

Australia's employment system has a set of rules and obligations that all employers and employees need to follow. There are many aspects of the employment relationship that can go wrong. This pamphlet talks about some problems that can happen at work.

If you are dealing with any of these problems or have other issues in your employment, give us a call. Phone: 1300 654 314.

Legal Aid operates an Employment Law Clinic each Friday. We are happy to make you an appointment to come and have a chat. This service is free of charge.

Have you been dismissed?

Have you been dismissed from your job and do you think it was unfair? There may be action you can take. If you think you have been dismissed unfairly call us urgently as you only have 21 days from the date of your dismissal to lodge an application with the Fair Work Commission. You can only make an unfair dismissal claim if you have been employed for at least 6 months. If it is a small business, then you must have been employed for at least 12 months before you can bring a claim of unfair dismissal.

General Protections

An employer must not take 'adverse action' against an employee. For example an employer is not allowed to:

- deny employees their legal entitlements;
- change an employee's job to their disadvantage;
- treat an employee differently to other staff;
- offer an employee unfair terms and conditions compared to other staff; and
- (in some circumstances) refuse to hire someone applying for a role.

If you think you have been treated unfairly talk to us. Remember, if the dispute involves your dismissal you only have 21 days from the date of dismissal to lodge an application with the Fair Work Commission.

Hours of work

There are a maximum number of hours that you can be asked to work each week. If you are fulltime this is generally 38 hours. If you work more than this number on a regular basis then overtime or penalty rates may be payable. It may also apply if you are working outside the normal working hours of 7 am and 7 pm. There are exceptions to this, but if you are concerned about the hours you are working you can check this with us.

Pay and Payslips

Being paid the right amount for the work we do is important. Receiving payslips so you can check you are getting paid the correct amount is also important. If you are not receiving a payslip following every pay then ask your employer for this. If you think you are not getting paid the right amount come and see us.

Superannuation

Once you earn over a certain amount each month your employer has to make superannuation payments on your behalf into a superannuation fund of your choice. If you think you should be getting superannuation and it is not happening, talk to us and we can check this for you.

Leave

Full time and part time employees are entitled to annual leave, personal (sick) leave, compassionate leave, long service leave, parental leave and time off on public holidays. Casuals should be getting paid a casual loading in place of these entitlements. If you are confused about your leave entitlements or you are a casual and worried about your pay, make an appointment with us to have a chat.

Parental Leave

Parental leave laws can be confusing. If you or your partner is having a baby or adopting, then you may be entitled to parental leave. If you would like help understanding your entitlement, come and have a chat with us.

Flexible work arrangements

You can ask for flexibility at work in certain circumstances. For example, this might be because you need to care for children or an elderly person, you are over 55 years of age, you have a disability, or you are dealing with family violence. Your employer must consider your request for flexibility at work in these circumstances.

Bullying and Harassment

Everyone has a right to not be bullied or harassed at work. If you think you are being bullied or harassed come and have a chat with us.

Discrimination

Discrimination means treating a person unfairly or differently because of their race, colour, gender, sexuality, age, disability, religion, and so on. If you have been discriminated against in the workplace you may be able to apply to the Fair Work Commission or the Australian Human Rights Commission. We are happy to talk to you about what has happened and guide you through the complaint process and where to apply.

Useful Contacts

Legal Aid

General Enquiries

02 6243 3411

Free Helpline

1300 654 314

2 Allsop Street Canberra

GPO Box 512 Canberra 2601

ACT Magistrates Court

4 Knowles Pl, Canberra

Family Court

Cnr University Ave &

Childers Street Canberra

Complaints & Suggestions

If you have any complaints or suggestions about our services, please write to the Chief Executive Officer at our postal address.

Interpreter

If you need an interpreter, please contact Translating and Interpreting Service (TIS) on 131 450.



Like us on Facebook for more information:

<http://www.facebook.com/legalaidact>

Redundancy

Redundancy is different to being sacked. In certain circumstances an employer is allowed to make employees redundant. This is called a genuine redundancy. If you have been made redundant but do not think that it was a genuine redundancy or you have not been paid your correct entitlements, come and have a chat with us.

Safe Workplace

All employees have a right to work in a safe workplace. An employer has a duty to take all reasonably practicable steps to protect the health, safety and welfare of employees while at work.

If you are worried about your safety at work then talk to us. Please note though that Legal Aid ACT cannot help you with any workers compensation claim.

It is important that you come and talk to us as soon as a problem occurs at work as sometimes tight time frames apply.

Useful Contacts

Fair Work Commission

Phone: 1300 799 675

Website: www.fwc.gov.au

Fair Work Ombudsman

Website: www.fairwork.gov.au

ACT Human Rights Commission

Phone: (02) 6205 2222

Website: <http://hrc.act.gov.au/>