



FACT SHEET FOR HEADS OF DIPLOMATIC MISSIONS AND CONSULAR POSTS IN AUSTRALIA EMPLOYING PRIVATE DOMESTIC WORKERS

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

You must understand and comply with the award requirements for your employees. Information about current minimum award wages (reviewed annually), working hours and other award conditions is available from the Fair Work Ombudsman (FWO) on **13 13 94** or www.fairwork.gov.au

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.

An employer:

- cannot cancel an employee's visa. Only the Department of Home Affairs can grant, refuse or cancel visas
- must allow an employee to leave their place of work outside working hours
- must provide an employee with minimum entitlements under the [National Employment Standards](#)
- should ensure a Private Domestic Worker's contract is consistent with the wages and conditions of employment in the applicable Award.
 - the [Miscellaneous Award](#) can cover employees who do the following work: driving, cooking or catering, cleaning, gardening or maintenance, clerical work, or nanny work.
- must employ a private domestic worker on a full-time basis, noting that the standard maximum work week in Australia for full-time employees is 38 hours
- must pay an employee at least every month and must also provide an employee with a pay slip within one working day of paying them
- must pay an employee in full and keep [pay and other employee records](#)
 - 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)
- 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, cannot be made without appropriate written authorisation by the employee and must be of principal benefit to the employee
- must pay an employee at least the national minimum superannuation contribution into a complying super fund or retirement savings account, unless you show the employee is covered by an equivalent social security provision in another country

The minimum superannuation contribution will increase every July until 2025. Information on superannuation is available from the Australian Tax Office (ATO) on **13 10 20** or www.ato.gov.au/business/super-for-employers

You may also have other requirements like providing an employee with a copy of the [Fair Work Information Statement](#). Additional employment terms and conditions may also apply under your employees' contracts of employment or any workplace policies.

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 general information and advice about Australian 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, or by email to 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.

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. Contact with the AFP can be anonymous.

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