



WORK RIGHT!



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1

Your “Fair Go” at work

Successful relationships are based on trust and confidence. This is true also of the employment relationship.

Your employer should be able to trust that you will do your job as best you can and be loyal.

You should be able to trust that your employer will pay you properly, treat you fairly and provide a safe working environment.

This is a “fair go” at work.

2

Work with dignity

Everyone has a right to feel that the work they do is worthwhile and they are respected for what they do.

Before you start work, or on your first day, your employer should give you written information about:

- what you will be paid and the duties you must perform
- whether you are employed on a full-time, part-time or casual basis
- your hours of work
- when you will be told your roster
- contact details for your employer if you need to call in sick or ask for your roster to be changed, and
- occupational health and safety

They should also tell you where you can go to get advice about your workplace rights.

3

Discrimination, bullying and harassment are against the law

It is against the law for anyone in the workplace to treat you differently because you are female or male, or because you come from a different country or have a different religion, because of your age or the fact that you are gay or lesbian or have a disability of some kind.

Workplace bullying includes things like using loud and abusive language, intimidation, being subject to ridicule or humiliating jokes in front of others, leaving offensive messages on emails, the internet and social networking sights or via text message.

Sexual harassment is any conduct of a sexual nature that is unwelcome. Sexual harassment can be physical, verbal or written.

Every organisation has a responsibility to ensure that these behaviours don't occur in the workplace.

If you feel discriminated against, bullied or harassed:

- tell the person to stop
- keep a diary of events
- tell your employer, your human resources manager or occupational health and safety representative
- Report the problem to your parents or guardian, Worksafe or your union

Contact the Fair Work Ombudsman about discrimination, bullying and harassment at work.

4

Being safe at work depends on everyone

Employers must do everything practicable to ensure all risks in the workplace have been removed. Under law they must spot the hazard, assess the risk associated with the hazard and make changes by putting risk controls into place.

As an employee you must act reasonably and comply with instructions designed to protect your own health and safety and the health and safety of those you work with.

You do not have to do something that is unsafe or that you haven't been trained to do.

You should be introduced to your health and safety representative when you start work.

If you are feeling unsafe

- Tell you supervisor or manager
- Report your concerns to your health & safety representative
- Tell your parents or guardian and contact Worksafe Victoria or your union to ask for help.

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Speak up and be heard

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

Consultation about changes in the workplace is an important way to involve you in decisions that affect you. Consultation involves more than being told what is happening. Consultation is about listening and being heard. It includes being able to make suggestions about better ways to work or about your concerns.

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Having someone to help you

Both the employee and the employer have a right to have someone speak on their behalf when raising problems or concerns in the workplace.

Every employee (including those who are casual or part-time) has the right to belong to a union.

Unions provide information advice and support to their members. They help to resolve problems in the workplace and negotiate improvements in wages and conditions.

Your right to be a member of the union is protected by law. Laws also protect the rights of individuals to choose not to be a member of a union.

For details about what unions do and how to join contact the ACTU.

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Getting the basics right

Every employee is entitled to minimum standards of pay and conditions.

Information about the minimum standards that apply to you including rate of pay, hours of work, payment of overtime and on public holidays etc. can be obtained from the Fair Work Ombudsman or Fair Work Online.

Your employer should:

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 your workplace conditions
6. pay on a regular basis – usually per week or per fortnight but at least monthly.

It is not legal for an employer to make you do a "trial" without being paid.

Contact the Fair Work Ombudsman if you think you are not getting paid properly.

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Lost your job – was that fair?

Australia's workplace laws provide that employees should not be unfairly dismissed.

If you have been dismissed and you haven't been told that your performance or behaviour is a problem or given the chance to improve, your termination may be unfair.

If you are not a casual or fixed term employee and you think you have been treated unfairly you can have this matter reviewed by the workplace tribunal, Fair Work Australia.

You would need to show:

- that you have worked in the organisation for the minimum period (12 months for small business – fewer than 15 employees, 6 months otherwise)
- that you have been "dismissed" not resigned
- that the dismissal was unfair
- that the dismissal was not because the employer doesn't want the job done by anyone anymore.

If you have been unfairly dismissed you might get your job back or receive compensation.

A claim form needs to be lodged with Fair Work Australia within 14 days of being dismissed.

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Bargaining for Better

Australian workplace laws allow employees to bargain with their employer to achieve pay and conditions above (but not below) the minimum.

Individual employees are generally not in a power position when bargaining with their employer alone so workplace laws promote the concept of employees grouping together to bargain with their employer. This is called collective bargaining.

You shouldn't be asked to agree to something about your employment entitlements, that you haven't been consulted about, don't have any information about or if you haven't had a chance to seek advice or assistance.

Employees may be represented by their union or another person in collective bargaining negotiations.

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Get that problem fixed - quickly and fairly

Every workplace should have a dispute resolution procedure that shows the steps to be followed to resolve problems. These steps include:

1. Telling you supervisor or manager about the problem
2. If the problem is not fixed raising the problem with a more senior manager for resolution
3. If the problem is not fixed in the workplace getting someone from outside who is independent to assist
4. At any stage in the process you should be allowed have someone assist you. This can be your union representative.

If you have a problem in the workplace follow the steps above to have the matter resolved.

If you are not being heard by your employer contact your union or the Fair Work Ombudsman to seek help.

Making Contact

Worksafe Victoria

Advice & information in relation to safety

Advisory Service (03) 9641 1444
or 1800 136 089 (toll free).
www.worksafe.vic.gov.au

Victorian Equal Opportunity and Human Rights Commission

Information about discrimination
and harassment

Tel: (03) 9281 7111
or 1800 134 142 (toll free)
E: information@veohrc.vic.gov.au
TTY: (03) 9281 7110
www.humanrightscommission.vic.gov.au

Fair Work Ombudsman

For information about minimum
entitlements and appropriate
workplace practices

Advice line: 13 13 94
www.fwo.gov.au

also

Fair Work Online

www.fairwork.gov.au

Fair Work Australia

To lodge an unfair dismissal claim
www.fwa.gov.au
Tel: 1300 799 675

ACTU

For information about unions and
entitlements at work

www.actu.asn.au
Tel: 1300 486 466
www.worksite.actu.asn.au

also

Victorian Trades Hall Council

Young unionist network

www.yun.org.au
Tel: (03) 9659 3511

Jobwatch Employment Rights Legal Centre

For employment rights information and
legal advice

Tel: (03) 9662 1933
or 1800 331 617
www.jobwatch.org.au

Youth Central

Youthcentral is a web based resource
that offers a range of information and
advice on issues like jobs, study, travel,
money and events in your local area
- wherever you live in Victoria.

www.youthcentral.vic.gov.au

