

Young Workers Legal Service

Annual Report 2015 / 2016



Contents

1	WHAT WE DO	12	SERVICE STATISTICS
2	SA UNIONS STATE SECRETARY REPORT	12	Employment issues dealt with
3	MESSAGE FROM THE COORDINATOR	12	Callers by issue
4	YOUNG WORKERS LEGAL SERVICE ACTIVITIES	12	Age of young workers assisted
4	Service provision	12	Gender of young workers assisted
5	Public advocacy and research	13	Industries represented by young workers assisted
5	Media	13	Employment status of young workers assisted
6	Volunteer program	13	Referrals to the Service
8	Public education	14	CLIENT OUTCOMES
9	Social media	15	CLIENT TESTIMONIALS
10	YWLS PEOPLE	16	CASE STUDIES
10	Staff		
11	Volunteers report		

What We Do

The Young Workers Legal Service is staffed by law student Volunteer Advisors who work under the supervision of a legally trained Coordinator/Industrial Officer.

The Service provides free information and advice to people under 30 about workplace problems and has represented them in matters including:

- underpayment of wages
- unfair dismissal
- discrimination
- bullying
- apprenticeships and traineeships
- sexual harassment.

The Young Workers Legal Service aims to give young workers the knowledge, skills and confidence to address and solve their workplace problems and acts both as a public voice for young workers and as an educator of young people about workplace rights.



The Young Workers Legal Service team for 2016: Volunteer Advisors Sharni Stacey, Nicholas Carubia, Christina Chrisakis, Divia Singh, Angas Oehme, Coordinator Nikki Candy, and Volunteer Advisors Camilla Bishop, Dorcas Wong, Alice Bitmead and Coordinator Rachael Seaforth.

SA Unions State Secretary Report



SA Unions State Secretary, Joe Szakacs

I am very proud to report in this the twelfth year of the Young Workers Legal Service.

For more than a decade now, the Young Workers Legal Service has worked to help vulnerable and exploited young workers from abuse, harassment and ill-treatment in their workplaces.

Young South Australians often work in jobs with little security, low rates of pay and high rates of exploitation. They also face high youth unemployment rates and they are over-represented in workplace injury statistics, and they are at the forefront of the battle by elements of the business sector and their supporters to cut weekend rates of pay.

Our staff and our outstanding volunteers understand these pressures on young South Australians, and proudly work for these vulnerable and exploited young workers to ensure they receive compensation and redress.

The YWLS frequently witness systematic and deliberate exploitation of the young workers it represents. During this reporting period we saw a 14% increase in young workers seeking advice regarding unfair dismissals. The issue of underpayments was the second largest concern for young people as employers blatantly disregarded minimum entitlements and working conditions entrenched within our laws.

We couldn't provide the service we do without our committed and passionate volunteers, all of whom give up their time while completing their law degrees.

This year we said farewell to Coordinator Nikki Candy. She has moved on to another challenging position representing workers and we thank her most sincerely for her many years of service.

We have welcomed our new Coordinator Rachael Seaforth, who began her involvement with the Service as a volunteer.

This ongoing track record of developing our volunteers is something I'm incredibly proud of.

It is a mark of the success of the Service that many of our graduating volunteers take up positions in the union movement to continue their fight against injustice and for workers' rights.

We couldn't provide the service we do without our committed and passionate volunteers, all of whom give up their time while completing their law degrees.

Our goals have always been to represent young workers, develop our volunteers and foster future leaders in our movement.

We look forward to another successful year.

Joe Szakacs

Message from the Coordinator



Coordinator, Rachael Seaforth

In March 2016, I became the Coordinator of the Young Workers Legal Service, taking over the role from Nikki Candy.

Nikki had moved into a new and exciting role as an Industrial Officer with the Construction, Forestry, Mining and Energy Union and continues to utilise her impressive set of skills and experience in representing workers. Nikki's success in this role can be attributed to the Service's unique focus not only as a community resource but additionally as a fertile training ground for future activists.

I previously had the opportunity to volunteer with the Service and was fortunate enough to accept a position within the SA Unions Workers Compensation Service. While I thoroughly enjoyed this work, my true passion remained with industrial law. As a previous volunteer, the Service had offered me fundamental legal skills and when the opportunity arose to become Coordinator, I was inspired to apply.

I have found this role to be not only challenging but also highly rewarding. I am proud to have the opportunity to work with such an impressive group of young volunteers each Tuesday, as the Service's success would not be possible without their continued hard work and dedication. The peer-to-peer model of the Service is one which is truly unique and something I am proud to

Since its inception, the Service has developed a fantastic reputation and during this reporting period alone, we have assisted 347 young workers with their employment related issues.

facilitate. I thank this year's group of motivated Volunteer Advisors for their commitment to the Service and I have no doubts they will achieve great things as they develop their careers further.

Since its inception, the Service has developed a fantastic reputation and during this reporting period alone, we have assisted 347 young workers with their employment related issues. Nearly 10% of these callers were referred by family or friends while more than 48% of callers were referred from other bodies including the Fair Work Commission, Fair Work Ombudsman and Legal Services Commission. These referral rates indicate high demand for the Service and are a testament to the Service's achievements since its inception.

We hope you enjoy reading this year's annual report and we look forward to yet another productive year ahead.

Rachael Seaforth

Young Workers Legal Service Activities

Service provision

The Young Workers Legal Service provides free information, advice, and representation to young workers. The service fields calls from the public about workplace problems and advises and represents clients with legal claims.

During our last reporting period from 1 July 2015 to 30 June 2016, the Young Workers Legal Service assisted 347 people with questions about employment rights and obligations. Requests for assistance are received via telephone and email. The telephone inquiries come from young workers themselves, their parents, partners, counsellors and school teachers.

The telephone advisory line is staffed five days a week during office hours. Missed calls are returned by the Service's Coordinator/Industrial Officer or Volunteer Advisors within 24 hours. This enables young workers to obtain timely information about their workplace rights and legal options.

On Tuesdays, the Young Workers Legal Service offers an advice clinic in which up to eight volunteer law students work under the supervision of the Service's Coordinator/Industrial Officer. They provide information and advice to caller and clients. Callers who need more specific advice about a workplace problem can make an appointment to meet with our law student Volunteer Advisors on a Tuesday. These workers become clients of the Service. In this reporting period, 60 workers who called for help became clients of the Service, evidencing the Services fundamental role within the community.

Clients may receive a range of services, depending on their circumstances and the availability of legal remedy.

We assist clients by:

- providing information about workplace rights
- empowering young workers to deal with workplace issues and equipping them with relevant knowledge
- assisting in workplace negotiations
- drafting and lodging legal claims
- providing legal representation.

The Service assists and represents clients with a range of issues, including:

- underpayment of wages
- unfair dismissal
- discrimination
- bullying
- sexual harassment
- apprenticeship and traineeship disputes.

It represents workers in forums including:

- the Fair Work Commission
- the South Australian Industrial Relations Court and Commission
- the Equal Opportunity Commission in South Australia
- the Australian Human Rights Commission.



The YWLS team at Adelaide University encouraging young people to enrol to vote

Public advocacy and research

The Young Workers Legal Service aims to be recognised as the public voice for young workers so we can advocate for system-wide changes which benefit young workers. The YWLS is regularly involved in various campaigns, projects and committees of interest to young South Australian workers. In this reporting period the Service was contacted to contribute to a number of media reports relating to young people and their experiences in the work place. The following are just some of the highlights from this reporting period:

- Enrol to Vote campaign – Volunteer Advisors visited University of Adelaide to empower and encourage young people to enrol to vote
- Your Rights at Work Fair, Adelaide University – the YWLS had a booth set up encouraging young people to discuss their work-related problems
- Maritime Union of Australia solidarity – the YWLS attended rallies and stood in solidarity with MUA workers
- participation in the Fair Work Taskforce Inquiry



Fair Work Taskforce Inquiry: Coordinator Nikki Candy, Volunteer Advisor Angas Oehme and SA Unions Industrial Services Coordinator Angas Story

Media

The Young Workers Legal Service continues to attract media interest. During this reporting period Nikki Candy contributed to a segment on Radio Adelaide regarding traineeships and underpayments stating that:

“traineeships are a great way for young people to learn and a great way for businesses to give people an opportunity to learn ...complaints we hear from young people are that the traineeships are been used as a wage avoidance tactic... we often hear reports that they are not getting any or adequate training... their not actually learning, not been supervised and not getting anything out of the traineeship.”

THE AUSTRALIAN

Waiter Milan Dehal wins compensation after manager Nicholas Sharma refused him proper pay

EXCLUSIVE - COURT REPORTER NEN MCGREGOR THE ADVERTISER SEPTEMBER 07, 2015 10:53AM



Milan Dehal with his wife Alina at their flat in Dale Park. Picture: Emma Brasen Source: News Limited

AN EXPLOITED waiter has been awarded \$15,000 in compensation after the manager refused to pay him his salary partly because he “can’t even speak proper English”.

The YWLS also featured in an article in The Australian regarding one of our previous clients Mr Milan Dahal who we successfully argued an underpayment for plus the imposition of penalties for his employers blatant disregard for the minimum employment conditions.

Volunteer program

The Service would simply not be possible without the dedication and commitment of our inspiring group of Volunteer Advisors. Law students in their final or penultimate year of their degrees, with an interest in improving workers' access to justice, generously volunteer their time each Tuesday. The Volunteer Advisors are asked to commit for a minimum of six months which coincides with university semesters. Many of our volunteers choose to stay beyond six months and happily assist with the training of new volunteers. Through this structure our clients are given stability in their matters in addition to volunteers been able to experience a range of matters and the complete life-cycle of a file from inception to completion.

Our Volunteer Advisors are given a great deal of responsibility as they interview young workers and advise them on a course of action in relation to their issue. Volunteer Advisors manage client files and perform a range of duties including preparing legal claims and legal documents, drafting letters to clients and employers, and taking instructions from clients while keeping them informed on the progress of their matters. The Service additionally places a significant emphasis on team work and our volunteers work in pairs in the provision of their allocated client files.

With thirteen years of success, the YWLS has acquired a strong reputation for the unique professional development opportunity it offers to law students. We are proud that our volunteers are handed a significant level of responsibility and the Service has become a popular choice for law students who want hands-on experience. As a result, selection to become a Volunteer Advisor has become a highly competitive process, and



Volunteer Advisors Angas Oehme and Nadeem Shaki



Volunteer Advisors Loretta Foran and Tea Boromisca

the volunteers represent some of Adelaide's most highly skilled law students.

The Service has a focus on ensuring the volunteer experience is a rewarding and enjoyable one which benefits both the volunteers and young workers.

The Service provides the volunteers with formal and ongoing training in industrial law. During this reporting period the Service has had a focus on providing meaningful training opportunities for our volunteers. The volunteers underwent a two-day induction program at the commencement of their volunteering and throughout the semesters had additional opportunities for further training and professional development. For example, the Volunteer Advisors attended a training session on Work, Health and Safety. Additionally, the volunteers had the opportunity to attend monthly 'Union Power and the Law' seminars hosted by SA Unions. Each month guest speakers from unions, law firms and various legal commissions presented on an allocated topic. Topics covered include:

- protected industrial action
- unfair dismissals
- general protections
- discrimination
- classifications and underpayments
- bullying
- contracts; and
- Work, Health and Safety and Return to Work

In this reporting period the Volunteer Advisors were also able to attend the Industrial Relations Court of South Australia and witness an underpayment matter.

The Service continues to support the University of Adelaide's Clinical Legal Education by providing a placement for law students undertaking the subject. In this way, law students are able to gain credit towards the completion of their law degrees while volunteering.

Our volunteers are particularly encouraged to participate in social justice causes, rallies and campaigns. In this reporting period the volunteers attended a Maritime Union of Australia rally and the annual May Day March.



Volunteer Advisors heading to the South Australian Industrial Relations Court of South Australia



Volunteer Advisors Sian Chapman and Camilla Bishop at the "Your Rights at Work" Fair, Adelaide University

Public education

The Young Workers Legal Service reaches out to various communities to provide information about workplace rights. The Service seeks, in particular, to reach young workers who are isolated, disengaged, or otherwise disadvantaged.

Between July 2015 and June 2016, the Young Workers Legal Service visited schools to speak to young people about their rights at work. By offering this service to schools, the Service is able to educate and empower young people who are often exploited. We aim to equip young workers, who have often only just entered the work force for the first time, with knowledge regarding their rights and obligations at work.

The Service makes it a priority to visit organisations and community centres which assist disadvantaged young people. The Service has sought, in particular, to place its education services within reach of young people who come from low socio-economic backgrounds, who have recently arrived in Australia, or who have found difficulty staying within the school system. In this reporting period the Service has presented information and training sessions at:

- Adelaide High School
- Craigmore High School



“Your Rights at Work” Fair, Adelaide University

For the 2016/2017 reporting period the YWLS aims to further increase this aspect of our Service in order to reach more young people.



Volunteer Advisor Angas Oehme presenting to students at Craigmore High School

Social media

As well as having a website, the Young Workers Legal Service uses social media to connect with young people and the broader community. The goal of our online presence is to:

- maintain contact with past and present supporters
- engage the community with the activities of our Service

- educate people about their workplace rights
- communicate news of relevance to young workers
- strengthen relationships between the Service and other related organisations

Young Workers Legal Service

Annual Report Now Available

About Appointments Fact Sheets Publications Case Studies Volunteer Links Contact Us

The Young Workers Legal Service is an initiative of SA Unions and provides free work-related advice for workers under the age of 30.

CASE STUDY

Sexual Harassment

Stacey worked at a courier company for several years. It was a male dominated work environment.

During her employment she was subjected to...

[Read more >](#)

www.ywls.org.au



facebook.com/youngworkerslegalservice



[@SAYoungWorkers](https://twitter.com/SAYoungWorkers) on Twitter

YWLS People

The Young Workers Legal Service thanks the following people who volunteered at the service between July 2015 and July 2016:

- Angas Oehme
- Camilla Bishop
- Sian Chapman
- Natasha Cruickshank
- Alice Bitmead
- Sharni Stacey
- Nicholas Carubia
- Christina Chrisakis
- Dorcas Wong
- Divia Singh

Staff

The Young Workers Legal Service was staffed by Nikki Candy from July 2015 until March 2016 when Rachael Seaforth stepped into the role of both the Coordinator and Industrial Advocate.



Coordinator/ Industrial Advocate: Rachael Seaforth



The YWLS team

Volunteers report

Volunteering at the Young Workers' Legal Service has been highly informative, insightful, fun and most importantly, rewarding.

The Young Workers' Legal service allows an experience into all aspects of employment law, and provides an invaluable head start to a legal career. Volunteering with the service allows exposure to a broad range of activities lawyers undertake on a daily basis. I have experienced other legal environments but the Young Workers' Legal Service is by far the most interactive and practical. Volunteers are not merely bystanders to the legal process, but instead are highly involved in the client's claim. This involvement stems from the initial phone call the client makes to the service, through to interviewing the client, filing, form submission, client correspondence, calculations, and settling the client's claim. Everything the volunteers produce is overseen by a qualified legal practitioner. In terms of preparation for a legal workplace, the Young Worker's Legal Service is second-to-none. It follows that volunteering at the Young Workers' Legal Service complements the study of law at university, which is vastly more theoretical than practical.

"I have experienced other legal environments but the Young Workers' Legal Service is by far the most interactive and practical. Volunteers are not merely bystanders to the legal process, but instead are highly involved in the client's claim."

Volunteering at the service allows an insight into real-world application of employment law. Enforcement of employment law is crucial to the functioning of a fair society. Employment law permeates every aspect of our working lives, which can make up a substantial portion of a person's life. It is an unfortunate truth that employers always have, and always will, whether intentionally or unintentionally, flout employment law. Only by experiencing employment law first hand, does one realise the vulnerabilities of the employee.



Nicholas Carubia

Clients at the Young Worker's Legal Service are particularly vulnerable, as most clients are under 30 years of age, and work for small businesses or as apprentices. This results in clients being underpaid, unfairly dismissed, or even discriminated against. It is therefore highly rewarding to make a difference in the lives of such clients.

I first heard about the Young Workers' Legal Service from an ex-volunteer who highly recommended it. I can confidently state that each and every student volunteer enjoys the time they spend at the Young Worker's Legal Service. The friendships formed and culture of the Young Worker's Legal Service make every Tuesday a thing to be anticipated rather than dreaded. The service fit my beliefs, as it appealed highly to my sense of justice, unionism, and workers' rights. I encourage all who wish to make a positive difference in the lives of others, as well as increase their own skills in preparation for work, to volunteer.

Nicholas Carubia

Service Statistics

The Young Workers' Legal Service received 347 inquires in this reporting period. Issues related to termination of employment and underpayment of wages continue to be the most common inquiries.

Between 1 July 2015 and 30 June 2016, 60 young workers became clients of the Service. The Service continues to be in high demand and strives to provide high quality advice and information to as many young workers as soon as possible.

The Young Workers' Legal Service deals with a range of workplace issues including underpayment of wages, unfair dismissal, discrimination, sexual harassment, bullying, and trainee and apprentice disputes. Between 1 July 2015 and 30 June 2016, the issue most frequently raised issues by callers was unfair dismissal, equating to over 38% of overall inquiries. This included unfair dismissals and termination of employment for unlawful reasons.

The second most commonly raised issue was underpayment of wages, equating to over 24% of overall inquiries, nearly a 10% increase from last reporting period.

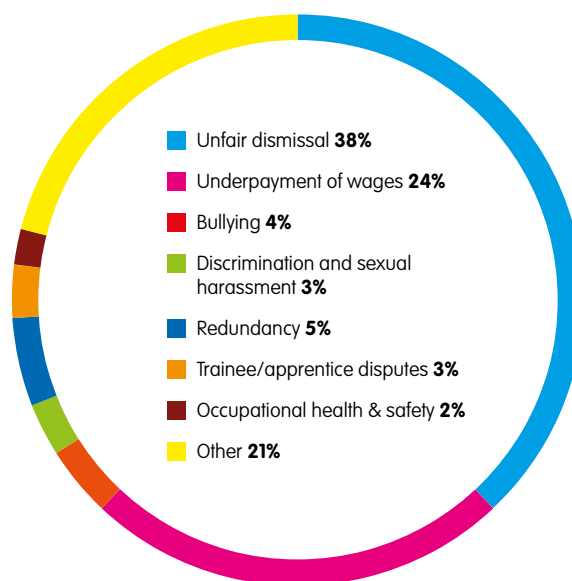
Employment issues dealt with

Unfair dismissal	132
Underpayment of wages	84
Bullying	14
Discrimination and sexual harassment	9
Redundancy	17
Trainee/apprentice disputes	9
OH&S	8
Other*	74

* Callers in the 'Other' category represent inquiries in relation to disciplinary action, contract advice, classification advice, minimum engagement, superannuation and workers compensation inquiries.

Callers by issue

In this reporting period termination of employment and specifically, unfair dismissals have been the most common issue to come before the Service. The second most popular inquiry issue is in relation to underpayment of wages and entitlement inquiries. All other inquiries, including discrimination, sexual harassment and redundancy issues continue to come before the Service in predictable numbers.



Age of young workers assisted

The Service received 67 calls from workers aged between 14 and 20 years old. The most popular age range to contact the Service were those in the 21 to 25 year old age group with 113 callers while 93 callers aged 26 and above contacted the Service in the reporting period. The youngest workers assisted were 14 years old.

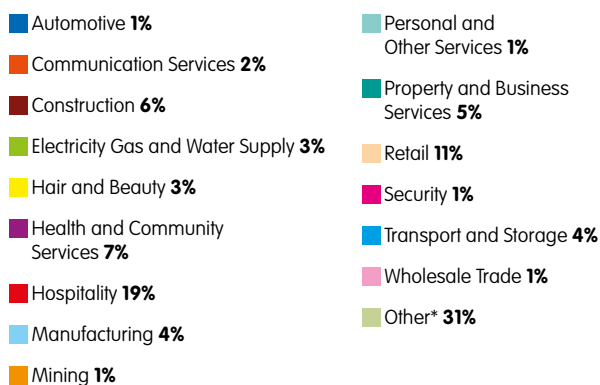
14 - 20	67
21 - 25	113
26+	93

Gender of young workers assisted

Between 1 July 2015 and 30 June 2016, 179 callers were female and 164 were male. The gender of the remaining callers was not recorded. The figures suggest that the Service is effectively reaching both male and female young workers and each year slightly more women than men access the Service.

Industries represented by young workers assisted

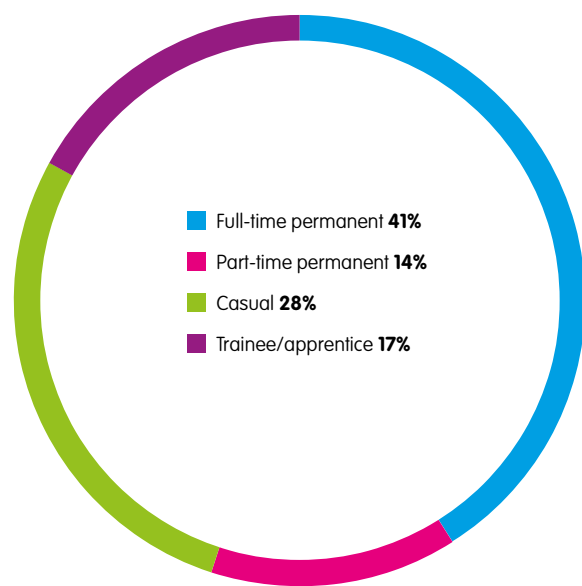
Each reporting period, the industries most frequently represented by callers remain largely the same. Between 1 July 2015 and 30 June 2016, the industries callers inquired about the most were retail and hospitality, representing over 29% of all industries. This year we had an increased number of callers from the construction and health and community services industry.



* The 'Other' category represents callers from the industries of Information Technology, Government Administration and Defence, Cleaning Services, Cultural and Recreational Services and Agriculture, Forestry and Fishing.

Employment status of young workers assisted

From the 60 new files that were opened between 1 July 2015 and 30 June 2016, over 41% of new clients were full-time employees. The second largest percentage, at 28%, were clients who were casually employed. The figures represented in the graphs are consistent with statistics of previous years. Permanent part-time employment continues to be less common.



Referrals to the Service

The Young Workers Legal Service receives referrals from a range of agencies and organisations. Between July 2015 to June 2016, most referrals came from the Fair Work Commission. The second most common referral source was the Fair work Ombudsman. This reflects the fact that the service mostly deals with employees who work within the Federal employment law system. The Service thanks those organisations and agencies who have referred young workers to us during the past twelve months.

We continue to receive a significant number of referrals recorded as from a 'friend of family member', equating to nearly 10% of all referrals, which indicates word-of-mouth referrals continue to be strong. We attribute these referrals as stemming from the high quality of work the Young Workers Legal Service provides leading to recommendations and referrals in the community.

Client Outcomes

Between July 2015 and June 2016, the Young Workers Legal Service assisted its clients to recover over \$65,000 in unpaid wages and compensation for a range of legal wrongs. The Young Workers Legal Service often negotiates directly with employers to resolve matters. In this reporting period we commenced litigation in respect of 25 client files in order to progress their matters and achieve an outcome. The remaining client files either resolved before litigation or were closed for lack of merit or client contact.

The money recovered represents:

- compensation for lost wages as a result of unfair dismissal
- payment of wages and other outstanding entitlements, like annual leave and sick pay
- compensation for hurt, suffering and distress arising from discrimination and general protections claims.

Payments were made to young workers in casual, permanent, full-time and part-time positions.

In the twelve years the Young Workers Legal Service has been operating, we have recovered approximately \$1,315,000 for young workers in South Australia. The recovered monies are often of great significance to clients, both financially and symbolically.

In addition to monetary outcomes the Service also assisted in securing the following non-financial outcomes for clients:

- the provision of a statement of services or reference to the young worker to help them find another job
- the conversion of a worker's dismissal to a resignation
- the return of personal property
- the introduction of new policies or procedures in the workplace
- an agreement by an employer to refrain from speaking poorly of a worker in the future
- the implementation of a new workplace policy by an employer to prevent other workers from being treated badly in the future

The Young Workers Legal Service clients are also encouraged to join their relevant union to protect themselves in the future. The Service aims to provide workers with a positive experience with a union and to provide clients with information about how to join a union and what union membership entails. Throughout 2015-2016, the Young Workers Legal Service helped many young workers better understand union membership. After receiving advice, this year clients joined unions such as the Shop, Distributive & Allied Employee's Association, United Voice, the Australian Workers Union, the Australian Services Union, and the Health Services Union. Clients also joined their union through Unions Australia, which links workers with their relevant union.



Young Workers Legal Service team for Semester 2, 2016: Volunteer Advisors Nicholas Carubia, Nadeem Shaki, Tea Boromisa, Loretta Foran, Coordinator Rachael Seaforth and Volunteer Advisor Angus Oehme

Client Testimonials

“Thank you so much for your help, support and persistence; THANK YOU”

“Thank you for all your help with my case. I don’t think I could have done it without you.”

“Thanks for everything, you all have been amazing :)”

“I would like to thank you for all your help I really appreciate it.”

“Once again I wanted to thank you for all of your hard work and professionalism helping me out last week. Young workers are lucky to have you!!!”

“Thanks for your help and support in this difficult time.”

Case Studies

Discrimination

Matthew worked for a Council at his local swimming pool, as a Supervising Life Guard. This was on a casual, seasonal basis for a period of 5 years. During the summer season of 2014, Mathew was diagnosed with bipolar disorder and in the interests of being transparent, Mathew informed his supervisor of his condition. He then continued to perform his Supervisor duties without any issue for the remainder of the season. During his first shift for the 2015 season, Mathew was called into his boss's office and was informed that the Human Resources department of the Council required him to obtain a medical clearance. Matthew was then emailed a copy of the position description and instructed to contact his psychiatrist and obtain a clearance for each duty. He did this and submitted a copy of the position description, with a tick next to each duty, and a statement from his psychiatrist clearing him for all duties. The Council did not accept this unambiguous document and accordingly, over the course of several months, directed Matthew to obtain several more clearances and attend various meetings, with his disorder as the focal point of discussions. Throughout this entire duration, Matthew was not provided with any shifts and furthermore the Council hired an additional supervisor. In December 2015, Matthew lodged a Discrimination complaint in the Equal Opportunity Commission ("EOC"). Matthew then contacted the Young Workers' Legal Service in 2016 and we agreed to represent him at the conciliation conference in the EOC. After attending the conference, the Young Workers Legal Service successfully negotiated an ex gratia settlement of \$7,500 for Matthew.

Unfair dismissal

James was employed as a Car Cleaner with a large car yard on a permanent part-time basis. He was initially engaged through a Wage Subsidy Scheme Agreement as he suffered from a learning disability. The total duration of his employment was approximately seven months. James worked every Monday, Wednesday and Friday. On one Wednesday, the employer implemented new procedures regarding when to wash cars and when to vacuum cars. Upon attempting to implement these new procedures, and given his learning disability, James became confused. Naturally, James turned to his supervisor for clarification on what to do and the supervisor replied by ambiguously directing him to 'just do it'. Consequently James became stressed and anxious due to the lack of job support and accordingly James left the situation 45 minutes before he was due to finish his shift. Following the incident a meeting

was organised between James and his employer. The outcome of this meeting was a direction that James not attend his usual Monday shift and that his boss would consider his employment over the weekend. The next Tuesday, James's mother contacted the employer and during this conversation was informed that James had been dismissed. James came to the Young Workers' Legal Service seeking advice regarding his dismissal. An Unfair Dismissal was lodged with the Fair Work Commission on behalf of James and the Service represented him in a conciliation conference. We argued that the dismissal was unfair because James had had no previous warnings and no previous performance issues, which was supported by evidence of performance reviews. We were successful in having the dismissal converted to a resignation and a settlement sum of \$1,590.68.

Underpayment of wages

Nicole was employed as a full time, permanent employee with a large company for about seven years. Throughout this time Nicole had progressed up the ranks of the company, and at the time her employment ended, she was a member of the senior management staff. In 2015, Nicole's position was made redundant, and she was offered two alternative redeployment positions. Both positions offered involved a substantial pay reduction of \$28,000 per year and a rotating seven day roster, compared to her previous Monday-Friday position. Nicole was handed a letter which said in effect that if she did not accept one of the redeployment options, she would be considered as having resigned from her position and accordingly was not entitled to be paid a redundancy package. Nicole came to the Young Workers' Legal Service seeking advice regarding her rights and entitlements. Given the circumstances of the alternative redeployment options, and pursuant to the *Fair Work Act 2009*, neither of the positions were 'substantially similar' and furthermore they involved a significant reduction in remuneration and seniority combined with inconsistent working hours. The Young Workers' Legal Service lodged a Summons - Monetary Claim in the South Australian Industrial Relations Court. We attended the initial Directions Hearing on Nicole's behalf and the matter was listed for a further Directions Hearing and then eventually a trial date was to be set. Ultimately the matter settled outside of Court and Nicole obtained a settlement sum of \$16,500 which was paid as a genuine redundancy. Accordingly Nicole avoided any tax liabilities.



Young Workers Legal Service

SA Unions
Ground Floor
170 Greenhill Road
Parkside SA 5063

www.ywls.org.au

A special thank you to SafeworkSA and the
Government of South Australia for supporting
the Young Workers' Legal Service.



Government of South Australia
SafeWork SA