

STARTING

WORK?

KNOW YOUR

LEGAL

RIGHTS



KNOW YOUR RIGHTS AT WORK AND MAKE THEM WORK FOR YOU

This booklet tells you what your rights are at work from the day you start.

Are you starting work?

Questions about your conditions at work? Call the Department of Industrial Relations on 13 16 28.

Questions about your health and safety at work? Call WorkCover NSW on 13 10 50.

Be smart when starting work. Tell your friends about their rights as well.

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STARTING WORK

Most job offers are made after an interview.

You may be put on a trial or on probation to see if you can do the job. If you accept, you must be paid for any work you do.

When you are offered a job, your employer should state in writing:

- what the job involves
- how much you will be paid
- your hours of work and conditions.

Your employer should also say which award or enterprise agreement you will work under.

These are legal documents setting out minimum pay and conditions for all workers in an industry, workplace or occupation.

When you start your job you should receive training about risks in the workplace, using safety gear, using machinery and equipment, and evacuation procedures.

If you do work experience through your school you won't be paid, because you are only allowed to observe.

YOUR RIGHTS

A copy of the award or enterprise agreement should be displayed at your workplace.

As a guide, full-time and part-time workers receive:

- 4 weeks paid holiday each year
- at least 5 days paid sick leave each year
- unpaid parental leave, if you become a parent or adopt a child
- 2 months paid long service leave after 10 years of service.

Part-time workers receive these benefits on a proportional or 'pro rata' basis.

Casual workers receive an additional payment, called a loading, instead of sick leave or holiday pay.

You must obey any lawful and reasonable instructions given by your employer.

It is your choice whether or not to join a union.

YOUR PAY

Your employer must pay you at least the minimum rate shown in your award or enterprise agreement.

This rate will depend on the type of work, and the actual times you work. Of course, you may be paid more.

Depending on your age, you may be paid a junior rate, which is less than the adult rate.

You may also be paid allowances for doing certain tasks, overtime pay for working outside your regular hours or penalty rates for working nights, weekends or public holidays.

You must be paid at least once a fortnight. You may be paid in cash, by cheque or deposit into your bank account.

Your employer cannot take money out of your pay without your written permission, or unless it is required by law, such as tax.

You must get a payslip, which shows your pay and any deductions, such as tax. It may also show an amount your employer has paid for your superannuation.

YOUR HOURS OF WORK

The award or enterprise agreement has information about your hours of work and meal breaks.

Most full-time workers work 36 to 40 hours per week.

Part-time workers work a regular number of hours and days each week, but fewer hours than full-time workers.

Casual workers are employed on an hourly or daily basis.

DEALING WITH VIOLENCE

Violence at work can come from co-workers, supervisors or customers. It can involve assault, bullying or harassment, verbal or written abuse, and malicious damage. Violence can also include robbery or assault outside work, such as when employees do the banking or deliver goods.

If you experience violence at work you should:

- report the incident to your employer
- contact WorkCover NSW
- contact the National Children's and Youth Law Centre.

DEALING WITH BULLYING

Bullying can come from co-workers, supervisors or customers. Bullying is unwanted, offensive and frightening behaviour. It can involve:

- yelling or abusive language
- laughs or insults because of your lack of experience, appearance, race, religion or sexual preference
- physical abuse – people pushing, poking, hitting or threatening to hurt you.

Some bullying or violence against under 18 year olds may also be child abuse. You can get advice on your particular situation from the NSW Commission for Children and Young People.

If you feel bullied:

- tell the person to stop
- tell your employer, your human resources manager or occupational health and safety representative
- keep a diary of events
- contact WorkCover NSW
- contact the National Children's & Youth Law Centre.

DEALING WITH HARASSMENT AND DISCRIMINATION

It is against the law for anyone to harass or discriminate against you at work because of your sex, pregnancy, race, marital status, disability, age, carer's responsibility, homosexuality or transgender status.

Any public behaviour that could make you the subject of hatred, contempt or severe ridicule because of your sexual preferences, or because you may have HIV or AIDS is also against the law.

There is also indirect discrimination. For example, an employer who says they need a person over 180cm tall to do a job is likely to be discriminating against women and some ethnic groups.

If you believe you have been harassed or discriminated against, contact:

- your employer or human resources manager
- your equal employment opportunity officer or grievance officer
- the Anti-Discrimination Board of NSW.

YOUR HEALTH AND SAFETY

Your employer must ensure you have safe systems of work, safe equipment and proper training. If you find problems like faulty equipment, slippery floors or a lack of safety gear, tell your employer immediately.

You must always:

- follow safety procedures
- report safety hazards
- correctly wear safety gear
- not put other people at risk.

Working after drinking alcohol or taking drugs is dangerous, especially if you are using equipment or others rely on you.

YOUR SAFETY TRAINING

Your employer must make sure that you have enough information, training and supervision to work safely. Your training should include how to operate equipment correctly and use adequate safety gear.

If you are unhappy with your training you should tell your employer.

If nothing happens, see your occupational health and safety representative.

If you are still not satisfied contact WorkCover NSW for help and advice.

GETTING BETTER AFTER INJURY

If you are injured at work you should:

- report the injury to your employer as soon as possible
- record the details of your injury in your workplace register of injuries
- get a WorkCover medical certificate from your doctor
- cooperate with a return-to-work plan.

Where an injury appears serious, a return-to-work plan may be needed. There are two written return-to-work plans:

- an injury management plan prepared by the insurance company and your employer
- a return-to-work plan prepared by your employer.

In most cases, you will receive weekly benefits and medical expenses within seven days of your employer notifying the insurance company.

Your treating doctor will organise treatment and complete your WorkCover medical certificates.

If you are concerned about the way your injury is being managed, contact the insurance company involved, WorkCover NSW and/or your union.

LEAVING WORK

You or your employer can end your employment.

If you resign, you must tell your employer in advance, usually several days or weeks before you stop work.

Your employer may dismiss you if your employment contract has finished.

If the business changes so that the job no longer exists you may be offered another job or be made redundant.

Your employer must provide a reason for ending your employment.

You may be dismissed if you don't do your job properly or you misbehave.

Take all warnings from your employer seriously. You should be given a written warning, but three written warnings are not necessary.

You may be dismissed without notice if you have:

- acted dishonestly
- refused to follow reasonable directions from your employer or person in charge
- behaved so badly that instant dismissal is justified (eg fighting).

Produced by the NSW
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For copies of this booklet contact:

WorkCover NSW

 1800 658 134

www.workcover.nsw.gov.au

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CONTACTS

NSW Department of Industrial Relations

Info about conditions at work

☎ 13 16 28 www.dir.nsw.gov.au

WorkCover NSW Assistance Service

Info about health and safety at work

☎ 13 10 50 www.workcover.nsw.gov.au

National Children's and Youth Law Centre

Info about legal rights for people under 18

☎ 02 9398 7488 www.lawstuff.org.au

NSW Commission for Children and Young People

Info for children and young people

☎ 02 9286 7276 www.kids.nsw.gov.au

Tear out and keep in your wallet

TO FIND OUT ABOUT YOUR
CONDITIONS AT WORK

Department of
Industrial Relations

☎ 13 16 28

TO FIND OUT ABOUT HEALTH
AND SAFETY AT WORK

WorkCover Assistance Service

☎ 13 10 50

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Anti Discrimination Board of NSW

Info about discrimination

☎ 1800 670 812

www.lawlink.nsw.gov.au/adb

WageNet

Info about Federal wages and work conditions

☎ 1300 363 264 www.wagenet.gov.au

Labor Council of NSW

Info about unions

☎ 02 9264 1691

www.council.labor.net.au

Human Rights and Equal Opportunity Commission

Info about discrimination

☎ 1300 656 419 www.hreoc.gov.au

Australian Tax Office

Info about tax

☎ 13 28 61 www.ato.gov.au