



# LAW BITS



## New Workplace Laws

There are now 10 minimum standards that a worker is entitled to. Fair Work Australia is the new tribunal that hears workplace disputes. Check out their websites [www.fwa.gov.au](http://www.fwa.gov.au) (Fair Work Australia) and [www.fairwork.gov.au](http://www.fairwork.gov.au) (Fair Work Online) and [www.fwo.gov.au](http://www.fwo.gov.au) (Fair Work Ombudsman).

The Northern Rivers Community Legal Centre will be conducting a consultation with young people over the coming year to find out how we can better help young people to access their rights in employment. Please contact the Northern Rivers Community Legal Centre on 02 66211000 if you would like to take part in the consultation or would like some advice and information about your rights and responsibilities at work.

## Work Trials

Young people are particularly vulnerable to being exploited in employment. The Northern Rivers Community Legal Centre has received a number of enquiries from young people who have been required by employers to undertake 'unpaid trial work'. This is different to a school work experience program; this is a real job with real wages and conditions. Take Carly's situation, her first after school job as a kitchen hand, she worked hard to impress her boss, but received no pay. Her boss said that the first two weeks were a trial. That is illegal unless it is part of an approved education or training course.

## Your Boss has workplace Responsibilities!

A young person should always ask the employer to put in writing their rate of pay, hours of work, whether casual, part time or fulltime, the employer's health and safety policy and the type of work arrangement such as federal or state award or agreement. If the work arrangement is a federal work place agreement a person under the age of 18 must have the agreement signed by their parents and the person under 18 cannot be worse off overall compared to a similar award. Once employed the employer must provide a regular payslip and pay!

## Got the Sack!

Jai is a 21 year old university student. He can't get youth allowance and tries to make some money during the macadamia picking season. He has worked on a macadamia farm in the sorting shed for 6 months three years in a row and was always told he had done a good job. In the third year he had been there for 2 months when he was told that he was putting too many second grade quality macadamias in the 1st grade quality pile and was told that he need not come back to work tomorrow. Even casual seasonal workers are protected from unfair dismissal as long as they have been working on a 'regular and systemic' basis and they had a reasonable expectation of continuing employment on a regular and systemic basis. Jai might be unfairly dismissed if he was sacked without a proper reason and he wasn't told of the reason and he wasn't warned that his work was not up to scratch. The dismissal will be unfair if it is said to be 'harsh, unjust or unreasonable'. It is always best to get some legal advice if you think that you have been unfairly dismissed, but get the advice as quickly as you can. You only have 14 days from the time that you got sacked to lodge an application to Fair Work Australia for 'unfair dismissal'.

## No discrimination, bullying or sexual harassment

All workers are protected against discrimination, bullying and sexual harassment in their employment. It is unlawful for an employer to sack some-one or to demote a person or give them less work because of their race, colour, sex, sexual preference, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction or social origin. The employer must not downgrade your work because you have complained about something in your workplace that you have a right to. That is called an 'adverse action' by the employer and is illegal under the new Fair Work Act. An example of an 'adverse action' is that you complained to your employer for not taking enough care with your safety at work. Your right to safety at work is a general protection and all workers are entitled to it.

**The Northern Rivers Community Legal Centre provides free information and advice on employment issues. We are particularly interested in helping young people to access their rights in employment so call us on 02 66 211000.**

