



WORK RIGHT





Introduction

The brief for this project was to develop a rich and comprehensive resource that would help young people understand, appreciate and be able to manage workplace culture and their rights and responsibilities in the workplace.

To meet that brief we have developed

1. A Curriculum Resource (this package)
2. A teacher resource – a 36 page booklet written specifically for teachers to provide them with critical knowledge to support their teaching
3. Work Right! – a student resource with critical information and contact details for organisations

The resource is built around ten workplace themes. The themes evolved from a conversation with a group of students at a suburban High School. The question was put to the students, *'What does a good workplace look like'*? Their responses were insightful and now form the backbone of the entire package.

The curriculum resource has a wealth of materials, ideas and resources. There are more than 30 rich tasks taking an interdisciplinary approach to the concept of work. There are almost 40 discipline based rich tasks covering the Humanities, Science, English, Maths, The Arts, LOTE and Religion and Society. Most importantly the curriculum resource introduces innovative and cutting edge instructional practice: approaches that will soon become the core of teachers' classroom practice.

The design of the resource recognises the essential role of teachers as agents of cultural change and along with families the primary supporters of young people as they move into the workforce. Every theme in the curriculum resource is supported by 'Teacher Background Notes'. The Teacher Resource has been written specifically for teachers by one of Australia's leading workplace legal practitioners. It is current, concise and written in plain English.

The resource developers recognise that teachers are time pressured in their role. The curriculum resource contains practical classroom ready materials, provides the thinking and pedagogy behind the classroom approaches and has detailed comments on more than one hundred websites to support teachers in choosing appropriate content for their context.

Consistent with the principles of the partner organisations who developed the resource, Teacher Learning Network (TLN) and Australian Institute of Employment Rights (AIER), the package:

1. Was developed collaboratively modelling supportive workplace practices
2. Has been written and developed by leaders in their field, both curriculum developers and workplace practitioners
3. Respects the professionalism of teachers recognising, the need to develop their knowledge and expertise as facilitators of student learning
4. Incorporates the creativity and insight of young people- all illustrations in the resource were developed by a secondary school student.

The resource has been developed and has evolved following widespread consultation with schools, with students, with employers and with experts in the field. Its success should be judged by the degree to which it assists teachers to work with their students to build a healthy approach to work and workplace cultures.

Michael Victory, Executive Officer, Teacher Learning Network

Lisa Heap, Executive Director, Australian Institute for Employment Rights



Acknowledgements

The resource has evolved from broad consultation over an extensive period of time.

The project originated in the Office of the Victorian Workplace Rights Advocate and emerged from research undertaken by Sue Lawrence and her team at The EGG on young people and their attitudes to work.

The project was held under the sponsorship of Ms Libby O'Connor when the Office of the Victorian Workplace Rights Advocate was transferred to the Department of Industry, Innovation and Regional Development. The two project partners, Teacher Learning Network and Australian Institute of Employment Rights won a tender to develop the curriculum package.

Two specialists were engaged by the project team to write the initial draft materials:

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Industrial Relations Writer

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Table of Contents

Introduction	i
Acknowledgements	ii
Table Of Contents	iii
Getting Started	vi
Outline of Content Themes	vi
VELS Maps for Interdisciplinary Tasks	viii
VELS Map for Discipline Based Rich Tasks	xii
Introductory Activities	xiv
Activity One: My Perfect Job	xv
Worksheet – Elements of a Perfect Job	xvi
Worksheet – Our Perfect Job	xvii
Activity Two: Their Perfect Job	xviii
Activity Three: A Fair Go at School	xix
Worksheet – Fair Go at School	xxi
Theme One: Everyone should have a fair go at work	1.1
Teacher Background Notes	1.2
Activity One: Defining a Fair Go – Interviews	1.5
Activity Two: Defining a Fair Go – Card Activity	1.6
Worksheet – Rights and Obligations Cards (i)	1.8
Worksheet – Rights and Obligations Cards (ii)	1.9
Worksheet – Tournament Prioritiser	1.10
Discipline Based Rich Tasks	1.11
Humanities – History	1.11
Maths	1.11
English	1.11
Resources and Websites	1.12

Theme Two: Everyone has a right to be treated with dignity	2.1
Teacher Background Notes	2.2
Activity One: Dignity and Work – Code Word Activity	2.5
Worksheet – Code Word Activity	2.6
Worksheet – Code Word Activity – Original Text	2.7
Activity Two: Dignity and Work – Hidden Thoughts (Written Version)	2.8
Worksheet – Hidden Thoughts	2.10
Activity Three: Dignity and Work – Hidden Thoughts (Oral Version)*	2.11
Activity Four: Dignity of Work – Line Debate	2.12
Discipline Based Rich Tasks	2.14
Humanities – Economics	2.14
Religion and Society	2.14
English	2.14
Science	2.14
The Arts	2.14
Resources and Websites	2.15
Theme Three: Discrimination and harassment are against the law!	3.1
Teacher Background Notes	3.2
Activity One: Discrimination – Job Advertisements	3.7
Handout – Discrimination Is Against the Law!	3.9
Handout – Bullying and Harassment Are Against the Law!	3.11
Worksheet – Samples of Job Advertisements	3.13
Worksheet – Evidence Grid	3.15
Activity Two: Discrimination and Harassment – Case Studies	3.16
Handout – Case Studies (i)	3.17
Handout – Case Studies (ii)	3.19
Activity Three: Discrimination – Finding Out	3.22
Worksheet – KWL Chart	3.24
Activity Four: Harassment – Help Pathways	3.25
Discipline Based Rich Tasks	3.27
LOTE	3.27
Humanities – History	3.27
English	3.27
The Arts	3.27
Resources and Websites	3.28

Theme Four: Everyone has a right to a safe and healthy workplace 4.1

Teacher Background Notes	4.2
Activity One: OHS School Audit	4.4
Worksheet – OHS Audit for Schools	4.5
Activity Two: OHS Information Review	4.11
Handout – OHS Principles	4.12
Worksheet – Thirty Word Summary	4.13
Worksheet – OHS Quiz	4.14
Worksheet – OHS Quiz – Answers	4.16
Activity Three: OHS – Treasure Hunt	4.17
Handout – OHS websites	4.19
Worksheet – OHS Treasure Hunt	4.20
Activity Four: OHS Promotion Campaign	4.21
Activity Five: “Cheat Sheet” for OHS Online Modules	4.22
Discipline Based Rich Tasks	4.23
LOTE	4.23
Mathematics	4.23
Science/PE/Technology	4.23
English	4.23
Resources and Websites	4.24

Theme Five: Everyone should get a say about the things that affect them 5.1

Teacher Background Notes	5.2
Activity One: Having a Say – Line Debate and Stakeholder Review	5.4
Activity Two: Having a Say – Stakeholder Hot Seat	5.6
Worksheet – Stakeholder Hot Seat Notes	5.9
Discipline Based Rich Tasks	5.10
Science	5.10
English	5.10
The Arts	5.10
LOTE	5.10
Resources and Websites	5.11

Theme Six: You should always be able to ask someone to speak on your behalf 6.1

Teacher Background Notes	6.2
Activity One: Student Advocates	6.4
Activity Two: Workplace Advocates	6.6
Handout – Role of Unions	6.7
Handout – Do Unions Work?	6.9
Worksheet – Summary Sheet: Unions at Work	6.10
Activity Three: Unions – Frequently Asked Questions	6.11
Discipline Based Rich Tasks	6.12
Humanities – History	6.12
English	6.12
Humanities – Economics	6.12
Humanities – Geography	6.12
LOTE	6.12
Resources and Websites	6.13

Theme Seven: No one should be asked to leave without a fair reason 7.1

Teacher Background Notes	7.2
Activity One: Unfair Dismissal Hidden Thoughts and Test	7.5
Worksheet – Hidden Thoughts	7.6
Handout – Unfair Dismissal Information	7.7
Activity Two: Unfair Dismissal – Tribunal Task	7.9
Worksheet – Tribunal Task Scenario (i)	7.12
Worksheet – Tribunal Task Scenario (ii)	7.13
Discipline Based Rich Tasks	7.16
The Arts	7.16
Maths	7.16
English	7.16
Resources and Websites	7.17

Theme Eight: Everyone is entitled to fair basic conditions 8.1

Teacher Background Notes	8.2
Activity One: Minimum Standards Table	8.6
Handout – Minimum Standards	8.7
Worksheet – Minimum Standards Table	8.9
Activity Two: Promoting Minimum Standards	8.10
Discipline Based Rich Tasks	8.11
Humanities – History	8.11
English	8.11
Science	8.11
Humanities – Economics	8.11
Resources and Websites	8.12

Theme Nine: You (or your representative) should be allowed to bargain for a fairer deal 9.1

Teacher Background Notes	9.2
Activity One: Assessing Workplace Health	9.4
Handout – Healthy Workplaces	9.6
Activity Two: Bargaining	9.7
Worksheet – PMI	9.9
Discipline Based Rich Tasks	9.10
Humanities – Economics	9.10
English	9.10
The Arts (i)	9.10
The Arts (ii)	9.10
Resources and Websites	9.11

Theme Ten: Disputes should be resolved quickly and fairly 10.1

Teacher Background Notes	10.2
Activity One: Vocabulary Task	10.4
Activity Two: Industrial Terminology	10.5
Handout – Disputes Should Be Resolved Quickly And Fairly.	10.6
Activity Three: Mapping the Dispute Resolution Process	10.8
Activity Four: Annotated Media Articles	10.9
Handout – Media Articles on Dispute Resolution	10.11
Discipline Based Rich Tasks	10.13
LOTE	10.13
Humanities – History	10.13
Resources and Websites	10.14
Extension to ‘A bullying dispute at work’ ..	10.15

Glossary 11.1

Additional Resources 12.1

Getting Started

This is a rich resource designed to be flexible enough to be used by teachers in many contexts. The brief was to prepare a resource for Year 10 students in Victorian schools. As consequence activities have been written to meet the requirements of Level 5 of the Victorian Essential Learning Standards; skilled teachers will make the necessary modifications to meet the needs of their particular school context and student cohort.

The entire resource is based around 10 themes that appear on the following page. These themes were developed from ideas raised by a small group of students when they were asked – ‘What would make a workplace a good place to work?’. The themes are consistent with the work of some of Australia’s leading industrial relations practitioners who developed an Australian Charter of Employment Rights. The themes explore workplace culture and rights and responsibilities of workers and employers.

A sequence or ‘one-off’ tasks

The package is designed to be as flexible as possible for the diverse range of schools and contexts in which teachers work. Most rich tasks are stand-alone tasks, some are sequenced – the difference is made clear in the introduction to the task.

Teachers may choose to take one relevant task and integrate that task into an existing program OR teachers may develop a new unit of work using this resource as the core of the unit.

Interdisciplinary Tasks

The core of the resource is 30 Rich Tasks that are interdisciplinary and therefore capable of being used in any subject area; in structured Pastoral care programs; in Work Education or Career programs or alternatively by integrating activities into existing discipline based curriculum planning.

Careers Teachers

Careers teachers will be able to structure a program for students for year-long programs or for programs that are concentrated across a few weeks.

Subject/Discipline based teachers

Most rich tasks can be utilised in your classroom, whether you are teaching Maths , Science, History or The Arts. A comprehensive VELs map at the beginning of this Curriculum resource will help link activities to the domains of communication, thinking, ICT, Personal Learning, Civics and Citizenship etc.

In addition, the resource contains 40 suggestions for rich tasks for discipline based learning areas. These tasks can be undertaken as stand alone tasks or can be used as extension exercises once the core rich tasks have been completed.

English and Literacy

English is core to all students in Year 10. The interdisciplinary rich tasks have been designed with a strong literacy component to encourage English teachers to engage with the concept of work and workplace culture as part of the literacy requirements for students.

Instructional practice

Teachers should feel confident in presenting the rich tasks to their students. Every task outlined in this resource has been trialled by teachers in the classroom with students – they are not just theoretical constructs. They have been written by a current practising classroom teacher.

The rich tasks rely on innovative instructional practice that will also enhance your expertise as a teacher.

Additional Support Material and updates

Relevant material from this resource will be loaded to the Department of Education and Early Childhood Development FUSE website <https://fuse.education.vic.gov.au/pages/teacher.aspx>. The resource itself and information about updates to the resource will be available at www.tln.org.au and www.aierights.com.au

Outline of Content Themes

1. EVERYONE SHOULD HAVE A FAIR GO AT WORK

2. EVERYONE HAS A RIGHT TO BE TREATED WITH DIGNITY

3. DISCRIMINATION AND HARASSMENT ARE AGAINST THE LAW!

4. EVERYONE HAS A RIGHT TO A SAFE AND HEALTHY WORKPLACE

5. EVERYONE SHOULD GET A SAY ABOUT THE THINGS THAT AFFECT THEM

6. YOU SHOULD ALWAYS BE ABLE TO ASK SOMEONE TO SPEAK ON YOUR BEHALF

7. NO ONE SHOULD BE ASKED TO LEAVE WITHOUT A FAIR REASON

8. EVERYONE IS ENTITLED TO FAIR BASIC CONDITIONS

9. YOU (OR YOUR REPRESENTATIVE) SHOULD BE ALLOWED TO BARGAIN FOR A FAIRER DEAL

10. DISPUTES SHOULD BE RESOLVED QUICKLY AND FAIRLY

VELS Maps for Interdisciplinary Tasks

The following table can be used to assist in mapping the activities in this curriculum resource against the standards at VELS level 5

			Interdisciplinary Learning					
	Activity	Pg	Thinking Processes			ICT		
	Each shaded section represents a theme		Reason Process inquiry	Creativity	Reflect, evaluate m'cog-nition	Visualising thinking	Creating	Communi-cating
Introduction	My perfect job	xv	s	s	s			
	Their perfect job	xviii	s	s	s			
	A fair go at school	xxi	s	s	s			
Fair go	Fair go interviews	1.5	s		s			
	Fair go cards	1.6	s	s	s			
Dignity	Code word	2.5	s	s	s			
	Hidden thoughts – written	2.8	s	s	s			
	Hidden thoughts – oral	2.11	s	s	s			
	Line Debate	2.12	s	s	s			
Discrimination	Job advertisements	3.7	s	s				
	Case studies	3.16	s					
	Discrimination – finding out	3.22	s					
	Harassment – help pathways	3.25	s					
OHS	OHS school audit	4.4	s					
	OHS information review	4.11	s		s			
	Treasure hunt	4.20	s					s
	Promotion campaign	4.21	s	s	s	s	s	s
	OHS Cheat sheet	4.22	s	s				

		Physical, Personal and Social Learning					
Communication		Personal learning					
Listen review respond	Present	Individual learner	Manage personal learning	Build so- cial r'ships	Work in teams	Civic Knowledge	Communi- ty engage- ment
S	S	S		S	S	S	
S	S	S		S	S	S	
S	S	S		S	S	S	
S	S	S			S	S	
S	S			S	S	S	
S				S	S		S
S	S	S	S	S	S	S	S
S	S	S	S	S	S	S	S
S	S			S	S	S	
S	S	S		S	S	S	S
S	S	S		S		S	S
S	S	S		S		S	S
S	S	S		S		S	S
					S	S	S
S	S	S		S	S	S	
S	S			S	S	S	S
S	S	S	S	S	S	S	
S						S	

VELS Maps for Interdisciplinary Tasks (cont.)

		Interdisciplinary Learning						
Activity		Pg	Thinking Processes			ICT		
Each shaded section represents a theme			Reason Process inquiry	Creativity	Reflect, evaluate m'cognition	Visualising thinking	Creating	Communicating
Have a say	Line debate	5.4	s	s	s			
	Stakeholder hot seat	5.6	s	s	s			
Advocates	Student advocates	6.4	s	s				s
	Workplace advocates	6.6			s			
	Unions – FAQ	6.11	s	s	s			
Unfair dismissal	Unfair dismissal – hidden thoughts	7.5	s	s	s			
	Tribunal task	7.9	s	s	s			
Fair basic conditions	Minimum standards table	8.6	s	s				
	Promoting standards	8.10	s	s				
Bargaining	Assessing workplace health	9.4	s	s	s			
	Bargaining	9.7	s					
Disputes	Vocabulary task	10.4	s		s			
	Industrial terminology	10.5	s		s			
	Mapping dispute process	10.8	s	s		s	s	s
	Annotated media articles	10.9	s		s			

		Physical, Personal and Social Learning					
Communication		Personal learning					
Listen review respond	Present	Individual learner	Manage personal learning	Build so- cial r'ships	Work in teams	Civic Knowledge	Communi- ty engage- ment
S	S	S		S	S	S	
S	S		S	S	S	S	
S	S			S			
S	S					S	S
S	S	S		S	S	S	S
S	S	S	S	S		S	S
S	S	S		S	S	S	S
S	S			S		S	
S	S					S	S
S	S					S	S
S	S					S	S
S		S	S			S	S
S		S				S	S
S	S			S	S	S	S
S	S			S	S	S	S

VELS Map for Discipline Based Rich Tasks

Domain	Dimension	Theme
The Arts	Comparison of artwork across two different eras	Dignity
	Design and print a help seeking pathway poster for students	Discrimination
	Create a print advertising campaign with the theme, 'Hearing Every Voice'	Have a Say
	Design a chapter for a graphic novel with the title 'Hearing Every Voice'	Have a Say
	Create a dramatic monologue about a dismissal from a workplace	Dismissal
English	Mixed media campaign on 'healthy workplaces'	Bargaining
	Create and perform a class play on 'healthy workplaces'	Bargaining
	Interview an employer known for good work practices	Fair Go
	Online investigation report on a workplace	Fair Go
	Analysis and comparison of work in two different texts	Dignity
	Imaginative account of the 'worst job in history'	Dignity
	Create a media -based anti-discrimination campaign	Discrimination
	Interview an adult about workplace safety	OHS
	Investigate a contemporary media issue and complete a stakeholder review	Have a Say
	Letter to the Editor about an industrial dispute	Representation
	Newspaper report on an unfair dismissal hearing	Dismissal
	Media analysis and argumentative essay on an issue	Basic Conditions
	Newspaper editorial on recent changes to laws	Bargaining
	TV campaign about 'good faith' bargaining	Bargaining
	Analysis of current industrial dispute	
Humanities - Economics	A study on ethical consumerism	Dignity
	Investigation of job status and wages	Dignity
	A Frequently Asked Questions booklet about the role of unions	Representation
	Conduct a campaign with local businesses on 'knowing minimum conditions'	Basic Conditions
	Do a 'Tag Survey' and report on ethical consumerism	Basic Conditions
	Essay on impact of collective bargaining	Bargaining

Domain	Dimension	Theme
Humanities - Geography	A case study on the role of unions in an environmental issue	Representation
Humanities - History	Interview – A fair go for women in the workplace	Fair Go
	Presentation on the history of Australia's anti-discrimination laws	Discrimination
	Create a visual representation of the history of trade unions	Representation
	School newsletter on the 8 hour day campaign	Basic Conditions
	Press release on the significance of the Labour day weekend	Basic Conditions
	Create a timeline of changes in Australia's dispute resolution system	Disputes
	Compare Australia's dispute resolution system across two eras	Disputes
	Case study of a significant dispute in Australian history	Disputes
Maths	Design a Fair wage Calculator	Fair Go
	Statistical analysis of workplace/school accidents	OHS
	Create a formula for compensation for a person that has been unfairly dismissed	Dismissal
Science	Investigative report on the relationship between worker health and productivity	Dignity
	Design a work safe audit form for the Learning Area	OHS
	Report on consultation prior to conducting an experiment	Have a Say
	Interviews on impact of new technology on people's lives	Have a Say
	Case study exploring the impact of basic work conditions on health and wellbeing	Basic Conditions
Religion and Society	Reflective task on the role of a religious group in a current workplace debate	Dignity
LOTE	Create a pamphlet for migrant workers on Australia's discrimination laws	Discrimination
	Create a bilingual advertising campaign	OHS
	Collate a list of translation services in your area	Have a Say
	Comparison of the role of labour unions across two countries	Representation
	Prepare a pamphlet on Australia's Industrial dispute Resolution System	Disputes
Physical Education	Design a work safe audit form for the Learning Area	OHS

Introductory Activities

The introductory activities are designed to encourage students to think about the 'workplace', their preferred work environment and the experience of others in the workplace. It introduces the concept of a 'fair go all round'.

These activities are important in establishing the background to many of the themes in this curriculum resource. They provide a framework for considering the issues of rights and obligations in the workplace.

Interdisciplinary tasks

These tasks are designed as generic introductory tasks that could be undertaken by any teacher across the curriculum. They provide an ideal introduction into units of work based around the concept of 'work' and the 'workplace'.

The activities are designed to be conducted in sequence with each activity building on knowledge and experience from the previous task.

Activity Two requires significant preparation.

Activity One	My Perfect Job – worksheet and group exercise
Activity Two	Their Perfect Job – interview task
Activity Three	A Fair Go at School – worksheet and group exercise

Activity One: My Perfect Job

Resources

Worksheet – Elements of a Perfect Job

Worksheet – Our Perfect Job

Step One

Explain to students that in this activity they will explore a range of issues young people face as they move into the workforce. They will be asked to consider:

- What conditions make a job enjoyable and rewarding?
- What is a 'healthy' workplace?
- What are the rights and responsibilities of young people in the workplace?

Explain that one effective way to start thinking about these ideas is to consider what elements make up their 'perfect job'.

Step Two

On the Worksheet – Elements of a Perfect Job, a group of students has suggested those things that are important to them in a workplace.

Ask each student to rank these in order of most to least important to them.

Step Three

Ask students to form a group of five.

Have each group fill in the Worksheet – Our Perfect Job.

Insist that the group must come to a decision that they all accept.

To assist students in this negotiation offer an alternative ranking system. Rather than rank the qualities from one to nine they can assign points values to each quality and may assign the same value to two qualities. However they must still not exceed the total value of 45 points. (i.e. 1+2+3+4+5+6+7+8+9.)

WORKSHEET

ELEMENTS OF A PERFECT JOB

Possible elements of a perfect job

1. High Pay
2. Safe Working Conditions
3. Acknowledgement & Appreciation for Your Work
4. Ability to Negotiate Workload
5. Flexible Hours
6. A job that is outdoors and physical
7. Learn new things
8. Engages my brain
9. Friendly boss
10. Opportunity to Travel
11. Contact with Lots of People
12. Working with Friends

From this list above choose the 9 elements that would be most important to you in looking for your perfect job. Rank them from most to least important and write them in the lines below.

	9.
	8.
	7.
	6.
	5.
	4.
	3.
	2.
	1.

WORKSHEET

OUR PERFECT JOB

Possible elements of a perfect job

1. High Pay
2. Safe Working Conditions
3. Acknowledgement & Appreciation for Your Work
4. Ability to Negotiate Workload
5. Flexible Hours
6. A job that is outdoors and physical
7. Learn new things
8. Engages my brain
9. Friendly boss
10. Opportunity to Travel
11. Contact with Lots of People
12. Working with Friends

With your group and working from your own completed worksheet discuss and then agree on the 9 elements that would be most important to your group in looking for your perfect job. Rank them from most to least important and write them in the lines below.

	9.
	8.
	7.
	6.
	5.
	4.
	3.
	2.
	1.

Activity Two: Their Perfect Job

This activity requires significant preparation time including the use of AV equipment or time for students to conduct interviews.

Resources

Interviews from the Additional Resources section or students to conduct interviews (suggested interview questions are contained in the Additional Resources section).

Step One

Explain to the class that one way to get a better understanding of what is involved in moving into the workforce is to investigate other people's experience of work. What are rewarding and enjoyable jobs and workplaces really like?

As a class read one of the Interviews from the Additional Resources section and then as a class discuss the following questions:

- Where did the person work?
- What was their job?
- What did the person enjoy about this workplace? For instance, what was their boss like? What were the conditions for employees like?
- What skills and knowledge is the person using in the workplace?

Alternatively ask students to conduct an interview with a person they know using the Interview questions contained in the Additional Resources section. These interviews could be recorded on film, on audio or recorded as notes by the students. Or a 'live panel' of guests could be invited to class to be questioned by students.

Step Two

Assign the students work partners and ask them to complete these questions based on their discussion. As a class review these answers comparing them with the students previous work on what makes for a 'perfect job.'

- Do the students see any of these careers as the perfect job?
- Do any of these careers contain conditions or opportunities which students were looking for in a job?
- Do students see any common links between what these very different employees see as important in their jobs?

Step Three

As a final reflective task, ask students to write a short paragraph detailing the job conditions they see as most important when looking for full time employment. An engaging variation on this activity is to have them present this information as a job advertisement. eg.

Are you keen to travel? Looking for opportunities to work full time in a not-for-profit organisation where you can make a difference? This job offers you the chance to work on highly challenging tasks with a friendly team of highly committed people. There are opportunities for on the job training and promotion. Please send your application to...

Activity Three: A Fair Go at School

Resources

This activity builds on the thinking and knowledge covered in Activity One and Activity Two. Many students will have very strong feelings and thoughts about what is fair at school. Consider carefully the culture of your school before attempting this activity. The 'variations' provide effective alternative activities.

Worksheet – Fair Go at School

Step One

In the previous activity students were asked to briefly consider what elements made up a perfect job, which should have prompted thinking about what makes a good or healthy workplace.

In this activity students will begin to explore one element that will be central to understanding the workplace – the concept of a 'Fair Go All Round'.

Explain to students that enjoyable and rewarding places of work often have an environment where the entire staff gets a 'fair go'. That everyone, whether it is the boss or the newest recruit, works hard to do the right thing by each other and thereby make the workplace a cooperative environment.

Step Two

Ask the class to look again at the interviews from Activity Two and see if they can find examples of enjoyable workplaces where everyone appeared to have a 'fair go.' Discuss their responses with the whole class.

Step Three

Explain to the class that schools, like many other workplaces, seek to actively encourage this culture of a 'fair go.' Ask students to list in their workbooks the ways in which the school encourages this idea: What are the rules or expectations that the school uses to ensure everyone gets a 'fair go'?

Step Four

Form the students into pairs and get them to consolidate their lists. Now, ask them to explain how the rules lead to a fair go and to record their responses on the Worksheet – Fair Go at School.

Periodically, pause the groups and ask them to share their answers with the whole class.

Step Five

As a final reflective task ask students to write a short response to the following prompt:

Most schools have both school rules that students need to follow and rights to which they are entitled. Wouldn't just a list of rights guarantee everyone is treated fairly? Why does a 'fair go' include both rights and responsibilities?

Variations

One engaging way to do this exercise is to provide students with the formal materials the school publishes to codify these rules. Getting them to select five rules or expectations from their Student Code of Conduct or Class Work Contract and discuss their significance is an effective way to encourage a thorough investigation of what a 'fair go' might mean in their own work place.

Alternatively, you might form students into larger work groups (fours or fives works best) and set them the task of composing questions and then interviewing stakeholders whose job it is to foster the development and maintenance of this culture in the school, Principal, Assistant Principal, School Council members, Student Representative Council members.

WORKSHEET

FAIR GO AT SCHOOL

Rule or Expectation	How this helps encourage a 'Fair Go.'



1

“So yeah, bearing in mind the fact that my stationary, textbooks and computer all mysteriously vanished, I think it’s understandable that I didn’t get my essay done”

“That’s cool, I was workin’ on my novel anyways, ya dig?”

“What?”

“Groovy.”

Both students and teacher should have a fair go at what’s asked of them.

THEME ONE:

Everyone should have a fair go at work

Successful relationships are based on mutual respect, confidence and trust. This is also true of the employment relationship. An employer should be able to trust that employees will act in good faith, work diligently and not undermine the business or its reputation. An employee should be able to trust that their employer will pay them appropriately, treat them fairly and provide a safe working environment.

1. Teacher background notes

2. Interdisciplinary tasks

Activities One and Two are stand alone tasks. Activity Three is best completed after undertaking Activity Two. Activity One will take significant preparation.

The tasks in this theme provide a helpful underpinning for all themes in the resource and consideration should be given to undertaking this theme as a 'core unit'.

Activity One	Defining a Fair Go – interviews
Activity Two	Defining a Fair Go – card activity
Activity Three	Rights and Responsibilities – tournament prioritiser

3. Discipline Based Rich Tasks

These tasks are designed for the discipline based domains of VELS. The tasks extend on the concepts outlined in the interdisciplinary activities.

Humanities-History	Interview on a fair go for women in the workplace
Maths	Designing a 'fair wage calculator'
English	Interview employer or create an online investigative report

4. Resources and websites

Teacher Background Notes

Successful relationships are based on mutual respect, confidence and trust. This is also true of the employment relationship. An employer should be able to trust that their employees will act in good faith, work diligently and not undermine the business or its reputation. An employee should be able to trust that their employer will pay them appropriately, treat them fairly and provide a safe working environment.

Our legal system characterises the relationship between every employer and worker as a contract. This is true even if no written contract exists and even though many of the arrangements and requirements are not spelt out in detail.

The fact that employers and employees often have a long-term relationship means that frequently the details of that contract are hard to identify as they shift and change over time.

Even though this is the case, our judge made law (common law) has determined that some features exist in every employment contract.

The common law implies that the following features exist in every contract of employment between an employer and an employeeⁱ:

The employee has:

- the duty to obey any lawful reasonable instructions of the employer
- a duty of fidelity, that is to act honestly in handling property, not abuse any trust or confidences and not disclose any confidential information
- a duty of care and competence when doing the job

The employer has:

- the requirement to pay wages for the work performed
- a general duty of care that includes the requirement to provide for competent staff that have adequate materials and training, a proper system of work and adequate supervision
- a duty to indemnify the employee for any expenses incurred in the course of employment

On top of these common law duties or responsibilities, the government can impose additional requirements through the passing of statutes. For example the Fair Work Act operates at the national level. This Act, which came into effect on 1 July 2009, and applies to every Victorian employer and employee, includes many duties and requirements in addition to those spelt out above. Occupational Health and Safety and Anti Discrimination legislation also regulates aspects of the employment relationship.

ⁱ Note these requirements do not apply if the person is not an employee but is in fact a contractor. Whether or not a person is an employee or contractor can be difficult to determine however it would be safe to assume that workers between the ages of 14 –18 are unlikely to be anything other than employees.

The success of a working relationship depends on cooperation between the employer and the employee in dynamic circumstances. In more recent times the common law has interpreted this need for cooperation as an implicit expectation of mutual trust and confidence required by both the employer and the employee. This is often spoken of as a requirement of 'good faith'.

In Australian industrial practice this expectation of mutual trust and confidence, or good faith, has been expressed as a commitment to a 'fair go all round'.

The idea underpinning this concept of 'good faith' or a 'fair go' is that both parties to the contract will act in ways that nourish rather than undermine the relationship. This includes understandings like:

- Employers and employees do not seek to mislead, trick or deceive each other but act in an honest and trustworthy manner
- Employers and employees do not abuse any powers or discretions granted to them in the employment contract
- No person in the workplace is subjected to harassment or humiliation
- Employees are dismissed only for a reason relating to their performance or conduct or genuine operational reasons (e.g. redundancy)
- Employees are willing to serve the notice period required in their contract if they decide to terminate their employment
- Employers and employees do not maliciously damage each other's reputation
- Employers do not seek to place illegitimate restrictions on the freedom of the employee to pursue their career once the employment relationship is over (e.g. they don't seek to unduly restrict who they work for or where they work).

Further support for this relationship can be achieved by employers giving employees written descriptions of the requirements of the job generally in the form of a position description and giving clear instructions about the levels of performance that are required, and support and training to achieve this. In return employees can support the relationship by carrying out their role thoroughly and applying all of their skills to the best outcome.

This commitment to a respectful relationship pays off in productivity terms too.

A report commissioned by the Victorian Government in 2008 found that companies that implemented fair and co-operative business practices, that encouraged communication in the workplace and other forms of employee involvement, had higher productivity, greater staff commitment and staff that were more loyal. (Peter Gahan, David Taft, Richard Mitchell and Kathryn Bion, *Impact of Fair and Co-operative Employment Practices on Business Performance*, 15 June 2008, WERRC Monash University)

IN SUMMARY

- Our legal system characterises the relationship between every employer and employee as a contract
- Our judge made law (common law) has determined that some features exist in every employment contract.
- On top of these common law duties or responsibilities, the government can impose additional requirements through legislation.
- The success of a working relationship depends on cooperation between the employer and the employee in dynamic circumstances. There is an implicit expectation of mutual trust and confidence required by both the employer and the employee.
- In Australian industrial practice this expectation of mutual trust and confidence, or good faith, has been expressed as a commitment to a 'fair go'.
- The idea underpinning this concept of good faith or a fair go is that both parties to the contract will act in ways that nourish rather than undermine the relationship.
- A commitment to a respectful relationship pays off in productivity terms.

Activity One: Defining a Fair Go – Interviews

Resources

This activity relies on using the Interviews contained in the Additional Resources section. The interviews were also used in the Introductory Activities.

Step One

Explain to the class that one good way to understand the importance of a 'fair go' in the workplace is to look at those places where employers and employees have not had a 'fair go.' When we look at workplaces where employees are not given a fair go we can see how important this quality is for creating a healthy and enjoyable environment.

As a class, examine the Interviews provided in the Additional Resources section. In some of these Interviews people, whether in the employee or employer role, have found themselves in situations where they were not getting a 'fair go' and this had negative consequences for the workplace environment and the people working there.

Alternatively, ask students to conduct an interview with a person they know using the Interview questions contained in the Additional Resources section. These interviews could be recorded on film, on audio or recorded as notes by the students. Or a 'live panel' of guests could be invited to class to be questioned by students.

Step Two

Divide the class into five groups and assign one interview person to each group. Explain to students that their task will be to prepare a presentation to the class on this person. Their presentation will include:

- A summary note that identifies how the person (or someone they knew in the workplace) was treated unfairly
- What were the consequences for the person who was not given a 'fair go'? If this is not clear in the interview – discuss with the group what you think the consequences might have been
- How might the treatment of the person who was not given a fair go affect other workers in the workplace and the community?
- Where people have identified things they didn't enjoy about the workplace or things that made it difficult, decide with your group whether these things make the workplace unfair. Provide a summary of the group discussion that led to your answer.

Get students to present their results to the class in a presentation form of their choosing.

Ensure that the audience takes careful notes during these presentations.

Activity Two: Defining a Fair Go – Card Activity

Resources

Rights and obligations cards (preferably laminated)

Worksheet – Tournament Prioritiser (photocopied to A3 size)

Step One

Divide the class into small groups of four to six. Distribute three (3) rights and obligations cards to each group. Ask the groups to discuss among themselves how each of these rights and obligations might contribute to a sense of a “fair go” in the work place. Intermittently stop the group discussions to sample one particular team’s conversation:

- Which right or responsibility has your group been discussing?
- How might it contribute to a ‘fair go’ in a workplace that you know?

Step Two

Ask students to rank these rights and obligations according to which is most important for achieving a ‘fair go’ in the workplace. When the group has decided and all members agree with the order, line the cards up in an order that displays the cards from least to most important.

Step Three

As an exercise in prediction, then ask several students to comment on the ordering of other groups’ cards:

- Could anyone suggest why Group X might have ordered their cards that way?

Ask each group to report back to the class on each of the rights and obligations they discussed and the reasoning behind the order they chose. At the end of each response invite the class to add extra comments – the following questions will be helpful prompts:

- Does anyone know of an example where they have seen this on a work experience round or in a part time job?
- Could you suggest an alternative order for Group X’s cards?
- Has anyone ever worked in a situation where this right or obligation was ignored? What was it like?
- How do these rights and obligations relate to each other?

Step Four

Now have each group join another and repeat this process with a larger selection of cards. If you have time you may even wish to repeat this process as a whole class activity.

Step Five

When students have completed the sheet ask them to reflect on their work with the whole class. Use the following questions as discussion prompts:

- Which right or obligation did your team value highest?
- Which decision did your group talk over the longest before coming to a conclusion?

And for the wider class:

- Having listened to other groups, is there an argument of your own that you might wish to change?

Step Six

As a final, reflective question you might ask students to list any examples of a 'fair go' or 'good faith' dealings that they have observed on work experience, at their part time jobs or heard about from friends and family discussing their workplaces.

Discuss any examples with the whole class.

** The curriculum designer wishes to acknowledge that he was first alerted to the possibilities of this activity through the work of Kevin McCarthy*

Variation

When the students are in groups distribute the Tournament Prioritiser Worksheet. It is an engaging way to get students to identify the most important right on obligation. A key element of moving through the tournament rounds is that the whole group should agree before a particular skill is moved through to the next round.

WORKSHEET

RIGHTS AND OBLIGATIONS CARDS (I)

Employers should be clear about what the job involves	Employers should be honest about the pay and conditions of work
Employers should make reasonable decisions about changes in the workplace	Employers should communicate about changes and decisions
Employers should tell employees where they need to improve and give employees training	People should be paid according to their skills and performance
Employers should give employees a chance to improve	People should only be sacked if there is a problem with their work or if the job no longer exists
Managers and supervisors should not abuse their position of power	Employers should make sure the workplace is safe

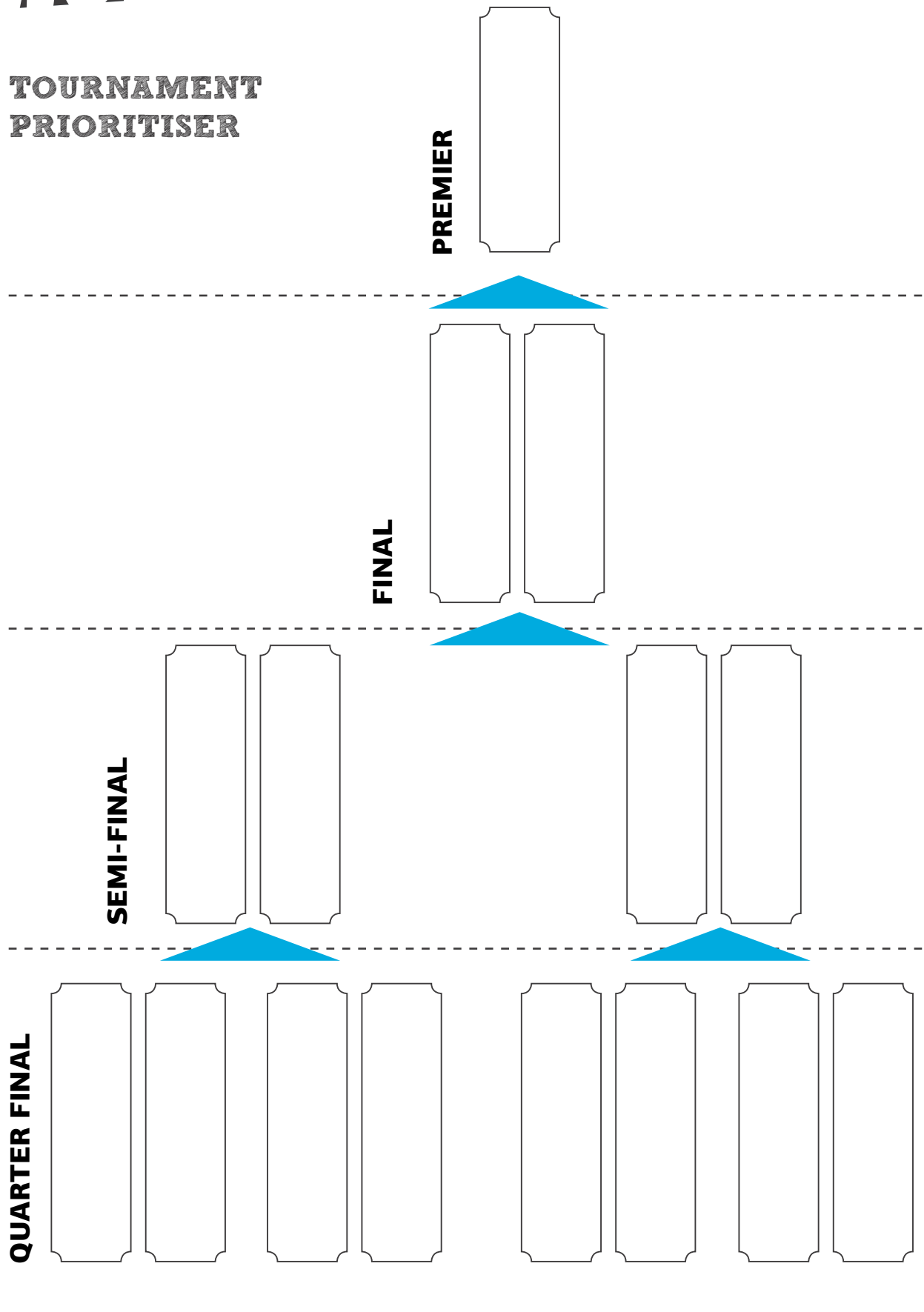
WORKSHEET

RIGHTS AND OBLIGATIONS CARDS (II)

Employers should fix problems and resolve grievances quickly	Employees should be honest about their skills and experience
Employees should try their best to do the job	Employees should ask for help when it is needed
Employees should not steal or use the employers property for themselves	Employees should not share confidential information with people outside the workplace
Employees should report any concerns or fears	Employees should come to work ready and willing to work
Employees should act safely in the workplace	No one should gossip about anyone else in the workplace
Employers should provide reasonable notice before they terminate an employee	Employers should not seek to place unfair restrictions on what an employee does when they leave that workplace

WORKSHEET

TOURNAMENT PRIORITISER



Discipline Based Rich Tasks

Humanities – History

Interview a group of women who started work before 1980. What has changed in the workplace since the women commenced work? How has the concept of a ‘fair go’ changed in the workplace for women? Present your results as an oral presentation or short film.

Maths

Design a Fair Wage Calculator

Make a formula for calculating money per hour less expenses times work and opportunity cost. Present your formula as a wallet size flip card or email message. Include some sample calculations in your design.

English

Interview employers for an article on businesses in your community which are particularly noteworthy for having created workplaces where young people clearly and consistently achieve a ‘fair go’

OR

Create an Online Investigative Report on a workplace/industry where the ‘fair go’ principle seems to be ignored or overlooked.

Resources and Websites

Some of the websites below have information specific to the discipline based tasks others have more general information about the workplace.

<http://www.naa.gov.au/whatson/online/find-of-the-month/2005/march.aspx>

National Archives minute from 1963 discussing whether women should be allowed to become Trade Commissioners – excellent example of the thinking behind sexist attitudes towards women in the workplace.

<http://www.lawstuff.org.au>

Lawstuff is a really good site with snappy answers to legal questions kids might have about work and a whole lot else. There is interesting legal information on employment, discrimination, bullying, sexual harassment and trade unions.

<http://www.youngpeopleatwork.nsw.gov.au/>

A good site with some very good material and an excellent 'jargon buster' glossary. Good material on bullying, harassment and discrimination in the workplace and what young people can do about it.

<http://www.printsandprintmaking.gov.au/Catalogues/Image.aspx>

This site contains a comprehensive database of posters and images that have appeared in Australia over many years, including representations of work, women at work, union and political posters. There is rich information available but the search feature is not all that helpful. If a student has the time they may enjoy searching for images of the workplace.

<http://www.abc.net.au/news/stories/2007/07/05/1970634.htm>

ABC article on young workers being taken advantage of at work. Mostly due to being forced to 'pay' for unpaid bills of customers.

<http://www.fairwork.gov.au/employment/young-workers/>

This is the young workers section of the Fair Work Ombudsman site. It has some good general information and an online pay check facility for workers to check if they are getting paid correctly.

<http://www.worksite.actu.org.au>

This is the ACTU site for young workers. There are a number of useful online activities that students can carry out. It has a large amount of information written specifically for students and in an engaging format.

<http://www.youthcentral.vic.gov.au>

This is a very good general website for young people. The information on employment is all very good and written in catchy, easy to read prose. The whole site has a high energy feel.

<http://www.smh.com.au/news/national/what-the-dickens-175000-children-work/2007/02/15/1171405374555.html>

Age article about children working (5-15) in Australia

<http://www.yapa.org.au/youth/facts/quitjobs.php>

Why young people can't quit bad jobs

<http://www.theage.com.au/articles/2003/11/13/1068674314710.html>

Article from The Age about young people working in cafes and either not getting paid, getting paid in drugs or getting 'cash in hand'.

http://www.jobwatch.org.au/pages/children_and_youth.htm

Contains the Job Watch Survey of young people working in the fast food industry. Very disturbing survey with lots of shocking data. This is very interesting material. Survey of over 500 kids in Victoria.

<http://www.aierights.com.au>

This is the site of the Australian Institute of Employment Rights. It contains useful information about current topics and issues that would provide good background for teachers.

Chicken & Chips

2



Whole Chicken!
Only \$7.99!!
At This Price, the
Taste is Easier
To Ignore!!!



Every worker is entitled to dignity
in their workplace, as well as out
on the street in front of it.

THEME TWO:

Everyone has a right to be treated with dignity

Since for many of us work makes up a very large part of how we spend our lives, our self-image can be strongly influenced by the work that we do and how we are treated in the workplace. Everyone has a right to feel that the work they do is worthwhile. Everyone should feel respected for the work they do. Some work, particularly unpaid work, is almost invisible in our society. This is particularly true of domestic labour. The question is how do we value that work and those that carry out that work?

1. Teacher background notes

2. Interdisciplinary tasks

The following tasks are stand alone tasks, however, they are best delivered sequentially to build on student knowledge and skills.

Activity One	Dignity and Work – code word activity
Activity Two	Dignity and Work – hidden thought activity (written version)
Activity Three	Dignity and Work – hidden thought activity (oral version)
Activity Four	Dignity of Work – line debate activity

3. Discipline Based Rich Tasks

These tasks are designed for the discipline based domains of VELs. The tasks extend on the concepts outlined in the interdisciplinary activities. Ideally students will have completed the interdisciplinary tasks (in the same subject or in a complementary subject) but with the right preparation a subject based teacher may choose to design a series of lessons around the suggested rich task without completing the interdisciplinary tasks.

Humanities – Economics	Ethical consumerism or an investigation into the impact of status on wages
Religion and Society	Teaching on work – text analysis
English	Text comparison or creative writing exercise
Science	Investigate the impact of health on work satisfaction
Arts	Compare representation of work across eras or mediums.

4. Resources and websites

Teacher Background Notes

Since for many of us work makes up a very large part of how we spend our lives, our self-image can be strongly influenced by the work that we do and how we are treated in the workplace.

Everyone has a right to feel that the work they do is worthwhile.

Everyone should feel respected for the work they do.

Some work, particularly unpaid work, is almost invisible in our society. This is particularly true of domestic labour. The question is, how do we value that work and those that carry out that work?

Human dignity, the ability to establish a sense of self-worth and self-respect and to enjoy the respect of others, is necessary for a fully realised life. Since for many of us work makes up a very large part of how we spend our adult lives our self-image can be strongly influenced by the work that we do and how we are treated in the workplace.

The concept of dignity in the workplace contains two complementary elements:

- Dignity at work
- Dignity of work

Dignity at work refers mainly to the employment relationship and how people are treated and treat one another in the workplace. It refers to the need to protect against abuse or disadvantage and raises issues such as fair wages and just conditions of work, the right to belong to a trade union, the development of fair bargaining processes and protections from unfair dismissal (All matters dealt with in subsequent sections of this resource).

It refers also to a work as a place of social interaction in which all participants have a right to protection against unsociable behaviour such as discrimination, harassment and bullying. There are many laws that prevent people being treated at work in a way that undermines their self-respect. These laws are discussed in more detail in the sections that follow on Occupational Health and Safety, and Discrimination and Harassment.

Dignity of work refers to the work process and emphasises the intrinsic value of work and the benefit of having satisfying, rewarding work. This raises issue of job satisfaction, job and work design, and access to skill enhancement and career progression. Dignity also implies that we are able to grow in our jobs. This means that our jobs should allow us to continue to learn by enhancing our skills and be treated like a valued member of a team, rather than a replaceable cog in a machine.

Sometimes context makes all the difference as to whether a job enhances our dignity or not. Part time work is an interesting example. For some people being able to work part time enables them to meet their childcare responsibilities so that they can re-enter the workforce sooner than they otherwise might. This provides them with a better work/life balance, more money than they would otherwise have and a way to maintain their skills and workplace networks. Part-time work is also good for students as it is a way for them to earn an income while still studying.

However, part time work is one of the fastest growing categories of work in Australia and not everyone employed in part time jobs wants to work part time. In 2006-07 in Australia 29% (or nearly one in three) people in part time jobs wanted to work more hours. This phenomenon is referred to as underemployment.

How we feel about ourselves is also influenced by the way society values what we do for work. Here we can look at the so-called high or low status jobs or those who do unpaid work in the home.

The book *Dirt Cheap: Life at the Wrong End of the Labour Market* by Elisabeth Wynhausen looks at jobs that are often described as 'unskilled'. The conclusion of those observed in this book is that it was not the nature of the work itself that impacted on status but the views and attitudes that others had of that work which had an impact.

For many women the work that they have done inside the home has not been counted as real productive work. This has meant that the work done is not recognised and the status of women who perform this work is often undervalued. Perhaps this helps to explain why domestic work in the home is not valued or visible to many men? Data shows that women, even those employed in full-time work, spent substantially more time (an average of 46 minutes per day in 2006) doing domestic duties than men. Women tend to do two thirds of all unpaid work. (ABS 4102.0 Trends in House Work March 2009) Women often find that they have to work a 'double shift', because after completing their shift of paid work they then go home to work a 'second shift' of unpaid housework.

The increasing trend toward surveillance at work raises some important questions in relation to dignity in the workplace. An organisation can collect personal information about an individual, however, this is not an unfettered right. The National Privacy Principles provide that this collection of information should only occur if it is necessary for a function of the organisation, should only be collected by lawful and fair means and not in an unreasonably intrusive way. The organisation should also take all reasonable steps to disclose to the individual concerned the information they have collected, if requested. These principles can be applied in environments where surveillance involves the monitoring of phone calls, emails or computer access and also video surveillance of workers.

The most important point here however is that the organisation does not achieve or build trust by using surveillance of employees and this surveillance where applied inappropriately has the potential to undermine the employment relationship.

An important topic that is related but that sits outside the employment relationship is the concept of the right to work. Given that work forms such an important part of our society and therefore can have such an impact on our status and sense of self worth, it is important to recognise that we as a society have a responsibility to provide work to those that want it but do not have it. Understanding the role that work plays in our society gives us some sense about the impact that unemployment can have on a person's status and own sense of self worth.

Ensuring dignity at work is an international issue. Australia is a member state of the International Labour Organisation (ILO), that is, the United Nations agency that deals with labour and work issues. The ILO has adopted a decent work agenda aimed at promoting this as an overarching priority in all countries and workplaces. According to the ILO, decent work involves the creation of jobs so that those who want work can, recognising and respecting fundamental principles and rights in the workplace, extending social protections and social security systems and promoting dialogue in and about work and supporting conflict resolution. See http://www.ilo.org/global/About_the_ILO/decent-work-agenda/

IN SUMMARY

- The concept of dignity in the workplace contains two complementary elements: dignity at work and the dignity of work.
- **Dignity at work** refers mainly to the employment relationship and how people are treated and treat one another in the workplace.
- **Dignity of work** refers to the work process and emphasises the intrinsic value of work and the benefit of having satisfying, rewarding work.
- For those employed in so called ‘unskilled’ work it may not be the nature of the work itself that impacts on status but the views and attitudes that others had of that work which has a negative impact.
- For many women the work that they have done inside the home has not been counted as real, productive work. This has meant that the work done is not recognised and the status of women who perform this work is often undervalued.
- The increasing trend toward surveillance at work raises some important questions in relation to dignity in the workplace.
- An organisation can collect personal information about an individual however this is not an unfettered right.
- Given that work forms such an important part of our society and therefore can have such an impact on our status and sense of self worth, it is important to recognise that we as a society have a responsibility to provide work to those that want it but do not have it.
- Ensuring dignity at work is an international issue. The International Labour Organisation (ILO) has adopted a decent work agenda aimed at promoting this as an overarching priority in all countries and workplaces.

Activity One: Dignity and Work – Code Word Activity

Resources

Worksheet – Code Words

Worksheet – Code Words – original text

Step One

The relationship between dignity and work is a complex one as it includes both *dignity at work* and the *dignity of work*. The code word activity is designed as a highly engaging way to get students to look closely at these complex issues.

Distribute the Code Word worksheet. Explain to students that they have to decode a message about a key concept – dignity and work. There is no key to the code, but they need to keep in mind three important clues:

- The text they are decoding is a letter and follows the conventions of that form
- It is addressed to them from their teacher
- It contains no punctuation and some words start on one line and finish on another

Allow 15-30 minutes to complete this task.

How to make your own CODE WORD activity

Highlight the chosen text. Open the Font menu in the formatting toolbar of Word. Select one of the ‘nonsense’ fonts, such as Webdings and Wingdings and change the font. It is best to double space your text and use a large font 18 and above. As a guide one page of code texts takes students approximately 15 minutes to decode.

WORKSHEET

CODE WORD ACTIVITY

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WORKSHEET

CODE WORD ACTIVITY - ORIGINAL TEXT

Dear students

In this activity we will be looking at the relationship between dignity and work this is a complex concept because it includes dignity at work and the dignity of work dignity at work revolves around the idea that workers should be treated with respect protected from bullying harassment and unwarranted surveillance

dignity of work is about workers being recognised and valued for their work and provided with opportunities for skill enhancement and skill progression

It doesn't matter whether they are a leader in their work place or the newest recruit or whether their job is a high profile high paying one or a low status part time job all work is seen to have value for its own sake

Yours sincerely

Your teacher

Activity Two: Dignity and Work – Hidden Thoughts (Written Version)

Resources

Worksheets – Hidden Thoughts

Step One

Explain that this exercise is designed to explore the thoughts and feeling associated with starting a new job, particularly for first time employees.

Distribute to class the Worksheet – Hidden Thoughts.

Ask your class to consider what the character at the bottom of the page might feel in this situation:

- What is this character initially thinking about on the first day of work?
- What else might they be thinking?

Students write their answers in the bubbles provided on the handout.

Instant Characters

A simple strategy for building up a character is to ask students to name their character, having them use the first name of a sibling or family friend and the school's name backward is an engaging way to do this. They also might want to nominate what kind of job the person is doing and even whether it is a career, a part time job or casual work.

Step Two

With the whole class sample the range of responses so far. Then provide students with the next set of prompts:

- What is your character hoping for?
- What does your character fear?

Explore the potential thoughts and feelings of your first day worker by sampling some of these responses. Then provide the next prompts but before asking students to write their responses to the prompts sample a wide range of suggestions from the class to help emphasise the possibilities of the questions:

- What is your character looking forward to?
- What might your character be worried about?
- What else might a worker be thinking on the first day at a new job?

Students may add responses to any remaining space on the page.

Step Three

For homework ask students to complete a “Hidden Thoughts” diagram for a worker from their family, neighbourhood or friendship circle.

Discuss the completed work as a class:

- What were the thoughts and feelings of the person?
- Were they similar to what the class had for their characters?
- How do you think society values the work that this person does? What evidence would you use to support your view?
- Has your view of jobs in society changed or stayed the same over the course of this exercise?

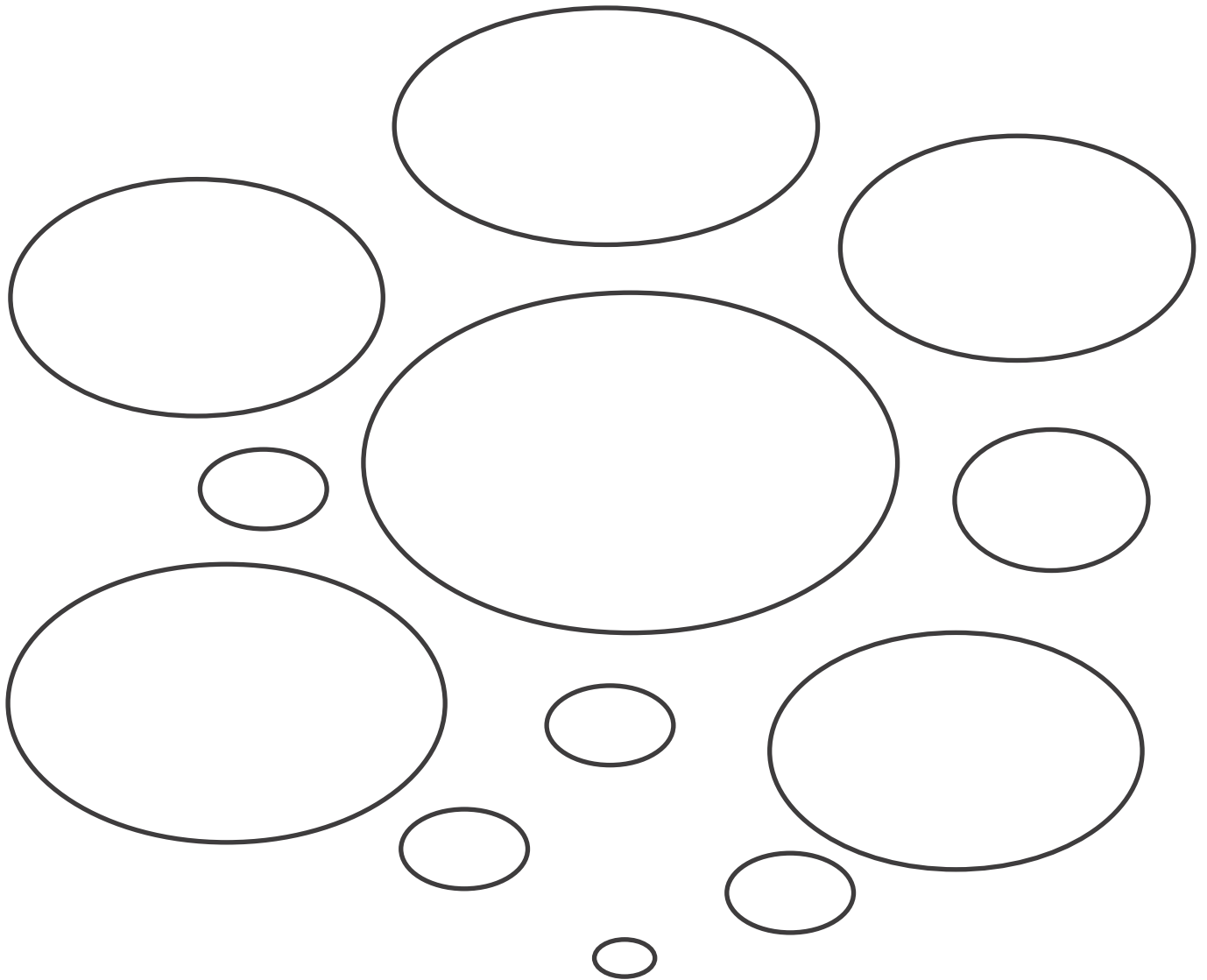
Reflective Task

An effective reflective task is to ask students to evaluate the effectiveness of the hidden thoughts strategy:

- How did the things your character thought about change from your first thought bubbles to the later ones?
- How has this activity helped you to explore the thoughts and feelings of someone starting a new job?
- What has this process taught you about dignity and work

WORKSHEET

HIDDEN THOUGHTS



Activity Three: Dignity and Work – Hidden Thoughts (Oral Version)*

Resources

For this activity you need a classroom big enough for five to six groups to conduct separate role plays.

Step One

Arrange students into groups of four. Have one group role play a greeting between two workers starting at a new job.

Have the students freeze the scene and ask the non-performing members to select one of the characters and to speculate on what are they thinking:

- What is your character thinking about on the first day of his new job?
- What else might they be thinking?

Continue the questioning by asking the performers in the role play:

- What is your character hoping for? And what else?
- What does your character fear? And what else?

Either conclude this first step with those questions to this first role play group or allow the group to complete the role play.

Step Two

Select one or two other groups and have them prepare and perform a role play for the whole class. Take suggestions from the class about issues that they would like to explore in the role plays.

Either repeat the exercise of freezing the scene or at the conclusion of the role play ask the performers:

- What are some of the thoughts and feelings of your character as they start (or work) at their role?
- What is the character looking forward to?
- What might your character be worried about?

Ask the non-performing members of the class to continue deepening their inquiry until it is exhausted. You might suggest to students to switch to another character if you think that might provide another perspective on their investigation.

If students are struggling to think about the work situation ask them to consider what a student might be thinking on the first day at a new school

Step Three

Finish with a reflective exercise by asking them to discuss how the kind of 'hidden thoughts' of the characters changed and developed over the course of the exercise. Use the following question as the prompt:

- How has this activity helped you to explore the thoughts and feelings of students starting a new job?

** The curriculum designer would like to acknowledge that he first encountered this type of exercise when working with Dr. Helen Cahill.*

Activity Four: Dignity of Work – Line Debate

Resources

For this exercise you need a classroom big enough that you can divide the class in half and they can face each other across the room with at least a couple of metres between them.

Step One

Hidden thoughts exercises are a good way to explore our presumptions about work and our hopes and fears for the workplace. Another way to explore the idea of the dignity of work is to examine the status of work. Explain this to the class and organise a line debate on the topic using the prompt below:

PEOPLE WHO COMPLETE HOME DUTIES OR HOUSE WORK AS THEIR PRIMARY JOB SHOULD BE PAID FOR THEIR LABOUR.

Step Two

As a reflective activity at the end of the line debate ask students to complete one of two tasks:

Ask the students to record all of the board notes taken by the student scribes. Then have them stand on the side of the room that best represents their view on the issue. If they are undecided they can stand between the two lines. Now canvas the opinions of those with definite views on the issue and see whether this changes the minds of the undecided students. If anyone changes their view they can reposition themselves accordingly.

OR

Ask students to record all of the board notes taken by the student scribes and then write a short paragraph summarising their own view of the issue.

INSTRUCTIONS FOR CONDUCTING A LINE DEBATE

- Divide the class into two teams. Have them stand on either side of the room in single lines facing each other.
- Assign the affirmative and negative sides to specific teams.
- Explain that they are going to have to come up with arguments to support their assigned side of the debate irrespective of their personal views on the topic.
- Outline the rules of the debate:
 - The group needs to agree on criteria for the quality of the arguments contributed by individual students. eg students have to provide a piece of evidence to support their argument or that they 'disagree agreeably' when rebutting opposing arguments or introduce a fun condition such as students must refrain from using 'Um'.
 - The person whose turn it is (teacher selected or volunteer) must come up with an original argument to support their point-of-view.
 - The umpire - the teacher or a nominated student – will decide if the argument fulfils the expectations agreed on by the class. If it does not then the debater joins the opposition team on the other side of the room. If it does they can select one of the opposition team to join their team.
 - If a class member changes sides three times they are deemed to be 'locked' and cannot change sides again. This avoids good debaters being 'ping-ponged' back and forth across the room incessantly.
- Conduct the debate for at least 15 minutes to ensure a wide variety of viewpoints are explored. The game ends when one side of the argument has all the class members or both sides have exhausted potential arguments.
- Use a pair of student scribes to record the arguments of each team.

Discipline Based Rich Tasks

Humanities – Economics

Conduct a study of how ethical consumerism can generate workplace dignity for Australian or overseas workers.

OR

Conduct an economic investigation of how the low status of a job affects wages. Present your results as a case study. For example you might investigate careers which are or have traditionally been dominated by women and make wage comparisons for careers that require similar skills but where males dominate the employment.

Religion and Society

Gather together documents from one religious tradition that focus on work. eg Rerum Novarum from the Catholic tradition. Using the documents draw up a five point charter of workplace rights that would promote dignity at work as suggested by those documents.

Research and write a reflective piece on how that religious tradition has supported or challenged recent changes in workplace laws in Australia. Are the challenges or the support consistent with the teachings in the documents?

English

Analyse representations of work in two different texts or genres. How do they differ? What do they have in common?

E.g. compare *Of Mice and Men* with *The Death of a Salesman*, or the bridge building section of *The Skin of a Lion* with the short story *Fat*.

OR

Write an imaginative account of a day-in-the-life of a character with a job that might be a candidate for the 'worst job in history'.

Science

Investigate the science of why healthy workers are happier and more productive? Present your findings as a report to an employer group.

The Arts

Compare representations of work from two separate eras or across mediums. How do they differ? What do they have in common?

E.g. You might compare Soviet propaganda about workers with depictions of peasant work by the Old Masters, or compare the photography in *Let Us Now Praise Famous Men* with the depression era American painters.

Resources and Websites

For discipline based rich tasks the VCE Study Designs have lists of resources and websites that will be of assistance.

Books

Wynhausen, E 2005 *Dirt cheap: life at the wrong end of the job market* Pan-Macmillan, Sydney.

Websites

http://www.ilo.org/global/About_the_ILO/decent-work-agenda/

International Labour Organisation website on their Decent Work campaign. There is a 3-minute cartoon movie that makes the point rather well.

http://www.dpc.nsw.gov.au/_data/assets/pdf_file/0006/10896/Dignity_Respect_Charter.pdf

This is a poster that promotes dignity at work through an agreed charter between employers and employees. The charter was developed by Unions NSW.

<http://www.socialjustice.catholic.org.au/index.shtml>

This website has a comprehensive list of papers produced by the Catholic church on work and social teaching. Some papers address very directly the issues of Dignity at work and Dignity of work.

<http://www.actu.asn.au/Issues/DecentWork/default.aspx>

The ACTU has on its site a short paper and position statement on Decent Work.

http://www.vecci.org.au/Products_and_Services/Pages/Publications.aspx

VECCI has developed a video to help students entering the workforce on work experience or VET programs. It appeals to employers as a tool to assist them in ensuring their workplaces are free from bullying. A handbook is included. It is available for purchase.



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Spend
More

DOG
how
11-12-09
Enter Online
dogshow.com

HELP
TED
041
com

Team
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“I’m sorry kid, but
we’re pretty much
DOG people here.”

Discrimination, in any
form is unacceptable, both
at work and at school.

THEME THREE:

Discrimination and harassment are against the law!

As a democracy Australia is committed to achieving the equality of all its citizens. This objective extends to the workplace. Unequal treatment because of discrimination or harassment undermines this objective. Achieving workplaces that are free from discrimination and harassment is essential to the fabric of our democracy. This is why discrimination and harassment are against the law.

1. Teacher background notes

2. Interdisciplinary tasks

Activity One can be completed as a stand alone task. Activity Two, Three and Four rely on knowledge and skills developed in Activity One.

This theme could be paired with Theme Four on a 'Safe and Healthy Workplace'.

Activity One	Discrimination – job advertisements
Activity Two	Discrimination and Harassment – case studies
Activity Three	Discrimination – finding out
Activity Four	Harassment – help pathways

3. Discipline Based Rich Tasks

These tasks are designed for the discipline based domains of VELs. The tasks extend on the concepts outlined in the interdisciplinary activities.

LOTE	Pamphlet for immigrant workers
Humanities/History	Create a visual presentation
English	Prepare a media campaign
Arts	Design a pathways poster

4. Resources and websites

Teacher Background Notes

As a democracy Australia is committed to achieving equality of all its citizens. This objective extends to the workplace. Unequal treatment because of discrimination or harassment undermines this objective. Achieving workplaces that are free from discrimination and harassment is essential to the fabric of our democracy. This is why discrimination and harassment are against the law.

For people to be productive in their workplace they must feel confident and secure. Discriminatory and harassing behaviours and actions are illegal because they undermine our ability to achieve equality for all.

Discriminatory and harassing behaviours have a cost to the organisation as they undermine productivity, increase absenteeism and may lead to the loss of skilled staff. For those who are subjected to this behaviour they often have a real personal cost as they impact on a person's health and wellbeing.

Discrimination

Treating someone differently to the way another person is treated does not mean that discrimination has taken place (as defined by the law).

To unlawfully discriminate is to treat someone either unfairly or less favourably because they possess a personal attribute that is set out in legislation. Discrimination can also be setting a requirement that people with a particular characteristic cannot meet and which is not reasonable. It is unlawful to discriminate against someone because of the following personal attributes:

- 1. Age:** While you cannot discriminate against someone on the basis of their age – for example, no one should be automatically disqualified for applying for a job simply because they are “too young” – it is lawful to discriminate against someone on the basis of their experience or lack of experience.
- 2. Breastfeeding and Pregnancy:** It is unlawful to discriminate against a woman on the basis that she is pregnant or that she may become pregnant. For example it is unlawful for a potential employer to not select a person for a job on the basis that they presume she is or may become pregnant. Asking questions to female applicants like ‘*are you thinking of starting a family?*’ may place an employer at risk of an allegation that they unlawfully discriminated in the selection process. Women have the right to breastfeed in public. This includes breastfeeding on public transport or in public venues. Employers are required to provide facilities to enable women to breastfeed or express at work.
- 3. Carer or Parental Status:** Providing care to our family and to those we live with plays an important role in the life of our society. A carer cannot be discriminated against on the basis of their caring responsibilities. Under our national workplace laws there are a number of minimum entitlements available to all employees to help them balance work and family or caring responsibilities. (see the National Employment Standards in the Fair Basic Conditions section of this resource)
- 4. Disability or Impairment:** This is the major source of complaints to the Victorian Equal Opportunity and Human Rights Commission. It is unlawful to discriminate against people with a disability if their disability does not prevent them from doing their job. Employers must take all reasonable steps to accommodate people with a disability in the workplace. This includes making modifications to systems of work or workplace machinery for example, computers, in order that the person's disability can be accommodated.

- 5. Employment Activity:** It is unlawful to discriminate against an employee simply because they want information about their entitlements at work. For example it would be unlawful to terminate someone because they asked for information about their rate of pay or what penalties they get paid for overtime work.
- 6. Gender Identity:** It is against the law to discriminate against someone on the basis of his or her gender identity. Gender identity means self-identification as a person of a particular gender. A person may identify as a member of a particular gender by their style of dress, medical intervention or by other means, including a change of name.
- 7. Industrial Activity:** It is against the law to discriminate against someone either because they are, or are not, a member of a union or because they have, or have not, participated in industrial action.
- 8. Lawful Sexual Activity:** Heterosexuality, homosexuality, lesbianism and bisexuality are all lawful sexual activities. Sex between consenting adults is lawful and so it is unlawful to discriminate against someone on the basis of either their sexual activity or their suspected sexual orientation.
- 9. Marital Status:** Whether someone is married, single, divorced, separated or in a de facto relationship is not a lawful ground for discriminating against him or her.
- 10. Physical Features:** In Victoria it's against the law to discriminate against or treat someone unfairly due to their physical appearance, including their height, weight, body shape, a disfigurement, skin condition, scar or birthmark.
- 11. Political Belief or Activity:** Central to any democracy is the protection of those who hold political beliefs that are different to those of the majority. It is therefore against the law to discriminate against someone on the basis of their political beliefs or any political activities they either do or do not engage in.
- 12. Race:** It is unlawful to discriminate against someone because of their race (including colour of skin or language they speak at home). In Victoria there are also Racial Vilification Laws that make it an offence to incite hatred against people on the basis of their race.
- 13. Religious Belief or Activity:** There are over 100 different religions practiced in Victoria. It is against the law to discriminate against someone on the basis of either their religious belief or their non-belief.
- 14. Sex:** It is unlawful to discriminate against someone because of their sex and sexual orientation. Sexual orientation covers homosexuals, lesbians, bisexuals, heterosexuals, and people perceived to fall into one of these groups.
- 15. Personal Association:** It is unlawful to discriminate against someone because they associate with someone else that has any of the personal attributes listed above.

Organisations can apply for exemptions in special circumstances. These exemptions often create controversy and are regularly reviewed. Detailed information is generally available at <http://www.humanrightscommission.vic.gov.au/>

Since it is unlawful to be discriminated against on the basis of any of these characteristics it is not necessary to include any reference to these on any material you submit as an application for a position or to answer any questions related to any of these in a job interview.

It is against the law to discriminate either when a person applies for work (not getting the job because they have children), while employed (not being given training opportunities because they are pregnant) or when they are terminated from their employment (sacked because they ask why they have not been paid overtime rates), or after they have left employment (telling potential future employers they were a union troublemaker).

Discrimination is not dispelled by treating everyone the same. Sometimes this concept of 'equality' may simply reinforce systemic discrimination in favour of a dominant group. To overcome this we need to examine both direct and indirect discrimination.

Direct discrimination is the easiest to identify as it occurs when someone makes it very clear why they are treating you less favourably because of one of the attributes outlined previously. When someone says that they will not employ you because you are a woman, for example, this is direct discrimination.

Indirect discrimination is often harder to identify. It occurs if a person with a particular attribute is required to comply with an unreasonable requirement, condition or practice which a person without that attribute could comply with. For example if a potential employer required all employees to be above a certain height and there was nothing in the job that required a person to be of a certain height, and this height screened out the majority of female applicants then this may be unlawful, indirect discrimination.

Organisations can be held to be responsible (vicariously liable) for the actions of their employees if their employees discriminate against someone and it is found that the organisation did not take all reasonable and proportionate steps to discourage this type of behaviour and make reasonable adjustments to avoid discrimination. To avoid this organisations often make sure that they have clear and unambiguous anti discrimination policies and training that they promote to all of their staff.

Bullying and Harassment

Workplace bullying is repeated, unreasonable behavior directed toward an employee, or group of employees, that creates a risk to health and safety. It may occur in one-to-one situations, in front of managers or supervisors, co-workers, clients or customers or by written, visual, electronic communications such as letters, drawings, emails, texts, or telephone communications.

Types of bullying behavior are:

- Physical or verbal assault
- Belittling opinions or constant criticism
- Yelling or screaming or offensive language
- Derogatory, demeaning or inappropriate comments or jokes about a person's appearance, lifestyle and background
- Insults
- Isolating workers from normal work interaction, training and development or career opportunities
- Overwork, unnecessary pressure and unreasonable deadlines
- An unacceptably aggressive style from a superior
- Undermining work performance by deliberately withholding work-related information, access, support or resources or supplying incorrect information
- Being under-worked, creating a feeling of uselessness
- Unexplained job changes, meaningless tasks, tasks beyond a person's skills and training, and failure to give credit where credit is due
- Over-detailed supervision and unwarranted checking of performance
- Unreasonable "administrative sanctions" such as undue delay in processing applications for training, leave or expenses

Sexual harassment is any conduct of a sexual nature that is unwelcome. Sexual harassment can be physical, verbal or written. It involves behaviour that could reasonably be expected to make a person feel offended, humiliated or intimidated. Sexual harassment is against the law. It is also one of the major sources of complaints received by the Victorian Equal Opportunity and Human Rights Commission. A survey by the Australian Human Rights Commission in 2008 found that 22% of women and 5% of men had been sexually harassed at work.

Sexual harassment focuses on how the person being harassed feels. The motive of the harasser is irrelevant, when determining if the behaviour was unwelcome, as what is important is how the person felt who was being harassed.

Employers are expected to provide a workplace that is free from discrimination and harassment. This means that they must do everything that is reasonably practical to ensure that such behaviour does not occur in their workplace. This means that employers can be held legally responsible for the discriminatory or harassing behaviour done by their employees or customers, especially if they have not done enough to prevent this kind of behaviour.

Employees are also required by law not to act in a way that either discriminates against or harasses others in the workplace.

Every organisation should:

- Proactively promote a workplace free from discrimination bullying and harassment and act on incidents.
- Provide for appropriate training and information to staff of the work area about what are acceptable and unacceptable workplace behaviors
- Inform staff of the actions they can take if they feel they are being discriminated against bullied or harassed including provision of a list of designated discrimination or harassment contact officers
- Arrange or provide adequate and appropriate support to staff who make a complaint, including ensuring that the matter is treated confidentially and that the complainant is not victimised
- Deal fairly with all persons involved in allegations including ensuring due process

For external support or assistance in relation to discrimination or harassment contact can be made with WorkSafe <http://www.worksafe.vic.gov.au/wps/wcm/connect/WorkSafe/Home/>

OR

Victorian Equal Opportunity and Human Rights Commission <http://www.equalopportunitycommission.vic.gov.au/home.asp>

IN SUMMARY

- For people to be productive in their workplace they must feel confident and secure. Discriminatory and harassing behaviours and actions are illegal because they undermine our ability to achieve equality for all.
- Treating someone differently to the way another person is treated does not mean that discrimination (as defined by the law) has taken place.
- To unlawfully discriminate is to treat someone either unfairly or less favourably because they possess a personal attribute that is set out in legislation.
- A person can be discriminated against either when they apply for work, while employed, when they are terminated from their employment or after they have left employment.
- Discrimination is not dispelled by treating everyone the same.
- Workplace bullying is repeated, unreasonable behavior directed toward an employee, or group of employees, that creates a risk to health and safety.
- Sexual harassment is any conduct of a sexual nature that is unwelcome. Sexual harassment can be physical, verbal or written. It involves behaviour that could reasonably be expected to make a person feel offended, humiliated or intimidated.
- Employers are expected to provide a workplace that is free from discrimination and harassment. This means that they must do everything that is reasonably practical to ensure that that such behaviour does not occur in their workplace.

Activity One: Discrimination – Job Advertisements

Resources

Note – This Activity is quite demanding on student’s English literacy/reading skills.

Handout – Discrimination is against the law

Handout – Bullying and Harassment are against the law

Worksheet – Evidence Grid

Worksheet – Samples of job advertisements

Step One

Explain to students that as they move into the workplace it is important that they properly understand the legal rights that protect employees from discrimination and harassment.

The first area where the new job seeker might encounter potential discrimination is when applying for jobs. Ask students to complete the following steps:

- Explain to the class that anti-discrimination laws apply to all aspects of the application process
- Ask the class to read the Handouts – Discrimination is against the law and Bullying and Harassment are against the law
- Distribute the Worksheet – Evidence Grid and Worksheet – Samples of job advertisements.

Step Two

Form students into groups of four and five and ask them to consider the Job Advertisements on the worksheet. Use the following prompts to stimulate their thinking:

- Can they identify which advertisements are illegal?
- Can they explain why they are illegal? Can they specify which rules they break?

Model this process as a whole class with one advertisement.

Note for teachers: The first three advertisements contain phrases or criteria that are discriminatory. The discrimination in the ‘Bar Staff’ advertisement is subtle. The skills for the job are not related to personal attributes or looks – things which the requirement to send a photo is promoting.

The fourth advertisement while on the surface appearing to be discriminatory is not. It is an inherent requirement of the job that the person is female.

Step Three

Continue group investigation of job advertisements. Make sure that each group member summarises his or her findings on their notes grid. As a class discuss the answers. Check that everyone is clear about the final rulings.

Step Four

Ask each group member to summarise their understanding of the anti-discrimination laws using quotes from the information sheet. For homework ask them to complete an introduction for an information sheet in language that would be accessible to Year 9 students.

If students are struggling with this activity you may want to review the NSW Government anti Discrimination website -

http://www.lawlink.nsw.gov.au/lawlink/adb/ll_adb.nsf/pages/adb_adlaw

It has several versions of an information sheet titled “What you can do if you are treated unfairly”. Versions include one for those from non-English speaking backgrounds, another for those with intellectual disabilities and also versions in community languages.

HANDOUT DISCRIMINATION IS AGAINST THE LAW!

Australia wants equality for all Australians. Unequal treatment in the workplace makes it harder to achieve this goal. This is why discrimination is against the law.

For people to work well in their workplace they must feel confident and secure. Discrimination reduces an employee's productivity and increases time away from work. Discrimination and harassment impact on a person's health and wellbeing and cost the employer money.

Discrimination

Treating someone differently to another person may be discrimination but is not always unlawful. In this section we are trying to understand what is "unlawful discrimination".

It is unlawful to discriminate against someone because of the following personal attributes:

1. **Age:** You cannot discriminate against someone on the basis of their age – but it is lawful to discriminate against someone on the basis of their experience or lack of experience.
2. **Breastfeeding and Pregnancy:** It is unlawful to discriminate against a woman on the basis that she is pregnant or that she may become pregnant. Questions to female applicants like "Are you thinking of starting a family?" should not be asked.
3. **Carer or Parental Status:** Providing care to our family and to those we live with plays an important role in the life of our society. eg being a parent or looking after an elderly person, so it is unlawful to discriminate against them in their role as carer.
4. **Disability or Impairment:** This is the major source of complaints to the Victorian Equal Opportunity and Human Rights Commission. Employers must take all reasonable steps to accommodate people with a disability in the workplace.
5. **Employment Activity:** It is unlawful to discriminate against an employee because they asked for information about their rate of pay, their conditions of work or what penalties they get paid for overtime work.
6. **Gender Identity:** It is against the law to discriminate against someone on the basis of their gender identity. A person may identify as a member of a particular gender by their style of dress, medical intervention or by other means, including a change of name.
7. **Industrial Activity:** It is against the law to discriminate against someone either because they are, or are not, a member of a union.
8. **Lawful Sexual Activity:** Heterosexuality, homosexuality, lesbianism and bisexuality are all lawful sexual activities. So it is unlawful to discriminate against them on this basis.
9. **Marital Status:** Whether someone is married, single, divorced, separated or in a de facto relationship is not a lawful ground for discriminating against him or her.

10. Physical Features: In Victoria it's against the law to discriminate against or treat someone unfairly due to their physical appearance, including their height, weight, body shape, a disfigurement, skin condition, scar or birthmark.

11. Political Belief or Activity: It is against the law to discriminate against someone on the basis of their political beliefs or any political activities they either do, or do not, engage in.

12. Race: It is illegal to discriminate against someone on the basis of their race (including colour of skin or language they speak at home).

13. Religious Belief or Activity: There are over 100 different religions practiced in Victoria. It is against the law to discriminate against someone on the basis of either their religious belief or their non-belief.

14. Sex or sexual orientation: It is unlawful to discriminate against someone because of their sex or sexual orientation. Sexual orientation covers homosexuals, lesbians, bisexuals, heterosexuals, and people perceived to fall into one of these groups.

15. Personal Association: It is unlawful to discriminate against someone because they associate with someone else that has any of the personal attributes listed above.

It is not necessary to include any reference to these attributes on any material you submit as an application for a position or to answer any questions related to any of these in a job interview.

Treating everyone the same is not the answer to discrimination. Sometimes this concept of 'equality' may reinforce discrimination. To explain this we need to look at direct and indirect discrimination.

Direct discrimination is the easiest to identify. When someone says that they will not employ you because you are a woman, for example, this is direct discrimination.

Indirect discrimination is often harder to identify or prove. For example an employer might say that all employees have to be above a certain height (this was the case in the police force in most states). This might mean that most men can apply and most women can't. The question to ask is "In the job why does a person have to be that height?" If there is no reason it could be indirect discrimination. (How tall do you have to be to direct traffic?)

HANDOUT

BULLYING AND HARASSMENT ARE AGAINST THE LAW!

Australia wants equality for all Australians. Unequal treatment, bullying or harassment in the workplace makes it harder to achieve this goal. This is why bullying and harassment are against the law.

For people to work well in their workplace they must feel confident and secure. Bullying and harassment reduce employee's productivity and increase time away from work. So bullying and harassment impact on a person's health and wellbeing and cost the employer money.

Bullying and Harassment

Bullying is against the law. Workplace bullying is repeated, unreasonable behavior directed toward an employee, or group of employees, that creates a risk to health and safety.

Types of bullying behavior are:

- Physical or verbal assault
- Putting someone down or constant criticism
- Constant yelling or screaming or bad language
- Jokes about a person's appearance, lifestyle and background
- Insults
- Overwork and unreasonable deadlines
- Creating a feeling of uselessness

There are many other examples.

Sexual harassment is against the law. Sexual harassment is conduct of a sexual nature that is unwelcome. Sexual harassment can be physical, verbal or written. It involves behaviour that could reasonably be expected to make a person feel offended, humiliated or intimidated.

Sexual harassment focuses on how the person being harassed feels. The motive of the harasser is irrelevant in determining if the behaviour is unwelcome.

Employers are expected to provide a workplace that is free from bullying and harassment. This means that they must do everything that is reasonable to ensure that harassment does not occur in their workplace.

Every organisation should

- Promote a workplace free from discrimination bullying and harrassment
- Provide training and information
- Inform staff about what they can do if they feel they are being bullied or harrassed
- Arrange support to staff who make a complaint
- Deal fairly with all persons involved.

For external support or assistance in relation to bullying or harassment, contact can be made with WorkSafe <http://www.worksafe.vic.gov.au/wps/wcm/connect/WorkSafe/Home/>

OR

Victorian Equal Opportunity and Human Rights Commission <http://www.equalopportunitycommission.vic.gov.au/home.asp>

WORKSHEET

SAMPLES OF JOB ADVERTISEMENTS

Girl Friday

Our western suburbs food processing operation is seeking to employ an energetic young lady to carry out general office duties.

Duties include:

- Word processing
- Reception
- Mail distribution
- Accounts/administration

Applicants should demonstrate

- A bright and energetic personality
- Familiarity with MS Word, Excel and related computer packages
- Aptitude for basic accounting tasks

Conditions of employment will be in accordance with the ABC Foods Enterprise Agreement.

Applications addressing the above selection criteria should be sent to:

.....
The Manager
ABC Foods
6 Howard Road
Footscray

Bar staff

Volcano Lounge Bar seeks experienced bar staff for regular shifts Thursday - Sunday. Volcano prides itself on being the premier late night entertainment facility in Melbourne's Northern suburbs. Our commitment to ensuring our patrons enjoy a unique entertainment experience extends to the quality and makeup of our staff

As such we are seeking to employ a number of attractive and vibrant new bar staff. Only persons with substantial experience should apply. Conditions of employment will be negotiated with the successful applicant.

Applications setting out previous experience and photographs (coloured head shot and full body shot) should be sent to:

.....
The HR Director
Volcano Lounge Bar
55 West Street, Coburg

SAMPLES OF JOB ADVERTISEMENTS

Library Assistant

The City of Ajax seeks to employ a library assistant to work in the Springvale Municipal Library. The duties of the Library Assistant include:

- Handling enquiries from members of the public
- Processing loan requests and loan returns
- Shelving and Cataloguing

Given the physical nature of some of the work a person with back injuries or restrictions on mobility should not apply. Persons will be required to work regular shifts involving some night and weekend work.

Conditions of employment will be set out in the City of Ajax Collective Agreement. Applicants should send their resume and a covering letter setting out past work experience to:

.....
HR Manager
City of Ajax
PO Box 123
Springvale

Youth Worker -
Women’s Refuge

A vacancy exists for a qualified youth worker to work in our community based women’s refuge in Melbourne’s eastern suburbs.

This role will work with young women who are homeless and who have been subjected to domestic violence. Applicant should demonstrate an ability to connect with young women and an understanding of the causes and consequences of domestic violence.

Conditions of employment will be in accordance with the Social and Community Services Award

Our refuge is a female only environment.

Confidential applications should be sent to:

.....
The Director
PO Box 897
Melbourne 3001

WORKSHEET

EVIDENCE GRID

[illegible]

Activity Two: Discrimination and Harassment – Case Studies

Resources

Note: This Activity is quite demanding on student's English literacy/reading skills. This activity will work more effectively if students have completed Activity One on job advertisements

Pens and lined paper

Handout – Discrimination is against the law

Handout – Bullying and Harassment are against the law

Handout – Case Studies (i) and (ii)

(A further case study is available in Theme Ten on settling disputes. In the case an employee accuses his employer of using bullying language.)

Step One

Explain to the class that the protections against discrimination and harassment are not limited to the application process. Explain that they are going to read some accounts of young employees being discriminated or harassed in the work place.

As a group read one of the case studies of discrimination and harassment. Ask students to complete the following responses in their workbooks:

- Identify what aspect of the law has been broken. In your answer refer specifically to the handouts:
 - Discrimination is against the law
 - Bullying and Harassment are against the law
- Explain how the person has been affected by this discrimination or harassment? Use quotes from the accounts provided as evidence in your response.

Step Two

Review a selection of these answers as a class. Before moving onto the next step, make sure you are satisfied that the class are using an evidence based approach to their responses. When you have enough suitable models, ask the group to repeat this process for three of the other accounts. Periodically remind students of the importance of closely following the sheets provided and every few minutes ask one of the students to read out an example to the whole class.

IMPORTANT

It is crucial when dealing with the sensitive topics of harassment and discrimination for the teacher to ensure that students focus on the models provided. This gives them a “layer of protection” when dealing with topics that can have personal resonance.

WHAT DO I WEAR TO WORK

HANDOUT

CASE STUDIES (I)

The State Government yesterday accused clothing retailer Westco of breaching state and federal laws by ordering young staff to wear “provocative and suggestive” T-shirts.

The Government says the white shirts – bearing the words “Stop pretending you don’t want me” in lime green print across the chest – left the staff vulnerable to sexual harassment.

As a furore sent the company ducking for cover, withdrawing its demand that staff wear the T-shirts, Women’s Affairs Minister Mary Delahunty sent a scathing letter to Westco chief executive Sandeep Kalra, accusing the company of using workers’ bodies to sell clothes.

“It is totally unacceptable that the bodies of young women employed by your company are used as advertising billboards,” Ms Delahunty said in the letter, seen by The Age.

She said Westco had breached state and federal laws, particularly the Occupational Health and Safety Act, the Sex Discrimination Act and the Equal Opportunity Act.

She called on Westco to apologise to staff for potentially exposing them to harassment and urged it to review its policy on employee safety.

Westco yesterday backed down from demands that all staff wear the T-shirts “with great pride” or go home.

Female staff were told to wear white cotton-lycra tops with the controversial message, while male employees were told to wear a black muscle tank top with the same logo on the front in red print.

Federal Sex Discrimination Commissioner Pru Goward welcomed Westco’s decision to withdraw the T-shirts.

“If you put slogans like that on a T-shirt, you can’t expect your staff not to be harassed,” she said.

Sarah Freeman, assistant manager of Westco’s Bourke Street store, was sent home from her six-hour shift last Saturday for refusing to wear the T-shirt after being harassed by a customer. Last Wednesday, a week after the T-shirts arrived with instructions from operations manager Andrew Hart that “NO T-Shirt equals NO work”, Ms Freeman said she greeted a male customer in the city store.

“We have to approach the customers, so I said ‘Hello’ and he said ‘Hello’ to my face and then he had a good look at my chest and said ‘Well hell-o’ and I ran away to the other side of the store and later took the top off.”

Ms Freeman, 20, who has worked at the jeans store since July 2001, said a company email to staff instructing them to wear the T-shirts made staff reluctant to voice their reservations.

“The slogan itself is quite provocative... but I think it (the T-shirt) is a bit of a come-on,” said Ms Freeman, who wears size 10-12. She said even the large T-shirt was tight on her and made her feel uncomfortable.

“For me personally, it’s just so provocative. I mean, it’s tight, there’s no bigger size, the label is across my chest. I feel like I am open to harassment,” she said. “You can put it on a billboard, but I don’t think you can put it on your employees.”

She raised her concerns with management and Westco's help desk but they were dismissed.

Announcing the recall yesterday, Westco operations manager Andrew Hart said the T-shirts were "a quirky statement reflecting the fact that Westco Jeans products are pleasing, in demand and difficult to resist".

Despite the backlash, Westco maintained that feedback had been overwhelmingly positive, and that there had been significant demand for the shirt from the public. Mr Hart said only a small number of staff had said they were not comfortable wearing the T-shirt. Westco's decision to recall the T-shirts came as independent employment dispute body Jobwatch said it would report the matter to WorkCover and was considering further legal options under sex discrimination and equal opportunity legislation.

Jobwatch executive director Zana Bytheway said it was appalling to make staff into a provocative advertisement for the company.

Ms Bytheway said the shirt was morally and legally objectionable. "An employee is required to provide a workplace free of risk to health and safety and forcing staff to wear tight clothing and sexually provocative clothing is exposing the employee to sexual harassment," she said.

The assistant secretary of the Liquor, Hospitality and Miscellaneous Workers Union, Jane Farrell, said similar complaints from bar and nightclub staff were common. "Sometimes in clubs and bars they will be asked to wear something tight or small or midriff showing... and quite often members are uncomfortable with that," she said.

"The skills in the industry aren't related to personal attributes."

(Bridie Smith, 'Westco backdown follows shirt fury', The Age March 30th 2004 accessed online at <http://www.theage.com.au/articles/2004/03/29/1080544422200.html>)

HANDOUT

SNAPSHOTS OF AGE, DISABILITY AND NOSE STUDS!

CASE STUDIES (II)

The snapshots below are all examples of cases that have been treated as examples of discrimination or harassment. At the end of each snapshot is the name and details of the case, if you would like to do further research.

Age discrimination – Virgin Blue face \$80,000 damages for age discrimination

The Queensland Anti-Discrimination Tribunal determined substantial damages against Virgin Blue following a Tribunal decision that it had discriminated against eight women over the age of 36 who applied for flight attendants' jobs but were rejected because of their age.

The case involved a group of experienced flight attendants, aged between 36 and 56, who applied for positions with Virgin but were rejected after attending the group assessment stage of its recruitment process.

In determining the damages Tribunal member Douglas Savage SC said the rejected flight attendants had 'at least as much chance as any other person displaying the requisite behavioural competencies and other matters necessary to obtain employment'.

"It is manifestly unlikely that the complainants, all of whom were trained flight attendants, would fail basic training in the skill in which each had been performing for many, many years. Further, their life experience and maturity probably would have seen them do well in the situation of a personal interview. In my view, each would have been more likely to obtain employment than a 'newcomer'," he said.

While Virgin Blue had actively sought out former Ansett staff because of their qualifications and experience they *"did nothing to address the concern that its recruitment process for a very significant period did not employ any one over 36 years of age, although the selection process was professedly age neutral and there were substantial number of older applicants for employment after Ansett collapsed"* Tribunal Member Savage said.

Tribunal member Savage found that while the initial discrimination was unintentional, the system of assessment was deficient and 'too cursory to properly test behavioural competence, rather than irrelevant personal features such as age'. He found that Virgin Blue's recruitment processes for cabin crew was not merit based, and 'treated older people differently than younger people in similar circumstances'.

Tribunal member Savage criticised the airline's argument that any general damages should be nominal, and that the injury the attendants had suffered was 'not great'. He said this trivialised Virgin's 'significant contravention' of the State Anti-Discrimination Act. He said the airline's action in 'very publicly' arguing there was no basis for the complaints had 'exacerbated the affront' to the applicants and justified a greater amount of damages.

Tribunal member Savage awarded between \$7,000 to \$12,000 in total damages to each of the former flight attendants, plus interest. The women also won costs.

Hopper and others v Virgin Blue Airlines Pty Ltd [2006] QADT 9 (29 March 2006)

Age discrimination – café seeking “young team” discriminated against older applicant

The Queensland Anti-Discrimination Tribunal found that a café discriminated against a chef when he replied to an advertisement for someone to join a “young team”.

The 46-year-old man said that when he rang the café, a director of the company that owned the café asked him how old he was. When he said he was over 21, she told him to drop his resume in to the cafe.

He said that when he went to the café he had a further conversation with the director in which he told her he was 46 and she said she only had a young team. She said she would set up a trial but he did not hear from her again.

At the hearing, the director said the advertisement used the words “young team” because some older workers did not like working with young people. She said she had terminated the original phone call because she did not like the man’s attitude, and she denied asking him to drop in his resume or speaking to him in person at all. However the Tribunal found that her evidence was “evasive and unhelpful”.

The Tribunal ordered \$2,500 in damages for hurt and humiliation, but denied the man compensation for lost wages.

Gardener v Norcott [2004] QADT 39

Disability discrimination – indirect disability discrimination in employment

A disabled customer service officer won a case of indirect disability discrimination after she was forced out of her position because she was not allowed to sit down while working.

The respondent had introduced a new retail concept to their Manly store, where the complainant had worked for 11 years. As part of the new working environment, workers were not permitted to be seated while serving customers or performing retail counter duties. Previously, stools had been provided for front line customer service officers to use when needed.

The complainant, who had osteoarthritis, heel spurs and varicose veins, was refused permission to sit, even intermittently, while serving at the retail counter. The respondent then redeployed her to the corporation’s head office in Strawberry Hills, and sought to appoint her to an administrative position, rather than a retail position, at another location in Sydney. After failing to provide her with a position close to the Sydney’s northern beaches where she lived, the respondent finally placed the complainant on extended sick leave.

The court held that the requirement to stand at the counter while working was unreasonable, and that the respondent suffered indirect disability discrimination in contravention of s 15 of the Disability Discrimination Act 1992 (Cth). The court found there was an unreasonable belief by a manager that the respondent was ‘not the kind of person appropriate to be any longer serving on a post shop counter of Australia Post’.

The court ordered the respondent to pay the complainant’s costs, estimated to be over \$100,000.00. The court also ordered that the matter be relisted to assess compensation, including damages and lost actual and potential earnings.

Daghlian v Australian Postal Authority, Federal Court of Australia, 23 July 2003

Dress codes – nose stud ban reasonable

A full bench of the Australian Industrial Relations Commission (AIRC) found that Woolworths was entitled to ban a long-standing employee from wearing a nose stud at work, despite failing to enforce its policy for a decade.

The decision overturned a ruling by Deputy President Ian Watson last year that Woolworth's subsidiary Safeway should allow the employee to wear her diamante nose stud at work, except when handling or preparing fresh food or taking part in substantial customer contact. He had taken into account the company's 'belated' application of the policy – Safeway had not objected to the nose stud when it hired the woman in 1990 and had failed to apply the 1996 policy for nine years. The company subsequently sought to enforce its uniform policy which banned body jewellery apart from two earrings.

The full bench stated that the company dress policy definitely prohibited the employee's nose stud. The question under consideration was whether it was reasonable for Woolworths to require the employee to remove the stud.

The bench overturned Deputy President Watson's decision, saying it wasn't unreasonable for an employer to belatedly apply its policy, and that failing to enforce a policy didn't render it unenforceable.

'Looked at from a general perspective, it cannot be that an employer who condones or permits a breach of the policy by a particular employee loses the right to apply the policy to that employee for all time as a consequence'.

'There may be situations in which it would be unreasonable or unconscionable for an employer to withdraw a representation that what would otherwise be a breach of policy was not, but it would need to be shown that the employee would suffer some financial or other detriment', the bench said.

The bench criticised Woolworths saying its conduct was 'clearly unsatisfactory' and that inconsistently enforcing policies can cause uncertainty, disharmony and ill-feeling among employees.

B. Miller v Woolworths Limited t/as Safeway. PR971351 (1 May 2006)

Case Studies were accessed from http://www.lawlink.nsw.gov.au/lawlink/adb/ll_adb.nsf/pages/adb_et_legal_cases

Activity Three: Discrimination – Finding Out

Resources

Note – This Activity is quite demanding on student's English literacy/reading skills. Completion of Activity One and Two is a pre-requisite for this task

Pens and lined paper

Handout – Discrimination is against the law

Handout – Bullying and Harassment are against the law

Evidence grid developed in Activity One

Worksheet – KWL Chart

Step One

Explain to students that recognising a breach of the anti-discrimination law is only the first part of responding to this problem. The other important step is giving young people a way of fixing these problems. In this activity we are exploring the question:

“What advice would you give to a young person who has been discriminated against like those in the case studies?”

Step Two

Explain to students that they are going to complete a KWL chart on the issue of discrimination. Ask students to individually fill column one of the chart by answering the question:

- What do you **K**now about help options for young people who have been discriminated against in the workplace?

Instruct students to share their answers with a partner. Select a series of students to report back their partner's answers to class.

If students are finding it hard to come up with answers, you could ask them to read over the accounts provided. How did these young people resolve this issue?

Step Three

Staying in pairs, have the students complete the second column of the chart:

- What do you **Want** to know about help options for young people who have been discriminated against in the workplace?

Get the pairs to join with another pair to make a group of four. Are there any questions the other group has that you would also want answered? Add them to your list. Sample three of four responses from each group. Ask the class to add any questions they want answered to their lists.

Step Four

Ask the groups to use the information provided in the handouts, 'Discrimination is against the law' and 'Bullying and Harassment are against the law', to answer the questions they have formulated in step three. Students record their answers in column three of the KWL chart:

- What have you **Learnt** about help options for young people who have been discriminated against in the workplace?

Step Five

For homework set students to finish this task. On the due date discuss the L column answers with the class. Ask students to cite the specific section from the resource page that supports their answer. Make sure there are no ambiguities about interpretations of the anti-discrimination laws.

You are not being asked to make legal rulings on the law, rather to act as a facilitator who keeps students using references to the text. Avoid speculating anecdotally about the law.

WORKSHEET

KWL CHART

What I Know ...about help options for young people who have been discriminated against in the work place	What I Want to Know ...about help options for young people who have been discriminated against in the work place	What I have Learnt ...about help options for young people who have been discriminated against in the work place

Activity Four: Harassment – Help Pathways

Resources

Note – This Activity is quite demanding on student’s English literacy/reading skills.

Handout – Discrimination is against the law

Handout – Bullying and Harassment are against the law

Step One

Explain to students that they are going to create a help pathways map for young workers who might have experienced harassment in the workplace.

First ask the class to read the ‘Bullying and Harassment are against the law’ and then write a draft definition of “Harassment” in their books.

Survey the class responses and then write a “class definition” of the term to ensure the class is clear about the meaning of this term.

Step Two

Ask students to join in pairs and explain that their task will be to investigate what a young person should do who faces harassment in the workplace. This research might simply take the form of reviewing and re-writing the summary information provided or might involve online research, interviews of people in the school or community responsible for supporting those who have faced this issue or even a survey of other resources devoted to the topic.

It is crucial whatever form this takes that each pair make individual written notes on their research.

Step Three

Ask students to present what they have learnt about help pathways for people who have experienced harassment in one of the following forms:

- An annotated list of online resources for those who have experienced harassment
- A flow chart diagram that maps the help pathways for those who have experienced harassment
- An awareness campaign that employs at least one example of new media (Website/SMS Messaging/Twitter etc) and one traditional media form (poster, print advertisement, radio spot etc.) to raise awareness of sources of help for those dealing with this issue
- A three panel (six sides) pamphlet outlining the key contact information for those looking for support/ an advocate after a case of workplace harassment
- Redesigning an existing resource (website/poster/textbook summary etc.) on harassment to make it more accessible to an audience of your peers

TEACHER ADVICE:

Given the sensitive subject it is advisable that teachers take some steps with students to maintain a layer of protection when exploring this topic:

- Ensure that students are aware of the opportunities that they have to debrief in private if they wish to discuss any confidential issues that might arise from exploring this issue
- Create a list of suggested readings and websites that allow students to conduct their research in a directed way

Where appropriate direct class discussion away from discussions of specific manifestations of harassment and back to exploring what actions can be taken by those who have faced harassment.

Discipline Based Rich Tasks

LOTE

Create a six-panelled pamphlet introducing Australian laws on discrimination and harassment to immigrant workers that speak the language you study. Use as much of the speakers' native language as possible to assist them in understanding the laws of their new work place.

Humanities – History

Create a presentation on the history of the campaign for anti-discrimination laws for your peers. Create at least two visuals as props for your presentation

English

Develop an engaging anti-discrimination information campaign using media that is used most often by your target audience

The Arts

Create a help seeking pathways poster for students who have been harassed or discriminated against. A key component of your graphic design will be formulating an eye catching and informative work that suits your audience and the space in which it will be displayed.

Resources and Websites

<http://www.humanrightscommission.vic.gov.au/>

In the resources tab has various fact sheets on discrimination at work.

<http://www.eoc.sa.gov.au/site/eo-resources/complaint-summaries>

South Australian Equal Opportunity Commission site with lots of actual case summaries from conciliation. Broken into categories which include employment. There are also categories for type of discrimination and harassment experienced.

<http://www.hreoc.gov.au/education/resources>

Australian Human Rights Commission website. This site has a specific section for human rights education resources for teachers. Excellent. There is a specific booklet on young people in the workplace.

<http://www.eowa.gov.au/>

Equal Opportunity for Women in the Workplace site.

<http://www.naa.gov.au/whatson/online/find-of-the-month/2005/march.aspx>

National Archives minute from 1963 discussing whether women should be allowed to become Trade Commissioners – excellent example of the thinking behind sexist attitudes towards women in the workplace.

<http://www.theage.com.au/articles/2004/03/29/1080544422200.html>

Age article about back down of WestCo after forcing staff to wear t-shirts with sexually suggestive slogan.

<http://www.worksite.actu.asn.au/>

ACTU Site – Interesting material about what you can and can't wear at work.

http://www.lawlink.nsw.gov.au/lawlink/adb/ll_adb.nsf/pages/adb_adlaw

NSW government law link site with extensive information about discrimination.

http://www.agd.nsw.gov.au/lawlink/adb/ll_adb.nsf/pages/adb_et_legal_cases

Case studies on various forms of discrimination in the workplace – both upheld as discrimination and dismissed. The site has short summaries and also links to the tribunal decisions. Good resource for students with an interest and the capacity for more extensive research.

http://www.hreoc.gov.au/sex_discrimination/publications.html

Various publications on sex discrimination.

http://www.eowa.gov.au/Information_Centres/Media_Centre/Media_Releases/2008_Equal_Pay_Day/Media_Release.pdf

Equal Pay for women – media release suggesting limited progress.

<http://www.youthcentral.vic.gov.au/Jobs+%26+Careers/Job+interviews/Inappropriate+interview+questions/>

This is particularly good website from Youth Central. A list of examples of inappropriate questions asked at interviews.

<http://www.lawstuff.org.au/lawtopics.asp?state=vic/>

Lawstuff is a really good site with snappy answers to legal questions kids might have about work and a whole lot else. There is interesting legal information on employment, discrimination, bullying, sexual harassment and trade unions.

<http://www.humanrightscommission.vic.gov.au/pdf/recruitment%20guidelines.pdf/>

Human Rights Commission guidelines for best practice in recruitment – an excellent brochure with lots of examples of ‘bad’ questions.

http://www.hreoc.gov.au/sex_discrimination/workplace/advertising.html/

Australian Human Rights Commission guidelines on discrimination and job ads.

http://www.industrialrelations.nsw.gov.au/About_NSWIR/issues_and_policy/archive/pay_equity_inquiry/A_history_of_pay_equity.html

An interesting history of pay equity back to the Harvester decision – it has a NSW focus..

http://www.industrialrelations.nsw.gov.au/young_workers.html

A good site with some very good material and an excellent ‘jargon buster’ glossary. Good material on bullying, harassment and discrimination in the workplace and what young people can do about it.

<http://www.fwo.gov.au>

Has some interesting Fact Sheets on employment information and the Fair Work Act – it includes information about discrimination. It is an easy site to navigate.

(Following is a very complex website address – however it leads to an interesting poster and information about experiences during WWII. The poster is very difficult to locate without the full address.)

http://images.google.com/imgres?imgurl=http://john.curtin.edu.au/legacyex/graphics/families-war/awm-art-v01970l.jpg&imgrefurl=http://john.curtin.edu.au/legacyex/families.html&usg=__PME5N8qMt1iTI71PqCNthPymJU=&h=500&w=336&sz=49&hl=en&start=131&um=1&tbnid=8Gyi8_Ag-AVbuM:&tbnh=130&tbnw=87&prev=/images%3Fq%3Dworking%2Bwomen%2Bfactory%2Bposters%2Baustrialia%26start%3D120%26ndsp%3D20%26um%3D1%26hl%3Den%26rls%3Dcom.microsoft:en-au:IE-SearchBox%26rlz%3D117ACAW%26sa%3DN

Poster from WW2 of woman going off to work while her kids are being minded by a neighbour. Introduces a historical element for a discussion on sex discrimination.

Attention! Employees
must Wash Hands and
Wear Safety gear.



Pots & Tupperware

No one should be made to
work in unsafe conditions.
If the dishes are stacked
higher than your head,
just walk away. Slowly.

THEME FOUR:

Everyone has a right to a safe and healthy workplace

Young people are more likely to be injured at work than any other age group.

Workplaces that encourage employees to get involved in workplace safety and to talk about safety on the job provide the best protection for everyone at work.

1. Teacher background notes

2. Interdisciplinary tasks

Activities One, Two, Three and Five can be undertaken as ‘stand alone’ activities. Activity Four relies on information compiled by the students in Activity Three.

This theme could be paired with Theme Three on ‘Discrimination and Harassment’.

If you are preparing students for Work Experience in Victoria then it is important to read the Note in the Teacher Background Notes commencing on the next page.

Activity One	OHS – school audit
Activity Two	OHS – information review
Activity Three	OHS – treasure hunt
Activity Four	OHS – promotion campaign
Activity Five	“Cheat Sheet” for OHS online modules

3. Discipline Based Rich Tasks

These tasks are designed for the discipline based domains of VELs. The tasks extend on the concepts outlined in the interdisciplinary activities.

LOTE	Bilingual advertising campaign
Mathematics	Statistical survey of workplace accidents
Science/PE/Technology	Audit form for the Key Learning Area
English	Interview on OHS in workplaces

4. Resources and websites

Teacher Background Notes

Young workers are more likely to be injured at work than any other age group in Victoria. Those in the 15 to 24 age group in all types of employment – casual, part-time, labour hire, work experience, structured workplace learning or apprenticeships – have the highest rate of injury in the state, and their injuries are more likely to result in hospitalisation. (WorkSafe 2007)

This rate of injury for young workers may reflect the fact that it is more difficult for them to speak up about any concerns they have (including the need for more training) as they may not be as confident as those with more experience in the workplace.

The term “injury” includes physical as well as mental injury. Being exposed to bullying, harassment and intimidation can constitute an unsafe working environment.

Workers have the right to a safe and healthy work environment. They also have an obligation to co-operate and assist with employers to provide a safe working environment. Workplaces that encourage employees to get involved in workplace safety and to talk about safety on the job provide the best protection for everyone at work.

The obligation on employers includes:

1. A requirement to eliminate the risk or do everything reasonably practicable to reduce those risks. There is an expectation that employers will be proactive in both identifying and seeking to eliminate risks from the workplace. That is, they will seek to reduce risks before accidents happen, not once they have happened.
2. A systematic risk management approach to health and safety including the following steps:
 - Identifying hazards
 - Assessing risks that may result because of the hazards
 - Deciding on control measures to prevent or minimise the level of risk
 - Implementing the control measures
 - Monitoring and reviewing the effectiveness of the measures taken.
 - The provision of training in safety as a way to reduce threats at work
3. The duty to notify WorkSafe (the Victorian Government’s Workplace Safety Authority) of any serious incidents that occur in the workplace.

The obligation on employees includes:

1. A duty to take reasonable care to act in a way that does not endanger their own or the health and safety of others in the workplace
2. Reporting accidents, injuries or incidents to someone in authority and if possible to write the details down in an accident book.

The most successful approaches to health and safety are those that encourage employers and employees to work together to find ways to address the dangers and risks in the workplace. To this end the law encourages employees to be involved in regular discussions with their employer about health and safety. This includes setting up work groups that meet to discuss issues in their work area. Employees are also able to be represented (for example by their union) in dealing with their employer about matters associated with health and safety in the workplace.

The law also provides for inspections of workplaces by both WorkSafe inspectors and representatives of employee organisations (unions) to ensure that the workplace is safe and healthy and that regulations are being complied with.

IN SUMMARY

- Young workers are more likely to be injured at work than any other age group in Victoria
- The term “injury” includes physical as well as mental injury
- The Occupational Health and Safety Act imposes a duty on employers to provide a workplace that is free from risks to the health and safety of those working there.
- Employers must do everything practicable to ensure all risks have been removed.
- Employees have a duty to comply with reasonable instructions and work practices to ensure both their own health and safety and the health and safety of those who work with them.
- The most successful approaches to health and safety are those that encourage employers and employees to work together to find ways to address the dangers and risks in the workplace.
- The Act also provides for inspections of workplaces by both WorkSafe inspectors and representatives of employee organisations (unions) to ensure that the workplace is safe and healthy.

Note: At the time of going to print new national OHS laws were being considered by the Federal and State governments. The principles of the new proposed laws are the same as those discussed in this resource.

Note before OHS activities

“Before a Victorian student undertakes a work experience program, it is vital that the student is made aware of the occupational health and safety (OH&S) rules and regulations that relate to their workplace. Students are required to successfully complete the requisite OH&S program safe@work or A Job Well Done for students with disabilities or impairments.” (From DEECD Work Experience Manual)

safe@work is designed to help students improve their knowledge and understanding of OH&S matters before they enter a workplace. It consists of two modules: a ‘General’ module and a module specific to the industry in which the student will be placed. The modules are available at: <http://www.education.vic.gov.au/safe@work/index.asp>. On successful completion of the modules students receive an Award of Attainment that must be validated with the school stamp and the signature of the Principal.

The OHS activities in this Work Right curriculum resource are designed to assist students to understand why OHS is important and to guide them in working in a manner that is safe in whatever workplace they enter AND to be able to successfully complete the safe@work tests.

Activity One: OHS School Audit

Resources

Worksheet – OHS audit for schools

Step One

Explain to students that they are going to explore the concept of Health and Safety in the workplace. As an introduction the class is going to complete the first part of a quick audit of the Health and Safety regulations in the school.

Conduct a class discussion to identify how the school protects staff and students from potential hazards. Use the questions below to frame your discussion:

- Does the school have dress code rules to ensure student safety?
- What school rules are designed to ensure a safe learning environment?
- What specialised procedures does the school have for particular classroom environments such as PE, Science and Technology?
- How does the school protect students from accidents in the yard?
- What procedures does the school use to protect students who have medical conditions such as asthma and food allergies?
- How does the school ensure the buildings and other fixtures of the school are safe?

Step Two

Ask students to complete at least ONE of the following tasks:

1. Investigate the rationale behind these school rules by creating a table listing each health and safety rule they have identified and the potential hazard they are designed to address. Students could draw this simple table in their workbooks

RULE/PROCEDURE:	HAZARD THEY ADDRESS:

AND/OR

2. Using the Worksheet – OHS audit for schools, ask students to complete a health and safety audit of the school. The audit sheet is quite comprehensive and it may be that you ask groups to complete different sections of the audit and collate the results as a whole class using the opportunity to discuss the findings.

As an additional or extension task you might ask students to create an audit sheet for their part time workplace or somewhere they visited on work experience. The Victorian Trades Hall Occupational Health and Safety Unit has several audit sheets on its website (listed below) including a specific audit for school laboratories, for hospitals, community service workplaces and ergonomic workstations.

Students might consider developing an audit sheet for retail and fast food environments and discussing with the OHS unit the potential for publishing the audit sheet on the website.

WORKSHEET

OHS AUDIT FOR SCHOOLS

Key:

1 2 3 4 5
 Poor Satisfactory Good

	BUILDINGS AND STRUCTURES	1	2	3	4	5
1.	Presence and condition of asbestos					
2.	Presence of lead based paints					
3.	Condition of roofs, ceilings, walls, floors, doors, etc.					
4.	Condition of windows and locks					
5.	Condition of playground equipment					
6.	Condition of fencing, water tanks, football posts, basket ball structures					
7.	Overhead powerlines, e.g. near trees etc.					
8.	Water tanks in good condition, e.g. no leaks, blocks					

	CLASSROOMS	1	2	3	4	5
9.	Enough space for staff to carry out their duties					
10.	Adequate storage, e.g. cupboards, shelving, in room for class requirements					
11.	Floors, walkways, entrances and exits free from obstruction					
12.	Electrical leads or cables off the floor and away from walkways					
13.	Computer cables/leads secured and not on floors, work area					
14.	Carpets, tiles in good repair. No broken tiles or holes					
15.	Folders, brief cases, bags off the floor and out of passageways					
16.	Lighting levels adequate					
17.	Exits and entries free from hazards					
18.	Fire extinguishers readily accessible, their location known, and checked regularly					
19.	Classroom tables and chairs at appropriate heights					
20.	Condition of roofs, ceilings, walls floors, doors, etc.					
21.	Condition of windows and locks					
22.	Ergonomic principles followed, e.g. seating, bench height, chairs, screen glare etc.					

	COMPUTER WORKSTATIONS	1	2	3	4	5
23.	Screen based equipment guidelines followed by staff and students (See ACTU Guidelines)					
24.	Ergonomic principles, e.g. seating, bench height, chairs, screen glare etc.					
25.	Copying machines, e.g. ventilation, gases, chemicals, as per the WorkSafe Guidelines					

	ELECTRICAL EQUIPMENT	1	2	3	4	5
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26.	Serviceability of light fittings					
27.	Serviceability of power outlets and leads					
28.	Adequacy of power outlets (quantity and rating)					
29.	Accessibility of circuit breakers or fuses and main switch					
30.	Labelling of fuses, circuit breakers and main switches					
31.	Periodic maintenance					
32.	Electric shock resuscitation drill, notices and instructions					
33.	Electric leads or cables off the floor and away from walkways					

	FIRST AID AND HYGIENE	1	2	3	4	5
34.	Organised as per the First Aid Code of Practice					
35.	First aid kits fully equipped and available, and their location known to all staff					
36.	First aid training to appropriate workplace level					
37.	Stretchers in position					
38.	Health and Hygiene taught in the school curriculum					
39.	Adequate supply of soap, towels, etc.					
40.	Clothing storage, cabinets and contents clean, orderly and readily available					

	FOOD PREPARATION AND HANDLING	1	2	3	4	5
41.	Canteen workers aware of guidelines laid down in H&CS, Personal Hygiene for People Working With Food, Hygienic, Food Preparation and Handling, Safe Food Storage and Displaying, Food Poisoning – and How to Prevent It and Food Premises Code					
42.	Hands washed thoroughly					
43.	All cuts or wounds covered with a waterproof bandage (cover hand also with glove)					
44.	Food handling staff, if suffering from diseases which are likely to be transmitted through food must not work					
45.	Long hair tied back or covered					
46.	Protective clothing worn over normal clothes					
47.	Equipment used washed thoroughly					
48.	All fruit and vegetables washed in clean water and in own sink					
49.	For cooked or ready-to-eat food, utensils such as tongs, spoons, spatulas or disposable gloves used					
50.	Raw foods stored below cooked foods in refrigerator					
51.	Cooked and ready-to-eat foods separate from raw foods					
52.	Fixed temperature measurement devices on refrigerators and freezers					
53.	Food storage containers clean and in good repair					

	MACHINERY	1	2	3	4	5
54.	No unguarded nip points					
55.	Guards securely fitted					

	Emergency Stop Button	1	2	3	4	5
56.	Tested					
57.	Identified					
58.	Red mushroom type					
59.	Easily accessible to operate					

	Stepladders	1	2	3	4	5
60.	Tread condition					
61.	Rubber feet					
62.	Side rails					
63.	Brace					
64.	Registered					

	TOOLS – Correct Use	1	2	3	4	5
65.	Used for purpose for which they are designed					
66.	Not extended or used beyond design capability					
67.	Sharp tools used away from the body					
68.	Job always held securely					
69.	Used according to acceptable practice					
70.	Stored in suitable area					
71.	Locked away when not in use					

	TOOLS – Condition – Hand Tools	1	2	3	4	5
72.	Handles free from cracks, breakage, etc.					
73.	Handles secure					
74.	Impact point in good condition free from chips, burrs, etc.					
75.	Blades sharp/square					
76.	Regularly cleaned/maintained					
77.	Insulation in good condition					

	TOOLS – Condition – Power Tools	1	2	3	4	5
78.	Electrical cords and plugs					
79.	Handle condition					
80.	Handle attachment					
81.	On/off switch operation					
82.	Safety switch operation					
83.	Hose(s)					

84.	Tested regularly and tagged					
85.	Guards provided					
86.	Guard operation					
87.	Fittings					
88.	Suitably stored & locked away when not in use					

	PERSONAL OH&S	1	2	3	4	5
89.	Documented staff support program in place at the school					
90.	Regular program for assessing school & individuals					
91.	Absentee record monitored to detect patterns					
92.	Regular contact maintained with sick or injured staff					
93.	School maintains a network of DEECD, CEO and or community resources to meet staff counselling needs					
94.	Determine 'hidden hazards' and other concerns determined, eg. noise, stress, personal problems, etc.					
95.	Provided with information, clear instructions and training to perform their work in a safe, risk free manner, eg. staff receive copy of school's OH&S policy and other documents					
96.	Staff involved in decision making process concerning OH&S matters					
97.	Adequate number of elected and trained OHS reps with time and facilities to ensure staff can raise OHS concerns					

	SAFE SYSTEM OF WORK	1	2	3	4	5
98.	Staff awareness of OH&S Act, codes of practice, manuals, safety books, etc.					
99.	Clear emergency procedures, e.g. fire, bomb, policy, ambulance					
100.	Statutory requirements/codes of practice fully complied with, e.g. LPG, flammables, chemicals, etc.					
101.	Adequate hazard warning signs displayed					
102.	Chemical and flammables safety register and data sheets available					
103.	Procedures dealing with OH&S issues in the workplace enforced, e.g. risk management (identify, assess and control hazards)					
104.	Rehabilitation program at the workplace in accordance with WorkCover, e.g. WorkCover Coordinator, Return To Work Plan and Policy					
105.	Evacuation procedures rehearsed					
106.	The School Council shares responsibility with the Principal for the overall safety and maintenance of the school's facilities					
107.	The OH&S Representative is being consulted in any preliminary discussions, and any problem solving decisions, as to team approach for successful risk management					
108.	All at the school knows who is responsible for taking control in an emergency situation					
109.	Yard duty – adequate staff members are on duty and procedures are in place to deal with any issues arising					

	SAFETY PUBLICATIONS AND NOTICES	1	2	3	4	5
110.	Accessible library of Regulations and Codes of Practice, safety books, manuals, etc					
111.	Material Safety Data Sheets (as per the Code of Practice) for all substances					
112.	Corrective action completed previous survey					
113.	Warning signs and Safety posters					

	SCHOOL GROUNDS (in and close to school)	1	2	3	4	5
114.	Trees maintained, e.g. precarious falling trees, branches, etc.					
115.	Well drained play ground area					
116.	Dam safety, e.g. sign on gates, fence, safety talks to children, etc.					
117.	Sports and physical education areas designed to accommodate activities safely					
118.	Bicycles stored safely					
119.	Fence in good condition, e.g. no broken wire, hole, falling down, etc.					
120.	Paths smooth					
121.	No other tripping or slipping hazards in the grounds, e.g. broken surfaces leaves, etc.					
122.	Outside steps and ramps in good repair, e.g. non slip					
123.	Edges and steps clearly marked and well lit at night					
124.	Handrails in good repair and free from splinters, breaks in the wood					
125.	No blind corners or posts, which can cause accidents					
126.	Playground equipment areas kept covered with appropriate layers of tanbark and area raked regularly					
127.	Procedures in place to deal with any "sharps" that may be found on the school grounds					
128.	People aware of when doors are going to be opened					
129.	Children aware of construction work by outside contractors, e.g. heavy equipment, electrical power leads, etc.					
130.	Outside contractors aware of the dangers working in and around children					
131.	Children following 'Playground Discipline Plan'					
132.	Grass cut, e.g. fire, snakes, etc.					
133.	Vehicle speed limitation in and around school					
134.	Vehicle use defined parking areas					

	STAFF ROOM (eating area)	1	2	3	4	5
135.	Crockery chip and crack free					
136.	Facilities hygienically clean and tidy					
137.	Electrical equipment safely maintained, e.g. no leaks in hot water service					
138.	Food scraps, soft drink containers, etc. adequately disposed of					
139.	Roster system updated					
140.	Sink and bench clean and tidy, e.g. dishes and cups clean and in cupboard					
141.	Microwave, electrical oven and refrigerator maintained and clean					

	STORAGE	1	2	3	4	5
142.	Area accessibility					
143.	Defined areas					
144.	Condition of lifting aids, e.g. trolley					
145.	Isolation and labelling of harmful substances					
146.	School applies 'just-in-time' principles to purchase of materials					
147.	Stored materials regularly assessed and unused material disposed of					
148.	Capacity adequate in each area					
149.	Storage laid out so that heavier materials are stored at waist height					
150.	Staff not required to reach above shoulder heights for extended periods					
151.	Manual handling tasks have been identified and assessed					
152.	Adequate ventilation					
153.	Safe storage and disposal of cleaning, inflammable fluids					
154.	Shelves free of dust and litter					

	STUDENTS OH&S	1	2	3	4	5
155.	Students involved in identification of hazards to reduce the risk of school related injuries, infections, etc.					
156.	Guidelines set for students on the following issues: (a) Strangers in and around the school (b) Bicycle riding and maintenance, road rules (c) Playground safety, e.g. shoe laces, warm clothing (d) Students know what to do if they find "sharps" in the school yard, etc (e) Classroom safety (f) Trips/excursions/camps safety, e.g. bus travel, supervision (g) Travel to and from school, e.g. getting on and off a bus, misbehaviour (h) Students' locker inspection, clean/tidy (i) Parents dropping off and picking up from school (j) Promotion of health and safety, e.g. safety competitions (colour drawings)					

	TOILETS AND DRINKING TAPS	1	2	3	4	5
157.	Clean and in good working order, e.g. no leaks, no litter					
158.	Adequate numbers to meet school requirements					
159.	Broken or damaged amenities replaced					
160.	Regular inspections carried out					

Acknowledgement

This OHS audit sheet has been taken from <http://www.ohsrep.org.au/tool-kit/checklists/checklist-for-school-working-environments/index.cfm>. The sheet was developed by Victorian Trades Hall Occupational Health and Safety Unit. It has been used with permission.

Activity Two: OHS Information Review

Resources

Handout – OHS Principles

Worksheet – OHS Thirty Word Summary

Worksheet – OHS Quiz

Worksheet – OHS Quiz Answers

Step One

Explain to the class that every employer is required by law to provide every worker with a workplace that is safe and healthy.

Read the student handout on these OHS principles with the whole class. Ask students in pairs to review this material and summarise it in their workbooks.

One highly engaging version of this synthesis activity is to get students to summarise this material in exactly 30 words.

Step Two

Ask students to complete the OHS quiz. Students will need to undertake more research to complete the quiz. There are websites listed in the back of this section.

Step Three

Ask students to swap their quiz with another group and correct it when it is completed. As a reflection exercise, discuss the quiz/summary task with the whole class:

- What did you learn about OHS that you didn't know before?
- What were the hardest questions to answer? Why?
- What information OHS do you think is most important to pass on to others?

STUDENT QUICK QUIZ

An alternative activity is to get students to create their own OHS quick quiz, which tests whether others in class have fully understood the principles of OHS. The quiz will need to include:

- Three True or False Questions
- Five Multiple Choice Questions (with a minimum of three possible answers)
- Two Short Answer Questions.
- An answer page that includes a key for the comprehension questions and dot- point suggested responses for the short answer questions.

HANDOUT

OHS PRINCIPLES

OHS PRINCIPLES

If you are between 15 and 24 you are within the age group most likely to be injured at work. It doesn't matter if you work part time, full time or as a casual, in all cases you top the injury lists.

An employer is required by law to provide every employee with a workplace, that is, as far as is reasonably practicable, free from risks to the employee's health and safety.

The laws also require that employees take steps to protect their own health and safety by following safety instructions and by using safety equipment. But the most important of these steps is perhaps the most under-rated and that is to speak up if you feel you are being asked to do something you are not comfortable with.

Accidents at work can be very unforgiving. One tiny mistake can punish you for the rest of your life with scars, lost limbs or even the loss of your life. The best way to fix an accident is to make sure it never happens in the first place.

The Occupational Health and Safety Laws have been written to get people to talk with each other about the risks that exist at work. The laws seek to get people to find ways to remove risks before anyone gets hurt.

The best way to fix risks is to remove them entirely. This might mean purchasing new equipment or it might mean redesigning how the work is done. Fixing a machine so that it cannot be operated without the guard being in place is much better protection than simply telling the operator not to put their hand too close to a dangerous part of the machine while it is working.

Everyone has a right to say they do not feel comfortable at work. You cannot lose your job for saying you feel uncomfortable about what you are being asked to do. Your employer is required to make sure you are safe, and it is unlikely that you will *be* safe if you don't *feel* safe.

This is not only true of working with dangerous equipment, but also anything else that might make you feel unsafe.

While you are required to do what your employer tells you to do, that is only true if what you are being asked to do is lawful and you have the skills to do it. Your employer can't ask you to steal a car and they can't order you to land a plane if you are not a qualified pilot.

It is not just your physical safety that must be protected at work. Psychological injuries can be just as dangerous. While at work you should be safe from bullying, harassment and being degraded by others.

There are also laws to protect you from being sexually harassed. Inappropriate touching, sexual or suggestive comment, or repeatedly unwanted requests for dates are all forms of conduct that may amount to sexual harassment in the workplace.

The best workplaces are those that understand that everyone needs to feel safe and that the best way to make sure that everyone feels safe is for everyone to have a chance to be heard. These laws are set up so everyone is encouraged to suggest ways in which the workplace can be made safer.

WORKSHEET

THIRTY WORD SUMMARY

WORKSHEET

OHS QUIZ

1. Old people are the most dangerous people to have in the workplace because they have bad eyesight, bad hearing and are too slow to get out of the way of accidents.

True or False:

Evidence you can supply to support your answer:

2. Most accidents happen in the home, work is one of the safest places you can be.

True or False:

Evidence you can supply to support your answer:

3. People who get injured at work are physically weak.

True or False:

Evidence you can supply to support your answer:

4. It doesn't matter how much training workers get accidents will still happen.

True or False:

Evidence you can supply to support your answer:

5. If you kill someone at work due to gross negligence you will be charged with manslaughter.

True or False:

Evidence you can supply to support your answer:

6. In Australia more people die at work than in road accidents.

True or False:

Evidence you can supply to support your answer:

7. Most injuries at work are physical injuries.

True or False:

Evidence you can supply to support your answer:

OHS QUIZ - ANSWERS

1. Old people are the most dangerous people to have in the workplace because they have bad eye sight, bad hearing and are too slow to get out of the way of accidents.

False

Young people under 25 are more likely to be injured at work than any other age group. In fact, people under 25 are 21% more likely to be injured or hospitalised than any other age group.

2. Most accidents happen in the home, work is one of the safest places you can be.

False

People are most likely to be injured while engaged in a leisure activity. 27% of people injured in 2004-05 were injured while at leisure – however, 25% of people injured that year were injured at work. In 2006 there were an estimated 690,000 people injured at work in Australia. This made up 6.4% of the Australian workforce. In 2002 nearly a third of all injuries to people aged 15 or over occurred in the workplace.

3. People who get injured at work are physically weak.

False

In 2006 Transport Workers, Trades People and Labourers accounted for 45% of all injuries at work, over one in ten labourers employed in 2006 suffered a workplace injury. Men were nearly twice as likely to be injured at work than women. (ABS 4102.0).

4. It doesn't matter how much training workers get accidents will still happen.

False

In 2006 43% of all people injured at work had no training in Occupational Health and Safety in their workplace (ABS 6324.0).

5. If you kill someone at work due to gross negligence you can be charged with manslaughter.

True

This is true but there has only been one conviction in 16 years in Victoria for manslaughter due to a workplace death. The average fine imposed in 2008 for not providing a safe workplace leading to a fatality was \$54,000. http://www.worksafe.vic.gov.au/wps/wcm/connect/WorkSafe/SiteTools/News/Too+many+regional+deaths+in+2008#_edn2

6. In Australia more people die at work than in road accidents.

True

The International Labour Organisations (ILO) estimates that 6700 people die each year in Australia from work related causes – in 2006 there were 1600 motor vehicle deaths in Australia, that is, more than four times as many deaths at work than in motor vehicles.

WorkSafe statistics show that 21 people died at work in Victoria in 2007. However, this only includes compensatable deaths and does not include diseases caused by work, suicides due to work stress or even motor vehicle accidents in work vehicles.

7. Most injuries at work are physical injuries.

False

In 2006 stress resulted in the most time off work. More than 50% of people who took time off work for stress or other mental conditions with workplace causes required five or more days off work.

Activity Three: OHS – Treasure Hunt

Resources

Handout – OHS websites

Access to computers with internet facilities

Worksheet – Treasure Hunt

(Note on OHS websites. The student worksheet simply has a list of websites. However at the end of this section is the same list with a brief commentary on each website. Depending on your students you may want to provide more or less information to them about each site.)

Step One

This activity will be completed as a jigsaw activity. Form the class into four or five groups of five. These are the home groups. Each home group must write a review of at least four OHS websites.

Each person in the home group will need to select one of the five specialty areas of OHS in the workplace.

- Hazard Identification
- Assessment of Risks
- Implement Controls
- Monitor Effectiveness
- Provide Training

The ask students to move into new groups that will be expert groups e.g a group looking at Hazard Identification.

Arrange access to online resources on workplace safety for each of the expert groups. Each expert group must search the websites for information relevant to their area of specialty.

After each expert group has reviewed the material on the websites ask them to return to their home groups where they will lead the note taking on that particular resource for their specialty. At the end the websites will have been reviewed from five different perspectives.

Every person in the class should write a review of at least four sites individually.

Step Two

Explain to the class that their groups will now conduct a Health and Safety Treasure Hunt activity. Effectively, they will be performing a literature review seeking out as many examples of workplace Health and Safety promotion material as possible.

Each sample will receive a nominated number of points. Below is a list of the point for each treasure hunt item. Students will have to earn at least 100 points to complete this task. Students will present their information in as clear and engaging a manner as possible to determine the winner of the activity.

- URL of Government website devoted to health and safety (10 POINTS)
- Dress code regulations for at least two workplaces (10 POINTS each)
- Classroom safety rules for at least two different discipline areas in the school (10 POINTS)
- Classroom safety rules for another school other than your own (20 POINTS)
- Three Media reports about unsafe work practices (10 POINTS)
- Workplace safety manual (20 POINTS)
- Minutes from Health and Safety group within your school (20 POINTS)
- Opinion piece arguing workplace safety rules are expensive (20 POINTS)
- Wanted ad for a workplace safety officer (10 POINTS)
- URL for accident statistics in a particular industry (10 POINTS)
- Advertisement for workplace safety (10 POINTS)
- Health and Safety Promotion poster (10 POINTS)
- Workplace safety campaign materials aimed at young people (10 POINTS)

HANDOUT

OHS WEBSITES

HANDOUT - OHS WEBSITES

<http://www.worksafe.vic.gov.au/wps/wcm/connect/WorkSafe/Home/Safety+and+Prevention/Health+And+Safety+Topics/Young+Workers/>

<http://www.ohsrep.org.au/>

<http://www.commerce.wa.gov.au/worksafe>

<http://www.ohsrep.org.au/news-views/features/worksafe-ads-fail-young-workers/index.cfm>

http://www.actu.asn.au/public/campaigns/jameshardie/files/A5_flyer_2.pdf

Asbestos poster

<http://www.idsa.com.au/>

<http://www.vthc.org.au/your-rights-at-work/ohs/industrial-manslaughter/anthony-carrick/index.cfm>

Article by Anthony Carrack's mother about her son's death at work.

WORKSHEET

WORKSHEET - OHS TREASURE HUNT

- URL of Government website devoted to health and safety (10 POINTS)
- Dress code regulations for at least two work places (10 POINTS each)
- Class room safety rules for at least two different discipline areas in the school (10 POINTS)
- Class room safety rules for another school other than your own (20 POINTS)
- Three Media reports about unsafe work practices (10 POINTS)
- Work place safety manual (20 POINTS)
- Minutes from Health and Safety group within your school (20 POINTS)
- Opinion piece arguing work place safety rules are expensive (20 POINTS)
- Wanted ad for a work place safety officer (10 POINTS)
- URL for accident statistics in a particular industry (10 POINTS)
- Advertisement for workplace safety (10 POINTS)
- Health and Safety Promotion poster (10 POINTS)
- Workplace safety campaign materials aimed at young people (10 POINTS)

Activity Four: OHS Promotion Campaign

Resources:

Activity Three is a prerequisite for this activity

Step One

Ask the class to review the OHS material they collected during their treasure hunt. You may also give some further health and safety material aimed at adult employees. The students' task will be to present this to a new audience – a group of their peers about to go on work experience.

Step Two

Ask the students to select one piece of Health and Safety material and rewrite it for an audience of their peers. They may wish to change the form of the material as well the content. Students may be particularly drawn to using those mediums (SMS, Flash Animation, Youtube etc.) where students feel a high degree of ownership over the form.

Students present the final product to the class explaining the decisions that went into constructing a youth friendly health and safety campaign.

One effective introductory task is to get your class to consider what current information or advertising campaign grabs their attention. Ask the groups to list the kinds of strategies that are most effective in grabbing their attention. Each individual group member should note these down.

Activity Five: "Cheat Sheet" for OHS Online Modules

Resources

Material provided online for the OHS training modules – <http://www.education.vic.gov.au/safe@work/index.asp>.

Blank A4 paper

Step One

Ask students to collect the handout material on their specific module. Direct them to create a draft "cheat sheet" using a piece of blank A4 paper.

To begin have the students fold the paper twice, in half and half again.

Explain to them that they are going to create a study resource to help them pass the OHS module test. They need to summarise the key pieces of information on OHS using no more than both sides of their "cheat sheet".

Step Two

Once completed ask the students to place their "cheat sheets" on a central table(s) in the room where they will get a chance to contrast and compare each other's "cheat sheets". You may wish to issue them with stickers or markers, which they can affix to the "cheat sheet" that they found most helpful as a model.

You may wish to photocopy helpful examples and distribute these to the class.

Step Three

Distribute photocopies of those deemed to be the most helpful and have students revise and re-write their first attempt at the "cheat sheet".

Discipline Based Rich Tasks

LOTE

Create a bilingual advertising campaign promoting work place safety for an audience of Australians who might be more fluent in your LOTE. You may choose from a range of forms such as TV Advertisement or poster but at least one of the campaign's slogans ("How do you say safe in *Indonesian*" or "Safe in any language,") should feature in the text of your finished product.

Mathematics

Complete a statistical survey of the probability of workplace/school accidents for all people and young people. Use this information for an *online* awareness campaign to raise profile of safety for young people.

Science/PE/Technology

Design a work safe audit form *specific* to your Key Learning Area. There may be initial ideas in the Worksheet – OHS school audit

English

Interview a friend, teacher or parent/guardian about OHS in their workplace. What rules and procedures does your workplace maintain to keep their employees safe?

Present this interview in the form of an informative report or newspaper article.

Resources and Websites

<http://www.worksafe.vic.gov.au/wps/wcm/connect/WorkSafe/Home/Safety+and+Prevention/Health+And+Safety+Topics/Young+Workers/>

Worksafe site for Health and Safety information for young workers, excellent material.

<http://www.ohsrep.org.au/>

Victorian Trades Hall Council site with information on Occupational Health and Safety. Very comprehensive with lots of fact sheets and materials.

<http://www.ohsrep.org.au/news-views/features/worksafe-ads-fail-young-workers/index.cfm>

This might lead to an interesting discussion. This is an article by the Victorian Trades Hall Council saying that the TV ads depicting young workers getting injured at work are failing young people, as they put the blame on the young workers, rather than the systems at work to protect them.

<http://www.worksafe.wa.gov.au/smartmove/index.html>

Smart Move is a website including a teacher resource to be used with secondary school students in Western Australia who are about to begin work experience. It is very much text driven but covers many topics to do with health and safety and does break these down into the industries that commonly employ young workers.

http://www.actu.asn.au/public/campaigns/jameshardie/files/A5_flyer_2.pdf

Asbestos poster

<http://www.idsa.com.au/>

Industrial Deaths Support and Advocacy Group website


<http://www.vthc.org.au/your-rights-at-work/ohs/industrial-manslaughter/anthony-carrick/>

Article by Anthony Carrack's mother about her son's death at work.

5



Principal Nemo



“ ...Yep, I think moving the school under the sea went pretty well... ”

Everybody should get a say in the things that affect them.

THEME FIVE:

Everyone should get a say about the things that affect them

Workplaces that encourage their employees to be actively involved in the life of the organisation are safer, more productive and generally considered better places to work.

1. Teacher background notes

2. Interdisciplinary tasks

The following tasks are stand alone tasks, however, they are designed and best delivered sequentially to build on student knowledge and skills.

This theme could be paired with Theme Six on 'Having someone speak on your behalf' and Theme Nine on 'Bargaining for a fairer deal'.

Activity One	Having a say – line debate and stakeholder review
Activity Two	Having a say – stakeholder hot seat

3. Discipline Based Rich Tasks

These tasks are designed for the discipline based domains of VELs. The tasks extend on the concepts outlined in the interdisciplinary activities.

Science	Consulting the community about an experiment or Interviews on the impact of new technology
English	Media investigation
The Arts	Design a print media campaign on 'Hearing Every Voice' or the first chapter of graphic novel on 'Hearing Every Voice'
LOTE	Prepare a web page to show the availability of interpreter and translation services

4. Resources and websites

Teacher Background Notes

Workplaces that encourage their employees to be actively involved in the life of the organisation are safer, more productive and generally considered better places to work.

There is a broad spectrum of opinion about how much employees should have a say in the workplace. Some feel that making decisions in the workplace is a “managerial prerogative” and it is a manager’s role to make decisions and then tell employees about them.

At the other end of the spectrum there are those who believe that management contribute nothing to the workplace and that employees would be better off if they managed the work for themselves.

Between these two extremes are those who believe that whilst it is a manager’s role to manage, this function should be carried out responsibly and should seek to engage employees in the process.

Much recent research, including some completed by the Victorian Government, supports the view that involving employees in decision making at work has a positive effect on both productivity and the retention of staff.

Involving employees sends the signal that their view is respected and trusted. It encourages them to make suggestions about how work processes and practices can be improved. When the decision is likely to have an impact on them directly, involving employees helps them to understand why change is necessary and what role they can play in making change work. This type of involvement recognises that work plays a significant part in people’s lives and therefore what happens at work can have a significant impact on them (see Theme Two on Dignity and Work).

A high staff turnover is a major cost in running an organisation, not just because interviewing is a long and costly process, but also because employees who leave take with them a wealth of knowledge about the organisation. Many organisations talk about ‘knowledge management’ – often the most efficient and cost effective form of knowledge management is retaining long-term employees. Involving employees in the decisions that affect them is one way to help retain those employees.

Australia’s workplace laws are designed to encourage both employers and employees in workplaces to come together and discuss ways in which they can make workplaces more productive to both improve the pay and conditions of employees and make workplaces more profitable. Sometimes this involves negotiations about the terms and conditions that will apply in the workplace. These negotiations may conclude and be set out in an “enterprise agreement”.

An enterprise agreement is an agreement between a group of employees and an employer (although sometimes the agreement can also cover a group of related employers) that sets out the terms and conditions of work in that workplace. Enterprise agreements are required to contain an agreement that the employer will consult with their employees before introducing changes into the workplace.

Consultation means more than just notification. Companies use a wide variety of ways to involve staff in the life of the organisation. It is hardly surprising that the most effective of these are those where employees can see their contribution is actively considered and has made a real difference to the final decision. Where “consultation” in the workplace is seen as just “going through the motions” before management implements what it had already decided to do it may negatively impact on the implementation of change.

It is not enough for an employer to simply notify their employees that a change is about to happen in the workplace. Consultation involves more than a mere exchange of information. For consultation to be effective the participants must have an opportunity to contribute in a real and meaningful way to the decision-making process.

Employees are often represented in bargaining and consultation about change by their union. Australia's workplace laws allow the union to represent their members in bargaining. They also allow the employee to choose anyone else to represent them. Employers will often seek assistance from an employer organisation.

IN SUMMARY

- There is evidence that workplaces that involve their employees and their representatives in decision making processes are more productive and have higher employee retention.
- Australia's workplace laws are designed to encourage both employers and employees in workplaces to come together and discuss ways in which they can make workplaces more productive.
- An enterprise agreement is an agreement between a group of employees and an employer (although sometimes the agreement can also cover a group of related employers) that sets out the terms and conditions of work in that workplace.
- Consultation involves more than a mere exchange of information. For consultation to be effective the participants must have an opportunity to contribute in a real and meaningful way to the decision-making process.
- Employees are often represented in bargaining and consultation about change by their union.

Activity One: Having a Say – Line Debate and Stakeholder Review

Resources

Pens and lined paper.

Step One

Explain to students that they are going to explore the concept of stakeholders. To do so students are going to investigate the way opinions on contentious issues can differ widely according to the varying perspectives of participants.

Using a line debate the students are going to explore an often-controversial issue in schools: the issue of uniform policy. Use one of the prompts below as the topic for their debate:

THAT OUR SCHOOL'S UNIFORM POLICY SHOULD CHANGE

For a non-uniform school, this would mean the introduction of a uniform and for a uniform school, this would mean abandoning the current uniform for casual dress.

HOMEWORK SHOULD NEVER BE COMPULSORY

SENIOR STUDENTS SHOULD BE ALLOWED TO LEAVE THE SCHOOL AT LUNCHTIME

Step Two

Having explored the arguments, now ask students, with a partner, to consider the different perspectives touched on during the debate. Using the following questions as prompts:

- Who are the different groups/people affected by a change to school policy?
- Are there arguments that seem to be particular to one or another group? Were there any arguments that you heard that could have only come from one group?

Share a sample selection of the pair's responses with the class. Ask a broad enough range of students that you get as wide a list of groups and individuals affected by a change to policy as possible.

Step Three

Note the names of the affected groups on the board. Explain to students that these different groups are called stakeholders. You might include a definition of stakeholder for students to include in their notes.

Ask students to change partners and get them to complete the following reflection task.

Imagine you are a principal who has decided to change your school's uniform policy (or other common school policies such as homework). You have decided to discuss this issue with each of the stakeholder groups involved.

- Who are the stakeholders involved?
- What might be the difficulties associated in consulting each of these groups?
- What might be the advantages with consulting each of these groups?
- What are the potential problems of not consulting with stakeholders?

Step Four

Have students share their responses as a class. As a final reflection task, for homework, ask them to consider one of the following reflection questions:

- Why is consultation so important for building a healthy workplace environment?

OR

- Are there areas in your own life where you feel that, as a stakeholder, you should be consulted more closely?

Instructions for conducting a Line Debate

- Divide the class into two teams. Have them stand on either side of the room in single lines facing each other.
- Assign the affirmative and negative sides to specific teams.
- Explain that they are going to have to come up with arguments to support their assigned side of the debate irrespective of their personal views on the topic.
- Outline the rules of the debate:
 - The group needs to agree on criteria for the quality of the arguments contributed by individual students. eg students have to provide a piece of evidence to support their argument or that they “disagree agreeably” when rebutting opposing arguments or introduce a fun condition such as students must refrain from using “Um.”
 - The person whose turn it is (teacher selected or volunteer) must come up with an original argument to support their point-of-view.
 - The umpire - the teacher or a nominated student – will decide if the argument fulfils the expectations agreed on by the class. If it does not then the debater joins the opposition team on the other side of the room. If it does they can select one of the opposition team to join their team.
 - If a class member changes sides three times they are deemed to be “locked” and cannot change sides again. This avoids good debaters being “ping-ponged” back and forth across the room incessantly.
- Conduct the debate for at least 15minutes to ensure a wide variety of viewpoints are explored. The game ends when one side of the argument has all the class members or both sides have exhausted potential arguments.
- Use a pair of student scribes to record the arguments of each team.

Activity Two: Having a Say - Stakeholder Hot Seat

Resources

This exercise will work most effectively if students understand the concept of stakeholders – an issue covered in Activity One

Worksheet – Stakeholder Hot Seat Notes

Pens and lined paper

Step One

Explain that as a way of deepening the inquiry into the importance of consultation in the workplace the class is going to conduct a Stakeholder Hot Seat exercise. Ask the class to consider one of the following issues:

- A fast food restaurant has decided that it will no longer change its employee rosters because of pre-existing sport or family commitments.

OR

- A local business has in the past let senior students have a hiatus from part time work during the exam period but because they have found it hard to find suitable employees during the November Year 12 Exams they have decided that every new employee must agree to working over this period.

Guidelines for Conducting a Hot Seat Activity can be found on the following pages.

Step Two

Have the students complete a quick Think, Pair & Share exercise. First ask them to brainstorm the following questions on their own:

- Who might be affected by this decision?
- Are there any issues that might arise because this decision?

And then discuss with a partner.

Make sure both partners record their responses. Sample some of the responses with the whole group to stimulate thinking for any students who are struggling. When the pairs have written up their answers, discuss them with the whole group.

Step Three

Nominate students to represent each of the stakeholder groups that have been identified. Explain to the class that they are going to complete a role play exercise where the nominated students will be quizzed in character about their perspective on the issue. The class will play the role of reporters at a press conference.

Assign each group time to prepare for this task. The nominated “hot seaters” will need to:

- think about how a person in their position might think and feel about this matter
- do some research on the issue
- write a short statement summarising their perspective
- anticipate some potential questions and possible answers they might receive during the hot seat discussion

The “reporter group” will need to:

- write a short statement summarising their initial personal view on the issue
- formulate three questions they could ask each of the stakeholders to explain their thinking and question their presumptions.

This works best if you select confident students who can work without sustained supervision to be in the “hot seats”, as there are research and performance aspects to this role. It also helps if there is adequate research time provided between these initial activities and the actual completion of this exercise.

Step Four

After checking that each student is properly prepared for the activity, conduct a hot seat discussion with the class.

Step Five

As a reflective exercise set the students a two part homework task.

Firstly, write a quick summary of their final view on the issue. Where possible, highlight how their view on this issue may have changed over the course of the activity.

Secondly, complete one of the following exercises:

- Write a formal consultant’s report advising the business how they should approach this issue in a way that addresses each of the stakeholders concerns.

OR

- Write a letter to business headquarters outlining how, from an employees perspective they will be affected by this decision.

Guidelines for conducting a Hot Seat Activity

- Place five or six chairs at the front of the room for the “hot seaters” facing the rest of the class
- Start by modelling the process by asking a question yourself of the most prepared “hot seater”
- Have the “reporter group” take dot point notes on the sheet provided.
- Have each hot seater read his or her prepared statement.
- Nominate, in random order, class members to put one of their questions to the hot seaters
- Ensure that all students take notes
- If a hot-seater struggles to adequately answer a question open it up to the floor: *“Who else might be able to tell me how a person in this position would answer this query?”*
- Another useful way of deepening the discussion is to ask the hot seater *why* they hold that view?
- At the end of the allotted time give the hot-seaters a chance to address each other in character. (Alternatively, you could ask them to spend a few minutes representing their own points of view and have the reporters re-ask some of their questions)

WORKSHEET

STAKEHOLDER HOT SEAT NOTES

Briefly describe the scenario:

In the boxes below write in the titles of any additional stakeholders for the scenario.

Summarise the issues for the stakeholder in this scenario

Stakeholder : Employee	Stakeholder : Employer
Stakeholder : Manager	Stakeholder : Customer
Stakeholder : Parent of employee	Stakeholder : Employee's sports coach (or teacher or similar)
Stakeholder :	Stakeholder :

Discipline Based Rich Tasks

Science

Write a report explaining how you can use community consultation to test whether an experiment you are conducting is safe and ethical.

OR

Conduct a series of interviews to explore how a particular new technology has impacted the everyday lives of people in a workplace.

English

Investigate a contemporary media issue and complete a stakeholder report outlining the perspectives of the various parties involved in the matter.

The Arts

Design a print advertising campaign promoting the importance of consultation in the workplace; the campaign's working title is "Hearing Every Voice."

OR

Design a chapter for a Graphic novel with the title "Hearing Every Voice". (Using some of the cartoons in this curriculum resource may be a helpful starting point.)

LOTE

Collate a list of translations services that are available to speakers of a particular LOTE community if they want support when having a say in their workplace. Present the information on a bilingual web page.

Resources and Websites

http://www.business.vic.gov.au/BUSVIC/STANDARD.HTML/PC_60875.html

The Business Victoria website has three informative fact sheets on workplace consultation that are written in reasonably simple language. While written for business owners the language in the fact sheets would be accessible for many Year 10 students.

<http://www.aeuvic.asn.au/> and <http://www.vieu.org.au/>

These are the websites for the two education unions who cover people working in schools. Both unions have information about 'Consultation'. In both cases information about workplace consultation is contained in enterprise agreements. This also provides an opportunity to examine this type of workplace agreement. The websites do need some navigation to get to the information and will be best accessed by an adult or teacher.

<http://www.fwo.gov.au>

Has some interesting Fact Sheets on employment information and the Fair Work Act. It includes Best Practice Guides including one on '*Consultation and Cooperation in the Workplace*'. These guides are written for an educated adult audience but will be accessible to students with good English literacy skills and who have also done some background work on the topic. It is an easy site to navigate.

6





“ You know what?
On second thought, I don’t
think we need to fix the
broken drinking fountain.”

You should always be able to
get someone else to represent
you. Because, hey, sometimes
it’s scary asking people for
things you need.

THEME SIX:

You should always be able to ask someone to speak on your behalf

The right of a worker to join with other workers and freely associate in a union is recognised internationally as a fundamental human right.

1. Teacher background notes

2. Interdisciplinary tasks

Activity One and Two can be undertaken as 'stand alone' tasks. Activity Three relies on information that students developed in Activity Two.

This theme could be paired with Theme Five, 'Everyone should have a say about the things that affect them' and Theme Nine on 'Bargaining for a fairer deal'.

Activity One	Student Advocates – Think Pair Share
Activity Two	Workplace Advocates – Information Summary
Activity Three	Unions – Frequently Asked Questions

3. Discipline Based Rich Tasks

These tasks are designed for the discipline based domains of VELs. The tasks extend on the concepts outlined in the interdisciplinary activities.

Humanities – History	Visual representations on union history
English	Persuasive writing task
Humanities – Economics	Role of unions in the economy
Humanities – Geography	Case study on unions and the natural environment
LOTE	Interview on the role of unions in another country

4. Resources and websites

Teacher Background Notes

The right of a worker to join with other workers and freely associate in a union is recognised internationally as a fundamental human right.

Employees may find it hard to speak with their employer on some issues. There are a number of reasons why this may be the case:

- It's hard to tell the employer that you don't like something that they are doing
- It's hard for many people to say that they think they deserve to be paid better or get better conditions
- It may be difficult to deal with someone who represents the employer such as a human resource manager or a lawyer, who is trained and has access to more information than an individual worker may have.

Both the employee and the employer have a right to be represented when seeking to address issues in the workplace. A representative should be a person who can provide independent advice and assistance, who has knowledge of the law and the circumstances that need to be dealt with and who can assist in promoting and communicating the interests of the person in an effective manner.

Individual employees often have difficulty in progressing matters that benefit them, which is the reason why our workplace laws allow employees to group together to form and join unions. Australian laws also allow a union to represent employees in bargaining, resolving conflict or disputes and in ensuring the workplace is safe and healthy.

Any employee has the right to belong to a union (including part-time and casual employees). This is called freedom of association. Unions provide information advice and support to their members. Unions are funded by the membership fees they receive. A union officer may be asked by members to assist them with progressing their interests in the workplace. Unions generally encourage employees in a workplace to elect a representative or representatives to speak on behalf of them. This person ensures that the employees views or concerns are raised with the employer. This representative also ensures that the views of member are communicated to the union office – where paid employees of the union work.

There are laws that mean you cannot be discriminated against if you choose to be a member of a union or be represented by a union. These laws also protect the rights of individuals to choose not to be a member of a union. If you are not a member of a union someone of your choosing may still represent you when bargaining in your workplace.

Unions have had a long history in Australia. For most of that time the majority of Australian workers have been members of unions. In recent times the level of union membership has decreased. There are a number of reasons for this. From the mid 1980s the Australian economy has witnessed dramatic change. There has been a severe decline in manufacturing industries in Australia (an industry that was traditionally highly unionised), and a similar increase in employment in the service industries eg cafes and restaurants (traditionally an industry that is not unionised). There has also been a drop in fulltime employment and a steady, and accelerating, growth in casual labour (historically casual workers have not been highly unionised).

At the national level union members are represented by the Australian Council of Trade Unions (ACTU). The ACTU has a significant role in negotiating with the Government and employer organisations about improvements to workplace laws, jobs and employment, taxation and social security. It is also active on issues that have a broader impact such as the environment.

The right to be a member of a union and to have that union represent you (freedom of association) is a right that is recognised as a core or fundamental labour standard by the International Labour Organisation (ILO), an agency of the United Nations.

There are unions that represent the interests of managers. Managers often are required to act like the owner of a business in that they 'manage' the employment of staff from recruitment and selection through performance appraisal to termination. However, managers are also employed by the owner of a business or by the head of the organisation for whom they work and at times they need someone to represent their interests to their employer.

Employers have a right to representation also. Often employers are members of their own unions called employer associations. They join these associations in order to gain access to information and advice in much the same way that a worker joins a union. Of course human resources personnel or lawyers that they employ or engage may also represent them.

IN SUMMARY

- Both the employee and the employer have a right to be represented when seeking to address issues in the workplace.
- Workers may find it hard to speak on their own behalf with their employer. This is why they may need a representative to help them.
- Any employee has the right to belong to a union – including those who are managers. This is called freedom of association.
- Unions provide information advice and support to their members.
- There are laws that mean you cannot be discriminated against if you choose to be a member of a union or be represented by a union.
- Laws also protect the rights of individuals to choose not to be a member of a union.
- At the national level union members are represented by the Australian Council of Trade Unions (ACTU).
- The right to be a member of a union and to have that union represent you (freedom of association) is a right that is recognised as a core or fundamental labour standard by the International Labour Organisation (ILO).
- Often employers are members of their own unions called employer associations.

Activity One: Student Advocates

Resources

This activity can be undertaken without handouts or additional resources.

Step One

Explain to the class that they are going to explore the concept of advocacy in the workplace; the idea that it can be helpful for someone to be able to speak on your behalf when you are an employee. As an introduction the class is going to consider two questions:

- Why might people in school need someone to speak on their behalf?
- Who are your advocates in school?

Step Two

Ask the class to consider the following scenario:

Li has had trouble all year meeting deadlines, despite having had a good reason for this, she hasn't explained these reasons to the teacher.

As a mini-brainstorm activity have students take two minutes to list all the reasons why Li might not have met these deadlines.

Discuss the answers with the class. As a facilitator try and place the most attention on the 'garden variety' reasons for avoiding talking to the teacher; ones that students could readily imagine their peers experiencing.

An engaging variation on this activity is to have students write their answers. The trick is to have students write without stopping. No pauses to think. No breaks from writing. If they cannot think of another reason they just keep writing the word "Um" on the paper until another reason comes to mind and they can write it on the paper.

Step Three

Have students share their answers with a partner and then compose an email to Li outlining the people she might get to speak on her behalf. Remind students of all the people within your own school that could be advocates for Li.

OR

Ask the class to create an 'Advocates Pamphlet' for new students; outlining the variety of help options available to people who might be unfamiliar with your school

Step Four

It is important to remember that sometimes the problems that someone like Li might face are not always problems that she might face alone. Are there situations for instance where a class might, as a group, be reluctant to raise an issue with their teacher? In groups of four (have the pairs partner up) ask students to list situations where students might feel reluctant to *individually* discuss a concern with their teacher but hope that it might be raised *collectively*. Discuss the answers with the whole group.

Step Five

Ask students to return to their pairs. Have the students consider the advocates list they created in the brainstorm and class discussion. Ask the following question:

- Which of these people might be best suited to act as an advocate for a *group* of students?

As a whole class ask students to list their answers and then justify why the advocates they have selected are best suited to supporting a group of students.

An engaging way to represent this discussion is to keep a 'most-to-least-suited' table on the whiteboard that changes with each suggestion. This allows you to visually prompt other students to offer their opinions about the ranking of the advocates: "*Would you leave the SRC as last in the ranking too, John?*"

Variation

Replace the 'Li' scenario with one generated by the students themselves that is relevant to the school context. E.g:

- Dealing with inspectors on public transport
- Managing school sport and study expectations

Activity Two: Workplace Advocates

Resources

Worksheet – Summary Sheet: Unions at Work

Handout – Role of Unions

Handout – Do Unions Work?

The glossary at the end of this curriculum resource will also be helpful in the completion of this activity.

Step One

Explain to students that in the workplace, as in school, the opportunity to have someone speak on your behalf, or on behalf of a group of employees, during disputes is an important convention. Australia law allows employees to be represented by someone of their choice in disputes.

Ask the class to explore with a partner the reasons that an employee might seek out an advocate to represent them in the workplace. Use the board prompts below to support the discussion:

- Why might a dispute happen in a workplace?
- When might disputes take place?
- Why might an employee seek out an advocate?

As this is a brainstorming task remind students to list as many reasons as possible.

Step Two

Form students into groups of three. As a class, read the Handouts – ‘Role of Unions’ and ‘Do Unions Work?’

Ask the groups to fill out the first two sections of the grid on the Handout - Summary Sheet: Unions at Work:

- List the key terms and main points of the summary sheet
- List any terms or concepts that might be unfamiliar or difficult to understand

You may want each group to focus on just one of the handouts

Step Three

Share answers in a whole class note-taking discussion:

- What new or unfamiliar information did we as a group discover about the role and achievements of unions.

Make sure students carefully take notes to better summarise the information gleaned and unfamiliar terms identified by the whole class.

Step Four

As a final reflective task get students to individually fill in the final section of their Worksheet – Summary Sheet: Unions at Work.

- Rewrite these points as questions (eg. “Collective Bargaining” becomes “What is collective bargaining?”)

HANDOUT

ROLE OF UNIONS

What is a Union?

Unions are organisations run by employees to help achieve a fair go at work. Unions are based on the simple idea that much more can be achieved by working together.

Who is in a Union?

1. Members – employees who join the organisation and pay a membership fee.
2. Union Representative (also called a delegate or a shop steward) – an employee from the workplace who is elected by the members in that workplace to be the “face of the union” in that workplace. They distribute information, talk with the employer, organise meetings and recruit people to join the union.
3. Union Official – a person elected by all of the members of the union to represent their interests at the state or national level and to manage the union office and its resources for the benefit of members.
4. Union Organisers and Industrial Officers – are people employed by the union officials to assist union members and union representatives. Many organisers were once union representatives. In some unions organisers are elected by the members.
5. Administration staff – people are employed for a variety of other jobs performed in the union office including producing publications, managing finances, taking phone calls etc

What does a union do?

Unions provide their members with information, advice and support to improve their working lives. Unions also help improve work for all employees. For example, if unions make the workplace safer for members – it becomes safer for everyone.

Unions are active on many issues. Unions say they:

- Help to negotiate awards, enterprise agreement and contracts
- Assist in getting a better deal for employees
- Ensure that members know their rights and obligations
- Represent members in any difficult matters with their employer – including unfair dismissals
- Provide industrial and legal advice and help
- Ensure members are being paid correctly
- Arrange OHS checks
- Argue for better lives for all e.g. Refugees, rights of disadvantaged people
- Pressure state and federal governments on behalf of members

Who joins unions?

Whether people hammer in nails, sell things, manage people or dance the ballet, there is a union for everyone (except the military). Australian workers generally belong to one of 20 industry unions. Today about 1.7 million Australians are union members. They belong to 46 major unions in Australia.

Unions are not just for employees who work full-time, casuals, part-timers, apprentices and trainees can all join their industry union.

Not every employee chooses to join a union.

Employers also join unions- known as Employer Associations. These organisations represent the interests of employers.

Information for this handout was taken from <http://labor.net.au/teach/> an online resource provided by the NSW Teacher's Federation, Unions NSW and the NSW & ACT Independent Education Union supported by the NSW Department of Education and Training and the ACTU website for young workers <http://www.worksite.actu.asn.au/>

HANDOUT

DO UNIONS WORK?

Unions list the following as their achievements.

1. Shorter working hours

Back in the mid 1800s, it was common to work a 12 or 16 hour day, six days a week. The stonemasons' union took a stand and won the now famous eight hour day; eight hours work, eight hours rest, and eight hours play. Later unions pressed for a shorter working week and won the 38 hour week – which is now the most common working hours for a full-time job.

2. Fair pay and better pay

In 1907, unions argued that wages needed to be enough to support a family, and won – this was called the Harvester judgement. Since then, unions have helped win increases to the minimum wage and award wages that give everybody a fair go. Overtime, penalty rates, meal allowances and holiday leave loading are all examples of improvements won by unions.

Figures from the Australian Bureau of Statistics show that union members earn on average 15% more than non-members.

3. Holidays with pay

Not so long ago (only about 50 years ago) full-time workers were only given two weeks paid annual leave. In the years since, unions have rallied and worked hard to ensure that all full-time workers receive four weeks paid annual leave. Unions also worked hard to achieve long service leave and paid public holidays. It is because of unions that employees also receive sick leave and many receive paid parental leave.

4. Equal pay for women

Up until 1969, it was the law that women working the same job as men earned 25 per cent less. On top of this, women in many jobs were expected to resign from their jobs once they got married. Since 1969, campaigns by unions have contributed to women being gradually granted equal privileges to men; the fight for women to be paid equal pay continues today.

5. Superannuation for all

Superannuation is money saved for you to spend after you retire from work. Unions argued that everyone should be able to have superannuation and that most of the money should be paid by the employer. Now it's the law that employers pay an extra nine per cent above wages into the super fund of your choice.

6. Safer work

Unions and union members are a big part of making work safer. Unions have won many changes that keep workers safe and healthy. Unions have spearheaded moves to fairly compensate people who are hurt at work or damaged by unhealthy things like asbestos.

7. Conditions of work

Unions and union members have bargained for improvements in workplace conditions. Some of the achievements include

- The right of workers to form a union that elects its own representatives
- The right for union organisers and officials to visit members in the workplace
- Protective clothing and equipment provided by the employer
- Compensation for injury
- The right to be given notice and to be consulted about changes at work (e.g. new technology, planned retrenchments, new working arrangements)

History of Unions

Unions have a long history in Australia. There is a lot of information available online. As a starting point try the following websites <http://www.actu.asn.au/About/Tradeunions/default.aspx> or <http://labor.net.au/teach/files/unionhistory.pdf>

Information for this handout was taken from <http://labor.net.au/teach/> an online resource provided by the NSW Teacher's Federation, Unions NSW and the NSW & ACT Independent Education Union supported by the NSW Department of Education and Training and the ACTU website <http://www.worksite.actu.asn.au/>

WORKSHEET

SUMMARY SHEET: UNIONS AT WORK

List the key terms and main points of the summary sheet:

List as questions any terms or concepts that might be unfamiliar or difficult to understand

Rewrite these points as questions:
eg. "Collective Bargaining" becomes "What is collective bargaining?"

Activity Three: Unions – Frequently Asked Questions

Resources

Activity Two is a prerequisite for completing this activity as the resources used in that activity are used again here.

The glossary at the end of this resource may also be useful in completing this activity.

Step One

Place students into groups of three. Ask students to share their responses to the handouts, 'Role of Unions' and 'Do Unions Work?'. Each student should add any new information to their Summary Sheet: Unions at Work.

Step Two

Explain to the class that they are now going to create a Frequently Asked Questions document for an audience of their peers.

They will summarise what they have learned about the role of unions as workplace advocates as well as highlighting terms and concepts that they found difficult to understand.

Students will draw on all of their notes from Activities One and Two. They may also want to include what other students have listed as key concepts, terms or other elements of workplace advocacy that they find difficult to understand.

Step Three

When they are finished consolidating the questions and answers into a master list, publish the document as a FAQ document to an audience of their peers either within the school or online.

Ideas for completing a Frequently Asked Questions Task

Get each group to list all of their questions and any they might have taken as notes from other groups.

Have them then divide up these questions to reduce the amount of research time involved in the task.

This also allows participants to select queries that match their level of ability and understanding.

Discipline Based Rich Tasks

Humanities – History

Construct a visual presentation on the History of Trade Unions in Australia using protest banners from the last hundred years. Your final submission will include not only these images from the history of industrial disputes but the notes you used to speak to each image.

English

Research and write a response to a recent media article(s) on an industrial dispute. Present your response in the form of a letter to the editor, outlining your personal view on the matter.

Humanities – Economics

Create a FAQ Booklet that explains the role that the Australian Council of Trade Unions (ACTU) to an audience of your peers. What role does it play in the economy? How effective is it in achieving appropriate economic outcomes for individuals and for society?

Humanities – Geography

Complete a case study which explores the role unions have played in maintaining sustainable use of the natural environment and minimising the potentially negative impacts of development.

LOTE

Write a questionnaire that you could use to explore the role of unions in another country. Using your questionnaire, interview, in person or via letter/email, a group of people who have worked overseas and then present your results in a written or oral report to your teacher.

Resources and Websites

<http://www.fwo.gov.au>

Has some interesting fact sheets on employment information and the Fair Work Act. The site also includes Best Practice Guides. These guides are written for an educated adult audience but will be accessible to students with good English literacy skills and who have also done some background work on the topic. It is an easy site to navigate.

<http://www.fairwork.gov.au>

The Fair Work Online site is a federal government site with information about the Fair Work Act and Australia's national workplace relations system. There is information about the role of unions for both employers and employees, e.g. what union officers can and can't do in a workplace, and what protection is provided to employees who are (or are not) union members. Once again it is an easy site to navigate, is visually accessible and makes a good attempt at using plain language. However, the concepts involved are complex and many students will require direct support to use the information that is available.

<http://www.actu.asn.au/>

This is the Australian Council of Trade Unions website. It has comprehensive information about the past and current activities of unions. It is not designed for student use but many sections are readily accessible for students with reasonable English literacy (eg. the section on union history). The ACTU has a secondary site for students that uses simpler language and a more youthful design – <http://www.worksite.actu.asn.au/>

<http://labor.net.au/teach/>

A site established specifically by unions with information for teachers – much of it is also accessible for students. It has many handouts designed for student use. It does have a NSW emphasis. It has a comprehensive list of resources that will be helpful for the discipline based tasks.

<http://www.veccli.org.au/Pages/Home.aspx>

The Victorian Employers' Chamber of Commerce and Industry (VECCI) is the peak body for employers in Victoria, informing and servicing more than 15,000 members, customers and clients around the State. The website has comprehensive resources on many employment issues. Membership of VECCI is required to access most materials. Some independent schools will be members otherwise teachers could contact VECCI for information.



“ I like you kid, you got moxy. But you just ain’t got the accent to woik in an operation like this.”

“What’s moxy?”

No one should ever be asked to leave without a fair reason.

THEME SEVEN:

No one should be asked to leave without a fair reason

Given that work plays such an important role in our lives, the decision to take that away (i.e. terminate employment) should not be taken lightly or arbitrarily. In order to be treated with dignity, employees should be afforded the right to be heard about any proposed termination. Termination should also be for a fair reason that can be justified on the basis of the employees performance or conduct or because of genuine organisational needs (e.g. redundancy)

1. Teacher background notes

2. Interdisciplinary tasks

Activity One may be undertaken as a 'stand alone' task. Activity Two relies on information developed in Activity One. Both activities rely on particular instructional strategies. It will be helpful to think through these strategies before working with the students.

This theme could be paired with Theme Ten, "Disputes should be resolved quickly and fairly".

Activity One	Unfair Dismissal – Hidden Thought Activity and Test
Activity Two	Unfair Dismissal – Tribunal Task

3. Discipline Based Rich Tasks

These tasks are designed for the discipline based domains of VELs. The tasks extend on the concepts outlined in the interdisciplinary activities.

The Arts	Dramatic monologue and performance
Maths	Formula for calculating a compensation claim
English	Writing a newspaper article

4. Resources and websites

Teacher Background Notes

Given that work plays such an important role in our lives, the decision to take that away (i.e. terminate employment) should not be taken lightly or arbitrarily. In order to be treated with dignity, employees should be afforded the right to be heard about any proposed termination. Termination should also be for a fair reason that can be justified on the basis of the employees performance or conduct or because of genuine organisation needs (e.g. redundancy).

Australia's workplace laws provide that employees should not be unfairly dismissed. It is useful to consider why this is the case.

As discussed in previous sections of this resource work adds to a person's sense of status and self worth. Loss of work and unfair treatment in relation to termination can undermine this. The loss of work also impacts on the person's economic well-being and anyone that depends on them eg children.

Replacing staff is a difficult and costly exercise for organisations. It makes sense to follow good processes before terminating anyone. This is also true because employees who are left in the organisation are unlikely to feel secure or loyal if they witness a colleague being terminated unfairly.

For these reasons it is best that organisations do everything in their power to ensure that the following occurs:

- employees are warned about behaviour that is inappropriate or that required standards are not being met and they should be given the chance to address these issues
- employees are given a clear indication of what is required of them and the consequences that follow if these requirements are not met
- employees are given the opportunity to respond to any concerns and to have a representative assist them in this process
- termination is either in response to the employee's behaviour/conduct or because changes in work have meant their position is no longer needed to be performed by anyone
- a clear and open process has been followed and that everyone has been made aware of the steps involved in that process all along.

Employees who believe that they have been treated unfairly may seek to have this matter reviewed under Australia's workplace laws. However these laws do not provide an avenue for address for every worker who is dismissed.

Employees are excluded from unfair dismissal laws if they are either casual or fixed term and have reached the end of their employment contract. These employees cannot claim unfair dismissal, as under the laws they have not been 'dismissed'. Their period of employment has ended.

Employees who work in organisations that employ more than 15 full time equivalent employees do not have access to unfair dismissal laws until they have worked with the business for more than six months.

Employees who work in small organisations (employing less than 15 full time equivalent employees) have no access to unfair dismissal until they have been employed for more than a year.

There are special unfair dismissal arrangements that apply to small organisations. These arrangements simplify the dismissal process. They recognise small organisations usually don't

have human resource departments to help them, can't afford lost time and might find it difficult to find other positions for employees.

To make a claim for unfair dismissal an employee lodges a form with the government's workplace tribunal called Fair Work Australia within a specified period after being dismissed.

To be able to claim unfair dismissal an employee needs to be able to show:

- that they have worked in the organisation for the minimum period (12 months for small business, 6 months otherwise)
- that they have been "dismissed" (that is, that their employer terminated their employment and that they did not resign or abandon their job)
- that the dismissal was harsh, unjust or unreasonable
- that the dismissal was not because they were made redundant

Whether dismissal was harsh, unreasonable or unjust involves considerations such as:

- Was the action to terminate in proportion to the alleged poor performance or unacceptable conduct?
- Was the employee warned and given a chance to address any concerns?
- Was the employee given the opportunity to have a representative present when discussions were taking place about their behaviour?

Some workers may be able to argue that even though they have resigned from their position in the workplace they should have access to unfair dismissal, as they have effectively been forced to resign by their employer or that the employer's behaviour made it impossible to remain employed there. They may believe they have been 'constructively dismissed'. It is very difficult to prove that this was the case.

If it is determined that dismissal was unfair the question then to be resolved is how is this to be remedied?

The primary remedy is reinstatement, however, if this is deemed to be impractical, then compensation may be awarded to the terminated employee.

This compensation is limited to a maximum of 26 weeks pay up to a maximum amount. This amount is indexed over time.

IN SUMMARY

- Workplace laws provide that employees should not be unfairly dismissed.
- Loss of work and unfair treatment in relation to termination can undermine a person's self esteem.
- Loss of work impacts on a person's economic well-being and those who depend on them.
- Replacing employees is a difficult and costly exercise for organisations.
- Employees who are aggrieved that they have been treated unfairly may seek to have this matter reviewed under Australia's workplace laws. These laws do not provide an avenue for address for every worker who is dismissed.
- To make a claim for unfair dismissal a worker needs to lodge an application with the government's workplace tribunal called Fair Work Australia
- Not all dismissals are unfair. Unfair dismissal only applies to dismissals that are harsh, unreasonable or unjust.
- The primary remedy is reinstatement.
- There are limits to how much compensation can be awarded for unfair dismissal.

Activity One: Unfair Dismissal Hidden Thoughts and Test

Resources

Handout – Unfair Dismissals Information

Handout – Hidden Thoughts (if you are not familiar with the Hidden Thoughts activity it will help to have looked at this instructional strategy in Theme One – Activity Two)

Worksheet – Tribunal Task Scenario (i) (teachers should note that this document contains language which in some schools may not be appropriate – please check before distributing to students)

If you have not used a “cheat sheet” activity before – it will help to read through Theme Four Activity Five

Step One

As a class group read an account of a person who was dismissed from their job. (If you have not been able to source an example from current media use the Worksheet – Tribunal Task Scenario (i))

Discuss with the class what people whose employment is terminated might feel. Use the ‘Hidden Thoughts’ exercise as a structured way of facilitating this discussion.

Or you may ask students to consider how other stakeholders feel in this situation. For example:

- How does the employer feel?
- How might the employee feel?
- How might the friends and family of the employee feel?

Step Two

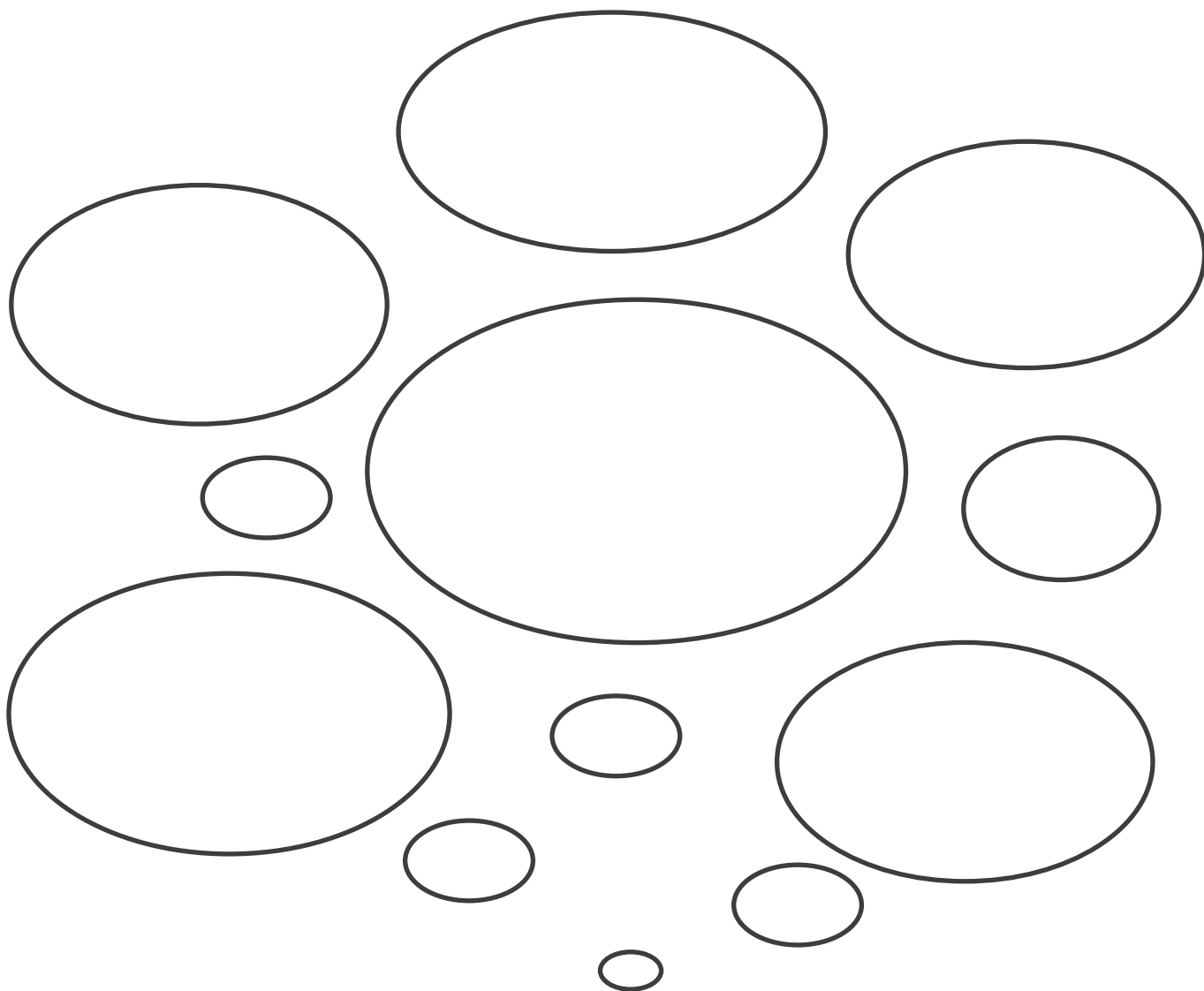
Ask the class to study the Handout – Unfair Dismissal Information. By way of a synthesis task, direct students to complete a “cheat sheet” of the material provided. It must take up no more than one twice-folded A4 page.

Step Three

Ask students to compose a short multiple choice test on the subject and then have the students swap tests. Get them to review their answers with a partner. As a class discussion check that everyone is clear about what is the correct answer. You may need to refer students back to the handout provided.

WORKSHEET

HIDDEN THOUGHTS



HANDOUT

HANDOUT - UNFAIR DISMISSAL INFORMATION

Australia's laws say that an employee should not be unfairly dismissed.

Obviously being dismissed is not good for the person but it can also be bad for an organisation. People who are left in the organisation will not feel secure or loyal if a colleague is treated unfairly.

Replacing staff is a difficult and costly exercise for organisations. It makes sense to follow good processes before dismissing a person.

1. Employers and Organisations

An employer might decide that a person is not "pulling their weight" and may decide to end the employment relationship.

Organisations should:

- warn employees if behaviour is wrong or standards are not being met and give employees a chance to fix things
- be clear about their expectations and what happens if requirements are not met
- give employees a chance to respond to any concerns and to have a representative assist them
- have a clear and open process that has been followed and make sure that everyone knows the steps in that process
- only dismiss (or terminate) an employee because of the employee's behaviour or conduct or because changes in work have meant their position is no longer needed to be performed by anyone

2. Employees

Employees who believe that they have been treated unfairly may seek to have this matter reviewed under Australia's workplace laws. However these laws do not protect every person who is dismissed.

A person may not be protected:

- If they are a casual, or they have a contract job and have reached the end of the time on the contract
- If they worked for less than six months in an organisation with more than 15 people
- If they have worked for less than 12 months and it is a small organisation with less than 15 people.
- If the person is guilty of fraud, theft or misconduct
- If the employer had a fair process including warning the employee and giving them a chance to improve

You will always need specialist advice if you are dismissed from your job. This is a complex area and this is just a brief summary.

3. Making a claim

To make a claim for unfair dismissal a worker lodges a form with Fair Work Australia soon after being dismissed. (call 1300 799 675 or www.fwa.gov.au)

To be able to claim unfair dismissal an employee needs to be able to show that they were not in one of the groups listed in number 2 above and that they did not resign or abandon their job. They must also show that the dismissal was harsh, unjust or unreasonable and that the dismissal was not because they were made redundant

The employer will be asked to show that they followed all of the things in number (1) above.

4. What happens if you make a claim

There will be a conciliation hearing to try and resolve the issue. If it is not resolved at conciliation it may go to arbitration.

If the dismissal is judged to be unfair – then how is it fixed? The main option is to get your job back. If this is not possible then you may be paid money for any lost wages.

5. A tricky case

Some employees may be able to argue that they resigned from their position in the workplace but it was unfair. They were forced to resign by their employer or the employer's behaviour made it impossible to remain there. They may have been 'constructively dismissed'. It is very difficult to prove that this was the case.

6. Simple examples to think about

If an employee is caught stealing from the company this may be seen as gross misconduct and the employee might be sacked on the spot.

If a person is constantly late for work it would seem very harsh if they were sacked without first being warned. A wise employer would try to find out if there was any reason why the employee was being late. It might be that the employee has responsibilities to care for children that makes it impossible for them to get to work on time. The employer should give the person a chance to fix the problem.

If the employer was to sack someone for being late when they had caring responsibilities the employer may breach anti-discrimination laws and this would mean that the termination would be unlawful.

Activity Two: Unfair Dismissal – Tribunal Task

Resources

This activity relies on students having completed activity One.

Worksheet – Tribunal Task Scenario (i) *(teachers should note this document contains language which in some schools may not be appropriate – please check before distributing to students)*

Worksheet – Tribunal Task Scenario (ii)

The reading and writing requirements for this activity may be too demanding for the English literacy levels of some students. Teachers may need to guide students through more of the activity than is set out in the steps below.

Alternatively teachers may like to devise a new activity using the cartoons spread throughout the resource.

The Fair Work Online website has the most up to date information on this topic and uses language that will be accessible to most students with reasonable English literacy expertise. Printing off relevant information or providing classroom access to the site will be helpful for this task. Go to <http://www.fairwork.gov.au/Pages/default.aspx>

Step One

Explain to the class that they will now use a scenario task to explore the application of the unfair dismissal laws.

- As a whole class read the scenario on the Worksheet – Tribunal Task Scenario (i) and discuss whether or not this employee has been unfairly dismissed.
- When students are making their judgements direct them back to the support material; modelling for them the importance of comparing the situation with the law rather than relying on a sense of natural justice or their emotional reaction.

Step Two

Conduct a “fish bowl” discussion on the detailed scenario on Worksheet – Tribunal Task Scenario (ii). Ensure that comments from the groups are based on the unfair dismissal law and not their own emotions.

For your information the outcome of the case is also included. Note that the case was determined under the previous Workplace Relations laws. If you have a particularly keen group of students you might invite them to research whether a different determination would have been reached under the new legislation.

Step Three

As a reflective task, ask the class to synthesise the ways employees are protected from unfair dismissal, using the example of a student about to start work experience or paid employment. Have the students summarise their findings about the unfair dismissal laws in the form of a letter to a student about to start work experience or employment. The letter should be engaging, easy to read and above all accurate.

Fish Bowl Discussion

- The class discuss an issue in four or five separate groups
- One representative of each group is assigned to a central group to report their group discussion
- They are under no obligation to present their group's final findings but their opinion will be shaped by their group's previous discussions
- The class gathers around this central group to observe them exploring this issue.
- As facilitator you may wish to call on students in the audience to add their own observations to the discussion or even ask questions of the panellists.
 - Who disagrees with that statement?
 - Can anyone think of a piece of evidence that supports that assessment?
- You may need to recast the central group if you move onto a second scenario.

WORKSHEET

TRIBUNAL TASK SCENARIO (I)

In early January Mr Lukazsewski notified his employer, Capone's Pizzeria, Kyneton that he was moving to Horsham and wished to cease his employment as soon as possible. Mr Jenkins requested that the applicant stay until 31 January 2009 as he was going on annual leave and wanted Mr Lukazsewski to manage the business in his absence. The applicant agreed to do this.

On 18 January Ms Adams, also an employee of Capones and Mr Lukazsewski's girl friend, failed to attend for work. Mr Jenkins telephoned her and told her that she was required as two other staff members were absent on sick leave. Later that evening Mr Jenkins noticed on Mr Lukazsewski's FaceBook site a statement that indicated that he, Mr Lukazsewski, was 'pissed off'. Mr Jenkins telephoned the applicant to ask if the comment was directed at him because he had required Ms Adams to attend for work. The applicant agreed that it was.

Mr Jenkins then stated to Mr Lukazsewski that it was clear to him that Mr Lukazsewski did not wish to remain working for Capones and that he could finish up immediately. Mr Lukazsewski replied, 'Fine'.

Mr Lukazsewski states that on the evening of 18 January, Mr Jenkins rang him and told him that Emily (Ms Adams) had to work. He replied that she had organised the night off and was there no one else? Mr Jenkins replied that two other employees were unable to work and he had dinner plans.

Mr Lukazsewski agrees that he made a profile update on FaceBook saying that he was 'pissed off'. Mr Jenkins rang him later that evening and asked if the FaceBook entry was directed at him. He responded, 'No, it is at everything in general'.

Mr Jenkins then stated, 'Well, I believe that it was directed at me' and 'As of now, yourself and Emily are no longer working for me', to which he replied, 'Fine!'.

Mr Lukazsewski further stated that he was aware that Mr Jenkins has informed other staff that he and Ms Adams had been 'sacked'.

Reference

Lukazsewski vs Capone's Pizzeria, Kyneton [2009] AIRC 280

<http://www.airc.gov.au/decisionssigned/html/2009AIRC280.htm>

WORKSHEET

TRIBUNAL TASK SCENARIO (II)

Statement from the employee (Applicant)

On 9 September 2007, I attended work. Toward the end of my shift I was in the process of putting a DPL machine onto an aircraft. (This is a machine for placing disabled people onto the aircraft.) I was pushing the machine, containing three people, into place when a wind gust pushed the machine forward toward the aircraft. I tried to halt the progress of the machine and experienced pain in the middle of my back.

I reported the incident to my supervisor, Jamie Duncan, and completed an accident report and then ceased work. The following day, Monday, 10 September, I attended work. I was experiencing significant back pain. Approximately two hours into my shift the pain was too great for me to continue and I ceased work and attended upon Jane Amelia Lemon, an osteopath.

She diagnosed a pulled muscle and provided me with a medical certificate stating that I was unfit for work until Monday, 16 September 2007. At that time, my rostered days off were Friday, 14 September and Saturday, 15 September. I did a shift swap with Jamie Duncan, so that he would work for me on Sunday, 16 September 2007.

I again attended upon the osteopath on Friday, 14 September, and was advised that she was happy with the progress. I also phoned my supervisor, Jamie Duncan on that date to confirm that I would not be attending work on 16 September and confirming that he would take my shift on that day.

My grandfather had passed away on Wednesday, 12 September 2007. A surfing competition was being held on 16 September 2007 at Cooloom. It was a competition that I had won the previous year. I was anxious to participate in the competition if I could because I was the reigning competition champion, and also I wanted to win the competition for my grandfather.

As my back had improved, and as surfing involved the use of different muscles to the one that I had injured, I did not anticipate any difficulty in competing in the surfing competition at Cooloom on 15 September 2007.

By the following Monday, the employer had been informed of the employee's participation in the professional surfing competition. The Applicant had a rostered day off on the Saturday, but did not work his shift on the Sunday. The employer summarily dismissed the employee due to his participation in the surfing competition, whilst he was restricted from attending work due to his medical certificate.

(Reference: <http://www.airc.gov.au/decisionssigned/html/2008AIRC413.htm>)

WORKSHEET

TRIBUNAL TASK SCENARIO (II)

Statement from the employer (Respondent)

The applicant contacted Jamie Duncan (Ramp Supervisor) on Thursday 13 September 2007 and advised that he had another doctor's appointment on 14 September 2007 and if he got the OK he would come back to work on the Saturday 15 September 2007 as he knew the respondent was short staffed.

On 14 September 2007 the respondent rang the Ramp Supervisor and said he could not come back before Monday as his back was still sore. The applicant also informed Kate Purcell, a Duty Manager for the respondent that "he will be taking it easy for the next couple of days." This clearly inferred that the applicant was going to rest his back over the weekend and gave no indication to the duty manager of his intention to surf the next day.

The medical certificate indicates the applicant was unfit for work and heavy lifting duties. The applicant refused lighter duties although there was a shortfall of staff at the time where the performance of such lighter duties would have been of assistance to the respondent.

On 14 September 2007 a program of heats for the Billabong Classic 2007 was published and the applicant's name appears on that program as surfing on 15 September. On 17 September 2007 the applicant was rostered to attend work at 2.00pm. Prior to his attendance at 2.00pm enquiries were made as to the applicant's attendance at the Coolum Surf Classic and it was ascertained by phone calls made that in fact he had nominated and had participated in the events on those days.

At approximately 4.00pm on 17 September 2007 the applicant attended an interview with Traci Hayman, Human Resource Manager of the respondent.

At the interview of the applicant was asked as to what he had done in the previous few days and advised that after seeing his Osteopath on 14 September 2007, the applicant had not been dealing with things well and needed to be with his wife, he said that was all he had done and that he had joined her on the Sunshine Coast on Friday 14 September 2007.

When asked by Ms Hayman as to whether or not he had surfed, he eventually acknowledged that he felt under pressure to do so because he was invited as the previous year's competition winner to attend and compete.

Consequently after discussions with other senior staff Ms Hayman determined that due to his surfing whilst on sick leave and rostered for duties on 16/9/07 it would be necessary for him to be terminated. The applicant was concerned as to how this would upset his wife that he had been terminated, as well as his future employment opportunities. Ms Hayman advised that she would consider an option of resignation, either way he was leaving due to gross misconduct. The applicant advised he would rather resign than be terminated and he provided a letter of resignation accordingly.

(Reference: <http://www.airc.gov.au/decisionssigned/html/2008AIRC413.htm>)

Determination

All of the circumstances have been considered including; the Applicant's personal experiences, that the event occurred on one of his rostered days off, that he swapped his next shift after the event prior to travelling to the Coast, that after he participated in the public professional surfing contest he did not resume duties on this shift after the surfing competition. Furthermore the Applicant did not discuss his ability to perform this type of exercise with his treating osteopath and he needed to take pain relief to undertake the exercise. The evidence of the osteopath was that similar muscles to those he had injured may have been used by the Applicant in the surfing event. In addition the Applicant did not communicate his participation in the event with his employer when first asked.

Whilst the circumstances support the termination of employment, as the actions represented a significant breach of the employment agreement, the conduct however did not warrant the Applicant being summarily dismissed for serious misconduct without the provision of (or payment of) notice as per regulation 12.10 of the Workplace Relations Regulations (Cth).

However the termination of employment is upheld and therefore the Application made pursuant to s.643(1)(a) is dismissed. I Order accordingly.

You could extend this task into a class role play with employees, employers, tribunal staff, advocates, medical and other witnesses. More detail on the case is available at

<http://www.airc.gov.au/decisionssigned/html/2008AIRC413.htm>

This decision was overturned on appeal by Mr Bevan [2009] AIRCFB483. Go to www.fwa.gov.au – Full bench appeals tag.

Discipline Based Rich Tasks

The Arts

Create a dramatic monologue or small cast performance of someone getting fired. Your performance should also explore the consequence of this event on other aspects of their life. Use research to support your workshopping of your performance.

Maths

Create a formula for calculating a compensation claim. It must take into account ALL of the complex variables at play when compensation is calculated: from the number of people in the workplace from which they were dismissed through to the pay rate of a job the 'sacked' employee is earning in their new job. Present this information in a poster campaign titled either "Maths at Work" or "Calculating the Costs of Dismissal."

English

Write a newspaper article on a fictional unfair dismissal hearing or on one of the scenarios in this resource. Draw on your experiences in class and use newspaper articles on the issue as models for your article.

Resources and Websites

<http://www.fairwork.gov.au>

The Fair Work Online site is a federal government site with information about the new workplace regulations. There is information about unfair dismissal for both employees and employers. There are direct links to other sites including to the process for applying for an unfair dismissal hearing. Once again it is an easy site to navigate, is visually accessible and makes a good attempt at using plain language. On this topic of termination and unfair dismissal the language and the concepts should be accessible to most students who have reasonable levels of English literacy.

<http://www.airc.gov.au/decisionssigned/html/2009AIRC48.htm>

Employee dismissed for not following Health and Safety procedures, but reinstated as termination seen as harsh, unreasonable and unjust. Interesting in that the conflict between behaving in a safe way at work and what are valid grounds for terminating employment are contrasted.

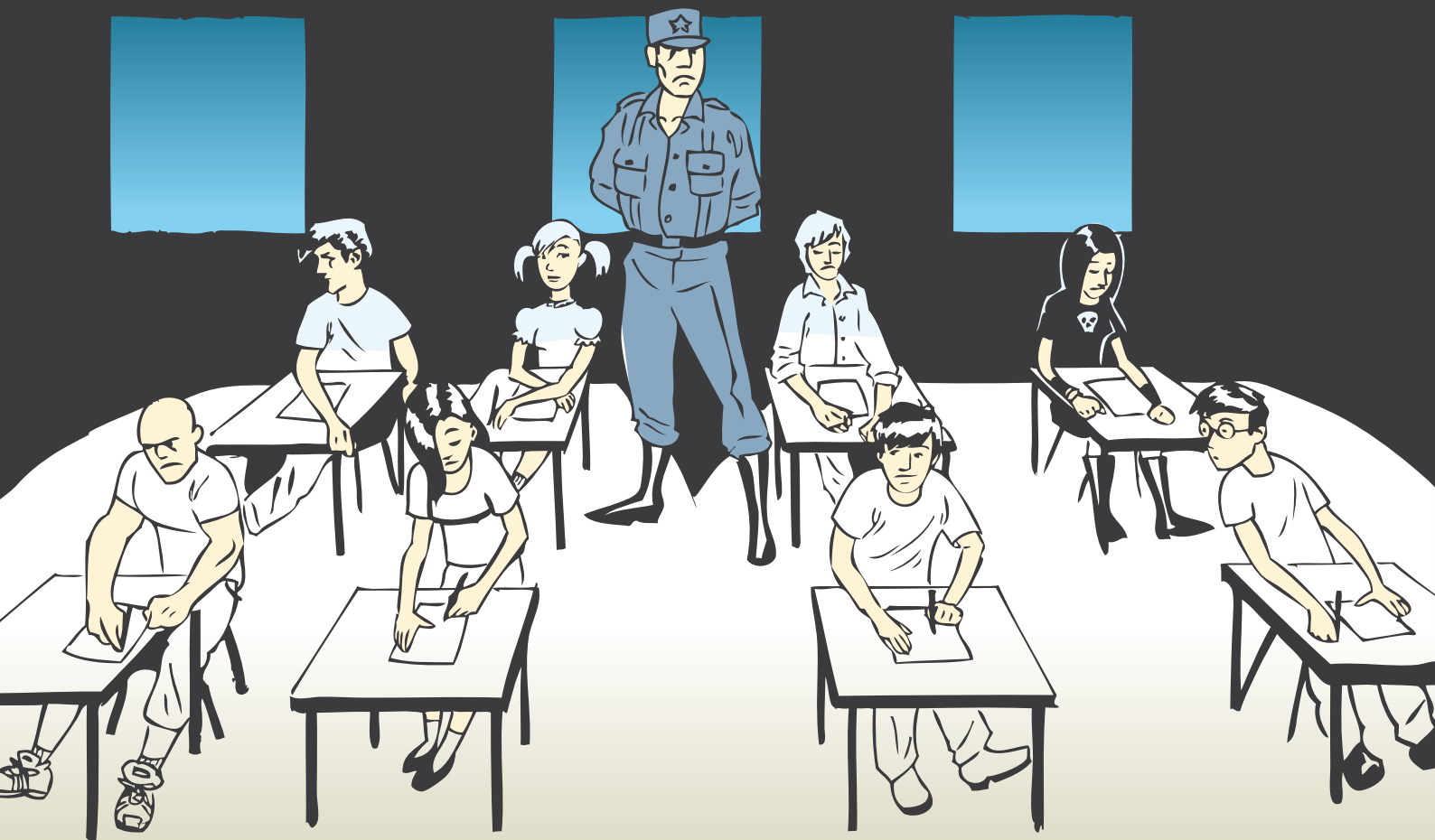
<http://www.airc.gov.au/decisionssigned/html/2009AIRC3.htm>

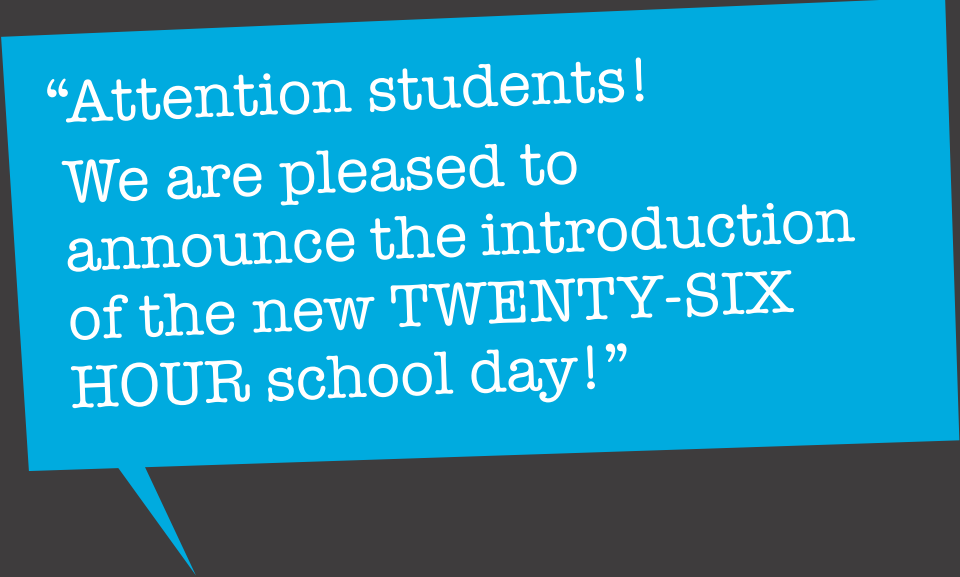
Sacked for eating a Snickers bar which the company said was theft.

<http://www.airc.gov.au/decisionssigned/html/2008AIRC952.htm>

Employee dismissed when employer finds 'need for speed' video on youtube of employee being pushed around supermarket on trolley. Reinstated as dismissal did not follow fair process.

8





“Attention students!
We are pleased to
announce the introduction
of the new TWENTY-SIX
HOUR school day!”

Everyone is entitled to
fair basic conditions.

THEME EIGHT:

Theme Eight: Everyone is entitled to fair basic conditions

Every employee is entitled to minimum standards that provide for a minimum wage and just conditions of work. It is unlawful to be discriminated against for trying to find out information about your employment entitlements in the workplace.

1. Teacher background notes

2. Interdisciplinary tasks

The following tasks are stand alone tasks, however, they are designed and best delivered sequentially to build on student knowledge and skills.

This theme could be paired with Theme One on 'A fair go' and Theme Nine on 'Bargaining for a fairer deal'.

Activity One	Minimum Standards Table
Activity Two	Promoting Minimum Standards

3. Discipline Based Rich Tasks

These tasks are designed for the discipline based domains of VELS. The tasks extend on the concepts outlined in the interdisciplinary activities.

Humanities – History	The 8 hour day campaign
English	Media Analysis on paid maternity leave (or similar) and argumentative essay
Science	Scientific case study on impact of parenting leave on maternal well being
Humanities – Economics	Campaign on “know about minimum conditions” and/or Tag survey of clothes in the classroom

4. Resources and websites

Teacher Background Notes

Every employee is entitled to minimum standards that provide for a minimum wage and just conditions of work. It is unlawful to be discriminated against for trying to find out information about your employment entitlements in the workplace.

Minimum Standards

A series of fair minimum standards is essential to enable employees to be justly rewarded for their work, to ensure fairness across the labour market and to assist people to live fulfilling lives that assist them to balance their inside and outside of work responsibilities.

All employees in Australia have some basic minimum conditions of employment. In many workplaces, employees will have an award or enterprise agreement that supplements these minimum conditions.

The minimum National Employment Standards (NES) are:

1. maximum weekly hours of work (38 hours)
2. the right to request flexible working arrangements (to balance work and family responsibilities)
3. parental leave and related entitlements
4. annual leave (4 weeks per year)
5. personal/carer's leave and compassionate leave
6. community service leave
7. long service leave
8. public holidays
9. notice of termination and redundancy pay
10. the provision of "Fair Work Information Statement" for all employees that makes clear their rights and entitlements under the national system and how to get advice and help.

The minimum standard for all employees also incorporate matters contained in modern awards. Modern awards may contain the following:

1. minimum wages
2. types of employment (casual, part-time, full-time, fixed term etc)
3. arrangements for when work is done (hours etc)
4. overtime and penalty rates
5. annual wage or salary arrangements
6. allowances
7. leave related matters
8. superannuation
9. procedures for consultation, representation and dispute settlement
10. outworker terms
11. certain industry specific redundancy schemes
12. calculating ordinary hours
13. pieceworker provisions
14. variation of allowances

Modern awards can also have a flexibility clause, which means employers and employees will be able to negotiate changes to meet their individual needs.

Junior rates of pay and conditions for young workers

In some circumstances it is legal to pay junior rates of pay for workers under 21 years of age. Junior rates of pay are usually a percentage of an adult rate for a job. The percentage of pay a junior employee should get will usually change depending on the employee's age. If a junior employee is covered by a pay scale with junior rates of pay, they must be paid at least the percentage set by the pay scale. For example, an employee who's 18 might get 70 per cent of the adult rate, according to their pay scale. If the pay scale doesn't contain junior rates of pay, the employee must be paid the same as the adult rate.

It is not legal for employers to require employees to perform work trials without pay. The only time when work can legally be performed without pay is when it is part of work experience i.e. as a component of an approved education or training course.

Employers must follow this checklist for ALL junior employees:

1. pay the correct rates for all hours worked, including for compulsory work meetings, training and time spent opening and closing the business
2. issue a pay slip within 1 working day of pay day
3. pay for "trial work" unless it's part of an approved education or training course
4. pay any applicable penalty rates for working public holidays
5. pay weekend and penalty rates, if they are in the employee's workplace conditions
6. pay on a regular basis – usually per week or per fortnight but at least monthly

It is one thing for minimum standards of employment to exist, but quite another to make sure they are enforced. If a worker does not know what conditions apply to them they have little hope of knowing what they are entitled to.

The major industries in which full time students work part time are retail, accommodation, cafes and restaurants. The Fair Pay Commission estimates that 12% of those working in retail and 34% of those working in accommodation, cafes and restaurants were being paid less than the minimum youth rate for their work.

A survey of 5,000 young people living in NSW found:

1. half didn't know the difference between casual or permanent part-time work
2. half of those who believed they were part-time did not receive any paid leave
3. half had no written information about their pay, hours of work or safety on the job when they started work with their employer
4. a quarter never received any pay slips
5. one in seven casuals worked unpaid overtime.

http://www.actnow.com.au/Issues/Young_workers_rights.aspx

Age limits that determine how old you need to be to start work apply in Victoria. There are also laws that limit the types of work that children can do depending on their age. It is unlawful to work before the age of 13 in Victoria (except for delivering newspapers at which the minimum age is 11 or to work in a family business). A Child Employment Permit is required to employ any child under the age of 15. There are restrictions on what a child can be asked to do including hours of work, the work must be 'light' and not interfere with either the child's schoolwork nor be likely to have a negative physical impact on the child. This can be a complex area – more information is available at

http://www.legalaid.vic.gov.au/740.htm#Answer_1 or HTTP://www.business.vic.gov.au/BUSVIC/STANDARD/PC_50559.html (the full link is provided as the website can be difficult to navigate)

Beyond the minimum

Fair basic conditions for all employees also includes the entitlements contained in Occupational Health and Safety, anti-discrimination, Equal Opportunity and human rights laws.

There are standards above and beyond the minimum standards in the legislation that are becoming increasingly important to employees in the workplace. People are becoming increasingly drawn to workplaces that recognise their need to have a life outside of work and organisations are advertising these benefits in order to attract the quality people that they want for their organisation.

If an employee does not believe they are receiving their proper conditions they should either contact their union or the Federal Government's Fair Work Ombudsman via their helpline 13 13 94. <http://www.fwo.gov.au/>

IN SUMMARY

- A series of fair minimum standards is essential to enable employees to be justly rewarded for their work
- Minimum, legally enforceable standards of employment are defined in the Fair Work Act.
- The core of these minimum standards are detailed in the ten National Employment Standards and modern awards.
- In some circumstances it is legal to pay junior rates of pay for workers under 21 years of age.
- Employers must follow this checklist for ALL junior employees:
 - pay the correct rates for all hours worked, including for compulsory work meetings, training and time spent opening and closing the business
 - issue a pay slip within 1 working day of pay day
 - pay for 'trial work' unless it's part of an approved education or training course.
 - pay any applicable penalty rates for working public holidays
 - pay weekend and penalty rates, if they are in the employee's workplace instrument (these are common for people covered by awards)
 - pay on a regular basis - usually per week or per fortnight but at least monthly.
 - It is one thing for minimum standards of employment to exist, but quite another to make sure they are enforced. If a worker does not know what conditions apply to them they have little hope of knowing what they are entitled to.
- Age limits that determine how old you need to be to start work apply in Victoria.

Activity One: Minimum Standards Table

Resources

Handout – Minimum Standards

Worksheet – Minimum Standards Table

Step One

Explain to students that they will be exploring how minimum standards help foster healthy workplaces. Ask students to read the Handout – Minimum Standards and then fill in the Worksheet – Minimum Standards Table. It may be helpful to complete the first requirement “Minimum Wage” as a class to model how to fill out the chart.

Step Two

Students should share their findings with a partner or small groups of four. Have students add any additional information to their minimum standards table.

Step Three

Ask students to use the Minimum Standards Table to create a set of questions. These questions will explore the working conditions of someone they know, with whom they work or go to school.

Sample some questions from the class; asking the students to write down any questions from the class that they find helpful.

Step Four

Have students create a job description sheet and then seal it in an envelope and assign them randomly for students who are then interviewed in character.

HANDOUT

MINIMUM STANDARDS

Fair minimum standards are essential for employees to be justly rewarded for their work, to ensure fairness across the labour market and to assist people to live fulfilling lives that assist them to balance their inside and outside of work responsibilities.

All employees in Australia have some basic minimum conditions of employment.

From 1st January 2010, 10 National Employment Standards (NES) were introduced:

1. maximum weekly hours of work (38 hours)
2. the right to request flexible working arrangements (to balance work and family responsibilities)
3. parental leave and related entitlements
4. annual leave (4 weeks per year)
5. personal/carer's leave and compassionate leave
6. community service leave
7. long service leave
8. public holidays
9. notice of termination and redundancy pay
10. provision of a "Fair Work Information Statement" for all employees that makes clear their rights and entitlements under the new system and how to get advice and help.

In addition to these standards modern awards may contain the following (these will be introduced from 1st January 2010):

1. minimum wages
2. types of employment (casual, part-time, full-time, fixed term etc)
3. arrangements for when work is done (hours etc)
4. overtime and penalty rates
5. annual wage or salary arrangements
6. allowances
7. leave related matters
8. superannuation
9. procedures for consultation representation and dispute settlement
10. outworker terms
11. certain industry specific redundancy schemes
12. calculating ordinary hours
13. pieceworker provisions
14. variations of allowances

Modern awards can also have a flexibility clause, which means employers and employees will be able to negotiate changes to meet their individual needs.

Junior rates of pay and conditions for young workers

In some circumstances it is legal to pay junior rates of pay for workers under 21 years of age. Junior rates of pay are usually a percentage of an adult rate for a job. For example, an employee who is 18 might get 70 per cent of the adult rate, according to their pay scale.

If the pay scale doesn't contain junior rates of pay, the employee must be paid the same as the adult rate.

It is not legal for employers to require employees to perform work trials without pay. The only time when work can legally be performed without pay is when it is part of a formal Work Experience program.

Employers must follow this checklist for ALL junior employees:

1. pay the correct rates for all hours worked, including for compulsory work meetings, training and time spent opening and closing the business
2. issue a pay slip within 1 working day of pay day
3. pay for 'trial work' unless it's part of an approved education or training course
4. pay any applicable penalty rates for working public holidays
5. pay weekend and penalty rates, if they are in the employee's workplace conditions
6. pay on a regular basis – usually per week or per fortnight but at least monthly

Also included in the minimum

Fair basic conditions for all employees also includes the conditions in Occupational Health and Safety, Anti-Discrimination, Equal Opportunity and human rights laws.

WORKSHEET

WORKSHEET - MINIMUM STANDARDS TABLE

[illegible]

Activity Two: Promoting Minimum Standards

Resources

Whiteboard for teacher based notes (or some other format for presentation)

Step One

On the white board write out the following notes:

A survey of 5,000 young people living in NSW found:

- half didn't know the difference between casual or permanent part-time work
- half of those who believed they were part-time did not receive any paid leave
- half had no written information about their pay, hours of work or safety on the job when they started work with their employer
- a quarter never received any pay slips
- one in seven casuals worked unpaid overtime.

http://www.actnow.com.au/Issues/Young_workers_rights.aspx

Explore with class members who have had part time or casual jobs whether the survey results reflect their own experiences in the workplace.

Step Two

Explain to the class that they are going to design an information sheet to clear up some of the confusion surrounding these issues. The information sheets will be designed to help local businesses and workplaces make new staff aware of what to expect in regards to minimum conditions:

The information sheets will be titled "Clearing up the Confusion about Minimum Conditions" and focus on four basic issues:

- What is the difference between part-time and casual work?
- What is overtime?
- Why do you receive written instructions when you start work?
- Why do workplaces issue pay slips?

The information needs to take ONE of either of two forms:

- A single sided A5 info sheet that carefully summarises the issue in clear easy to understand language

OR

- An A3 size story board that shows a new worker being told about this information and that could be displayed around the workplace.

Discipline Based Rich Tasks

Humanities – History

Research the 8-hour day campaign and then write a newsletter for a year level at your school explaining the significance of the Labour Day Long Weekend.

OR

Research the 8-hour day campaign and write a press release aimed at a youth media outlet explaining the significance of the Labour Day Long Weekend

English

Complete a media analysis on an area of recent debate in the area of minimum standards, e.g. paid maternity leave. Present your opinion on this contested issue in the form of an argumentative essay.

Science

Complete a scientific case study that examines the impact a minimum standard like paid maternity and/or parenting leave can have on infant and maternal wellbeing.

Humanities – Economics

Run a campaign to get local businesses and work places to sign up to a “knowing about minimum conditions” campaign where they agree to issue new young employees with information about issues such as part-time versus casual work or overtime etc. In exchange, design a “healthy work place/ethical producer” certificate that they can display on their premises and near help wanted signs.

OR

Do a quick “Tag Survey”.

This involves investigating where labels of your friends, classmates or family’s clothes and possessions are made (look at the tags on the clothing) then investigate what represents minimum standards in one of the countries where these goods were produced.

Write a report outlining the impact that ethical consumption practices being exercised by Australian consumers could have on the ‘minimum standards’ in firms exporting goods to Australia.

Resources and Websites

<http://www.jobwatch.org.au/pages/publications.htm>

Information sheets on

Casual Employment – Download sheet
Constructive Dismissal – Download sheet
Employment Contracts – Download sheet
Employment Contracts: Changes to existing contracts – Download sheet
Getting Paid and Payslips – Download sheet
Hazards of Door to Door Selling – Download sheet
Independent Contracting Traps – Download sheet
Misleading Employment Advertising – Download sheet
Modelling and Acting – Download sheet
Private Training Courses – Download sheet
Redundancy and Retrenchment – Download sheet
Superannuation – Download sheet
Unpaid trial work – Download sheet
Unfair Dismissal and Unlawful Termination – Download sheet
Warnings – Download sheet
Working Overseas – Download sheet

<http://www.fwo.gov.au/media-centre-releases/>

A series of short press releases from the Fair Work Ombudsman some of which are regarding young workers. In 2009 the organisation was conducting a campaign to protect and educate young workers of their rights.

A selection of these articles follows:

http://www.fairpay.gov.au/NR/rdonlyres/3F000E49-0F16-47AC-BA58-36647548561F/0/AFPC_ResearchSeries_0108.pdf

A Fair Pay Commission research paper, “The Economic and Social Circumstances of Australian Young People Aged 15–20 Years”. A resource for teachers more than students

<http://www.abc.net.au/news/stories/2007/07/05/1970634.htm>

ABC article on young workers being taken advantage of at work. Mostly due to being forced to ‘pay’ for unpaid bills of customers.

<http://labor.net.au/teach/files/childlabour.pdf>

Fact sheet on Child Labour around the world.

<http://www.youthcentral.vic.gov.au>

This is a very good general website for young people. The information on employment is all very good and written in catchy, easy to read prose. The whole site has a high energy feel.

<http://www.smh.com.au/news/opinion/the-latest-jobs-blarney-comes-out-in-the-wash/2007/06/22/1182019369220.html?page=fullpage#contentSwap1>

Sydney Morning Herald journalist writes about his son working in various places (and being not terribly well treated) during his gap year.

<http://www.smh.com.au/news/national/what-the-dickens-175000-children-work/2007/02/15/1171405374555.html>

Age article about children working (5-15) in Australia

<http://www.yapa.org.au/youth/facts/quitjobs.php>

Why young can't quit bad jobs

<http://www.abs.gov.au/Ausstats/abs@.nsf/0/43BECCAF0604787BCA256F7200832F8F?Open>

ABS data from Year Book on Young People in Employment from 2005 including tables on work and study done by young people, occupations they are employed in, etc.

http://www.actnow.com.au/Issues/Young_workers_rights.aspx

Act Now is a very good site designed to inform and empower young people around a broad range of topics (euthanasia, employment, etc.). The link above shows how little young people know about their rights.

<http://www.legalaid.vic.gov.au/740.htm>

Victorian Legal Aid. FAQs for young people at work eg. How old do I have to be? Do I need a tax file number? How many hours can I work?

<http://www.theage.com.au/articles/2003/11/13/1068674314710.html>

Article from The Age about young people working in cafes and either not getting paid, getting paid in drugs or getting 'cash in hand'.

http://www.jobwatch.org.au/pages/children_and_youth.htm

Contains the Job Watch Survey of young people working in the fast food industry. Very disturbing survey with lots of shocking data. This is very interesting material. Survey of over 500 kids in Victoria.

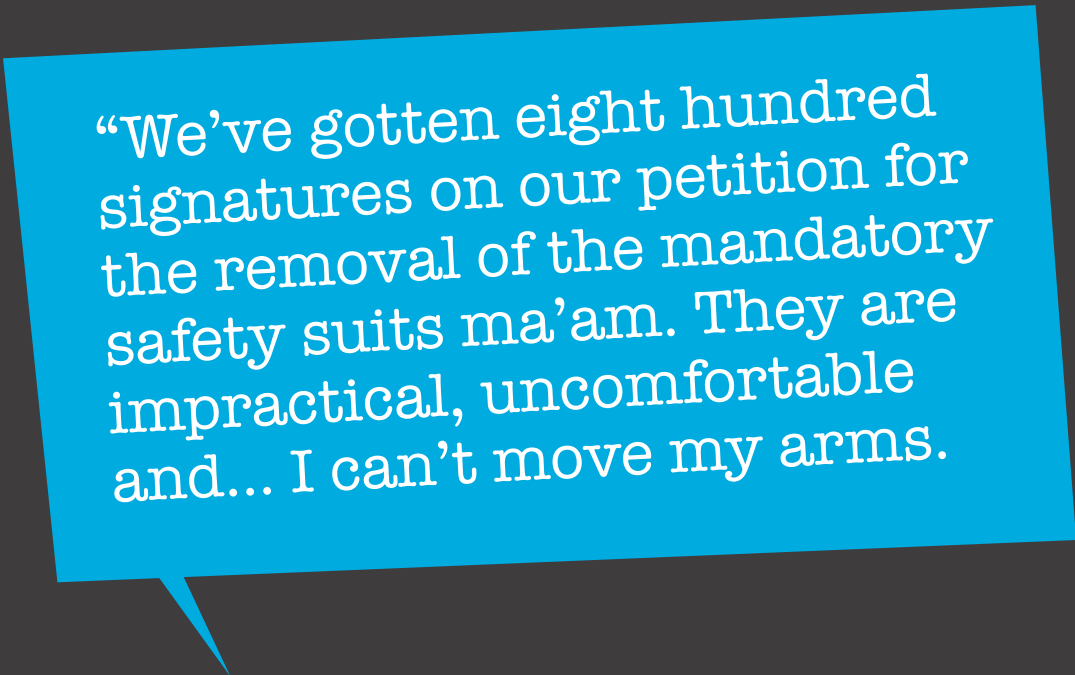
<http://www.fwo.gov.au>

Has some interesting Fact Sheets on employment information and the Fair Work Act. The Fact Sheets include quite a bit of information on basic entitlements and also on how to lodge complaints online. The site also includes Best Practice Guides including "Employing young workers" for employers and "A guide for young workers". These guides are written for an educated adult audience but will be accessible to students with good English literacy. The "Guide for young workers" maintains the same adult format, so while the information is good quality it will not be accessible to all students and its overall design will not appeal to many. It is an easy site to navigate.

<http://www2.fwa.gov.au/education/>

Fair Work Australia has produced a resource describing the history of the Arbitration Court, the Australian minimum wage, working hours and paid leave. The site includes a resource section for teachers





“We’ve gotten eight hundred signatures on our petition for the removal of the mandatory safety suits ma’am. They are impractical, uncomfortable and... I can’t move my arms.

You or your representatives should be able to bargain for a fair deal.

THEME NINE:

You (or your representative) should be allowed to bargain for a fairer deal

Minimum conditions and standards are just that, the minimum that should apply. Australian workplace laws envisage that employees will bargain with their employer to achieve pay and conditions above the minimum. The ability to bargain to get a fair deal means that both sides (employer and employee) are able to do this and have some power in this relationship. Individual employees are generally not in a power position when bargaining with their employer alone so workplace laws (and international standards) promote the concept of employees grouping together to bargain with their employer. This is called collective rather than individual bargaining.

1. Teacher background notes

2. Interdisciplinary tasks

Activity One requires that students have undertaken the Introductory Tasks at the beginning of this resource.

This theme could be paired with Theme One on 'A fair go' and Theme Eight on 'Fair basic conditions'.

Activity One	Assessing Workplace Health
Activity Two	Bargaining

3. Discipline Based Rich Tasks

These tasks are designed for the discipline based domains of VELs. The tasks extend on the concepts outlined in the interdisciplinary activities.

Humanities – Economics	Analytical essay on collective bargaining
English	Response to an opinion piece on changes in laws on collective bargaining or TV advertising campaign script on 'good faith' bargaining.
The Arts (i)	Mixed media promotion on a healthy workplace
The Arts (ii)	Whole class drama exercise on healthy workplaces

4. Resources and websites

Teacher Background Notes

Minimum conditions and standards are just that, the minimum that should apply. Australian workplace laws envisage that employees will bargain with their employer to achieve pay and conditions above the minimum. The ability to bargain to get a fairer deal means that both sides (employer and employee) are able to do this and have some power in this relationship. Individual employees are generally not in a power position when bargaining with their employer alone so workplace laws (and international standards) promote the concept of employees grouping together to bargain with their employer. This is called collective rather than individual bargaining.

In the last one hundred years in Australia there was very little bargaining at a workplace level. Unions, representing employees, negotiated with the Government of the day and business groups for better pay and conditions. This generally occurred in an industrial court or tribunal. This was known as 'centralised wage fixing'.

In the 1980s Australia took its first steps away from the centralised wage fixing system down the path of enterprise bargaining. Enterprise bargaining was designed to allow employers and employees to negotiate ways to improve productivity in the workplace and the conditions and salary that employees received. Negotiation at this level would allow for greater flexibility and responsiveness to the needs of individual organisations (i.e. enterprises).

Under the Howard Federal Government legislation was changed to encourage individual bargaining, that is, bargaining between individual employees and their employers. In effect, this was seen as a way to encourage ultimate flexibility in the workplace. At the same time there was also a move to reduce the minimum standards that employees could expect to a very small number of core minimums and that even these 'minimums' could be traded away if the employee agreed. This raised concerns about the potential for workers to be exploited and became a focal point for a community campaign against the Government.

A change of government in 2007 led to a change in workplace legislation. The Fair Work Act moved the focus back to enterprise level bargaining. There is now a right for employees, if they wish to negotiate a collective agreement with their employer. The employer is required to negotiate with their employees and their representatives.

All parties are required to act in "good faith". That is, they are required by the law to meet and to respond to each other's claims and genuinely seek to reach agreement.

The process for bargaining generally involves the following steps:

1. Each side decides on the matters they wish to raise and the demands they wish to make.
2. Generally employees will present this to their employer as a 'log of claims' or a list of what they would like in the agreement.
3. The employer can also make a list of matters it wishes to be included in the agreement.
4. Employees and their representatives will meet with representatives of the employer to negotiate and try and reach agreement on matters.
5. If agreement cannot be reached employees are allowed under the workplace laws to take industrial action to try and persuade their employer to agree with them.
6. In Australia the right to take industrial action is limited to the time when employers and employees are negotiating a new agreement. At all other times industrial action, such as strikes, is 'unprotected' and therefore illegal, unless it is a genuine health and safety matter.

7. The parties to the negotiation can also seek the help of independent conciliators or mediators to help them resolve their differences.
8. Once agreement on the issues has been achieved, a written document “the agreement” is produced to capture the outcomes.
9. An agreement once written is put to a vote of the workers whose employment will be covered by it and if the majority agree it can then be lodged in the workplace tribunal, Fair Work Australia, for “registration”.
10. Fair Work Australia checks that the agreement does not produce conditions of employment that are less than the legislative minimum and that employees are better off overall under the agreement.
11. Once it is “registered” the terms in the agreement become the new minimum conditions for all workers whose employment is covered by the agreement. The employer is not legally allowed to pay less than this or to offer conditions that are less.

The right for employees to group together to bargain with their employer to improve their conditions of employment is a fundamental human right recognised in both Australian and International law. The right to be represented in this process is also recognised.

IN SUMMARY

- There is a right in Australia for employees to negotiate collectively for improvements in how they are paid and the conditions they enjoy.
- Enterprise bargaining is the process whereby employees and employers can negotiate for higher productivity, better pay and conditions.
- Collective bargaining, where a group of employees join together, often represented by a Union, generally provides employees with better pay and conditions than individual negotiations.
- These negotiations are underpinned by a set of minimum standards (National Employment Standards and Modern Awards) that cannot be traded away.
- Once certified by Fair Work Australia the pay and conditions in an enterprise agreement become the new minimum conditions for employees whose employment is covered by the agreement.

Activity One: Assessing Workplace Health

Resources

Completing the Introductory exercises at the beginning of this curriculum resource is a prerequisite for this activity

Handout – Healthy Workplaces

Step One

The “perfect job” activity in the introductory exercises of the resource is a good starting point for investigating the role of bargaining in the workplace. Ask students to review their summary statement at the end of that response.

Explain that the “perfect job” activity explored what conditions they would seek out when looking for employment. The activities in this theme examine how to negotiate to change the conditions within your workplace.

Step Two

Explain to students that one approach to negotiating conditions in the workplace is to consider how these new or improved conditions foster an environment where employees and employers can achieve their best for themselves and each other.

This kind of environment is often called a “healthy workplace”.

Ask students to read the Handout – Healthy Workplaces provided in the resource. Then ask the following question:

- What are their similarities and differences between your perfect job (workplace) that you described in step one and the kind of workplace described in the Handout – Healthy Workplaces.

Step Three

Have students rewrite the Handout – Healthy Workplaces in their own language. Use the following prompt to stimulate their thinking:

- How would you define a Healthy Workplace for an audience of your peers?

Step Four

Sample some of the responses with the whole class. Ask students to compare their ‘perfect job’ grid and the rewritten statement. Use a Venn diagram on the board to map this conversation. Get students to take this down and add any points/observations of their own.

Step Five

Explain that students will need to rewrite these notes as an audit tool that could be used by a student who is going out on work experience for the first time and will have to assess “How Healthy is this Workplace?” (There is an OHS audit tool in Theme Four on OHS that might be a helpful model). Explain to the class that they will need to re-phrase their points as questions. Neatly set out the questions using check boxes so that another student could easily use it as an audit tool in a workplace setting. Swap your sheet with another student so it can be proof read for clarity.

Additional reflective activity

An excellent reflective activity for this task is asking that students’ final submission contain a design brief explaining the significance of the audit questions they have selected and why they have chosen the layout that they did.

If students are struggling with this task another excellent reflective activity is to form the students into pairs and ask them to read their design brief to their partner pointing out the features of their questionnaire.

An alternative activity for students with low English literacy

Take a selection of the illustrations spread through this resource.

Explain to the students that these illustrations all show one workplace.

They are to find all of the things that are “wrong” with that workplace.

Ask them to write a list of things that could be “fixed” by bargaining for a better deal. Ask the students to develop their list into a checklist for other students who are assessing ‘Workplace Health’

HANDOUT

HEALTHY WORKPLACES

Researchers visited 16 workplaces that were described as “excellent” or “good” places to work. They found that the characteristics that make an excellent workplace are identifiable, quantifiable and manageable. There is no magic in this process. The 15 key drivers are:

1. **The quality of working relationships** – people relating to each other as friends, colleagues, and co-workers, supporting each other, and helping to get the job done.
2. **Workplace leadership** – how the immediate supervisor, team leader, manager or coordinator presented himself or herself. They focus on leadership and energy, not management and administration.
3. **Having a say** – participating in decisions that affect the day-to-day business of the workplace.
4. **Clear values** – the extent to which people could see and understand the overall purpose and individual behaviours expected in the place of work.
5. **Being safe** – high levels of personal safety, both physical and psychological, emotional stability and a feeling of being protected by the system.
6. **The built environment** – a high standard of accommodation and fit out, with regard to the particular industry type.
7. **Recruitment** – getting the right people to work in the location is important, and they need to share the same values and approach to work as the rest of the group.
8. **Pay and conditions** – a place in which the level of income and the basic physical working conditions (hours, access, travel and the like) are met to a reasonable standard. At least to a level that the people who work there see as reasonable.
9. **Getting Feedback** – always knowing what people think of each other, their contribution to the success of the place, and their individual performance over time.
10. **Autonomy and uniqueness** – the capacity of the organisation to tolerate and encourage the sense of difference that excellent workplaces develop. Their sense of being the best at what they do.
11. **A sense of ownership and identity** – being seen to be different and special through pride in the place of work, knowing the business and controlling the technology.
12. **Learning** – being able to learn on the job, acquire skills and knowledge from everywhere, and develop a greater understanding of the whole workplace.
13. **Passion** – the energy and commitment to the workplaces, high levels of volunteering, excitement and a sense of well-being. Actually wanting to come to work.
14. **Having fun** – a psychologically secure workplace in which people can relax with each other and enjoy social interaction.
15. **Community connections** – being part of the local community, feeling as though the workplace is a valuable element of local affairs.

Reference Daryll Hull and Vivienne Read “Simply the Best: Workplaces in Australia”, an acirrt working paper December 2003 accessed at

http://www.business.vic.gov.au/busvicwr/_assets/main/lib60081/simply%20the%20best%20-%20work%20places%20in%20australia.pdf

Activity Two: Bargaining

Resources

There is small paragraph to write on the board or present to students in another format.

Worksheet – PMI

This activity also uses a Line Debate – you will need to familiarise yourself with this Instructional Practise.

Step One

Write on the board and explain to the class the following:

Collective Bargaining

When a group of employees negotiate conditions of their employment together it is known as collective bargaining.

In Australia, it is a requirement that employers and employees negotiate in “good faith”. That is, if a group of employees want to have a collective agreement, their employer is required to negotiate with them as a group.

Of course, the employer doesn’t have to agree to any of their demands but they are required to meet them, provide relevant information and to respond to their employees’ claims.

Step Two

Explain to the class that while the ability to collectively bargain is a common part of Australian workplaces many people hold very strong views about whether it is a good thing or not for employees to be able to bargain together for better work place conditions.

Conduct a line debate to explore this topic using the prompt below:

COLLECTIVE BARGAINING SHOULD BE REMOVED FROM THE AUSTRALIAN INDUSTRIAL RELATIONS SYSTEM

Step Three

Pair students. Using the board notes created by the scribes in the line debate get students to summarise the ideas on collective bargaining using the Worksheet – PMI.

Ask them to be particularly aware of those points that don’t fit into the first two columns of the chart but rather go in the third as interesting observations.

Step Four

Assign each student the task of writing a short response which details their view about whether or not collective bargaining should be allowed as a means for negotiating conditions for employees. Their answer should identify at least three points or examples raised in the course of discussing and debating this issue.

Instructions for conducting a Line Debate

- Divide the class into two teams. Have them stand on either side of the room in single lines facing each other.
- Assign the affirmative and negative sides to specific teams.
- Explain that they are going to have to come up with arguments to support their assigned side of the debate irrespective of their personal views on the topic.
- Outline the rules of the debate:
 - The group needs to agree on criteria for the quality of the arguments contributed by individual students. eg students have to provide a piece of evidence to support their argument or that they “disagree agreeably” when rebutting opposing arguments or introduce a fun condition such as students must refrain from using “Um.”
 - The person whose turn it is (teacher selected or volunteer) must come up with an original argument to support their point-of-view.
 - The umpire - the teacher or a nominated student – will decide if the argument fulfils the expectations agreed on by the class. If it does not then the debater joins the opposition team on the other side of the room. If it does they can select one of the opposition team to join their team.
 - If a class member changes sides three times they are deemed to be ‘locked’ and cannot change sides again. This avoids good debaters being ‘ping-ponged’ back and forth across the room incessantly.
- Conduct the debate for at least 15minutes to ensure a wide variety of viewpoints are explored. The game ends when one side of the argument has all the class members or both sides have exhausted potential arguments.
- Use a pair of student scribes to record the arguments of each team.

WORKSHEET

PMI

INTERESTING									
MINUS									
PLUS									

Discipline Based Rich Tasks

Humanities – Economics

Write a personal evaluation of Australia's Industrial Relations system in the form of an analytical essay. Do you think that collective bargaining has a beneficial effect for Australian employees and employers? Cite evidence to support your response.

English

Research and write a response to one of a selection of opinion pieces that accompanied Australia's recent changes to the laws surrounding collective bargaining. Present your response in the form of a newspaper editorial or speech to a group of interested stakeholders.

OR

Create the script for a TV advertising campaign that explains the idea of "good faith" bargaining to an audience of young people. Justify your script choices/ notes on visual or sound components of the advertisements in a short reflective statement to be included in your final assessment.

The Arts (i)

Design a mixed media campaign for use in venues and forums used by your peers that promotes the idea of "healthy workplaces". Use traditional and digital media in the campaign.

The Arts (ii)

As a whole class drama exercise, workshop a short play that introduces the idea of "healthy workplaces" to an audience of Year 7 or Grade 6 children. The work should use age appropriate themes and vocabulary to convey this concept in an engaging and informative manner.

Resources and Websites

<http://www.fwo.gov.au>

Has some interesting Fact Sheets on employment information and the Fair Work Act. The Fact Sheets include quite a bit of information on basic entitlements and also on how to lodge complaints online. The site also includes Best Practice Guides including 'Improving workplace productivity in bargaining' and 'Use of individual flexibility arrangements'. These guides are written for an educated adult audience but will be accessible to students with good English. It is an easy site to navigate.

<http://www.fairwork.gov.au>

The Fair Work Online site is a federal government site with information about the new workplace regulations. There is information about enterprise agreements and workplace bargaining. The information on this topic is more technical – it may be of interest to teachers but will have limited value for students doing research. Once again it is an easy site to navigate and is visually accessible.

http://www.jobwatch.org.au/pages/children_and_youth.htm

Contains the Job Watch Survey of young people working in the fast food industry. Very disturbing survey with lots of shocking data. This is very interesting material. Survey of over 500 kids in Victoria. Could provide interesting material for an exercise on bargaining for a better deal in an industry familiar to most students.

10



Both schools and workplaces need to have an effective dispute settlement system in place.

THEME TEN:

Disputes should be resolved quickly and fairly

Disharmony and conflict in the workplace can cause disruption and impact negatively on production and productivity, relationships and the health and wellbeing of employees.

1. Teacher background notes

2. Interdisciplinary tasks

The following tasks are best completed as a sequence as each builds on knowledge acquired in the previous activity.

This theme might be paired with Theme Five –“Everyone should have a say about things that affect them”.

Activity One	Vocabulary Task
Activity Two	Industrial Terminology
Activity Three	Mapping the Dispute Resolution Process
Activity Four	Annotated Media Articles

3. Discipline Based Rich Tasks

These tasks are designed for the discipline based domains of VELS. The tasks extend on the concepts outlined in the interdisciplinary activities.

LOTE	Comparison of industrial systems and create a pamphlet for a new arrival in Australia
Humanities – History	Timeline of industrial dispute resolution in Australia and/or comparison of two eras in Australia and/or a case study of a significant dispute
English	Oral presentation on the media account of a current dispute

4. Resources and websites

Teacher Background Notes

Disharmony and conflict in the workplace can cause disruption and impact negatively on production and productivity, relationships and the health and wellbeing of employees.

When people talk about workplace conflict they often think of strikes, as these are what make media headlines. In terms of the level of strike activity in Australia we live in a very peaceful time. The number of days lost to strikes in Australia has never been so low. In 1987 there were 1519 industrial disputes, by 2007 there were 135 (ABS 4102.0). There are a number of reasons why strikes have declined over the years, including changes in the laws relating to when industrial action can be taken.

Although strikes are easy to measure, they are not the only way that people can express dissatisfaction in the workplace. Employees who are dissatisfied with their employer may not work as hard as they otherwise would, they may have increased absenteeism and may be less willing to participate in positive initiatives to improve productivity.

Judging the impact of this covert dissatisfaction is difficult, however, difficulty in measuring something does not make the effect any less real. In fact strikes, which are obvious (overt) manifestations of employee dissatisfaction, are more likely to be solved quickly and therefore cost the employer less than long term dissatisfaction that is embodied in less obvious disputes.

Many organisations recognise this issue and make sure that they have ways to identify when workers are unhappy and seek to find ways to address these concerns. They do this by promoting dispute resolution procedures.

Dispute resolution procedures are often set out in enterprise agreements or human resources policies. These procedures allow employers and employees who are in dispute about something happening in the workplace to have a clear process to follow to resolve their concerns.

A typical dispute resolution procedure will contain the following steps:

1. An individual employee who has a concern is encouraged to raise this with their manager or supervisor.
2. If the concern is not resolved at this level it can be raised with a more senior manager for resolution.
3. Finally if the dispute is not resolved in the workplace it may be able to be referred to an external umpire to have the matter resolved
4. At any stage in the process the employee is permitted to have a representative assist them. This can often involve a union delegate or official.

A dispute may involve an entire workplace, e.g. the introduction of some change to process or rosters or hours of work. In these cases organisations may use Consultative Committees to discuss the matter and resolve any concerns. Consultative Committees are generally made up of representatives of the employer and the employees at a workplace.

It is important to the ongoing health of employment relationships that disputes are resolved and are seen to have been resolved fairly. If either side feels they have been forced to agree to a resolution it is unlikely that the dispute will be properly settled.

What happens if a dispute cannot be settled by the parties agreeing to an outcome? Agreements include a provision that allows for the matter to be taken to the independent umpire, Fair Work Australia, to have the matter dealt with. This sometimes involves a commitment to abiding by a decision of this tribunal even if that isn't what was wanted. The benefit of this process is that each party can feel that they had the best chance to put their point of view forward and are likely then to accept the outcome because the process of getting a decision was fair.

IN SUMMARY

- Disputes can be very destructive in workplaces.
- Overt industrial action in the form of strikes may be more obvious than covert expressions of dissatisfaction but this does not mean that they have a greater impact.
- Dispute resolution procedures seek to resolve disputes quickly and at the lowest possible level within an organisation.
- The establishment of Consultative Committees in workplace is another mechanism used to reduce conflict.
- If disputes cannot be settled, Fair Work Australia provides conciliation services to seek common ground between those in dispute.
- If conciliation does not work many organisations agree to have the dispute arbitrated by an independent third party such as Fair Work Australia.

Activity One: Vocabulary Task

Resources

This activity can be completed without additional resources.

Step One

Explain to students that they are going to explore the specialised vocabulary of industrial disputes.

Ask students to think of an area where they have a good knowledge of a specialised vocabulary. You could use school as an example. Explain that schools have an entire series of terms and acronyms that might be completely unfamiliar to someone from another time or place. VCE is a good example:

- What is a Sac Task?
- What is the GAT?
- What does VCAA stand for?
- What is an ENTER score?

Ask students to select a topic they know well and see if they can identify five terms that are particular to that field. Put a suggestion list on the board to prompt students who might not be able to think of an example. What are the specialised vocabularies of:

- Online or console games
- Face Book or My Space
- Cricket, football, netball or another sport
- Hip Hop or another genre of music
- Your school or friendship group
- Fashion
- Your part-time job

Step Two

When this task is finished ask students to share their terms with a partner and explain what each of them means and then write down definitions for each of their own terms. (A more challenging task is to write definitions for their partners' terms.)

Step Three

Discuss these answers with the whole group, sampling as many definitions as possible. Have the class review this task.

- Did you discover that you use more unusual terms than you realise?
- Was it hard to define the specialist terminology that you know?
- Were other student's terms unfamiliar or did it seem strange?

Explain that the group will now look at the specialised language of the workplace dispute resolution.

Activity Two: Industrial Terminology

Resources

To undertake this exercise it is a prerequisite to have completed the Introductory Exercises at the beginning of this curriculum resource AND Activity One in this theme.

Handout – Disputes Should be Settled Quickly and Fairly

Glossary at the end of this curriculum resource or a dictionary

Step One

As a class review one of the exercises where you have considered and recorded the thoughts and feelings of a person entering the workforce. Note the hopes and anxieties of new employees you discussed, highlighting the fact that starting a new role involves learning a new “culture” of the workplace.

Explain to the class that newly employed young people must learn not just new roles and procedures when they start work but also new terminology. They must develop a whole new vocabulary for working. Explain that one area where young people may be particularly unsure of the vocabulary used in the workplace is that of industrial bargaining and arbitration.

Step Two

Explain to the class that they will be exploring the Australian industrial relations terminology.

1. Read the Handout – Disputes Should be Settled Quickly and Fairly as a class.
2. Divide the class into small groups of three or four. Ask each group to highlight all of the key terms with which they are unfamiliar or unsure of the exact definition.
3. Get students to use the glossary provided to write definitions in their own words for these highlighted terms.
4. Use dictionaries to clarify your understanding. Keep a list of those terms that are still confusing or unclear.
5. Discuss these answers with the whole class.
6. When you are satisfied that students have at least a basic understanding of these terms ask them to again write definitions in their own books.

HANDOUT

DISPUTES SHOULD BE RESOLVED QUICKLY AND FAIRLY.

When people talk about workplace disputes they often think of strikes. This is what the media focus on.

Strikes are not the only way that people express frustration with their workplace. If there is an unsettled disagreement, employees may not work as hard. They may have increased leave from work and may be less willing to do extra things to help the organisation. Strikes get all of the attention but they are sometimes easier to solve than workers being unhappy but not going on strike.

It is best to resolve a dispute quickly between the people who are in disagreement. Disputes don't get better if they are ignored. They are more likely to grow if not fixed quickly. This makes them last longer and means they are then harder to resolve.

Many organisations recognise this issue and make sure that they have ways to identify when workers are unhappy and seek to find ways to address these concerns. They may use mediators, unions, tribunals and courts. The first step is to have a dispute resolution procedure.

Dispute resolution procedures are often written in enterprise agreements or human resources policies. They allow employers and employees who are in dispute to have a clear process to follow to resolve their concerns.

A typical dispute resolution procedure will contain the following steps:

1. An individual employee who has a concern is encouraged to raise this with their manager or supervisor
2. If the concern is not resolved at this level it can be raised with a more senior manager for resolution
3. Finally if the dispute is not resolved in the workplace it may be able to be referred to an external umpire to have the matter resolved
4. At any stage in the process the employee is permitted to have a representative assist them. This can often involve a union delegate or official.

A dispute may involve an entire workplace. In these cases organisations may use groups (sometimes called Consultative Committees) to discuss the matter and solve the dispute.

It is important to the ongoing health of employment relationships that disputes are resolved and are seen to have been resolved fairly. If either side feels they have been forced to agree to a resolution it is unlikely that the dispute will be properly settled.

If a dispute cannot be settled then it might go to the independent umpire, Fair Work Australia. This sometimes involves agreeing with the decision of the umpire even if that isn't what was wanted. At least each party can feel that they had the best chance to put their point of view forward.

Consultation and negotiation

Disputes in the workplace are often about change. When things change in the workplace it can affect people in different ways and this can often lead to disputes. Consultation can help minimise concerns and the possibility of a dispute.

Consultation is about listening and being heard. It includes being able to make suggestions about better ways to introduce change. It might be that there is a better way, a way that achieves what the employer wants without employees feeling upset. Involving staff in finding solutions makes good business sense.

In negotiation it is the problem (rather than a solution) that is presented to people. Everyone has a chance to contribute to the discussion and to help find ways to resolve the problem. The stakeholders present different views and try to get the best outcome for themselves while still letting other groups get what they want.

If everyone cannot agree after negotiation then a dispute may go to another level involving mediation, conciliation or arbitration.

Mediate, conciliate and arbitrate

If a problem in the workplace has not been resolved by negotiation, then an independent person might be asked to help resolve the dispute. The first step for this person is to try and help both groups reach an agreement through mediation or conciliation.

Many of the disputes that happen in the workplace, even the worst of disputes, tend to be settled by mediation and conciliation.

Many of the bodies that hear disputes (Fair Work Australia, Victorian Equal Opportunity and Human Rights Commission, Victorian Civil and Administrative Tribunal and the Federal or Magistrates Courts) seek to resolve matters by mediation and conciliation first.

Only when everything else has failed do they make a decision as a judge and impose that decision onto the parties in dispute by arbitration. This is because they recognise that solutions imposed on the parties often leave one side or the other (or even both) feeling they did not get what they wanted.

Activity Three: Mapping the Dispute Resolution Process

Resources

Activity Two is a pre-requisite for undertaking this activity

Handout – Disputes Should be Settled Quickly and Fairly

Step One

Reiterate to the class that Australia has a legal process designed to help employees and employers resolve their differences. However, the Information worksheet is only one way to present this information. Explain to the class that their task will be to create a visual representation of Australia's Industrial Dispute Resolution system. This will be aimed at an audience of their peers.

Step Two

Explain to the class that they are now going to depict this process as a visual diagram or in a class presentation. The material they create must clearly outline each of the steps of the process and the options for participants in the process.

Emphasise that it is important to draft the visual material so it not only summarises all the information but presents it in an engaging and easy to understand manner.

For those using online visual summary tools such as “bubbl” this is particularly important because they need to envisage how the information will look when it is presented.

Organising a “gallery session” where students display their draft and speak to the decision they made in its creation is an excellent way to make the drafting process more rigorous.

Speed Jumble Exercise

An engaging way to introduce this task is to get students to complete a speed jumble exercise:

- Have the students carefully review the Handout - Disputes Should be Settled Quickly and Fairly and record the key steps involved in the process of dispute resolution on a piece of blank A4 paper.
- Then instruct students to cut or rip the page A4 sheet into thin strips with one step of the process per strip. Mix the steps till they are out of order.
- Students then swap their strips with a partner and each person tries to put the strips back into sequence.
- Review your step-by-step sequence. Do you or your partner identify any steps that you have discovered you may have missed? Add these steps on another strip of paper.
- Combine with another pair and repeat process. Join to an eight and repeat again.
- Complete this activity as a whole class.
- As a reflective exercise you might, wish to identify which description of each step is most clearly articulated.

Activity Four: Annotated Media Articles

Resources

Activity Three is a prerequisite for undertaking this activity

Handout – Media articles on dispute resolution (*while both articles appeared in the daily press one article contains reference to language which in some schools may be considered inappropriate. You should review the article carefully before using it in class*)

To get full impact for this Activity you will need to source topical articles from current media outlets. Some additional articles are listed in the Websites and Resources section at the end of this theme.

In the Resources and Website section there is a selection of comments from the general public, posted to a newspaper website following publication of an article about a dispute between an employee and his employer. A teacher may want to use these comments as a prompt for students' analysis of the issue or to extend the debate. The comments are uncensored so they should be reviewed carefully prior to use in the classroom.

Step One

Explain to the class they are going to apply the information they have learnt about the process and vocabulary of the industrial dispute system.

By way of introduction read and annotate one of the two newspaper articles on the subject as a class. Use the "Handout – Disputes Should be Settled Quickly and Fairly" when modelling this process; it is important for students to point out key terms and any indications of the steps taken to resolve the dispute.

The brief for students is to help someone of their own age better understand the issues discussed in the article.

Step Two

Divide the class into groups of four and assign each group an article dealing with a media presentation of an issue of industrial disputation.

Each group needs to prepare a presentation to the rest of the class explaining the key issues presented within the dispute. Ask the students to prepare an annotated version of the article for distribution to the class as a handout.

Step Three

The groups take turns presenting their articles to the class. Select three audience members from different groups to mark feedback sheets on the presentations.

Ask the rest of the class to write a summary statement of no more than fifty words summarising the issue being discussed.

Students may wish to also add new terms to their workbook glossaries.

Introducing media annotation

- One engaging task for introducing media representation of media depictions of industrial dispute is to do a media treasure hunt (see for example the OHS Treasure Hunt in Theme Four).
- It is also possible to set a homework task that involves giving students a list of words and phrases (e.g. *Collective Bargaining/Arbitration/Industrial Dispute*) and see how many of each they can find in the media to which they and their family are exposed.
- Another effective way to introduce this task is to prepare a word cloud activity where students are presented with a word cloud of the article they are about to read and in groups try and predict the contents of the article. Directions for producing a popular form of word cloud, are listed below:
 1. Select an article or selected pages of a text for class reading.
 2. Log on to Wordle's create page. (www.wordle.net/create)
 3. Copy and paste the entire text of the article etc. into the box provided and hit "Go." The page will create a word cloud of your selected text; presenting the terms you use most frequently according to size.
 4. Print the word cloud image and then photocopy a class set. Explain to the class how this image has been created. First as individuals and then as pairs ask the class to carefully study the image and predict what the article will be about. Get students to justify their predictions in a whole class discussion.
 5. Now continue with the reading task of the article.
- One engaging variation of this word cloud pre-reading activity is to add an intermediary step between steps 3 and 4 where you modify the amount of words displayed (from 75 words to the default of 150 seems to work best) have students make an initial prediction and then have them qualify it once they are offered more information.

HANDOUT

MEDIA ARTICLES ON DISPUTE RESOLUTION

Australia Post workers prepare to strike

Mail delivery bans and postage-free days are among strike measures looming as 18,000 Australia Post workers vote to take industrial action.

The Communications Electrical and Plumbing Union will lodge a ballot application today with Fair Work Australia for a widespread industrial campaign including bans on mail delivery, collection and sorting, which will allow through unstamped mail. Staff will also refuse to comply with rules that stop them from sitting down on the job.

The union's national president, Ed Husic, said negotiations over 18 months with Australia Post over a collective agreement had broken down.

The union has been involved in a bitter dispute with Australia Post over its use of company doctors to assess sick employees. The union says sick and injured staff are being forced back to work.

A resolution was passed at the ALP national conference calling for an inquiry into the treatment of employees who have suffered work-related injuries and repeating the union's concern that rights to workers compensation entitlements were being undermined.

An Australia Post spokesman said yesterday: *"The quicker you can get a worker back, even if it is to different duties, the better it is for that person. ... but we are not going to force someone back to work if they are not fit."*

The union said it wanted to protect full-time jobs and maintain workers shift penalties, and has accused the company of refusing to reinstate key job security conditions.

The Australia Post spokesman said the company was disappointed the union was planning industrial action given the economic climate, and said it had been negotiating in good faith.

Reference Kirsty Needham The Sydney Morning Herald August 12th, 2009 accessed at <http://www.smh.com.au/national/australia-post-workers-prepare-to-strike-20090811-eh12.html>

A bullying dispute at work

A salesman who claims his boss told him “*lunch is for wimps*” and that he should “*harden the f...k up*” is suing under new Rudd Government workplace laws.

Andrew Mead, 30, claims his former managing director abused him in a series of emails and voice messages, and that he was forced to quit after complaining about the alleged bullying.

The South Yarra man claims he was scolded for arranging his iPhone plan on company time, and that he copped a spray after pointing out in his defence that he hadn’t taken a lunch break.

He alleges his boss replied quoting ruthless fictional Wall Street trader Gordon Gekko’s famous line -- “*lunch is for wimps*”.

Mr Mead claims the email was just one of many attacks on his work ethic and abilities during his time at the firm, Total Risc Technology.

Another email allegedly read: “*Andrew you keep forgetting that the money TRT forks out for your salary comes from me -- not some pensioner fund in Idaho. Given that, I demand you get results not f--king excuses.*” The same alleged note also accused Mr Mead of sulking like a little girl and curling up into the foetal position if he didn’t get his own way.

Mr Mead is taking his former employer to the national workplace relations tribunal. A conciliation hearing is scheduled for today.

Mr Mead’s lawyer, Maurice Blackburn partner Josh Bornstein, said the case would be a test of the new federal workplace laws giving employees the right to complain internally without being punished. Mr Mead is seeking undisclosed compensation.

“*It doesn’t matter if you are a janitor or a CEO of a big-four bank,*” Mr Mead said. “*There’s a difference between swearing and abusing someone.*”

The man’s former employer declined to comment.

Reference Fiona Hudson *Herald Sun* September 23, 2009 accessed at <http://www.heraldsun.com.au/news/test-case-on-bullying-at-work/comments-e6frf7jo-1225778356088>

The case was not settled at conciliation and may have proceeded to the Federal Court for hearing.

Discipline Based Rich Tasks

LOTE

Compare Australia's current industrial dispute resolution system with the system as it operates in another country. Prepare a pamphlet introducing Australia's system to a recent arrival in Australia; emphasising its differences to the system they are familiar with and, if possible, using some of their native language to make the process of understanding an unfamiliar system less forbidding.

Humanities – History

Research the development of Australia's current industrial dispute resolution system. Complete a timeline of this development highlighting periods of significant change and conflict.

OR

Compare Australia's current industrial dispute resolution system with the system as it operated in another era of Australian history. Use a VENN diagram to record your initial research and then formally present it to the class. Discuss how the experience of work for young people was different in the era you have investigated.

OR

Do a case study of a significant industrial dispute. Present your information to the class in the form of a power point, website or employing some other IT presentation tool.

Resources and Websites

<http://www.fwo.gov.au>

Has some interesting Fact Sheets on employment information and the Fair Work Act. The Fact Sheets include quite a bit of information on basic entitlements and also on how to lodge complaints online. The site also includes Best Practice Guides including 'Consultation and cooperation in the workplace' and 'Effective Dispute resolution'. These guides are written for an educated adult audience but will be accessible to students with good English. It is an easy site to navigate.

<http://www.fairwork.gov.au>

The Fair Work Online site is a federal government site with information about the new workplace regulations. There is information about dispute resolution, particularly the formal processes. Once again it is an easy site to navigate and is visually accessible.

Resources on Disputes

http://www.sa.org.au/index.php?option=com_content&task=view&id=1805&Itemid=106

This is website for the Socialist Alternative – considered by many to be a radical organisation. The article referred to at this website outlines a dispute at the Fairfax company. It is quite complex reading and has a strong ideological viewpoint, however it does mention many processes in the dispute resolution procedure. For a class or group with excellent literacy skills and a passion for the subject the article could be the source of an intriguing debate. However, given the politics of the organisation teachers should exercise care and professional judgement before proceeding.

<http://www.abc.net.au/news/stories/2009/09/11/2683085.htm> and

<http://www.theaustralian.news.com.au/story/0,,26078250-12332,00.html>

Both sites contain articles on the same dispute in the University sector. The dispute is complex involving university funding, redundancies and different agreements at different universities. Both articles mention a strike as a form of leverage in settling a dispute over enterprise bargaining.

An historical perspective

If taking an historical perspective it is important to reinforce with students that it is the current legislation that will impact on their work experiences.

The most publicised and analysed industrial dispute in recent years is the Maritime dispute or Waterfront Dispute in 1998. It was the subject of the TV mini-series Bastard Boys. An internet search will provide multiple sites for research.

Students could research the 1929 lockout on the northern coalfields of New South Wales, the pilots dispute in the 1980s, the shearers strike in the 1890s, the mining strikes in Broken Hill in 1908-09 and 1919-1920. These disputes all had different patterns of settlement given the legislation, economic and political circumstances of the time and could provide interesting historical comparisons for students.

Extension to “A bullying dispute at work”

Following is a selection of comments posted to the Herald Sun website within 48 hours of this story being published. Some surnames have been removed and in one comment an offensive word was removed. Otherwise comments are as posted including spelling and grammatical errors.

These comments are uncensored so they should be reviewed carefully prior to use in the classroom.

Daryl of Melbourne Posted at 11:31 PM September 22, 2009

He is a wimp.

Richard of Melbourne Posted at 11:34 PM September 22, 2009

Good luck how is the business going in fact lets see how many other staff now come forward.

Ape of Melbourne Posted at 12:25 AM September 23, 2009

Yep, and it's bosses like this that whinge when someone turns around and belts em one. Nuff Said!

Thompson of Melbourne Posted at 12:27 AM September 23, 2009

Your employer is correct, your a wimp if you took that to heart. Get some tissues & get over it!

David of Tassie Posted at 3:41 AM September 23, 2009

Wow! Maybe he was a crappy employee, maybe he should harden the hell up and just get on with life, It is hard to make a judgement without all the information. I have a nasty feeling that this case could set a nasty little precedent.

Jimmy of EveryWhere Posted at 4:44 AM September 23, 2009

The Salesman should take the Boss's advice.

Mike from the Real World Posted at 5:43 AM September 23, 2009

Here we go again. This is the epitomy of whats wrong with today's young people. Too much hand holding and not enough backbone. Its starts at school where real discipline has been replaced with counselling, and now its filtering into the workplace. Wants everything on a plater for as little work as possible. Read between the lines – Iphone, cuff links....you're a sales rep for a 2-bit tech mob, not a corporate banker. You're a Paxton in a suit. The court systems now make it too easy to blame everyone else, its all care and no responsibility. We must ensure noone has there feelings hurt. This is the real world, not Nimbin!!! Harden up you jellyfish and make a valued contribution to society rather than abusing the system to please yourself.

Dave of Blackburn Posted at 6:35 AM September 23, 2009

Lesson to be learned – only put on sub-contractors or commission only people. Then you don't end up with these welfare cases and their lawyers minding your business for you.

David of Hawksburn VIC Posted at 6:46 AM September 23, 2009

Good luck to him. No one should have to put up with such abuse from delusional 'corporate power junkie' that thinks he is Gordon Gekko. His boss should grow up and act like an adult, like a real leader, not a Hollywood-wannabe with a vastly inflated opinion of himself.

Harden up Wimp of Richmond Posted at 7:07 AM September 23, 2009

This bloke obviously is a wimp, I am sick of paying people to work and then find the spend a major part of their day on facebook, ebay and other websites. Good on the employer there needs to be more people take a stand, we put our houses and money up to run a business and these free loaders think it is a free ride.

truthful of geelong Posted at 7:46 AM September 23, 2009

The boss might be right,sounds like a lazy little twerp.This will open a floodgate of cases if he wins,money for nothing,sounds right up his alley.

Pat Posted at 7:47 AM September 23, 2009

What a terd, let me have two minutes with him and he will change his attitude. This is disgusting treatment. I hope Andrew Mead gets everything he is due. I wonder how this boss treats his other staff – if he has any left.

Annika of Melbourne Posted at 8:03 AM September 23, 2009

I have no doubt that there will be thousands of similar cases that come to light. Workplace bullies flourished under Howard's Workchoices legislation and it was very difficult to bring any action against them. All Australians should be extremely concerned when extreme laws such as Workchoices are introduced, it ends up costing the whole community. I have counselled people working for very large well known, supposedly reputable companies who have endured terrible bullying but they are too afraid to raise the issues at work or make a compensation claim so the victims seek treatment under the Medicare system and the community pays for injuries caused by a bullying employer. I hope some legal breakthroughs are made that assist employees and serve as a warning to bullying employers to modify the bad behaviour.

The voice of the people of Melbourne Posted at 8:18 AM September 23, 2009

There are many bullies in the work place so it is good to hear that at least one is going to face the music however the concern is that the employees always have to resign.

xavier of melb Posted at 8:25 AM September 23, 2009

It is people like this that you just never ever want to employ, whilst the employer probably shouldn't have gone so far, can you imagine just how bad this winger would have been, me me me, i have a cold, i have a stomach pain, not my fault, blame blame blame,

Tony of Queensland Posted at 8:36 AM September 23, 2009

You are kidding me aren't you? This is news? This guy should harden up and get a life! i bet he was bullied at school as well (and before you ask, I was). Australia is turning into the 51st state of America with everybody suing everybody else because they were looked at wrong. Mate, grow up, they are only words. Join the Defence Force and see how real people live, I did and I have enjoyed every minute of being in the ADF.

The comments were accessed from the following link <http://www.heraldsun.com.au/news/test-case-on-bullying-at-work/comments-e6frf7jo-1225778356088> however, the policy of most companies is to remove these posts shortly after the issue has expired in the media.

Glossary

Affirmative Action

Positive action taken to create a situation which promotes and assists elements of equal opportunity. This can mean removing barriers to equal opportunity in the workplace, such as training women so that they are eligible for a promotion.

Allowances

Additional payments made to employees for undertaking certain tasks, possessing a skill, using their own tools or performing work under adverse conditions. Types of allowances include disability allowances, height allowance, dirt or danger money, qualification and supervisory allowances.

Annual holidays

Full-time and part-time employees are entitled to a minimum of four weeks paid leave each year. This includes all employees, whether they are paid a salary, wages, piecework rates or are paid wholly or partly by commission. (Part-time employees are entitled to a pro-rata amount)

Apprenticeship

A form of on-the-job training where an apprentice is under contract to an employer to learn all aspects of a trade. Apprenticeships need to be registered with a government agency.

Arbitration

A process in the industrial relations system where a dispute is resolved by a hearing in front of an independent person, who hears the evidence from each party. The decision of the third party which resolves the dispute binds both parties.

Australian Workplace Agreement (AWA)

An individual contract offered by an employer which can replace the working conditions set out in an award or enterprise agreement. No new AWAs can be made. All AWAs have a nominal end date, however, the contracts go on indefinitely until either replaced by a new agreement or terminated by either the employer or employee by consent or after their end date is reached.

Awards

Legal documents setting out minimum rates of pay and conditions of employment which apply to employees in a particular workplace, organisation, industry or occupation. The parties involved in the making of an award may include one or more employers, employer organisations and unions (who represent employees). Laws and awards override employment contracts. An employer and employee cannot agree to 'contract out' of an award, that is, offer pay or conditions lower than those in an award.

Award modernisation

Award modernisation involves the creation of a system of modern federal awards to operate in conjunction with the Fair Work Systems which took effect from 1 January 2010.

Award rate of pay

The lowest rate of pay that may legally be paid to an employee who is covered by an award. An award generally contains a number of rates that vary according to the age of the employee, their employment status (full-time, casual or part-time), and the employee's classification.

Basic Wage

Introduced in 1907 by Justice Higgins in the Harvester case, the basic wage was the minimum amount that an employer could pay their employees. Based on the need to support a family of five, it was regarded as a fair and reasonable wage for a male without regard to the type of job he did or the industry in which he worked. The basic wage was influential in federal award wage decisions until the mid 1960s when it was replaced by the minimum wage.

Casual employees

Employees who work on an hourly or daily basis. They receive a loading on top of normal wages because they do not receive benefits such as paid sick leave and paid public holidays. Casual loadings may vary from award to award. Generally the loading for a casual employee is between 15% and 25% on top of the hourly rate.

Collective bargaining

A method of negotiation between employees and their representatives (sometimes unions) and employers to negotiate terms and conditions of employment.

Conciliation

An informal process whereby an independent person (conciliator) assists parties to resolve a dispute.

Constructive dismissal

When an employee has resigned but has done so under duress as a result of what the employer has done, said or failed to do. The conduct of the employer has compelled or unduly influenced the employee to leave employment. Constructive dismissal may be grounds on which to lodge an unfair dismissal claim.

Contract of employment

An employment arrangement between an employer and employee which is enforceable by law. A contract of employment sets out the conditions and terms under which an employee accepts to work in a particular job – such as the wage or salary amount, number or spread of working hours and whether overtime is paid or allowed.

Discrimination

When someone is not treated as fairly as someone else in a similar situation, or treated differently because they are different in some way, such as their sex, race or disability.

Dismissal

When a contract of employment is ended by the employer. In most cases the employee is entitled to receive notice of dismissal and be paid for the period of notice and any pay and leave that is owing.

Employee

A person working under the control or direction of another, under a contract of employment in return for a wage or salary but does not include a person working for their parents.

Employer

A person or organisation that employs workers under a contract of employment. Employers exercise control over their workers and are responsible for the payment of wages or salaries and for providing a safe working environment.

Employer association

An organisation of employers who share similar interests or areas of trade and which aims to promote and represent their opinions and concerns. Employer associations often help negotiate awards.

Enterprise agreements

Agreements which are negotiated voluntarily between an employer and their employees or the union on behalf of those employees. They set out the minimum conditions of employment for employees engaged in particular types of work in one particular enterprise. Agreements may cover some or all of the employment conditions under the appropriate award. From 1 January 2010 all agreements must show that all employees covered by the agreement must be better off overall when compared with how they would have been if the agreement did not exist.

Enterprise bargaining

The process which employers and employees use to negotiate a set of rules and conditions for their workplace and which results in an enterprise agreement. Another term to describe enterprise bargaining is 'workplace bargaining'.

Equal Opportunity

The law in Australia which says that everyone who has the necessary skills, experience and qualifications to do a job should be given an equal chance of getting that job.

Equal pay

The principle that men and women should receive the same payment when they perform the same work.

Fair Work Act

The law which regulates employment for national system employees and employers within Australia.

Fair Work Australia

Fair Work Australia is the independent organisation overseeing the federal government's workplace relations system. It gives the public an accessible 'one-stop-shop' for practical information, advice and help on workplace issues and ensure compliance with workplace laws.

Fair Work Australia replaces The Australian Industrial Relations Commission, the Australian Industrial Registry, and the Australian Fair Pay Commission.

Good Faith Bargaining

Under the Fair Work Act good faith bargaining is a right available to both employers and employees that ensures that the other party to the negotiation will attend the negotiations, participate, respond and provide information. However, it does not require the other party to agree to any proposals or make compromises.

Grievance procedure

A formal procedure developed for resolving issues or complaints, such as alleged harassment or discrimination.

Harassment

Any unwanted or uninvited behaviour which a reasonable person would consider offensive, embarrassing, intimidating or humiliating. It is against the law for a person to be harassed because of their sex; pregnancy; race (including colour, nationality, descent, ethnic or religious background); marital status; disability; homosexuality; age; transgender or for their relationship to or association with a person of a particular sex, race, marital status etc. Harassment is a form of discrimination.

Harvester Case

In the Harvester case of 1907, Justice Higgins ruled that the basic wage was the minimum amount that an employer could pay their employees. Justice Higgins set the minimum weekly wage based on 'the normal needs of the average employee' (regarded as a human being living in a civilised society). The judgement was designed to ensure that a worker could keep his wife and children healthy and comfortable. It did not cover female workers as it was assumed they would be supported by either their father or their husband.

Industrial action

An organised disruptive act taken by a group of workers – such as a strike or stop-work meeting. 'Protected industrial action' is the term used for a legal strike in Australia. Under the law employees cannot be disadvantaged for being part of a protected action. Protected industrial action can only occur while bargaining for an enterprise agreement.

Industrial Dispute

A disagreement between employers and workers. Some common subjects for industrial disputes are wages and conditions, occupational health and safety, unfair dismissals or environmental issues.

Industrial relations

The relationship between employers and employees.

International Labour Organisation (ILO)

A specialised agency of the United Nations (UN) which seeks the promotion of social justice and internationally recognised human and labour rights. It was founded in 1919 and has established a system of international standards that address work issues. These standards cover such things as working conditions, equal opportunity, social security, forced labour, freedom of association and minimum age restrictions. International Labour Conventions are like international treaties and Australia has promised to support the requirements of fifty-seven of those conventions.

Junior employees

Employees under 21 years of age. Some awards specify a separate pay scale for junior employees. This may be paid at a percentage of the adult rate, or a specific rate, depending on the age of the employee.

Leave loading

A pay bonus when on annual leave, in many awards this is 17.5% of four weeks pay.

Log of claims

This is a list of demands drawn up by both unions and employers as part of the negotiations for an award or enterprise agreement. It specifies what rates of pay, hours of work, leave and other entitlements that either the union or employer wants to see in the award or agreement.

Long service leave

Paid leave due to an employee after working for a substantial, unbroken period with an employer. The rate of long service leave and when it can be taken vary between awards.

Mediation

Mediation is a process in which the parties to a dispute, with the assistance of a neutral third party (the mediator), identify the disputed issues, develop options, consider alternatives and try to reach an agreement.

Minimum wage

The lowest amount which can legally be paid to an employee under an award or agreement.

Negotiation

When two parties discuss what they want in order to reach an agreement.

Ombudsman (including FWO)

An official appointed to investigate complaints against governments and government agencies. The Fair Work Ombudsman investigates complaints about mistreatment and illegal action in the workplace.

Parental leave

The entitlement of both male and female employees to take leave when their baby is born.

Part-time employees

Employees who are engaged for a number of hours that are less than those for full-time employees in an award. Part-time workers generally receive the same entitlements and benefits of a full-time worker on a proportional (pro rata) basis.

Pay slip

A record of pay which an employer must provide to employees each time they are paid. The pay slip must contain details such as the name of the employer, the name of the employee, the employee's classification, date when the payment was made, the amount of money paid before tax, the amount deducted for tax, the amount paid after tax and superannuation contributions.

Picket

Occurs when striking workers gather together outside their place of work. This is one of the most highly publicised forms of industrial action.

Piece work

When workers are paid by the piece they make or complete, such as in sewing or manufacturing.

Personal carers' leave

Personal carers' leave is leave an employee can take to care for a family member who is sick. If an employee takes personal carers' leave she/he must be responsible for the care of the person who is sick. This type of leave is paid leave and comes from the employee's current or accumulated sick leave.

Redundancy

When the work performed by an employee is no longer necessary because their job is replaced either by technology or the work is restructured and so that the work no longer needs to be performed in the way it previously had been.

Remuneration

Money paid or a benefit given to a person in return for their services. Usually means a wage or salary but can also take the form of a special payment such as a bonus or a benefit.

Sex discrimination

Discrimination on the grounds of sex. The Sex Discrimination Act was passed in 1984 to stop people being discriminated against because of their sex, marital status, pregnancy or family responsibilities.

Sick leave

Paid leave provision in awards for employees who are unable to attend work because of illness or injury. The Fair Work Act provides for a minimum of 10 days sick leave per annum. Untaken sick leave is carried forward each year.

Small business

An independently owned and managed business which employs less than fifteen people and is closely controlled by the owner manager who also contributes financially to its maintenance.

Strike

See: Industrial action

Superannuation

The money put aside during your working life for use when you retire. An employer must contribute 9% of an employee's wages into a superannuation fund. Superannuation is an additional benefit on top of a wage or salary and generally cannot be accessed until the employee retires.

Unfair dismissal

When an employee is dismissed in violation of their contract, award or the law. An unfairly dismissed employee has the right to seek reinstatement or compensation. Their claim is reviewed by Fair Work Australia (the tribunal).

Union

An organisation of employees, which acts collectively for mutual protection and assistance and is often concerned with wages and conditions of employment. Unions represent workers in dealings with employers and government. Many unions also offer extra services to their members such as advice about finances, access to health services, such as dental care, scholarships to help pay for school books or discount movie tickets.

WorkSafe

A Victorian state government body responsible for workplace safety and injury management. Its primary objective is to work in partnership with the Victorian community to achieve safe workplaces and effective return to work and security for injured workers.

Workers' compensation

A payment from an employer to an employee for injuries or illness caused at work.

Interviews

INTERVIEW ONE *

Carmel, Union Official and Actor

Carmel is a 40 year old female who works with for a Victorian trade union, where she coordinates a team of 8 Organisers. She is also an actor who has worked on Blue Heelers, Neighbours, Rush, City Homicide, Bogan Pride and Dead Georgous.

Current Role

a) What is your current job and workplace?

I balance out working as a Lead Organiser for a Trade Union whilst also being a jobbing actor.

b) What did you need to do to prepare for these roles?

The training to be a union organiser is on-the-job training. There are no special qualifications to be an organiser but most people have worked in a job that is covered by the union and have probably been a union representative. Many union organizers have other qualifications including legal qualifications.

I trained as an actor at the Victorian College of the Arts. Most actors have some formal training but some just start work in the industry and build a career from there. It's a very competitive industry and most actors rely on an agent to get them work in films, TV, advertising and on stage.

c) What are the best parts of your job and your workplace?

My job as a Lead Organiser involves coordinating a team of people whose job it is to help the members of our union sort out problems related to their employment. In some cases, that is as simple as just giving the members clear, up to date information about their workplace rights. Sometimes it involves helping them to negotiate as a group to improve their working conditions.

Since so much of peoples lives are tied up in their work, helping people make their working life better and more satisfying feels great. And

as a trade union official, I like the fact that I work every day in an environment that matches up with my political views – that's something that is very important to me.

As an actor, I like the fact that I get to leave my day to day life and be someone different! It can be a real challenge to put myself in someone else's shoes – especially when the character is completely different from me – but when I feel like I have really got it, I feel great.

d) What are the downsides or the things that make the job or workplace difficult or not enjoyable?

The union job can be exhausting – there are not enough hours in the day to get everything done in the way that I might ideally want to do it. So the perfectionist in me has had to learn to accept compromises. And at times, the idealist in me has had to give way to the pragmatist - no matter how much I might think it is important to fight for something, sometimes our members are happy to accept outcomes that I personally might not think are good enough, which can be hard.

Union officials tend to have strong views about what they do and have no fears about expressing them, sometimes in our workplace too many strong opinions from people who are not afraid of confrontation can be a bit wearing!

The downside of acting work is that it is irregular and that you never really know when you are going to get the next job. This means that it's difficult to earn enough money to make this a full time job so you usually have to fit other work in too. Also when you are working on an acting job there is lots of down time waiting around until you are needed. If you have costume or make-up requirements you often need to be there early in the morning to get made up etc. and have to wait around all day for what might be a 10 minute scene. This can be really boring and you have to find ways to entertain yourself.

* Names have been changed.

Your work history

a) Describe the first job for which you received payment.

From the time I was 15, I worked in the school holidays doing archiving at the company where both my parents worked. It was not very exciting – matching up different bits of paper, recording everything in long lists and then putting everything in boxes – but I felt pretty good at the end of the week when I got my pay packet! And by the time I finished up there, the information I had put together over the years was proving to be very useful so I felt like I had achieved something.

b) Describe your best job or a job that you really enjoyed.

As an actor, the roles I have enjoyed the most have been the ones where I got to do things that were way outside of my own experiences. Recently, I got to be a ghost in a TV series made for young people. That was great – partly because the character herself was so much fun to play (she was quite eccentric!) and partly because the special effects that they used to make me into a ghost were something completely new for me and were technically really different so I learnt something.

c) Can you describe a workplace where you or someone you know was treated in a manner that was unfair?

I worked at one place where one of the team leaders would always pick on one particular person in my team. The worker had only just come to Australia and she did not speak English very well and the team leader would make fun of her pronunciation in front of the rest of us. I was very uncomfortable but when I talked to my co-worker, she was frightened so she did not want to say anything about it. I was really torn between being angry and wanting to do something versus respecting the fact that my co-worker had specifically told me not to say anything. I wish I could say that I worked out a great solution, but I didn't – at the time, I did not know who to talk to and the only thing I thought I could do was to support her as an

individual. She did not last in the job – one day, she just did not show up for her shift and I never found out what happened. The team leader stayed in his job, though so I assume she never said anything about it or if she did, no one did anything.

d) Have you ever had a 'good' job in an unfair workplace or a 'poor' job in a really enjoyable workplace? Can you describe either of the scenarios?

At that same workplace where the team leader treated my co-worker very badly, I had the opposite experience – I was treated really well. I was given the opportunity to do higher duties whenever one of the team leaders was away and they always let me change my shifts around even at the last minute so that I could go off and do an acting job. That's what made my co-workers experience so difficult for me to understand – management was very supportive of me and were prepared to be flexible around my needs and priorities.

e) Has your view about work changed over time? Can you explain the changes?

It's a funny thing to say, but it's not so much my view of work that has changed but my view of people and how they are in situations in any workplace. It took a while for me to understand that everyone makes decisions and reacts to things differently. So for example, in my union role when talking to the employers I should never assume that they are thinking the same way I do but should step back and try and work out their priorities and how they think that they can achieve them.

Employers, managers and bosses

a) Have you ever been in the role of employer, boss or manager?

As a team leader, the most enjoyable part of my job is being able to support the union organisers in my team to try new ways of doing things and then seeing them succeed. The other great thing is when someone surprises me – for example, when they come up with a new way of doing something that I would never have thought of or when they come in to tell me about an unexpected success.

b) What is difficult about the role?

It can be hard to be in the middle – my role sits in between the people who ‘run’ the union and our organisers who are working with union members. That can mean having to translate messages between the two groups – for example, finding constructive ways to pass on complaints made by staff about things that are happening or decisions that are being made by management or vice versa. Sometimes that puts me in an awkward spot.

c) In your role as employer/boss/manager what did you see as the qualities of a ‘good’ employee?

Someone who is prepared to come and tell me about what is happening – both when things are going well and also when they aren’t. When things are going off the rails, I reckon it is better that I know about it as soon as possible so that I can help work out ways to try and fix the problems rather than have someone in my team who does not tell me and just hopes that things will somehow fix themselves. They rarely do and the problem can end up being much bigger than the original one. Also, a good employee is one who is not afraid to ask lots of questions when they are not sure about things. I would prefer that people ask what they think might be a dumb question than just assume they understand and end up making a dumb mistake.

d) What are the characteristics of a good employer/boss/manager?

I think it’s someone who listens and does not assume that the way that they do things is the only way to get them done.

INTERVIEW TWO *

Anthony, Air Traffic Controller

Anthony is a 30 year old male who works for Air Services Australia, the organization that is responsible for air traffic control throughout Australia.

Current Role

a) What is your current job and workplace?

I'm an Air Traffic Controller at a major traffic centre.

b) What did you need to do to prepare for this role?

It is a tough selection process to become an air traffic controller. There is a psychological test and then 12 months at the Air Services Australia Training College and a further 4-6 months of on-the-job training.

c) What are the best parts of your job and your workplace?

Firstly it would be the people I work with. We work closely as a team and look out for each other. I enjoy that team atmosphere. Secondly, I've always wanted to be employed in the aviation industry. It's one of my main interests and I enjoy working in the industry. Finally it would be the work itself. We do an important job well, and I take pride in that fact.

d) What are the downsides or the things that make the job or workplace difficult or not enjoyable?

The job includes shift work and night shifts would be the hardest part of the job. Forcing your body and mind to work between 2am and 6am can be very hard, and working at unusual times can also have an impact on family and social life. The job can also at times be stressful, for example when there is bad weather, and combining that with fatigue from shift work can be difficult occasionally.

Your work history

a) Describe the first job for which you received payment.

My first job was delivering advertising material around my local area.

b) Describe your best job or a job that you really enjoyed.

The best job I've had is the one I'm doing currently. I enjoy the people, the challenging nature of the work and being involved in aviation.

c) Can you describe a workplace where you or someone you know was treated in a manner that was unfair?

I worked in a service station for a while where the boss was reluctant to pay the required extra money for public holidays like Easter etc. After showing him that he was required by law to pay the extra money we recovered what we were owed.

d) Have you ever had a 'good' job in an unfair workplace or a 'poor' job in a really enjoyable workplace? Can you describe either of the scenarios?

I worked for a while in a specialty wine store. The job didn't pay very much, and the hours were long, but I learned a great deal about wine and wine making, and met a lot of very interesting people, which I really enjoyed. My boss at the time also really encouraged me to get more involved, and used to send me to lots of different events, and he really encouraged my development.

e) Has your view about work changed over time? Can you explain the changes?

Not really. I've always tried not to think about it as work, but rather as a place to learn new things and meet new people. When looking for a new job I ask myself what I'm interested in, and go out and find employment in those areas, rather than looking for a certain level of pay or conditions.

* Names have been changed.

Employers, managers and bosses

a) Have you ever been in the role of employer, boss or manager?

No

b) What are the characteristics of a good employer/boss/manager?

A good boss has the attitude that their staff are their most valuable asset, and encourages them to get more involved in the workplace, and fosters their development by sending them out to get new qualifications to bring back to the business. Often the best ideas on how to improve a workplace come from those on the front line of the business. If people feel valued, they will feel more responsibility for where they work, and do what they can to help the business.

INTERVIEW THREE *

Jan-Marie, lawyer

Jan-Marie is a 25 year old woman who works for a Victorian law firm.

Current Role

a) What is your current job and workplace?

Graduate Lawyer at a large city based law firm

b) What did you need to do to prepare for this role?

To be lawyer you have to attend university. The course varies between three and five years depending on where you study. I finished my course over a longer period of time as I was working part time and travelling. To get a job as a graduate lawyer it is very competitive and you have to apply at many firms and they have a tough process.

c) What are the best parts of your job and your workplace?

I started with a group of 10 other graduates, and the training has been really good. We've had the opportunity to learn from some very experienced lawyers, and I've been able to observe a few cases in court and at the Victorian Civil and Administrative Tribunal (VCAT). It's also a pretty friendly workplace.

d) What are the downsides or the things that make the job or workplace difficult or not enjoyable?

Getting used to full-time work has been a bit of an adjustment, but overall the job has been pretty good. Some aspects of the work have been difficult, because I'm doing everything for the first time. I've also found that what I studied at law school isn't the best preparation for the more practical aspects of work in a law firm.

Your work history

a) Describe the first job for which you received payment.

I worked as a Christmas casual at a glassware outlet store when I was in year 10. I broke two plates on my first day.

b) Describe your best job or a job that you really enjoyed.

Probably my current job because I've been working towards becoming a lawyer for quite a few years now.

c) Can you describe a workplace where you or someone you know was treated in a manner that was unfair?

I worked in about 8 different jobs while I was a university student, and generally the conditions were pretty good, although I certainly know people who have been treated unfairly. Some friends of mine have been bullied in their workplace, and others had employers who tried to pressure them into signing individual contracts. I think this tends to happen more in casual jobs.

d) Have you ever had a 'good' job in an unfair workplace or a 'poor' job in a really enjoyable workplace? Can you describe either of the scenarios?

Not really. I think it's probably difficult to have a good job in an unfair workplace.

e) Has your view about work changed over time? Can you explain the changes?

I've probably taken more interest in my recent jobs in the legal industry, compared to my first casual jobs. Although I think my early work experience probably helped me get more relevant experience.

Employers, managers and bosses

a) Have you ever been in the role of employer, boss or manager? No

b) What are the characteristics of a good employer/boss/manager?

I think a good employer makes expectations clear, and treats all employees fairly. The best employers and managers I've had seem to enjoy their job, and have taken an interest in training their staff.

* Names have been changed.

INTERVIEW FOUR *

Joe, Early Childhood Teacher

Joe is a thirty year old male who is an Early Childhood teacher and Director of a Kindergarten and Children's Centre

Current Role

a) What is your current job and workplace?

I am the Director and Teacher at a Kindergarten and Children's Centre in suburban Melbourne.

b) What did you need to do to prepare for this role?

To be a teacher in Early Childhood I needed to do four years at University. I then had a few casual teaching roles before gaining my current position.

c) What are the best parts of your job and your workplace?

I like that in my work I am able to have a positive impact on children and their families.

My role involves working both inside and outside – I like the mix.

I work with great team of people who are dedicated to their jobs.

d) What are the downsides or the things that make the job or workplace difficult or not enjoyable?

There are times when parents get extremely angry and I am responsible for managing the situation – that can be really tough.

People would be surprised at how heavy the workload is in running a Children's Centre and teaching at the same time.

Quite a bit of the work is 'after hours' and I don't really enjoy that part of it.

Your work history

a) Describe the first job for which you received payment.

I was a swimming teacher.

b) Describe your best job or a job that you really enjoyed.

My best job is my current job as a Kindergarten teacher.

c) Can you describe a workplace where you or someone you know was treated in a manner that was unfair?

I worked for a company that was bought by another All staff on one area were told to re-apply for their jobs with the new company but with worse working conditions.

d) Have you ever had a 'good' job in an unfair workplace or a 'poor' job in a really enjoyable workplace? Can you describe either of the scenarios?

Not really. I think for a job to be good it needs to be fair. I do have an over-developed sense of justice and fairness.

e) Has your view about work changed over time? Can you explain the changes?

As I've grown older and now have a family the rate of pay for a job has become an issue for me.

Employers, managers and bosses

a) Have you ever been in the role of employer, boss or manager?

Yes. I like being able to make the decisions and see my plans come together.

b) What is difficult about the role?

The workload is certainly greater and you do take the worries of the workplace home with you.

c) In your role as employer/boss/manager what did you see as the qualities of a 'good' employee?

'Good' employees are committed to the work of the organization. They show some flexibility and they are able to accept change and negotiate when there are problems..

d) What are the characteristics of a good employer/boss/manager?

I think there are lots of qualities needed but I'll single out:

- Empathy
- Vision
- Knowledge of the business

And lastly but very important – a sense of humour.

* Names have been changed.

INTERVIEW FIVE *

Vincent, Middle manager

Vincent is a 50 year old male who works in the health industry as a middle manager.

Current Role

a) What is your current job and workplace?

I currently work as a regional manager for a large provider of health services.

b) What did you need to do to prepare for this role?

I have worked in many roles in the health industry and over time have worked my way up to be a manager. I have done some courses at TAFE and done a lot of reading about management. Most people at my level now have a degree in management.

c) What are the best parts of your job and your workplace?

I work with a great team of people who are committed to the organisation. They really believe in improving people's health. In the immediate team I work with there are nurses, scientists, project managers; one guy who was a policeman and another person who has a Masters degree in Health Management. This is what they call a multi-disciplinary team.

I like the diverse backgrounds that everyone has and that I get to interact with them individually and as a team. One of the best things is that I am able to give people opportunities and put these people into projects where they can excel and then they can advance their own careers. I like knowing that I helped people 'get ahead'.

To be honest I like to be the one to make the decisions. I know that my ideas are the ones that can be put in place. I don't have full control because there are senior managers above me but I do get a fair bit of autonomy.

d) What are the downsides or the things that make the job or workplace difficult or not enjoyable?

There are lots of meetings that waste a lot of time.

There is a lot of workplace politics – everyone trying to be seen as better than someone else – you see lots of petty jealousy in big organizations.

The hours can be really long. If there is a job to be done then in the end as the manager you are the one to make sure you meet the deadline.

Your work history

a) Describe the first job for which you received payment.

When I was at school I worked with my brother cleaning yards and mowing lawns for old people. We worked really hard for not much money. They could not afford to pay us very much – we got lots of cups of tea and cakes!!

b) Describe your best job or a job that you really enjoyed.

At one stage in my teenage years I had a job working underground for a mining company. I was a tradesman's assistant and I had to follow boilermakers and mechanics around underground as they fixed trucks and mining equipment. It was boring and dirty work but the pay was fantastic and when I look back now I realise that it was a unique opportunity that few people get the chance to experience.

c) Can you describe a workplace where you or someone you know was treated in a manner that was unfair?

One of the jobs that I had was in a company that was closing down. They made the announcement the year that I started. The company was to close over a two year period; so half the people were made redundant in the first year and half the next year. Some people had been working for the company for nearly thirty years and they were going to get just 8 weeks pay when they left (that worked out for some people as less than 2 days pay for every year they worked for the company) – I thought that was pretty unfair. We worked with the union to get a better deal but many of those people found it difficult to get other jobs.

* Names have been changed.

d) Have you ever had a 'good' job in an unfair workplace or a 'poor' job in a really enjoyable workplace? Can you describe either of the scenarios?

I worked with a team in one organisation that was just great. We had a lot of fun together and did a lot of good work. We would get together for social occasions and everyone got along well but we also knew how to work hard when it was required. Then the senior manager retired and the new manager had different ideas about how things should be done and wanted his own team in place. Gradually that senior manager got rid of all of the team I worked with (including me). But even in the last stages it was a good job in what I thought was a pretty unfair workplace.

e) Has your view about work changed over time? Can you explain the changes?

Early on I was really ambitious and wanted to be the boss quickly whatever company I worked for. I wanted to be in charge and to make the decisions. Now I worry less about that. Mainly what I want is for my work to stay at work and not interfere with my home life.

Employers, managers and bosses

a) Have you ever been in the role of employer, boss or manager?

Yes. For most of the last 25 years I have been working in a role as team leader, manager, frontline manager and at one stage Executive Director of a small company.

b) What is difficult about the role?

Managing people is hard work. They all have their own needs and wants in the workplace and it seems as the manager your job is to help them all feel good about the world – and often there is nothing you can do. They just have to get on with their job. If you are the person that has to make the decisions then people are always hassling you to get the decision made – it means that you can't concentrate on your own job and your own things without being interrupted. And then you have to remind yourself that managing people is your job.

c) In your role as employer/boss/manager what did you see as the qualities of a 'good' employee?

The best people I worked with knew how to do their job, had the confidence to take risks and make decisions for themselves but would keep you informed about what they were doing. The very best people knew when they should make a decision and when they needed to seek your advice. The really good workers also knew how to help others in the team.

d) What are the characteristics of a 'good' employer/boss/manager?

I think people in this role have to have a clear view about what the team or the company is trying to achieve. They make decisions that are consistent and they explain why they have made the decision. They also realize that people are not robots – they have families and worries and hassles and good times and all of this affects their work. A good boss knows how to recognize this in people and still get the best out of them for the company.

INTERVIEW SIX *

Maxine, full time carer

Maxine is a 40 year old female who works full time at home as a carer and mother for her two year old son.

Current Role

a) What is your current job and workplace?
Stay at home Mother

b) What did you need to do to prepare for these roles?

Have a baby!! There is no courses and no preparation for this role – it's on the job training!

c) What are the best parts of your job and your workplace?

The job is:

1. Personally fulfilling
2. Important
3. Unstructured

d) What are the downsides or the things that make the job or workplace difficult or not enjoyable?

There are a few downsides. The job is physically and emotionally tiring. You have to cope with the isolation and you lack the personal financial freedom that comes with having your own income.

Your work history

a) Describe the first job for which you received payment.

Part-time babysitting and supermarket checkout as a teenager.

b) Describe your best job or a job that you really enjoyed.

Working for a public legal office- assisting people who had been unfairly treated by a business. The role included managing client correspondence and responses to phone enquiries. The most satisfying part was having a clear code of ethics, the law etc as the guide for the decisions I made and the kind of help I offered. The company was flexible, informal and generous with staff.

c) Can you describe a workplace where you or someone you know was treated in a manner that was unfair?

In one company staff were kept in an acting supervisor role without additional pay or benefits for extended periods of time while external applicants were hired for those roles.

d) Have you ever had a 'good' job in an unfair workplace or a 'poor' job in a really enjoyable workplace? Can you describe either of the scenarios?

The company aimed to hire young, educated personnel who were motivated, energetic and social. The staff formed strong bonds. The company arranged parties each month and staff were encouraged to spend time together after hours having fun and drinking.

Working conditions were poor and performance guidelines were rigid. The company's conduct guidelines were strict and conservative, completely at odds with the kind of staff they had employed. Union membership was actively discouraged. Discussing salary was considered a sackable offence etc. In that environment staff morale spiraled down and attrition was high.

* Names have been changed.

e) Has your view about work changed over time? Can you explain the changes?

Good pay and opportunities for promotion were once my first priority. My personal life has changed, i.e. I have a family now, so a more secure role and working for a better/fairer company, with working conditions that fit my home responsibilities, would be my first priority now.

Employers, managers and bosses

a) Have you ever been in the role of employer, boss or manager?

Yes. I was responsible for coaching and encouraging a team to work towards being a minimally supervised team. My goal was to ensure that they comfortably achieved all their key performance Indicators (KPIs) leaving enough free time to manage the team to also achieve their individual professional goals.

b) What was difficult about the role?

Enforcing unfair work policies was hard eg. calling ill staff members at home, to see if they really sounded genuinely ill, then being expected to persuade them to come in to the office.

c) In your role as employer/boss/manager what did you see as the qualities of a 'good' employee?

Someone who was open about their professional aims and ambitions - this allows manager and employee to cooperatively work towards mutually beneficial goals.

d) What are the characteristics of a good employer/boss/manager?

Managers should be cool headed, polite, thoughtful and understand how to manage performance reviews.

They should be consistent- considering personal commitments and work life balance.

They should be capable of performing those tasks required of their staff.

They should be honest about motives for decisions that will affect staff.

They should be encouraging staff to seek promotion and personal development.

INTERVIEW QUESTIONNAIRE

You may find this questionnaire helpful if you are asked to interview people about their current job or their previous work roles. There are 13 questions in total.

PERSON'S NAME:

GENDER:

AGE GROUP:

Current Role

a) What is your current job and workplace?

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b) What did you need to do to prepare for this role?

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c) What are the best parts of your job and your workplace? (perhaps list three)

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d) What are the downsides or the things that make the job or workplace difficult or not enjoyable? (perhaps list three)

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Your work history

a) Describe the first job for which you received payment.

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b) Describe your best job or a job that you really enjoyed.

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c) Can you describe a workplace where you or someone you know was treated in a manner that was unfair?

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d) Have you ever had a 'good' job in an unfair workplace or a 'poor' job in a really enjoyable workplace? Can you describe either of the scenarios?

e) Has your view about work changed over time? Can you explain the changes?

Employers, managers and bosses

a) Have you ever been in the role of employer, boss or manager? [if NO please go to (d)] If YES what did (do) you enjoy about the role?

b) What was (is) difficult about the role?

c) In your role as employer/boss/manager what did you see as the qualities of a 'good' employee?

d) What are the characteristics of a 'good' employer/boss/manager?
