

Footscray Community Legal Centre Employment Law Project – handout

Please note: these materials are educational resources. They are not intended to constitute legal advice and should not be relied upon as such. Last reviewed April 2015.

EMPLOYMENT LAW

Applying for a job and discrimination

You cannot be refused a job or treated unfairly at work because of your:

- age
- race or nationality
- sex or intersex status
- gender identity
- disability
- religious belief or activity
- political belief or activity
- sexual orientation or lawful sexual activity
- employment or industrial activity
- marital or relationship status
- pregnancy or breastfeeding
- parent or carer status
- physical features

You cannot be refused a job because one of your friends or relatives has one of the above characteristics.



Awards, enterprise agreements and contracts

Your rights and responsibilities at work are protected by:

- your contract of employment
- employment laws, such as the Fair Work System
- your award or enterprise agreement, if one covers you
- workplace policies and procedures



Remember, when you start work:

When you start work make sure you know if you are covered by an award or an enterprise agreement.

Make sure you understand an employment contract before you sign.

Make sure you ask for a copy of an employment contract.

Take notes about any verbal agreements. Keep a work diary.

Pay

Your pay is set by:

- your contract of employment
- employment laws
- your award or enterprise agreement

You should:

- receive **at least** the minimum wage
- receive all your wages in the form of money
- be paid monthly, fortnightly or weekly
- receive a payslip

Ben Perez 10 Buckland Street Carlton 2042		Adina Printing Pty Ltd Pay date: 18/11/... Pay period: 05/11/... to 18/11/...			
Employer: Adina Printing Pty Ltd		ABN: 78 098 454 789			
Name: Ben Perez	Position: Warehouse Assistant Level 1	Location: Vic	Department: WH		
Superannuation Fund: ASF Employee Member: 1568	Paid By: Bank transfer	Status: Part-time	Pay Period: 05/11/... to 18/11/...		
Description	Qty	Unit	Rate	Amount	Type
Ordinary pay	30.00	hours	18.3769	\$ 551.31	Income
Income Tax	1.00	each	-	\$ 50.00	Tax
Superannuation (Storeman and Packers Fund)	1.00	each	-	\$ 49.62	Super
Income	551.31	Taxable =	49.62	= Net pay	501.31
	13 797.13		2 481.00		11 316.13
					Employer Contributions 49.62 1 199.16
Pay method	B5B/Chq	Account No	Account name	% of Total	Amount
Bank transfer	074650	4888816773	Ben Perez	100%	\$501.31
Pay date: 18/11/...	Total bank Transfer Amounts		\$501.31		
	Total Cash Amounts		\$ 0.00		
	Total Cheque Amounts		\$ 0.00		

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National Employment Standards

1. Maximum weekly hours of work = 38 hours + reasonable additional hours
2. Annual leave = 4 weeks (pro rata for part time)
3. Public holidays (provided you normally work on that day)
4. Notice of termination / redundancy pay
5. Right to request flexible working arrangements
6. Long Service Leave
7. Parental Leave
8. Personal / Carers / Compassionate Leave
9. Community Service Leave
10. Supply of Fair Work Information Statement

At work

- You must work safely.
- Your employer must provide a safe workplace.
- You have the right to join a union.
- You should be protected against bullying and sexual harassment.
- You should be protected against discrimination.
- You should be protected against victimisation.



Losing your job

If you lose your job you should think about:

- Did you receive notice of termination or pay in lieu of notice?
- Did you receive payment for accrued annual leave and long service leave?
- Were you made redundant?
- Were you given a good reason for being dismissed?
- Were you given a chance to say why you shouldn't be dismissed?




Remember

- If you lose your job you should get advice because maybe you should be paid some money or get your job back. **TIP:** get advice quickly because there are time limits for making some claims

WHERE TO GET HELP

Footscray Community Legal Centre can help you with employment problems:

 **Footscray**
Community Legal Centre Inc
72 Buckley Street, Footscray
(03) 9689 8444



Other agencies can also help:

Victoria Legal Aid	1300 792 387
Victorian Equal Opportunity and Human Rights Commission	1300 292 153
Australian Human Rights Commission	1300 656 419
Fair Work Ombudsman	13 13 94
Job Watch	9662 1933
ACTU Help Desk	1300 486 466
WorkSafe	1800 136 089