

Young Workers Legal Service

Annual Report 2016 / 2017



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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 the age of 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 2017: Volunteer Advisors Rhiannon Ireland, Kaeli Convey, Nadeem Shaki, Loretta Foran, Toby Barnfield, Cathleen Barry, Jamie Macadam and Coordinator Rachael Seaforth.

SA Unions State Secretary Report



SA Unions State Secretary, Joe Szakacs

I am very proud to present this annual report of the Young Workers Legal Service.

For thirteen years now, the Young Workers Legal Service has provided assistance for vulnerable and exploited young workers suffering abuse, harassment and ill-treatment at work.

Sadly, these are problems which are not disappearing from South Australian workplaces, as we see evidence every day that young people continue to face serious issues such as discrimination, sexual harassment, underpayment and bullying.

They often work in jobs with little security, low rates of pay and high rates of exploitation. They face high youth unemployment rates and they are over-represented in workplace injury statistics.

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.

We have always seen individual examples of discrimination and harassment, but what is increasingly disturbing in the past twelve months are emerging examples of systemic wage theft, in which ripping off workers, especially young people, has become a business model.

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.

I would like to personally thank Young Workers Legal Coordinator Rachael Seaforth for all her outstanding work this year. We couldn't provide the service we do without her committed leadership and the passionate dedication of our student volunteers, who give up their time while completing their legal studies. Thanks also to Kaeli Convey, who has ably stepped into the position while Rachael is on maternity leave, and Cathleen Barry who has ably supported Kaeli.

I would also like to acknowledge the State Government's SafeworkSA for its on-going funding which supports the services we are able to provide to young workers.

We are proud of the fact that the Service is able to not only represent and seek justice for young workers, but that it helps develop our volunteers and readies them for work in the union movement or in the broader law so they can continue to fight for justice for working people.

We look forward to another successful year.

Joe Szakacs

Message from the Coordinator



Coordinator, Rachael Seaforth

I have had the privilege to be a part of the Young Workers Legal Service since early 2015, initially beginning as a Volunteer Advisor. Since that time I have been fortunate to be involved in the continued fight to protect and enhance young workers' rights and my passion and commitment to the Service and its objectives are stronger than ever. This year I am extremely proud of what we have achieved and I am excited about the future direction of the YWLS.

Over the past year we have witnessed the emergence of business trends which are designed to exploit worker's rights and result in widespread wage theft. This has attracted significant media attention including the recently publicised examples of 7-Eleven, Caltex and Dominos. There is no denying the important role the YWLS plays in providing youth with access to justice when their minimum entitlements are disregarded. However, it is now more important than ever for the YWLS to additionally act as a public voice in the campaign to tackle and expose these concerning activities. During this reporting period the YWLS has combined resources with other unions such as the Shop, Distributive and Allied Employees Association and United Voice in campaigning against these dodgy business practices. We have additionally attended various campaigns in the fight to protect the minimum entitlements we all enjoy such as the right to be safe at work and to receive a fair days pay. We intend to continue this work into the future.

I am extremely proud to attribute to the Volunteer Advisor's hard work. I thank them for their valuable contributions this past year.

During this reporting period, we have enjoyed yet another busy and productive year working with another group of inspiring Volunteer Advisors. Without their commitment, passion and generous donation of time, the Service would simply not be possible. It is through these inspiring individuals we have been able to assist over three hundred young workers with their employment issues and enable them to recover over \$94,000 by way of entitlements and compensation for legal wrongs, an increase of \$30,000 from the last reporting period. Since the Young Workers' Legal Service has been operating, we have recovered more than \$1.4 million for young workers in South Australia.

I am extremely proud to attribute to the Volunteer Advisor's hard work. I thank them for their valuable contributions this past year.

The statistics, case studies and client testimonials contained in this report demonstrate the on-going demand for the services of the YWLS and we look forward to yet another busy and successful 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 receives calls from the public about workplace problems and advises and represents clients with legal claims.

During our last reporting period from 1 July 2016 to 30 June 2017, the Young Workers' Legal Service assisted three hundred 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 callers 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, 61 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.

Media

The activities of the Young Workers' Legal Service continue to attract media interest. During this reporting period Rachael Seaforth contributed to a segment in the student edition of The Law Society of South Australia's 'The Bulletin' writing about casual workers' rights and employer obligations.



Contribution by Rachael Seaforth, Coordinator, to the student edition of The Law Society of South Australia's 'The Bulletin'.

Public advocacy

The Young Workers' Legal Service aims to be recognized 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 participate in a number of events relating to young people and their experiences in the work place. The following are just some of the highlights from this reporting period:

- The YWLS attended various rallies this year focusing on workplace safety laws and participated in campaigns against the decision to slash penalty rates.
- We attended the University of Adelaide's Law Careers Fair and spoke to students about their rights at work and volunteering opportunities.
- In May 2017 Rachael Seaforth, presented at the 'Australian Jobs Taskforce', speaking about the concerning trends of exploitation noticed by YWLS and discussing options for legislative change.
- The YWLS visited the Year 12 students of Roma Mitchell Secondary College and spoke to them about their workplace rights and obligations as employees.



University of Adelaide's Law Careers Fair: Volunteer Advisors Jamie Macadam and Nadeem Shaki



Australian Jobs Taskforce: Coordinator Rachael Seaforth with Julian Hill MP, Steve Georganas MP, Lisa Chesters MP and Justine Keay MP



Coordinator Rachael Seaforth speaking to students regarding their work place rights

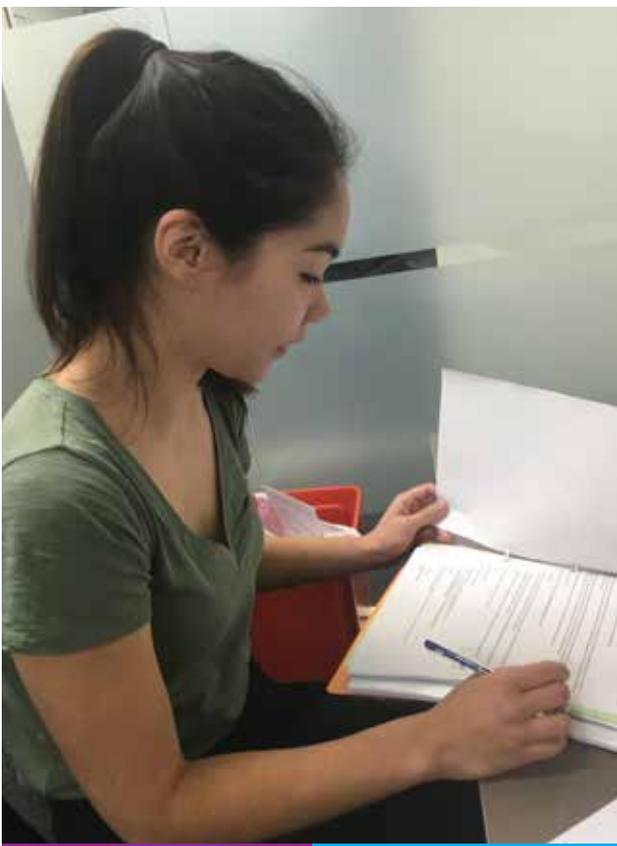
Volunteer program

The YWLS is fortunate each year to have a group of dedicated and passionate volunteer advisors work in conjunction with the Coordinator to deliver a high quality legal advice and representation service to young workers in the broader community. The Services fantastic reputation would not be what it is today without the commitment of our volunteers.

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 voluntarily 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 gain hands on experience with a range of legal issues and having the opportunity to work on a file from inception through to completion.

The Service's volunteer program is one of a kind in South Australia particularly given the opportunity it provides to the Volunteer Advisors to undertake significant responsibility in interviewing clients, managing client files, formulating claims, preparing legal documents and drafting correspondence to clients and employers/ employer representatives. The Volunteer Advisors become the primary contact for their clients and are responsible for providing advice on legal courses of action, taking comprehensive client instructions and updating clients on the progress of their file. 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 overall guidance and supervision provided by the Coordinator/ Industrial Officer.

Given the active roles undertaken by our volunteers, it is no surprise 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



Volunteer Advisor Loretta Foran



Volunteer Advisors Nadeem Shaki and Jamie Macadam

who wish to gain hands-on experience. As a result, selection to become a Volunteer Advisor has become a highly competitive process, and 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 also provides volunteers with formal and on-going training in industrial law. The volunteers undertake a two-day induction program at the commencement of their volunteering and throughout the semesters have additional opportunities for further training and professional development offered to them. During the reporting period the Volunteer Advisors had the opportunity to attend various training sessions as a part of the 'Union Power and the Law' series offered by SA Unions. These sessions covered a range of topics, this year focusing particularly on the introduction of the South Australian Employment Tribunal and modern slavery.

The YWLS was also fortunate to have Thomas Newton, Manager of Complaints and Investigations at the Office of the Training Advocate, conduct a session regarding the laws and regulations surrounding apprentices and trainees and what their applicable rights are.

The Service continues to support the University of Adelaide's Clinical Legal Education by providing a placement for law students undertaking the subject. In



Volunteer Advisors Kaeli Convey, Nadeem Shaki and Toby Barnfield campaigning for enhanced work health and safety laws

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 various campaigns regarding work, health and safety laws and rallies highlighting the impact of declining penalty rates on workers.



Young Workers' Legal Service attending a Union Power and the Law seminar focusing on modern slavery

Public education



Coordinator, Rachael Seaforth, with students from the Year 12 Workplace Practices class at Roma Mitchell Secondary College

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 2016 and June 2017, 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, 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.

During this reporting period, the YWLS has also worked with the Australian Education Union to enhance the allocation of YWLS education materials provided to young workers when entering the workforce. For the 2017/2018 reporting period the YWLS aims to further increase this aspect of our Service in order to maximise our resources for the benefit of young workers.

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



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 2016 and June 2017.

- Angas Oehme
- Nicholas Carubia
- Kaeli Convey
- Jamie Macadam
- Cathleen Barry
- Toby Barnfield
- Nadeem Shaki
- Loretta Foran
- Rhiannon Ireland

Where are they now?

The YWLS has become a training ground for young unionists and legal professionals. Many of our ex-volunteers are successful at gaining employment within the legal profession and union movement, continuing to advocate for worker's rights. In this year's report Angas Oehme, one of our long serving ex-volunteers, has written about his experiences and how volunteering prepared him for his legal career.

Angas Oehme

I volunteered with the Young Workers Legal Service from 2014 until the end of my law degree in 2016. During that time I met many great workers rights activists within the union movement and legal community, including the lawyers at Lieschke & Weatherill – a law firm focussing on employment law. In 2016 I was lucky enough to be taken on as a clerk with the firm and, after I was admitted as a legal practitioner, to stay on as a practicing lawyer.

Volunteering with YWLS was an invaluable and rewarding experience. The service places a significant amount of trust and autonomy in its volunteers, and there is a strong culture of camaraderie and mentoring. Depending on your experience and interests there is a lot of flexibility about the types of cases you work on. It was also great volunteering alongside other students who were passionate about issues of social and economic justice - I made many good friends at YWLS.

Staff

During 2016/2017 the Young Workers' Legal Service was staffed by Rachael Seaforth, as Coordinator of the Service, who is a legally trained industrial officer.



Coordinator/ Industrial Advocate: Rachael Seaforth

My experience at YWLS also armed me with skills I use every day as a lawyer: interviewing clients, drafting court applications, researching case law, negotiating with opponents, and interpreting legislation, awards and enterprise agreements. I was able to hit the ground running when I started working because I had already spent three years building up these skills. The experience you get as a volunteer with YWLS is truly unique, and has left me well equipped for my job as an industrial lawyer.

Angas Oehme
Lawyer, Lieschke & Weatherill



Angas Oehme

Volunteers report - Kaeli Convey

I have been a volunteer legal advisor at the Young Worker's Legal Service for over a year and it has, without a doubt, been the best decision I have made in preparing myself for a career in law and industrial relations.

During my time at the service I have developed a strong grasp of employment law, procedure and legal practice more generally. On an ordinary day at the service, volunteers may prepare for and conduct their own client interviews, write legal letters, provide legal advice, conduct legal research, manage client files and tackle a broad range of legal issues. To carry out these duties, volunteers are afforded a high level of responsibility that is not often given to students and are encouraged and supported by the service coordinator to adopt significant control over client files. The service coordinator provides wonderful support to the volunteer group by providing feedback on draft letters, providing advice, and most importantly, encouraging us to have confidence in our own abilities and decisions.

For me, volunteering at the service not only means developing my professional skills, but is also an opportunity to tangibly support the work of the South Australian union movement in securing just outcomes and fairness for some of the most vulnerable workers under the law. I would recommend volunteering at the service to any law student seeking to put theory from Uni into practice, especially those with an interest in the ever-evolving area of employment law.



Kaeli Convey



Cathleen Barry

Volunteers report - Cathleen Barry

Employment law has a central role in society as it impacts upon all working people's lives. Many of the people we help at the YWLS are particularly vulnerable; being young persons, often employed by small businesses to undertake casual work or apprenticeships/traineeships with little knowledge of their rights and entitlements and intimidated by their employers.

The service operates to protect these people from exploitation, ensuring that their legal rights are protected. We provide assistance to workers who are underpaid, unfairly dismissed or harassed/bullied in the workplace. Many of those who contact the service are stressed and it is a rewarding experience to be able to assist them, especially when we are able to deliver a successful outcome.

Volunteering has provided me with many opportunities to become further involved in the union movement and improve my understanding of worker's rights. Working with likeminded peers and collaborating as a team has provided me with an invaluable experience. All volunteers are highly involved in managing client claims from taking phone calls, conducting interviews and lodging Court documents under the supervision of an experienced Industrial Officer. This hands on work allows volunteers to put their study and theoretical knowledge into practice. Everyone who volunteers at the service finds it to be a positive experience, which provides them with a solid foundation to enter the workforce upon completion of their legal studies.

My personal goal is to continue to support the union movement throughout my working life and to help advance the rights of workers. I have thoroughly enjoyed volunteering at the service and I encourage anyone interested in helping vulnerable workers to apply.

Service Statistics

The Young Workers Legal Service received 300 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 2016 and 30 June 2017, 61 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 2016 and 30 June 2017, the issue most frequently raised 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 25% of overall inquiries. These figures demonstrate a consistent pattern of employment issues when compared with the last reporting period.

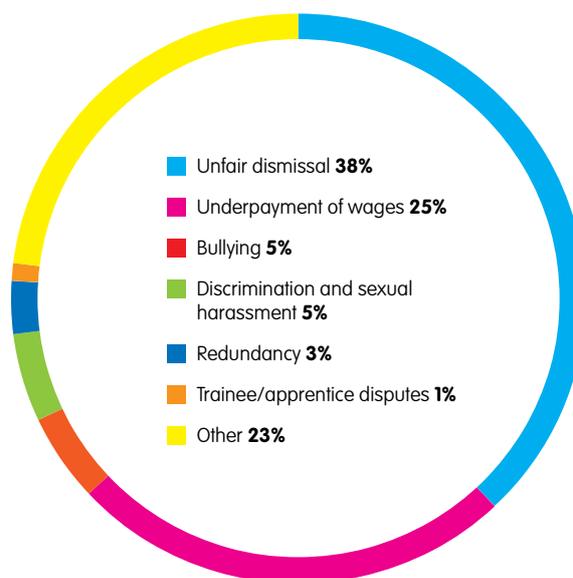
Employment issues dealt with

Unfair dismissal	115
Underpayment of wages	75
Bullying	14
Discrimination and sexual harassment	15
Redundancy	8
Trainee/apprentice disputes	3
Other*	70
Total calls	300

* Callers in the 'Other' category represent inquiries in relation to disciplinary action, contract advice, classification advice, minimum engagement, superannuation, occupational health and safety 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 most popular age range to contact the Service were those in the 21 to 25 year old age group with 96 callers while 67 callers aged between 14 and 20 contacted the Service and 82 callers aged 26 and above. The youngest age of callers was 15.

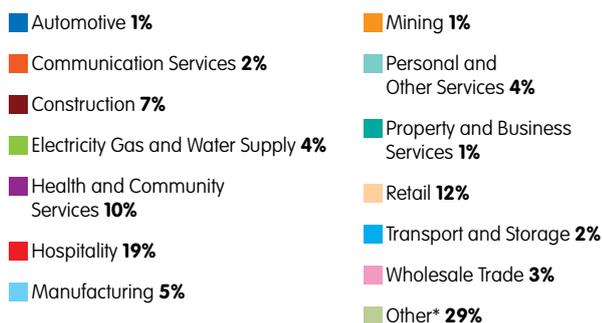
14 - 20	63
21 - 25	96
26+	82
Unknown	59

Gender of young workers assisted

Between 1 July 2016 and 30 June 2017, 144 callers were female and 148 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, with this year a 3% increase in male callers.

Industries represented by young workers assisted

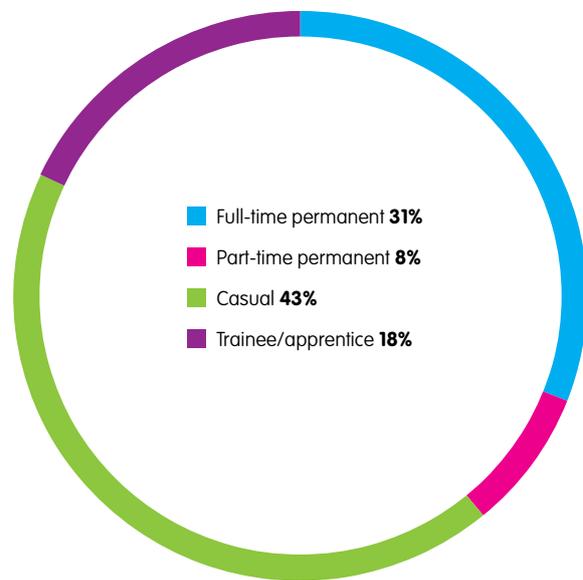
Each reporting period, the industries most frequently represented by callers remain largely the same. Between 1 July 2016 and 30 June 2017, the industries callers inquired about the most were retail and hospitality, representing over 30% of all industries. This year we had an increased number of callers from the health and community services industry.



* The 'Other' category represents callers from the industries of Hair and Beauty, 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 61 new files that were opened between 1 July 2016 and 30 June 2017, over 42% of new clients were casually employed, an increase of 17% from last reporting period. The second largest percentage, at 31%, were client's employed on a full time basis. 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 2016 to June 2017, most referrals came from the Fair Work Ombudsman. This reflects the fact that the service mostly deals with employees who work within the Federal employment law system. The second most common referral source was the Legal Services Commission. 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 over 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 2016 and June 2017, the Young Workers Legal Service assisted its clients to recover \$94, 271.00 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 the YWLS made 22 court and commission appearances on behalf of clients where litigation was commenced. The YWLS often engages in the court/commission process in order to progress client files and achieve enhanced outcomes. 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 years the Young Workers Legal Service has been operating, we have recovered approximately \$1.4 million 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 2016-2017, 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.

Client Testimonials

"I am very thankful for your help. I could never beat them like that and no one else could before me. Your job was absolutely great."

"Once again I would like to thank you for all your help on my case and getting things finalized quickly."

"Thank you so much for your time, effort and professionalism. You are very good at what you do. We are greatly thankful."

"I don't think I could thank you enough for all your help throughout this year with my claim. I appreciate every bit of effort you put in and know I would still be at square one without your help. I can now move on knowing it is all over."

Case Studies

Underpayment

Dale was employed as an apprentice carpenter for approximately two years. Following his resignation, Dale discovered that he was incorrectly paid rates applicable to junior apprentices despite being classified as an adult employee, resulting in a significant underpayment. Dale contacted the Young Worker's Legal Service seeking advice on his minimum entitlements and wanting representation to resolve the matter with his former employer. We investigated his relevant award and wrote to his former employer outlining the claim. After various correspondence with his former employer's lawyer, the Young Workers' Legal Service were able to successfully recover the entire underpayment sum of \$17,300.

Sexual Harassment

Kate was employed by a popular restaurant in Adelaide. During her employment she was subjected to continuous verbal and physical sexual harassment by a member of senior staff. The perpetrator's conduct became so unbearable that Kate suffered significant psychological injuries and was unable to continue working in the environment unless changes were made. After trying to discuss the matter on multiple occasions with the business owner, Kate was ultimately dismissed from her employment. Kate contacted the Young Workers Legal Service seeking assistance with her situation. Unfortunately she was out of time to lodge an unfair dismissal claim however we were able to represent her in a sexual harassment complaint in the South Australian Equal Opportunity Commission. We also investigated Kate's pay conditions and calculated an underpayment. At the sexual harassment conciliation we successfully negotiated an ex gratia settlement of \$10,000 meaning Kate was not taxed. We additionally were able to obtain from the employer and perpetrator a written apology, and recognition of her time in the employment. As a result Kate was able to become a qualified chef.

Underpayment

Natasha was employed on a casual basis with a retail store for just over nine years. During her employment Natasha took a period of 12 months unpaid maternity leave. Upon returning to the workplace Natasha was given significantly less hours, demoted in her role and was required to travel to multiple stores as opposed to working consistently within one shop. Natasha came to the Young Workers Legal Service seeking advice on her legal options. Upon investigating her entitlements we commenced proceedings in the Industrial Relations

Court of South Australia for unpaid long service leave. We ran the argument that Natasha was no longer employed in the role she was doing prior to taking unpaid maternity leave, given the significant changes to her hours, level of responsibility and work location. This argument was in Natasha's best interests given her long service leave would be calculated according to the increased average hours she was working prior to taking the leave. We additionally calculated an underpayment of wages which had occurred due to the incorrect application of award penalty rates. At conciliation we were successful in negotiating Natasha a settlement of \$8,500.00 and she was able to maintain her employment.

Unfair Dismissal

John was employed as a butcher for a duration of nine years and was subjected to bullying and harassment throughout the entire employment period. Consequently John lodged a workers compensation claim for psychiatric injuries as a result of the workplace bullying. After notifying his boss he was unwell, which was supported by medical certificates stating he was unable to work, his boss contacted his mother to inform her he was terminating the employment. John contacted the Young Workers Legal Service seeking advice on his situation. We lodged an Unfair Dismissal claim on John's behalf and represented him at the conciliation conference. At the conference we additionally raised the issue of unpaid annual leave and long service leave entitlements. The employer argued that the dismissal was as a result of serious and wilful misconduct and therefore John was not entitled to long service leave. A settlement was unable to be reached and accordingly we decided to have the matter proceed to the next stage which was arbitration. Eventually we were able to settle the matter for a total of \$9,700.00 which included his leave entitlements and compensation for economic loss as a result of the unfair dismissal.



Young Workers Legal Service

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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