



EMPLOYMENT JUSTICE
TRAIN THE TRAINER PROGRAM 2019

OVERVIEW

About WEstjustice

WHAT WE DO

WEstjustice (www.westjustice.org.au) is a community organisation that provides free legal assistance and financial counselling to people in the western suburbs of Melbourne on a range of everyday legal problems

Some of the services are available for people who live outside the Western Suburbs.

ASSISTING INDIVIDUALS

The centre assists individuals by:

- providing free legal advice
- providing financial counselling services for people experiencing financial difficulties
- referring people to a solicitor or other organisation best placed to assist with the problem
- providing an interpreter for interviews

LEGAL SERVICES

WEstjustice provides general legal services, as well as specialising in a number of different areas of law. For example:

- Employment law
- Family law and family violence
- Criminal matters
- Fines/ infringements
- Consumer, debt and scam matters
- Motor vehicle accidents
- Financial counselling

WHAT DO WE DON'T DO

WEstjustice **CANNOT** provide any advice on the following:

- immigration
- wills and estates
- conveyancing
- complex family law matters
- personal injury
- commercial law

EMPLOYMENT LAW ADVICE

Problems at work? We can help.

Do you have a refugee background?

Or are you a newly arrived migrant?

Not paid or underpaid?

Lost your job?

Working on an ABN?

Discrimination or bullying?

Injured?

Come in to our office or give us a call, 9am to 5pm, Monday to Friday to book a free appointment.

We provide FREE AND CONFIDENTIAL legal services to refugees, asylum seekers and newly arrived migrants.



Werribee Branch — Level 1, 8 Watton St, Werribee VIC 3030, 0749 7720
Footscray Branch — Level 1, 72 Buckley St, Footscray VIC 3011, 0749 7720

WEstjustice

PUBLICATIONS AND REPORTS

You can find all our publications, law reform submission and policy reports online at www.westjustice.org.au/legal-training.

About the Train the Trainer program 2019

The Train the Trainer Program is part of the WEstjustice Employment Program. It is a community initiative that provides training about employment and discrimination laws and services to participants with close connections to new and emerging communities. It aims to help spread awareness about workplace laws and improve access to legal services for newly arrived communities.

PARTICIPANTS

Community Education Officers and Community Workers who will develop and deliver community education to their communities

LENGTH

One day per week of training over 10 weeks, one day of community presentation preparation and the showcase event, and one community presentation (date TBC).

PROGRAM AIMS

- To build capacity by enabling Community Education Officers and Community Workers participants to deliver community education and information to their communities.
- To increase awareness and equip the Community Education Officers and Community Workers with knowledge of employment and discrimination laws and processes.
- To develop tools for Community Education Officers and Community Workers to share information with their communities.
- To increase accessibility to services that promote enforcement of rights and to strengthen links between newly arrived communities and participating agencies.
- To extend opportunity by increasing job-readiness and sustainable employment outcomes for migrant and refugee communities through:
 - targeted education about workplace laws
 - accessible employment law advice and referral services
 - employment opportunities for trainer participants
- To gather evidence by increasing agency awareness of common problems and systemic issues faced by newly arrived workers to feed into our advocacy work, and
- To collaborate with other stakeholders and develop partnerships.

ROLE OF PARTICIPANTS

- To participate in all ten days of training
- To develop training sessions on employment law appropriate for delivery to their communities
- To deliver sessions on employment law to their communities
- To gather stories/evidence of employment issues and problems faced by members of their communities

WARNING: The Community Education Officers and Community Workers will provide information about employment law. They will **NOT** be giving legal advice. It is also important that Community Education Officers and Community Workers treat information provided to them by community members as confidential.

ACTIVITIES

The Train the Trainer program will comprise of the following activities: .

- Face-to-face training sessions
- Visits to agencies
- Development of sessions for delivery in communities
- Story gathering
- Showcase event and community presentation

RESOURCES FOR PARTICIPANTS

The following resources will be made available during the training program:

- Presentation templates
- 6 x DVDs illustrating employment law issues
- Handouts

PROGRAM FUNDING

Funding for this program been provided by the Victorian Government's Multicultural Affairs and Social Cohesion Division (MASC) which is part of the Department of Premier and Cabinet.

The presenters are volunteering their time to the program.

PROGRAM PARTNERS

The following program partners are involved and support the program:

- Fair Work Ombudsman
- Fair Work Commission
- Victoria Legal Aid
- Victorian Equal Opportunity and Human Rights Commission
- WorkSafe
- JobWatch
- Justice Connect
- National Union of Workers
- Gordon Legal
- Slater and Gordon
- Victorian Traders Hall Council
- Young Workers Centre
- Migrant Workers Centre
- Foundation House

PROGRAM OVERVIEW

Wk.	Date	Topics	Location / Presenter
1	Tuesday 20 August 9.30am- 5.30pm	Introduction <ul style="list-style-type: none"> ▪ WEstjustice ▪ Employment Law Project ▪ Information about the Program ▪ Role of participants ▪ Information versus Advice ▪ Employment laws in your country/Issues in Australia ▪ Employment Law in Australia ▪ Related legal issues ▪ Key referral pathways ▪ Showcase and community presentations ▪ Evaluation and story gathering 	Melton Arnold Creek Community Centre 19 Claret Ash Boulevard, Harkness
2	Tuesday 27 August 9.30am- 5.30pm	Employees, contractors and sham contracting <ul style="list-style-type: none"> ▪ Types of workers ▪ Contracts, policies & procedures ▪ Sham contracting ▪ Video and activities ▪ Introduction to resource development ▪ Joint presentation preparation ▪ Evaluation 	Melton Arnold Creek Community Centre 19 Claret Ash Boulevard, Harkness A lawyer from Slater and Gordon will attend to present at this session
3	Tuesday 3 September 9.30am- 5.30pm	Wages and entitlements <ul style="list-style-type: none"> ▪ Introduction to Fair Work Ombudsman (FWO) ▪ Terms and conditions <ul style="list-style-type: none"> • Awards • Overtime • Penalties • Enterprise Agreements ▪ Allowances ▪ FWO website resources ▪ Video and activities ▪ Evaluation 	Melbourne CBD Fair Work Ombudsman Level 6 414 La Trobe Street Melbourne Representatives from the FWO will present at this session

Wk.	Date	Topics	Location / Presenter
4	Tuesday 10 September 9.30am- 5.30pm	Workplace Safety <ul style="list-style-type: none"> Occupational health and safety law The role of WorkSafe The role of unions and safety Health and safety representatives Workplace injury and workers compensation laws Video and activities Presentation preparation Evaluation 	Melbourne CBD (Docklands) National Union of Workers (NUW) 833 Bourke St Docklands VIC 3008 Representatives from National Union of Workers (NUW), Gordon Legal and WorkSafe will present at this session
5	Tuesday 17 September 9.30am- 5.30pm	Discrimination <ul style="list-style-type: none"> Role of Victoria Legal Aid Discrimination Discrimination resources online Video and activities Presentation preparation Evaluation 	Melbourne CBD Victoria Legal Aid 570 Bourke St, Melbourne Representatives from Victoria Legal Aid will present at this session
6	Tuesday 24 September 9.30am- 5.30pm	Treatment at work – sexual harassment, bullying and other <ul style="list-style-type: none"> Role of VEOHRC VEOHRC resources online Sexual harassment Bullying Victimisation Flexible work Bystanders Video and activities Presentation preparation Evaluation 	Melton Arnold Creek Community Centre 19 Claret Ash Boulevard, Harkness Representatives from the Victorian Equal Opportunity and Human Rights Commission will attend to present at this session

Wk.	Date	Topics	Location / Presenter
7	Tuesday 1 October 9.30am- 5.30pm	Rights when work ends: Unfair dismissal and other entitlements <ul style="list-style-type: none"> ▪ Introduction to JobWatch ▪ Your rights when you lose your job <ul style="list-style-type: none"> • Notice of termination • Redundancy • Unfair dismissal • General protections ▪ Video and activities ▪ Presentation preparation ▪ Launch event / information session planning session ▪ Evaluation 	Melton Arnold Creek Community Centre 19 Claret Ash Boulevard, Harkness A lawyer from Jobwatch will attend to present at this session
8	Tuesday 8 October 9.30am- 5.30pm	Enforcing work rights – making a claim <ul style="list-style-type: none"> ▪ Fair Work Commission (FWC) ▪ Victorian Civil and Administration Tribunal ▪ Federal Circuit Court ▪ Justice Connect ▪ Evaluation 	Melbourne CBD Fair Work Commission 11 Exhibition Street Melbourne A FWC Commissioner and representatives from the FWC will present at this session
9	Tuesday 15 October 9.30am- 5.30pm	Enforcing work rights – working together for change <ul style="list-style-type: none"> ▪ Introduction to VTHC and Migrant Workers Centre ▪ Campaign advocacy training with Young Workers Centre ▪ Working with your communities with Foundation House 	Carlton Victorian Trades Hall 54 Victoria St Carlton Representatives from the Young Workers Centre and Foundation House will attend to present at this session

Wk.	Date	Topics	Location / Presenter
10	Tuesday 22 October 9.30am- 5.30pm	Practice and evaluation <ul style="list-style-type: none"> ▪ Showcase event discussion ▪ Presentation skills ▪ Finalise & practice presentations ▪ Discussion re further information sharing ▪ Brainstorm and development of other resources ▪ Program evaluation and reflection 	Melton Arnold Creek Community Centre 19 Claret Ash Boulevard, Harkness Representatives from the Victorian Equal Opportunity and Human Rights Commission will attend to present at this session
11	Tuesday 29 October 9.30am- 5.30pm	Showcase event <ul style="list-style-type: none"> ▪ Presentation practice ▪ Event to showcase training program and education resources (for community workers and interested community members) 	Melton Arnold Creek Community Centre 19 Claret Ash Boulevard, Harkness We will invite all our program partners, WEstjustice partners, local council representatives, the local Member for Parliament, local settlement agencies and others to this event.
	November	Community presentations <ul style="list-style-type: none"> ▪ Community presentations – to be arranged with each worker depending on community needs 	TBC

About Employment Law

Employment law covers what should happen when anyone:

- applies for a job
- is working
- loses a job

APPLYING FOR A JOB

A person cannot be refused a job because of their:

- age
- race (including colour, nationality, ethnicity or ethnic orientation)
- sex
- gender identity, lawful sexual activity or sexual orientation
- disability (including physical, sensory or intellectual disability, work-related injury, medical conditions and mental, psychological and learning disability)
- religious belief or activity
- political belief or activity
- employment or industrial activity
- marital or relationship status
- pregnancy or breastfeeding
- parent or carer status
- physical features
- expunged homosexual conviction
- irrelevant criminal record (via Cth legislation)



A person cannot be refused a job because one of their friends or relatives has one of the above characteristics.

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

AWARDS, ENTERPRISE AGREEMENTS AND CONTRACTS

Employee's rights and responsibilities at work are protected by:

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

REMEMBER

When someone starts work they should:

- know if they are covered by an award or an enterprise agreement
- make sure they understand any employment contract before they sign
- make sure they ask for a copy of their employment contract.

AT WORK

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

PAY

An employee's pay is set by:

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

They should:

- receive **at least** the minimum wage
- receive all their 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 Ordinary pay Income Tax Superannuation (Storeman and Packers Fund)		Qty 30.00 1.00 1.00	Unit hours each each	Rate 18.3769 - -	Amount \$ 551.31 \$ 50.00 \$ 49.62	Type Income Tax Super
Income 551.31 13 797.13		Taxable = income 49.62 2 481.00		= Net pay 501.31 11 316.13		Employer Contributions 49.62 1 199.16
Pay method Bank transfer		BSB/Chq 074650	Account No 4888816773	Account name Ben Perez	% of Total 100%	Amount \$501.31
Pay date: 18/11/_ _		Total bank Transfer Amounts			\$501.31	
		Total Cash Amounts			\$ 0.00	
		Total Cheque Amounts			\$ 0.00	

LOSING A JOB

If an employee loses their job, they should ask these questions:

- Did I receive notice of termination?
- Did I receive pay in lieu of notice?
- Was I made redundant?
- Was I you given a good reason for being dismissed?
- Was I given a chance to say why I shouldn't be dismissed?

REMEMBER

- A dismissed employee should request a separation certificate.
- A dismissed employee should get advice quickly because they need to make any claims quickly (e.g. 21 days for unfair dismissal).



Employment law terms

The following list provides explanations of words that relate to employment law. The list should help you in the program and when you are preparing sessions for your community.

ABN (Australian Business Number)

This is an identification number for businesses. Independent contractors need to get an ABN for their business.

absenteeism

This is when an employee does not attend work as scheduled.

adverse action

This is when a worker is treated badly by their boss e.g. being dismissed, not offered a job or not offered a training opportunity.

A boss must not take adverse action against an employee because they are sick, join a union, ask about workplace rights or make a complaint. A boss must not take adverse action against an employee for a discriminatory reason. Employees should seek advice quickly if this happens because a claim for adverse action must be made to the Fair Work Commission within 21 days.

allowances

This is money paid to an employee in addition to their ordinary pay to compensate the employee for undertaking particular duties or spending money in the course of their work. Examples of possible allowances include meal allowances, tool allowances, travelling, and first aid allowances.

The allowances employees are entitled to are contained in the applicable award or enterprise agreement.

annual leave

This is authorised paid leave for holidays or vacation. Under the National Employment Standards, full-time employees are entitled to accrue and take at least 4 weeks annual leave each year. Part-time employees get a proportion of this, based on the number of hours they work. Casual employees are not entitled to receive annual leave.

Annual leave accrues progressively from the time an employee starts work.

apprentice

This is a worker who is learning their trade or profession and works some hours as part of this training and also does training off the job at a school or college. An apprentice works under a formal training arrangement in a skilled trade e.g. plumbing, cabinet-making and mechanic. An apprentice should be paid, although pay may be at a lower rate.

award

This is a legal document made by the Fair Work Commission that sets enforceable minimum pay and conditions. There are different awards for different industries or occupations.

breaks

This is a period of time that employees must be allowed to take for a rest during a shift set out in the applicable award or enterprise agreement. Some breaks are paid and some are unpaid. The breaks to which an employee is entitled will depend on the hours the employee works.

bullying

Bullying in the workplace is illegal. It is repeated unreasonable behaviour by a person or a group in a workplace that causes a risk to health and safety. Unreasonable behaviour includes victimising, humiliating, intimidating or threatening. Bullying can be emotional, physical, spoken or over the Internet. For example:

- behaving aggressively
- teasing or practical jokes
- pressuring someone to behave inappropriately
- excluding someone from work-related events or
- unreasonable work demands.

carer

A carer is someone who provides unpaid care to a family member or friend who needs help e.g. because they have a disability, are sick or are old.

carer's leave

This is time off work taken by an employee to look after a family member or someone the employee lives with who is sick or injured. Carer's leave entitlements are set out in the National Employment Standards.

cash in hand

This means that an employer pays wages to a worker (after deducting tax) in cash rather than to a bank account. This is ok, as long as the worker gets a pay slip and can see that tax is taken out.

Some employers may offer workers some or all their wages as cash-in-hand, where no tax is taken out. This is ILLEGAL and creates risks for the worker e.g. the worker may be paid below the minimum wage and they may get tax and Centrelink debts.

casual employee

These are employees who do not work on a regular and systematic basis or with a reasonable expectation of ongoing work. Casual workers don't usually have regular hours, and do not get paid sick leave or annual leave. They receive a higher hourly rate than permanent employees, which will be prescribed under an award, enterprise agreement or the national minimum wage.

certificate of capacity

This is a document prepared by a medical practitioner that says what an injured worker can or cannot do at work as a result of a workplace injury or illness. For an injured worker to receive loss of income compensation from WorkCover, they must have a certificate of capacity.

compassionate leave

This is time off work that allows an employee to deal with a crisis in the family, normally the death of a family member. Compassionate leave may also cover a serious or incapacitating illness of a family member.

Under the National Employment Standards, all employees can take two days compassionate leave for each death, illness or injury. Full-time and part-time employees get paid for these two days. For casual employees, the leave is unpaid.

community service leave

This is time off work to do certain community service activities like jury service or voluntary emergency work like fire fighting.

contract of employment

See **employment contract**.

deduction

This is money that an employer takes out of an employee's pay. The Fair Work Act 2009 limits the types of deductions that may be legally taken from an employee's pay.

disability

This is an impairment that may be physical, cognitive, mental or psychological.

discrimination

This is treating people unfairly because they have an attribute/belong to a particular group e.g. race, ethnic group, gender. Direct discrimination occurs when a person treats a person unfavourably because of their attribute/group. Indirect discrimination occurs when a person imposes a requirement that disadvantages a person who has an attribute, and the requirement is not reasonable.

dismissal

This is when an employer ends an employee's employment. It is also referred to as being fired, being sacked, being laid off or losing your job.

employment contract

This is an agreement between an employer and employee that sets out the terms and conditions of employment. All employees have employment contracts, even where nothing has been written down or signed. Employment contracts can be written, oral, or partly written and partly oral.

enterprise agreement

This is a legal document that sets out employment conditions between a group of employees and an employer and has been approved by the Fair Work Commission.

Fair Work Commission

This is the tribunal that resolves disputes about the workplace, deals with applications for unfair dismissal, makes modern awards and approves enterprise agreements.

Fair Work Ombudsman

This is the organisation that provides free information about workplace laws and rights to employees and employers (www.fairwork.gov.au and via the Fair Work Infoline - 13 13 94). This organisation can also assist employees who think they are not getting paid the right amount or are not being given their workplace rights and conditions.

fixed task employment

This is employment that finishes after a set task is completed e.g. at the end of fruit picking season. A fixed task employee should be paid.

fixed-term employment

This is employment that finishes after a set time period. A fixed term employee should be paid.

flexible working arrangements

An agreement may be made between an employee and employer to change the way the employee works e.g. the times, days or location that they work.

Under the National Employment Standards, some employees (such as employees with children, carer responsibilities or a disability) have a right to request flexible working arrangements. If an eligible employee makes a written request for flexible working arrangements, their employer needs to respond within 21 days and can only refuse the request for certain reasons.

full-time work

This is work of 38+ hours each week where an employee has ongoing employment.

gross pay

This is the amount of pay an employee earns before income tax is taken out of their pay.

income tax

This is the government tax charged on what people earn from work or business each year. The amount of income tax people pay depends on how much they earn and certain other entitlements and exemptions.

independent contractor

Independent contractors run their own business, hiring out their services to other organisations. An independent contractor is engaged under a contract for services, not a contract of employment.

Unlike employees, independent contractors can usually negotiate their own fees and working arrangements, and can work for a variety of clients at one time. Usually an independent contractor has an ABN, and provides an invoice to get paid for their work.

The entitlements and obligations of independent contractors differ from employees in many ways – usually they must pay their own taxes and maybe superannuation and WorkCover insurance as well.

industrial instrument

These are legal documents that set out the terms and conditions of employment, such as an award or enterprise agreement.

junior employee

This is an employee under 21 years. They have the same rights as adult workers except the minimum wage for a junior employee may be less than for an adult worker.

leave

This is time off work that may be paid or unpaid depending on the type of leave.

Types of leave include:

- annual leave – holiday away from work – (usually four weeks per year for full-time employees)
- personal leave which includes: carer's leave – time taken off work to care for a family member
- sick leave – time taken off work when an employee are sick
- compassionate leave – time taken off work when a family member dies, suffers a life-threatening illness or has an unexpected emergency.
- parental leave – time taken off work when a baby is born
- long service leave – time taken off work once an employee has been working for the same employer for many years.

Employers may provide other types of leave in addition to these entitlements, such as study leave. Employees should check their contract, award or enterprise agreement to see what leave they are entitled to.

leave loading

This is extra money that may be paid to an employee when they are on annual leave pursuant to an applicable award or enterprise agreement.

long service leave

This is a type of leave to which an employee becomes entitled after a long period of service for the same company or organisation provided under State legislation.

maximum hours of work

Under the National Employment Standards, the maximum number of hours an employer can make an employee work is 38 hours per week plus reasonable additional hours.

medical certificate

This is a certificate signed by a doctor or health professional which states that an employee is unwell and unable to perform their job for a certain period of time. An employer may ask an employee to provide a medical certificate if they take sick leave.

minimum working conditions

This is the lowest level of pay, working hours, leave etc. that is set by employment law.

minimum wage

This is the lowest level of pay payable to an employee for their ordinary hours of work. It is illegal to pay an employee less than the minimum wage, even if the employee agrees. This may be set under an award, enterprise agreement or under the national minimum wage.

modern awards

See **award**.

National Employment Standards

There are ten minimum conditions that apply to all full-time and part-time employees:

- 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 (sick) / Carers / Compassionate Leave
- 9 Community Service Leave
- 10 Supply of Fair Work Information Statement

net pay

This is the amount of pay an employee earns once income tax has been taken out of their pay.

notice of termination

Notice of termination is notification that a job will end. An employment contract, award or enterprise agreement will set the minimum period of notice to which an employee is entitled. Permanent employees are entitled to a minimum amount of notice under the National Employment Standards, depending on how long they have worked for their employer, even where notice of termination is given during the probation period.

If no notice is provided, the employer must pay the employee instead of notice (known as pay or payment in lieu).

If an employee wants to end their job, they are usually required to give notice to the employer that they want to end their employment. If they do not give the right amount of notice, an employer may have the right to deduct money from their final pay.

occupational health and safety

These are the rights and responsibilities of workers and employers to create a healthy and safe workplace.

overtime

This is the time worked in excess of ordinary hours of work. Overtime is often defined in an industrial instrument, e.g. in a modern award or enterprise agreement, as time worked in excess of 38 hours or outside of ordinary hours.

Industrial instruments will often state that overtime work may be paid at a higher rate of pay.

parental leave

Parental leave is leave taken by an employee to care for a child. Under the National Employment Standards, parents can take up to 12 months unpaid leave. They also have a right to ask for an extra 12 months unpaid leave. There are also other types of maternity, paternity and adoption leave available. Some employees are also eligible for paid parental leave under the Australian Government Paid Parental Leave scheme. For details visit www.humanservices.gov.au.

part-time work

This is work of less than 38 hours each week that is regular and systematic and where the employee has a reasonable expectation of ongoing work.

pay in lieu

This is pay given to workers who lose their job instead of notice of termination.

payment summary

This is a form which shows an employee's gross pay, net earnings, tax and other deductions which is given to employees by employers at the end of the financial year for income tax purposes.

pay slip

This is a record of pay that employers must provide to employees within one working day of paying them for the work they perform for the employer.

penalty rates

These are higher rates of pay set out in an award or enterprise agreement for working at particular times e.g. for work performed on a night shift, or working on Saturday or Sunday.

permanent employment

This is an employee who has continued employment with no stated end point, and full working conditions, including paid annual leave and sick leave. The work may be part-time or full-time.

personal leave

This term refers to sick and carers leave. Under the National Employment Standards, full-time and part-time employees get 10 days paid personal leave per year. Casual employees are not entitled to paid personal/carers leave although they are entitled to unpaid carers leave.

policies and procedures

These are the rules of a workplace. They are a written explanation of the way employees should act in the workplace e.g. policies about bullying, safety etc. Different workplaces have different policies and procedures.

position description

This is a document which describes the purpose, expected activities and responsibilities of a particular job. Also known as a PD or job description.

probation

This is the short period after an employee begins work, usually 6 months, during which time the employer can see whether the employee is a good fit for the job. Probation periods are set by the employer and do not affect an employee's minimum rights and entitlements. An employee on probation must still be paid. Full time and part time employees who do not pass their probation period are still entitled to notice of termination.

pro rata

This means a portion of, or proportionate to. For example, if an employee works part time, 3 days per week (0.6, or 60% of full-time), they will be entitled to a portion of the entitlements that full-time employees receive (i.e. 60% of the wages, annual leave and other entitlements).

public holiday

This is an official holiday for the state or country. In most cases employees are not required to work on a public holiday. If they are required to work on a public holiday, they may be entitled to more pay for that day or another day off in lieu.

redundancy

This is when an employer no longer needs a job to be done by anyone as a consequence of organisational or technological changes, and through no fault of the employee. Most employees should receive some payment if they are made redundant, depending on the number of years they have worked for the employer. This payment is referred to as redundancy pay or severance pay.

resign

When an employee wants to leave a job, they give notice to their employer that they want to end their employment.

separation certificate

This is a document that an employer gives an employee when they lose their job for the purposes of receiving benefits from Centrelink – it explains how long the employee was employed and when and why they lost their job. This document may be required by Centrelink.

serious misconduct

This means behaviour or conduct of an employee at work that is so bad that it justifies immediate dismissal without notice of termination (see summary dismissal).

severance

See **redundancy**.

sexual harassment

This is unwanted or unwelcome sexual behaviour which makes a person feel offended, humiliated or intimidated.

sexual orientation

This refers to a person's sexual preference for men, women, both or neither gender. A person may not be discriminated against because of their sexual orientation.

sham contracting

This is when a boss tells a worker to work as an independent contractor with an ABN, usually to avoid paying minimum employment entitlements, even though the worker should be employed as an employee. This is against the law.

shift work

This is a period of work which is performed outside the normal spread of hours, particularly when a factory or business operates on a 24-hour basis.

sick leave

This is time off work taken by an employee when they can't go to work because they are sick or injured.

summary dismissal

This is when an employee is dismissed immediately, without notice of termination, because of serious misconduct.

superannuation

This is money paid by an employer into an employee's superannuation account. The employee can use this money when they retire. Employers are required by law to pay superannuation for their employees and the amount of superannuation paid should be shown on their pay slip.

tax file number

This is a number issued to people in Australia to help the Australian Government administer the income tax system. People need to give their employers their tax file number or TFN when they start work so that the employer can deduct income tax from the employee's pay.

trainee

This is an employee who is employed under a formal registered training arrangement. An award or enterprise agreement may set out special terms and conditions for trainees. The minimum wage for a trainee may be lower than for other employees.

trial work

This is a period of work in which an employer can see if someone can do the job. Trial work must be paid.

unfair dismissal

This is when an employee's dismissal (termination of employment) is harsh, unjust or unreasonable, and not a genuine redundancy. If an employee loses their job, it may be possible to get their job back, or receive compensation, if the dismissal is unfair. A claim for unfair dismissal must be made to the Fair Work Commission within 21 days of the employee's dismissal.

unions

Unions are organisations run by workers to help employees at work. Unions negotiate for better wages and conditions and help members who have problems at work.

victimisation

This means treating people unfairly because they have made complaint e.g. excluding them from workplace activities, gossiping about them, refusing to give them a promotion.

volunteer

This is someone who chooses to do unpaid work for an organisation.

work experience

This refers to short-term experience of employment, typically for students. Usually work experience is not paid, but if someone is undertaking work experience for a long time, or has pressure to complete tasks, they should seek advice.

WorkCover benefits

Workers may be entitled to benefits, if they are injured at work, including income maintenance, medical, surgical and hospital expenses and rehabilitation costs (also known as worker's compensation).

