EMPLOYMENT

* Working in Australia
  + Know your rights
  + Visa
  + Unions

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P1 Hey, I am going to look for work!

P2 You know it’s different in Australia with your work rights, visas, unions don’t you?

P1 No. You just get paid cash in the hand and do what you are told don’t you?

P2 Not here. If you take cash in hand you are not covered if you have an injury. It is also illegal for an employer to pay you and not take tax out of your pay. You should get paid through the books and get superannuation as well.

P1 What do you mean covered for an injury?

P2 Here in Australia there is a system called workers compensation. It is an insurance that means that if you get injured at work, you get paid wages and the insurer pays for your medical bills to get you back to work.

P1 Really?

P2 Yes. Here in Australia the employer has to be a part of the workers compensation system. They also have to abide by other laws for workers too like safety, maximum hours of work each week, pay you for all the time you work and there are rules about workplace discrimination.

P1 But I am not an Australian citizen.

P2 That doesn’t matter. The laws apply to all workers regardless of whether you are a citizen, a permanent resident or a temporary visa worker.

P1 Ok. What if the employer wants to pay me less? I don’t have a choice do I?

P2 The pay rates and your rights as a worker cannot be taken away by an agreement. It is Australian law and the employer must comply with the law. If you get an employer who is trying to use and abuse you, this is called exploitation. You can get help from the Fair Work Ombudsman by ringing them on 13 13 94.

P1 But if I only have a temporary work visa, the government will take my visa off me and send me home if I complain about the employer, won’t they?

P2 No they won’t if you have done nothing wrong. They are actually trying to stop exploitation of workers.

P1 It actually sounds like they are! I have heard about workers unions. What are they?

P2 Unions are groups that have been set up to help workers and to fight for better conditions for workers.

P1 Is everyone in a workers union?

P2 No. It is your choice to be in a union. Employers cannot stop you from being in a union. If you want to join a workers union, you apply to become a member of the union.

P1 How do they fight for better conditions?

P2 They negotiate with employers. They negotiate with governments. They also take industrial action, such as stopping work, which is called a strike. Other industrial action they can take is to put a ban on some work. They use industrial action if there is something that cannot be agreed or if there is something really unfair or unsafe.

P1 I can’t stop work! I will lose my job!

P2 No, you won’t lose your job if the industrial action is protected by law.

P1 How can industrial action be protected by law?

P2 There are certain conditions for the industrial action being protected by law. For example, if the action is taken during negotiations for an enterprise agreement, then it is protected.

P1 What do you mean by an enterprise agreement?

P2 An enterprise agreement is between employers and their employees. Enterprise agreements are negotiated by both parties through collective bargaining in good faith.

P1 OK. But what happens if industrial action isn’t protected by law?

P2 If the fair work commission has ordered that the industrial action is unprotected, you can be fined a lot of money.