

# MISLEADING EMPLOYMENT ADVERTISING

## Ads can be misleading because:

- they simply don't have enough information;
- they are written to purposely mislead you, because they want to hide from you what the job really is; or to make you think there's a job when there isn't.

Ads may mislead you about the availability, nature, terms or conditions of employment.

Misleading job and business opportunity ads are unlawful under the Commonwealth Trade Practices Act and the Victorian Fair Trading Act. They should be reported to the relevant authorities:

- The Australian Competition and Consumer Commission (ACCC) which administers the Trade Practices Act; and/or
- Consumer Affairs Victoria which administers the Fair Trading Act.

Misleading ads should also be reported to newspaper classified advertising managers or job web sites where you saw the ad, so the ad can be pulled or modified (see over for contact details).



### Job Watch Inc is .....

an independent, not for profit, employment rights legal centre. It provides a free, confidential telephone information and referral service and other assistance to Victorian workers.

**Hours:- Monday – Friday 9am-5pm**  
(Closed Tuesday 12.00noon -2pm)

**Phone: (03) 9662 1933 or**  
**1800 331 617**

**Website: [www.jobwatch.org.au](http://www.jobwatch.org.au)**

There are guidelines for advertising staff of newspapers and job web sites. They are provided in a manual titled **“Misleading Job and Business Opportunity Ads: How to Handle Them”**. The manual is produced by the ACCC in conjunction with Job Watch Inc and the Australian Publishers' Bureau, and is aimed at stopping the publications of misleading ads. Electronic copies of the manual are available from Job Watch's website at: [www.jobwatch.org.au](http://www.jobwatch.org.au) or ACCC website at [www.accc.gov.au](http://www.accc.gov.au).

## What you should do

Ads usually invite you to ring a number for more information. That is exactly what you should do – find out more information. For example, you should find out about:

- the employment status (i.e. would you be a permanent/casual/fixed term employee? Will your hours be full time or part-time? Alternatively, will you be an independent contractor?
- what type of work you would have to do (i.e. what would your duties be?);
- if you would be covered by an award, a workplace agreement, a common law contract or the Australian Fair Pay and Conditions Standards;
- how much, when, and how you would be paid;
- whether the gross pay includes or excludes superannuation;
- where the employer operates from, etc.

**However, be aware of 0055 or 1900 phone number scams. People have responded to an ad by calling that type number and have found after a few minutes there is no job involved – at a cost of \$4.95 per minute or higher.**

## What you shouldn't do

In some ads, only a Post Office Box or email address may be supplied. **Think very carefully before sending information about yourself to an**

**unknown person at a Post Office Box or email address.**

If you do send information to a Post Office Box or email address, and they reply by asking for money, or your banking account details, be careful. It is illegal in some states to ask for money in this way. **It is never advisable to send your money or bank details in this way.** Anyone who claims to be able to get you a job by charging you or asking for your banking account details is probably only after your money for themselves.

Also:

- If they claim to be selling a list of jobs, don't believe them!
- If they claim to be selling information to help you "get rich quick", don't believe them!
- If their response to your first letter or email still provides no names, phone numbers, or addresses, drop all contact with them.

## **Things to watch out for**

### **1. Jobs that aren't real jobs**

Some ads appear to offer jobs. But when you go for an "interview", you are pushed hard to buy something - e.g., health products, kitchen utensils or cosmetics kits. They might say "buy this and we guarantee you work". But the aim of most of this is just to sell products to you.

### **2. Misleading job descriptions**

Beware of the ad that says: "trainee manager", "promotions work" or "career in marketing". All of these can mean door-to-door selling. Try to get as much information as possible about the actual duties of the position.

### **3. Misleading income claims**

When an ad says something like "\$1000 per week for the right person", **be very careful.** For most people, these ads can mean low pay, or no pay, and long hours.

### **4. Training courses disguised as employment**

The ad may look like it's calling for job applicants -

e.g., "beauty advisers wanted" or "graduates in demand".

Really, they just want you to pay for a course. Remember that no course can guarantee a job, and in some areas you don't need to do a course to get a job. If in doubt, always seek advice. (See the JobWatch infosheet on "Private Training Courses" for further information).

### **5. Contracting jobs disguised as employment**

Contracting is not employment. If you become an independent contractor, it means you become self-employed. Always get advice from Job Watch, a union or a lawyer before signing anything or saying "yes" to something that sounds like contracting.

See the Job Watch infosheet on "Independent Contracting Traps" for further information about contracting.

### **6. "Commission only" jobs**

Beware of jobs that pay only by commission. When companies claim they pay a retainer, check that it is not taken out of commissions earned later.

### **7. Ads you see all the time**

Ads that have headings like "AVAILABLE", "YES, YES, YES", "START A NEW CAREER", "OPPORTUNITIES PLUS", etc., are often repeated (especially mid week). There is a danger that these mean: "Bad conditions! We advertise often because no one will stay."

### **8. An instant interview**

If you are granted an interview over the phone, be suspicious. Again, this might mean: "Bad conditions! We don't need to short-list applicants because you probably won't stay long once you find out what the job really is."

## Where to get help

### **Job Watch Inc**

Melb - (03) 9662 1933

Regional - 1800 331 617

### **ACTU Worker Connect 1300 362 223**

For referral to relevant union

[www.actu.asn.au](http://www.actu.asn.au)

### **Australian Competition and Consumer Commission (ACCC) Info Centre**

**1300 302 502**

To report misleading employment ads

[www.accc.gov.au](http://www.accc.gov.au)

### **Consumer Affairs Victoria 1300 558 181**

To report misleading employment ads

[www.consumer.vic.gov.au](http://www.consumer.vic.gov.au)

### **Federation of Community Legal Centres (03) 9654 2204**

For your closest community legal centre

### **Newspapers (Classified Advertising Managers) and job websites**

To report misleading employment ads

**The Age (03) 9600 4211**

**Herald Sun (03) 9292 2000**

**Leader Suburban Newspaper Group**

**(03) 9875 8000**

**Fairfax Community Network Newspaper Group (03) 9238 7777**

**See Yellow Pages for independent suburban and regional newspapers**

See individual job websites for contact details

### **Fair Work Infoline**

(Office of the Fair Work Ombudsman)

13 13 94

[www.fwa.gov.au](http://www.fwa.gov.au)

[www.ofo.gov.au](http://www.ofo.gov.au)

#### **Important disclaimer**

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