



## FACT SHEET FOR MEMBERS OF THE DIPLOMATIC AND CONSULAR CORPS OR OTHER ELIGIBLE FOREIGN OFFICIALS IN AUSTRALIA ABOUT PRIVATE DOMESTIC WORKERS

### What are my obligations in relation to a private domestic worker working in my household?

You must treat a person working for you on a Temporary Work (International Relations) visa (subclass 403) Domestic Worker (Diplomatic or Consular) stream in accordance with Australian workplace relations laws. Under Australian law an employer:

- cannot cancel an employee's visa. Only the Department of Home Affairs can grant, refuse or cancel visas
- must not stop an employee from leaving their place of work outside working hours
- must pay an employee at least the [national minimum wage](#)
  - However, depending on their location and type of work, employees may also be covered by a modern award which will set out their minimum wages and conditions, noting that the maximum standard work week in Australia for full-time employees is 38 hours.
  - It is important that employers understand and comply with any award requirements that apply to their employees. Information about the current minimum wage (which is reviewed annually), working hours and awards is available from the Fair Work Ombudsman (FWO) on **13 13 94** or at [www.fairwork.gov.au](http://www.fairwork.gov.au).
- must pay an employee at least every month and must also provide employees with a payslip within one working day of paying them
- must pay an employee in full, preferably by an electronic funds transfer into their bank account, and keep auditable records of these payments

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 the employee's salary be paid through bank transfer into an Australian bank account.** Cash payments are not acceptable.

- cannot pay an employee in something other than money (for example, food or clothing), and
- cannot take money from an employee's wages without their written agreement and unless the deduction principally benefits them. For example, deductions for food and accommodation or if an employee accidentally breaks something, cannot be made without appropriate authorisation by the employee and must be of principal benefit to the employee.

You also:

- cannot prevent the visa holder from leaving Australia
- cannot take possession of the visa holder's personal property, including their passport and travel documents
- must pay the full cost of the visa holder's travel to and from Australia, and
- must pay for the cost of the visa holder's health insurance in Australia.

## How can I get more information and advice about Australian workplace conditions?

This fact sheet is not individual advice and you should seek specific legal advice on the particular circumstances of each arrangement that you enter into with a private domestic worker. The FWO can provide free information and advice about workplace laws, including employer obligations. This information is available from the Fair Work Infoline on **13 13 94**, or online in multiple languages at [www.fairwork.gov.au](http://www.fairwork.gov.au), or by email to [myaccountservices@fwo.gov.au](mailto:myaccountservices@fwo.gov.au).

If you need information or advice about visa requirements you can contact the Department of Home Affairs on **13 18 81** or [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au).

Threatening or forcing someone to work, or making someone work in breach of their visa conditions are serious crimes in Australia. If you are aware of, or think someone has experienced these exploitative practices, it is important you report this matter. You can contact the Australian Federal Police (AFP) for assistance by calling **131 AFP (13 12 37)** or visiting [www.afp.gov.au](http://www.afp.gov.au). Contact with the AFP can be anonymous.

If you need an interpreter, please call the Translating and Interpreting Service on **13 14 50**.