

GIPPSLAND TRADES & LABOUR COUNCIL INC

SUPPORTING WORKERS AND COMMUNITIES
FIGHTING FOR FAIRNESS



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Gippsland-Trades-Labour-Council-Inc



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your rights
your responsibilities



SOUTH EAST ACCOUNTING



WORK

**your rights
your responsibilities**

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This booklet was developed by the Gippsland Trades and Labour Council to help you understand your rights at work.

Yours in Unity,

*Gippsland Trades and Labour Council,
Steve Dodd*

What is a Union?

Unions are for workers.

Unions were started by workers to give them a stronger voice at work and in the community. By working together, union members have improved working conditions and safety in the workplace – for them and all other workers.

Unions have won many important changes for workers like holiday pay, equal pay for women, sick pay, superannuation, workers' compensation and the 8-hour day.

Unions provide members with information, advice and support so that people can be fairly rewarded for their work.

Every worker – part-time, full-time, casual, temporary, apprentice, trainee or contract – can join a union. At first there were different unions for each trade (hence the term trade unions). Over time these merged to form larger unions that cover a major industry or group of industries – known as 'super unions' or industry unions.

Now there are 46 major unions in Australia – with over 2 million members. The biggest union is the Australian Nursing and Midwifery Federation with an excess of 275,000, 86,000 of which are Victorian workers.

Today most Australian workers are employed with wages and conditions set by a union-negotiated collective bargaining agreement.

Benefit from industry experience

Each union in Australia specialises in providing support and representation for its members according to their occupation, industry, employer and location.

This means that there are many unions, each with their own way of best representing their membership.

How much does union membership cost?

Most union fees start from \$10 per week – depending on the hours you work and how much you get paid. Union fees are fully tax deductible.

Can I join a union?

Every worker – part-time, full-time, casual, temporary, apprentice, trainee or contract – can join a union. Ask a co-worker what the union is for your job. You can talk to the union rep at your workplace and ask them how to join. If you are unsure about what the union is for you, call Australian Unions on 1300 486 466 or visit www.australianunions.org.au

Membership of a union is confidential and you do not have to inform your employer or work colleagues. It is against the law for a person to discriminate against you because you are or are not a member of a union.

Which union can I join?

See pages 21 and 22 for a list of unions and their websites.



Union Achievements

Shorter Working Days

Safety at Work

Fair and Better Pay

Superannuation for all

Equal Pay for Women

Holidays with Pay

Union Achievements

Unions are all about getting a better deal for employees. By working together, workers have found that they can make a big difference. Here are some of the improvements that unions have helped win for workers.

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. This eight hour day was recognised internationally and over 150 years later is still considered to be a standard working day. 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.

Fair pay and better pay

There is a fair pay rate for every job thanks to unions. Back in 1907, unions argued that wages needed to be enough to support a family, and won – this was called the Harvester judgment. 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 or holiday pay are all examples of improvements won by unions.

Holidays with pay

It's hard to believe, but 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. It is because of unions that we also receive sick leave and many receive paid parental leave.

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; that is, they are paid an equal pay for an equal amount of work.

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 boss. Now it's the law that employers pay an extra nine and a half per cent above your wages into the super fund of your choice.



Safer work

Unions and union members are a big part of making work safer. Over the years they 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. But with over 300 work-related deaths every year, there's a lot more to be done.

What will be the union achievement of the future?

What improvements would you like? A better deal for low-paid workers? More opportunities for young workers? More flexible training and study?

Rights and Responsibilities

Everyone has rights and responsibilities at work. It's important that when you start to work, you're aware of your rights at work. Whether you're a fulltime, part-time, or casual worker, you have a number of basic rights your employer must adhere to.

Your rights at work include your rights to:

- Work in an environment that is free from any forms of discrimination, harassment or abuse
- Dress and act in a way that adheres to your religion and beliefs
- Be paid correctly and fairly
- Have equal opportunity for employment and

- promotion with a company regardless of your age, gender, religious beliefs or ethnicity
- Have access to the correct types of annual, family, personal and public holiday leave
- Work in a safe environment, complete with occupational health and safety procedures.

But what about your responsibilities?

- Arrive on time and ready to work
- Wear the appropriate uniform or style of dress for your workplace
- Respect your employer, customers and workmates
- Carry out your job to the best of your abilities

Get the right pay

We all know that some people get paid more than others. But why is this so? How is it worked out? Who says who gets what? These are big questions that employers, unions and governments have spent over a century arguing about!

Australia has work rules that guarantee all employees some basic rights and spell out important things like the rate of pay, maximum hours, holidays and a fair go.

Most jobs are covered by a set of rules called an industrial award. The award is made by Fair Work Australia. The award grants all wage earners in an industry the same minimum conditions of employment and wages.

The award sets the minimum rate of pay for new employees right up to the most experienced and skilled workers. Many awards will have 'junior' rates for employees less than 21 years of age.

Awards also contain other important work rights, including:

Hours of work

Including overtime and penalty rates - a full-time job is usually around 38 hours per week. Most awards will include more pay for extra hours worked (overtime rates) or unusual hours such as late nights or weekends or public holidays (penalty rates)

Personal leave

Sometimes called sick leave or carer's leave - this is paid leave for times when you are ill or need to care for a family member.

Recreation leave

Sometimes called holiday pay or annual leave - this is paid leave to give workers a 'well earned break'. For full-time employees, the minimum paid leave is four weeks each year.

Parental leave

This is time off work around the birth of children (and adoption). It includes maternity leave for mothers with some paid leave and usually up to 12 months unpaid leave (in some jobs including teaching, the unpaid leave period can be much longer). There is also leave for fathers around the birth or adoption. Awards include other working conditions like work breaks, allowances, training and ways of dealing with disputes.

Beyond awards

There is an industrial award for almost every job - but there are also some agreements that are worked out specifically for an enterprise or individual - but these must not result in employees getting less pay or conditions than the award.

Unpaid Trial Work

Looking for a job can be hard work. So it's not surprising that some job seekers jump at the chance to start work even if they don't get paid. The employer says, work a couple of shifts and we'll see how you go. It sounds good – it sounds like a good start. But how will you feel after working for hours and not get- paid? And worse still you might not ever get paid employment.

This is the unpaid trial work rip off, rort or con - call it what you will - it's a cruel and all too common trick used by unscrupulous employers to get free labour.

A survey by Job Watch, an independent community legal centre, found that unpaid trial work rarely leads to a paid job - only 13% of people who completed an unpaid trial period were offered a paid position.

But not only does unpaid trial work rarely lead to a paid job it is also generally unlawful. The best way to avoid the unpaid trial work trap is to find out how much you will be paid per hour before you start. If an employer wants to 'see how you work' they can specify a trial period or probably at the outset - that is good because everyone knows where they stand. Working for free to see how you go is **WRONG**; getting paid the award wage for a few shifts to see how you go can be OK if you know that's the deal.

TRIAL WORK OR PROBATION PERIODS ARE OK AS LONG AS YOU ARE PAID AWARD WAGES FOR EVERY HOUR YOU WORK.

DON'T LET THIS HAPPEN TO YOU

Jess asked for a job in a café. The boss said come in on Saturday and try out in the kitchen. Jess worked hard for six hours and then the boss said she wasn't right for the job. But to Jess's surprise the boss said she would not get paid because she was only on a trial. Jess found out later that the boss often got dishes washed by hopeful job-seekers who never got paid.

Work experience

Organised by your school, TAFE or university

Usually run for a set period
Will relate to your studies or career interests

It will be a learning experience You will know from the beginning that you are not getting paid (you may get a small daily rate)

Voluntary Work

Will be with a not-for profit organisation such as a sporting club, op shop or charity

The purpose is to help the community

It should not be a substitute for a paid employee

Internship

Primary goal is for an educational experience

Short term

Free to nominate own hours

The intern gets the most benefit from the arrangement

Unpaid Trial Work

Completes productive work

Does not receive any pay

Rarely leads to a paid job

Business gets the most benefit from the arrangement

Anything other than a brief trial that involves no more than a demonstration of your skills where there is a vacant position is illegal

Wage Theft

Wage theft is when you are paid less than you are legally entitled to. Every job has a minimum wage that you are entitled to be paid and that your employer cannot pay less than. We have found that at least one fifth of young workers are having their wages stolen from them.

This can include

- Not being paid for the hours they work
- Being paid less than the minimum wage
- Not being paid the correct penalty rates
- Having superannuation stolen
- Not having access to leave or other entitlements

These are all forms of wage theft, and wage theft is against the law!!

No one deserves to have their hard-earned wages stolen by the boss, but unfortunately some businesses are exploiting vulnerable workers! It is important to know what your rights are and what steps you can take to deal with wage theft. You are not alone!

What steps can I take to prevent my wages being stolen?

Know your rights:

This booklet is a great start. You can also use pay and conditions tool online to check if you're receiving the right pay entitlements. Scan the QR code or visit <https://calculate.fairwork.gov.au>. If the rate you're receiving is drastically lower than what the calculator tells you, it might ring some alarm bells.



Join your union:

Workers have more bargaining power when they stand together.

Joining your union ensures that you and your workmates are paid fairly and are supported to make changes in the workplace. Talk to your organizer for guidance and assistance.

Talk to your co-workers:

If something doesn't seem quite right have a chat to your co-workers and see if they are experiencing the same issues or if they can shed some light on the issue. You may be able to approach the boss together making it less scary for you.

Make sure you keep records:

Your employer is legally obligated to give you a pay slip every time you get paid—either online or on paper. Hold onto them and make sure you read them closely to ensure you are paid for all hours you have worked. The same goes for any communication including on social media, texts etc. Any work-related communication needs to be kept.

Celebrity Restaurant Owners: Wage Theft

“The recent scandal of George Calombaris stealing \$7.8 million from his employees and his termination from the reality television show ‘MasterChef’ have all been big topics in the news, but wage theft within the hospitality and retail industries are still quite a frequent occurrence outside of the Calombaris story.

At the Young Workers Centre, a representative mentions that as high as 73% of their calls have been regarding wage theft within recent years, and goes on to say that the George Calombaris scandal is a big story due to his status as a ‘celebrity chef’

(Young workers centre, 2019)”

THINK YOUR WAGES ARE BEING STOLEN?

Tell someone!

Don't feel like you have to deal with the issue alone! It can be daunting and stressful. Be sure to reach out to someone you trust.

Tattoos, Body Piercings and Hair & Equal Opportunities

It could be fashion. It could be a loud statement of your individuality. It could be both. Fashion and work can collide when your boss isn't happy with the way you look. But who's right and what's fair?

This is one of those tricky issues. Employers can set 'reasonable dress standards' but that doesn't take away their responsibility to treat you fairly.

According to the Equal Opportunity Commission, employers can set a reasonable standard of appearance that suits their industry as long as they don't discriminate.

An employer is allowed to ask you to remove piercings, cover tattoos, be clean shaven or tie your hair back, so long as all dress codes: An employer must also follow health and safety or food hygiene regulations - this might involve dress codes.



Equal Opportunity

Equal opportunity is about ensuring that everyone in the workplace gets a fair go and is not discriminated against.

If you have the right skills and qualifications to do the job, your employer has to give you the opportunity to show your worth, regardless of your:

- Sexual preference
- Religion
- Political opinion
- Race

And regardless of whether:

- You are a man or a woman
- You have a physical or intellectual disability
- You are a new migrant or from a migrant background
- You are young or old
- You are married or single

You should receive the same opportunity to attend training sessions as everyone else who does the same job as you.

You should have the same chance of getting a promotion as everyone else who has the same qualifications and experience.

Everyone with the same skills, who does the same work, or work of equal value has the right to receive the same pay.

Your conditions of employment are the terms under which you agree to work and include your wage or salary amount, number of working hours and the times in which you work. You can have conditions of employment that are different to your workmates, as long as the reason for the difference is not discriminatory.

Workplace Bullying

Workplace bullying can happen in any type of workplace, from offices to shops, cafes, restaurants, workshops, community groups and government organisations.

Workplace bullying can happen to volunteers, work experience students, interns, apprentices, casual and permanent employees.

Workplace bullying can have an impact on your health and wellbeing, and the ability to do your job. It can lead to loss of sleep, nausea, depression, anxiety, headaches, irritability and anger.

What is workplace bullying?

Workplace bullying is verbal, physical, social or psychological abuse by your employer, supervisor or manager, another person or group of people at work.

The Victorian WorkCover Authority (VWA) defines bullying as: "Repeated unreasonable behaviour directed toward an employee or group of employees that creates a risk to health and safety."



What does bullying in the workplace look like?

- Verbal: Repeated hurtful remarks or attacks, or making fun of your work or you as a person (including your family, sex, sexuality, gender identity, race or culture, education or economic background), abusive, insulting or offensive language or comments.
- Physical: Unwanted touching, pushing, tripping,

hitting or other violence; interfering with / hiding or damaging someone's possessions.

- Social: Gossiping, isolation, spreading rumours, 'cyber bullying' which could include posting nasty comments, forwarding or posting photographs or using technology like Facebook, Instagram, Twitter, chat rooms and SMS to bully.
- Psychological: this includes stalking, scaring or intimidation

Work Specific: Giving you pointless tasks that have nothing to do with the job, giving you impossible jobs that can't be done with the given resources provided, deliberately changing work hours or schedule to make it difficult and deliberately holding back information- you need for getting your work done properly. Initiation or hazing: made to do humiliating or inappropriate things in order to be accepted.

What is not workplace bullying?

Some practices in the workplace may not seem fair but they are not bullying. Reasonable action taken in a reasonable manner by an employer includes:

- Set reasonable performance goals, standards and deadlines.
- Rostering and allocation working hours where the requirements are reasonable.
- Transferring a worker for operational reasons.
- Not to select a worker for promotion or transfer based on reasonable grounds.
- Informing a worker of their unsatisfactory work performance or their unreasonable or inappropriate behaviour.
- Implementation of organisational changes or restructuring.
- Taking disciplinary including suspension or termination

What is the employer's responsibility?

Your employer has a legal responsibility under Occupational Health and Safety and anti-discrimination law to provide a safe workplace. Employers have a duty of care for your health and wellbeing whilst at work. An employer that allows bullying to occur in the workplace is not meeting this responsibility.

Workplace Bullying

What do I do if I am being bullied at work?

If you are being bullied at work it is important that you know there are things you can do and people who can help.

Make sure you're informed. Check to see if your workplace has a bullying policy and complaints procedure. The policy should tell you how the organisation will prevent and respond to workplace bullying.

Seek advice – tell someone you trust at work. The person to talk to might be your supervisor/manager, a health and safety rep or your union delegate or organiser.

Get support from someone you trust, contact professional support services and see a doctor. Even if you don't know anyone you can talk to, there are support services which are available to help and support you – see next page. This includes contacting your Union.

Keep a record. Documenting everything that happens, including what you've done to try stopping it. This can help if you make a complaint.

IF you feel safe and confident, you can approach the person who is bullying you and tell them that their behaviour is unwanted and not acceptable. If you are unsure how to approach them, you might be able to get advice from an appointed contact person, or from a colleague or manager.

Report the situation using your workplace policy procedure. Get help to do this from someone you trust, your health and safety rep or your union delegate or organiser.

But if it's been going on for a while and things aren't getting better you can:

Call Victorian Work Cover Authority (VWA) - toll-free in all parts of Victoria - on 1800 136 089 or (03) 9641 1444 or email info@vwa.vic.gov.au. The VWA Advisory Service can provide information on bullying and how to prevent it, advice on how to raise the issue of bullying in your workplace or refer the matter to an inspector where appropriate.

Apply to the Fair Work Commission for an order to stop the bullying. The Commission's website: www.fwc.gov.au contains a range of information on workplace bullying.

What should I do if the bullying is threatening or violent?

Contact the police if bullying is violent or threatening. It may be a criminal offence and you should contact Victoria Police. Call the Victoria Police Switchboard: 03 9247 6666 or in an emergency dial 000.

Remember

If you are being bullied there are things you can do about it – you must speak up. But remember don't retaliate – two wrongs don't make a right. The only thing worse than a bully is a bully-convert.

Brodie's Law (Bullying)

Victoria's anti-bullying legislation, known as Brodie's Law, commenced in June 2011 and made serious bullying a crime punishable by up to 10 years in jail. Brodie's Law was introduced after the tragic suicide of a young woman, Brodie Panlock, who was subjected to relentless bullying in her workplace. Brodie's Law makes serious bullying a criminal offence by extending the application of the stalking provisions in the Crimes Act 1958 to include behaviour that involves serious bullying. The offence of stalking, and therefore conduct that amounts to serious bullying, carries a maximum penalty of 10 years imprisonment.



Support your Mental Health, Support your Mates

“In 2018, 3,046 deaths by suicide were registered in Australia—an average of about 8 deaths per day—more than two and a half times that of the national road toll in the same year” –ABS, 2018

Lifeline

Lifeline offers a 24 hour confidential phone service providing emotional support in times of crisis or when callers may be feeling down. The service is staffed by trained counsellors who are ready to listen no matter how small or big a problem may seem. They can also provide information about other support services available

Phone 13 11 14 Visit: lifeline.org.au

My Compass

A tool developed by the black dog institute to help you tackle mental health symptoms one at a time. Anonymous support to help you through the hard times.

<https://www.mycompass.org.au/>

R U OK?

R U OK day is a day for support, but you can ask the question all year round.

Visit: www.ruok.org.au/how-to-ask



Beyondblue

beyondblue provides people with access to information for depression and anxiety related matters. They can also make referrals to other relevant services.

Phone: 1300 224 636 Visit: beyondblue.org.au

Mensline

MensLine Australia is a telephone and online counselling service offering support for Australian men anywhere, anytime. Relationship advice for men. Being a dad. Men's mental health. 1300 78 99 78

Support for Apprentices

If you are experiencing workplace bullying you get information and support by contacting your local Apprenticeship Field Officer.

Call the Victorian Apprenticeship Administration Information Line

Phone: 1300 722 603.

Gippsland Trades and Labour council – Community directory.

A list of local community support services available to you and your family.

Scan for link and click the community unionism tab.



**Mental Health is an illness. just
like Diabetes or Heart Problems
- GET HELP!**

Safety – A Matter of Life and Death

I wasn't shown how to clean the meat slicer and thought I was doing it right until someone said "Don't do it like that or you'll chop your fingers off..." (Deli worker, 16 years)

Safety at work is called Occupational Health and Safety or OH&S.

The safety is about doing things to prevent injuries. This includes rules like wearing a hard hat on a construction site or having non-slip floors.

Health includes thinking about the long-term effects that work has on health and well-being. This includes healthy ideas such as: working in a smoke-free environment; having proper protection from the sun; or dealing with work stress or bullying.

Young workers are more likely to be hurt at work than any other age group – and their injuries are most likely to result in going to hospital. It is the responsibility of the employer to make sure the workplace is a safe and healthy place to be.

What should you expect from your employer?

It is the employer's responsibility to make sure that your workplace is healthy and safe and complies with the law

Your employer should:

- Do a risk assessment for every employee (including for work experience students)

- Provide training
- Provide you with protective equipment if you need it
- Make sure you are supervised properly
- Cooperating with your employer on OH&S issues
- Following safety procedures
- Using the protective equipment and clothing you are given

What can you do to stay healthy and safe?

- Asking if you are unsure about something
- Making sure you get proper training to use equipment or do the job
- Knowing what to do in an emergency
- Speaking out if there's a problem
- Telling your employer about any risks or hazards you spot (like a spill on the floor or a faulty appliance)

What happens if you are injured at work?

You should:

- Report the injury to your boss right away
- Record the details in your workplace register of injuries
- Get a medical certificate from your doctor (that may be Workcover)
- Comply with any return to work procedures

Workplace Manslaughter Laws

The Workplace Safety Legislation Amendment (Workplace Manslaughter and Other Matters) Bill 2019 now awaiting royal assent, will commence on a day to be proclaimed or 1 July 2020 at the latest. It introduces maximum fines of 100,000 penalty units (which at the moment means \$16,522,000) for bodies corporate, and jail terms of up to 20 years for company officers, who negligently cause the death of a worker or member of the public.

The Andrews Labor Government Bill was introduced into the Lower House on 29 October, and it was subsequently revealed that the new laws could capture practices that "fail to create a culture of compliance", actions that cause a mental illness that leads to death, and negligent conduct or fatalities that occur in other jurisdictions. The Government also announced a \$10 million package to

increase WorkSafe Victoria's ability to investigate and prosecute workplace manslaughter offences, and plans to crack down on employers that attempt to cover up safety failings after a fatality.

The laws passed the Legislative Council at almost midnight with the support of MLCs Rodney Barton (Transport Matters Party), Jeff Bourman (Shooters, Fishers and Farmers Party), Dr Catherine Cumming (Independent), Clifford Hayes (Sustainable Australia), Andy Meddick (Animal Justice Party), Fiona Patten (Fiona Patten's Reason Party) and Dr Samantha Ratnam (Victorian Greens). We thank these cross-benchers for listening to the families of workers killed at work and union member who met with them to discuss the importance of these laws.

Sources: OHSAlert; Government media release; Luke Hilakari FB page

What is superannuation?

Superannuation or 'super' is saving money in a low tax environment for when you retire. Although that might seem like a long way off, remember that it is your money.

How does it work?

Money is put into a super fund by your employer. Once you are working, your employer is legally required to deposit 10% calculated on top of your wage into your superannuation fund. You can also make voluntary contributions from your pay or savings to increase your super. Your money is invested by your super fund with your instruction to help it grow over time.

How do the new super laws affect me?

From 1 July 2022, people aged 67 to 74 will no longer have to meet a work test to make voluntary non-concessional or salary-sacrificed contributions to their superannuation. Also coming in July 2022 is the removal of the minimum wage requirements will also mean that your employer will need to pay your super the minute you start earning money, previously it was not until you hit the \$450 cap for the month. There is also an increase in the first home loan super saver scheme, this means that you can make voluntary contributions to your super to save for your first home and withdraw the voluntary contributions up to \$50,000 dollars.

Why is it important?

With a retirement age of around 65 years and Australia's average life expectancy at about 80, there are 15 to 20 years where you will need to have some money saved up to live on. While there is likely to always be some kind of age pension, many people will want to have extra money to enjoy their retirement.

What types of super funds are there?

Industry Funds – jointly by employers and unions solely to benefit their members. (Profit to members)

Retail Funds – run by financial institutions for profit. (Profit to shareholders)

Corporate Super Funds – run by one employer for their employees.

Self Managed Funds – run by an individual for him or herself.

There are now new rules called "stapling", whereby your first super fund travels with you even when you change employers, unless you choose otherwise. Super funds typically offer three types of insurance for their members:

Life cover – also called death cover. This pays a lump sum to your beneficiaries or an income stream to your spouse when you die or if you have a terminal illness.

TPD insurance – pays you a benefit if you become seriously disabled and are unlikely to work again.

Income protection insurance – also called salary continuance cover. This pays you a regular income for a specified period (this could be for 2 years, 5 years or up to a certain age) if you become unemployed due to redundancy, termination or for other reasons, what is covered just depends on your super fund.

Most super funds will automatically provide you with life cover and TPD insurance. Some will also automatically provide income protection insurance. This insurance is for a specified amount and is generally available without medical checks.

TPD insurance cover in super usually ends at age 65. Life cover usually ends at age 70. Outside of super, cover generally continues as long as you pay the premiums.

How do I get my money out of superannuation?

Until you are 60 years old (if you were born after 1964) you cannot withdraw the money. Under exceptional circumstances this is possible, but generally you cannot. You can move your money from one super fund to another at any time.

I want to find out about my super

The amount of money your employer pays into super should be listed on your pay slip. Most super funds also have a website where you can login to view your account.

If you are not sure about which superannuation fund you are in, speak to the people at work who do your pay and they will have the information for you.

You can also view your super through your MyGov account linked in with the taxation department.

Casual Work

More than two million Australians are employed casually. Women account for just over half of all casuals and 40% of casuals are aged 15-24 years compared with 14% of other employees.

There is no standard definition of casual work but usually they are jobs that are temporary, have irregular hours and are not guaranteed to be ongoing.

Casual workers are entitled to some, but not all, of the benefits given to permanent workers.

Casual employees don't get paid holiday leave or sick leave but they are entitled to a higher rate of pay (casual loading), parental leave and, under the new Fair Work laws, casuals are protected from being sacked unfairly.

Check your award or agreement to find out what you should be being paid. For more information contact your union or the Union Helpline provides free advice on 1300 4 UNION (1300 486 466).

Casual workers are employed on a 'shift-to-shift' basis. You generally have no certainty of ongoing work as a casual worker.

But the casual work relationship should go both ways. If shifts are only casually available, you are not obliged to be always available to your employers. If you are unable to work a shift as a casual worker you should not be forced to work it.

As a casual worker you are not entitled to leave pay or termination notice. However you are entitled to a safe workplace, freedom from discrimination, long service leave and parental leave, and in some circumstances, the ability to request to be converted to permanent work.

Casual Pay Rates

Employers should tell employees at the beginning of their employment if they are employed as casual or permanent workers. You should ask your employer how you are employed if you don't know.

Casual loading is the additional hourly pay that casual workers are paid. The hourly pay rate for casual workers is the equivalent permanent hourly rate plus 25% of this hourly rate.

The rate of pay and the rate of loading are determined by the award or agreement that covers the job.

Casual workers should have superannuation contributions paid by their employers if they earn more than \$450 per month and are over 18 years old, or, are under 18 years old and work more than 30 hours per week.



Casual Leave Entitlements

The loading that casuals are paid is compensation for the lack of paid leave provisions that casuals are entitled to, as well as the insecurity of their employment.

Casual employees do not have access to paid sick leave, annual or holiday leave, or to paid personal or carer's leave. Hence time away from work will usually result in a loss of pay. Casual workers can request 12 months of unpaid parental leave if they have been working regular shifts in the same job for 12 months or more, and would have a reasonable expectation of ongoing work.

Casual workers can also access long service leave. The length of service after which this can be taken, and the amount of long service leave the worker should get, will be set out in the award or agreement that covers the work, as well as the relevant State or Territory legislation.

Casual Work

Penalties and Allowances for Casuals

While there is no guarantee of the following, awards or agreements will often state that casual workers:

- Are entitled to be paid at a higher rate of pay for public holidays worked but are not entitled to be paid for public holidays that they do not work;
- Are entitled to extra pay (penalty rates) for evening, night and weekend work;
- Are entitled to the same rest breaks as permanent workers, including at least a 30 minute unpaid break for every five hours of work; and are entitled to a minimum length of shifts

Conversion from Casual to Permanent Work

If you have been working regular shifts in the same job for a certain period of time casually, you might be eligible to request to be converted to permanent work.

Permanent conversion clauses are contained in awards and agreements. To find out what conversion entitlements apply to your job, you should refer to the instrument that covers you.

Conversion clauses will often state that if a casual worker has been engaged on a regular and systematic basis for a specified length of time – for instance 6 or 12 months – then the worker has the ability to request to be transferred to permanent work.

Employers can refuse this request only by providing reasonable grounds for the rejection.

In some circumstances where an official conversion has not taken place but a casual worker has been employed in ongoing, regular and systematic work over a period of time, then the worker might be considered to be permanent workers for leave and termination purposes. For information on this please contact your union or phone the Union Helpline for free advice on 1300 4 UNION (1300 486 466)

Where to get help

Fair Work Infoline (Office of the Fair Work Ombudsman)	13 13 94
Fair Work Commission Helpline	1300 799 675
JobWatch (Telephone interpreters available for non-English speakers)	Metro: 9662 1933 Rural: 1800 331 617 www.jobwatch.org.au
ACTU Worker Information line (for referral to a union):	1300 362 223

Casual Work and Unfair Dismissal

Under the new Fair Work laws casual workers have the same access to unfair dismissal provisions as permanent workers.

Casual workers have the right to lodge an unfair dismissal claim provided that they have worked 6 months in the same job. If the company they work for has fewer than 15 full-time, part-time or regular casual employees (and is hence considered a small business) they will need to have worked for 12 months before they access unfair dismissal protections.

Casual workers do not have access to notice of termination, or pay in lieu of notice of termination.

Discrimination

Casual workers have the same right to work free from discrimination as all other workers.

It is unlawful to be treated poorly at work, or to be fired, on the grounds of discrimination.

Casual work, Work safety and Union membership

Casual workers have the same right to a safe workplace as all workers, and the same right to apply for compensation.

In the event of an injury at work. Casual workers also have the same rights as all workers to join and to be represented by a union.



The Language of Leave

Leave is an important part of your rights at work. There are many types of leave and the chances are you will use many of them when you are employed.

Leave means exactly that – you have a right ‘to leave the workplace’ and still keep your job. Some leave is paid, some types of leave are unpaid, and there are many rules about when leave can be taken and how much you can take.

When starting any job, it’s important to find out what your leave entitlements are and if there are any rules you need to understand.

The National Employment Standards is a nationwide set of minimum standards that must apply to all employees (please see the note about casual employment below). These standards include some very important types of leave, including:

Parental leave

This is time off work around the birth of children (and adoption). It includes maternity leave for mothers with some paid leave and usually up to 12 months unpaid leave (in some jobs including teaching, the unpaid leave period can be much longer). There is also leave for fathers around the birth or adoption. It is possible for the father to claim the paid and unpaid leave if he is the primary care giver. As a general rule, the employee must have completed 12 month service with their employer.

Annual leave

Also known as holiday pay or recreational leave, employees get four weeks paid leave for every 12 months of service. Shift workers get an extra week lifting their annual leave to five weeks. The employer and the employee both need to agree on when the leave is taken but the rules say that a reasonable request to take leave should not be refused.

Sick leave

Which is time off because you are unfit for work. In recent years this leave changed to also include time to care for the worker’s immediate family or household if they ill or face an unexpected emergency. For each year of service with an employer, the worker is entitled to 10 days of paid personal/carer’s leave. Days not taken are carried over to future years.

Compassionate leave

Employees are able to take up to two days leave if an immediate family member is seriously ill, in a serious accident or dies.

Domestic Violence Leave

5 days unpaid leave for an employee who is experiencing family or domestic violence under the NES.

Community Service Leave

Recognised fire fighting and emergency services. It also applies to jury service.

Long service leave

This leave rewards people for staying with the one employer for many years. The rules vary a lot, but generally it is three months paid leave after ten years of continuous service.

Sometimes it can be taken in part earlier (after 7 years).

Casual employees

In most cases, the paid leave benefits do not apply to casual employees – but casuals should be paid 25 per cent higher wages to make up for the loss of paid leave. In some cases, casuals with regular employment are entitled to ask for time off in the same way as others.



National Employment Standards

Many of your rights at work are based on the National Employment Standards (NES). Together with the national minimum wage, they are a minimum safety net for employees. The National Employment Standards has 10 legislated employment conditions including:

1. Maximum weekly hours of work – 38 hours per week, plus reasonable additional hours.
2. Annual leave – 4 weeks paid leave per year, plus an extra week for some shift workers.
3. Personal / carer's leave and compassionate leave – 10 days paid personal (sick) / carer's leave, 2 days unpaid carer's leave and 2 days compassionate leave (unpaid for casuals) as needed.
4. Community service leave – up to 10 days paid leave for jury service (after 10 days is unpaid) and unpaid leave for voluntary emergency work.
5. Public holidays – paid days off on public holidays unless it's reasonable to ask the employee to work.
6. Parental leave and related entitlements – up to 12 months unpaid leave, the right to ask for an extra 12 months unpaid leave and other types of maternity, paternity and adoption leave.
7. Notice of termination and redundancy pay – up to 4 weeks' notice of termination (plus an extra week if the employee is over 45 and has been in the job for at least 2 years) and up to 16 weeks redundancy pay.
8. Requests for flexible working arrangements – parents and carers can ask for a change in working arrangements to care for young children under school age or children under 18 with a disability.
9. Long service leave
10. Fair Work Information Statement – employers have to give the Fair Work Information Statement to all new employees.

You only get some of the National Employment Standards if you're a casual. These are:

- 2 days unpaid carer's leave and 2 days unpaid compassionate leave per occasion
- Maximum weekly hours
- Community service leave (except paid jury service)
- Days off on public holidays unless it's reasonable to ask you to work
- The Fair Work Information Statement.

If you've been employed regularly and systematically for at least 12 months and there's an expectation of ongoing work you're also entitled to:

- Ask for flexible working arrangements
- Parental leave.



Job Trends: The Future Workplace



The ways in which we work are changing. Here are some predictions for the future. How do you think the workplace will change?

Home Sweet Office

Email, teleconferencing, and almost universal internet access has made it easier than ever to work from home. Many employers already offer this option to employees if, for example: the employee has commitments such as a sick child at home, or even as a benefit of being part of the company.

Casualisation of the workforce

Casual work is suitable in instances where the employee needs flexible work hours that fit with study and other commitments. Industries that require shift workers are especially likely to look for casuals. Casually employed workers receive a higher wage than full or part time employees, but do not receive entitlements such as paid and sick leave, and secure hours.

Slaves to the machine

Workers in the future will need to be more wary of setting boundaries when it comes to work hours.

The advent of smartphones can be an intrusion of personal time, as emails can be sent and accessed 24/7 from anywhere.

Fly in – Fly out

FIFO work is especially prevalent in industries such as mining, where workers are flown to remote areas of Australia to work over a few days before being flown back home for rest. Employers have actually discovered that this is cheaper than providing long term housing and community facilities; however there are concerns that this type of work having a negative impact on the health of the workers.



“Never get so busy making a living, that you forget to make a life”

Tips for Interviews

Research the Organisation and Interviewer

Find out as much as possible about the organisation prior to the interview. It is important to know a few key facts about the firm and make sure you know the names of your interviewers and check out their profile on the company website or LinkedIn.

To keep up to date with the numerous organisations you have applied for it is a good idea to set up Google alerts to be alerted on the latest news for the firms you are applying with.

Don't rush

Plan how you will get to the interview and make sure you arrive 10 minutes early.

Dress to impress

It is better to be over-dressed than under-dressed!

Profile and sell yourself

This is your chance to profile and market yourself. Be very clear before your interview on the key points you would like to express. Make a list of your top points to remind yourself when you're in the interview.

Ensure your social media profile is set to private, and that your pictures are what you would want an employer to see, They will check your social media!

Why you and why them?

Think about why the organisation should employ you and why you are an exceptional candidate for the role. What do you have to offer? And why do you want to work for that particular organisation? What is it about them that makes them stand out from.

Don't ramble, be specific and provide examples

Think about the question you have been asked and actually answer it. Prepare answers for the standard questions you are likely to be asked (team based, leadership questions etc). Real life examples work best, but if you haven't been in that situation before, outline the processes you would work through if you did find yourself in that situation.

Don't be negative

Don't speak negatively of your ex/current employer in interview no matter what the situation. Make a list of achievements in the role and try to focus on those points. Speaking negatively can give the interviewer the impression you will also focus on the negatives in their organisation.

Remember to be yourself

Your personality is what makes you, and the employer wants to get to know you. Be honest and avoid regurgitation of standard answers.

Most organisations are looking to employ a diverse range of people, not one standard 'type'. Don't suppress your personality to 'fit in' with what you think the employer wants; it's important to be happy in your job and to do that, you've got to be you.

Ask questions

Interviews should not be one way. This is a perfect time to find out more information about the firm that you would not regularly find on the internet. Having questions ready to ask shows good preparation and a true interest in the organisation.

Use every opportunity

Networking is the best way to build relationships with people within the organisation. You may not always be successful in getting this job, but the networking may help you get another job.

Never lose interest in an opportunity during the interview because it doesn't sound like the role for you or you don't feel the interview is going well. Continue to give the interview 100%, you never know where it may lead you or what the interviewer is thinking.

Good luck!

Top 10 Tips: For Applications – Cover Letter and Resume

Plan and prepare

Think about what type of place you would like to work for, what are the big ticket items that you would like to see from your employer and then research firms that align with this. Think about what makes you a good candidate and what makes you stand out from the other applicants who will also apply for the job.

Tailor your cover letter

Your cover letter should be unique to each organisation. Research the name of the person you should be directing your application to and avoid addressing your cover letter to generic terms like ‘sir’ or ‘madam’. Make it personal!

Avoid restating information

Your cover letter and resume are a packaged deal. There’s no need to restate information in your cover letter if you already outlined it in your resume, but you may wish to reemphasise important aspects of your background. It can be helpful to get a trusted person to read over and give you feedback.

Questions are welcome

When you are reading adverts on line and you have a specific query about the role or organisation, call the HR Contact and ask your question - this is ok! It is vital to remember expressing your interest is not a question.

Highlight your key strengths and experience

Make sure you understand and address the selection criteria. You can usually find these in the job advertisement or the position description.

Formatting and layout

This is your chance to demonstrate your written communication skills. Make sure you are clear and concise. Consider using dot points and also the length of your application (keep your cover letter to one page and your resume to two pages). Remove irrelevant information and keep job experience to 10 years or jobs linked to the position you are applying for.

Be honest

Consider your resume to be your personalised marketing tool to promote who you are, your skills and why you’re suitable for the job, but don’t oversell yourself or stretch the truth.

Spelling, grammar and punctuation check

One of the most important steps that people often forget is to ensure that your spell check is set to ‘English (Australia)’. Read through your application after you have run the spell check because it is not a fail safe option.

Triple check

Have another person read through your application; because it is the first time they will have seen your application, they may pick up things you might not have considered.

Electronic upload

Think about how the employer will receive your application. If it’s electronic, consider converting your application into PDF format because this is a more secure way to submit an electronic file than via MS Word. Simply print the document and select “Print to PDF” in the printer options.



GEST is a registered training organisation accredited by the Victorian Registrations Qualification Authority to provide a wide variety of training from foundation level to skills deepening level.

GEST has highly qualified trainers and a career counsellor all committed to work one-on-one with our clients to help them achieve their goals.

For more than 12 years GEST developed, coordinated and managed work experience programs for unemployed job seekers across Gippsland.

Why you need a union!

What is a Union?

- A union is an organisation where people come together to look after each other at work.
- As there are many types of industries and workplaces there needs to be different unions.
- A person who belongs to a union is called a member.
- A member pays fees to belong and receive services.
- Union fees are tax deductible
- Unions are democratic, leaders are elected. Members have a say on the decisions that the union makes.

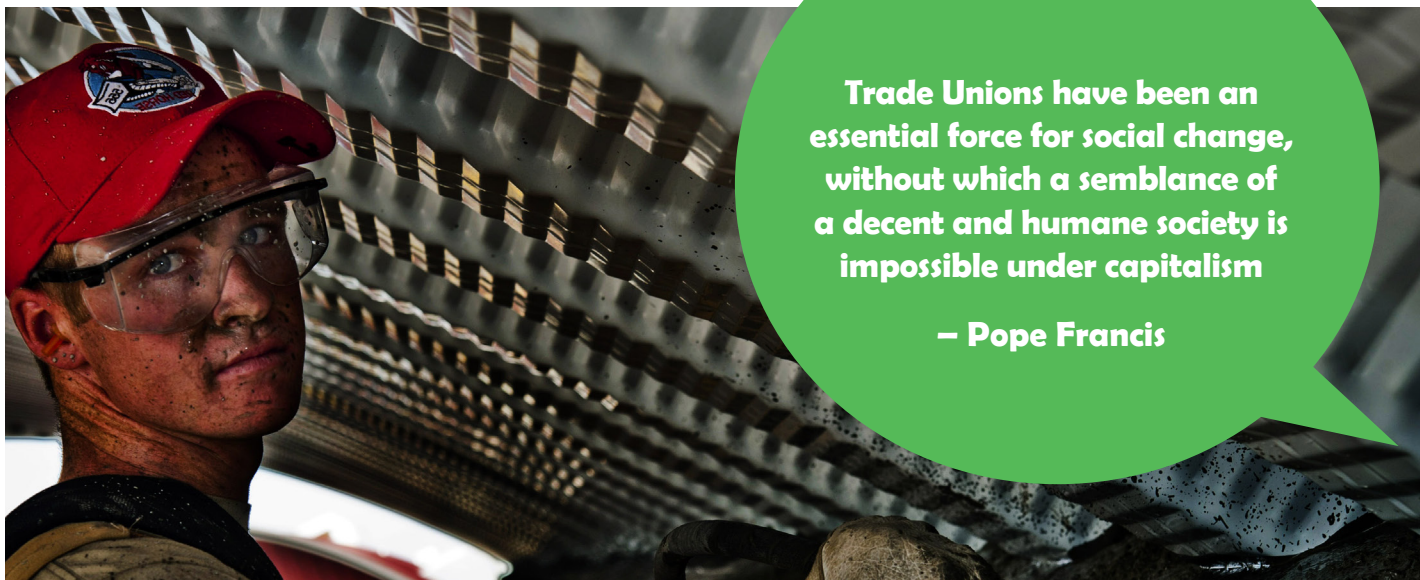
What services do Unions offer to their members?

- Improved pay and conditions at work
- Advice and support with workplace problems
- Look after peoples safety on a dangerous job or workplace
- Protect member from discrimination and harassment

What have Unions achieved?

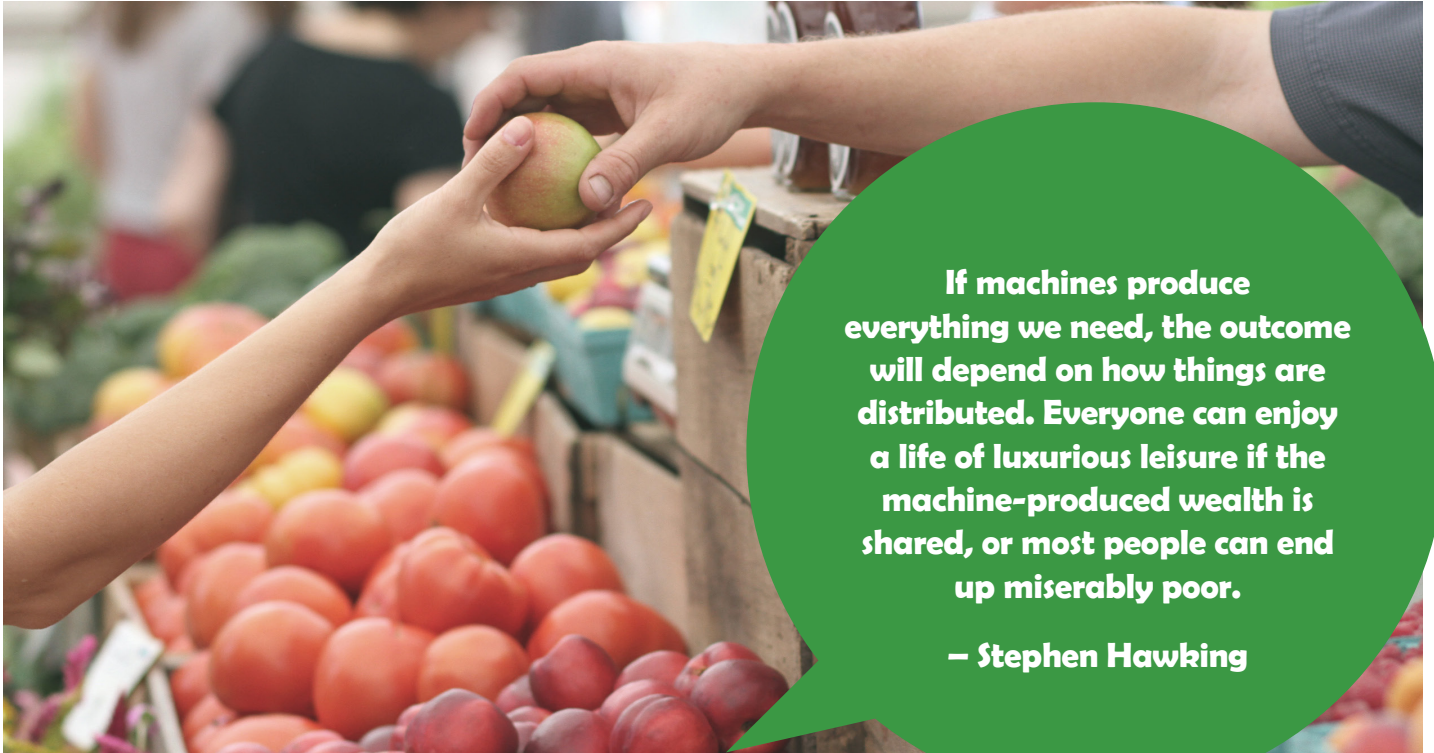
Unions were formed before political parties in Australia and have been part of Australia's working environment for more than 150 years. Opposite is a list of work conditions we all enjoy because of unions.

- 1885** 8 hour working day
- 1902** (workers compensation) Being compensated after being injured at work
- 1908** (award) Set pay for set week
- 1920** (sick leave) Being paid when you are sick
- 1936** Annual leave
- 1947** Penalty rates
- 1951** Long service leave
- 1969** Equal pay for Women
- 1971** Unfair dismissal
- 1973** Meal break and rest breaks
- 1986** Superannuation
- 1996** Collective bargaining
- 2011** Maternity leave Redundancy pay (extra pay you get if you are made redundant)



Trade Unions have been an essential force for social change, without which a semblance of a decent and humane society is impossible under capitalism

– Pope Francis



If machines produce everything we need, the outcome will depend on how things are distributed. Everyone can enjoy a life of luxurious leisure if the machine-produced wealth is shared, or most people can end up miserably poor.

– Stephen Hawking

Bias against unions.

Some governments have attacked unions to weaken working people's power.

The recent Royal Commission into alleged union corruption has cost tax payers \$46 million. Despite the cost there has been NO criminal convictions.

Business corruption has been proven again and again but the government refuses any sort of transparent investigations.

Are unions still important for you today?

Increase your pay

While unions are under attack in Australia, our wages are falling.

Unions can set up an agreement with your employer that can increase your pay. These agreements (called Collective Agreements or Enterprise Bargaining Agreements) are the most popular way in Australia to set your pay and conditions and they deliver the highest wages for full time employees.

Conditions at work

Penalty rates, maternity leave, annual leave and other conditions of employment are negotiated regularly by unions. Those workplaces with the highest union membership have the best condition.

Providing you individual protection

If you have a problem in your workplace, if you are bullied, underpaid, made redundant or fired a union will help protect your rights. Unions will also look after your safety in dangerous workplaces.

Unions and the future of work.

The gap between the rich and poor continues to grow and more than ever technology is changing the workplace. Strong unions will be needed into the future to preserve our way of life and ensure wealth is shared.

1300 4 UNION




**PROTECT YOUR RIGHTS AT
WORK — JOIN YOUR UNION!**




Union Contacts

UNION	CAREERS	WEBSITE	
Australasian Meat Industry Employees Union (AMIEU)	Meat workers	vic.amieu.net	
Australian Education Union (AE)	Teachers in the Public Education Sector: Principals, Teachers, School Services Officers, TAFE, Early Childhood Education etc	aeuvic.asn.au	
Australian Manufacturing Workers Union (AMWU)	Food & Confectionery, Metal & Engineering, Printing, Technical Supervisory & Administrative, Vehicle Industry	amwu.org.au	
Australian Nursing and Midwifery Federation (ANMF)	Nurses, Midwives & Carers	anmfvic.asn.au	
Australian Services Union - Authorities and Services (ASU A&S)	Workers in many industries including: Local Authorities, Social & Community Services, Energy, Transport, Public Sector, Information Technology	asuvictas.com.au	
Australian Services Union Private Sector	Community Sector Workers, Clerical, Administration, Customer Service, Call Centre	asuvic.org	
Australian Workers Union (AWU)	Workers in many industries including: Aviation, Civil Construction, Steel, Aluminium, Oil & Gas, Mining, Manufacturing, Pastoral, Service Workers, Public Sector Workers	awu.net.au	
Communications, Electrical, Plumbing Union (CEPU)	Postal, Telecommunications or IT	cepu.org	
Community & Public Sector Union (CPSU)	Public Sector Branch: Commonwealth Government Employees or agencies, eg Tax Office, Centrelink, Defence, Immigration, Call Centres SPSF Branch: State Government Organisations: Administration, Education, Agriculture, Natural Resources, Universities, Electrical Authorities, Roads & Traffic, Water Resource Bodies	cpsu.org.au	

UNION	CAREERS	WEBSITE
Construction, Forestry, Mining and Energy Union (CFMEU)	Construction Workers Forestry & Furnishing Products Forest Management Harvesting, Pulp & Paper Manufacture, Sawmilling, Furniture Manufacturing, Joinery, Cabinet Making Mining & Energy Production Meatworkers	me.cfmeu.org.au 
Electrical Trades Union (ETU)	Electricians, Linesman	etuvic.com.au 
Health Services Union (HSU)	Healthcare Community services	hsu.net.au 
National Tertiary Education Union (NTEU)	Tertiary Education Staff	nteu.org.au 
Plumbers and pipework employees union (PPTEU)	Plumbers and pipe workers	ppteu.asn.au 
Shop Distributive and Allied Employees Association (SDA)	Shop Assistants, Bakers, Fastfood, General Distribution and Warehousing, Photographic Industry, Motor Vehicle Sales, Shoe and Boot Repairing, Hairdressing and Beauty, Call Centres, Cosmetic Manufacturing and Distribution	sda.org.au 
Transport Workers Union (TWU)	Transport Workers, Aviation, Oil, Waste Management, Gas, Passenger Vehicles, Freight, Logistics	twu.com.au 
Textiles, Clothing & Footwear Union of Australia (TCFUA)	Clothing, Textile and Footwear Workers	tcfua.org.au 
Retail and Fast food workers Union (RAFFWU)	Retail and Fast food workers	raffwu.org.au 
Victorian Independent Education Union (VIEU)	All Workers in Non-Government Schools.	ieuvictas.org.au 

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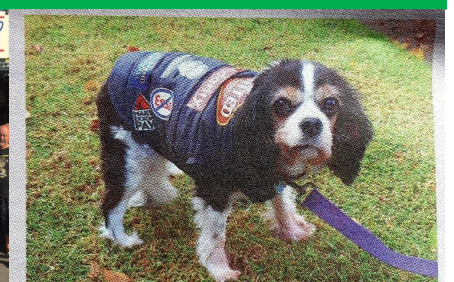
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CBUS	<p>Cbus is the national industry super fund for more than 765,000 members and more than 160,000 employers in the Australian building, construction and allied industries. Founded in 1984 by workers for workers, Cbus manages over \$59 billion in members' funds, making it one of the largest industry funds in Australia. As we are an industry fund, all the benefits go straight back to you, our members.</p>	<p>cbussuper.com.au</p> 
John McCristel Injury Lawyers	<p>John McCristal Injury Lawyers are a boutique personal injuries firm with particular expertise in Worker's Compensation and Motor Vehicle Accident claims. We also have expertise in Public liability, Superannuation disability claims, Medical Negligence claims and Asbestos claims.</p>	<p>jmlawyers.com.au</p> 
Mortgage Choice	<p>Choosing the right home loan is like finding the right match, but you need more than an algorithm to pick the one. A Mortgage Choice broker knows which home loan is right for you.</p> <p>Looking for a mortgage broker? We have over 400 expert mortgage brokers located across Australia.</p> <p>At Mortgage Choice we pay your broker the same rate of commission, no matter which home loan you choose from our wide choice of lenders.</p>	<p>mortgagechoice.com.au</p> 
Coverforce	<p>Coverforce was established more than 20 years ago as a provider of smart insurance solutions to industry groups.</p> <p>Thanks to a high volume of client referrals and a successful acquisition strategy, we have grown to become Australia's largest and most capable privately owned insurance broker.</p> <p>Today, our expert team represents thousands of publicly listed companies, private companies and associations. Leveraging our superior service, industry knowledge and strong insurer relationships we have established ourselves as the value-added alternative to any competitor in the market.</p>	<p>coverforce.com.au</p> 

SPONSOR	SERVICES	WEBSITE
<p>South East Accounting</p>	<p>A team of Local accountants from Beaconsfield with many years experience in many different areas of accounting. Friendly local faces to help with all your business and tax time needs.</p> <p>At south east accounting we provide:</p> <ul style="list-style-type: none"> • Individual Tax Returns • Small Business Tax returns (including companies and trusts) • Business Activity Statements • Self Managed Super Funds • Bookkeeping • Business Structuring advice <p>Get in contact with the team for all your accounting needs!</p>	<p>seaccounting.com.au</p> 
<p>Maurice Blackburn</p>	<p>Maurice Blackburn is Australia’s leading social justice law firm that has been fighting for fair since 1919. We support the rights of everyday Australians by providing expert legal advice, negotiation and litigation services. We specialise in personal injury claims stemming from workplace injuries, road injuries, asbestos and occupational related diseases, medical negligence and public liability claims. We are also experts in superannuation and insurance law and wills and estates. Talk to your union about a referral, or call us on 1800 810 812.</p>	<p>mauriceblackburn.com.au</p> 
<p>Slater and Gordon</p>	<p>Slater and Gordon has a remarkably long and proud history of not only advancing and defending Union members’ wages, conditions and rights, but also of playing a key role in many of the wider social and political struggles that have shaped Australia.</p> <p>The firm was founded over 80 years ago, on the belief that everyone should have access to quality legal advice. Since first opening, we have remained determined to continue to fight for and assist Unions, to ensure their members receive a fair go.</p> <p>Since 1935, we have supported our clients though all types of situations, and out the other side. Whatever the case, be it public liability, workers compensation, asbestos claims, employment issues or large scale class actions, you can rest assured that we have your back and will be there with you every step of the way.</p> <p>If you have any issues, please don’t hesitate to contact us at one of our many offices or via phone/email/internet. We look forward to hearing from you so we can provide you with the quality legal representation you deserve.</p>	<p>slatergordon.com.au</p> 

Union organizing isn't about signing cards - it's about empowering people and changing lives



Unions have been the only powerful and effective voice working people have ever had - Bruce Springsteen



Keeping watch: Fourteen-year-old Posey, a King Charles Cavalier, put a smile on many faces.

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SUPPORTING WORKERS AND COMMUNITIES
FIGHTING FOR FAIRNESS

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