

## The Year in Review



**Back Row** Nadia Weir, Courtney Wright, Marcus Bongiorno, Jacob Chylinski, Gary Cotchin, James Fleming, Michael McIver, Giles Bray, Ian Scott.  
**Middle Row** Iuni Aiolupotea, Andrew McCarthy, Vera Smiljanic, Nadia Miller, Emma Caine, Jayne Hepworth.  
**Front Row** Kathy Perkovic, Gabrielle Marchetti, Kelvin Fielder, Zana Bytheway, Christian Mooney, Ruth Hansen, Anne Learmonth.  
**Absent** Madelaine August, Marilyn McArthur, Robert Green, Victoria Keays, Caroline Stanley.

### The commencement of the Federal *Workplace Relations Amendment (Work Choices) Act 2005* "Work Choices" on the 27th March 2006 has dominated the year.

The introduction of Work Choices has resulted in significant change for JobWatch notably, the introduction of the Workplace Rights Program, a new phone system, the expansion of office space and an increase in staffing levels.

It has also brought about an end to a 9 year funding relationship with the Federal Government. The Office of Employment Advocate (OEA) has ended 9 years of funding

to JobWatch maintaining that it is better "value for money" to provide the JobWatch service entirely in-house.

JobWatch however is of the view that given its community involvement and 25 years of experience in assisting Victorian workers, JobWatch is best placed to provide the community and the OEA with "value for money".

Additionally, a recent report by the Institute for Sustainable Futures at Sydney's University of Technology concluded that Community Legal Centres provide excellent value for money, stating, "CLSs saved the Australian community an average of at least \$100 for every dollar invested in its programs".

The OEA funding cut will have a significant impact on Victorian workers given that in the last financial year, JobWatch assisted approximately 7,000 Victorians in relation to nearly 10,000

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### JobWatch office hours during the holiday season:

JobWatch will close at 3pm on Friday December 22, 2006.

We will re-open on Tuesday, January 2, 2007.

# Happy Holidays

Staff at JobWatch would like to wish everyone a happy and safe holiday period.

We thank you all for your continued support and look forward to a progressive and rewarding 2007.

JobWatch would like to thank:

- > The Minister for Industrial Relations, Rob Hulls and the Department of Innovation, Industry and Regional Development (DIIRD) for their continued funding and support.
- > The Office of the Employment Advocate for their 9 years of funding and support throughout that period.
- > Finrea – IT consultants.
- > Macaulay Credit Co-Operative – Community Bankers.
- > David Watson – Watson Design Pty Ltd.
- > Library Staff – Blake, Dawson & Waldron (Melb Office).
- > Channels 7, 9, 31 and WIN TV Ballarat for providing air time for our community service announcement.
- > Individuals and organisations who have worked with JobWatch throughout the year in pursuit of our goal to improve the quality of workers lives, especially the most disadvantaged workers in the community.

Most particularly I would like to thank JobWatch staff for their tireless efforts during a time of enormous change, and our dedicated volunteers including our Committee of

Management who give up their own time to contribute to the work of JobWatch.

## The Year Ahead

The commencement of Work Choices has resulted in a year of dramatic change for JobWatch and Victorian Workers.

In the face of this change, JobWatch will continue its objective to improve the quality of workers' lives, especially the most disadvantaged workers in the community.

Community education, the protection of existing rights and campaigns to restore workplace fairness shall be high on the agenda in 2007.

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[www.job-watch.org.au](http://www.job-watch.org.au)

happy  
holidays

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employment problems, as part of its funding arrangements with the OEA.

**Assistance to the community, law reform and campaign work are reflected in the following highlights:**

### Community Assistance

The announcement (26th May 2005) and the commencement of Work Choices (27th March 2006) created great uncertainty for Victorian workers grappling first, with the *proposed* changes to the workplace laws and the likely impact of such proposed changes, and secondly dealing with the enacted amendments and the complexity thereof. As a consequence and as part of its wider community education campaign, JobWatch enhanced its talks program to ensure talk requests were met and Victorians were informed about Work Choices.

### Legal Practice Work

Our Legal Practice assisted over 117 clients and made 32 appearances in courts, tribunals and commissions. Some of our highlights during this period included assistance to a Victorian rural worker.

JobWatch assisted the worker in recovering unpaid annual leave and wages through the Department of Employment

and Workplace Relations (DEWR). The worker had been employed on a regular and systematic basis for 23 years, working 30 hours per week, always at a flat rate of \$10 per hour. Initially, her employer offered to settle this claim by paying the worker the token sum of \$1000. However, after persistent negotiations, the worker ended up receiving close to \$30,000.

### Media Involvement

Media participation was once again essential to promote community awareness of the introduction of Work Choices and an understanding of its impact. JobWatch media involvement included the impact of Work Choices on young people and women, and other issues such as underpayment of wages, requirement to work during public holidays, being presented with AWA's and termination of employment.

As part of its campaign, JobWatch also produced a community announcement following the commencement of Work Choices.

The announcement has been run on Channels 7, 9 and 31. Additionally, to reach rural Victorians the announcement has been aired on WINTV Ballarat.

We are extremely grateful to these stations for their co-operation in running our community service announcement.

# Workplace Christmas Party Survival Guide

Every year, JobWatch receives calls from workers about incidents that occur at the work Christmas party. An occasion where otherwise mature and professional workplace colleagues may enjoy themselves a little too much and forget that they have to return to work after the Christmas holidays.

Although embarrassing situations may eventually be forgotten, some incidents might not just be embarrassing but may breach workplace laws and could lead to disciplinary procedures and even legitimate termination of employment.

As the festive season approaches, it is timely to revisit some of the basic “do’s” and “don’ts” of the work Christmas party for both employers and employees.

- > **DO** make sure you and your colleagues have a good time. A Christmas party is often a reward for a hard years work and often employers use a Christmas party to recognise workers’ efforts during the year and build team morale but remember – it’s a workplace Christmas party.
- > **DO** issue advice before the party about not driving after consuming alcohol.
- > **DO** ensure that the party caters properly for non-drinkers and vegetarians.
- > **DO** ensure that there is plenty of food and access to drinking water.
- > **DO** ensure that everyone understands the required standard of behaviour. A formal reminder leading up to the event can be a good way to establish that misbehaviour will not be tolerated. Unacceptable behaviour such as harassment, bullying and fighting could attract disciplinary procedures. Occupational Health and Safety may also be an issue to consider.
- > **DON’T** think that behaviour that would not normally be tolerated at your workplace will be tolerated at the Christmas function – it will not. From the employers point of view the Christmas party is classed as a “work activity”.
- > **DON’T** use the office Christmas party as a chance to ask for a raise, air a workplace grievance or secret and don’t tell the boss (or anybody else) what you really think of them.
- > **DON’T** use it as a chance to drink yourself under the table. People have long memories and everything you do or say may come back to haunt you at some stage and, of course, alcohol clouds your judgment and is probably a factor in every workplace Christmas party “incident”.
- > Most importantly **DO** look out for colleagues and workmates. How many people have woken up the next morning after a workplace Christmas party and wished one of their “workmates” had whispered in their ear that whatever they were about to do was not a good idea?

# Victorian Charter of Human Rights and Responsibilities

**On 1 January 2007, the *Victorian Charter of Human Rights and Responsibilities* will commence operation. Victoria is the first Australian State to adopt a Charter of Human Rights.**

At this stage, only 'civil and political' rights such as those found in the *International Covenant on Civil and Political Rights* are included in the Charter.

These rights include such rights as:

- > the right to life;
- > the right to privacy;
- > freedom of thought, religion and belief;
- > freedom of expression, association and assembly;
- > the right to equality before the law;
- > the right to peaceful assembly and freedom of association; and
- > the right to protection of families and children.

Among other things, all new Bills in parliament must be accompanied by a Statement of Compatibility prepared by the Attorney-General, outlining the ways in which the legislation will affect human rights and the reasons for this.

Public authorities will be required to act compatibly with Charter rights.

Courts and tribunals will, as far as possible, be required to interpret and apply legislation consistently with human rights, and the Supreme Court will be able to declare that a law is not consistent with human rights and issue a Declaration of Inconsistent Interpretation, which the Government must respond to.

The Equal Opportunity Commission of Victoria will be renamed the Victorian Equal Opportunity and Human Rights Commission, and have responsibility for monitoring and reporting on the Charter.

The Charter does not apply to social and economic rights, or to the interpretation of federal legislation (eg. the *Workplace Relations Act 1996*), so it may have limited applicability in the field of industrial relations and employment law. It is possible, however, that some of the rights may be relevant, for example the right to protection of families and children could be relevant to work and family issues, and the right to privacy could potentially impact on privacy issues at work.

## JobWatch Information Sheets

now available from [www.job-watch.org.au](http://www.job-watch.org.au)

## JobWatch telephone advice

- > Phone (03) 9662 1933 or 1800 331 617  
Open 9.00am - 5.00pm Monday to Friday  
(service closed between 12:00pm and 2:00pm on Tuesdays)
- > Night service operating 6:00pm - 8:00pm Wednesdays

*JobWatching's articles are authored and edited by JobWatch's Legal Practice, consisting of Zana Bytheway, Gabrielle Marchetti, Andrew McCarthy, Ian Scott and James Fleming.*

**Disclaimer** JOBWATCHING is the official newsletter published by JobWatch Inc. Its aim is to inform and educate on employment rights and exploitation in the workplace. The views expressed in this publication are those of the contributors and are not necessarily endorsed by JobWatch Inc nor should they be relied upon as legal advice or as a substitute for legal advice. Contributions are welcomed and interested persons should contact the editor, Zana Bytheway, at JobWatch on (03) 9662 9458.

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