

WORK



**your rights
your responsibilities**

Gippsland Trades & Labour Council Inc

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CFMEU VIC-TAS
CONSTRUCTION UNION



**MARITIME UNION
OF AUSTRALIA**



**Baw Baw Latrobe
Local Learning
& Employment Network**



**STRONGER
TOGETHER**

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 Shop, Distributive and Allied Employees Association (SDA) with over 200,000 members including employees of Coles, Woolworths, Bunnings, Hungry Jacks, Pizza Hut and McDonalds. Another big union is United Voice with over 120,000 members working in hospitality, security, childcare, cleaning and a variety of other essential jobs.

Today most Australian workers are employed with

wages and conditions set by a union-negotiated collective agreement (often called employment awards).

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 are around \$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 20 and 21 for a list of unions and their websites.



Union Achievements

Shorter Working Hours
Equal Pay for Women

Fair Pay and Better Pay
Superannuation for All

Holidays with Pay
Safer Work

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 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 full-time, 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:

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

- o Have access to the correct types of annual, family, personal and public holiday leave
- o Work in a safe environment, complete with occupational health and safety procedures.

But what about your responsibilities?

As an employee it is your responsibility to:

- o Arrive on time and ready to work
- o Wear the appropriate uniform or style of dress for your workplace
- o Respect your employer, customers and work-mates
- o 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 (penal-

ty 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 getting 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 probation 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 allowed - but you must get paid the award wage 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.

What's the difference?

Work Experience	Voluntary Work	Internship	Unpaid Trial Work
Organised by your school, TAFE or university	Will be with a not-for-profit organisation such as a sporting club, op shop or charity	Primary goal is for an educational experience	Completes productive work
Usually run for a set period	The purpose is to help the community	Short term	Does not receive any pay
Will relate to your studies or career interests	It should not be a substitute for a paid employee	Free to nominate own hours	Rarely leads to a paid job
It will be a learning experience		The intern gets the most benefit from the arrangement	Business gets the most benefit from the arrangement
You will know from the beginning that you are not getting paid (you may get a small daily rate)			Anything other than a brief trial that involves no more than a demonstration of your skills where there is a vacant position is illegal

Tattoos, body piercings, and hair on your face

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:

- be applied equally to men and women
- relate to the job
- allow workers to follow their cultural or religious beliefs
- be fair to people with disabilities

An employer must also follow health and safety or food hygiene regulations - this might involve dress codes.

Case Study: Stop pretending: dressing sexy comes with a price



By Miranda Devine, Sydney Morning Herald April 4, 2004

Good on Sarah Freeman, the 20-year-old Melbourne assistant store manager who refused to wear the provocative T-shirt her employer provided for her.

Westco Jeans had issued staff the skin-tight, V-neck T-shirts with "Stop Pretending You Don't Want Me" emblazoned across the chest. The accompanying memo instructed: "NO T-shirt equals NO work. Any team member that does not dress correctly will be sent home."

Freeman was sent home for refusing to wear the T-shirt after a customer made lewd comments and stared at her breasts. "I said, 'Hello'," she told The Age newspaper, "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." After a public outcry, the company withdrew the T-shirts. "If you put slogans like that on a T-shirt," the federal Sex Discrimination Commissioner said, "you can't expect your staff not to be harassed."

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?

Here are some examples

- 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 or hiding or damaging someone's possessions.
- Social: Gossiping, isolation, spreading rumours, 'cyberbullying' which could include posting nasty comments, forwarding or posting photographs or using technology like Facebook, Twitter, chatrooms 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 in the given time or with the 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:

- Setting reasonable performance goals, standards and deadlines.
- Rostering and allocating 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.



- Implementing organisational changes or restructuring.
- Taking disciplinary action 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.

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 WorkCover 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.



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.

Bullying – Brodie's Law What is Brodie's Law?

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.

Contacts

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 councillors 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

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

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 on 1300 722 603.

Gippsland Youth Services Directory

The Gippsland Youth Services Directory provides contact details of all youth support services in Gippsland. The link can be easily downloaded to your phone so that you have easy and permanent access to all services that you may need.



www.gippslandyouthcommitment.org.au/youthservicesdirectory

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

Equal training opportunities

You should receive the same opportunity to attend

training sessions as everyone else who does the same job as you.

Equal chance of getting a promotion

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

Same skills + same qualifications + same work = equal pay

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

Enjoy the same conditions of employment

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.

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.

Why do you need to know about OH&S?

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

What can you do to stay healthy and safe?

- Cooperating with your employer on OH&S issues
- Following safety procedures
- Using the protective equipment and clothing you are given

- 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



What is superannuation ?

Superannuation or 'super' is saving money for when you retire. Although that might seem like a long way off, remember that it's your money and it will start being allocated into super as soon as you earn over \$450 per month.

How does it work?

Money is put into a super fund by your employer. Once you are over 18 and earning more than \$450 per month, your employer is legally required to deposit an extra 9.5% of your wage into your superannuation fund.

If you are under 18 years of age, you earn \$450 or more (before tax) in a calendar month and you work more than 30 hours in a week your employer is legally required to deposit an extra of 9.5% 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 to make it grow over time.

Why is it important?

With a retirement age of around 65 years and Australia's average life expectancy at about 80, there is 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 funds are there?

Industry Funds – run jointly by employers and unions solely to benefit their members.

Retail Funds – run by financial institutions for profit.

Employer Stand-alone Funds – run by one employer for their employees.

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

Most people can choose the fund for their employer's super contributions. However, some people who are covered by industrial agreements and members of

defined benefit funds don't have this choice.

If you do have a choice, your employer will give you a 'standard choice form' when you start work. The form sets out your options for choosing a super fund. You can select your own or go with your employer's fund.

Does everyone get superannuation?

To be eligible to receive superannuation contributions

- You must earn over \$450 per calendar month
- Be under the age of 70 years old
- Be working full time, part time or casual.

If you're under 18 years of age you must also work a minimum 30 hours a week to get superannuation contributions. However some Awards may have superannuation entitlements included in them – regardless of the hours you work and what age you are.

Apprentices and trainees are also entitled to superannuation if they work more than 30 hours per week and earn more than \$450 per month.

How do I get my money out of superannuation?

Until you are 55 years old you can't withdraw the money for other things. Under exceptional circumstances this is possible, but generally you can't.

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.

This editorial provides general information only. Before making any financial or investment decisions, we recommend you consult a financial planner to take into account your particular investment objectives, financial situation and individual needs.

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.

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 15-25% 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.



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.

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 nation-wide 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.

Personal and carer’s leave: This is also known as 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/carers’ 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.

Community service leave: This is for volunteers in 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.

Restaurant owner in trouble for paying in pizza

Get paid in dollars, not pizza.

The Fair Work Ombudsman has revealed that over 100 employees of a pair of Melbourne pizza restaurants had been underpaid by over a quarter of a million dollars.

It has been reported the restaurant owner believed he could 'top up' their sub-minimum wage pay packets by providing pizza and soft drinks.



While it's fine for your employer to give you a free meal or drinks while you are at work, it's not okay to provide food in place of pay.

The restaurant owner has been ordered to repay wages to employees, some of whom are owed thousands of dollars.

Job trends and growth industries:

The future workplace

Society is rapidly changing. Our population is increasing and people are living longer. Technology is also evolving at a fast rate. Factors such as these will shape the kind of jobs that will be available in the future and the ways in which we work.

Here are some projections about the top jobs leading up to 2025.

Top three growth industries

- + Health care and social assistance – projected to increase by up to 798,000 jobs
- + Professional, scientific and technical services – projected to increase by up to 583,000 jobs
- + Education and training – projected to increase by up to 503,700 jobs

Top tertiary qualified jobs

Registered nurses
Advertising and sales managers
Software and applications programmers
Accountants
CEO and Managing Directors
Secondary school teachers
Primary school teachers
Private tutors and teachers
Contract program and project administrators
General managers

Top vocational and trade jobs

Aged & Disabled Carers
Child Carers
Electricians
Nursing Support & Personal Care Workers
Construction Managers
Real Estate Sales Agents
Welfare Support Workers
Metal Fitters & Machinists
Plumbers
Education Aides

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

The rise of freelance workers:

More and more people are choosing to work for

themselves than for a boss. People choose this for the independence, freedom and opportunity that it offers. There is, however, the risk of not finding enough work or the work itself taking over one's personal commitments. Freelancers need to make voluntary personal contributions to their super, and do not get entitlements such as paid leave.

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.

Growth of casual work:

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' work:

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 is having a negative impact on the health of the workers.

Source:

ACTU Worksite: <http://worksite.actu.org.au/job-trends-growth-industries/>

Top 10 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.

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.

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 three pages).

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. Free PDF conversion programs are available on the internet.

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.

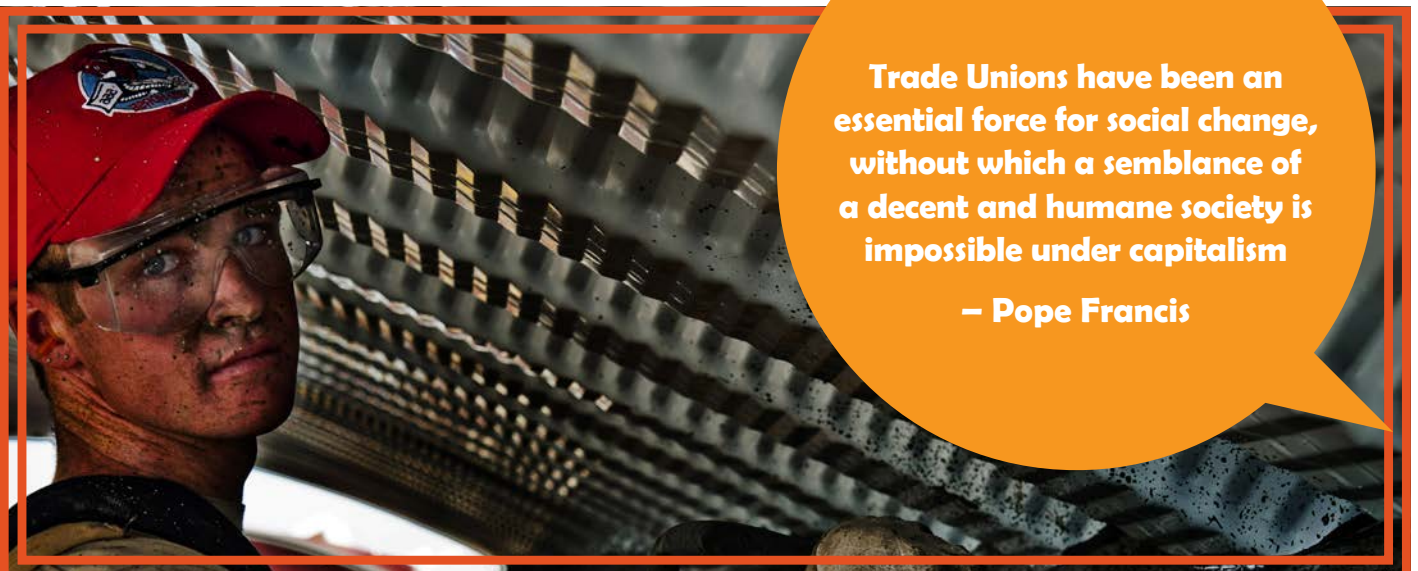
What services do Unions offer to their members?

- Improve their pay and conditions at work
- Advice and support with workplace problems
- Look after people's safety in dangerous jobs and other workplaces.
- Protect members 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.

So you want to join a union - but which one?

UNION	CAREERS	WEBSITE
Australasian Meat Industry Employees Union (AMIEU)	Meatworkers	www.vic.amieu.asn.au
Australian Education Union (AEU)	Teachers in the Public Education Sector: Principals, Teachers, School Services Officers, TAFE, Early Childhood Education etc	www.aeuvic.asn.au
Australian Manufacturing Workers Union (AMWU)	Food & Confectionery, Metal & Engineering, Printing, Technical Supervisory & Administrative, Vehicle Industry	www.amwu.org.au
Australian Nursing and Midwifery Federation (ANMF)	Nurses, Midwives & Carers	www.anmfvic.asn.au
Australian Services Union Authorities and Services (ASU A&S)	Local Authorities, Social & Community Services, Energy, Transport, Information Technology: Including: Clerical, Semi-Professional, Technical, Managerial, Supervisory	www.asuvic.asn.au
Australian Services Union Private Sector (ASU PSU)	Community Sector Workers, Clerical, Administration, Customer Service, Call Centre	www.asuvic.org.au
Australian Workers Union (AWU)	Workers in many industries including: Aviation, Civil Construction, Steel, Aluminium, Oil & Gas, Mining, Manufacturing, Pastoral, Service Workers, Public Sector Workers	www.awu.net.au
Communications, Electrical, Plumbing Union (CEPU)	Plumbers, Electricians, Postal, Telecommunications or It	www.plumbers.cephu.asn.au www.etu.org.au www.cephuconnects.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	www.cpsu.org.au www.cpsu-spsf.asn.au

UNION	CAREERS	WEBSITE
Construction, Forestry, Mining & Energy Union (CFMEU)	Construction Workers Forestry & Furnishing Products Forest Growing and Management Harvesting, Pulp & Paper Manufacture, Sawmilling, Furniture Manufacturing, Joinery, Cabinet Making. Mining & Energy Production	www.cfmeuvic.com.au/ www.cfmeuffpd.org.au www.cfmeu.com.au
Health Services Union (HSU)	Healthcare and Community Services	www.hsu.net.au
National Tertiary Education Union (NTEU)	Tertiary Education Staff	www.nteu.org.au
National Union of Workers (NUW)	Workers in Warehouses, Distribution, Food Manufacture, Rubber, Plastics & Cable Making, Dairy, Cold Storage Poultry, Fish & Game Processing Wood, Oil Milling, Market Research	www.nuw.org.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	www.sda.org.au
Textiles, Clothing & Footwear Union of Australia (TCFUA)	Clothing, Textile and Footwear Workers	www.tcfua.org.au
Transport Workers Union (TWU)	Transport Workers, Aviation, Oil, Waste Management, Gas, Passenger Vehicles, Freight, Logistics	www.twu.com.au
United Firefighters Union (UFU) United Voice	Firefighters Hospitality, Property Services – Cleaning, Gardening, Security, Manufacturing, Teachers’ Aids, Childcare, Ambulance Officers	www.ufuvic.asn.au www.unitedvoice.org.au
Victorian Independent Education Union (VIEU)	All Workers in Non-Government Schools.	www.vieu.org.au

Still not sure – call the GTLC on 03) 5133 7684 or ACTU on 1300 486 466 - australianunions.org.au



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Authorised by Steve Dodd, Secretary, Gippsland Trades & Labour Council Inc

Details included in this booklet are subject to change. We endeavour to keep all information up to date and as accurate as possible.