



Global Care Policy Index

Technical Report for Australia

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Overview

The Global Care Policy Index (GCPI) is a composite index that provides a single numerical assessment of a country's support for and protection of home-based caregivers and careworkers who do the important but often invisible work of caring for the young, old, disabled, and infirm within the country. The GCPI incentivizes states to take an embedded economy approach, and recognize and reward the critical role that caregiving and carework within households play in supporting the reproduction of society and the functioning of the economy. This goal is in line with the 2030 UN Agenda for Sustainable Development and the ILO's Decent Work Agenda which aim for a future where everyone is able to access decent work. It recognizes that paying attention to, valuing, and dignifying (paid) carework and (unpaid) caregiving is essential if a society wants to improve the quality of life of its people.

For more detailed information about the GCPI, please visit globalcarepolicy.com.

Index Calculation

Each question in the index is scored on a scale of 0 to 1. Each sub-category score is calculated by summing the unweighted scores of all the questions in the sub-category and then converting the total to a 0-to-10 scale. Each category score is calculated as an unweighted average of their respective sub-category scores. Each sub-index is calculated as an unweighted average of their respective category scores. Thus, all sub-categories, categories, and sub-indices are calculated out of 10. The overall GCPI score is calculated as an unweighted average of Sub-Indices A and B.

In the case of countries with decentralized legislation that varies from state to state, or province to province, a [two-step scoring logic](#) is used. This two-step logic takes into account the population coverage of any protective legislation (relative to the overall national population) and deducts points based on the average number of exclusionary conditions that exist in the various states/provinces where the relevant legislation is in force.

Scoring Notes for Australia

The federal government's labor laws apply to all of Australia and take precedence over the laws made by states, territory parliaments and local councils. In the event that the national labor law is lacking, employees look to state laws to determine their rights and responsibilities.

There is only one question in the GCPI, question A6.1.4: "Are employers required to provide infrastructural provisions/facilities at or near the workplace that mothers may use to nurse or pump milk?", where Australia was scored using a two-step logic. This is because there are no such requirements in the federal laws but there exist requirements in the Victoria and Queensland state laws. Following the two-step logic, since Victoria's and Queensland's populations collectively amount to 46% of the national population, the score was determined to be 0.5 (coverage of 25-74% of a country's population) for that question.

How to Cite this Technical Report

The recommended citation for this report is as follows:

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https://globalcarepolicy.common.yale-nus.edu.sg/country_profile/Australia/.

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No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
Australia				
SUB-INDEX A: PROTECTIONS FOR FAMILY CAREGIVERS				
A1. Pregnancy and Maternity Leave Coverage				
A1.1	Are working women guaranteed maternity leave?	0.75	<p>Yes, with 1 exclusionary condition. The Fair Work Act, Section 67 states: "All employees in Australia are entitled to parental leave. Employees are able to take parental leave if they:</p> <ol style="list-style-type: none"> 1. have worked for their employer for at least 12 months: <ul style="list-style-type: none"> - before the date or expected date of birth if the employee is pregnant - before the date of the adoption, or - when the leave starts (if the leave is taken after another person cares for the child or takes parental leave) 2. have or will have responsibility for the care of a child." <p>Exclusion 1: Need to work for employer for at least 12 months before becoming eligible for maternity leave. 1-0.25=0.75</p>	<p>Fair Work Australia</p> <p>Fair Work Act 2009 Section 67</p>
A1.2	Are all categories of working women guaranteed maternity leave?	0.40	<p>No, only Full-Timers and Casual Employees are guaranteed maternity leave.</p> <p>All employees in Australia are eligible for unpaid parental leave if they have completed at least 12 months of continuous service with their employer. This includes Casual Employees, but only if:</p> <ul style="list-style-type: none"> • they have been employed by the employer on a regular and systematic basis for a sequence of periods over at least 12 months • had it not been for the birth (or expected birth) or adoption (or expected adoption) of a child, they would have a reasonable expectation of continuing employment by the employer on a regular and systematic basis. <p>Casual Employees belong under (2) workers in temporary (including informal) employment. "A casual employee does not have a firm commitment in advance from an employer about how long they will be employed for, or the days (or hours) they will work. A casual employee also does not commit to all work an employer might offer. A casual employee (1) has no guaranteed hours of work, (2) usually works irregular hours, (3) does not get paid sick or annual leave, and (4) can end employment without notice, unless notice is required by a registered agreement, award, or employment contract."</p> <p>Besides Full-timers and Casual Employees, no other categories of employees are explicitly mentioned. Hence, using Option 2 calculation method: Score = 2/5=0.40</p>	<p>Fair Work Australia: Maternity and parental leave</p> <p>Fair Work Act 2009 Section 67</p> <p>Fair Work Australia: Casual employees</p>
A1.3	How long a maternity leave are eligible working women guaranteed?	1.00	<p>An eligible employee is entitled to 12 months of unpaid parental leave. It can be extended to up to 24 months with the employer's agreement. The leave also has to be taken in a single continuous period (e.g. an employee can't take leave for 6 months, return to work, then take another 6 months' leave).</p>	<p>Fair Work Act 2009 Section 70</p> <p>Fair Work Information Statement</p>
A1.4	Are eligible working women guaranteed extended prenatal maternity leave, if the actual date of childbirth is before or after initial predicted date of childbirth (indicated by a medical certificate) without any reduction in the postnatal maternity leave?	0.00	<p>The option of extending prenatal maternity leave, if the actual birth is earlier or later than the predicted date of childbirth, is not mentioned in the Fair Work Act 2009, or in the official Fair Work website.</p>	<p>Fair Work Act 2009</p>
A1.5	Are eligible working women guaranteed extended maternity leave in the case of simultaneous multiple births?	0.00	<p>The possibility of extended maternity leave for simultaneous multiple births is not mentioned in the Fair Work Act 2009, or in the official Fair Work website.</p>	<p>Fair Work Act 2009</p>
A1.6	Are eligible working women entitled to freely choose when they wish to take the non-compulsory portion of their maternity leave - before or after childbirth?	1.00	<p>Yes, eligible working women have some flexibility in choosing when to take the non-compulsory portion of their maternity leave. The Fair Work Act Section 71 states: "If the leave is birth-related leave for a female employee who is pregnant with, or gives birth to, the child, the period of leave may start:</p> <ol style="list-style-type: none"> (a) up to 6 weeks before the expected date of birth of the child; or (b) earlier, if the employer and employee so agree; but must not start later than the date of birth of the child." <p>"If the leave is birth-related leave but (the above) does not apply, the period of leave must start on the date of birth of the child."</p>	<p>Fair Work Act 2009 Section 71 (3) and (4)</p>



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A1.7	Are eligible working women guaranteed a period of compulsory maternity leave after childbirth?	1.00	<p>Yes, eligible working women are guaranteed a period of compulsory maternity leave after childbirth. The Fair Work Act Section 71 states:</p> <p>"If the leave is birth-related leave for a female employee who is pregnant with, or gives birth to, the child, the period of leave may start:</p> <p>(a) up to 6 weeks before the expected date of birth of the child; or</p> <p>(b) earlier, if the employer and employee so agree;</p> <p>but must not start later than the date of birth of the child."</p> <p>"If the leave is birth-related leave but (the above) does not apply, the period of leave must start on the date of birth of the child."</p>	Fair Work Act 2009 Section 71 (3) and (4)
A1.8	How long is the compulsory maternity leave that eligible working women are guaranteed after childbirth?	0.00	There is no explicit mention of the duration of compulsory maternity leave after childbirth in the Fair Work Act 2009, or in the official Fair Work website.	Fair Work Act 2009
A1.9	Are eligible women guaranteed additional leave in case there is a documented medical illness, complications, or risk of complications arising out of pregnancy or childbirth?	1.00	<p>Yes. The Fair Work Act Section 80 states:</p> <p>"A female employee is entitled to a period of Unpaid Special Maternity Leave if she is not fit for work during that period because:</p> <p>(a) she has a pregnancy-related illness; or</p> <p>(b) she has been pregnant, and the pregnancy ends within 28 weeks of the expected date of birth of the child otherwise than by the birth of a living child."</p> <p>The same eligibility conditions apply as with maternity leave eligibility.</p> <p>"If an employee takes special maternity leave because of a pregnancy-related illness, the leave will end when the pregnancy or illness ends, whichever is earlier. If she takes leave because of a miscarriage, termination or still birth it can continue until she is fit for work.</p> <p>The entitlement to unpaid parental leave is not reduced by the amount of any unpaid special maternity leave taken by the employee while they are pregnant.</p> <p>An employee will need to tell her employer as soon as possible (which can be after the leave has started) that she is taking special maternity leave. She will also need to tell them how long she expects to be on leave. The employer can ask for evidence and can request a medical certificate."</p>	Fair Work Act 2009 Section 80 Pregnant employee entitlements: Maternity and Paternal leave
A1.10	Do adoptive mothers have access to a similar system of protections regarding parenting leave, benefits, and employment protection?	0.75	<p>Yes, adoptive mothers have access to a similar system of protections, but with 1 condition.</p> <p>Exclusionary condition 1: An employee is not entitled to adoption-related leave unless the child that is, or is to be, placed with the employee for adoption:</p> <p>(a) is, or will be, under 16 as at the day of placement, or the expected day of placement, of the child</p> <p>1-0.25=0.75</p>	Fair Work Act 2009 Section 68
A2.	Protections during Pregnancy and Maternity Leave			
A2.1	Financial Protections			



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A2.1.1	What proportion of their salary are eligible working women entitled to receive while on maternity leave?	99.00	<p>This question is not applicable to Australia as all eligible working women automatically receive Parental Leave Pay at a fixed rate, rather than pegged to their prior salary. Services Australia states: "Parental Leave Pay is currently AUD\$753.90 (\$523.97 USD) per week before tax. This is based on the weekly rate of the national minimum wage (as of 7 July 2020)." However, there are 4 exclusionary conditions governing a woman's eligibility for this pay.</p> <p>Exclusionary condition 1: They must have an individual adjusted taxable income of \$150,000 or less.</p> <p>Exclusionary condition 2: They need to have worked for both: - 10 of the 13 months before the birth or adoption of your child - a minimum of 330 hours, around one day a week, in that 10 month period.</p> <p>Exclusionary condition 3: When their child is born or adopted they must be living in Australia and have one of the following: - Australian citizenship - a permanent visa - a Special Category visa (Australia's immigration authorities generally issue you with a SCV if you arrive in Australia on a New Zealand passport) - a certain temporary visa, for example a partner provisional, interdependency or temporary protection visa. (You may be exempt from being an Australian resident, for limited payments and concessions. This is if you hold a partner provisional visa including both: (1) subclass 820 - Partner visa (temporary) and (2) subclass 309 - Partner visa (provisional).)</p> <p>They must continue to meet the residence rules for as long as they get this payment. Newly arrived residents may have to wait 2 years before getting this payment, with some exemptions. You may not have to wait the newly arrived resident's waiting period if you're 1 of these: (1) an Australian citizen, (2) a refugee or former refugee, (3) a holder of a certain visa subclass and claim certain payments. You may also not have to wait if you're a family member of a refugee or humanitarian migrant. This is if you're a family member at both times when: (1) that person arrived in Australia; (2) you claim a payment or concession.</p> <p>Exclusionary condition 4: They must be the primary carer of the newborn or adopted child.</p>	Services Australia: Parental Leave Pay
A2.1.2	Is the woman entitled to cash benefits during maternity leave out of social assistance funds if she does not qualify for wage replacement or the country does not offer wage replacements?	1.00	<p>Yes. If she is not eligible for Parental Leave Pay, she may still be able to get both the:</p> <ol style="list-style-type: none"> 1. Newborn Upfront Payment - This is a non-taxable lump sum payment of \$570 per child 2. Newborn Supplement - This is a non-taxable ongoing payment for up to 13 weeks. The amount you get depends on how many children you have and your family's income. For your first child, the maximum total amount you can receive is \$1,709.89 for the 13 weeks. For subsequent children the maximum total amount is \$570.57 for the 13 weeks. <p>These payments are not highly exclusionary and are means-tested.</p>	Services Australia
A2.1.3	Does the government ensure that employers are not individually liable for the cost of providing cash benefits to working women during maternity leave either through compulsory social insurance or public funds?	1.00	<p>Yes, employers are not individually liable for the cost of providing maternity leave cash benefits. The Newborn Upfront Payment and Newborn Supplement are disbursed by the government, not employers.</p> <p>Services Australia states: "The Australian income support system differs from those of most other developed countries, in that it is funded from general revenue, rather than from direct contributions by individuals and employers."</p>	Services Australia
A2.1.4	Are taxes and contributions due under compulsory social insurance, utilised to finance maternity benefits, payable equally by men and women, without distinction of sex?	1.00	<p>Yes. There seems to be no distinction by sex specified in the amount of contributions to compulsory social insurance.</p> <p>"The Australian income support system differs from those of most other developed countries, in that it is funded from general revenue, rather than from direct contributions by individuals and employers."</p> <p>"Australia has a regionally administered, universal public health insurance program (Medicare) that is financed through general tax revenue and a government levy."</p>	Australian Government Department of Social Services: Social Security Payments - Residence Criteria The Commonwealth Fund



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A2.1.5	Are unemployment benefits protected from loss or suspension in situations when a worker refuses a job offer on the grounds of conflicts with their family responsibilities?	1.00	<p>Yes.</p> <p>If you're unemployed, or you're not in fulltime work, you may get JobSeeker Payments (every 2 weeks, amount depends on circumstances). This can include if you're doing part time or casual work.</p> <p>Conditions for Eligibility: You'll need to meet all of these:</p> <ul style="list-style-type: none"> - you're between 22 and Age Pension age - you meet residence rules (On the day you claim JobSeeker Payment, you must be an Australian resident, and in Australia. You must continue to meet the residence rules for as long as you get this payment. / You may be able to get JobSeeker Payment for 6 months, if you meet 2 conditions. These are that you: (1) hold a non-protected Special Category visa (SCV), (2) have lived in Australia without a break for at least 10 years right before you claim. Non-protected SCV holders may only get JobSeeker Payment for a single period up to 6 months.) - your income and assets are under the test limits. (There are different amounts of income and asset test limits depending on the marital status of the parent and the number of children they have) <p>You also need to meet rules for 1 of these situations:</p> <ul style="list-style-type: none"> - You meet our definition of unemployed and you're looking for work. - You're sick or injured and are unable to do your usual work or study for a short time. <p>You may also be able to get this payment if your work situation changes because of coronavirus (COVID 19). The change in your work situation can be for 1 of the following reasons. You're:</p> <ul style="list-style-type: none"> - a permanent employee and have lost your job - a sole trader, self-employed, a casual or contact worker and your income has reduced - caring for someone who's affected by coronavirus. <p>Mutual obligation requirements for principal carers (Approved activities you agree to do to keep getting your payment and give you a better chance of finding work)</p> <p>A principal carer is someone who is the main care provider of a dependent child under 16. This can be someone like a parent or guardian. They're responsible for the day-to-day care, welfare and development of the child. Only 1 person can be the principal carer of a child. If you and your partner provide equal levels of care, you need to tell us who the principal carer is.</p> <ul style="list-style-type: none"> - We recognise your responsibilities as a principal carer but you should accept an offer of suitable work. This is any work you're capable of doing. <p>Principal carers with mutual obligation requirements must do the activities they agreed to do in their Job Plan. This means you need to either:</p> <ul style="list-style-type: none"> - look for suitable paid part time work of at least 30 hours per fortnight - do other approved activities to improve your chances of getting work. <p>However, you don't have to accept an offer of work that is either:</p> <ul style="list-style-type: none"> - not suitable - more than 25 hours per week. <p>Work that isn't suitable includes where any of the following apply:</p> <ul style="list-style-type: none"> - appropriate child care isn't available during work hours - the travel time from home to work is unreasonable, for example it's more than 60 minutes one way - the most cost effective travel will exceed 10% of your gross wage - the employment doesn't make you at least \$50 per fortnight better off after deducting your costs. 	<p>Services Australia: Payments for job seekers</p> <p>Services Australia: Jobseeker Payment - Income and Asset limits</p> <p>Services Australia: Exemptions from mutual obligation requirements for principal carers</p>
A2.2	Employment Protections			



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A2.2.1	Are working women guaranteed a right to return to the same job/position or to an equivalent position, paid at the same rate at the end of their maternity leave?	0.50	<p>Yes, working women are guaranteed a right to return to the same position or an equivalent position, but they are not guaranteed a right to the same wage.</p> <p>The Fair Work Act Section 84 states: "On ending unpaid parental leave, an employee is entitled to return to: (a) the employee's pre-parental leave position; or (b) if that position no longer exists—an available position for which the employee is qualified and suited nearest in status and pay to the pre-parental leave position."</p> <p>However, the right to same wage rate is not mentioned. Instead the Fair Work Act Section 83 states, "If: (a) an employee is on unpaid parental leave; and (b) the employee's employer makes a decision that will have a significant effect on the status, pay or location of the employee's pre-parental leave position; the employer must take all reasonable steps to give the employee information about, and an opportunity to discuss, the effect of the decision on that position."</p> <p>Given the lack of protections for working women's wage rate, the score is 0.5.</p>	Fair Work Act 2009 Section 84 and Section 83
A2.2.2	Are working women protected from dismissal from work while they are on maternity leave, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing?	1.00	<p>Yes. "An employee can't be discriminated against because she's pregnant. This means that an employee can't be fired, demoted or treated differently to other employees because she's pregnant."</p> <p>The Fair Work Act Section 351 states: "An employer must not take adverse action against a person who is an employee, or prospective employee, of the employer because of the person's race, colour, sex, sexual orientation, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction or social origin."</p> <p>Adverse action taken by an employer includes doing, threatening or organising any of the following: - dismissing an employee - injuring an employee in their employment - altering an employee's position to their detriment - discriminating between one employee and other employees - refusing to employ a prospective employee - discriminating against a prospective employee on the terms and conditions in the offer of employment</p>	Fair Work: Pregnant employee entitlements Fair Work Act 2009 Section 351
A2.2.3	Are working women protected from dismissal during a period following their return to work, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing?	0.00	<p>No, the law does not explicitly prohibit dismissal during the period following the woman's return to work after her maternity leave ends.</p>	Fair Work Act 2009 Section 70 to 85
A2.2.4	Are employers prohibited from requiring pregnancy tests of women applying for employment (except for work that is prohibited for nursing or pregnant women, or for work that poses significant risk to the health of the woman and the child) ?	1.00	<p>Yes.</p> <p>The Fair Work Act Section 351 states: "An employer must not take adverse action against a person who is an employee, or prospective employee, of the employer because of the person's race, colour, sex, sexual orientation, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction or social origin."</p> <p>Adverse action taken by an employer includes doing, threatening or organising any of the following: - dismissing an employee - injuring an employee in their employment - altering an employee's position to their detriment - discriminating between one employee and other employees - refusing to employ a prospective employee - discriminating against a prospective employee on the terms and conditions in the offer of employment</p>	Fair Work: Pregnant employee entitlements Fair Work Act 2009 Section 351



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A2.2.5	Are there laws to protect workers against direct or indirect job discrimination on the basis of their marital status or family responsibilities?	1.00	<p>Yes.</p> <p>The Sex Discrimination Act Section 14 states: "It is unlawful for an employer to discriminate against a person on the ground of the person's sex, sexual orientation, gender identity, intersex status, marital or relationship status, pregnancy or potential pregnancy, breastfeeding or family responsibilities:</p> <p>(a) in the arrangements made for the purpose of determining who should be offered employment;</p> <p>(b) in determining who should be offered employment; or</p> <p>(c) in the terms or conditions on which employment is offered"</p> <p>The Fair Work Act Section 351 states: "An employer must not take adverse action against a person who is an employee, or prospective employee, of the employer because of the person's race, colour, sex, sexual orientation, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction or social origin."</p>	<p>Sex Discrimination Act 1984 Section 14</p> <p>Fair Work Act 2009 Section 351</p>
A3. Paternity Leave Policies				
A3.1	Are working men guaranteed paternity or parental leave?	0.75	<p>Yes, working men are guaranteed parental leave, but with 1 Exclusionary condition: They must have worked for their employer for 12 months.</p> <p>All employees in Australia (including fathers) are entitled to parental leave. Employees are able to take parental leave if they:</p> <ol style="list-style-type: none"> 1. have worked for their employer for at least 12 months: <ul style="list-style-type: none"> - before the date or expected date of birth if the employee is pregnant - before the date of the adoption, or - when the leave starts (if the leave is taken after another person cares for the child or takes parental leave) 2. have or will have responsibility for the care of a child. <p>1-0.25=0.75</p>	<p>Fair Work Australia</p> <p>Fair Work Act 2009 Section 67</p>
A3.2	Are all categories of working men guaranteed paternity leave or parental leave?	0.40	<p>No, only Full Timers and Casual Employees are guaranteed parental leave.</p> <p>All employees in Australia are eligible for unpaid parental leave if they have completed at least 12 months of continuous service with their employer.</p> <p>This includes Casual Employees, but only if:</p> <ul style="list-style-type: none"> • they have been employed by the employer on a regular and systematic basis for a sequence of periods over at least 12 months • had it not been for the birth (or expected birth) or adoption (or expected adoption) of a child, they would have a reasonable expectation of continuing employment by the employer on a regular and systematic basis. <p>Casual Employees belong under (2) workers in temporary (including informal) employment. "A casual employee does not have a firm commitment in advance from an employer about how long they will be employed for, or the days (or hours) they will work. A casual employee also does not commit to all work an employer might offer. A casual employee (1) has no guaranteed hours of work, (2) usually works irregular hours, (3) does not get paid sick or annual leave, and (4) can end employment without notice, unless notice is required by a registered agreement, award, or employment contract."</p> <p>Besides Casual Employees, no other categories of employees are explicitly mentioned. Hence, using Option 2 calculation method: Score = 2/5=0.4</p>	<p>Fair Work Australia: Maternity and parental leave</p> <p>Fair Work Act 2009 Section 67</p> <p>Fair Work Australia: Casual employees</p>
A3.3	How long a paternity or parental leave are eligible working men guaranteed?	1.00	<p>An employee is entitled to 12 months of unpaid parental leave. It can be extended to up to 24 months with employer's agreement. The leave also has to be taken in a single continuous period (e.g. an employee can't take leave for 6 months, return to work, then take another 6 months leave).</p>	<p>Fair Work Act 2009 Section 70</p> <p>Fair Work Information Statement</p>
A3.4	What proportion of their salary are eligible working men entitled to receive while on paternity leave?	99.00	<p>This question is not applicable for Australia as all eligible working men (and same-sex partners) are paid at the same rate, rather than having it pegged to their salary. "Eligible working dads and partners (including same-sex partners) get 2 weeks leave paid at the National Minimum Wage. These payments are made directly to the employee by the Australian Government"</p> <p>National Minimum Wage as of 7 July 2020: AUD\$753.90 (\$523.97 USD) per week before tax.</p> <p>"Your employer may pay you a top up payment to supplement your Dad and Partner Pay. For example, they may pay the difference between your Dad and Partner Pay and your normal wage. This won't affect your eligibility. We don't consider a top up payment as paid leave for the purposes of Dad and Partner Pay."</p>	<p>Fair Work: Paid Parental Leave</p> <p>Services Australia: Dad and Partner Pay</p>



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A3.5	In the case of the death of the mother before the expiry of the postnatal leave, is the employed father of the child entitled to take leave of a duration equal to the unexpired portion of the postnatal maternity leave?	0.75	<p>Yes, but with 1 Exclusionary Condition. Both parents have access to 12 months of unpaid parental leave, which they can request to extend by the amount unused by the other parent.</p> <p>Section 76 of the Fair Work Act states: "Special rules for employee couples (6) The following paragraphs apply in relation to a member of an employee couple extending a period of unpaid parental leave in relation to a child under this section: (a) the request must specify any amount of unpaid parental leave that the other member of the employee couple has taken, or will have taken, in relation to the child before the extension starts; (b) the period of the extension cannot exceed 12 months, less any period of unpaid parental leave that the other member of the employee couple has taken, or will have taken, in relation to the child before the extension starts; (c) the amount of unpaid parental leave to which the other member of the employee couple is entitled under section 70 in relation to the child is reduced by the period of the extension."</p> <p>Exclusionary Condition 1: Employees may request this extension of parental leave, but employers are not required to agree to this request. 1-0.25 = 0.75</p>	Fair Work Act 2009 Section 76
A3.6	In the case of sickness or hospitalisation of the mother after childbirth where the mother cannot take care of the child, is the employed father of the child entitled to leave of a duration equal to the unexpired portion of the postnatal maternity leave?	0.75	<p>Yes, but with 1 Exclusionary Condition. Both parents have access to 12 months of unpaid parental leave, which they can request to extend by the amount unused by the other parent.</p> <p>Section 76 of the Fair Work Act states: "Special rules for employee couples (6) The following paragraphs apply in relation to a member of an employee couple extending a period of unpaid parental leave in relation to a child under this section: (a) the request must specify any amount of unpaid parental leave that the other member of the employee couple has taken, or will have taken, in relation to the child before the extension starts; (b) the period of the extension cannot exceed 12 months, less any period of unpaid parental leave that the other member of the employee couple has taken, or will have taken, in relation to the child before the extension starts; (c) the amount of unpaid parental leave to which the other member of the employee couple is entitled under section 70 in relation to the child is reduced by the period of the extension."</p> <p>Exclusionary Condition 1: Employees may request this extension of parental leave, but employers are not required to agree to this request. 1-0.25 = 0.75</p>	Fair Work Act 2009 Section 76
A3.7	Do adoptive fathers have access to a similar system of protections regarding parenting leave, benefits, and employment protection?	0.75	<p>Yes, adoptive fathers have access to a similar system of protections with 1 Exclusionary Condition.</p> <p>Exclusionary condition 1: An employee is not entitled to adoption-related leave unless the child that is, or is to be, placed with the employee for adoption: (a) is, or will be, under 16 as at the day of placement, or the expected day of placement, of the child 1-0.25=0.75</p>	Fair Work Act 2009 Section 68
A4.	Dependent Care Leave Policies			



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A4.1	Are eligible workers entitled to leave to take care of their children?	1.00	<p>Yes. Carer's leave lets an employee take time off to help them deal with caring responsibilities of immediate family members and/or family emergencies. It comes out of the employee's personal leave balance.</p> <p>An immediate family member is a:</p> <ul style="list-style-type: none"> - spouse or former spouse - de facto partner or former de facto partner - child - parent - grandparent - grandchild - sibling, or - child, parent, grandparent, grandchild or sibling of the employee's spouse or de facto partner (or former spouse or de facto partner). <p>This definition includes step-relations (eg. step-parents and step-children) as well as adoptive relations. A household member is any person who lives with the employee.</p> <p>The National Employment Standards includes both:</p> <p>(1) Paid carer's leave (2) Unpaid carer's leave</p> <p>(1) Paid carer's leave</p> <ul style="list-style-type: none"> - All employees (full-time and part-time) except casual employees are entitled to paid carer's leave. Employees may have to give notice or evidence to get paid for carer's leave. - For each year of service with his or her employer, an employee is entitled to minimum 10 days of paid carer's leave. - An employee's entitlement to paid carer's leave accrues progressively during a year of service according to the employee's ordinary hours of work, and accumulates from year to year. - Carer's leave is paid at an employee's base pay rate. An employee who takes paid carer's leave is paid for the hours they would normally work during the period they took leave, whether it is a whole day or part day (not including overtime hours). A base pay rate doesn't include separate entitlements such as: incentive-based payments, bonuses, loadings, allowances, overtime, penalty rates. <p>(2) Unpaid carer's leave</p> <ul style="list-style-type: none"> - All employees, including casual employees are entitled to 2 days unpaid carer's leave each time (a permissible occasion) an immediate family member or household member of the employee needs care and support because of illness, injury or an unexpected emergency. - Full-time and part-time employees can only get unpaid carer's leave if they don't have any paid sick / carer's leave left. - Unpaid carer's leave can be taken: <ul style="list-style-type: none"> - in 1 continuous period (e.g. 2 working days in a row) or - in separate periods as agreed between the employee and employer (e.g. 4 half days could be taken in a row). 	<p>Fair Work: Sick and Carer's Leave</p> <p>Fair Work Act 2009 Section 96, 97, and 102</p> <p>Fair Work: Paid sick & carer's leave – Frequently Asked Questions</p> <p>Fair Work: Paid sick & carer's leave</p> <p>Fair Work: Payment for paid sick & carer's leave</p> <p>Fair Work: Unpaid carer's leave</p>



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A4.2	Are eligible workers entitled to leave to take care of immediate family members who may be suffering from an illness?	1.00	<p>Yes. Carer's leave lets an employee take time off to help them deal with caring responsibilities for immediate family members and/or family emergencies, but it comes out of the employee's personal leave balance.</p> <p>An immediate family member is a:</p> <ul style="list-style-type: none"> - spouse or former spouse - de facto partner or former de facto partner - child - parent - grandparent - grandchild - sibling, or - child, parent, grandparent, grandchild or sibling of the employee's spouse or de facto partner (or former spouse or de facto partner). <p>This definition includes step-relations (eg. step-parents and step-children) as well as adoptive relations. A household member is any person who lives with the employee.</p> <p>The National Employment Standards includes both:</p> <p>(1) Paid carer's leave (2) Unpaid carer's leave</p> <p>(1) Paid carer's leave</p> <ul style="list-style-type: none"> - All employees (full-time and part-time) except casual employees are entitled to paid carer's leave. Employees may have to give notice or evidence to get paid for carer's leave. - For each year of service with his or her employer, an employee is entitled to minimum 10 days of paid carer's leave. - An employee's entitlement to paid carer's leave accrues progressively during a year of service according to the employee's ordinary hours of work, and accumulates from year to year. - Carer's leave is paid at an employee's base pay rate. An employee who takes paid carer's leave is paid for the hours they would normally work during the period they took leave, whether it is a whole day or part day (not including overtime hours). A base pay rate doesn't include separate entitlements such as: incentive-based payments, bonuses, loadings, allowances, overtime, penalty rates. <p>(2) Unpaid carer's leave</p> <ul style="list-style-type: none"> - All employees, including casual employees are entitled to 2 days unpaid carer's leave each time (a permissible occasion) an immediate family member or household member of the employee needs care and support because of illness, injury or an unexpected emergency. - Full-time and part-time employees can only get unpaid carer's leave if they don't have any paid sick / carer's leave left. - Unpaid carer's leave can be taken: <ul style="list-style-type: none"> - in 1 continuous period (e.g. 2 working days in a row) or - in separate periods as agreed between the employee and employer (e.g. 4 half days could be taken in a row). 	<p>Fair Work: Sick and Carer's Leave</p> <p>Fair Work Act 2009 Section 96, 97, and 102</p> <p>Fair Work: Paid sick & carer's leave – Frequently Asked Questions</p> <p>Fair Work: Paid sick & carer's leave</p> <p>Fair Work: Payment for paid sick & carer's leave</p> <p>Fair Work: Unpaid carer's leave</p>
A4.3	Are all categories of workers guaranteed dependent care leaves?	0.60	<p>No, the only categories explicitly mentioned as eligible for Unpaid Carer's leave are (1) Full-time, (2) Casual, and (3) Part-time employees.</p> <p>Casual employees are not eligible for Paid Carer's leave.</p> <p>Considering only unpaid carer's leave, the score would be $3/5=0.6$.</p>	<p>Fair Work: Sick and Carer's Leave</p> <p>Fair Work Act 2009 Section 96, 97, and 102</p> <p>Fair Work: Paid sick & carer's leave – Frequently Asked Questions</p> <p>Fair Work: Paid sick & carer's leave</p> <p>Fair Work: Payment for paid sick & carer's leave</p> <p>Fair Work: Unpaid carer's leave</p>

A5. Flexible Work Arrangements



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A5.1	Do employees with care responsibilities have the right to request reduced working hours?	0.75	<p>Yes, employees with care responsibilities can request reduced working hours, but with 1 exclusionary condition. (Exclusionary Condition: They must have been employed for at least 12 months prior to making the request.)</p> <p>The employee is not entitled to make the request to make changes in working arrangements (including changes in hours of work, changes in patterns of work and changes in location of work) unless:</p> <p>(a) for an employee other than a casual employee—the employee has completed at least 12 months of continuous service with the employer immediately before making the request; or</p> <p>(b) for a casual employee—the employee:</p> <p>(i) has been employed by the employer on a regular and systematic basis for a sequence of periods of employment of at least 12 months immediately before making the request; and</p> <p>(ii) has a reasonable expectation of continuing employment by the employer on a regular and systematic basis.</p> <p>1-0.25=0.75.</p>	<p>Fair Work: Requests for Flexible Working Arrangements - Fact sheets</p> <p>Fair Work Act 2009 Section 65</p>
A5.2	Do employees with care responsibilities have the right to request flexitime, telecommuting, etc.?	0.75	<p>Yes, employees with care responsibilities can request flexitime, telecommuting, etc., but with 1 exclusionary condition. (Exclusionary Condition: They must have been employed for at least 12 months prior to making the request.)</p> <p>The employee is not entitled to make the request to make changes in working arrangements (including changes in hours of work, changes in patterns of work and changes in location of work) unless:</p> <p>(a) for an employee other than a casual employee—the employee has completed at least 12 months of continuous service with the employer immediately before making the request; or</p> <p>(b) for a casual employee—the employee:</p> <p>(i) has been employed by the employer on a regular and systematic basis for a sequence of periods of employment of at least 12 months immediately before making the request; and</p> <p>(ii) has a reasonable expectation of continuing employment by the employer on a regular and systematic basis.</p> <p>1-0.25=0.75.</p>	<p>Fair Work: Requests for Flexible Working Arrangements - Fact sheets</p> <p>Fair Work Act 2009 Section 65</p>
A5.3	Are the special needs of workers with family responsibilities taken into account in shift-work arrangements and assignments to night work?	0.75	<p>Yes, employees with care responsibilities can request consideration in shift-work arrangements and assignments to night work, etc., but with 1 exclusionary condition. (Exclusionary Condition: They must have been employed for at least 12 months prior to making the request.)</p> <p>The employee is not entitled to make the request to make changes in working arrangements (including changes in hours of work, changes in patterns of work and changes in location of work) unless:</p> <p>(a) for an employee other than a casual employee—the employee has completed at least 12 months of continuous service with the employer immediately before making the request; or</p> <p>(b) for a casual employee—the employee:</p> <p>(i) has been employed by the employer on a regular and systematic basis for a sequence of periods of employment of at least 12 months immediately before making the request; and</p> <p>(ii) has a reasonable expectation of continuing employment by the employer on a regular and systematic basis.</p> <p>1-0.25=0.75.</p>	<p>Fair Work: Requests for Flexible Working Arrangements - Fact sheets</p> <p>Fair Work Act 2009 Section 65</p>
A5.4	Is a woman allowed to leave the workplace, if necessary, after notifying her employer, in order to undergo medical examinations related to her pregnancy?	0.00	<p>No explicit mention.</p> <p>Personal leave also does not cover such reasons for leaving the workplace.</p> <p>"An employee may take paid personal/carer's leave if the leave is taken:</p> <p>(a) because the employee is not fit for work because of a personal illness, or personal injury, affecting the employee; or</p> <p>(b) to provide care or support to a member of the employee's immediate family, or a member of the employee's household, who requires care or support because of: (i) a personal illness, or personal injury, affecting the member; or (ii) an unexpected emergency affecting the member."</p>	<p>Fair Work Act 2009 Section 97</p>
A6.	Family-Friendly Workplace Policies			
A6.1	Nursing Support in the Workplace			



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A6.1.1	Is the mother guaranteed daily breaks or reduction of work hours to pump milk, breastfeed, or nurse for her child?	0.00	<p>No.</p> <p>"Australian employers are not legally obliged to provide lactation breaks to their employees."</p> <p>"In relation to the workplace, unfortunately there is no legislation in Australia to give mothers in the paid workforce the legal right to paid breastfeeding breaks as set down by the ILO Convention No. 103. When it comes to unpaid lactation breaks the legislation again is not specific. Expressing while away from her baby is essential for the health of the breastfeeding employee therefore preventing a breastfeeding employee from doing this could be considered 'indirect' discrimination. However, it is up to the individual employee to negotiate these breaks with their employer taking into account both her own needs and the organisational needs of their workplace. The Fair Work Act may also apply in this situation, as the right to negotiate flexible working arrangements is one of the protected National Employment Standards. A growing number of private and public sector Enterprise Bargain Agreements, Awards or similar now have provision for lactation breaks"</p> <p>The <i>Breastfeeding & Work: Your rights at work</i> report produced by the Australian Breastfeeding Association reports: "Under both the Federal and all State legislation it is unlawful to treat a woman less favourably because she is breastfeeding or to treat a person less favourably based on their status as a parent. This means it may be against the law for an employer to refuse to make arrangements to assist an employee to breastfeed at work or accommodate an employee's breastfeeding needs (including expressing). However, the onus is on the individual employee to negotiate with their employer around their individual breastfeeding needs and the organisational needs of the employer."</p>	<p>Australian Breastfeeding Association</p> <p>Breastfeeding & Work: Your rights at work</p>
A6.1.2	Are these breaks counted and compensated as working time?	0.00	Not mentioned in the Fair Work Act 2009 or the Sex Discrimination Act 1984.	Fair Work Act 2009
A6.1.3	On the production of a medical certificate, can the frequency and length of these nursing breaks be adapted to particular needs?	0.00	Not mentioned in the Fair Work Act 2009 or the Sex Discrimination Act 1984.	Fair Work Act 2009
A6.1.4	Are employers required to provide infrastructural provisions/facilities at or near the workplace that mothers may use to nurse or pump milk?	0.50	<p>There is no mention in federal legislation about a requirement for employers to provide facilities for mothers to nurse or pump milk at the workplace, but it is mentioned in some states' legislation (specifically Victoria and Queensland).</p> <p>Following 2-step logic, since Victoria's and Queensland's populations sum to 46% of the national population, the score would be 0.5 (25-74% of population)</p> <p>1. Victoria (26% of national population) The Victorian Equal Opportunity and Equal Rights Commission: Pregnancy and Breastfeeding Association website states: "Examples of pregnancy or breastfeeding discrimination in the workplace includes an employer refusing to provide a private, clean space for a mother to express breastmilk"</p> <p>2. Queensland (20% of national population) "Under the Anti-Discrimination Act 1991 (Qld), workplaces must ensure that they do not discriminate against people on the basis of parental status, family responsibilities or breastfeeding status. The employee is entitled to access a suitable place to breastfeed or express. When suitable workplace facilities are not available for expressing or breastfeeding, alternative arrangements should be investigated, negotiated and agreed upon by both the employer and employee."</p>	<p>Victorian Equal Opportunity and Equal Rights Commission: Pregnancy and Breastfeeding Association</p> <p>Queensland Government: Work and Breastfeeding</p>
A6.2 Workplace Safety for Pregnant and Nursing Women				
A6.2.1	Are employers required to assess and report workplace risks related to the health and safety of pregnant and nursing women and their children?	1.00	<p>There is no explicit mention in federal laws/acts about employers' requirement to assess and report workplace risks related to pregnant and nursing, but the Supporting Working Parents government website states: "You must do what is reasonably practicable to ensure the health and safety of all your workers, including those who are pregnant. As pregnant workers' needs may change during their pregnancy, you will need to take these changes into account and respond accordingly to meet your work health and safety obligations.</p> <p>Managing risks to health and safety at work Managing risks means eliminating or minimising risks, so far as is reasonably practicable.</p> <p>As part of your general approach to managing risks, you should identify and assess any health or safety risks to workers of childbearing age and in particular risks to pregnant women and new mothers. For example, risks that may arise from any process, working conditions, physical requirements or exposure to biological or chemical agents.</p> <p>You must also implement adequate risk control measures, to address those risks."</p>	<p>Supporting Working Parents: Pregnant Employees</p> <p>Fair Work Act 2009 Section 81</p>



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A6.2.2	Is a pregnant or nursing woman exempt from performing work that has been determined to be prejudicial to the health of the mother or the child?	1.00	<p>Yes, there are exemptions from performing dangerous work for pregnant and nursing women. The Supporting Working Parents government website states: "Under the Fair Work Act, all pregnant employees, including casuals, are entitled to move to a safe job if it is not safe for them to do their usual job because of their pregnancy. This includes employees that are not eligible for unpaid parental leave.</p> <p>An employee who moves to a safe job will still get the same pay rate, hours of work and other entitlements that she got in her usual job. She and her employer can however agree on different working hours."</p> <p>and</p> <p>"This section applies to a pregnant employee if she gives her employer evidence that would satisfy a reasonable person that she is fit for work, but that it is inadvisable for her to continue in her present position during a stated period (the risk period) because of:</p> <ul style="list-style-type: none"> (a) illness, or risks, arising out of her pregnancy; or (b) hazards connected with that position. <p>If there is an appropriate safe job available, then the employer must transfer the employee to that job for the risk period, with no other change to the employee's terms and conditions of employment."</p>	<p>Supporting Working Parents: Pregnant Employees</p> <p>Fair Work Act 2009 Section 81</p>
A6.2.3	Is the woman entitled to eliminate risk elements from work (if possible), adapt the conditions of her work, or transfer from harmful labor to other kinds of work that do not pose risks to her health?	1.00	<p>Yes. "Under the Fair Work Act, all pregnant employees, including casuals, are entitled to move to a safe job if it is not safe for them to do their usual job because of their pregnancy. This includes employees that are not eligible for unpaid parental leave.</p> <p>An employee who moves to a safe job will still get the same pay rate, hours of work and other entitlements that she got in her usual job. She and her employer can however agree on different working hours."</p> <p>and</p> <p>"This section applies to a pregnant employee if she gives her employer evidence that would satisfy a reasonable person that she is fit for work, but that it is inadvisable for her to continue in her present position during a stated period (the risk period) because of:</p> <ul style="list-style-type: none"> (a) illness, or risks, arising out of her pregnancy; or (b) hazards connected with that position. <p>If there is an appropriate safe job available, then the employer must transfer the employee to that job for the risk period, with no other change to the employee's terms and conditions of employment.</p> <p>If (a) there is no appropriate safe job available; and</p> <ul style="list-style-type: none"> (b) the employee is entitled to unpaid parental leave; <p>then the employee is entitled to paid no safe job leave for the risk period.</p> <p>If the employee takes paid no safe job leave for the risk period, the employer must pay the employee at the employee's base rate of pay for the employee's ordinary hours of work in the risk period."</p>	<p>Supporting Working Parents: Pregnant Employees</p> <p>Fair Work Act 2009 Section 81 and 81A</p>
A6.2.4	On the production of a medical certificate, is the woman exempt from doing night work if it may be incompatible with her pregnancy or nursing?	0.00	No explicit mention.	Fair Work Act 2009

SUB-INDEX B: PROTECTIONS FOR DOMESTIC WORKERS

B1. Coverage under National Labor Laws



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B1.1	Are domestic workers covered under national labor laws?	1.00	<p>Yes. There is no specific exclusion of domestic workers from the Fair Work Act 2009.</p> <p>Walk Free Foundation and Salvation Army's Policy Brief 2015 (Discussion Paper) states that "In 2011, in order to combat the growing abuse of domestic workers worldwide, the Australian Government alongside other International Labour Organization (ILO) member governments, voted to adopt the ILO Convention Concerning Decent Work for Domestic Workers (ILO C. 189). To date, the Australian Government has not considered it necessary to ratify the Convention because Australian laws are already compliant and offer domestic workers protections equal to others in the workforce. We are calling on the Government to consider the value of ratifying ILO 189 for the following reasons..." (p.3)</p> <p>There is also explicit mention of private domestic workers for diplomats and consular officials. The website of the Australian Department of Foreign Affairs and Trade states: "Private domestic workers brought to Australia under diplomatic or consular privilege have the same employment rights, protections, and obligations as Australian citizens and permanent residents."</p>	<p>Walk Free Foundation and Salvation Army: Improving Protections for Migrant Domestic Workers in Australia: Policy Brief (Discussion Paper) p.3</p> <p>Walk Free Foundation and Salvation Army: Improving Protections for Migrant Domestic Workers in Australia: Policy Brief 1 (June 2015)</p> <p>ILO Report: Domestic workers across the world: Global and regional statistics and the extent of legal protection (2013) Annex 3</p> <p>Australian Government Department of Foreign Affairs and Trade: Foreign Domestic Workers</p>
B1.2	Do the legislations for domestic workers cover all categories of domestic work and contractual arrangements?	1.00	<p>Yes, all categories of domestic work are covered with no specific exclusions of categories of domestic work and contractual arrangements.</p> <p>The website of the Australian Department of Foreign Affairs and Trade also states: "Private domestic workers brought to Australia under diplomatic or consular privilege have the same employment rights, protections, and obligations as Australian citizens and permanent residents."</p>	<p>Fair Work Act 2009</p> <p>Australian Government Department of Foreign Affairs and Trade: Foreign Domestic Workers</p>
B2.	Fair Employment Process			
B2.1	Standard Terms of Employment			
B2.1.1	Is there a requirement for domestic workers to be informed of their terms of employment, preferably through written contracts, though verifiable verbal contracts are allowed?	0.00	<p>No, there is no specific requirement in Australia for all employees to be informed of their employment through written or verbal means. No conditions stipulated for verbal contracts.</p> <p>The website of the Australian Trade and Investment Commission states: "All employees in Australia will have a common law contract of employment (whether written or unwritten) which specifies terms and conditions with their employer. This contract is subject to Australian Government, and in some instances state and territory government, legislative requirements."</p> <p>According to the Fair Work Act 2009 Section 125, every worker in Australia needs to get a copy of the Fair Work Information Statement (FWIS) when they start a new job. The FWIS provides new employees with information about their conditions of employment, as well as the National Employment Standards. The Act only states: "An employer must give each employee the Fair Work Information Statement before, or as soon as practicable after, the employee starts employment".</p>	<p>Australia Government: Australia Trade and Investment Commission: Employment Agreements</p> <p>Fair Work Act 2009 Section 125</p>



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B2.1.2	Are domestic workers' contracts required to include standard information about the employment relationship?	0.00	No specific legislation in the national labor laws that the following information must be included in workers' contracts: (1) name of employer, (2) address of employer, (3) name of employee, (4) address of employee, (5) address of workplace, (6) work duration (including starting date), (7) period of probation/trial period, and (8) terms and conditions of employment termination. At the state level, (1)-(4) and (6)-(8) are recommended by the Government of Western Australia: Department of Mines, Industry Regulation and Safety. (5) and (6) are recommended in Victoria.	Fair Work Act 2009 Government of Western Australia: Department of Mines, Industry Regulation and Safety: What to include in an employment contract
B2.1.3	Are domestic workers' contracts required to include information about working hours, rest and leave?	0.33	No specific legislation in the national labor laws that the following information must be included in workers' contracts: (1) type of work to be performed, (2) normal hours of work, (3) daily rest, (4) weekly rest, (5) paid annual leave, and (6) sick leave . However, (5) and (6) are included in the National Employment Standards, which all employees are required to receive when they start a new job. Since 2 conditions are mentioned but 4 are not, $2/6 = 0.33$ At the state level, (1) and (2) are recommended by the Government of Western Australia: Department of Mines, Industry Regulation and Safety. So are (1) and (3) in Victoria.	Fair Work Act 2009 Fair Work Ombudsman: National Employment Standards Government of Western Australia: Department of Mines, Industry Regulation and Safety: What to include in an employment contract Victoria Legal Aid: Employment Contracts and Conditions
B2.1.4	Are domestic workers' contracts required to include information about their wages?	0.00	No specific legislation in the national labor laws that the following information about wages be included in workers' contracts: (1) wage, (2) method of calculation, (3) periodicity of payments, (4) rate of pay for overtime, (5) rate of pay for standby, (6) any payments in kind given and their monetary value, (7) any authorized deductions from the wage by employers. Only the minimum wage is stipulated in the National Employment Standards which all employees are required to receive when they start a new job.	Fair Work Act 2009 Fair Work Ombudsman: National Employment Standards
B2.1.5	Are domestic workers' contracts required to include information about living conditions for live-in workers?	0.00	No specific legislation in the national labour laws that the following information about living conditions for live-in domestic workers be included in workers' contracts: (1) provision of food and (2) accommodation.	Fair Work Act 2009
B2.2	Regulations for Recruitment and Employment Process			
B2.2.1	Is there any regulation around how private employment agencies recruit and place local and migrant domestic workers?	0.00	No specific mention in the national labor laws.	Fair Work Act 2009 Immigration Act 2013
B2.2.2	Are there measures to ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers?	0.00	No specific mention in the national labor laws.	Fair Work Act 2009
B2.2.3	Are there any measures to prohibit discrimination in employment of domestic workers on the basis of medical testing results?	0.00	No specific mention in the national labor laws.	Fair Work Act 2009
B3.	Decent Working and Living Conditions			
B3.1	Working Hours and Environment			



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B3.1.1	Is there a requirement of normal hours of work for domestic workers?	0.10	<p>No specific requirement of normal hours of work stipulated in the Fair Work Act. There is however a stipulation about the maximum number of working hours allowed per week.</p> <p>"An employer must not request or require an employee to work more than the following hours of work in a week, unless the additional hours are reasonable:</p> <ul style="list-style-type: none"> - for a full-time employee, 38 hours or - for an employee other than a full-time employee, the lesser of: <ul style="list-style-type: none"> - 38 hours - the employee's ordinary hours of work in a week. <p>The hours an employee works in a week must be taken to include any hours of leave or absence (paid or unpaid) that is authorised:</p> <ul style="list-style-type: none"> - by the employer or - by or under a term of the employee's employment or - by or under a Commonwealth, State or Territory law, or an instrument in force under such a law. <p>An employee may refuse to work additional hours if they are unreasonable.</p> <p>In determining whether additional hours are reasonable or unreasonable, the following must be taken into account:</p> <ul style="list-style-type: none"> - any risk to employee health and safety - the employee's personal circumstances, including family responsibilities - the needs of the workplace or enterprise - whether the employee is entitled to receive overtime payments, penalty rates or other compensation for (or a level of remuneration that reflects an expectation of) working additional hours - any notice given by the employer to work the additional hours - any notice given by the employee of his or her intention to refuse to work the additional hours - the usual patterns of work in the industry - the nature of the employee's role and the employee's level of responsibility - whether the additional hours are in accordance with averaging provisions included in an award or agreement that is applicable to the employee, or an averaging arrangement agreed to by an employer and an award/agreement-free employee - any other relevant matter. 	<p>Fair Work Act 2009</p> <p>Fair Work Ombudsman: Maximum weekly hours</p>
B3.1.2	Are periods during which domestic workers remain to respond to possible calls required to be regarded as hours of work?	0.00	No specific mention or requirement under national labor laws.	Fair Work Act 2009



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B3.1.3	Is there a limit to the number of hours of standby work domestic workers can be given, and are they entitled to compensation for this standby work?	0.50	<p>The Fair Work Act does stipulate the maximum number of working hours per week. However, there is no explicit mention to an entitlement to compensation for standby work. 1-0.5=0.5.</p> <p>"An employer must not request or require an employee to work more than the following hours of work in a week, unless the additional hours are reasonable:</p> <ul style="list-style-type: none"> - for a full-time employee, 38 hours or - for an employee other than a full-time employee, the lesser of: <ul style="list-style-type: none"> - 38 hours - the employee's ordinary hours of work in a week. <p>The hours an employee works in a week must be taken to include any hours of leave or absence (paid or unpaid) that is authorised:</p> <ul style="list-style-type: none"> - by the employer or - by or under a term of the employee's employment or - by or under a Commonwealth, State or Territory law, or an instrument in force under such a law. <p>An employee may refuse to work additional hours if they are unreasonable.</p> <p>In determining whether additional hours are reasonable or unreasonable, the following must be taken into account:</p> <ul style="list-style-type: none"> - any risk to employee health and safety - the employee's personal circumstances, including family responsibilities - the needs of the workplace or enterprise - whether the employee is entitled to receive overtime payments, penalty rates or other compensation for (or a level of remuneration that reflects an expectation of) working additional hours - any notice given by the employer to work the additional hours - any notice given by the employee of his or her intention to refuse to work the additional hours - the usual patterns of work in the industry - the nature of the employee's role and the employee's level of responsibility - whether the additional hours are in accordance with averaging provisions included in an award or agreement that is applicable to the employee, or an averaging arrangement agreed to by an employer and an award/agreement-free employee - any other relevant matter. <p>"Many of an employee's entitlements to on-call pay will depend on the employment agreement.</p> <p>A recent Federal Court of Australia decision held that an employer owed workers time for standing by. Consequently, the actual arrangement between employer and employee is a significant factor when interpreting the employment relationship and conditions."</p>	<p>Fair Work Act 2009</p> <p>Fair Work Ombudsman: Maximum weekly hours</p> <p>Lawpath: Do Employees Have to be Paid for Being On-call?</p>
B3.1.4	Is there a requirement that hours of work be accurately recorded and the records freely accessible to the domestic worker?	0.00	<p>No specific mention in the national labor laws.</p>	<p>Fair Work Act 2009</p>



No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B3.1.5	Is there a requirement to provide domestic workers with a safe and healthy working environment?	1.00	<p>Yes for all states except Western Australia (10% of population).</p> <p>1. The model Work Health and Safety (WHS) laws require employers to provide a safe and healthy working environment for domestic workers, and there is explicit mention of domestic workers' workplaces in the WHS Act. WHS website states that "The model WHS laws have been implemented in all jurisdictions except Victoria (26% of population) and Western Australia (10% of population)".</p> <p>2. However, Victoria's state laws do include requirements to provide domestic workers with a safe and healthy working environment, under the Home Care Occupational Health and Safety Compliance laws.</p> <p>3. Given that 90% of Australia's population is covered under such requirements, it receives a score of 1.0.</p> <p>For more elaboration: 1. The WHS applies to all states except VIC and WA "This page includes resources for workplaces in the In-home Services industry on work health and safety, workers' compensation and COVID-19.</p> <p>The In-home Services industry involves the provision of any service that occurs within peoples' private homes. It spans a range of other industries including: child minding (see also early childhood education and care), domestic cleaning, garden and home maintenance, and tradespeople who enter a clients' home (see also trades and home maintenance), and dog walking and minding. In-home services workplaces are private homes or premises. Workers may be based in a single location for long periods or may move regularly between different locations to work."</p> <p>"The model Work Health and Safety (WHS) laws require you to take care of the health, safety and welfare of your workers, including yourself and other staff, contractors and volunteers, and others (clients, customers, visitors) at your workplace. This includes: - providing and maintaining a work environment that is without risk to health and safety - providing adequate and accessible facilities for the welfare of workers to carry out their work, and - monitoring the health of workers and the conditions of the workplace for the purpose of preventing illness or injury."</p> <p>2. WA's laws "In Western Australia, the law requires employers to provide a high standard of safety and health at their workplaces and ensure, as far as practicable, that employees are not injured or harmed because of their work. As an employer, you have a responsibility to provide and maintain, as far as practicable, a safe working environment for your workers, under Section 19 (1) of the Occupational Safety and Health Act 1984 (OSH Act). This is called the employer's 'duty of care.'"</p> <p>WA's Occupational Safety and Health Act 1984 / Regulations 1996 "1.10. Workplace, meaning of Unless the contrary intention appears, a reference in a provision of these regulations to a workplace if used in association with a reference to – (a) an employer, is to be treated as limited to the workplace in respect of which that person is the employer; (b) an employee, is to be treated as limited to the workplace at which that employee works; (c) a self-employed person, is to be treated as limited to the workplace at which work is done or caused to be done by that person."</p> <p>3. VIC's laws "For your employees, you must provide and maintain a working environment that is safe and free of risks to health, so far as is reasonably practicable. "</p> <p>"Roles and responsibilities under the Occupational Health & Safety Act: Service providers (employers) - The employer has a duty to ensure that all work activity for home care workers is safe and without risks to health. This duty extends to any person who may be affected by the organisation's activities (eg other people present in the home at the time the worker is working). Under Victorian occupational health and safety (OHS) laws, a workplace is defined as a place where employees work. In the case of employees working in private homes, while the worker is undertaking work, that home is a workplace. A vehicle is also a workplace when being used by a worker to carry out tasks required by the employer. As part of the assessment for clients and carers, home care service providers should assess all homes, any work activity to be undertaken in the home, and OHS risks to workers. These risks should be addressed in order to support both the client and worker. Regular staff training, supported by guidelines, clear processes and policies on OHS issues should be provided. It is critical for service providers to have policies detailing safe work practices. As the majority of home care work takes place without onsite supervision, policies and procedures are needed to ensure that there are clear reporting processes and that issues are appropriately responded to. "</p>	<p>Safe Work Australia: In home services Duties under WHS laws</p> <p>Safe Work Australia: In-home services</p> <p>Fair Work Act 2009</p> <p>Safe Work Australia: Model Work Health and Safety Bill (Dec 2019) Division 2</p> <p>Model Work Health and Safety Act</p> <p>Western Australia Occupational Safety and Health Act 1984</p> <p>Work Safe Victoria's Home care – occupational health and safety compliance kit: How to control the most common hazardous tasks in the home care sector</p>
B3.2	Rest and Leave			



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B3.2.1	Is there a requirement to provide daily rest for domestic workers?	0.00	No specific mention in the national labor laws.	Fair Work Act 2009
B3.2.2	Is weekly rest at least 24 consecutive hours for domestic workers?	0.00	No specific mention in the national labor laws.	Fair Work Act 2009
B3.2.3	Are there defined exceptions when domestic workers may be asked to work during periods of rest, and is compensatory rest mandatory?	0.00	<p>Yes, there are defined exceptions when domestic workers may be asked to work during periods of rest outside of the working hours per week. However, it is not explicitly mentioned that compensatory rest is mandatory.</p> <p>"An employer must not request or require an employee to work more than the following hours of work in a week, unless the additional hours are reasonable:</p> <ul style="list-style-type: none"> - for a full-time employee, 38 hours or - for an employee other than a full-time employee, the lesser of: <ul style="list-style-type: none"> - 38 hours - the employee's ordinary hours of work in a week. <p>The hours an employee works in a week must be taken to include any hours of leave or absence (paid or unpaid) that is authorised:</p> <ul style="list-style-type: none"> - by the employer or - by or under a term of the employee's employment or - by or under a Commonwealth, State or Territory law, or an instrument in force under such a law. <p>An employee may refuse to work additional hours if they are unreasonable.</p> <p>In determining whether additional hours are reasonable or unreasonable, the following must be taken into account:</p> <ul style="list-style-type: none"> - any risk to employee health and safety - the employee's personal circumstances, including family responsibilities - the needs of the workplace or enterprise - whether the employee is entitled to receive overtime payments, penalty rates or other compensation for (or a level of remuneration that reflects an expectation of) working additional hours - any notice given by the employer to work the additional hours - any notice given by the employee of his or her intention to refuse to work the additional hours - the usual patterns of work in the industry - the nature of the employee's role and the employee's level of responsibility - whether the additional hours are in accordance with averaging provisions included in an award or agreement that is applicable to the employee, or an averaging arrangement agreed to by an employer and an award/agreement-free employee - any other relevant matter. <p>"Many of an employee's entitlements to on-call pay will depend on the employment agreement. A recent Federal Court of Australia decision held that an employer owed workers compensatory time for standing by. Consequently, the actual arrangement between employer and employee is a significant factor when interpreting the employment relationship and conditions."</p>	Fair Work Act 2009 Fair Work Ombudsman: Maximum weekly hours Lawpath: Do Employees Have to be Paid for Being On-call?
B3.2.4	Is paid annual leave at least 3 weeks per year for domestic workers?	1.00	<p>Yes. The Fair Work Ombudsman website states: "All employees (except for casual employees) get paid annual leave. Full-time and part-time employees get 4 weeks of annual leave, based on their ordinary hours of work."</p> <p>"For each year of service with his or her employer, an employee is entitled to 4 weeks of paid annual leave. An employee's entitlement to paid annual leave accrues progressively during a year of service according to the employee's ordinary hours of work, and accumulates from year to year."</p>	Fair Work Ombudsman: Annual leave Fair Work Act 2009 s.87
B3.2.5	Is there a requirement that time spent by domestic workers accompanying household members on holiday should not be counted as part of paid annual leave?	0.00	No specific mention in the national labor laws.	Fair Work Act 2009
B3.3	Wages			



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B3.3.1	Is the minimum wage for domestic workers at least the national minimum wage?	1.00	<p>Yes, since domestic workers fall under national labor laws and there is a Minimum Wage entitlement for all employees.</p> <p>Private domestic workers working for diplomats, consular officials and other eligible foreign officials in Australia "must be paid at least the minimum wage".</p> <p>"Private domestic workers are entitled to at least the national minimum wage (\$19.84 per hour from 1 July 2020). Underpayment, abuse or exploitation of a domestic worker – including excessive work hours – are breaches of Australian law."</p>	<p>Fair Work Act 2009</p> <p>Fair Work Ombudsman: Minimum wages</p> <p>Australian Government: Information for private domestic workers working for diplomats, consular officials or other eligible foreign officials in Australia</p>
B3.3.2	Is the overtime compensation rate for domestic workers at least 1.25 times their regular rate?	1.00	<p>Yes.</p> <p>"Overtime is work performed outside the ordinary hours listed in an award or agreement. Overtime is usually paid at a higher rate. The details about when overtime applies are different under each award and registered agreement."</p> <p>Under the Fair Work Ombudsman's Pay guide, clicking "Cleaning Services Award" reveals that the overtime payments depend on (1) whether you are a Cleaning Service Employee Level 1, 2, or 3, (2) Monday to Saturday first 2 hours or after first 2 hours, (3) Sunday rates, (4) Public holiday rates, and (5) night shift rates. Regardless, all rates for overtime work were at least 1.25 times their regular rate.</p> <p>For Private domestic workers working for diplomats, consular officials and other eligible foreign officials in Australia, the Australian government's website guidelines state:</p> <ul style="list-style-type: none"> - "For hours worked that average more than 38 per week, if the person is full time, the rate is 150% of the relevant hourly rate for the first 3 hours and double time (200%) after that - Public holiday payments under the award are 250% of the relevant hourly rate." 	<p>Fair Work Ombudsman: Overtime Pay</p> <p>Australian Immigration Law Services: Can We Bring Our Own Domestic Worker to Australia?</p>
B3.3.3	Is there any limitation placed on wages paid in the form of payments in kind for domestic workers?	0.10	<p>No explicit mention of limits on wage payments in kind for any workers under Fair Work Act 2009.</p> <p>However, the Australian government guidelines for private domestic workers working for diplomats, consular officials and other eligible foreign officials in Australia state that they:</p> <ul style="list-style-type: none"> - "cannot be paid in something other than money (for example, food or clothing), and - cannot generally have money taken from your wages without your written agreement, and unless the deduction principally benefits you. For example, deductions for food and accommodation, or if you accidentally break something, cannot be made without appropriate authorisation by you and must be of principal benefit to you" 	<p>Fair Work Act 2009 Division 3 - Cash or in kind payments to employee organisations etc</p> <p>Australian Government: Information for private domestic workers working for diplomats, consular officials or other eligible foreign officials in Australia</p>
B3.3.4	Is there a requirement to provide at least a monthly payment of wages in cash for domestic workers?	1.00	<p>Yes. The Fair Work Act Section 323 states: "An employer must pay an employee amounts payable to the employee in relation to the performance of work:</p> <ul style="list-style-type: none"> (a) in full (except as provided by section 324); and (b) in money by one, or a combination, of the methods referred to in subsection (2); <p>and</p> <ul style="list-style-type: none"> (c) at least monthly." <p>The Australian government guidelines for private domestic workers working for diplomats, consular officials and other eligible foreign officials in Australia states that they:</p> <ul style="list-style-type: none"> - "must be paid at least every month and be given a payslip by your employer within one working day of being paid - must be paid in full, preferably by an electronic funds transfer into your bank account <p>A modern award may also specify a particular method of payment which must be used. It is a Department of Foreign Affairs and Trade requirement that your salary be paid through bank transfer into an Australian bank account. Cash payments are not acceptable."</p>	<p>Fair Work Act 2009 section 323</p> <p>Australian Government: Information for private domestic workers working for diplomats, consular officials or other eligible foreign officials in Australia</p>
B3.3.5	Is there a requirement that domestic workers be given an understandable written account of the total wages due to them at the time of each payment?	0.00	<p>No specific mention in the national labor laws.</p>	<p>Fair Work Act 2009</p>



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B3.3.6	Is there a requirement that upon termination of employment, any outstanding payments should be made promptly to domestic workers?	1.00	<p>Yes. The Fair Work Ombudsman website states:</p> <p>"Final pay is what an employer owes an employee when their employment ends. Most awards say that employers need to pay employees their final payment within 7 days of the employment ending. Employment contracts, enterprise agreements or other registered agreements can also specify when final pay must be paid. If an employee's award, contract or agreement doesn't say when an employee's final pay must be paid, then it's best practice for an employee to be paid within 7 days of their employment ending.</p> <p>An employee should get the following entitlements in their final pay:</p> <ul style="list-style-type: none"> - outstanding wages for hours they have worked, including penalty rates and allowances - any accumulated annual leave, including annual leave loading if it would have been paid during employment if it applies: - accrued or pro rata long service leave - payment in lieu of notice - redundancy pay. <p>Sick and carer's leave is not paid out when employment ends."</p>	<p>Fair Work Ombudsman: Final Pay</p>
B3.4 Social Security				
B3.4.1	Are domestic workers eligible for healthcare coverage?	1.00	<p>Yes, domestic workers are eligible for Australia's Medicare if they are citizens of Australia and certain other countries. Migrant domestic workers are entitled to be covered by their employer.</p> <p>"Medicare has been Australia's universal health care scheme since 1984. Its 3 major parts are:</p> <ol style="list-style-type: none"> 1. medical services 2. public hospitals 3. medicines <p>Medicare is available to Australian and New Zealand citizens, permanent residents in Australia, and people from countries with reciprocal agreements. Medicare covers all of the cost of public hospital services. It also covers some or all of the costs of other health services. These can include services provided by GPs and medical specialists. The other important part of Medicare is the Pharmaceutical Benefits Scheme (PBS). The PBS makes some prescription medicines cheaper.</p> <p>More information on who is eligible for healthcare coverage:</p> <p>"You can enrol in Medicare if you live in Australia and you're either:</p> <ul style="list-style-type: none"> - an Australian citizen - a New Zealand citizen - an Australian permanent resident - applying for permanent residency - a temporary resident covered by a ministerial order. <p>You can also enrol if you're a citizen or permanent resident of either:</p> <ul style="list-style-type: none"> - Norfolk Island - Cocos (Keeling) Islands - Christmas Island - Lord Howe Island. <p>You may be able to enrol if you're visiting from a Reciprocal Health Care Agreement country."</p> <p>Private domestic workers working for diplomats, consular officials and other eligible foreign officials in Australia are entitled to:</p> <ul style="list-style-type: none"> - have the cost of your health insurance fully paid for by the foreign official who is your employer 	<p>Fair Work Act 2009</p> <p>Australian Government: The Australian Health System</p> <p>Australian Government: Information for private domestic workers working for diplomats, consular officials or other eligible foreign officials in Australia</p> <p>Services Australia: How to enrol and get started in Medicare</p>
B3.4.2	Are domestic workers eligible for paid sick leave?	1.00	<p>Yes. The Fair Work Act states: "Sick and carer's leave (also known as personal leave or personal / carer's leave) lets an employee take time off to help them deal with personal illness, caring responsibilities and family emergencies. Sick leave can be used when an employee is ill or injured. "</p> <p>"All employees except casuals are entitled to paid sick and carer's leave. Sick and carer's leave comes under the same leave entitlement. It's also known as personal / carer's leave. Full-time and part-time employees get 10 days of sick and carer's leave for each year of employment. Sick and carer's leave accumulates in days, not hours. Full-time and part-time employees accumulate sick and carer's leave during each year of employment. It starts to build up from an employee's first day of work. The balance at the end of each year carries over to the next year."</p> <p>An employee may have to take time off to care for an immediate family or household member who is sick or injured or help during a family emergency. This is known as carer's leave but it comes out of the employee's personal leave balance."</p>	<p>Fair Work Act 2009</p> <p>Fair Work Ombudsman: Sick and Carer's leave</p> <p>Fair Work Ombudsman: Paid Sick and Carer's leave</p>



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B3.4.3	Are domestic workers eligible for unemployment benefits?	1.00	<p>Yes, domestic workers (like other workers) are eligible for unemployment benefits (including JobSeeker Benefits) under national labor laws.</p> <p>If you are unemployed, or you're not in fulltime work, you may get JobSeeker Payments (every 2 weeks, amount depends on circumstances). This can include if you're doing part time or casual work.</p> <p>Conditions for Eligibility: You'll need to meet all of these: - you're between 22 and Age Pension age - you meet residence rules (On the day you claim JobSeeker Payment, you must be an Australian resident, and in Australia. You must continue to meet the residence rules for as long as you get this payment. / You may be able to get JobSeeker Payment for 6 months, if you meet 2 conditions. These are that you: (1) hold a non-protected Special Category visa (SCV), (2) have lived in Australia without a break for at least 10 years right before you claim. Non-protected SCV holders may only get JobSeeker Payment for a single period up to 6 months.) - your income and assets are under the test limits. (There are different amounts of income and asset test limits depending on the marital status of the parent and the number of children they have)</p> <p>You also need to meet rules for 1 of these situations: - You meet our definition of unemployed and you're looking for work. - You're sick or injured and are unable to do your usual work or study for a short time.</p> <p>You may also be able to get this payment if your work situation changes because of coronavirus (COVID 19). The change in your work situation can be for 1 of the following reasons. You're: - a permanent employee and have lost your job - a sole trader, self-employed, a casual or contact worker and your income has reduced - caring for someone who's affected by coronavirus.</p>	<p>Services Australia: Payments for job seekers</p> <p>Services Australia: Jobseeker Payment - Income and Asset limits</p>
B3.4.4	Are domestic workers eligible for old-age benefits (if they have completed the required number of years of active economic contributions)?	0.75	<p>Yes, domestic workers are eligible for old-age benefits but with 1 Exclusionary condition. The Services Australia website states: "To be eligible for Age Pension you must be 66 or older. Age Pension age has been slowly increasing from 65 to 67 years. It'll increase by 6 months every 2 years until Age Pension age is 67 on 1 July 2023."</p> <p>To get Age Pension you generally need to have been an Australian resident for at least 10 years in total. For at least 5 of these years, there must be no break in your residence. If you're a refugee or former refugee you are exempt from the 10 year rule."</p> <p>Exclusionary condition: Age 67 instead of 65 as the threshold for eligibility. 1-0.25=0.75.</p>	<p>Fair Work Act 2009</p> <p>Services Australia: Age Pension</p>
B3.4.5	Are domestic workers eligible for employment injury benefits?	1.00	<p>Yes, domestic workers are eligible for employment injury benefits under national labor laws. The Fair Work Ombudsman website states: "Workers compensation is a form of insurance payment to employees if they are injured at work or become sick due to their work. Workers compensation includes payments to employees to cover their: - wages while they're not fit for work - medical expenses and rehabilitation. Employers in each state or territory have to take out workers compensation insurance to cover themselves and their employees."</p>	<p>Fair Work Act 2009</p> <p>Fair Work Ombudsman: Workers compensation</p>
B3.4.6	Are domestic workers eligible for invalidity benefits?	1.00	<p>Yes, domestic workers are eligible for invalidity benefits under national labor laws. "Disability Support Pension is a payment for people with a permanent physical, intellectual or psychiatric condition that stops you working."</p> <p>"Not everyone with disability or a medical condition can get DSP. To get DSP, you need to meet both: - non-medical rules - medical rules.</p> <p>Non-medical rules include things like your age, residence status, and income and assets. Read more about non-medical rules.</p> <p>We use medical rules to assess how your condition affects you. Read more about medical rules."</p>	<p>Fair Work Act 2009</p> <p>Services Australia: Payments for people living with an illness, injury or disability</p>



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B3.4.7	Are domestic workers eligible for survivors' benefit?	1.00	<p>Yes, domestic workers are eligible for survivors' benefit. The Department of Social Services website states: "Bereavement payment Purpose of Payment To assist with settling financial affairs associated with expenses incurred by the deceased prior to death.</p> <p>Eligibility Bereavement payments are available to couples, single people, parents and carers, who were receiving an eligible social security payment at the time of the death.</p> <p>Specifically, bereavement payments are available to:</p> <p>(1) Pensioners Where a single pensioner dies, or a pensioner whose surviving partner is not reliant on income support, the deceased's estate receives a bereavement payment in the form of one additional pension payment after the date of death. Where a member of a pensioner couple dies, the survivor continues to receive the couple combined rate of payment for up to 14 weeks after death. Where loss of the survivor's entitlement occurs as a result of a death (eg. Wife Pension or Carer Payment) they remain qualified for the pension for up to 14 weeks after the death. (2) Long-term Benefit recipients Bereavement payments are available to people who have been in receipt of a social security benefit for a minimum of 12 months prior to the death.</p> <p>Rates Bereavement payment is a continuation of the payment that was being received prior to the death. It continues to be paid at generally the same rate it was being paid prior to death, and for a maximum period of 14 weeks."</p>	<p>Fair Work Act 2009 Australia Government Department of Social Services: Bereavement payment</p>
B3.4.8	Is there protection of domestic workers' claims in the event of the employer's insolvency or death?	0.00	No specific mention about protection of claims in the event of employer insolvency or death, in t	Fair Work Act 2009
B3.5	Living Conditions for Live-in Workers			
B3.5.1	Are there measures to ensure that domestic workers are free to decide whether or not to live in the household?	0.00	No specific mention in the national labor laws.	Fair Work Act 2009
B3.5.2	For live-in workers, is there any requirement for the employer to provide accommodation that offers privacy?	0.00	No specific mention in the national labor laws.	Fair Work Act 2009
B3.5.3	For live-in workers, is there any requirement for the employer to provide access to suitable sanitary facilities?	0.00	No specific mention in the national labor laws.	Fair Work Act 2009
B3.5.4	For live-in workers, is there any requirement for the employer to provide accommodation that has adequate lighting, heating, and air conditioning?	0.00	No specific mention in the national labor laws.	Fair Work Act 2009
B3.5.5	For live-in workers, is there any requirement for the employer to provide appropriate meals of good quality and sufficient quantity?	0.00	No specific requirement in the national labor laws.	Fair Work Act 2009
B3.5.6	Are there measures to ensure that live-in workers are not obliged to remain in the household or with household members during rest or leave?	0.10	<p>No specific mention in the national labor laws.</p> <p>However, the Australian government online guidelines for private domestic workers working for diplomats, consular officials and other eligible foreign officials in Australia states that these domestic workers (most of whom would be live-in) are: - "are allowed to leave your place of work outside working hours"</p>	<p>Fair Work Act 2009 Australian Government: Information for private domestic workers working for diplomats, consular officials or other eligible foreign officials in Australia</p>



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B3.5.7	Is there a requirement that live-in workers be given a reasonable period of notice and time off to seek new employment and accommodation in the event of termination of employment at the initiative of the employer?	0.00	No specific mention in the national labor laws. There are minimum notice periods of at least 1 week (more weeks if employee has worked for longer) but there is no specification about live-in workers, and accommodation. The Fair Work Australia website states: "When an employer dismisses an employee, they have to give them notice. The notice period: - starts the day after the employer tells the employee that they want to end the employment - ends on the last day of employment."	Fair Work Act 2009 Fair Work Australia: Dismissal - how much notice?
B3.5.8	Are live-in domestic workers legally entitled to keep in their possession their travel and identity documents?	0.10	No specific mention in the national labor laws. However, the Australian government online guidelines for private domestic workers working for diplomats, consular officials and other eligible foreign officials in Australia, states that these migrant domestic workers (most of whom are live-in) are entitled to: - "keep possession of your personal property, including your passport and travel documents."	Fair Work Act 2009 Australian Government: Information for private domestic workers working for diplomats, consular officials or other eligible foreign officials in Australia
B4.	Labor Rights			
B4.1	Freedom of Association and Access to Collective Bargaining			
B4.1.1	Are there legislative provisions for domestic workers to establish their own organizations or join the workers' organizations, federations, or confederations of their own choosing?	1.00	Yes, domestic workers have the ability to establish or join workers' organizations under national labor laws. The Fair Work Act Section 336 states: "The objects of this Part are as follows: (a) to protect workplace rights; (b) to protect freedom of association by ensuring that persons are: (i) free to become, or not become, members of industrial associations ; and (ii) free to be represented, or not represented, by industrial associations; and (iii) free to participate, or not participate, in lawful industrial activities; Previously, in Western Australia (10% of the national population), domestic workers were "specifically excluded from the protections contained within workplace relations laws." However, as of August 2020, Western Australia's Industrial Relations Legislation Amendment Bill 2020 has removed this specific exclusion.	Fair Work Act 2009 Section 336 The Salvation Army: Improving Protections for Migrant Domestic Workers in Australia: Discussion Paper Western Australia's Industrial Relations Act 1979 Government of Western Australia: Industrial relations reform in Western Australia
B4.1.2	Are there legislative provisions to recognize domestic workers' rights to collective bargaining?	1.00	Yes, domestic workers have the ability to establish or join workers' organizations under national labor laws. The Fair Work Act Section 336 states: "The objects of this Part are as follows: (a) to protect workplace rights; (b) to protect freedom of association by ensuring that persons are: (i) free to become, or not become, members of industrial associations; and (ii) free to be represented, or not represented, by industrial associations ; and (iii) free to participate, or not participate, in lawful industrial activities; Previously, in Western Australia (10% of the national population), domestic workers were "specifically excluded from the protections contained within workplace relations laws." However, as of August 2020, Western Australia's Industrial Relations Legislation Amendment Bill 2020 has removed this specific exclusion.	Fair Work Act 2009 Section 336 The Salvation Army: Improving Protections for Migrant Domestic Workers in Australia: Discussion Paper Western Australia's Industrial Relations Act 1979 Government of Western Australia: Industrial relations reform in Western Australia
B4.2	Access to Complaint Mechanisms			



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B4.2.1	Are there complaint mechanisms for domestic workers to report non-compliance with labor protections?	1.00	<p>Yes there is a website (Fair Work Ombudsman) - which includes anonymous complaint forms, and a hotline.</p> <p>In addition, the website for the Australian Department of Foreign Affairs and Trade states that private domestic workers working for diplomats, consular officials and other eligible foreign officials in Australia who are "unfairly treated have access to various services in Australia for support and redress. Allegations of mistreatment of domestic staff are viewed very seriously by Australian authorities; foreign officials found to be mistreating a domestic worker will lose their entitlement to employ domestic workers."</p>	Australian Government Department of Foreign Affairs and Trade: Foreign Domestic Workers Fair Work Ombudsman: Help resolving workplace issues
B4.2.2	Are there measures to ensure that domestic workers have access to courts, tribunals or other dispute resolution mechanisms?	1.00	<p>Yes under national labor laws. There is a website guide, with an educational video on how to access legal mechanisms.</p> <p>The Fair Work Ombudsman website states: "Taking legal action is an option when a workplace issue can't be resolved voluntarily. A small claims action focuses on recovering small amounts of money and is faster and more informal than other court proceedings.</p> <p>It's also usually cheaper as lawyers aren't normally needed.</p> <p>The small claims process is available if:</p> <ul style="list-style-type: none"> the claim is for less than \$20,000 the entitlement being claimed is covered under Australian workplace laws the statutory time limit has not expired (usually 6 years from when the entitlement was due to be paid). <p>A court can make a legally binding decision based on the evidence presented to it.</p> <p>You can take your own legal action at any time, even before getting help from us. If you've already lodged a request for assistance with us and you're thinking of taking legal action, let us know as soon as possible."</p>	Fair Work Act 2009 Fair Work Ombudsman: Taking legal action in the small claims court
B4.3	Enforcement and Protection Mechanisms			
B4.3.1	Are conditions specified, under which access to household premises must be granted for on-site labor inspections of the employers of domestic workers?	1.00	<p>Yes inspection access to household premises is permitted under specific conditions. The Work Health and Safety Act specifies that a private residence can be treated as a workplace and that inspectors have the right to enter such premises under the following conditions:</p> <ul style="list-style-type: none"> - when the inspector reasonably suspects a residential premises is used as a workplace - when entry is authorised by a search warrant to gain access to a suspected workplace when: the inspector believes there is no reasonable alternative access available, and entry is at a reasonable time, having regard to the times the inspector believes the work is being carried out - that is used for storing or handling dangerous goods - that involves the use or storage of high risk plant that affects public safety." 	Work Health and Safety Act 2011
B4.3.2	Are there penalties for private employment agencies for non-compliance with domestic worker protection laws?	0.00	No specific mention in the national labor laws.	Fair Work Act 2009
B4.3.3	Are there penalties for employers for non-compliance with all domestic worker protections?	0.00	No specific mention in the national labor laws.	Fair Work Act 2009



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B4.3.4	Are domestic workers legally protected against all forms of workplace abuse, harassment, and violence?	1.00	<p>Yes, under national labor laws.</p> <p>"The Australian Human Rights Commission Act 1986 protects people from discrimination in employment because of their religion, political opinion, national extraction, nationality, social origin, medical record, criminal record or trade union activity.</p> <p>All employers have a responsibility to make sure that their employees, and people who apply for a job with them, are treated fairly. This responsibility is set out in federal and state anti-discrimination laws, as well as the Fair Work Act 2009 (Cth). Taken together, they make certain types of workplace behaviour against the law. As an employer you need to prevent discrimination, harassment or bullying from occurring in the workplace.</p> <p>Under discrimination law, it is unlawful to treat a person less favourably on the basis of particular protected attributes such as a person's sex, race, disability or age. Treating a person less favourably can include harassing or bullying a person. The law also has specific provisions relating to sexual harassment, racial hatred and disability harassment.</p> <p>Harassment Harassment can include behaviour such as:</p> <ul style="list-style-type: none"> - telling insulting jokes about particular racial groups - sending explicit or sexually suggestive emails or text messages - displaying racially offensive or pornographic posters or screen savers - making derogatory comments or taunts about a person's disability, or asking intrusive questions about someone's personal life, including his or her sex life. <p>It is important to understand that a one-off incident can constitute harassment.</p> <p>Sexual Harrassment The Sex Discrimination Act 1984 prohibits harassment in the workplace by employers, co-workers and other "workplace participants", such as partners, commission agents and contract workers. Sexual harassment is broadly defined as unwelcome sexual conduct that a reasonable person would anticipate would offend, humiliate or intimidate the person harassed.</p> <p>Bullying "What is bullying? A worker is bullied at work if:</p> <ul style="list-style-type: none"> - a person or group of people repeatedly act unreasonably towards them or a group of workers - the behaviour creates a risk to health and safety. <p>Unreasonable behaviour includes victimising, humiliating, intimidating or threatening. Whether a behaviour is unreasonable can depend on whether a reasonable person might see the behaviour as unreasonable in the circumstances.</p> <p>Examples of bullying include:</p> <ul style="list-style-type: none"> - behaving aggressively - teasing or practical jokes - pressuring someone to behave inappropriately - excluding someone from work-related events or unreasonable work demands. <p>"Discrimination happens when there's 'adverse action'. Adverse action includes firing or demoting someone because of a person's characteristics, like their race, religion or sex.</p> <p>Bullying at work happens when:</p> <ul style="list-style-type: none"> - a person or group of people repeatedly act unreasonably toward a worker or a group of people workers - the behaviour creates a risk to health and safety. - This behaviour doesn't have to be related to the person (or group's) characteristics. Adverse action doesn't have to have happened." 	<p>Australian Human Rights Commission: Workplace discrimination, harassment and bullying</p> <p>Fair Work Ombudsman: Bullying & harassment</p> <p>Fair Work Ombudsman: Protection from Discrimination at work</p> <p>Fair Work Act 2009 Section 351</p>
B5.	Protections for Forced/Under-age Domestic Workers			
B5.1	Protections against Forced/Compulsory Labor			



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B5.1.1	Is illegal extraction of forced or compulsory labor of domestic workers punishable as a penal offence?	1.00	<p>Yes, illegal extraction of labor is considered a penal offence.</p> <p>Slavery Division 270 of the Criminal Code criminalises offences relating to slavery, which is defined in accordance with the 1926 Slavery Convention. In <i>The Queen v Tang</i> [2008] HCA 39, the High Court found that in Australia, slavery is not limited to 'chattel slavery', and that the critical powers exercised were: - the power to make each woman an object of purchase - the capacity to use the women in a substantially unrestricted manner for --- the duration of their contracts - the power to control and restrict their movements - the power to use their services without commensurate compensation.</p> <p>Servitude The Criminal Code criminalises servitude, which is defined in subsection 270.4(1) as the condition of a person who provides labour or services and who, because of the use of coercion, threat or deception, would not consider himself or herself to be: (a) free to cease providing labour or services, or (b) free to leave the place where the person provides labour or services, and who (c) is significantly deprived of his or her personal freedom.</p> <p>Forced labor Subsection 270.6(1) of the Criminal Code defines forced labour as the condition of a person who provides labour services and who, because of the use of coercion, threat or deception, would not consider himself or herself to be free: (a) free to cease providing labour or services, or (b) free to leave the place where the person provides labour or services.</p>	<p>Fair Work Act 2009</p> <p>Australian Government: Attorney-General's Department: Right to freedom from slavery and forced labour</p>
B5.1.2	Are domestic worker victims of forced labor provided with any protection?	1.00	<p>Yes, Australia is a party to seven core international human rights treaties. The right to protection from exploitation, violence and abuse is contained in article 20(2) of the International Covenant on Civil and Political Rights (ICCPR)- external site. See also articles 11 and 32 to 36 of the CRC, articles 4 and 5(b) of the Convention on the Elimination of All Forms of Racial Discrimination (CERD)- external site, article 6 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)- external site and article 10(3) of the International Covenant on Economic, Social and Cultural Rights (ICESCR)- external site.</p> <p>Parties to the ICCPR, CERD, CEDAW, CRC and CRPD are obliged to take all appropriate legislative, administrative, social, educational and other measures to protect the persons whose rights are guaranteed by those treaties from all forms of exploitation, violence and abuse.</p>	<p>Fair Work Act 2009</p> <p>Australian Government: Attorney-General's Department: Protection from exploitation, violence and abuse</p>
B5.1.3	Are domestic worker victims of forced labor provided with any access to remedies?	1.00	<p>Yes. Under Australian criminal law, perpetrators of human rights abuses amounting to criminal offences can be prosecuted and brought to justice. An example is the offence of torture under the Criminal Code Act 1995. Civil remedies, such as fines are also available under Australian law in relation to actions which breach human rights, for example, wrongful imprisonment.</p>	<p>Fair Work Act 2009</p> <p>Australian Government: Attorney-General's Department: Right to an effective remedy</p>
B5.2	Protections for Under-age Laborers			



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B5.2.1	Is the minimum age for domestic workers 16 or higher, or the age of completion of compulsory schooling (if this is age 16 or higher)?	0.00	<p>The minimum age for working in Australia varies across states, but is generally below 16 years.</p> <p>NSW (32% pop) You can start working at any age, however your employer will have to follow certain rules depending on your age. You can only work full time when you have completed year 10, or turned 17, or have the permission of the Department of Education. There is no minimum age to start casual or part-time work in NSW. However, you have to be 14 and 9 months to do door-to-door sales work.</p> <p>Victoria (26%) Generally, there is a minimum age of 13 for employment. However to work without a special permit, you must be at least 15. There are some exceptions to this: There is no minimum age for the employment of children in a family business or in the entertainment industry.</p> <p>If you are older than 11, you can work delivering newspapers and advertising material or making deliveries for a registered pharmacist.</p> <p>If you are under 15 it is against the law for an employer to break these conditions: - unless you are employed in a family business, your employer must have a Child Employment Permit. - you can only do light work, such as running errands, office work, gardening, delivering newspapers and being a shop assistant; - you cannot work in door-to-door sales, on a construction site unless it is at lock-up stage or on a fishing boat unless it is in inland waters.</p> <p>You can work full-time if you have completed Year 10.</p> <p>If you are under 17 years old, you must be either in school, in an approved education or training program or have full-time paid employment.</p> <p>Queensland (20%) The general minimum age for starting work is 13 years. If you are 11 or older, you can do delivery work such as delivering newspapers and advertising leaflets. If you are aged 11 or 12, you cannot do delivery work between 6pm and 6am. There is no minimum age for working in a family business or in the entertainment industry. If you are under 16 and required to be enrolled at school, you need a parent's consent to work.</p> <p>You can work full-time when you have completed year 10 or turned 16 years of age, whichever occurs first. You must either be in school, in an approved education or training program or have full-time paid employment until you turn 17, complete year 12 or have completed two years of further education, employment or training, whichever happens first.</p> <p>----- Private domestic workers working for diplomats, consular officials and other eligible foreign officials in Australia must "be over the age of 18."</p>	<p>Fair Work Act 2009</p> <p>Australian Government: Information for private domestic workers working for diplomats, consular officials or other eligible foreign officials in Australia</p>



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B5.2.2	Are domestic workers, who are under the age of 18 and above the minimum age of employment, still able to access compulsory education, or opportunities for further education or vocational training?	1.00	<p>Yes, across Australia, there are protected education hours to ensure that domestic workers under the age of 18 have access to education. The specific rules vary from state to state.</p> <p>NSW (32% pop) If you are under 15 (or under 16 in the case of modelling work), it is against the law for an employer to require you to work:</p> <p>During school hours More than one shift per day More than four hours on a day you have to go to school More than five consecutive days After 9pm if you and have to go to school the next day If it is less than 12 hours since your last shift For any hours that make the combination of your school hours and work hours in a 7 day week more than 50 hours If your employer does not hold an authority to employ people under 15, they cannot require you to work for more than 10 hours per week.</p> <p>There are additional rules about working hours if you are doing door-to-door sales, modelling, theatrical performances or entertainment work. Click here for more information</p> <p>Victoria (26%) It is against the law for an employer to employ you during hours you are required to be at school. It is also against the law for your parents or carers to allow you do a kind of work or do a number of hours that interferes with your school work.</p> <p>If you are under 15 it is against the law for an employer to break these conditions:</p> <p>you cannot work more than 3 hours a day during school term; you cannot work more than 12 hours per week during school term; you cannot work more than 6 hours a day during school holidays (including rest breaks); you cannot work more than 30 hours a week during school holidays (including rest breaks); you cannot work earlier than sunrise or 6am (whichever is later) and after sunset or 6pm (whichever is earlier) if you are working at street markets; you cannot work earlier than 6am or later than 9pm; you must be given a rest break of 30 minutes after every 3 hours work (but your employer is not required to pay you for the break); you must have more than 12 hours between finishing one shift and starting the next.</p> <p>Queensland (20%) It is against the law for an employer to employ you during hours that you are required to be at school. There are limits on the number of hours you can work.</p> <p><i>If you are under 16 and required to be enrolled in school</i> During a school week, you cannot work more than 12 hours and only up to four hours per day; During school holidays, you cannot work more than 38 hours and only up to eight hours per day; You cannot work more than four hours without a one hour break; You cannot work if you have already worked for the same employer within the last 12 hours; You cannot do more than one shift each day; You cannot work between 10pm and 6am.</p> <p><i>Children who are not old enough to start school:</i> cannot work more than 12 hours in a week; cannot work more than four hours in a day; cannot work if the child has already worked for the same employer within the last 12 hours.</p>	<p>Youth Law Australia: When can I start working?</p>



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B5.2.3	Are there extra limitations of hours of work of domestic workers who are under the age of 18 and above the minimum age of employment?	1.00	<p>Yes.</p> <p>NSW (32% pop) If you are under 15 (or under 16 in the case of modelling work), it is against the law for an employer to require you to work:</p> <p>During school hours More than one shift per day More than four hours on a day you have to go to school More than five consecutive days After 9pm if you and have to go to school the next day If it is less than 12 hours since your last shift For any hours that make the combination of your school hours and work hours in a 7 day week more than 50 hours If your employer does not hold an authority to employ people under 15, they cannot require you to work for more than 10 hours per week.</p> <p>Victoria (26%) It is against the law for an employer to employ you during hours you are required to be at school. It is also against the law for your parents or carers to allow you do a kind of work or do a number of hours that interferes with your school work.</p> <p>If you are under 15 it is against the law for an employer to break these conditions:</p> <p>you cannot work more than 3 hours a day during school term; you cannot work more than 12 hours per week during school term; you cannot work more than 6 hours a day during school holidays (including rest breaks); you cannot work more than 30 hours a week during school holidays (including rest breaks); you cannot work earlier than sunrise or 6am (whichever is later) and after sunset or 6pm (whichever is earlier) if you are working at street markets; you cannot work earlier than 6am or later than 9pm; you must be given a rest break of 30 minutes after every 3 hours work (but your employer is not required to pay you for the break); you must have more than 12 hours between finishing one shift and starting the next.</p> <p>Queensland (20%) It is against the law for an employer to employ you during hours that you are required to be at school. There are limits on the number of hours you can work.</p> <p><i>If you are under 16 and required to be enrolled in school</i> During a school week, you cannot work more than 12 hours and only up to four hours per day; During school holidays, you cannot work more than 38 hours and only up to eight hours per day; You cannot work more than four hours without a one hour break; You cannot work if you have already worked for the same employer within the last 12 hours; You cannot do more than one shift each day; You cannot work between 10pm and 6am.</p> <p><i>Children who are not old enough to start school:</i> cannot work more than 12 hours in a week; cannot work more than four hours in a day; cannot work if the child has already worked for the same employer within the last 12 hours.</p>	Youth Law Australia: When can I start working?



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B5.2.4	Are there measures to prohibit domestic workers who are under the age of 18 and above the minimum age of employment to work at night?	1.00	<p>Varies across states.</p> <p>NSW (32% pop) If you are under 15 (or under 16 in the case of modelling work), it is against the law for an employer to require you to work:</p> <p>During school hours More than one shift per day More than four hours on a day you have to go to school More than five consecutive days After 9pm if you and have to go to school the next day If it is less than 12 hours since your last shift For any hours that make the combination of your school hours and work hours in a 7 day week more than 50 hours If your employer does not hold an authority to employ people under 15, they cannot require you to work for more than 10 hours per week.</p> <p>There are additional rules about working hours if you are doing door-to-door sales, modelling, theatrical performances or entertainment work. Click here for more information</p> <p>Victoria (26%) It is against the law for an employer to employ you during hours you are required to be at school. It is also against the law for your parents or carers to allow you do a kind of work or do a number of hours that interferes with your school work.</p> <p>If you are under 15 it is against the law for an employer to break these conditions:</p> <p>you cannot work more than 3 hours a day during school term; you cannot work more than 12 hours per week during school term; you cannot work more than 6 hours a day during school holidays (including rest breaks); you cannot work more than 30 hours a week during school holidays (including rest breaks); you cannot work earlier than sunrise or 6am (whichever is later) and after sunset or 6pm (whichever is earlier) if you are working at street markets; you cannot work earlier than 6am or later than 9pm; you must be given a rest break of 30 minutes after every 3 hours work (but your employer is not required to pay you for the break); you must have more than 12 hours between finishing one shift and starting the next.</p> <p>Queensland (20%) It is against the law for an employer to employ you during hours that you are required to be at school. There are limits on the number of hours you can work.</p> <p><i>If you are under 16 and required to be enrolled in school</i> During a school week, you cannot work more than 12 hours and only up to four hours per day; During school holidays, you cannot work more than 38 hours and only up to eight hours per day; You cannot work more than four hours without a one hour break; You cannot work if you have already worked for the same employer within the last 12 hours; You cannot do more than one shift each day; You cannot work between 10pm and 6am.</p> <p><i>Children who are not old enough to start school:</i> cannot work more than 12 hours in a week; cannot work more than four hours in a day; cannot work if the child has already worked for the same employer within the last 12 hours.</p>	<p>Youth Law Australia: When can I start working?</p>



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B5.2.5	Are there extra measures to restrict/limit work that is excessively demanding (whether physically or psychologically) for domestic workers who are under the age of 18 and above the minimum age of employment?	1.00	<p>Yes, there are extra measures but they specific rules vary from state to state.</p> <p>NSW (32% pop) If you are under 15 (or under 16 in the case of modelling work), it is against the law for an employer to require you to work: During school hours More than one shift per day More than four hours on a day you have to go to school More than five consecutive days After 9pm if you and have to go to school the next day If it is less than 12 hours since your last shift For any hours that make the combination of your school hours and work hours in a 7 day week more than 50 hours If your employer does not hold an authority to employ people under 15, they cannot require you to work for more than 10 hours per week.</p> <p>Victoria (26%) It is against the law for an employer to employ you during hours you are required to be at school. It is also against the law for your parents or carers to allow you do a kind of work or do a number of hours that interferes with your school work.</p> <p>If you are under 15 it is against the law for an employer to break these conditions: you cannot work more than 3 hours a day during school term; you cannot work more than 12 hours per week during school term; you cannot work more than 6 hours a day during school holidays (including rest breaks); you cannot work more than 30 hours a week during school holidays (including rest breaks); you cannot work earlier than sunrise or 6am (whichever is later) and after sunset or 6pm (whichever is earlier) if you are working at street markets; you cannot work earlier than 6am or later than 9pm; you must be given a rest break of 30 minutes after every 3 hours work (but your employer is not required to pay you for the break); you must have more than 12 hours between finishing one shift and starting the next.</p> <p>Queensland (20%) It is against the law for an employer to employ you during hours that you are required to be at school. There are limits on the number of hours you can work.</p> <p><i>If you are under 16 and required to be enrolled in school:</i> During a school week, you cannot work more than 12 hours and only up to four hours per day; During school holidays, you cannot work more than 38 hours and only up to eight hours per day; You cannot work more than four hours without a one hour break; You cannot work if you have already worked for the same employer within the last 12 hours; You cannot do more than one shift each day; You cannot work between 10pm and 6am.</p> <p><i>Children who are not old enough to start school:</i> cannot work more than 12 hours in a week; cannot work more than four hours in a day; cannot work if the child has already worked for the same employer within the last 12 hours.</p>	Youth Law Australia: When can I start working?
B6.	Protections for Migrant Domestic Workers			
B6.1	Employment Support			
B6.1.1	Are mdws required to receive a written job offer, or enforceable contract of employment, prior to crossing national borders?	99.00	Not applicable to Australia. B6 is not applicable to Australia because of the relatively small number of foreign domestic workers in the country. This is derived at by how there is a "low volume of applicants" for the Domestic Work for Executives - Temporary Activity Visa (Subclass 408) and Domestic Worker (Diplomatic or Consular) - Temporary Work (International Relations) Visa (Subclass 403) . These are the only two ways in which foreign domestic workers can legally gain employment in Australia.	https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/temporary-activity-408/domestic-work-for-executives https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/temporary-work-403/domestic-worker
B6.1.2	Is there a national hotline for migrant domestic workers with interpretation services?	99.00	Not applicable to Australia.	

