

# people & work



**A publication of Job Watch and Victoria Legal Aid**

## J O B W A T C H

Job Watch is a statewide community legal centre in Melbourne that focuses on issues for workers in Victoria. Our purpose is to combat exploitation in employment and training.

We are part of the Federation of Community Legal Centres and our core funding comes from Industrial Relations Victoria.

Job Watch has a telephone advice line that operates Monday to Friday. Issues handled by the advice line include unfair or unlawful dismissal from work, workplace violence, how to retrieve money you are owed for work, bad job ads, unpaid trial work and discrimination.

You can phone our advice line on 9662 1933 or toll free for country callers on 1800 331 617. Hours are Mondays to Fridays 9.00am to 5.00pm (closed Tuesdays 12.00pm to 2.00pm) and Wednesday evenings 6.00pm to 8.00pm.

Job Watch also produces educational materials for schools, TAFE colleges, universities, community groups and the general public.

## V I C T O R I A L E G A L A I D

Victoria Legal Aid has 12 offices throughout Victoria which provide a range of legal services. These services include:

- free legal advice
- legal representation in some cases
- public law library to research legal issues
- telephone information service – legal information in English and up to 13 community languages, phone 9269 0120 or 1800 677 402
- free booklets about different legal issues, including family law, criminal law, disability discrimination, mental health, youth issues, debt and credit, fines, complaints, family violence and police powers, phone 9269 0223 to order copies.

For more information about Victoria Legal Aid, phone 9269 0234 or visit the web site at [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

# people & work

## Why we produce this publication

Many workplaces have reduced their numbers of workers, and employment laws have changed dramatically. Australia's labour market has been deregulated, which means more workers have fewer work conditions guaranteed by awards or statutes. Many workers have contacted Job Watch because their workplaces have changed and they are confused about their rights and responsibilities.

It is also harder for workers (especially disadvantaged workers) to get assistance if things go wrong at work. Legal aid is not available for strictly employment matters and, because of this, Victoria Legal Aid has in partnership with Job Watch produced this publication.

This publication is only relevant to workers in Victoria. We produced this publication to help you understand your rights and responsibilities at work. We hope the information makes work easier for you.

Job Watch has also produced other publications that may help you. They are *Young People & Work*, *New Apprentices – Your Rights*, *Workplace Violence and Superannuation – Who is Covered?*, *Working in Fear: Experiences of Workplace Violence* and *Hairdressers Handbook*.

We have leaflets about unfair and unlawful dismissal, unpaid trial work, getting paid and payslips, employment contracts, job advertisements, independent contracting, modelling, working overseas, private training courses, door-to-door sales, workplace violence, redundancy and retrenchment, constructive dismissal and casual work.

## C O N T E N T S

● Job advertisements	1
● The job interview	5
● Different ways of working	9
● Employment contracts	16
● Employment conditions	20
● How do I know if I'm paid properly?	25
● Superannuation	28
● Health and safety	30
● Workplace violence	32
● Discrimination	34
● How unions can help	39
● Glossary of terms	40
● Contacts	44

### People & Work

The information in this book is intended as a guide only and is current as of February 2003. It is not a substitute for professional legal advice. Legislation varies from state to state and is liable to change, so up-to-date information should always be sought. Readers should not act on the basis of any information in this book without first obtaining legal advice. Victoria Legal Aid and Job Watch do not take responsibility for any action taken, or not taken, in reliance on the contents of this publication.

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# Job advertisements



A job advertisement usually gives you information about a job. This can help you decide whether or not it is a position you really want. You should treat the job ad as part of your opportunity to find out more about the job.

After all, work can take up big chunks of your life. It is an investment of one of your greatest assets – your time – and the jobs you take can influence the path of your career.

It also takes time and energy to apply for jobs. You do not want to waste your time applying for unsuitable or suspect jobs.

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## GUIDELINES

Guidelines have been developed for employment advertisers. These guidelines should be followed anywhere in Australia.

1. The advertiser should be clearly identified. The ad should contain the company name, the full name of the contact person and phone number or a street address.
2. The advertiser should identify the job. Usually the name of the job, such as cook, is enough.

**3. The advertisement should be in the right section of the classifieds. Each section has a heading. Here are some of the most common headings, and what they mean.**

- Situations vacant (these are jobs that pay salaries or wages, and usually do not require tertiary qualifications – although sometimes experience in that area of work might be called for).
- Professional (these are jobs that pay salaries or wages and usually expect you to have some relevant tertiary qualification, or specialised experience).
- Employment (this is a broad category of ads for all jobs that pay a salary or wage).
- Business opportunities (these are ads for work that involves establishing your own business or work that involves using your business to get the work done).
- Commission only (these are ads for jobs where you get paid a percentage of what you sell).
- Training and tuition (these are ads for training and education courses).

**4. The advertisement should tell you how you will be paid. There are different ways that job ads might do this. Some of these are acceptable, and some are not. Examples of the more acceptable ways of describing how you will be paid include:**

- The salary that would be paid, such as \$30,000 to \$35,000 a year.
- Payment is on a commission-only basis.
- Payment is according to a retainer and commission.
- Payment is on a piece-rate basis, such as \$40 for every thousand leaflets delivered.
- Casual rates apply.
- Award conditions apply.
- Salary negotiable.
- Wage negotiable.

Here are some examples of the unacceptable ways:

- Good rates apply.
- Good money.

## LOUISE'S STORY

### Job advertisements and obtaining information before you apply for the job

Louise responded to an advertisement published in her local paper for a desktop publisher even though she had little training and experience in the field. Here is the ad:

DESKTOP PUBLISHER EXPERIENCED WITH QUARK XPRESS AND WRITER/EDITOR REQUIRED TO WORK ON EDUCATION PUBLICATIONS. MUST HAVE EXCELLENT EYES FOR DETAIL AND MEET STRICT DEADLINES. SEND APPLICATIONS TO PO BOX 10 WHITERSVILLE 3478.

Louise received a rejection letter so she contacted the employer for feedback about why she was unsuccessful. She was told the company had specific requirements about experience, including previous work on education publications. Louise wished the employer had printed its specifications in the advertisement. She would not have wasted her time and resources preparing an application if she had known she was unsuitable for the position.

Louise was in a difficult position because she needed more information about the job. However, she could not get the details because the company did not give its name or a contact person to talk to.

In this situation she had three main options:

1. Write to the employer and request more information about the job.
2. Take the risk and go ahead and apply, as Louise did in this story.
3. Decide not to apply.

Louise needed to choose between these options on the basis of how much time she had available, and how attractive the job appeared to be.

## R E M E M B E R

Use the advertisement as your first opportunity to get information about the job to help you decide whether or not it is the right job for you.

Use the contacts in the advertisement to find out any important additional information that might not be provided in the ad itself.

This can help you to avoid wasting time and effort in applying for inappropriate or unsuitable jobs.

## ADVERTISEMENTS TO AVOID

Sometimes you can get some very early hints that there might be some problems with the job. Here are some of the types of employers you probably should avoid:

- People who advertise the same job each week – they probably need to advertise regularly because their workers do not stay long when they discover what the job is really like.
- People who offer you an interview when you ring up to enquire about the job. Unemployment is high so employers can be choosy about the workers they pick. Normally, an employer would offer you an interview only after they have seen a written job application.
- Jobs where you have to ring a 1900 (or similar) number for information about the job.
- Jobs where you have to pay for training. You should not have to pay someone to train you when you would be working for them.

# The job interview

The interview is the time for you to find out important information. Even though you might be very excited that you have a job interview, don't forget that you might need to ask some important questions during the interview.

Don't be afraid that asking questions will put the employer off – it is your right to ask them questions, just as much as it is their right to ask you questions.

## QUESTIONS FOR THE INTERVIEWER

Here are some of the questions that you might want to ask at the job interview:

- Is the job permanent, full-time, part-time or casual?
- What duties would I have?
- Would I have a written job description?
- When would I start?
- Where would I work?
- Would I be on a probationary period?  
(If yes, ask how long the probation would last.)



- Would I receive superannuation? (If the answer is yes, ask for the name of the superannuation fund.) See page 28 for more information about superannuation.
- How much would I be paid?
- Would I receive a written employment contract? (If you are offered the job, ask for a copy of the contract before you start the job.) See page 16 for more information about employment contracts.
- Would I be under a federal award and, if so, what is the name of the award? (An award is a legal document that sets out work conditions, for example, pay and sick leave.) See page 21 for more information about federal awards.
- What would my normal working hours be?
- Is there an expectation that I would work overtime and, if so, would the overtime be paid or unpaid?
- Would I have to provide my own uniform, tools, or other equipment?

Some of this information might be provided by the employer during the interview. But if this does not happen, remember that it is your right to ask.

## INTERVIEW TRAPS

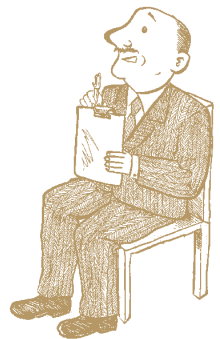
### 1. Group interviews

Be careful! Often advertisers interview people in groups because they need a large group of workers. Sometimes group interviews pressure you to buy products you would be expected to sell as part of the job.

Some advertisers in the modelling industry advertise modelling jobs, invite you to an interview (which turns out to be a group interview), and then try to sell you private training.

Remember, job interviews are opportunities to find out about the job, the company, and the people you would work with. Ask questions!

If you discover the real purpose of an ad in the Professional or Situations Vacant section of the paper was to sell you training or a product, then the advertiser has probably misled you and broken the law. Contact Consumer Affairs Victoria for information.



## 2. Job-finding businesses

If you get work through an employment agency, the agency should charge your employer – not you – for the costs of finding you a job.

A reputable employment agency would not consider it ethical to charge you part of your hourly rate.

## 3. Self-employment, business opportunities and independent contracting

Sometimes people attend a job interview and discover the work is really independent contracting or an opportunity to establish a business. Both of these can involve a lot of costs that you might not be expecting.

Often business opportunities involve investing money to establish businesses. Some business opportunities in the transport and courier industries, for example, involve purchasing your own motor vehicle.

Often independent contracting involves paying your own tax, providing your own equipment and paying your own insurance. See page 12 for more information about independent contracting.

It is very important that you consider the financial costs of independent contracting or getting involved in business opportunities.

Never sign a contract at the job interview – always take a copy away for an expert opinion. Job Watch may be able to provide telephone advice about the contract. Alternatively, get legal advice.



## 4. Network marketing

Network marketing is usually about commission. You earn commission for signing people up to join a network marketing scheme, and you earn commission for the sales you make.

Usually you have to buy a kit or pay a fee before you can join. This can be expensive and you might not make any money at all. Often it is expected that you would sell products to your family and friends.

## PETER'S STORY

### Asking questions at the interview

Peter had been unemployed for 12 months when he finally got an interview for a sales job. He was so delighted about the possibility of paid work that he did not want to rock the boat during the interview and ask questions about pay rates and other conditions. So when the future employer asked him during the interview if he had any questions, all he asked was, "When could I start?" The next day, Peter was offered the job and he started a week later.

Peter worked over 40 hours each week. He spent lots of time on the road trying to sell products and he found the job exhausting. His first pay came after a month in the job and he only received \$700, although his position was as an employee, not a contractor. He expected about twice that amount.

He asked the boss about the pay and the boss said he paid \$150 per week and anything Peter earned on top of that was commission from the products he had sold. He said because he had made so few sales, Peter's commission was only \$100 for the month. Peter said he would not have taken the job if he had known the pay was so bad. He could not afford to resign because he probably would not get another job quickly and Centrelink would not pay him the dole for several weeks if he resigned. He felt trapped.

Peter has ended up with a job with unsatisfactory conditions that are below the legal minimums. This could have been avoided by asking questions at the interview. If he had asked questions, he would have been able to make an informed decision about whether or not to take the job. He may even have been able to negotiate better conditions before accepting the job. Now that he has accepted the job, his only option is to attempt to negotiate better conditions, but this could be difficult because he has accepted the job on certain terms. If Peter's boss refuses to pay him the correct rate for the hours he has worked, Peter may need to contact the federal Department of Employment and Workplace Relations for help in recovering his entitlements, such as back pay.

# *Different ways of working*

## **WORKING AS AN EMPLOYEE**

If you agree to work under the direction and control of an employer, then you are an 'employee'. As an employee, you have a 'contract of employment', whether it is in writing or not. A contract is an agreement between two parties about what each will do for the other.

An employment contract is a 'contract of service'. It sets out what work you will do, as well as when, where and how you will do it. It should outline the wages or salary that your employer will pay you and your other entitlements, such as sick leave and holidays.

These conditions will be different, depending on your 'employment status' – that is, the legal relationship between you and your employer.

Here are some of the major types of employment status. It is important that you are clear about which one applies to you.

### **WORKING & CENTRELINK PAYMENTS**

Whether you work as an employee, a contractor or on commission, if you get Centrelink payments at the same time, you must give Centrelink details of your employment and gross wages.

If you do not, it is an offence and you could be charged with fraud.

## Permanent full-time

Full-time employment usually involves working 38 hours over a five-day week. In some industries full-time work is 40 hours a week and in other industries it is 35 hours a week.

Some workplaces allow their workers to work full-time over a four day week or a nine-day fortnight. If you are covered by a federal award, the award may say how many hours of work are considered part-time, full-time or casual. See page 21 for more information about federal awards.



## Permanent part-time

Part-time employment involves working less hours each week than full-time employees. For example, if you work 28 hours each week and full-time workers in your industry work 38 hours each week, then you are a part-time employee.

## Casual employees

Casual work is a term that is used to describe a range of employment situations where the work is not regular or permanent.

Commonly, casual staff are employed for short-term, on-call, temporary, or seasonal work, but not always. Short-term employment is work that has an end date, although not all short-term work is called 'casual'. On-call work means you are asked to work with little notice. Some casual employees who are on-call are used as a fill-in during busy times or when a permanent employee is away.

The most significant indication of whether you are a permanent or casual is your rate of pay and whether you are entitled to paid holidays and sick leave.

Things such as the number of hours and days you work per week, whether or not you have a work roster that is published in advance, whether or not you have regular work and regular work times, how long you have worked at the job, whether or not you have to give your boss notice that you will be away from work, and so on, can all be relevant in determining whether or not you are a casual employee.

In other words, the more regular and consistent your work is, the more likely it is that you are not casual. Even though you might have been told that you are a casual worker, you might not be.

If you are employed on a casual basis, you do not get holiday pay or sick leave, but you do get extra money per hour to make up for this.

This extra money is called a casual loading; it is usually between 10 and 25 percent of the hourly rate that non-casual employees get to do the same work.

Contact the Department of Employment and Workplace Relations to find out the right casual rate of pay for your type of work. If you are underpaid, tell the department that you would like to lodge a claim and ask them to send you a "Request for Assistance Form".

Here are some other things that you need to keep in mind if you are employed on a casual basis:

- You might be entitled to superannuation. See page 28 for more information about superannuation.
- You cannot apply for unfair or unlawful dismissal unless you have worked for 12 months or more and have a reasonable expectation of continuing work with your employer.
- You can use equal opportunity laws and anti-discrimination laws, in the same way as any other worker can.
- You have a legal right to work in safe and healthy workplaces and are protected by the same occupational health and safety laws that protect other workers.
- You are entitled to join your relevant union.

## Cash-in-hand

Some employers are keen to employ workers on a 'cash-in-hand' basis. If they do, they might pay low wages and not pay legal obligations such as WorkCover premiums, payroll tax and superannuation.

If you are working in this way, you should keep your own record of the days and hours that you work and what you were paid.

If you do not get paid, or get paid much less than you expected, you can apply for wage recovery through the Department of Employment and Workplace Relations, but you would have to pay tax. This is because it is illegal to work and not pay tax and you might be heavily fined by the Australian Taxation Office (ATO) if you do so.

## COMMISSION SELLING

When you have a job that only pays commission, the money you earn is based on how much you sell. You can work very hard but if you do not make any sales, you do not earn any commission. Sometimes you make lots of sales but the commission is low because the product you sell is cheap.

It is very important that you ring the Department of Employment and Workplace Relations to check that you are paid properly. You might find that according to law, you are an employee and are therefore entitled to a minimum rate of pay.

Some commission jobs also pay a retainer, which is an amount you get every week, even if you do not make any sales. Some retainers are very low. Sometimes the retainer is taken from commissions you earn later. Ask for the terms and conditions of the job in writing before you start.

Make sure you keep a written record of all the sales you make and the hours and dates you work. Make sure you write down clients' names and contact details.

Commission work can be highly demanding and competitive.

## INDEPENDENT AND SUB-CONTRACTING

If you are a contractor, you are not an employee.

This means you are not entitled to a minimum rate of pay, holiday pay, sick leave and maternity or paternity leave. If you are an independent contractor, then you are working for yourself. Independent contractors often register as a business.

Usually in independent contracting, the emphasis is on getting a particular job finished, rather than working a particular number of hours.

Sometimes workers are called independent contractors but they are really employees. You might be called an independent contractor because the person you work for has decided it is cheaper.



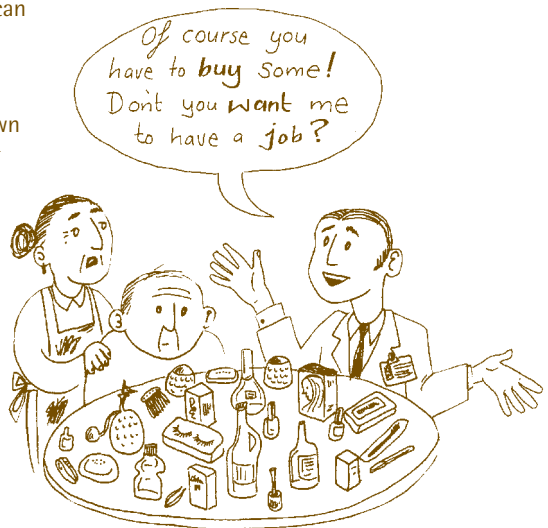
## I M P O R T A N T

Here are some other important things to keep in mind if you are working as an independent contractor:

- You cannot make unfair or unlawful dismissal claims.
- The law does not require you to have a 30-minute break after five hours work, as it does with employees.
- If you are doing independent contract work for an employer, then they must provide you with a safe and healthy workplace. In this sense they have the same obligation to you as they would have towards their employees. If you have your own employees, then the employer you are doing the work for must provide a safe and healthy workplace for them too, if this is something which the employer can control.
- You are not guaranteed regular payment in the same way that employees are. You might have to wait for payment until the job is complete.
- If you are injured while you are working, you might not be entitled to compensation unless you have your own accident insurance protection. This can be expensive. Employees are covered by WorkCover and you should check with the Victorian WorkCover Authority to see if their guidelines allow you to be covered by them.

Here are some of the things that you can expect to happen if you are an independent contractor:

- You might have to provide your own tools and equipment.
- You are not under the control of an employer.
- You can give the person you work for an invoice so they can pay you.
- You can usually choose the hours you work.
- You have to pay your own insurance to protect you against injury while working.
- You may register your own business.
- You will pay a different rate of tax from employees. This is called Pay As You Go (PAYG). Usually you have to arrange the payment of the tax yourself but not always.
- You will have a contract, usually written, with the person who has contracted you to do the work and the contract says you are an independent contractor.



If you are unsure as to whether or not you are really working as an independent contractor, then it is always good to seek advice. Contact Job Watch.

If you are an independent contractor and you are owed money, the Department of Employment and Workplace Relations cannot get it from the person you worked for. If the person refuses to pay you, then you would have to go to the Magistrates' Court or the Victorian Civil and Administrative Tribunal (VCAT) to try and get the money. This can be expensive and you should get legal advice.

If you work as an independent contractor, get a written contract completed before you start each job, so that the terms and conditions of the business arrangement are clear.

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## VOULA'S STORY

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### **Independent contracting**

Voula was asked to do some major accounting work for her relatives' business. The work was going to involve roughly 10 hours a week for about three months. Her relatives asked her to register a business, which they said meant that she would pay less tax.

Voula registered her business. She was angry and upset when her relatives had not paid her for any of her work after the first couple of weeks. She got legal advice and was told she was an independent contractor, and that the terms of the contract were that she would be paid for the completed job, rather than on a fortnightly basis.

In this story, Voula had not found out enough information about her employment status prior to agreeing to do the work. She had assumed that she would be paid like any employee when in fact she was an independent contractor, where different payment arrangements applied. It is important to always be clear about your employment status, and about how this will affect your employment conditions, before accepting any job.

# *Employment contracts*

An employment contract is an agreement between you and your employer. You will be party to an employment contract, even if the terms and conditions have not been put in writing.

Your employment contract, whether it is in writing or not, will set out conditions related to your employment – that is, conditions about your rights and responsibilities as a worker, and about the rights and responsibilities of your employer. For more information about employment conditions, see page 20.

Once you have agreed to a contract, it usually becomes legally binding.

There are only a few things that would cause a contract to not be legally binding. Some examples of when a contract might not be legally binding include:

- If you are forced to sign or agree to the contract against your will.
- If you are unable to understand what you are agreeing to, and the other person is aware of this.
- If you did not have legal capacity at the time you agreed to the contract, such as a child who is too young to understand what the contract says.

Many employees do not have a written employment contract or, if they do, they might be confused about what kind of employment contract it is (see pages 17 and 18 for more information about the different types of employment contracts and agreements).

You should never sign a contract before you understand what it means, what kind of agreement it is, and what rights and responsibilities it gives you. Always ask for a copy of your contract and keep it somewhere safe.

## VERBAL CONTRACTS

Verbal contracts are usually legally binding in the same way as written contracts, but they are often much harder to prove because there is no written evidence of what has been agreed to. If there is a dispute, it can come down to your word against someone else's word.

Remember, always ask for a contract in writing so that you can get advice about it and have something to back up your arguments if the contract is not honoured by the other party.

## TRANSFER OF INDUSTRIAL POWERS

Victoria transferred most of its industrial powers to the federal government in December 1996. This means employment conditions in Victoria are mostly regulated by federal legislation called the *Workplace Relations Act*.

There are some exceptions, such as the provision of child employment permits for workers under 15 years old and equal opportunity and health and safety laws.

Even though the Victorian government has given control of most of its employment powers to the federal government, this does not mean that all employees in Victoria are now covered by federal awards.

State awards were abolished by the Victorian government on March 1, 1993.

If you were employed before March 1, 1993 and you were covered by a state award, then the terms and conditions of that state award automatically became the terms and conditions of your contract of employment.

If you signed a new contract, the terms and conditions in it replace any earlier conditions that might have been in the award.

See page 21 for more information about federal awards and the ways in which the federal legislation can apply to workers in Victoria.

## MINIMUM NOTICE PERIOD IN CONTRACTS

You are entitled to receive minimum notice if your employment is going to be terminated. You are entitled to this even if it is not mentioned in a contract between you and your employer. Minimum notice periods are included in the federal *Workplace Relations Act*. If you have been in the job for:

- not more than one year, you are entitled to at least one week's notice;
- more than one year but not more than three years, at least two weeks' notice;
- more than three years but not more than five years, at least three weeks' notice;
- more than five years, at least four weeks' notice.

Employees aged 45 and over are entitled to one extra week of notice if they have completed at least two years of continuous service.

If you have an employment contract that gives you less notice than this, then those parts of the contract are not legally valid, even if you have agreed to them.

An employment contract, however, can require employers to provide you with more than these minimum notice periods, if this is agreed to by both parties to the contract.



### R E M E M B E R

An employment contract can always give you better conditions than the minimums that are set down in the federal *Workplace Relations Act*, but it can never give you less.

## CHAN'S STORY

### Checking your employment contract

Chan answered a job advertisement in the local paper for a mechanic. During the interview, he was told the position was for 12 months and, if he got the job, he would have to sign an employment contract. He was offered the job, accepted it and gave his current employer notice.

On his first day at work Chan's new employer insisted that he sign the employment contract immediately. Chan signed the contract even though he told his boss he would prefer to take it away so he could get advice. After signing the contract Chan was given a copy. The contract said that Chan would get three weeks annual leave and that he would be required to work Tuesday to Saturday. Chan had expected four weeks leave, and wanted to work Monday to Friday. Chan took the contract to his union for advice.

The union told Chan the contract's clause about annual leave was wrong and he was legally entitled to four weeks each year – not three. The union negotiated on Chan's behalf with the employer and the contract was changed so that it was legal, but they were unsuccessful in negotiating a change of working days because this was not an unlawful part of the contract and Chan had agreed to it.

Despite the pressure placed on Chan by his employer, he should have insisted he be given time to read the contract and get advice. In this situation, Chan was fortunate because some of the terms of the contract were unlawful, and he was entitled to better conditions, despite having signed the contract. If an employment contract has conditions that are less than an employee's legal entitlements, for example, what might be covered in an award or in Schedule 1A of the federal *Workplace Relations Act*, the legal entitlements override the contract. But it is not enough to rely on this for protection, as a contract may include terms which, although lawful, are not acceptable to you. Once a contract is signed it is difficult to change. It is a good idea to get advice and assistance from your union, or places like Job Watch, if you find that your contract has conditions that you are not happy with.

# Employment conditions

All employees have entitlements, even if these are not in writing. These entitlements are often called 'conditions'. Not all workers have the same conditions and it can be confusing to work out which ones apply to you.

This chapter gives you information about the sorts of conditions you can expect to have in your work. See also the chapter on 'Employment contracts', on page 16, for more information about employment conditions.



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## FEDERAL AWARDS

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An award is a legal document that sets out basic conditions for a particular type of work. Awards are negotiated between unions and employer organisations or individual employers. Awards need to comply with laws set down by the government. In Victoria, the state government abolished state awards in 1993. Many Victorian workers are now covered by federal awards.

Sometimes being covered by an award can mean that you get better conditions than other workers who do similar work.

There are lots of awards for different sorts of work. An award outlines terms and conditions only for the workers who are covered by that particular award.

These conditions can include pay rates, personal leave, maternity and paternity leave, the process that must be followed if you are sacked, long service leave, how much money you should receive for each year of service if your job does not exist any more ('redundancy provisions') and overtime rates.

To be covered by an award, your employer must be named in the award, or be a member of an employers' association named in the award. This means that your employer is a 'respondent' to the award. All respondents to awards are registered at the Australian Industrial Relations Commission (AIRC).

If you work for a business that is listed in an award, and then the business is sold, chances are that you will still be covered by the same award conditions.

If the new owner operates it as a similar business, then the award conditions are often 'transferred' to the new owner.

If a worker and an employer have a dispute about the meaning of any part of an award, the AIRC can help resolve the dispute.

Sometimes the AIRC can make a decision that everyone must abide by. This can only occur if both parties to the dispute agree to it, unless there are highly exceptional circumstances.

Only some conditions are included in federal awards. These conditions are called 'allowable matters'. These are the only areas the AIRC has the power to arbitrate over in regard to federal awards.

## Allowable matters in federal awards

- Job classifications and skill-based career paths.
- Rest breaks, notice periods and variations to working hours; what hours will be recognised as 'ordinary working hours' and what hours will attract overtime rates.
- Rates of pay generally (such as annual rates and annual salaries, rates of pay for juniors, trainees or apprentices and rates of pay for people under the supported wage system).
- Rates for piece work, tallies and bonuses.
- Annual leave and annual leave loadings.
- Long service leave.
- Personal/carers' leave, including sick leave, family leave, bereavement leave, compassionate leave, cultural leave (and forms of leave similar to cultural leave) and parental leave, including maternity and adoption leave.
- Public holidays.
- Allowances.
- Loading for working overtime for casual or shift work.
- Penalty rates.
- Redundancy pay.
- Notice of termination.
- Provisions for being stood down.
- Procedures for settling disputes.
- Jury service.
- Type of employment, such as full-time, part-time, casual and permanent employment and shift work.
- Superannuation.
- Pay and conditions of outworkers (to a limited extent).

If your job is covered by an award, it is against the law for your employer to not at least meet the conditions set out in the award. Your employer can provide you with above award conditions if they choose. You can find out about your award by contacting the Department of Employment and Workplace Relations.

## SCHEDULE 1A: WORKPLACE RELATIONS ACT

Schedule 1A of the federal *Workplace Relations Act* sets out some minimum conditions for any employee in Victoria who is not covered by an award, a certified agreement or an Australian Workplace Agreement (see page 24 for more information about these types of agreements)

Approximately 30–40 percent of employees in Victoria have their employment conditions covered by Schedule 1A. You may be covered by Schedule 1A even if your employer has not given you a written contract.

Schedule 1A provides:

- A minimum rate of pay, provided by an industry sector, for the kind of job you do.
- Four weeks' annual leave after 12 months of service\*.
- A working week of sick leave for every 12 months of service\*.
- Maternity, paternity and adoption leave provisions.
- Minimum notice periods if your employment is terminated.

\* If you work part-time, then you are entitled to receive these amounts on a pro-rata basis.

Employers cannot pay you less than the minimum entitlements.

Most of the conditions listed are for permanent employees. Casual employees are only entitled to a minimum rate of pay for the kind of work they do under Schedule 1A. (See the section about casual employees on page 10 for more information.)



If you are covered by Schedule 1A of the federal *Workplace Relations Act* you might be able to use other laws if you have problems at work. For example, you can use the Victorian *Equal Opportunity Act*, if you are unlawfully discriminated against, or the Victorian *Occupational Health and Safety Act*, if your job or workplace is unsafe.

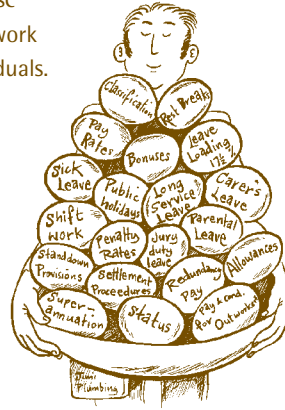
### SCHEDULE 1A CHANGES IN 2003

Schedule 1A workers' entitlements are expected to improve significantly when new laws are introduced in 2003. Contact Job Watch or Wageline for the latest information.

## CERTIFIED AGREEMENTS

Certified agreements are sometimes called enterprise agreements. They set out terms and conditions of work for a whole group of people, rather than for individuals. There are two main types of certified agreement:

1. Certified agreements made directly between employers and a group of employees.
2. Certified agreements made between an employer and a union or unions representing employees.



## AUSTRALIAN WORKPLACE AGREEMENTS

Australian Workplace Agreements (AWAs) are written employment contracts that set down the terms and conditions of employment for individual employees.

An AWA is therefore an individual employment agreement between an employee and an employer. AWAs are legal documents that must be approved and registered by the Office of the Employment Advocate. Once you have signed an AWA you are bound by its terms.

It is important to be careful because it might not be easy to change an AWA once you have signed it. Always seek advice before you sign an AWA.

Often people are confused about what kind of employment agreement or contract they have. AWAs are clearly titled.

For employment agreements which are not AWAs, see page 16.

# How do I know if I'm paid properly?

There are minimum rates of pay and pay ranges for all employees in Victoria. These are set out in federal awards, in industry sector rates or in certified agreements. Some workers are paid less than others simply because they are under 21. Almost all Victorian workers under 18 are paid less than workers over 18.

The Department of Employment and Workplace Relations can tell you how much you should be paid, and it can also tell you about the terms and conditions of employment you are entitled to receive.

If you are not paid the right amount, or if you are not paid at all, contact the department. They will send you a form to complete and then they will investigate your complaint.

In some circumstances the department has the power to prosecute employers who fail to comply with their legal obligations.

It is always a good idea to keep a record of your hours of work, in case there is a dispute with your employer over payment.



## PAYSLIPS

You are entitled to receive payslips from your employer. Your payslips should include the following information:

- The date of payment.
- The period covered by the payment.
- The hours worked during the pay period.
- All deductions made from your gross pay (such as the amount of tax and union fees).
- Superannuation payments made by the employer on your behalf.
- Gross and net payments (that is, the amount before any deductions and the amount after deductions).
- The make-up of the pay (such as how much is ordinary hours and how much is overtime).

If you have any concerns or queries about your payslip, contact the Department of Employment and Workplace Relations.

You should keep your payslips because they are evidence of where you have worked, the period you worked for, and how much you were paid (before and after tax).

## UNPAID TRIAL WORK

Unpaid trial work is when an employer gets you to work unpaid on the job to see if you are suitable for the position. This is illegal.

Unpaid trial work happens in many jobs but it is very common in sales work and in the hospitality industry, particularly food service. Some people have been asked to do unpaid trial work for several weeks. Some employers have a continuous flow of workers who do unpaid trial work because they need a job done but they do not want to pay anybody. They know there are lots of unemployed people desperate for work, so they use them to save money.

## ISABELLA'S STORY

### Unpaid trial work

Isabella answered a job advertisement in her local paper for a waiter or waitress. She rang the restaurant and was asked to attend for an interview. The boss said he wanted to see how she worked, and he asked her to work the next day from noon to 3pm.

He did not mention money and neither did Isabella. After she finished the unpaid trial, he said he would get back to her but he never did.

Isabella was legally entitled to be paid for her work. The Department of Employment and Workplace Relations could investigate her case and possibly retrieve wages owed.

Unpaid trial work does not include proper voluntary work. You are a volunteer when you give your services to a non-profit organisation and it is clear from the start that you will not be paid for the work.

Volunteer work can include distributing food to homeless people, giving advice to workers about problems at work, or raising money for non-profit organisations.

### R E M E M B E R

A Job Watch survey showed that only 13 percent of people who completed unpaid trial work were given a paid job by the employer who asked them to do the unpaid work.

# *Superannuation*

Superannuation is sometimes called 'super'. Federal laws make it compulsory for employers to pay a percentage of most employees' pays into superannuation funds.

Superannuation is an addition to your wage and can include two main components:

- A compulsory contribution made by your employer.
- Any voluntary contributions made by you.

Many employees decide to only receive their employer's compulsory contribution, and do not put in an extra voluntary contribution of their own.

Superannuation is your money. Your employer puts it into a fund where it is saved for you when you retire. (Sometimes, under special circumstances, you can get the money before you retire, such as during extreme economic hardship.)

Superannuation earns interest and it is managed by superannuation funds.

All employees in Australia must receive superannuation, except:

- employees under 18 years old who work less than 30 hours a week;
- employees over 70 years old;
- employees who earn less than \$450 gross a month;
- employees who do domestic work for less than 30 hours a week.
- some employees who work overseas;
- some executives from overseas who work in Australia;
- employees who are paid according to the Community Development Employment Program.

In some circumstances subcontractors have an entitlement to have superannuation contributions made on their behalf. If you are unsure about your entitlements you should contact the Australian Taxation Office (ATO) for clarification.

If you are eligible to receive superannuation then, by law, your employer must pay at least nine percent of your gross income into your superannuation fund.

In some industries, employers are required to pay more than nine percent as part of a negotiated collective agreement.

If you are eligible to get superannuation but your employer does not pay it, contact your superannuation fund (if you have joined one) to get the contact details for the fund's manager.

Fund managers must make reasonable efforts to ensure employers make contributions into their funds.

If you have never signed a form to join a super fund, and you are eligible to get super, or if your employer has made insufficient contributions to your fund, you should contact the ATO and ask them to send you a form called an "Employee Notification of Insufficient Employer Contributions".

The ATO has the power to investigate your complaint and it will try to make the employer pay your superannuation plus any interest that might be owing to you. It might even fine the employer.

For more information about how to do this, or for additional information about superannuation, phone the Superannuation Infoline.



# *Health & safety*

Everyone should be safe at work. You should not have to work with unsafe equipment, unsafe work systems, or people who want to injure you. Unfortunately some workplaces are much more dangerous than they need to be.

In Victoria, the *Occupational Health and Safety Act* states that employers and employees must provide healthy workplaces for each other where practicable. This means it is not only the employer's responsibility to provide safe conditions at work but your responsibility too.

You have to make work safe for your co-workers where possible. Examples include alerting co-workers and management about equipment that is unsafe, and not doing anything that might endanger people at work, such as practical jokes that could cause injury.

If you are an independent contractor, and the person you work for has or should have control over your work, the *Occupational Health and Safety Act* says they have the same health and safety obligations to you as if you were an employee.

## JOE & MIKE'S STORY

### Co-workers and work safety

Joe had worked in a carpentry workshop for many years. He knew that some of the machinery was not safe, but he had become accustomed to using it and so had never complained to the boss. So far he had not been injured. When Mike, a new worker, commenced employment at the workshop, Joe was given the responsibility of showing Mike how to do the job and how to work the machinery. Joe did not mention to Mike that the machinery was unsafe, and Mike was badly injured.

Joe and his employer could have helped to avoid Mike's injury. It was the employer's responsibility to provide safe machinery, regardless of the fact that Joe was used to things as they were. When Joe was supervising the new worker, he had a responsibility to make him aware of the unsafe machinery. It is important that everyone takes responsibility in the workplace for ensuring the health and safety of other workers.

# *Workplace violence*

Everyone has the right to feel safe at work, free from violence, victimisation and harassment. Workplace violence is unlawful.

Workplace violence can include physical assault and threats to physically harm you. Some people are violent by deliberately putting others through emotional distress.

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## **WHAT YOU CAN DO ABOUT IT**

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If you are experiencing workplace violence, then your first step should be to tell people you trust about it.

If possible, tell your employer. Ask for the incidents to be recorded. Ask for a copy of the incident report as soon as possible.

It is a good idea to keep a journal or diary. Record the dates and times of violent incidents. Write down what happened, who did it, and who saw it. If possible, record the telephone numbers and addresses of witnesses. Your diary could be used as evidence during legal proceedings, such as a court case.

If you have been injured then you should visit a doctor. An injury includes effects on your mental health, such as depression. Ask the doctor to record a description of your injuries or illnesses (if there are any), the treatment you need, and when the violence happened. (If you have injuries that are visible, you can take photos of them for evidence.) Ask the doctor for a WorkCover medical certificate. You may also need to complete a WorkCover claim form.

If the violence has been reasonably serious, then you might want to contact the police. If an assault happened, or if other criminal charges apply, such as threats to kill, stalking and damage to property, the police will ask you to make a formal statement. You may have to give evidence in court. It is really important that you talk to the police as soon as possible after workplace violence, so they can quickly record your evidence.

If any harassment or stalking is likely to continue, you could consider making an application for an intervention order against the violent person. You can get legal advice to help you with this. Victoria Legal Aid produces a free book on applying for an intervention order. Contact Victoria Legal Aid for a copy.

You can contact a Centre Against Sexual Assault (CASA) if sexual assault, attempted sexual assault, or sexual harassment happens. CASAs give free initial crisis counselling, information, support and advocacy.

In Victoria, CASAs have a 24-hour confidential telephone service, which gives information about rights and options for survivors of sexual assault or attempted sexual assault.

Other things that you can do if you experience workplace violence include:

- Seek legal advice from an employment law specialist as soon as possible or ring Job Watch.
- Ring the Victorian WorkCover Authority.
- Contact your union (if you are a member of one).
- Report the incident to the workplace health and safety representative (although many workplaces do not have one).
- If you are an apprentice or trainee, inform the Office of Training and Tertiary Education.



## R E M E M B E R

Workplace violence is totally unacceptable and against the law.

If you are subjected to violence at work, it is not your fault.

You have a right to do something about it, and to feel safe in your job.

# *Discrimination*

Discrimination basically means being treated less favourably than other people.

In Victoria, it is against the law for someone to treat you unfairly (discriminate) or hassle or pick on (harass) you because of your actual or assumed:

- Age
- Breastfeeding
- Carer status
- Disability/impairment
- Gender identity
- Industrial activity  
(such as belonging or not belonging to a union)
- Lawful sexual activity
- Marital status
- Parental status
- Physical features  
(does not include accessories such as dreadlocks, body piercings and tattoos)
- Political belief or activity
- Pregnancy
- Race
- Religious belief or activity
- Sex
- Sexual orientation
- Personal association with someone who has, or is assumed to have, one of these personal characteristics.

In Victorian law, these are all referred to as 'attributes'.

Discrimination can be direct or indirect. Direct discrimination is when someone decides to treat you less favourably because you have one of the attributes listed above. For example, a policy that bans pregnant women from working with a company, directly discriminates against pregnant women.

Indirect discrimination means putting a requirement on someone which they cannot meet because they have one of the attributes listed above, but which most people without that attribute would be able to meet.

For example, if it was only possible to get into the workplace via a large flight of stairs, this would indirectly discriminate against workers with disabilities who used wheelchairs.

Most other workers without disabilities would be able to meet the requirement to climb the stairs, but the workers who used wheelchairs would not.

Victoria's *Equal Opportunity Act* also says it is unlawful to discriminate against you if you are associated with someone who has any of the above attributes.

For example, if your partner or spouse was from a particular cultural or religious background, it would be unlawful for your employer to discriminate against you because of this.



## JODIE'S STORY

### Discrimination in the workplace

Jodie's boyfriend had a blood test and the results showed he had Hepatitis C. Jodie told her best friend at work, who told Jodie's employer about the boyfriend's medical condition.

Jodie's employer called her into his office and told her he was worried she had the virus too. He said he wanted her to have a blood test. He said that until she could prove that she did not have Hepatitis C, she would have to work in a room on her own. He said she could not use the workplace's bathroom, toilet or kitchen facilities.

Jodie's employer breached Victoria's *Equal Opportunity Act* because he discriminated against her because of her partner's medical condition. He discriminated against Jodie because of her personal association with a person whose medical condition would be defined as an impairment, an area where discrimination is unlawful according to the Act. Jodie could make a complaint under the Act.

The Act states that it is illegal to discriminate in:

- Accommodation
- Clubs and club memberships
- Disposal of land
- Education
- Employment
- Local government
- Provision of goods and services
- Sport

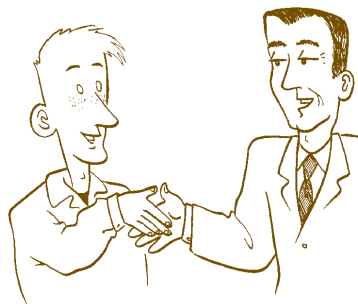
The Act says there are some exceptions. For example, it might not be unlawful to discriminate against you if someone can prove their religion makes it necessary for them to discriminate against you, or if the changes that you need in order to overcome the discrimination are unreasonable in the circumstances. It is up to the legal system to decide if the changes you need are unreasonable.

The Act also says it is unlawful to sexually harass another person. Sexual harassment is unwelcome behaviour of a sexual nature. It can cover a diversity of unwelcome comments about your physical appearance or your sex life.

Sexual harassment can also include sexual jokes, pornography in the workplace, unwanted touching or leering and unwelcome requests for sex or dates.

It is also illegal for you to be victimised because you have made a complaint about sexual harassment or discrimination to appropriate authorities, such as the Victorian Equal Opportunity Commission or your employer.

It is the responsibility of an employer to do everything reasonable to ensure a discrimination-free workplace. If a co-worker unlawfully discriminates against you, or unlawfully harasses you, then you may be able to make a complaint against your employer as well as the co-worker.



There are also federal anti-discrimination laws. These are the:

- *Sex Discrimination Act*
- *Racial Discrimination Act*
- *Disability Discrimination Act*

If you are discriminated against on the basis of sex, race or disability, then you can usually choose between lodging a complaint under state or federal law.

It is important to seek advice from Job Watch about whether to lodge a claim under state or federal law if you have been discriminated against in employment.

The Victorian Equal Opportunity Commission and the Human Rights and Equal Opportunity Commission can also help with discrimination information.

For advice about disability discrimination, you can also contact the Disability Discrimination Legal Service or Villamanta Legal Service. Victoria Legal Aid, together with these organisations, also produces a publication called *Using Disability Discrimination Law*. Contact Victoria Legal Aid for a free copy.

Complaints under federal law should be lodged with the Human Rights and Equal Opportunity Commission.

The Victorian Equal Opportunity Commission has the power to investigate complaints of unlawful discrimination under state law. If you are eligible to lodge a discrimination complaint, the Commission can help you do this. You have 12 months from the date the discrimination happened to make a complaint.

If, after investigating a complaint, the relevant commission finds your complaint has merit, the case is referred to conciliation at the commission.

Conciliation is designed to help you and the person you are complaining about to reach a settlement. It brings you together with the person or representative of the organisation your complaint is about. You can have a representative, or someone to support you, there if you wish.

There can be many different types of settlement. It might be an apology, a decision that you get your job back, compensation for pain and suffering or lost wages, a promise that the discrimination will stop or any combination of these.

Conciliation is run by experienced and independent conciliators from the commission.

If the case is not settled at conciliation, it can be referred to VCAT, the Federal Court or the Federal Magistrates Court for a public hearing (depending on whether you have chosen to have your claim heard under state or federal legislation).





# How unions can help

If you join a union, it might negotiate on your behalf with your employer about the terms and conditions of your work. This might include how much you are paid, the hours that you work or the tasks that you do.

Union membership can give you more power during employer-employee negotiations. Your employer then has to negotiate with a union that represents a group of workers, rather than you having to negotiate on your own.

Union membership can give you more industrial support when you have problems at work or when you are trying to negotiate better conditions, such as more money.

It costs money to be a union member and usually how much you pay in fees is worked out by how much you earn in your job. Some workers pay as little as \$5 a week to be union members. Union membership costs are tax deductible when you do your tax return.

It is your right to join a union, even if there does not seem to be many other people in your workplace who are members of a union. If your employer has threatened you or said that you will not have your job if you join a union, then your employer is in breach of Victoria's *Equal Opportunity Act* and the federal *Workplace Relations Act*.

There are unions to cover all types of work in Australia. Contact the ACTU or the Victorian Trades Hall Council to find out which union covers you.

## R E M E M B E R

It is every worker's right to join a union. It is against the law for an employer to not employ you or sack you just because you are a union member.

# Glossary of terms

## Australian Workplace Agreement

AWAs are individual employment agreements between an employer and an employee which set out the terms and conditions of employment. AWAs must be approved and registered by the Office of the Employment Advocate.

## Cash-in-hand pay

Cash-in-hand pay is cash paid for work done and there is no formal record of your being employed. This is illegal. It means that a tax declaration form has not been completed and tax has not been deducted from your pay. It also means the employer is not paying other entitlements, such as superannuation.

## Certified agreement

Certified agreements, sometimes called enterprise or collective agreements, are negotiated by the employees in a workplace as a group with their employer. Certified agreements are registered at the Australian Industrial Relations Commission and have the same legal status as federal awards.



## Commission

Commission is paid to you after you make a sale. It is a percentage of the sale price of the product you have sold. Not all sales jobs pay commission.

## Discrimination

Discrimination refers to people being treated less favourably than other people because of an attribute, such as race, gender or disability.

## Employee

An employee is a person who agrees to work under the direction and control of an employer. Every employee has a contract of employment, whether it is in writing or not. This is a 'contract of service'. The employer says what work is to be done, as well as when, where and how it is to be done. An employee works for wages or a salary and gets certain entitlements, such as a minimum hourly rate of pay.



## Employee (casual)

Casual employees are workers who are paid a higher hourly rate of pay than permanent workers because they do not receive annual leave or sick leave. Casual employment can take a variety of forms: it can be either part-time or full-time; on a regular or irregular basis; temporary or seasonal; or last for longer periods of time. Casual employment may be terminated without notice.

## Employee (part-time)

Part-time employment involves working less hours each week than full-time employees. Permanent part-time work means the job is ongoing. Permanent part-time employees have entitlements such as annual leave, sick leave, long service leave, and public holidays.

## Employee (full-time)

Full-time employment usually involves working 38 hours over a five-day week. In some industries, full-time work is 40 hours a week and, in other industries, it is 35 hours a week. Permanent full-time employees have



entitlements such as annual leave, sick leave, long service leave and public holidays.

## Employment contract

An employment contract is an agreement between an employer and an employee. Every employee is a party to an employment contract, even if a contract has not been signed. A signed written employment contract is a legally binding document. Verbal contracts can be legal but they are usually much harder to prove than written contracts.

## Federal award

A legal document which sets out the terms and conditions of employment for employees doing a particular type of work. Awards are made by the Australian Industrial Relations Commission and are binding on employers and members of employer associations which are listed in the award. In most cases awards continue to apply when a business (or part of it) is sold or transferred to a new owner.

## Independent contractor

If you are an independent contractor you are not an employee. This means you are not entitled to a minimum rate of pay, holiday pay, sick leave, and maternity or paternity leave. An independent contractor enters into a contract for services with the company or person they work for. Usually, independent contractors pay their own tax. Often independent contractors provide their own equipment and pay their own insurance to work, such as WorkCover.

## Job description

A job description is usually a document that lists the tasks an employee is expected to do. Sometimes a job description says who an employee is accountable to during their employment.

## Leave loading

Leave loading is an extra payment received by employees during periods of annual leave. It is usually an extra 17.5 percent payment. Entitlements to leave loading form part of your conditions of employment.

## Long service leave

Long service leave is paid leave for employees who have worked for their employer for a certain number of years. Long service leave entitlements are provided by Victorian law or otherwise set out in your conditions of employment. The usual entitlement is 13 weeks of leave after 15 years of service with the one employer.

## Outworkers

Outworkers do not work on the premises of the person or company which hires them to work and often work from home. Outworkers are usually paid for each product or piece they make, rather than an hourly rate.

Outworkers are often called homeworkers or pieceworkers.



## Payslip

A payslip is a record which should list the hours you worked during a specified pay period and how much you earned before and after tax was deducted. Payslips may also list superannuation earned during a pay period and lawful deductions taken from your pay, such as union fees.

## Piece work

Work done by outworkers which is paid according to each piece or unit produced.

## Redundancy

A job is redundant when it is no longer needed in a workplace, or if a major component of a job is no longer needed. Redundancies usually occur because of economic downturns, restructures and technological change.

## Redundancy pay

Redundancy pay is paid by an employer to an employee if a job is redundant and the employee is to be retrenched. However, not all employees are entitled to redundancy pay, which is sometimes called severance pay or a redundancy package. Redundancy entitlements are provided in your conditions of employment.

## Retainer

A retainer is an amount you are guaranteed each pay period when you work in a sales job that pays commission. However, not all jobs that pay commission pay a retainer.

## Retrenchment

Retrenchment is when an employee is dismissed because their job, or most of it, no longer exists in their workplace. Permanent employees are entitled to their legal minimum notice or payment instead of notice if they are retrenched.



Some employees are entitled to redundancy or severance pay.

## Probationary (trial) period

A probation or trial is used to determine whether or not an employee is suitable for a job by enabling them to work in the position for a set time. Usually the length of a probation is determined in advance of the job's commencement. It is common for a probation to be for three months.

## Superannuation

Super is an addition to your wage and includes two main components:

- A compulsory contribution made by your employer.
- Any voluntary contributions made by you – the employee.

Most employees are entitled to have super paid by their employers but not all.



## Unfair dismissal

An unfair dismissal occurs when, considering all the circumstances, an employee's dismissal is harsh, unjust or unreasonable. An employee makes an unfair dismissal claim through the Australian Industrial Relations Commission.

## Union

A union is a registered organisation for employees to act as a group to improve or maintain their terms and conditions of employment. All employees are eligible to join a union.

## Unlawful termination

An unlawful termination occurs when an employee is terminated for a reason which is listed as a 'proscribed' reason in the federal *Workplace Relations Act*.

The Act also states that most employees must be given notice of termination. Unlawful termination claims are made through the Australian Industrial Relations Commission.



## Unpaid trial work

Unpaid trial work is illegal. It happens when an employer gets a job applicant to work unpaid on the job to allegedly see if the person is suitable for the position.

# Contacts

**ACTU** Phone 1300 36 22 23 for referral to the appropriate union for your work.  
[www.actu.asn.au](http://www.actu.asn.au)

**Apprenticeship Administration Branch** (OFFICE OF TRAINING AND TERTIARY EDUCATION) Phone 9412 6600.

**AusInfo** Phone 9670 4224 to buy copies of the federal *Workplace Relations Act*.  
190 Queen Street, Melbourne 3000.

**Australian Competition & Consumer Commission** Phone 1300 302 502  
for enquiries about misleading employment advertising according to federal law.  
[www.accc.gov.au](http://www.accc.gov.au)

**Australian Industrial Relations Commission** Phone 8661 7777 for unfair dismissal applications. Phone 8661 7814 or 8661 7807 to purchase copies of federal awards. Level 36, Nauru House, 80 Collins Street, Melbourne 3000. [www.airc.gov.au](http://www.airc.gov.au)

**Australian Taxation Office** Phone 13 28 61 for PAYG tax enquiries.  
[www.ato.gov.au](http://www.ato.gov.au)

**Career Information Centre** Phone 9299 1038. 1st Floor, 176 Bridge Road,  
Richmond 3121

**Care Ring** (formerly Crisis Line) Phone 13 61 69.

**Centre Against Sexual Assault** Phone 9344 2210 for referral to the centre closest to you, 9349 1766 for after hours assistance or 1800 806 292 (country callers).

**Child Employment Officer** (DEPARTMENT OF INNOVATION, INDUSTRY AND REGIONAL DEVELOPMENT) Phone 9651 0940 for information about Victorian child work permits for workers under 15 years old.

**Consumer Affairs Victoria** – independent contractors – Phone 1300 55 81 81 (or access claim forms from the Victorian Civil and Administrative Tribunal web site – [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au)). For enquiries about misleading employment advertising according to Victorian law. [www.consumer.vic.gov.au](http://www.consumer.vic.gov.au)

**Community Policing Squad** – check under 'Police' in the White Pages phone book for the nearest squad. The Community Policing Squad may be able to investigate complaints about workplace violence.

**Court Network** Phone 9603 7433

**Department of Education, Science & Training** Phone 1800 657 569 for information on job placement, employment and training programs. [www.dest.gov.au](http://www.dest.gov.au)

**Department of Employment & Workplace Relations** Phone 1300 363 264 for details about wage rates, wage retrieval and federal award coverage. [www.wagenet.gov.au](http://www.wagenet.gov.au)

**DIRECT Line** – drug and alcohol help line – Phone 9416 1818 / 1800 136 385 (country callers).

**Disability Discrimination Legal Service** Phone 9602 4877 / 1800 651 275 (country callers) / TTY 9602 4135 [www.ddls.org.au](http://www.ddls.org.au)

**Disability Employment Action Centre** Phone 9650 2533 / TTY 9650 9229

**Equal Opportunity Commission** Phone 9281 7100 / 1800 134 142 (country callers) / TTY 9281 7110 [www.eoc.vic.gov.au](http://www.eoc.vic.gov.au) The Commission can advise you about whether or not you have been unlawfully discriminated against. It also provides information about the federal *Disability Discrimination Act*.

**Federation of Community Legal Centres** Phone 9602 4949 for contact details of your nearest community legal centre.

**Financial & Consumer Rights Council** Phone 9663 2000 / 1800 134 139 (country callers) for referral to a free financial counsellor. [www.vicnet.net.au/~frcr](http://www.vicnet.net.au/~frcr)

**Group Training Australia** Phone 9639 3955 / 1800 819 747.

**Human Rights & Equal Opportunity Commission** Phone 1300 656 419/ general enquiries & publications 1300 369 711 / TTY 1800 620 241 [www.hreoc.gov.au](http://www.hreoc.gov.au)

**Industrial Relations Victoria** Phone 9651 5560. Long-service enquiries – 9651 0941 [www.irv.vic.gov.au](http://www.irv.vic.gov.au)

**Information Victoria** Phone 1300 366 356 to buy copies of Victorian legislation. 356 Collins Street, Melbourne 3000 [www.information.vic.gov.au](http://www.information.vic.gov.au)

**Job Watch** Phone 9662 1933 / 1800 331 617 (country callers) for telephone advice about work rights. [www.job-watch.org.au](http://www.job-watch.org.au)

**Law Institute of Victoria** - Dial-A-Law-Information – phone 9602 5000. Legal referral service – phone 9607 9550 [www.liv.asn.au](http://www.liv.asn.au)

**New Apprenticeships** Phone 1800 639 629. [www.newapprenticeships.gov.au](http://www.newapprenticeships.gov.au)

**Office of the Employment Advocate** Phone 1300 366 632 for written information about Australian Workplace Agreements. [www.oea.gov.au](http://www.oea.gov.au)

**Office of Training and Tertiary Education** Phone 9637 2333 [www.otte.vic.gov.au](http://www.otte.vic.gov.au)

**Superannuation Infoline (ATO)** Phone 13 10 20.

**Telephone Interpreter Service** Phone 13 14 50.

**Victims of Crime Assistance Tribunal** Phone 9628 7855.

**Victims Referral & Assistance Service** Phone 9603 9797 / 1800 819 817  
(country callers)

**Victoria Legal Aid** Phone 9269 0234, Multilingual Telephone Information  
Service 9269 0120 / 1800 677 402 (country callers), publication orders 9269 0223  
[www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

**Victorian Civil & Administration Tribunal** (ANTI DISCRIMINATION LIST)  
Phone 9628 9900 [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au)

**Victorian Trades Hall Council** Phone 9662 3511 (for referral to the  
appropriate union). [www.vthc.org.au](http://www.vthc.org.au)

**Victorian WorkCover Authority** Phone 9641 1444 / 1800 136 089 (country  
callers) for information about injuries and compensation or health and safety.  
[www.workcover.vic.gov.au](http://www.workcover.vic.gov.au)

Ballarat 5337 1400 Bendigo 5443 8866 Geelong 5226 1200

Mildura 5021 4001 Shepparton 5831 8260 Traralgon 5174 8900

Wangaratta 5721 8588 Warrnambool 5562 5600

**Villamanta Legal Service** Phone 5229 2925 / 1800 014 111 (country callers)  
TTY 1800 104 333 Villamanta is a statewide community legal centre that works only  
on disability related legal issues. [www.villamanta.org.au](http://www.villamanta.org.au)

**WageLine** Phone 1300 363 264 for information about wages and employment  
conditions. [www.wagenet.gov.au](http://www.wagenet.gov.au)

**Welfare Rights Unit** Phone 9416 1111 for independent advice about the social  
security system. [www.welfarerights.org.au](http://www.welfarerights.org.au)

**Women's Legal Service Victoria** Phone 9642 0343 (advice) / 1800 133 302  
(country callers), TTY 9642 0334



Level 10, 21 Victoria Street

Melbourne 3000

9662 1933

1800 331 617

[www.job-watch.org.au](http://www.job-watch.org.au)



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