://www.fairwork.gov.au/Pay/pay-slips-and-record-keeping/pay-slips>) page to find out what should be on it.

## Leave

Find out about Leave (<http://www.fairwork.gov.au/Leave/default>) including:

- Annual leave (<http://www.fairwork.gov.au/leave/annual-leave/default>) (sometimes called 'holiday pay')

- Sick and carer's leave (<http://www.fairwork.gov.au/leave/sick-and-carers-leave/default>)
- Public holidays (<http://www.fairwork.gov.au/Leave/Public-holidays/default>) .

## Employee entitlements

Find out about other Employee entitlements (<http://www.fairwork.gov.au/Employee-entitlements/default>) including:

- entitlements that different Types of employees (<http://www.fairwork.gov.au/employee-entitlements/types-of-employees/default>) get – casual, part-time, full-time, shiftworkers and outworkers
- Hours of work, breaks and rosters (<http://www.fairwork.gov.au/Employee-entitlements/hours-of-work-breaks-and-rosters/default>)
- Uniforms, vehicle and travel entitlements (<http://www.fairwork.gov.au/employee-entitlements/uniforms-vehicle-and-travel-entitlements>)
- Protections at work (<http://www.fairwork.gov.au/employee-entitlements/protections-at-work/default>) (including discrimination).

## Ending employment

Find out what happens if you're Ending employment (<http://www.fairwork.gov.au/Ending-employment/default>) :

- Notice and final pay (<http://www.fairwork.gov.au/Ending-employment/notice-and-final-pay/default>)
- Unfair dismissal (<http://www.fairwork.gov.au/ending-employment/unfair-dismissal>)
- Redundancy (<http://www.fairwork.gov.au/ending-employment/redundancy/default>) .

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## Workplace health and safety

Your employer must make sure your workplace is safe. They have to give you safe equipment, safe ways of working, supervision and training so you know how to work safely.

You must follow your employer's workplace health and safety rules and tell them if you need more training. Tell your employer immediately if you find safety problems at your workplace.

### What to do if your workplace is not safe

If you think your employer is not providing a safe workplace, contact your local workplace health and safety body for help. To find your local workplace health and safety body visit our [Related sites](http://www.fairwork.gov.au/website-information/related-sites) (<http://www.fairwork.gov.au/website-information/related-sites>) page.

### What to do if you're injured at work

If you're injured at work, or get sick because of your work, you could be paid workers' compensation payments, as well as have your medical expenses covered. To find out who to contact for help, go to our [Workers' compensation](http://www.fairwork.gov.au/leave/workers-compensation) (<http://www.fairwork.gov.au/leave/workers-compensation>) page.

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## Where to get help

### Help with pay and entitlements

If you think your employer has made a mistake with your pay or entitlements, visit our [Help resolving workplace issues](http://www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-resolving-workplace-issues/default) (<http://www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-resolving-workplace-issues/default>) . This page will give you practical steps on how to fix the problem.


You can also record your hours of work easily with our [Record my hours app](http://www.fairwork.gov.au/how-we-will-help/how-we-help-you/record-my-hours-app) (<http://www.fairwork.gov.au/how-we-will-help/how-we-help-you/record-my-hours-app>) .

After reading through our website, if you still need help understanding Australian workplace laws, [Call us](http://www.fairwork.gov.au/contact-us/call-us/default) (<http://www.fairwork.gov.au/contact-us/call-us/default>) .

### Help with discrimination issues

It's illegal for an employer to discriminate against you because of your race, religion or national extraction.

Find out more about [Protection from discrimination at work](http://www.fairwork.gov.au/employee-entitlements/protections-at-work/protection-from-discrimination-at-work) (<http://www.fairwork.gov.au/employee-entitlements/protections-at-work/protection-from-discrimination-at-work>) .

It's also illegal to treat people unfairly on the basis of their race, colour, descent, or national or ethnic origin in other areas of public life. Find out more about racial discrimination at the Australian Human Rights Commission's website (<https://www.humanrights.gov.au/our-work/race-discrimination>) .

### Help with visa issues

If you think your employer isn't following the rules of your visa or is engaging in 'paying for visa sponsorship' (<https://www.border.gov.au/FAQs/Pages/what-is-payment-for-visas.aspx>)  activity you should contact the Department of Immigration and Border Protection  (<http://www.immi.gov.au/>) .

If you need an interpreter when contacting Department of Immigration and Border Protection or us, phone the Translating and Interpreting Service on 131 450.

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## Subclass 457 visa monitoring


We work with the DIBP to monitor certain subclass 457 visa arrangements. Our Fair Work Inspectors have been appointed as Migration Inspectors.

We check that 457 visa holders:

- are being paid the market rate specified in their approved visa
- are doing work which matches the job title and description approved in their visa.

We also make sure that employers who sponsor 457 visa holders are cooperating with us and DIBP so that we can monitor the arrangements effectively.

The information we collect is passed on to DIBP for further investigation and enforcement, as required.

It's not our role to respond directly to complaints about subclass 457 visas. For complaints and more information about 457 visas, contact the Department of Immigration and Border Protection  (<http://www.immi.gov.au/>) .

## You might also be interested in

- Visiting our Online learning centre (<http://fairwork.cls.janison.com/Auth/Login?ReturnUrl=/>)  to take our course about starting a new job
- A guide for young workers best practice guide (<http://www.fairwork.gov.au/how-we-will-help/templates-and-guides/best-practice-guides/a-guide-for-young-workers>)

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The Fair Work Ombudsman is committed to providing advice that you can rely on.

The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional.

Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.

[www.fairwork.gov.au](http://www.fairwork.gov.au)

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Small Business Helpline – 13 13 94



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