

# HAVE YOU BEEN ASKED TO WORK AND NOT BEEN PAID?



Government  
of South Australia

SafeWork SA

## TRIAL WORK/PROBATIONARY EMPLOYMENT

Under South Australia's industrial laws, every worker must be paid the correct wages for the work that they do. There is no such thing as an unpaid trial/probation period. Employers can be prosecuted and face penalties of up to \$2,500 for failing to pay or for underpaying employees.

Most job offers are made after an interview with an employer. Some employers choose to take people on for a trial/probation period. This trial/probationary period provides the employer with the opportunity to assess the performance and suitability of a new employee in the job and also gives the employee the chance to determine whether they want to do that kind of work on an ongoing basis.

A reasonable period of trial/probation may be up to three months or longer depending on the nature and circumstances of the employment. The period of trial/probation should be determined prior to the employee commencing employment and the employee must be paid for all hours worked.

## WORK EXPERIENCE

Trial/probationary work is often confused with work experience, which is coordinated and run through an educational institution.

School or government-sponsored work experience programs are valuable. However, be wary of other offers of unpaid work experience, even if they seem like a good idea. Unless it is legitimate work experience, organised through your school, TAFE or university, you should be paid.

## CONTACT INFORMATION

For more information on award pay rates or assistance with employment issues such as work experience or paid trial/probationary periods, call SafeWork SA on 1300 365 255.

## DISCLAIMER

The information, opinions and advice contained in this work have been prepared with due care and are believed to be correct at the time of printing. The publishers expressly disclaim any liability whatsoever to any person who suffers any loss arising from the contents of, errors in, or omissions from this publication. This publication is not intended as a substitute for legal advice.

Please note that South Australian workplace relations and other related laws may change and it is recommended that you seek legal advice for further information about your situation.