

WORK RELATED SKILLS

VM 3&4

Unit 3: Industrial relations, work environment and practice

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Workplace wellbeing and
personal accountability

AOS2 -
Workplace responsibilities
and rights

AOS3 - Communication
and collaboration

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AOS1 -
Portfolio development

AOS2 -
Portfolio presentation

Important: All material, advice and assessment tasks are provided as a guide only and do not constitute official advice. As always you must check with the VCAA and any other relevant authorities about the suitability of a task.

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Advice to Students

Welcome to your studies of **Work Related Skills units 3&4** as part of your final stage of your **Vocational Major**. Throughout the year you will investigate and demonstrate a range of work-related skills that will help you to develop your employability skills for work situations.

So be sure to apply what you are learning in the classroom to the world of work, to your **work** experience **placements**, to your **VET** course, to volunteer and community placements as well as in other applied situations - and vice versa!

You will also naturally apply your developing **Literacy**, **Numeracy** and **Personal Development** skills-sets in work-related situations.

In **Unit 3: Industrial relations, work environment and practice** you will complete **3 areas of study**:

AOS1 - Workplace wellbeing and personal accountability (Sections 1&2)

AOS2 - Workplace responsibilities and rights (Sections 3&4) and

AOS3 - Communication and collaboration (Section 5).

This coursebook has specific sections for the Unit 3 areas of study. However, your teacher might integrate some key knowledge and skills across the areas of study so that you can demonstrate achievement of the learning outcomes in a more applied manner.

In **Unit 4: Portfolio preparation and presentation** you will complete **2 areas of study**:

AOS1 - Portfolio development and

AOS2 - Portfolio development.

This coursebook again has specific sections for the Unit 4 areas of study. And again, your teacher might integrate some key knowledge and skills across the areas of study so that you can demonstrate achievement of the learning outcomes in a more applied manner.

Your school might also expect you to undertake structured work placements related to your future career pathway, or VET certificate. This is an ideal way to develop your employability skills, gain experience and build a deeper applied understanding of the world of work.

Use this coursebook by completing the tasks in the spaces and pages provided. You will also need to maintain your own work folios to complete some tasks, as well as others given to you by your teacher.

You will need to collect and keep an evidence portfolio with copies of resources, handouts and evidence of you applying work-related skills.



You should also use your Work Related Skills **Applied Vocational Booklet** to help build skills; and to record, identify and apply transferable skills and experiences throughout the year.

You might be directed to complete some or even all of these **assessment tasks**, as well as others supplied by your teacher that are more suited to your learning program.

Assessment tasks

Unit 3

AT1 Workplace Structures, Agencies & Advocacy25

AT2 Workplace Rights and Responsibilities..... 48-9

AT3 Workplace Relations: Investigative Case Study..... 84-5

AT4 Investigative Case Study Report - Workplace Behaviours
..... **120-1**

AT5 A Day in The Life - Investigation & Presentation 150-1

Unit 4

AT1 Developing My Portfolio.....196

AT2 Getting Specific and/or Creative 230-1

AT3 Refining My Job-Seeking Portfolio..... 256-8

AT4 Presenting & Evaluating My Job-Seeking Portfolio . 276-9

VCE: Vocational Major

*Note: 3&4 due Nov & Dec '23	Printed Coursebook	Applied Vocational Booklet	Master license PDFs	e-version Master license PDFs
*Literacy VM: 3&4	___ @ \$49.50	___ @ \$27.50	___ @ \$385	or ___ @ \$495
*Numeracy VM: 3&4	___ @ \$49.50	___ @ \$27.50	___ @ \$385	or ___ @ \$495
*Personal Development VM: 3&4	___ @ \$49.50	___ @ \$27.50	___ @ \$385	or ___ @ \$495
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3&4 Interim masters

- Available now
- Available now
- U3 Available now, U4 Oct
- Available now

Vocational Pathways Certificate

* Print Lit/WRS due Dec 23 & Jan 24 ^ Print Num & PDS due Mar '24	Printed Coursebook	Applied Vocational Booklet	Master license PDFs	e-version Master license PDFs
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- U3 Available from Nov, U4 Jan '24
- U3 Available from Dec, U4 Feb '24
- U3 Available from Nov, U4 Jan '24
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Vocational and Work Education Resources

	Printed Book	e-version Master license PDFs
Work Experience Journal	___ @ \$22	or ___ @ \$165
Work Placement Journal	___ @ \$33	or ___ @ \$220
PDS Planner: VPC 1&2	___ @ \$33	or ___ @ \$220
PDS Planner: VPC 1&2 (exp Mar'24)	___ @ \$33	or ___ @ \$220
PDS Planner: VM 1&2	___ @ \$33	or ___ @ \$220
*PDS Planner: VM 3&4 (exp Jan '24)	___ @ \$33	or ___ @ \$220
Foundation Numeracy	___ @ \$44	na
Senior Numeracy	___ @ \$44	na

WACE: Career and Enterprise

	Printed Text Coursebook	e-version Master PDFs
Career and Enterprise		
CAE: General 11 2ed	___ @ \$60	or ___ @ \$660
CAE: General 12/ATAR 11 2ed	___ @ \$62	or ___ @ \$660
CAE: ATAR 12 2ed	___ @ \$68	or ___ @ \$770
CAE: Foundation 11	___ @ \$55	or ___ @ \$595
CAE: Foundation 12	___ @ \$55	or ___ @ \$595

VCE: Industry and Enterprise

New editions were released in 2022

I&E Unit 1: Workplace Participation 5ed - book	___ @ \$38
I&E Unit 1: Workplace Participation - e-master	___ @ \$550
I&E 1&2: Towards an Enterprising You 6ed - book	___ @ \$55
I&E 3&4: Towards an Enterprising Australia 5ed - book	___ @ \$68

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Workplace Structures & Agencies

1

1.01 Unit 3: AOS1 - Introduction.....	2	1.17 Unions	18
1.03 Work Settings.....	4	1.21 Employer Associations.....	22
1.07 Workplace Structures	8	1.23 Graduated Assessment	24
1.11 Statutory & National Bodies	12		

Activities 1: Workplace Structures & Agencies	p.	Due date	Done	Comment
1-2 U3 AOS1: My Requirements	3		<input type="checkbox"/>	
1A Types of enterprises	5		<input type="checkbox"/>	
1B Different work settings	7		<input type="checkbox"/>	
1C Workplace structures	11		<input type="checkbox"/>	
1D WorkSafe	13		<input type="checkbox"/>	
1E Fair Work Ombudsman	15		<input type="checkbox"/>	
1F Equal opportunity	17		<input type="checkbox"/>	
1G Australian unions	19		<input type="checkbox"/>	
1H Unions in action	21		<input type="checkbox"/>	
1I Employer associations	23		<input type="checkbox"/>	
AT1 Workplace Structures, Agencies & Advocacy	25		<input type="checkbox"/>	

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Comments:

1.01 Unit 3: AOS1 - Introduction

Unit 3: AOS1 - Workplace wellbeing and personal accountability

In **Section 1: Workplace Structures & Agencies** you will explore the different types of workplace settings and structures that exist, and be introduced to the role of state and national authorities and agencies, as well as the role of unions and employer associations.

Then you will complete your work towards AOS1 in **Section 2: Workplace Accountability** whereby you will investigate a range of workplace expectations, rights and responsibilities that lead to behaviours and personal accountability actions to create a more positive and harmonious workplace culture.

In Work Related Skills, you always need to think well beyond what is on these pages by identifying and explaining how these topics relate to the world of work. You can do this by completing the relevant activities in your Work Related Skills: Applied Vocational Booklet as well as the AVBs for your other subjects. You should also reflect on how what you are learning through your VET studies applies to your future career choices. As always, there's work experience, work placement, volunteer placements and paid work to explore.

To fully satisfy AOS1 you need to complete both:

AT1: Workplace Structures, Agencies & Advocacy, and

AT2: Workplace Rights and Responsibilities

Of course, your teacher might modify these assignments, tasks, or develop others that are more suitable for you and your learning program.

AOS1: Workplace wellbeing and personal accountability		Section 1: Workplace Structures & Agencies	
Work settings	4	Private & public sector	Businesses & Not-for-profit
Different work settings		Workplace structures	8
Organisational structures - Large		Horizontal structures	
Functional	Geographical	Divisional	Matrix
Statutory & National Bodies	12	WorkSafe Victoria	Safe Work Australia
Fair Work Ombudsman		PACT tool	
Equal opportunity	Vic. EO & Human Rights Commission	Aust. Human Rights Commission	Settling disputes
Unions	18	Unions in the workplace	Role of unions
What is a union?		Employer Associations (& Industry Groups)	22
AT1: Workplace Structures, Agencies & Advocacy (p.24)			

AOS1: Workplace wellbeing and personal accountability		S2: Workplace Accountability	
Workplace Culture		Work-Life Balance	28
Rights and Responsibilities			30
Basic employee rights	Basic employee responsibilities		
Employer Expectations			32
Professional behaviour	Loyalty	Work ethic	
Policies and protocols	Codes of conduct		
Workplace Effectiveness			36
Punctuality	Managing workload	Time management	
Working safely	Being respectful		
Communication	Collaboration	Teams	
Employee Rights			42
Flexible work arrangements	Training & development	Safe workplace	
Inclusive & respectful relationships	Family & community	Conflict resolution	
Diversity and Inclusion			46
AT2: Workplace Rights and Responsibilities (pp 48-49)			

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U3: AOS1: My Requirements 1-2

Your teacher will discuss your unit requirements for AOS1 with the class. List the important information, and make diary notes and reminders where relevant.

Requirement	Activities/ Resources/ Applied	Assessment

1.03 Work Settings

Work settings

People work in many different work settings. Your preferred occupation and career pathway might see you work in a particular work setting or workplace. So it is important to understand how different workplaces might be structured, as this can vary significantly and influence your **vocational wellbeing**.

In general, a work setting or workplace refers to the type of **organisation** that one works for, as well as the particular **work environment** and **work tasks** associated with that setting.

A work setting (and its associated) work environment reflects the types of **goods** or **services** that an organisation produces. Work settings and work environments also reflect the **industry** an organisation is a part of. Work settings and work environments also reflect, and influence the **workplace structure**.

All organisations are classified as belonging to either the **private sector** or to the **public** (government) **sector**. Organisations have different **objectives** and reasons for operating. They might also have different ways of operating that reflect the workplace structure. Consider the varied objectives and operational methods of Crown (profit), The Salvation Army (community service) and your school.

🧠 So, what type of work settings or workplaces have you been engaged with so far in your career?

Most industrial workplaces are part of the private sector.



Image: Dmitry Kalinovsky/Thinkstock.com

Most (but not all) hospital workplaces are part of the public sector.



Image: monkeybusinessimages/Thinkstock.com

Private sector

Includes all micro, small, medium and large businesses operated to make a profit.

Private sector includes owner-operator businesses such as sole traders, partnerships, franchises as well as private and publicly listed (sharemarket) companies.

This sector also includes private charities, clubs, associations and other non-government community not-for-profit organisations.

Approximately 75-80% of all employees in Australia are employed by the private sector.

Public sector

Includes all local, state and Commonwealth government departments, services, agencies and other government-operated organisations.

This sector includes organisations such as the Department of Education and Training, government-run hospitals, the ABC, Services Australia (Centrelink), your local council and even the Australian Taxation Office.

Approximately 20-25% of all employees in Australia are employed by the public sector.

Businesses

Most people, especially when they are younger, work in **businesses** that are owned or operated to try and make a **profit**. But not all organisations are businesses. The term ‘business’ tends to apply more for private sector, ‘for-profit’, organisations.

Sometimes a better general term to describe any type of organisation is **enterprise**, as this is suitable for ‘for-profit’, ‘not-for-profit’ and community organisations.

As part of your career pathway planning you need to match your **personality** and **values** to the most appropriate work setting.

You might forge a career in **private enterprise** as a real estate agent, plumber, retailer or even a dog-groomer. On the other hand, you might work in **community services** occupations such as teaching, nursing or social work. You might run your **own enterprise** such as a tradie, a retailer, a consultant or a contractor. You might even work in the arts as a musician, actor, dancer or artist. If you get the right training, skills and experience, then over time, you are likely to gravitate to the work setting that you prefer.

As you get older, your career might lead you into different work settings away from the private sector, especially if you are building a career in community service types of work.

Businesses

Businesses operate and produce goods and services so as to make a profit for their owners or shareholders.

Businesses include large organisations such as McDonald’s, Supercheap Auto and BHP, as well as 100,000s of medium-sized businesses.

The 2.5million+ small and medium businesses might include veterinary, mechanical, milk bar and takeaway shops.

Not-for-profits

Not-for-profit organisations include charities, clubs, associations, and government departments and agencies.

The A and the PACV are run like ‘profit-making’ businesses but ultimately provide services for their members. The Smith Family and Red Cross provide charity and welfare services.

Government departments provide social, public and community services.

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Types of enterprises 1A

1. What is the **difference** between the **private sector** and the **public sector**? Give examples of common enterprises in each.

2. What is the **difference** between a **business enterprise** and a **not-for-profit enterprise**? Give examples of common enterprises in each.

1.05 Work Settings

Different work settings

The **goals** and **objectives** of organisations vary in different work settings and will strongly influence their prevailing **work environment** and **workplace structure**.

You need to ensure that you are building a **pathway** in a work setting that will **satisfy** the things you **value** from your **career**. You should also consider whether the work setting complements your **personal** and **social competencies** and will allow you to develop within its structure.

When you explore different work settings there are three things to keep in mind that will influence the workplace structure.

1. Organisations can have many, varied work settings

Organisations can be complex and might have many different work settings at different workplaces (worksites).

For example, the large organisations Coles and Woolworths have large retail supermarkets, smaller retail outlets, corporate offices, warehousing, transport and logistics and many other different types of work functions.

You might work in a supermarket on the checkout but you may not be aware of the corporate structure of these commercial giants that employ over 200,000 people.

But as your career progresses through to management you will absolutely need to develop an understanding of the structure of these organisations well beyond your direct workplace. You have to know how all the different people and their roles can fit and work together to achieve common goals.

2. Work settings vary within workplaces


Different employees who work for the same organisation, and who might even be situated at the same workplace (worksite), might work in different work settings. This is due to the nature of their job tasks.

For example, compare the 'work settings' of your VM teacher, with the Foods teacher and your school's business manager. What about the varied work settings of a cook, a cleaner and a concierge at The Grand Hyatt? The workplace structure experienced by each worker might have similarities, but also workplace-specific differences.

3. Occupations vary depending on the work setting

Employees who have the same 'job' title might work in vastly different work settings.

Compare a carpenter working for Mirvac on a major office tower construction site in the CBD, with a carpenter who works on new housing estates in the outer-suburbs, and a sole trader carpenter who does domestic work in a small regional town. And what about an apprentice employed by enterprises that operate in each of these different settings? The workplace structure will vary greatly from a multi-layered and complex structure in the big firm, down to just the 'boss and me' for the local carpenter.

 So now it is time for you to reflect on how different work settings might need varied workplace structures.



A warehouse often operates 'in the background' to support and supply face-to-face roles.

Classify the following **enterprises** according to their **appropriate work settings**.

Organisation	Sector	Size	Objective	Ownership	What do they do?
Centrelink	public	large	community service	Commonwealth Government	operate social security system
Jim's Mowing				private - franchise	
Australia Post					
your school					
AGL					
City of Geelong					
BHP					mining of resources
local milk bar			profit		
AFL	private				
TAC					
ANZ Bank					
IGA					
Box Hill Institute					
your employer					
your choice					

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Applied

Describe examples of enterprises you are familiar with that:



Have many work settings at different worksites.

Have work settings that vary within workplaces.

Where occupations vary depending on the work setting.

1.07 Workplace Structures

Workplace structures

A workplace or organisational (or management) structure refers to the organisation of responsibilities, employees, assets and operations within an enterprise - regardless of its size.

The workplace structure sets out the functional, geographic or divisional departments of the organisation. The workplace structure also sets out the **lines of command** that exist and can also illustrate the level of control at departmental levels.

A workplace structure will reflect the levels of **authority**, the degree of **responsibility** and the structure of **accountability** of different management levels. The workplace structure will also determine how workplace activities are carried out including working relationships, methods of communication and participation in decision-making.

Vertical and horizontal structures

The **vertical structure** of an organisation sets out the relationship between the levels of command i.e. management. All organisations require a vertical management structure to establish responsibility, authority and accountability.

Enterprises then establish a **horizontal structure** that sets out the departmental groupings within the organisation. Different levels of the organisation's vertical structure may set out different types of horizontal structures. The horizontal grouping combines with the vertical grouping to establish the overall organisation's structure.

Types of organisational structures

There are different types of workplace (or management) structures that have evolved over hundreds of years of organisational development. Different structures may be described as:

- ⇒ **centralised** or **hierarchical** structures which are bureaucratic and hierarchical, tall with lots of management levels and vertical specialisation; or
- ⇒ **decentralised** or **flat** structures which are organic and evolving with fewer management levels, and more flexibility with crossover specialisations.



Many of the large towers in the CBD are home to large organisations with multi-layered vertical management structures.

Image: richie0703/Depositphotos.com



Uncommon Knowledge

Business structure

A 'workplace structure' has a very different applied meaning from the term 'business structure'.

The term business structure refers to the nature of ownership of an entity such as: a sole trader, a partnership, a private company limited by shares (pty. ltd.), a public company (shares available on the ASX), a public company limited by guarantee (many charities and not-for-profits), a trust, a co-operative, or an incorporated association (for smaller state-based charities and community enterprises).

So make sure you're across the correct terminology - not everyone is! Find out what the boss or owner says!



Which structure?

An organisation must choose, develop and implement the most appropriate structure that it feels will enable it to achieve its objectives. Larger organisations will have taller, more **hierarchical** management structures with lots of management levels. Smaller organisations might only have a few layers of management such as the CEO, an operations manager, a finance/accounting manager and some direct employee supervisors. Micro enterprises might just be the boss and a worker.

The structure of an organisation determines how all of the work activities of the entire organisation will occur such as: **operational activities, physical layout, decision-making, resource allocation, employee involvement, and financial reporting.**

Horizontal types of organisational structures relate to the grouping of tasks, employees and resources according to: **function** (or operation); **geography** (or region); **division** (or product, market or department); or **matrix** (or projects) structure.

i. Functional structure

⇒ A functional structure organises employees and decision-making based on the nature of the task performed.

⇒ A functional approach to management structures focuses on inputs.

⇒ Departmental employees have functional responsibility for their specialisation across all activities of the business.

⇒ A functional structure may be suited to an organisation that offers a limited or homogenous range of products with specialised employee responsibility.



ii. Geographical structure

⇒ A geographical, or regional structure, organises employees and decision-making based on the geographical trading patterns and regional business activities of an organisation.

⇒ Specialised functions such as operations, marketing, finance, human resources, etc. are grouped under a regional general manager.

⇒ Specialised functional managers may be accountable to a head office functional manager, but many functions might be duplicated across each of the regions.

⇒ In today's highly mobile and global commercial environment, many organisations rely on geographical organisational units that are autonomous and self-sufficient and that are able to undertake appropriate decision-making.



1.09 Workplace Structures

iii. Divisional structure

⇒ A divisional, or product or market structure, organises employees and decision-making based on an outputs approach.



⇒ Specialised functional managers are grouped together according to:

- their involvement in the production of a particular product range e.g. beer, wine, etc.
- their involvement in providing a product to a particular type of customer or market e.g. trade customers and household customers.

⇒ This structure groups together all the necessary functional skills and focuses these skills on managing a product line or customer group.

⇒ This structure may be necessary when the production of different products, or the servicing of different customers/clients, requires different skills and expertise.

⇒ Each management division is usually given autonomous control over its decision-making, but is accountable to head office, which may more closely resemble a traditional functional structure.

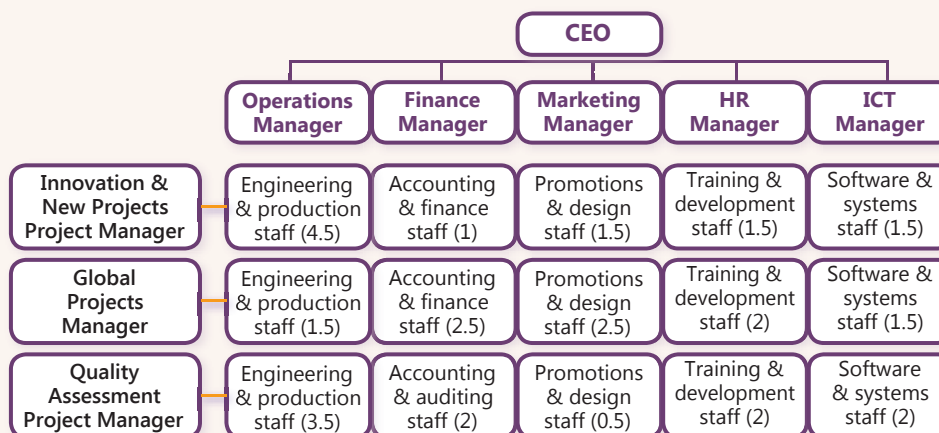
iv. Matrix or project structure

⇒ The matrix structure is a flexible, fluid and dynamic structure that emphasises cooperation and synergy across all units of the organisation.

⇒ Managers, employees and decision-making may be organised primarily along traditional divisional or functional structures but they can then be assigned to various projects. It may include outsourced specialists or contractors.

⇒ The matrix structure allows organisations to identify the most appropriately skilled managers from within a particular division or function and then assign them and their staff to a specific project. For example, a confectionary manufacturer might assign their finance manager to the Eastern trading project.

⇒ The matrix structure allows an organisation to efficiently assign skilled specialist managers and staff to enhance the likelihood of success of a particular project.



1. What is a **workplace** (or organisational) **structure**?

2. What are the essential **differences** between **vertical** and **horizontal** organisational **structures**?

3. What is **inaccurate** about the following **statements**:

- a. "We don't have a vertical structure only a horizontal structure." CEO, Klopti Inc.
- b. "I answer to no-one, I'm the boss." General Manager, Jalspo Ltd.
- c. "I want to build a bureaucracy to encourage employee responsibility." GM, Aspo.
- d. "I was just saying the other day to our Deputy Division Vice President of Eastern Region Consumer Sales - Products Division, how our structure has a flat chain of command." GM, Toyco Corp.



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Applied

- a. What is this diagram depicting?
- b. Start to pay attention to the roles of workers in different workplaces you come into contact with and how these workplaces might be structured.
- c. Create a similar diagram to describe a workplace structure for an enterprise that you are familiar with.
- d. What type of workplace structure do you think you would prefer to work within? Why is that?



1.11 Statutory & National Bodies

WorkSafe Victoria

There are many stakeholders who have a role in ensuring appropriate OH&S/WHS in the workplace, including many internal and external workplace safety personnel. Each of these stakeholders work cooperatively to improve safety in the workplace, so that safety becomes a primary workplace focus.

Safe Work Australia has developed model WHS laws (see below). But OH&S/WHS laws and regulations are state-based, so each state has its own specific safety agency.

WorkSafe Victoria manages Victoria's workplace safety system. And Victoria is the only state that doesn't follow those model laws - and it still uses the term OH&S.

The Victorian State Government develops workplace safety legislation that must be followed at law. It consults with unions and employer associations. WorkSafe Victoria (a state government agency) manages the state's OH&S system. It works with employers, employees, and the public, to ensure improved safety.

WorkSafe Victoria is responsible for promotion and enforcement of OH&S, as well as the **WorkCover** Insurance scheme, workers' compensation, and the **Return to Work Program**.

Various employees work in workplace health and safety related professions and jobs. WorkSafe Victoria has **inspectors** whose primary role is to ensure workplaces comply with health and safety legislation.

WorkSafe Inspectors are legally empowered to enter a worksite (and some public places) at any time if required or requested, so as to assess safety. They can issue improvement notices and enforcement notices.

WorkSafe Victoria also has **investigators** who investigate serious incidents and breaches of OHS legislation which may lead to criminal prosecutions.



Image: Matzz90/Depositphotos.com

Safe Work Australia

- ⇒ Safe Work Australia is a Commonwealth Government agency that develops national policy on workplace health and safety and workers' compensation.
- ⇒ Safe Work Australia also gathers statistics for reporting at a national level.
- ⇒ Safe Work Australia is responsible for the development and evaluation of the 'model WHS' laws which are set down in the Model WHS Act, as well as the Model WHS Regulations and the Model WHS Codes of Practices.
- ⇒ Each state has adopted these model WHS laws, except Victoria. These states have also made variations to these laws to better reflect local issues and practices.
- ⇒ **Safe Work Australia does not have responsibility for enforcing work health and safety laws. Workplace safety laws are governed by a regulatory body in each state.**

State and Territory Safety Bodies

⇒ WorkSafe ACT: www.worksafe.act.gov.au	⇒ WorkSafe Tasmania www.worksafe.tas.gov.au/home
⇒ SafeWork NSW www.safework.nsw.gov.au	⇒ WorkSafe Victoria www.worksafe.vic.gov.au
⇒ NT WorkSafe: www.worksafe.nt.gov.au/home	⇒ WorkSafe WA: ⇒ Work Cover WA: www.commerce.wa.gov.au/WorkSafe www.workcover.wa.gov.au
⇒ WorkSafe QLD www.worksafe.qld.gov.au	⇒ Safe Work Australia www.safeworkaustralia.gov.au
⇒ SafeWork SA: www.safework.sa.gov.au	

WorkSafe 1D

1. What are the major **roles** of WorkSafe Victoria?

2. What are the major **roles** of Safe Work Australia?

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Applied

Visit WorkSafe Victoria at: www.worksafe.vic.gov.au

a. What is the major ‘mission’ line on the home page?

An effective way to understand the roles and responsibilities of these types of important agencies is to navigate around the website and see how information is organised. Find out and list the following information in your work folios.

- b. What links are featured on the home page?
- c. What sections are included in the navigation bar?
- d. What topics/sections are included in the Safety and Wellbeing menu option?

1.13 Statutory & National Bodies

Fair Work Ombudsman

The Fair Work Ombudsman is the Commonwealth Government agency that administers the industrial relations system and enforces minimum pay and conditions.

According to its website as at Oct. 2023:

“We enforce compliance with the Fair Work Act 2009, related legislation, awards and registered agreements. We also help employers and employees by providing advice, education and assistance on pay rates and workplace rights and obligations.”

www.fairwork.gov.au/about-us/our-role-and-purpose/fair-work-commission-how-we-differ
(Creative Commons 3.0)

The Fair Work Ombudsman works with employees, employers, contractors and the community, “to promote harmonious, productive and co-operative workplaces.”

The Fair Work Ombudsman investigates complaints about workplace pay and conditions and enforces compliance with Australia’s workplace laws. Another agency, the **Fair Work Commission**, is also involved in Australia’s industrial relation system (refer to Section 3).

The functions and responsibilities of the Fair Work Ombudsman are set down in the *Fair Work Act, 2009*. These are to:

- ⇒ “Provide education, assistance, advice and guidance to employers, employees, outworkers, outworker entities and organisations.
- ⇒ Promote and monitor compliance with workplace law.
- ⇒ Inquire into and investigate breaches of the Fair Work Act.
- ⇒ Take appropriate enforcement action.
- ⇒ Perform our statutory functions efficiently, effectively, economically and ethically”.

The website has some very well-explained and easy-to-follow web pages, factsheets and videos organised under major topics at: www.fairwork.gov.au

PACT tool

The **Fair Work Ombudsman** is responsible for advising and enforcing legislated rates of pay and other conditions. On its website, it hosts the PACT tool. **PACT** enables you to find out the correct rates of **pay** and other **conditions** for occupations covered under the **Fair Work System** - which covers you if your employer is using the **award** system.

However, if your employer is using registered agreements, then it is important to know that the pay rates, etc. might be higher than in awards. And this is relevant for many young workers who are employed by the major retailers, take-away franchises and similar large businesses that have established their own registered agreements and had these approved by Fair Work Australia.

You’ll find out more about awards and registered agreements in Section 3.

The PACT tool can be accessed through:

<https://calculate.fairwork.gov.au/>



Image: hideosy/
Depositphotos.com

Fair Work Infoline

Finding out your relevant workplace conditions can be quite complex!

The easiest way to get help is by calling the Fair Work Infoline on **13 13 94** between 8am - 5:30pm, Mon to Fri.

You should do this before starting a new job.

1. What are the major **roles** of the **Fair Work Ombudsman**?



2. What is the **PACT tool**? When might **you** need to **use** this online tool?

Applied



Visit the **Fair Work Ombudsman** at: www.fairwork.gov.au

a. What is the major 'mission' line on the home page?

An effective way to understand the roles and responsibilities of these important agencies is to navigate around the website and see how information is organised.

b. What are the **6 sections** and sub-sections (as at Oct '23) featured on the home page?

c. What **types of pay** can be checked using the **PACT tool**? Give it a try.

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1.15 Statutory and National Bodies

Equal opportunity

It is essential for both your own personal wellbeing, and for the wellbeing of society in general, that workplaces are free from unlawful discrimination, free from harassment and that wherever possible they provide positive incentives to help promote a more **culturally diverse** society.

Equal opportunity legislation makes it illegal to discriminate against people. In 1997, the *Equal Opportunity Act 1977 (Vic)* created the Equal Opportunity Board and the Office of Equal Opportunity Commissioner.

The Act outlawed sexual harassment and discrimination because of marital status and gender in employment, education, accommodation and provision of goods and services.

Over the years the Act has been amended and extended to cover many other forms of discrimination. The **Victorian Equal Opportunity and Human Rights Commission** is the state government agency responsible for dealings and actions related to the *Equal Opportunity Act 2010* and the *Racial and Religious Tolerance Act 2001*.

Diversity and fairness in the workplace

Australia is one of the most culturally diverse nations in the world. So, it follows that an **enterprise culture** is built upon having a diverse workforce. Indeed, many of the **work-related skills** depend on having a culturally diverse workforce.

Equal employment opportunity aims to protect employees, potential employees and other **workplace stakeholders** from discrimination, harassment and other forms of unfair treatment.

It also aims to promote fair and equitable work-related opportunities for all people, regardless of personal characteristics, background and status.

Equal opportunity exists to give people a fair go; which is an underlying notion of equity in Australian culture. This in turn should lead to a more diverse workplace culture that is more truly reflective of Australian society, with workers who have better-developed work-related skills and (cross)-cultural skills.

Australian Human Rights Commission

The Australian Human Rights Commission has a similar role to the state-based human rights agencies.

However, being a national body, its scope and range of advocacy actions are broader.

It also works with the Commonwealth Government to develop national policy, legislation, actions and human rights charters, and to be a voice in international human rights issues.

The Australian Human Rights Commission also administers its own voluntary dispute resolution system based on conciliation.

Equal employment opportunity encourages diversity in the workplace.



Settling disputes

One of the major roles of the Victorian Equal Opportunity and Human Rights Commission is the operation of a **complaints** system based on **conciliation**, rather than having to take a complaint through the legal system using a formal **tribunal** or **arbitration** from a court.

From the **Victorian Equal Opportunity and Human Rights Commission** website as at February 2023:

“Dispute resolution is a voluntary service that tries to bring both sides together to find an outcome that they can agree on.

Our dispute resolution service aims to help participants (or parties) resolve their disputes as quickly as possible. To do this, we use an informal process called conciliation.

Our dispute resolution service is a simple, flexible and free alternative to taking a complaint to the Victorian Civil and Administrative Tribunal (VCAT).

Our dispute resolution service is available when a person thinks they have been:

- ⇒ discriminated against (which includes bullying you because of a protected characteristic)
- ⇒ sexually harassed
- ⇒ vilified because of your race or religion
- ⇒ victimised.

For us to provide our dispute resolution service, the relevant conduct or behaviour needs to have happened in Victoria. The one exception to this is racial or religious vilification, which does not need to happen in Victoria, but one of the parties involved must be a resident of Victoria.”

Source: <https://www.humanrights.vic.gov.au/dispute-resolution/about> (retrieved: 2023-02-01) License: Creative Commons 4.0



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Equal opportunity 1F

1. What are the major roles of the Victorian Equal Opportunity and Human Rights Commission? And what is its vision?

Applied

Visit the website at: <https://www.humanrights.vic.gov.au/>



a. What is the agency's 'vision' on the home page?

b. What links are featured on the home page?

c. What sections are included in the navigation bar?

1.17 Unions

Unions in the workplace

One decision you will need to make when you enter the workforce is whether or not to join a **union**. Some of you might already be a member of a union through your casual or part-time employment.

Unions exist across all industries and all occupations. According to Australian laws you cannot be forced to join a union nor can you be prevented from joining a union. This right to choose is called '**freedom of association**'.

Many workers are happy to join and become a member of a union so that they can enjoy the benefits of belonging to a group with power and experience in workplace negotiation. Unions will help support you and stand up for your rights, protecting you from unfair work practises: "In union there is strength." Unions **advocate** for workers' **rights**.

Many workers refuse to join unions as they don't wish to pay union fees and/or they don't feel that unions provide any positive benefit for them.

Some occupations and industries are highly unionised such as manufacturing, construction, mining, trades, transport, nursing and education. Other industries have low rates of unionisation such as agriculture and hospitality.

Recent years have seen an overall decline in union membership from 50% of workers in the 1980s to under 15%. This is due to factors such as increased casualisation and use of contract workers, a shift towards professional and white collar occupations, increased female workplace participation, and the long-term impacts from changing industrial laws and systems from previous times, such as 'Your Choices'.

The role of unions

Australian Council of Trade Unions (ACTU) is the peak union body representing all unions in Australia. **Trades Hall Council (THC)** is the peak union body representing unions in Victoria. Both these organisations have key advocacy roles in negotiating with governments and employers' groups and in leading training about positive change in society to promote equity and fairness. The wider aim of unions is to protect workers' rights and conditions. These conditions may include:

- ⇒ rates of pay
- ⇒ sick leave and other leave entitlements
- ⇒ working hours
- ⇒ penalty rates
- ⇒ overtime and other entitlements.

Unions also play a large role in **workplace health and safety** development and monitoring, equal opportunity, and also in developing and implementing training arrangements including Australian Apprenticeships.

Many large firms, especially in transport, construction and manufacturing industries, work side-by-side with unions and the ACTU so as to create a positive **workplace culture**.

Unions play a big role in workplace safety.



Image: AndreyPopov/
Depositphotos.com

Australian unions 1G

1. Find out the full **names** of each of the **unions** listed below. Also list their **website** addresses. Add **3 other unions** not on this list.
2. Identify the **main industry** that each is likely to represent.
3. List **occupations** that **members** of these unions might normally be **employed**.



ETU	
TWU	
AMWU	
CEPU	
CFMMEU	
MUA	
TCFUA	
FSU	
HSU	
CPSU	
NTEU	
TWU	
UFUA	
FAAA	
UWU	
TPAV	
AEU	
SDAEA	
RAFFWU	

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1.19 Unions

What is a Union?

Unions are for workers

Yeap, it is as simple as that. Unions are organisations run by workers to help employees get a fair go at work.

Unions are based on the simple idea that much more can be achieved by working together. Unions give employees a stronger voice at work and in the community. Over the years, unions have helped get better pay, shorter working hours and safer work.

Figures from the Australian Bureau of Statistics show that union members earn on average 15% more than non-members. Today about 1.6 million Australians are union members (as at Aug. 2020, 14.3% of all workers were union members)¹. They belong to 46 major unions in Australia representing every industry.

Unions @ work

Unions provide their members with information, advice and support to get organised in the workplace. People who are not union members may need to pay thousands of dollars to lawyers to get similar advice or support.

But the best thing about unions is that you can help improve the situation of other workers. For example, you ask a union to help you to make the workplace safer for you – it becomes safer for everyone. Improvements won by unions, like shorter hours and superannuation, are now enjoyed by all employees.

Originally unions were called 'trade unions' with dozens of different unions each representing a trade. But now the biggest unions represent people from an industry or part of the workforce.

For example, the Finance Sector Union represents people who work in banks and insurance companies. The Shop Distributive and Allied Employees Association represents people in shops and warehouses.

That means the union understands the industry and has lots of experience in dealing with employers. If you have a problem at work, it is probably a problem that a union has dealt with before.

A union for everyone

Whether you hammer in nails, put through sales or dance the ballet, there is a union for everyone (except the military). Australian workers generally belong to one of 20 industry unions. However, there are also more than 20 other smaller unions that represent workers from a specialised area of work. Unions are not just for people who work full-time. Casuals, part-timers, apprentices and trainees can all join their industry union.

Industrial action

A strike occurs when a group of employees decide to stop work to put pressure on an employer about an issue in the workplace.

Disputes about wages and conditions cause most strikes; other common reasons include disagreements about occupational health and safety, unfair dismissals and environmental issues.

'Legal industrial action' is the term used for 'legal strikes' in Australia. It occurs when workers and employers who are in the process of enterprise bargaining cannot agree.

Legal industrial action is legal under federal laws as long as:

- ⇒ you don't already have an enterprise agreement in place
- ⇒ the action takes place during a bargaining period
- ⇒ you don't injure another person, or damage or destroy property.

Picketing occurs when striking workers gather outside their place of work. Striking like this often receives a lot of media attention, which is why it is a well-known form of industrial action.

Action can take other forms, and often depends on the particular needs of the workers' industry. For example, nurses may close down beds in elective surgery when they take industrial action. They never close all beds, or interrupt emergency services.

In 1856, striking building workers in Melbourne won the right to work an eight-hour day - an achievement we celebrate every year on Labour Day.

Source: ACTU Worksite for Schools Fact sheets:

[What is a union? & What is Industrial action?](#)

www.worksite.actu.org.au



Complete the following activities as directed in your work folios.

Part A: What is a union?



1. Read the article 'What is a union'? List, in point form, **10** main **pieces of information** about unions.
2. Visit www.worksite.actu.org.au and list the **main headings** used to organise information.
3. What is **your opinion** about **unions**? Why so?
4. Which is the **largest union**? What type of **jobs** do these **members** have?
5. List **reasons for** and **against joining** a **union**. Have a **discussion**, or even a class debate.



Part B: About unions

1. What is a **union**?
2. What does '**freedom of association**' mean?
3. Outline **3 benefits** of being a member of a union.
4. Outline **2 industries** that might be **highly unionised**. Why might this be?
5. Outline **2 industries** that have **low rates of unionisation**. Why might this be?
6. List **3 reasons** for **declining union membership**. Choose one of these reasons and **explain** the **types** of **occupations** that might be involved.
7. What is the relationship between **centralised contracts** and **union membership**?
8. Why do you think there are **higher unionisation rates** among **older**, rather than younger, **workers**?

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Part C: Industrial dispute

Research and collect articles on a current or recent **industrial issue** involving a union. You are required to prepare a report to the class that includes the following.



- a. Outline the **stakeholders involved** in this dispute and their **roles**.
- b. Outline the **nature** of the **dispute**.
- c. Describe the **actions** that were taken as part of this dispute.
- d. Explain the **reasons** that were given for taking the actions.
- e. Outline the **outcomes** of the dispute.
- f. Illustrate how this dispute demonstrates both **effective** and **ineffective use of different work-related skills**.
- g. What would **you have done** in this situation, and **why**?

1.21 Employer Associations

Employer associations and industry groups

Employer associations and **industry groups** represent and advocate for the interests of employers in particular occupations, business owners and operators, and industries. These agencies and bodies liaise with and **lobby** government departments and agencies, trade unions, educational institutions and the media.

These associations are not normally organised according to ANZSIC 2006 classifications. Some industries do have an 'obvious' **representative body**, such as the Australian Retailers Association, or the National Farmers' Federation, or Master Builders Australia.

Some **occupations/industries** might have their own representative body such as the Australian Medical Association, the Pharmacy Guild of Australia, or the Victorian Automobile Chamber of Commerce. Workers and business operators might have to meet strict **entry** and **licensing requirements** to be qualified to work and operate in these occupations and/or industry roles.

However, many **industry sub-sectors** involved in the provision of a particular type of good or service might have their own specific industry body, such as the Australian Toy Association.

There are also major industry groups that operate on a **national** or **state** basis and act as the **peak body** for other employer associations and industry groups. Examples include the Australian Chamber of Commerce and Industry, the Australian Federation of Employers & Industries, and the Victorian Employers Chamber of Commerce & Industry.

Employer Associations and Industry Groups

Industry association peak bodies

- ⇒ Australian Chamber of Commerce and Industry
- ⇒ Australian Federation of Employers & Industries
- ⇒ Australian Industry Group
- ⇒ Business SA
- ⇒ Chamber of Commerce & Industry Queensland
- ⇒ Chamber of Commerce & Industry Northern Territory
- ⇒ Tasmanian Chamber of Commerce & Industry
- ⇒ ACT Chamber of Commerce & Industry
- ⇒ NSW Business Chamber
- ⇒ Victorian Employers Chamber of Commerce & Industry
- ⇒ WA Chamber of Commerce & Industry

Employer and industry groups/associations

(There are also many, many, more.)

- ⇒ Accord
- ⇒ Agribusiness Employers Federation
- ⇒ APRA
- ⇒ Australian Industry Group
- ⇒ Australian Beverages Council

- ⇒ Australian Dental Industry Assn.
- ⇒ Australian Food & Grocery Council
- ⇒ Australian Hairdressers Alliance
- ⇒ Australian Hotels Association
- ⇒ Australian International Crimes Operations Group
- ⇒ Australian Trade, Australian Grown Campaign
- ⇒ Australian Medical Association
- ⇒ Australian Mines & Metals Assoc.
- ⇒ Australian Paint Manufacturers Federation
- ⇒ Australian Retailers Association
- ⇒ Australian Tourism Export Council
- ⇒ Australian Toy Association
- ⇒ Australian Trucking Association
- ⇒ Australian Visual Software Distribution Assoc. Ltd
- ⇒ Bus Industry Confederation
- ⇒ Cattle Council of Australia
- ⇒ Consult Australia
- ⇒ Dairy Australia
- ⇒ Food Safety Victoria
- ⇒ Home Economics Institute of Australia
- ⇒ Housing Industry Assoc.
- ⇒ Institute of Chartered Accountants in Aust.

- ⇒ Insurance Council of Australia
- ⇒ Law Institute of Victoria
- ⇒ Live Performance Australia
- ⇒ Master Builders Australia
- ⇒ Master Plumbers & Mechanical Services Assoc of Australia
- ⇒ National Baking Industry Assoc.
- ⇒ National Electrical & Communications Assoc.
- ⇒ National Farmers' Federation
- ⇒ National Fire Industry Assoc.
- ⇒ National Footwear Retailers Assoc.
- ⇒ National Retailers Assoc.
- ⇒ Oil Industry Industrial Committee
- ⇒ Pharmacy Guild of Australia
- ⇒ Plastics & Chemicals Industries Assoc.
- ⇒ Printing Industries Assoc. of Australia
- ⇒ Real Estate Institute of Australia, VIC
- ⇒ Restaurant & Catering Australia
- ⇒ Victorian Authorised Newsagents Assoc. Ltd
- ⇒ Victorian Automobile Chamber of Commerce
- ⇒ Victorian Farmers' Federation
- ⇒ Victorian Taxi Association

1. What is an **employer association** (or **industry group**)? Give examples.

2. Look at the **list of employer associations and industry groups** on p.22. Think about **your vocational experiences** and/or your **future career**. Identify examples of **these** that might have an **influence** on your **work roles**.



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Applied

Visit the website of the Australia Retailers Association at:

<https://www.retail.org.au/>



a. What is the association's **summary statement** or its home page?

b. What actions does it undertake in relation to Advisory Committees, Advocacy and Education?

c. Repeat these research tasks for another organisation that is related to your career goals such as the Australian Hotels Association, Master Builders Australia, Live Performance Australia or some other relevant employer association or industry group.

1.23 Graduated Assessment

AT1 Workplace Structures, Agencies & Advocacy AOS1 - Workplace wellbeing and personal accountability

For this assessment task, you are required to complete the following descriptive and applied investigative research tasks.

1. Explain the commonly accepted meanings of a 'workplace structure'.
2. Describe a workplace structure of an organisation you are familiar with, based on applied investigation and advice from stakeholders in that workplace.
3. Explain the major roles of key statutory agencies (bodies) for workplaces generally.
4. Describe the influence of key statutory agencies (bodies) on an organisation you are familiar with, based on applied investigation and advice from stakeholders in that workplace.
5. Explain the role of unions and employer associations (and industry groups) on workplaces generally.
6. Describe the influence of unions and employer associations (and industry groups) on an organisation you are familiar with, based on applied investigation and advice from stakeholders in that workplace.

Note: It is recommended that you set out your responses in a table format (i.e. the role and influences of statutory agencies), or using a written or multimedia diagram (i.e. the workplace structure).

Name:		Due dates:		UNIT 3 AOS1	
Tasks - AT1: Workplace Structures, Agencies & Advocacy		Must Do?	Due Date	Done	Level
Complete the questions in a format not dictated with your teacher.					
1.	Clear meanings of 'workplace structure'.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
2.	Applied example of a workplace structure.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
3.	Roles of key statutory agencies for workplaces generally.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
4.	Influence of these agencies on an organisation/workplace.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
5.	Role of unions and employer associations generally.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
6.	Influence of unions and employer associations on an organisation/workplace.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
		<input type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
⇒	Demonstrate appropriate investigative research.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
	Demonstrate appropriate applied contact and research.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
⇒	Prepare and submit my diagram(s).	<input type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
⇒	Prepare and submit my final responses.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
	Present or report to the class (if required).	<input type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>

Workplace Accountability

2

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2.03 Work/Life balance.....28	2.17 Employee Rights.....42
2.05 Rights and Responsibilities.....30	2.21 Diversity and Inclusion46
2.07 Employer Expectations32	2.23 Assessment Task - AOS148

Activities 2: Workplace Accountability		p.	Due date	Done	Comment
2A	Workplace culture	27	<input type="checkbox"/>	<input type="radio"/>	
2B	Work/life balance	29	<input type="checkbox"/>	<input type="radio"/>	
2C	Workplace rights and responsibilities	31	<input type="checkbox"/>	<input type="radio"/>	
2D	Workplace effectiveness	33	<input type="checkbox"/>	<input type="radio"/>	
2E	Workplace policies and protocols	35	<input type="checkbox"/>	<input type="radio"/>	
2F	Time management		<input type="checkbox"/>	<input type="radio"/>	
2G	Workplace Safety LASER	36	<input type="checkbox"/>	<input type="radio"/>	
2H	Interpersonal skills	41	<input type="checkbox"/>	<input type="radio"/>	
2I	Balancing rights and responsibilities	45	<input type="checkbox"/>	<input type="radio"/>	
2J	Diversity and inclusion	47	<input type="checkbox"/>	<input type="radio"/>	
AT2	Workplace Rights and Responsibilities	48-49	<input type="checkbox"/>	<input type="radio"/>	
R2	Review and Reflection	50	<input type="checkbox"/>	<input type="radio"/>	

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Comments:

2.01 Workplace Culture

Workplace culture

In broad terms, workplace culture can be said to be the ‘personality’ of an organisation or the workplace. It manifests in the **attitudes** and **behaviours** of workplace stakeholders.

Workplace culture is set by the **leadership** of an organisation. It then permeates through all the **structures** and **activities** of organisations. A strong workplace culture relies on **communication**, as well as a commitment to **shared goals** and **objectives**, and a focus on **quality** outcomes for **internal** and internal **stakeholders**.

You would have already noticed that different enterprises that you have come into contact with are likely to have different workplace cultures. This is due to a range of interrelated factors that influence the nature of the organisation, and its people.

Workplace culture is also reflective of the **operational nature** that the organisation undertakes. Compare the expected culture of Victoria Police, the ADF, the ATO and a major hospital, to that of a big retailer, a large construction firm, a local café and even a tiny general store in a country town. The nature of the **people** involved, the **customers** and **clients**, the **objectives** of the organisation, and the approach and commitment towards **service**, **communication**, **rules** and **expectations** might vary greatly.

Influencers of Workplace Culture



1. What is 'workplace culture'?

2. What are some of the **main elements** that set the **culture** of a **workplace** (or organisation)?

3. Choose 4 of the '**Influencers**' of workplace culture from p.26. Complete the table to describe the impact of these on employees and workplaces.



<p>Influencer:</p> <p>Likely impact on employees:</p> <p>Applied example from a workplace:</p>	<p>Influencer:</p> <p>Likely impact on employees:</p> <p>Applied example from a workplace:</p>
<p>Influencer:</p> <p>Likely impact on employees:</p> <p>Applied example from a workplace:</p>	<p>Influencer:</p> <p>Likely impact on employees:</p> <p>Applied example from a workplace:</p>

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2.03 Work/Life Balance

Work/life balance

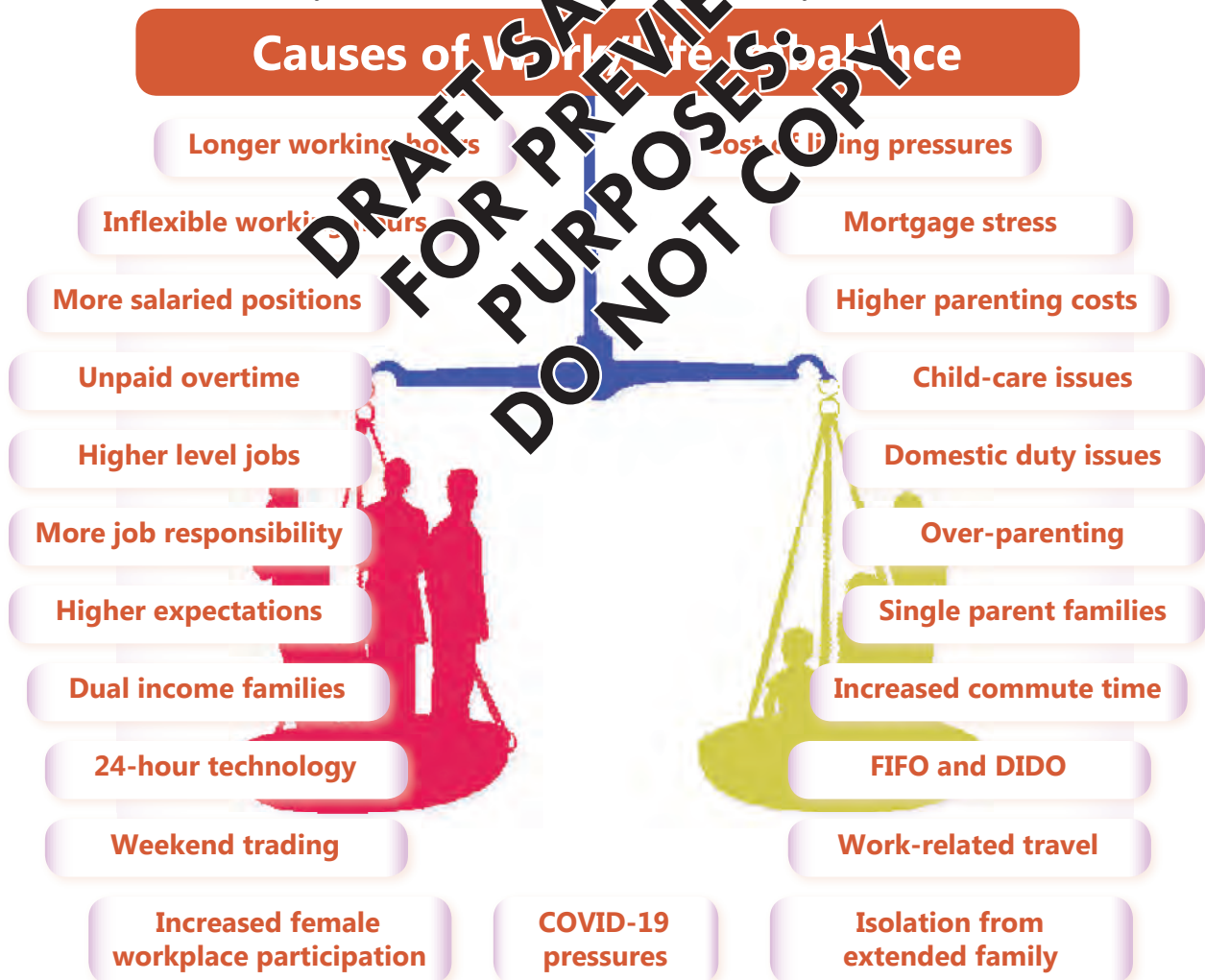
One of the key workplace issues that has emerged in the last two decades has been the need to maintain a positive work/life balance. People of all genders are increasingly reporting they are struggling to balance the complex requirements of their work and family lives.

Gone are the days when a husband worked a 40-hour week for 45+ years as the chief breadwinner, while women worked until they got married and/or had kids, and then did some part-time work later in life when the kids had left home.

Community values and **attitudes** have changed and are continuing to evolve. In our modern society it is increasingly being seen that balancing work and family life is essential for the wellbeing of society, as well as a key to improved material and non-material **standards of living**.

Work/life imbalance is leading to increased incidence of physical, emotional and mental health problems directly in work-related situations, as well impacting on people's personal lives. So, what may be causing time-poor people to report a work/life imbalance? Is it the work that is the problem or is it the life? Or is it both?

As a result of the acute phase of the COVID-19 pandemic, and subsequent effects on the post-pandemic world of work, many people and families have reported a significant worsening of work/life balance, as the shift to remote working from home impacted daily on their personal and family lives. So is this shift new here to stay?



1. What is **work/life balance**?

2. Identify and explain **3 factors** that can cause a **work/life imbalance**.

3. How can people **achieve** a better work/life balance? What role do employers and managers play in this?

4. Research how work/life balance might impact on workers in occupations and/or industries in which you are interested. Find out some key statistics about working hours through <https://labourmarketinsights.gov.au/>. Consider the following:

- ⇒ What is over-employment and why does over-employment occur?
- ⇒ Are some jobs or industries more prone to longer hours? Why so?
- ⇒ Are some industries better at providing family-friendly workplaces? Why so?
- ⇒ How is your future career likely to impact on your work/life balance at different stages of your career life cycle? What can you do about this?

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2.05 Rights and Responsibilities

Rights and responsibilities

Both you, as an **employee**, and your **employer**, face certain workplace rights and responsibilities.

Many workplace rights and responsibilities are set down in **law**.

You have the **right** to receive fair pay for work done, a right to be treated with respect, and a right to a safe workplace.

An employer has the right to expect productive work from employees, a right to expect that employees treat each other with respect, and a right to expect that employees maintain a safe workplace.

In order to ensure that these rights are being adhered to, employees and employers have certain **responsibilities** that they have to fulfil.

These responsibilities usually require a joint effort on the part of both employees and employers. This helps to create a positive **workplace culture** with minimal conflict. A **win-win** situation.

These rights and responsibilities can also extend to **external stakeholders** of the enterprise such as customers, clients, suppliers, and others.



“How do we find out our rights and responsibilities?”

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Basic Employee Rights

Fair and proper pay.

Image: nialowwa/Depositphotos.com

Safe work practices that minimise harm.

To be treated with respect and dignity.

Access to appropriate training and career development.

Freedom from discrimination, verbal or physical harassment and bullying.

A safe and healthy workplace environment.

Freedom of association to join, or not to join, a union.

Minimum working conditions such as personal leave and other basic entitlements.

Protection against unlawful termination and unfair dismissal (only where valid).



Basic Employee Responsibilities

To perform a fair day's work.

To act in the best interests of employers.

To follow relevant legal guidelines and rules.

To undertake relevant training as directed by your employer.

To appropriately, safely and correctly use equipment, tools and machinery.

To carry out work duties safely, by following workplace procedures.

To not harass, bully or intimidate other workers, customers or suppliers.



To not disclose confidential information about the employer, clients, customers and processes.

To contact and inform the employer of absences and other issues in accordance with workplace guidelines.

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Workplace rights and responsibilities 2C

1. List what you believe to be the most important rights and the 4 most important responsibilities of an employee.

2. What is the **role** of the **employer** in making sure that these rights and responsibilities are **met**?



2.07 Employer Expectations

Workplace effectiveness

There are many traits and skills that you need to develop so as to build your workplace effectiveness. However, it would take months to explain them all here. So at this stage of your course, it is important that we highlight those that are most important. Your teacher might also emphasise others that apply to your class as a whole, or for some of you individually, based on your vocational interests and experiences.

What you need to do is to assess the extent to which these apply in workplaces and work-related situations with which you are familiar. Then you can go about developing an action plan to improve your workplace effectiveness.

Image: iqoncept/Depositphotos.com

When you develop and apply these traits and skills, you are contributing proactively to positive **workplace wellbeing**, as well as taking **responsibility** over your own **personal accountability** for your actions and behaviours.



Professional behaviour

- ⇒ **Attitude** is the most important determinant of workplace success.
- ⇒ Employers look for a positive **enthusiastic** attitude in potential employees, and seek out those who will fit in with their workplace culture.
- ⇒ You can develop a professional attitude by the way you work, your **communication** style, your **enthusiasm**; and especially through how you **treat other people**, including colleagues and customers.
- ⇒ Professional behaviour also extends to complying with **policies**.
- ⇒ When you sign-on as an employee you are agreeing to abide by all of the organisation's **policies, codes of conduct, standards of behaviour** and other **protocols** that your employer expects all of their workers to adhere to.
- ⇒ In larger organisations, you are likely to be introduced to these through an **induction** process.
- ⇒ However, in smaller and micro-enterprises it might be taken for granted that you will know how to meet acceptable standards of workplace behaviour. But what are these?

Loyalty

- ⇒ In the contemporary world of work, loyalty can mean different things to different people.
- ⇒ For example, loyalty refers to a person's commitment and willingness to stick to another party; and to **work cooperatively** and **diligently** to achieve one's own and another's interests - even if that means making some personal sacrifices.
- ⇒ Being loyal often comes from a **sense of duty**. A worker has a **responsibility** to support their employer and to contribute to the betterment of the employer's operation.
- ⇒ Disloyalty can often happen when workers start talking down their employer or products, criticising them on social media, or showing blatant disregard for anything other than turning up for work, going through the motions and drawing a pay cheque.



Workplace loyalty has two sides to it you know.

Image: andrewgenn/Depositphotos.com



Work ethic

- ⇒ The application of professional behaviour and the development of loyalty combine to create a person’s work ethic. A work ethic refers to the overall **willingness** of an employee to work **enthusiastically, efficiently, effectively** and **safely** to meet the goals of their employer. This is often called **conscientiousness**.
- ⇒ A strong work ethic is driven by, and also helps to create, a sense of **motivation, job satisfaction**, and **commitment** to others and to the work tasks required.
- ⇒ But we need to be careful, as some employers, colleagues and customers may exploit people with a strong work ethic and take advantage of them. This can result in long hours, unpaid overtime, piling too much responsibility on one worker, or unrealistic demands that force people to overwork.

Workplace effectiveness 2D

1. Consider the terms **professional behaviour, loyalty** and **work ethic**. In relation to the **world of work** - what do these terms **mean to you**? Give examples.

Professional behaviour	Loyalty	Work ethic

2. Now switch your view to that of a manager, supervisor, business owner or coach. What do you think each term **means to them** in relation to their workers? Give examples.

Professional behaviour	Loyalty	Work ethic

3. **Interview** a supervisor, manager or business owner you are familiar with. **Ask them** how **professional behaviour, loyalty** and **work ethic** relate to **workers in their workplace** as part of the **workplace culture**.

Professional behaviour	Loyalty	Work ethic

4. So do you have what it takes when it comes to **professional behaviour, loyalty** and **work ethic**? Explain honestly and report back to small groups or to the class.

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2.09 Employer Expectations

Workplace policies and protocols

All workplaces have protocols that must be followed by various stakeholders. These protocols are usually set down in policies that relate to the **rights** and **responsibilities** of employees, managers, customers and clients, suppliers, owners, and other relevant **stakeholders**.

The term **protocol** is a general term that may refer to internal **policies**, **codes of conduct**, **standards of behaviour**, **legislative guidelines** and other formal and informal expectations of behaviour.

Protocols manifest in the development of workplace procedures, processes, systems, and other 'rules' that stakeholders must follow (i.e. the workplace structure and workplace culture). Therefore, they impact on the nature of work and how work is carried out.

Three key areas that drive the need for rights and protocols for the workplace are **health and safety**, **equal opportunity**, and **codes of conduct and standards**.

All employees have basic rights. But in return are expected to meet certain basic responsibilities. Of course, there are legal rights in relation to rates of pay, freedom from discrimination and the right to have a safe and healthy workplace.

Responsibilities balance these rights and include working to fulfil the reasonable demands of an employer, not harassing, bullying or intimidating other work-related stakeholders, and working safely by following established workplace procedures.

The combination of protocols, guidelines and policies balances the rights and responsibilities of work-related stakeholders. This results in the development of **codes of conduct** and associated **standards** in a workplace. These combine to influence the nature of work in the workplace.

Codes of conduct

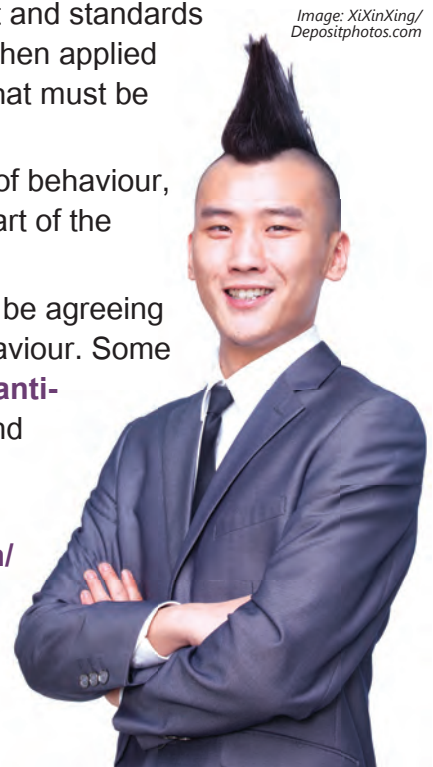
Codes of conduct and standards (or behaviour) are the practical means by which the rights of work-related stakeholders are protected. Codes of conduct and standards lead to the development of work-related protocols which are then applied to work practices, systems, processes and other guidelines that must be followed in work-related situations.

Therefore these codes of conduct and associated standards of behaviour, both reflect and reinforce, the **expectations** on workers as part of the **workplace structure** and **workplace culture**.

When an employee signs their employment contract they will be agreeing to abide by expected codes of conduct and standards of behaviour. Some of these will be general and apply to all workplaces; such as **anti-discrimination** and **workplace health and safety** (OH&S and WHS) protocols.

Others might be specific to a particular industry or workplace, such as a **social media usage policy**, an employee **uniform/dress standard** or undertaking a **criminal record check** and gaining **working with children certification**.

Even though Kelvin here looks great, some workplaces are still very old-school about their expected standards of professional presentation, and will spell this out in their policies and codes of conduct.



Codes of Conduct can relate to:

Employee behaviour including appropriate interpersonal communication.

Employee use of an organisation’s assets such as vehicles, technology and equipment; & also phones.

Social media, internet and email usage policies, including expected standards of behaviour.

Employee behaviour in relation to customers and clients, including non-discriminatory practices, non-disclosure of client information, and cross-cultural awareness.

Internal policies governing communication between management and employees.

Work health and safety policies and procedures including following safe work practices, and ensuring that all work-related stakeholders are not exposed to danger.

The reporting of safety issues through the relevant OHS/WHS reps and stakeholders.

Employee responsibilities when carrying out their duties to the best of their abilities in line with the expectations and goals of their employer.

Many other specific work practices, systems and processes that relate to industry-specific settings; including mandatory reporting, licensing and certification, professional or occupational registration, gambling, alcohol consumption and testing, drug testing, and many others.

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Workplace policies and protocols 2E

Remember word chains? Complete word chains for 'Workplace policies and protocols'. You choose the key words; some words might feature more than once.

2.11 Workplace Effectiveness

Intrapersonal effectiveness

Intrapersonal skills are the types of skills that individuals need to develop so as to manage themselves effectively. These help you to develop **workplace wellbeing** and **personal accountability**.

Intrapersonal skills are one dimension of a person's emotional intelligence. As you know from PDS, **emotional intelligence** is a type of social intelligence that involves the ability to monitor the feelings and emotions of yourself and other people.



Is this you on a school day? If so, you might need to work on your time management skills!

Punctuality

- ⇒ Time is the only resource that each of us has equal access to. But it is how one uses their time that shows their self-management skills.
- ⇒ Effective **time management** is a skill that can be learned and developed. But you really only get good at managing time by actually managing your time.
- ⇒ The world of work uses techniques to manage time. Many jobs pay employees a **wage** on an hourly basis - they are paid for the time they are working.
- ⇒ **Punctuality** is vital when working. People are relying on you, and they are paying you. If you are running late then **communicate** to your boss if you always run late - then you will need to change the way you run your life.

Managing workload

- ⇒ **Work/life balance** is a key determinant in developing a satisfying and rewarding career.
- ⇒ It's hard to manage personal, social and professional **responsibilities**, but workers who can do so, are more effective and energising employees.
- ⇒ You have competing responsibilities then you may need to **negotiate** shift times and work froms. Help manage your workload by **communicating** with your employer.
- ⇒ However, many work times, roles and duties are **non-negotiable** due to the nature of the job. You can't ask the milking cows to sleep-in a few hours, or always try to get given the quiet shift at the take-away.

Time Management

Punctuality

Attendance

Flexibility

Responsibility

Reliability

Rosters

Planning



So much to do; but so little time!

Negotiation

Deadlines

Organising

Prioritising

Efficiency

Timesheets

Schedules

Image: Jorge Enrique Villalobos Espinosa/Thinkstock

1. Why is **punctuality** such an **important** part of **personal accountability**?

2. How would you assess **your punctuality**? What **tools** and **techniques** do **you use**, or can you use, to **improve your punctuality**?

3. What **pressures** might **you face** in regards to **managing workload** in your potential **future career**? What can **you do** to **handle** you with this?

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Applied

We each have 24 hours. But what do you spend your time on?

- Group the main types of things you do in a normal weekday into 4 main categories. (e.g. sleep, school, etc.) Calculate how closely these 4 categories match the 40%, 30%, 20%, 10% time allocations as shown on the pie chart.
- Choose an occupation and do this 40%, 30%, 20% 10% breakdown based on the most likely types of job tasks you would do as part of a normal working day.

My usual weekday involves:
40%:
30%:
20%:
10%:

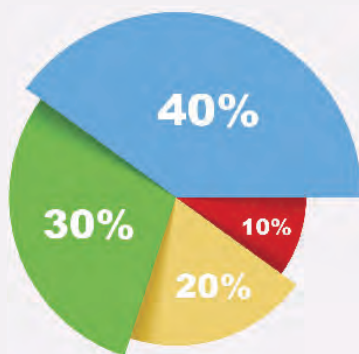


Image: in8finity/iStock/Thinkstock

Occupation:
40%:
30%:
20%:
10%:



2.13 Workplace Effectiveness

Individual responsibility

When you are working you are expected to be **accountable** for your actions. This is partly about you **managing yourself** appropriately and meeting your **responsibilities** as part of your own **intrapersonal effectiveness**.

This includes ensuring that you **work safely**, use the correct PPE and operate any equipment safely according to your training and operating procedures.

You also have to ensure that you maintain professional and **respectful workplace relationships** with all work-related stakeholders. These include customers and clients, colleagues and teammates, managers and supervisors, contractors, suppliers, volunteers, visitors and any other person that you might have to deal with.

Working safely

- ⇒ Workplace safety is a **shared responsibility**. Employers need to develop safe work practices, provide appropriate training, supply the correct PPE and implement processes for monitoring and reporting safety issues.
- ⇒ As a worker, you have many workplace safety **responsibilities** you have to meet.
- ⇒ These extend to your use of work-related **tools** and implements, **equipment, machinery** and **technologies**.
- ⇒ You must follow mandated safety **rules, guidelines** and **training**.
- ⇒ You must use equipment and machinery according to safe usage **guidelines**.
- ⇒ You must use appropriate **PPE**.
- ⇒ You must make sure that your actions do not **harm yourself**, or potentially harm any **other workplace stakeholder**. And you must know both how, and when, to **report** any safety issues that you are aware of, or can anticipate happening.
- ⇒ This is part of your **OH&S/WH&S responsibilities** always!

Being respectful

- ⇒ Our **communication** with others and **behaviours** towards others must at all times be respectful.
- ⇒ Disrespectful **attitudes** and **behaviours** lead to **conflict**.
- ⇒ Respectful workplace relationships involve recognising **cultural diversity** as well as creating a sense of **belonging** and **inclusiveness**.
- ⇒ This extends to having an understanding of diversity and applying **cross-cultural communication** skills.
- ⇒ Cross-cultural communication is vital when dealing with colleagues, managers, subordinates, customers and clients, and other **workplace stakeholders**.
- ⇒ So, a key part of being respectful is understanding and applying elements of **emotional intelligence** to work-related situations.
- ⇒ Many workers, including younger workers, are exposed to disrespectful attitudes and behaviours due to the nature of their work (i.e. **face-to-face roles**), **exploitation**, and at times just being treated poorly due to **age** and **inexperience**.
- ⇒ The keys to maintaining respectful interactions with all work-related stakeholders are **understanding, patience, tolerance, a client-focus** and **empathy**.
- ⇒ Organisations have **policies** and **codes of conduct** that stipulate expected **standards of behaviour**. However, that doesn't mean that all people adhere to these at all times - e.g. bullying.
- ⇒ And this also doesn't mean that **customers** and **clients** always abide by these. This can cause conflict and threaten the safety of workers, including their emotional and/or mental health.

Workplace safety is a shared responsibility. All workplace stakeholders need to be responsible for ensuring that workplace safety is a priority.

If you are a paid employee, or undertaking work placement (or work experience), or even a volunteer worker, you are expected to take on key workplace safety responsibilities as part of your day-to-day work roles and duties.

One way that you can apply this responsibility is to be a **Workplace Safety LASER**. Being a Workplace Safety LASER involves these 5 inter-related responsibilities.

1. You must take responsibility for your workplace safety **Learning**.
2. You must take responsibility for your workplace **Actions** and do these safely.
3. You must take responsibility for the safety of other workplace **Stakeholders**.
4. You must take responsibility for workplace safety in your work **Environment**.
5. You must take responsibility for **Reporting** workplace safety issues.

You should build these 5 laser ‘beams’ of responsibility into everything you do at work. This is a major part of respecting the rights of others.

Describe what **you** can do, as a **worker**, to ensure that you embrace the **responsibilities** associated with being a Workplace Safety Laser. Use work-related examples related to your own vocational interests and experiences.

Learning	Action
Stakeholders	Environment
Reporting	Other?

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2.15 Workplace Effectiveness

Interpersonal effectiveness

In workplaces of the 21st century, greater emphasis is being placed on employees having well-developed interpersonal skills. Interpersonal skills relate to one's ability to work effectively with other people.

It is being increasingly recognised that employees who are able to work effectively with other people are the key to successful workplaces. Interpersonal skills might even be more important to an employee than industry-specific skills and technical skills.

The way we act and relate to other people forms the basis of our **interpersonal skills**. It is important that you can recognise your own interpersonal strengths and weaknesses. This will help shape your **emotional intelligence**.

Some of you may have already experienced a boss or some other person in a role of authority, who is well-skilled in their position, but has poor interpersonal or people skills. These ineffective leaders can be said to lack emotional intelligence, and often don't seem to act all that collaboratively.

For you to develop as a well-rounded individual, you must have the **people skills** to match and support your technical skills and qualifications.



It's important to develop interpersonal skills as well as technical skills in the workplace.

Image: Photos.com

Communication

- ⇒ Effective communication is probably the most important work-related skill.
- ⇒ Communication is what drives us as humans; and it marks the success, or otherwise, of all of our personal, social and vocational **interactions**.
- ⇒ Communication methods are evolving, with an increased reliance on **digital** forms of communication.
- ⇒ However, this hasn't necessarily improved communication. Indeed it may have actually led to **over-communication**.
- ⇒ You already know that the three essential components of any communication process are:
 1. **The sender.**
 2. **The message.**
 3. **The receiver.**
- ⇒ Focus on these three components whenever you are required to communicate any message or information in the workplace.

Collaboration

- ⇒ A key skill you need to develop and apply to work-related situations is collaboration.
- ⇒ Collaboration involves **working** positively and effectively with others as a part of a **team** or **group**.
- ⇒ In all work-related situations, workers have to collaborate with other workplace stakeholders. Even workers who are performing tasks alone are part of a **bigger picture** with people relying on them.
- ⇒ These **stakeholders** include colleagues and workmates, managers and supervisors, suppliers, contractors and customers and clients.
- ⇒ The ability to work effectively with other people is one of the most vital employability skills. Effective collaboration is supported by good **communication**.
- ⇒ Collaboration leads to **synergy** and better outcomes for all stakeholders.

Teams

- ⇒ As you already know, workplaces are team environments. So what **strengths** have you developed that could make you an asset to a work team? These are the things that potential employers are going to be interested in.
- ⇒ You need to be able to describe real examples from work-related situations that illustrate how you have **worked effectively** as part of a team.
- ⇒ You should also make an honest assessment of your **weaknesses**. What are the areas you need to build and develop to make you a more effective team member, and therefore more employable?
- ⇒ Are you still avoiding things because they're too hard, or just too hard for you? Employers don't expect you to know how to do everything right away, but they do expect you to be willing and able to **learn**.
- ⇒ An honest assessment of your strengths, as well as the areas in which you need to **improve**, will help you understand your potential to contribute to a team.

Interpersonal skills 2H

Well-developed **emotional intelligence** is a key driver of **communication** and **collaboration** as part of effective **teamwork**.

1. Use **work-related examples** to explain how each of these traits of EI helps to create **effective teamwork** in the workplace. Add a core EI trait.

empathy	self-awareness
self-confidence	self-control
flexibility	adaptability
trustworthiness	conscientiousness
conflict management	conflict management
intuition	

2. Interview a **manager** or supervisor in a **workplace** with which you are familiar. Ask them about the **importance** of **these EI traits** for the workplace. Also find out if there are any **other personality** traits they feel are **important**.



2.17 Employee Rights

Employee rights

Employees have a range of **universal rights** with respect to pay and conditions, working hours, safe work practices and work environment, freedom from discrimination, harassment and bullying, and dealing with conflict. These rights are protected at **law**.

There will also be other more specific employee rights that the organisation itself would have developed and set down in **policies, protocols, codes of conduct** and **standards of behaviour**. So what are your rights - and how can you find out more?

Employee Rights

Flexible work arrangements.

Opportunities for training, development and promotion.

Having a safe workplace.



Inclusive and respectful relationships with colleagues.

Fair pay and conditions for work done.

Conflict resolution processes.

Image: RawPixel/Depositphotos.com

Flexible work arrangements

- ⇒ Flexible work arrangements include working flexible hours, **part-time**, **casual**, **job sharing**, and a hybrid model of work involving **working from home** if the nature of the job enables this.
- ⇒ A growing number of large enterprise and public sector organisations are offering **family-friendly work arrangements** to improve working conditions for their employees - especially parents with young children, and female workers.
- ⇒ The right to flexible work arrangements is part of the set of 11 **NES**, including a right to request flexible working arrangements to care for a child under school age, or a child with a disability.
- ⇒ Of course, not all enterprises can offer flexible work arrangements due to the **nature** of their **operations**, required customer/client service **hours**, and the **costs** of redeployment and hiring.

Training, development & promotion

- ⇒ Organisations that train and develop their staff help their workers to build their **career**, **advance** into more **senior** positions, and enjoy a more **rewarding** and **satisfying** career.
- ⇒ They are also likely to **retain** and **motivate** their good operators, thereby improving **quality** outcomes.
- ⇒ **Australian Apprenticeships** have been developed to apply step-by-step **competency-based training** and learning.
- ⇒ But all workers, including **entry-level workers**, have a fundamental right to appropriate **induction** and ongoing **training**.
- ⇒ So not only must employers train workers to perform their job roles initially, they can also offer ongoing training to **skill-up** their workforce, including both **on-the-job training** and **professional development**.

Having a safe workplace

- ⇒ As you know, workplace safety is a **shared responsibility**.
- ⇒ But many **workplaces** and many **work roles** are inherently **dangerous**.
- ⇒ When you go to work, you have a basic **expectation** as a worker that your employer would have done all that is possible to ensure a safe **work environment** and safe **work practices**.
- ⇒ These include: safe systems of work, hazard reduction, risk assessment, inspection and maintenance of machinery and equipment, induction and training, appropriate PPE, safety reps, issues and hazards reporting, first-aid provisions, emergency procedures, application of appropriate WorkSafe guidelines, and ensuring that all work activities meet the industry and legal safety requirements.
- ⇒ And the list above is only some of the safety rights that must be met!

Inclusive and respectful relationships with colleagues

- ⇒ It is a basic expectation of Australian society that people are treated **equally** and **fairly** and not **discriminated** against based on race, religion, gender identity and other characteristics.
- ⇒ This expectation is enshrined by **law** in workplace behaviours between **colleagues, managers** and **subordinates**, when dealing with **customers** and **clients**, and any other workplace **stakeholders**.
- ⇒ All workplace stakeholders need to be **respectful** of others and be accepting of 'apparent' differences that might exist. Because in effect, we are all more alike than we are different. This is what drives **inclusiveness**.
- ⇒ Workplaces have **policies, codes of conduct** and **standards of behaviour** to support **respect**.
- ⇒ **Discrimination, bullying** and **harassment** are not on - ever!

Fair pay and conditions for work

- ⇒ Employees have the right to be paid fairly and appropriately for work done. This is a basic **employee entitlement**.
- ⇒ Minimum rates of pay and other conditions have been developed as part of the 11 **National Employment Standards** and apply to all workers (on a pro-rata and/or age basis).
- ⇒ Many workers have their pay and conditions set down in a **registered agreement** negotiated on their behalf with their employers.
- ⇒ Other workers have their pay and conditions set down in an **award** ratified by the Fair Work Commission.
- ⇒ All pay and conditions must meet the minimum wage and the conditions stipulated in the **National Employment Standards**.
- ⇒ But at times workers are **underpaid**, made to work **unpaid overtime**, or paid lower based on an **incorrect classification**. This is **illegal**.

Conflict resolution processes

- ⇒ At times, workplace stakeholders might experience conflict. This includes conflict between **colleagues**, conflict between **managers** and **subordinates**, and conflict with **customers** and **clients**.
- ⇒ Larger workplaces will have **policies** that set out appropriate **standards of behaviour** and how conflict is to be managed. But first, always **talk** to someone **senior** and supportive.
- ⇒ However, in smaller workplaces, you might have to just talk to the **boss**. And that's a bit of a problem if that's where the conflict is originating from.
- ⇒ **Dispute settlement processes** are written into all **registered agreements** and **awards**.
- ⇒ The **Fair Work Ombudsman** can help with disputes over **pay** and conditions.
- ⇒ The **Fair Work Commission** can help with disputes over unfair **dismissal**, **equity** issues and **discrimination**.

2.19 Employee Rights

Balancing Rights & Responsibilities

Working isn't always fun. Sometimes it's easy to forget that as well as your employer owing you things, such as a fair wage, decent conditions and a safe and respectful work environment, you also owe your employer in return and need to follow protocols and codes of conduct to meet standards of behaviour.

If your employer pays you a fair wage in accordance with your award or agreement or job classification, then it is only reasonable to give your employer consistently productive labour and a high quality effort in return. You must work productively in your role, according to your job description.

If your employer trusts you with confidential or sensitive information, then it is only reasonable that you don't blab about the big-spending customer, or about new strategies for a merger, or even about the new and exciting promotional campaign before it is announced. Privacy guidelines are required by law as well as being an internal policy. Imagine if you show up on *The Project* being quoted about the celebrity wellness guru who comes to your take-away store to gorge themselves on double deep pork fat in ice cream every lunchtime!

In some occupations, you are responsible and legally bound to follow rules such as zero blood-alcohol limits, or mandatory reporting of child abuse and other codes of conduct.

Just as it is your right to expect your employer to provide you with a safe work environment, then it is your responsibility to undertake your duties safely, follow safe work practices, and safely maintain your work area, tools and equipment to ensure that relevant safety and OH&S/WHS rules and laws are being followed.

In addition, if an employer provides you with a safe work environment then it is your responsibility not to risk that safety by failing to act; or by not reporting information about yourself,

another worker or a situation that jeopardises the safety of various stakeholders, e.g. a drug-affected chef working with knives and fire; or a blocked fire exit; or missing safety equipment.

If you are sick, in many cases you are not doing your employer or your fellow workmates any favours by coming to work. Imagine a food processing worker sneezing over every lardburger they wrap in a day!

Work involves a legal contract between the employee and the employer. Basic workplace rights are set down in law. Many employee responsibilities are developed to follow legal guidelines. As at late-2023, all employees working in Australia are protected by a set of minimum conditions. This safety net includes 11 'National Employment Standards' that set down basic entitlements that apply to all employees. This is the right.

As part of the Australian workplace relations system, awards apply to an industry or to an occupation and set down minimum conditions for employees across Australia who work in that same industry or occupation.

(a) Other employees are covered by registered agreements (enterprise agreements or EAs) and have their pay and conditions bargained collectively, usually by their unions. Conditions in awards and registered agreements must also satisfy these minimum 11 'National Employment Standards'.

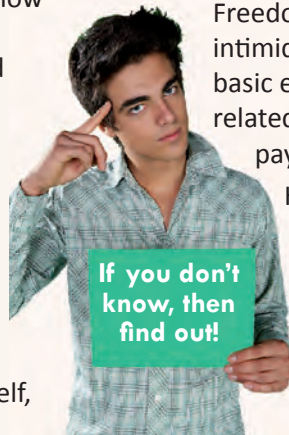
Australian Apprenticeships are governed under their own special contract of training that outlines both employee and employer rights and responsibilities as part of the Australian industrial relation system.

Freedom from discrimination, bullying, intimidation, harassment and aggression are basic employee rights and extend to all work-related stakeholders. So too is the right of fair pay and conditions.

However, we often see workers, especially younger workers, being mistreated by managers and colleagues, as well as being underpaid and exploited.

It's just not right!

So know your rights!



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Balancing rights and responsibilities 21

Achieving **workplace wellbeing** through **personal accountability** is always a **balancing act** between rights and responsibilities. You can't have one without the other.

1. Unpack each of the **6 workplace rights** from pp.42-43 by focusing on the **key terms**.
2. Then explain the **responsibilities** for **you as a worker** that stem from these rights.
3. Finally, describe how **you can find out** how these **rights** and **responsibilities** **apply** for a **workplace** or **organisation** with which you are familiar.



Workplace/ job role:			
Workplace situation	What are my rights?	What are my responsibilities?	How do I find out?
Flexible work arrangements			
Training, development & promotion			
Having a safe workplace			
Inclusive and respectful relationships with colleagues			
Fair pay and conditions for work			
Conflict resolution processes			

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2.21 Diversity and Inclusion

Workplace diversity

We live in a culturally diverse society and that diversity is reflected, and sometimes even magnified, in work-related situations. It is vital that you have well-developed work skills to both recognise and deal with **cultural diversity**.

As you embark on your career you will experience that clients, customers, supervisors, colleagues, suppliers, contractors, and other workplace stakeholders, come from varied and diverse backgrounds.

However, this **inclusiveness** has not always been the case, with some groups historically **under-represented** in the workforce. Those groups include women, people from migrant backgrounds, people with disabilities, and Indigenous Australians.

As Australia continues to embrace and support greater cultural diversity and inclusiveness in society generally, and within the world of work, it is vital that you have well-developed work skills to both recognise and deal with cultural diversity and inclusiveness.

In response, you will need to develop your cross-cultural skills, including **cross-cultural communication**.

And it's your generation that is leading the way in embracing and demanding inclusiveness. But some of your managers, supervisors and colleagues might still be a bit stuck in the past.

So you should aim to become a **corporate leader** by assisting others to recognise and respect cultural diversity, and to help them to improve their cross-cultural communication skills as part of a shift towards greater inclusiveness.



“And what’s wrong with diversity?”

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Cultural Diversity

Sex & gender

Age

Race

Physical features

Indigeneity

Language

Religion

Background

Sexual orientation

Family status

Political beliefs

Disability



If an organisation wants the best potential workers, they need to embrace diversity.

Image: Tziido/Depositphotos.com

1. What does the term '**diversity**' mean to **you**? Are **you** an **example** of the rich **diversity** that Australia enjoys?

2. What does the term '**inclusiveness**' mean to **you**?

3. Why do **workplaces** need to ensure that they **embrace diversity** and **inclusiveness**?

4. What can **workplace stakeholders** do to ensure that they **welcome diversity** and **embrace inclusiveness**?

5. How would you **rate** your **cross-cultural skills**? Give **examples** to show how you could **apply** these to **work-related situations**.

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2.23 U3 AOS1 Assessment Task


AT2 Workplace Rights and Responsibilities Workplace wellbeing and personal accountability

Overview

For this assessment task, you are required to prepare a summary report and case study about workplace rights and responsibilities.

1. Summarise and explain the universal rights and responsibilities of work-related stakeholders.
2. Describe how these rights and responsibilities are applied in a workplace with which you are familiar.

You might do this case study by focusing on one particular occupation or work role, especially if you are working in that workplace.

-  You are required to **present** your **case study** of a **specific workplace** (i.e. Part 2) to the class in a format negotiated with your teacher.

Required

Part 1: Summary Report

In your report you must **address these elements** generally.

- a. The notion of workplace culture.
- b. The importance of work/life balance.
- c. Common employer expectations of workers.
- d. Universal employee rights.
- e. The relationship between employee and employer expectations.
- f. The role of collaboration and communication.
- g. The need for diversity.

You might set up a table, develop a diagram or mind-map, or even create an infographic. Your teacher will give you directions on this.



Part 2: Case Study (and presentation)

Using **applied examples from a workplace with which you are familiar**, you must describe how each of these elements is dealt with by workplace stakeholders.

- a. Summarise its workplace culture.
- b. Describe how work/life balance is impacted.
- c. Identify the employer's expectations of workers.
- d. Identify how employee rights are ensured.
- e. Summarise the relationship between employee and employer expectations.
- f. Describe the role of collaboration and communication.
- g. Explain the need for diversity.

You might set up a table, develop a diagram or mind-map, create an infographic, record a video interview, or even perform some role-plays. Your teacher will give you directions on this.

Note: In order to fully satisfy AOS1, you will also need to complete AT1: Workplace Structures, Agencies & Advocacy, p.24; or some other suitable task as directed by your teacher.

Name:		Key dates:		UNIT 3 AOS1	
Tasks - AT2: Workplace Rights and Responsibilities		Must Do?	Due Date	Done	Level
Part 1: Workplace rights and responsibilities generally.					
a. The notion of workplace culture	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	
b. The importance of work/life balance.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	
c. Common employer expectations of workers.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	
d. Universal employee rights.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	
e. Relationship between employee & employer expectations.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	
f. Role of collaboration and communication.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	
g. Need for diversity.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	
⇒	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	
⇒	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	
⇒	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	
Part 2: Workplace rights and responsibilities in a workplace.					
Workplace &/or occupation/role:					
a. Summarise its workplace culture.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	
b. Describe how work/life balance is implemented.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	
c. Identify the employer's expectations of workers.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	
d. Identify how employee rights are ensured.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	
e. Relationship between employee & employer expectations.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	
f. Explain the role of collaboration and communication.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	
g. Explain the need for diversity.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	
⇒	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	
⇒	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	
⇒	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	
Prepare and submit my final report and case study.					
 Draft my report and case study.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	
⇒ Submit my report and case study.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	
 Present or report my case to study the class.	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	

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Additional information:

Signed: _____ Date: _____

2.25 Review and Reflection

Review and Reflection

Which work-related skills did I develop during this unit?

→ _____

→ _____

→ _____

→ _____

How have my work-related skills also helped me to improve in my personal life?

→ _____

→ _____

→ _____

How have my work-related skills helped improve my future career prospects?

→ _____

→ _____

→ _____

My performance in developing my work-related skills this unit was:

0 not shown	1 low	2 reasonable	3 good	4 very good	5 excellent
-----------------------	-----------------	------------------------	------------------	-----------------------	-----------------------

What were my strongest areas of performance? What should I work on improving?

My strongest topics/skills were:	But I need to improve my skills in:

Signed: _____ Date: _____

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Workplace Relations

3

3.01 Unit 3: AOS2a - Introduction.....52	3.21 Pay72
3.03 Workplace Relations.....54	3.27 Putting It All Together78
3.09 Workplace Arrangements60	3.31 Disputes.....82
3.17 Workplace Conditions68	3.33 Graduated Assessment - AOS2a84

Activities 3: Workplace Relations		p.	Due date	Done	Comment
3	U3 AOS2a: My Requirements	53		<input type="checkbox"/>	
3A	Workplace relations	57		<input type="checkbox"/>	
3B	Worker classifications	59		<input type="checkbox"/>	
3C	National Employment Standards	61		<input type="checkbox"/>	
3D	Registered agreements	63		<input type="checkbox"/>	
3E	Awards	65		<input type="checkbox"/>	
3F	Minimum pay rates	66		<input type="checkbox"/>	
3G	Contractors	67		<input type="checkbox"/>	
3H	Workplace conditions	68		<input type="checkbox"/>	
3I	Workplace conditions - Match'em	69		<input type="checkbox"/>	
3J	Employee interview	70		<input type="checkbox"/>	
3K	Pay	71		<input type="checkbox"/>	
3L	Traineeship wage	74		<input type="checkbox"/>	
3M	Apprenticeship wage	75		<input type="checkbox"/>	
3N	Employed or exploited?	77		<input type="checkbox"/>	
3O	PACT tool	78-79		<input type="checkbox"/>	
3P	Online investigation	80-81		<input type="checkbox"/>	
3Q	Disputes	82		<input type="checkbox"/>	
AT3	Workplace Relations: Investigative Case Study	84-85		<input type="checkbox"/>	
R3	Review and Reflection	86		<input type="checkbox"/>	

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Comments:

3.01 Unit 3: AOS2a - Introduction

Unit 3: AOS2 - Workplace responsibilities and rights

In **Section 3: Workplace Relations** you will explore the nature of the Australian Workplace Relations system and how to correctly identify the type of work arrangements that you (and other workers) might be employed under.

Then you will complete your work towards AOS2 in **Section 4: Workplace Behaviours** whereby you will investigate equal opportunity and anti-discrimination laws.

So again identify and explore how these topics relate to the world of work by investigating workplaces you are familiar with. You can do this by completing the relevant activities in your Work Related Skills: Applied Vocational Booklet. And it is vital that you link your applied VET studies, work experiences and work placements to your future career choices.

To fully satisfy AOS2 you need to complete both:

AT3: Workplace Relations: Investigative Case Study, and

AT4: Investigative Case Study Report - Workplace Behaviours

Once again, your teacher might modify these assessment tasks, or develop others that are more suitable for you and your learning program.

AOS2: Workplace responsibilities and rights		S3 Workplace Relations
Workplace Relations		54
Commonwealth Government	Fair work agencies (Workplace (classifications))	Advocacy organisations
Workplace Arrangements		60
Employment Contract	Registered agreements	Industry awards
	Contracted workers	Minimum pay rates
Workplace Conditions		68
Workplace conditions	Where do I fit in?	
Pay		72
Types of pay	Superannuation	Traineeship
	Employed or exploited	Apprenticeship
Putting It All Together		78
PACT tool	Online investigation	
Disputes		82
AT3: Workplace Relations: Investigative Case Study pp.84-85		

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AOS2: My Requirements 3

Your teacher will discuss your unit requirements for AOS2 with the class. List the important information, and make diary notes and reminders where relevant.

Requirement	Activities/ Resources/ Applied	Assessment

3.03 Workplace Relations

Workplace relations

Workplace relations refers to the setting of pay, workplace conditions and other relevant work-related matters involving employers and employees throughout Australia. This might also be referred to as **industrial relations**.

According to **Fair Work Ombudsman** (as at late-2023):

“The national workplace relations system is a collection of legislation that applies to most employees and employers in Australia. It includes the Fair Work Act 2009, the National Employment Standards, registered agreements and awards.”

<https://www.fairwork.gov.au/taxonomy/term/406> (Creative Commons 4.0)



The national workplace relations system is established by the **Fair Work Act 2009**. State governments also have a role in workplace relations, with some jurisdictions having their own state-based laws.

The Australian **workplace relations system** governs the establishment of:

- ⇒ 11 National Employment Standards that set out minimum pay and entitlements for all workers,
- ⇒ the setting of pay and other conditions through the award system, and
- ⇒ the process for negotiation and bargaining of registered (enterprise) agreements by: unions on behalf of their members and/or other advocates; employer associations and other advocates on behalf of their members and the Fair Work Commission that creates awards and approves registered agreements.

Commonwealth government

In Australia, workplace relations is the responsibility of the Commonwealth Department of Employment and Workplace Relations. According to the Department's website (as at late '23).

“The Australian national workplace relations system establishes a safety net of minimum terms and conditions of employment and a range of other workplace rights and responsibilities.”

<https://www.dewr.gov.au/workplace-relations/australia> (Creative Commons 4.0)



The workplace relations system involves:

- ⇒ a safety net of minimum terms and conditions of employment (the NES and awards)
- ⇒ opportunity for enterprise-level collective bargaining (registered enterprise agreements)
- ⇒ protections against unfair dismissal or unlawful termination of employment (there are different rules for small businesses)
- ⇒ protection of workplace rights including the right to:
 - ✓ engage in lawful industrial activities
 - ✓ be free from unlawful discrimination
 - ✓ be free from influence or pressure in negotiating individual arrangements.

Some of the key agencies that help deliver the Commonwealth Government's workplace relations system include; the Fair Work Ombudsman, the Fair Work Commission, Safe Work Australia and the Office of the Federal Safety Commissioner.

Workplace Relations

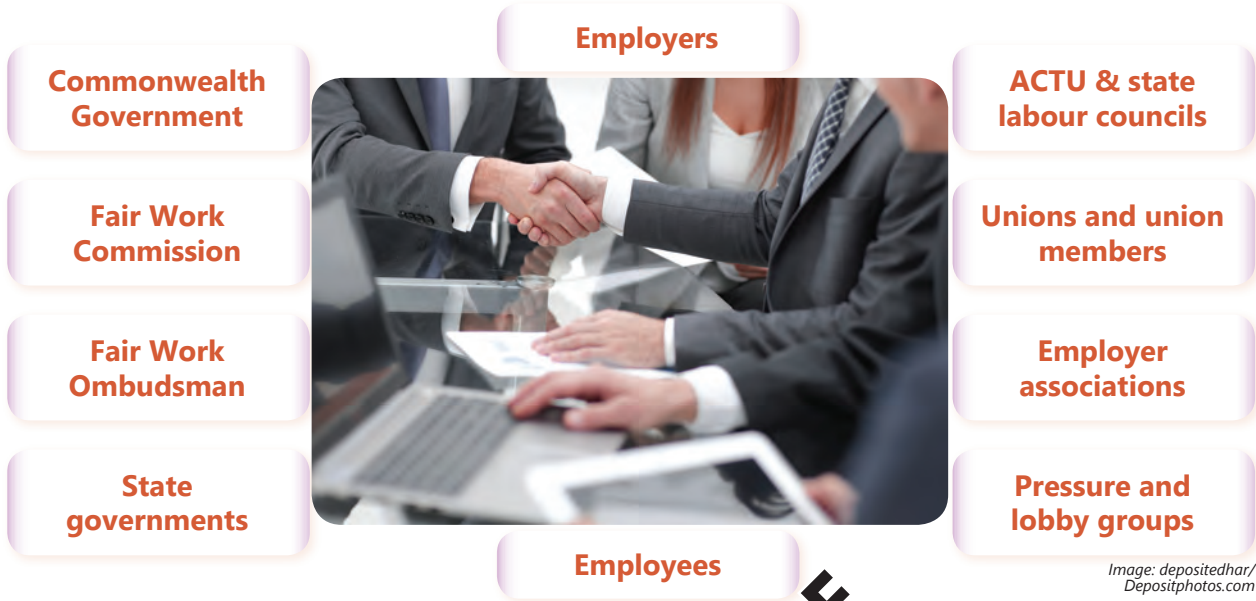


Image: depositedhar/Depositphotos.com

Fair work agencies

As you already know, the **Fair Work Ombudsman** is the Commonwealth Government agency that administers the industrial relations system and enforces minimum pay and conditions. So, Fair Work Ombudsman is the agency that you go to for **advice** about your rightful **pay** and **conditions**.

You might need to find out if you are being paid the correct amount or about your other work conditions. Or perhaps you think you are being underpaid for extra work such as unpaid overtime. Another common problem affecting young workers is whether your job position is classified correctly. Incorrect classification can affect your entitlements. In some cases, you might even be employed through a franchise, but you may, nevertheless, be expected to work more as a 'true' full-time (or part-time) worker.

Although the role of the **Fair Work Commission** is related to that of the Fair Work Ombudsman, it is different. The role of the commission is to make and vary **awards**, approve **registered agreements**, set **minimum wages**, and deal with a range of **disputes** such as **unfair dismissal** claims.

So, the Fair Work Commission does not give you advice about your pay and conditions.

In simple terms, we can say that the commission sets the rules, whereas the Ombudsman enforces the rules (except in unfair dismissal).

Fair Work Ombudsman:

<https://www.fairwork.gov.au/>

Fair Work Commission:

<https://www.fwc.gov.au/>



Image: SeventyFour/Depositphotos.com



3.05 Workplace Relations

State governments

State governments have a less prominent role in workplace relations because most of the legislation and rules apply nationwide.

However, some states do have responsibility for some of their own areas of workplace relations, especially in regard to public sector employees.

In most states, public sector and local government employees are not covered by the national system in the first instance. However, many of these employees are covered under a registered agreement, which of course means that they are part of the national system. Employees in the ACT and NT are covered by the national system.

Western Australia operates its own workplace relations system side-by-side with the national system. WA state public sector and local government employees are covered by the state system. Non-incorporated WA entities (i.e. those that are not companies) are part of the state system. These include sole traders, partnerships, other unincorporated entities and non-trading corporations. However, any employees in these WA entities are covered under a registered agreement, thus this means that they are part of the national system.

Advocacy organisations

Unions and employer associations have a prominent role in the workplace relations system.

Unions act on the behalf of their members (i.e. workers) when enterprise agreements are being negotiated. Unions bring a powerful united voice, and an expertise in workplace relations laws related to pay and conditions, employee entitlements, workplace safety, HR and equal opportunity.

Unions are also proactively involved in other workplace relations matters by making submissions about awards, and recommending pay increases in the National Minimum Wage case that is heard each year. Unions also lobby and put pressure on governments, government departments, and government agencies, as well as running industrial and media campaigns.

Unions are a first step for members (i.e. workers) to seek advice if they feel that they are being treated unfairly.

Employer associations are the other side of the bargaining process as they represent the interests of employers (i.e. businesses).

Employer associations represent their members, i.e. business owners, in the bargaining process of enterprise agreements. Just like unions, employer associations are also involved in other workplace relations matters by making submissions about awards and the National Minimum Wage case, through lobbying and putting pressure on governments and their departments and agencies, and by running industrial and media campaigns.



Although government school teachers work in the public sector of their state, they are part of the national workplace relations system as they are employed under a registered agreement.

Image: monkeybusiness/Depositphotos.com

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1. In general, what is 'workplace relations'?

2. What are some of the major elements of workplace relations?

3. What is the role of the Fair Work Ombudsman in workplace relations?

4. What is the role of the Fair Work Commission in workplace relations?

5. What is the role of governments in workplace relations?

6. What is the role of unions and employer associations in workplace relations?

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3.07 Workplace Relations

Worker (Classifications)



Image: Golden Sikorka/Depositphotos.com

Full-time
 A work arrangement whereby a worker is employed on a regular basis for a standard working week.
 This is set at 38 hours per week in Australia; although some industries and occupations may set this as 35 hours/week.
 In Australia about 70% of all employees are full-time.

Part-time
 A work arrangement whereby a worker is employed for fewer hours than the accepted full-time amount.
 Part-time is regular work but workers work fewer hours than full-time. e.g. 2 days, (or 0.4 or 4 half days).
 Part-time workers are paid and accrue other benefits on a pro-rata basis.

Casual
 A flexible work arrangement whereby a worker is employed on an 'at call' basis, without regular hours.
 Workers normally receive a loading rate of pay (% loading) but give up leave and other benefits and conditions.
 About 20-25% of all workers in Australia are casual.

Contractor
 A contractor or sub-contractor is engaged for a set period of time, or for a particular task or project (e.g. onsite tradies or ICT consultants).
 Contractors are not employees, and usually have to cover their own costs such as insurance, vehicle, tools, etc..
 Many delivery drivers are sub-contractors, and are paid per 'job'.

Apprentice (ship)
 An apprentice is employed on a special contract of training as part of the Australian Apprenticeship scheme.
 Apprenticeships usually apply to skilled 'trades-related' occupations such as carpenter, plumber, mechanic, chef, hairdresser, as well as many more.
 Apprentices complete on-the-job training, as well as external training at a TAFE or RTO (trade school).
 Apprenticeships usually involve 3.5 to 4 years of structured training.

Trainee (ship)
 Traineeships usually apply to trades-support occupations; or to customer service roles, or to business, ICT and administration assistants, or in care-related occupations.
 A trainee is also employed under a special contract of training as part of the Australian Apprenticeship scheme.
 Trainees are paid a training wage and complete the equivalent of one day of 'external' training a week.
 Traineeships usually involve 12-24 months of structured training.

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1. What is a **full-time** worker?

2. What is a **part-time** worker?

3. What is a **casual** worker?

4. What is a **contractor**?

5. What is the difference between a **part-time** and **full-time** worker?

6. Which **industries** are more likely to employ **part-time** (and **casual**) employees? Why so? What **types of jobs** might these be? Are **you suited** to these roles?

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High and low part-timers

Part-time Employees (May 2023) ¹

Highest industries

- ⇒ Accommodation & Food Services 59%
- ⇒ Retail Trade 50%
- ⇒ Arts and Recreation Services 48%
- ⇒ Health Care & Social Assistance 43%
- ⇒ Administrative & Support Services 41%

Lowest industries

- ⇒ Mining 5%
- ⇒ Electricity, Gas, Water & Waste Services 12%
- ⇒ Public Administration & Safety 14%
- ⇒ Financial & Insurance services 14%
- ⇒ Construction 15%
- ⇒ Manufacturing 15%

Source: ¹ ABS, Labour Force Survey, Detailed, May 2023, seasonally adjusted data.

3.09 Workplace Arrangements

Workplace agreements

When you start employment, you are required to sign some official documentation from your employer. One of these documents will be your **employment declaration** relating to your tax file number. The other main document is likely to be your employment contract or agreement.

Your employment contract will state whether you are employed under a **registered agreement** or according to a **national award**. About two-thirds of Australian employees are employed under one of these two methods. You will most likely be employed under one of these two workplace arrangements when you start working.

Employment contract

All employment is governed by an employment contract regardless of your job, industry, state or type of workplace arrangement. The employment contract will stipulate a range of important factors, classifications, conditions and entitlements. The employment contract is a legal document.

The conditions and entitlements can vary depending on whether you are working under one of the following arrangements; a registered enterprise agreement, or an award, or simply employed under the minimum national conditions. However, all contracts must meet minimum conditions outlined in the National Employment Standards, and minimum pay rates set by the Fair Work Commission.

💡 Many employees are unaware of the **type of workplace arrangement** they are employed under. What about you?

National Employment Standards

As at late-2023, all employees working in Australia are protected by a set of 11 minimum workplace rights and conditions of employment, called the **National Employment Standards (NES)**.

The **NES** are the basic entitlements that apply to all full-time employees, and to part-time employees (on a **pro-rata** basis).

The NES acts as a '**safety net**' and applies in conjunction with the **minimum pay rates** reviewed annually.

Many employees might be entitled to other and better conditions than those in the NES, as well as higher rates of pay, depending on the type of workplace arrangement (registered agreement or award) they are employed under.

Therefore, workers who are employed under awards, and those employed under registered agreements, are likely to have more favourable conditions and higher rates of pay than the NES provides.

However, the 11 National Employment Standards act as a minimum.

Hence the NES is a safety net!

Image: samuraitop/Depositphotos.com



National Employment Standards

1. Standard full-time working week of 38 hours, plus 'reasonable' additional hours.
2. A right to request flexible working arrangements to care for a child under school age, or a child with a disability.
3. Casual employees who have worked for their employer for 12 months (and who meet eligibility) to be offered the option to convert to relevant permanent employment (excludes small business employers).
4. Parental and adoption leave of 12 months (unpaid), with a right to request an additional 12 months.
5. Four weeks paid annual leave each year (pro-rata).
6. Ten days paid personal/carer's leave each year (pro-rata), two days paid compassionate leave and two days unpaid carer's leave, when permissible.
7. Community service leave for jury service (paid up to 10 days); or activities dealing with certain emergencies or natural disasters (unpaid).
8. Long service leave.
9. Paid days off on public holidays unless required to work.
10. Notice of termination and redundancy pay.
11. The right for new employees to receive the Fair Work Information Statement.

(Note: As at late-2023)

National Employment Standards 3C

1. What are the **National Employment Standards**?

2. How do the **National Employment Standards** act as a **safety net**?

3. Outline the most **important National Employment Standards** for **you**.

3.11 Workplace Arrangements

Registered agreements

As you have learned, most employees in Australia (about 66%) are covered under either a **registered agreement** or by an **industry award**.

Registered agreement

- ⇒ A registered agreement (or enterprise agreement) is an agreement negotiated between an employer (or employers) and employees; or most likely by a union acting on their behalf (such as the *Woolworths National Supermarket Agreement, 2020*).
- ⇒ Many medium-sized and large organisations use these to set wages and conditions.
- ⇒ Workers employed under these agreements usually have much better wage rates and conditions than the NES and usually better pay rates than (modern) awards.
- ⇒ An agreement will contain dozens of conditions such as rest breaks, long-service leave, allowances and many other conditions specific to the type of workplace and occupational classification. You should be able to look up these through:

www.fwc.gov.au/search/document/agreement



Many medium-sized and large organisations use registered agreements. Most retail workers who work for the big retailers or national chains, and the employees of national fast-food chains (but not all of them!) are likely to be on registered agreements.

Many trades and manual workers who work for large employers will also be on **registered agreements** (sometimes referred to as **enterprise agreements** and formerly known as EBAs).

Some industries and workplaces have a history of success of **unionisation**, and as such have more likely to have negotiated registered agreements.

This is because unions have one of the major roles in negotiating for pay and conditions on behalf of their members as part of the process of getting registered agreements approved by the Fair Work Commission.

As a result, teachers, nurses, community service employees and many other similar employees are also likely to be covered under registered agreements. Most public sector workers will be covered under a registered agreement.

Some of the most relevant registered agreements for younger workers include those that cover Big W, Bunnings, Coles, Hungry Jacks, KFC, K-Mart, Officeworks, Target, Woolworths. (Note: Some of these might have expired by now, while some might have been re-negotiated).



Many workers employed by large retailers and fast-food chains are employed under a registered agreement - and this includes a large proportion of young workers.



Images: flint01/Depositphotos.com

1. What is a **registered agreement**?

2. What **types of enterprises** are more likely to use **registered agreements**?

3. What **types of workers** are likely to have their **workplace arrangement** set according to a **registered agreement**?

4. What are the potential **benefits** for workers of being employed under a **registered agreement**?

5. What role do **unions** play in **negotiating registered agreements**?

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Applied

Research a registered agreement for an organisation or industry in which you are interested.
Where will you look? Who will you ask? And what do you need to find out?



3.13 Workplace Arrangements

Industry awards

Most other workers not on registered agreements will have their pay and conditions set according to national **industry awards**.

Awards

- ⇒ Awards (modern awards), apply to an industry or to an occupation and prescribe a set of minimum conditions for employers and employees across Australia who work in that same industry or occupation (such as the *General Retail Industry Award 2020*).
- ⇒ Awards usually stipulate minimum terms and conditions related to pay, hours of work, rosters, breaks, allowances, penalty rates and overtime.
- ⇒ These minimum employment conditions apply in addition to those set down in the National Employment Standards. Therefore awards must provide pay and conditions either at, or above, the NES minima.
- ⇒ Some employees in the WA industrial relations systems are employed under specific state awards and not under the national awards.
- ⇒ Awards might not apply to some managers, nor high-income employees on contracts.
- ⇒ You can look up awards through:

www.fairwork.gov.au/awards-and-agreements/awards/find-my-award



There are more than 120 industry or occupation awards covering about 2.8m people who work in Australia. Some of the most common (industry or occupational) awards are:

- ⇒ *Aged Care Award 2010* (In Nov. 2022 a 4.5% pay rise to many workers in direct caring roles was approved: 10% will take effect from July '24 and 5% from July '24).
- ⇒ *Hospitality Industry (General) Award 2020* (Will apply to many workers in smaller and local operators).
- ⇒ *General Retail Industry Award 2020* (Will apply to many workers in smaller and local retailers).
- ⇒ *Fast Food Industry Award 2020* (Covers most McDonald's workers and other fast-food outlets without registered agreements).
- ⇒ *Miscellaneous Award 2020* (This is a relevant award for workers on a traineeship).
- ⇒ *Children's Services Award 2010*
- ⇒ *Building and Construction General On-site Award 2020*
- ⇒ *Clerks - Private Sector Award 2020*
- ⇒ *Hair and Beauty Industry Award 2010*
- ⇒ *Real Estate Industry Award 2020*
- ⇒ *Manufacturing and Associated Industries and Occupations Award 2020*
- ⇒ *Vehicle Repair, Services and Retail Award 2020*.

Many small businesses rely on national awards under the federal system, or the minimum conditions of the **National Employment Standards**, (or relevant state awards for WA).

In most cases, senior managers and other highly-skilled professionals are likely to be on **individually negotiated contracts**.

Images: belchonok/Depositphotos.com



For our small businesses it's just easier to use awards. This means that we get things right for our workers.

1. What is an **award**?

2. What **types** of **enterprises** are more likely to use **awards**?

3. What **types** of **workers** are likely to have their **workplace arrangement** set according to an **award**?

4. What are the potential **benefits** for workers of being employed under an **award**?

5. What role do **unions** play in **negotiating** over **awards**?

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Applied

Research an award for an organisation or industry in which you are interested. Where will you look? Who will you ask? And what do you need to find out?



3.15 Workplace Arrangements

Minimum pay rates

So you know a little about **registered agreements** and **awards**, as well as the **National Employment Standards**. The final piece of the 'Workplace Conditions' puzzle is **minimum pay rates**.

A national minimum wage applies to most of the other employees who aren't covered by an award or a registered agreement. Sometimes they are called **award & agreement-free** workers. It is estimated to apply to about 200,000 employees Australia-wide.

No employee can be paid less than the minimum pay rates because minimum pay rates are just like the NES and act as a **safety net**. However, workers employed under an award, or a registered agreement, are usually paid more than these minimum rates.

Many workers employed by small or micro businesses might find they are paid according to the national minimum wage rate. This could be you.

It is also important to understand that some independent **contractors** (such as food delivery drivers) are not considered employees, and fall outside of this minimum safety net. They have their own pay and conditions set by the business that engages them.

The Australian government agency, the **Fair Work Commission**, reviews minimum wages each year. Any increases to the minimum wage also flow onto pay rates in awards.

- ⇒ From July 2023, the minimum wage rose to \$23.23/hour for 2022/23 (approx. \$882.80 for a 38-hour week) for adults, a 5.75% increase from \$22.00/hour in 2022/23.
- ⇒ Junior employees under 21 get a percentage of the amount, minimum based on their age.
- ⇒ Minimum pay rates in modern awards were increased by 5.0% as well.
- ⇒ Casuals get an extra 25% hourly. Apprentices get between 75-95% of this rate.
- ⇒ Junior trainees qualify for one of 3 different National Training Wage classifications based on their level of school completion and years out of school (from \$384.30 to \$700.40/week, where an adult, part-time trainee and disability rate).

Source: Annual Wage Review, Fair Work Commission, 2023 & 2022.



3F Minimum pay rates

1. Based on the 2023 **minimum wage**, how much would an **adult** employee be **paid** for a 38-hour **week**, and for a **year**?
2. Find out the **current minimum wage** amounts. How much would an **adult** employee be paid for a 38-hour **week**, and for a **year**?

Contracted workers

You have seen how enterprise agreements, awards and minimum pay rates apply to about two-thirds of all employees in Australia. But what about the other 33%?

First off, there are well over 2 million people who are working as **owner/operators** of their own **businesses**.

Many of the remaining workers will be employed under an individual **common law contract**. Some mid-level **management**, nearly all **senior** and **executive** managers, and many professionals will have their pay and conditions set according to an individually-negotiated common law contract. And there's many hundreds of thousands of these senior workers.

Think of these **high-income 'workers'** when you hear about CEOs, GMs, executive positions, AFL coaches (getting sacked!) and other high-flyers. One day it might be you.

Workers engaged as **sub-contractors**, **contractors** and in **consultant** positions will also be engaged under common law contracts. and there's about 1 million of these.

Consider tradies working as '**subbies**' on housing estates, security, cleaning and maintenance contractors, many couriers, short-term workers, fixed-term contractors working on specific projects, freelance creatives, as well as many performers and arts practitioners. Note: Australian Apprentices cannot be engaged as sub-contractors in their field of apprenticeship.

Also, think of these work roles when you are using a range of digital services and their **drivers** or **delivery** drivers or **riders**. Those businesses engage their workers as **independent contractors**, and not employees, and have resisted challenges, including legal challenges, to engage their workers as 'employees'. Why might that be?

And notice how the use of the term '**workers**' has a different meaning here from the term '**employees**'.

It is VERY UNLIKELY and SURPRISING that you will be employed under an individual contract in the early stages of your career (unless you are a contractor e.g. delivering pizzas, or a fully qualified tradesperson working as a sub-contractor). If so, you should do more investigation and seek advice from the **Fair Work Ombudsman** or a **union**.

But take note, although all workers sign **employment contracts** - only some employment contracts will be 'individual' contracts; that is, not part of a registered agreement, or not part of an award, or not even the national minima.



Contractors 3G

What are the major **differences** between a (sub) **contractor** and an **employee**?



Advice is at: <https://www.fairwork.gov.au/find-help-for/independent-contractors>

3.17 Workplace Conditions

Workplace conditions

Workplace conditions refer to both the **monetary** and **non-monetary benefits** and **rewards** that an employee obtains from working. Workplace conditions are set down in **law**, and will vary depending on the type of **workplace arrangement** that you are employed under.

The two main types of workplace agreements are **awards** and **registered agreements** (sometimes still called EBAs). About two in three of all Australian employees are employed under a registered agreement or by a national award.

The main workplace conditions include:

- ⇒ wages and salaries
- ⇒ bonuses, commissions and piece-rates
- ⇒ casual loadings
- ⇒ junior rates of pay
- ⇒ personal leave
- ⇒ annual holiday leave
- ⇒ long service leave
- ⇒ superannuation
- ⇒ family leave provisions
- ⇒ prescribed days and hours of work and maximum shift lengths
- ⇒ allowances; and many other workplace conditions.

It might surprise you, but finding out the correct rate of pay and other workplace conditions can be complex. So your teacher may lead you through this section.



3H Workplace conditions

Match each of the **statements** below to the matching **term** from above.

- | | |
|---|----------------|
| a. Income paid to a worker calculated on an hourly basis. | w _____ |
| b. Income paid to a worker calculated on an annual amount. | s _____ |
| c. A set % of an adult pay rate paid to workers aged under 21. | j _____ |
| d. Extra amounts paid by the employer to help fund a worker's retirement. | s _____ |
| e. An extra amount paid for achieving a target or internal goal. | b _____ |
| f. An extra % pay loading given to workers on flexible work arrangements. | c _____ |
| g. Paid (and unpaid) days off for sick leave, caring and other situations. | p _____ |
| h. An amount paid to a worker for performing an extra role or special duty. | a _____ |
| i. Paid leave that a worker accrues over the course of their working year. | a _____ |

When you are learning about pay and other workplace conditions, you are going to read and hear a lot of specific work-related terminology that you will need to understand. Your teacher will discuss each of these terms with your class. You are required to match the explanation with the appropriate term.



- | | | |
|---------------------------------------|--|--|
| <input type="checkbox"/> allowance | <input type="checkbox"/> Fair Work Ombudsman | <input type="checkbox"/> personal (sick) leave |
| <input type="checkbox"/> annual leave | <input type="checkbox"/> full-time | <input type="checkbox"/> pro-rata |
| <input type="checkbox"/> casual | <input type="checkbox"/> NES | <input type="checkbox"/> salary |
| <input type="checkbox"/> junior | <input type="checkbox"/> part-time | <input type="checkbox"/> wage |

	A rate of pay determined on an hourly basis. Weekly pay is calculated by 'hours worked' multiplied by 'rate of pay'. The rate might also include overtime, penalty rates, casual rates and other loadings.
	A set of 11 minimum workplace employment rights and conditions that apply for all employees working in Australia as a 'safety net'. Part-timers receive pro-rata 'amounts', but casuals usually forego these conditions.
	A work arrangement whereby a worker is employed for a standard working week. This is set at 38 hours per week in Australia; although some industries and occupations may set it as 35 hours/week.
	The Commonwealth Government agency that provides advice and enforcement about pay and conditions.
	An 'extra' amount paid to a worker for having specific skills, responsibilities or requirements related to their job.
	A way of allocating working conditions for workers who are not full-time. Part-timers receive the same working conditions as full-timers, but on a proportional basis. (e.g. Employed 2.5 days/week = 50%).
	Paid time-off that workers earn each year. Normally set at 4 weeks per annum for full-time workers, with part-timers given a pro-rata amount (e.g. 0.4 = 2 weeks).
	A rate of pay set on an annual basis. Weekly pay is calculated by 'annual pay' divided by 'number of pay periods'. Many of these types of workers forego overtime, penalties and other loadings.
	A work arrangement whereby a worker is employed for fewer hours than the accepted full-time amount. e.g. 2 days, (or 0.4 or 4 half days).
	A flexible work arrangement whereby a worker is engaged on an at-call basis, without regular set hours. Workers normally receive a higher rate of pay (% loading) but give up leave and other benefits and conditions.
	An employment classification that applies to many workers aged under 21. Lower rates of pay apply for younger workers; and this rate increases annually until they reach 'adult' age.
	A combination of paid and unpaid leave for sickness, caring responsibilities and other special circumstances. The NES sets minimum entitlements of these for workers. Casuals normally forego this for a higher rate of pay.

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3.19 Workplace Conditions

Where do I fit in?

You think it would be easy to find out what the true wage entitlements and workplace conditions are for various jobs, but this area is one of the most complex parts of workplace law. The wages and other conditions that you are entitled to depend on a number of interrelated factors, including these.

- i. The official title of your occupation in which you are employed.
- ii. The classification level of your occupation.
- iii. Whether you are employed as a junior, or an Australian Apprentice, or a 'trainee'.
- iv. Whether you are employed as:
 - ⇒ a full-time employee; or
 - ⇒ as a part-time employee on a pro-rata basis; or
 - ⇒ as a casual employee with a casual wage loading in exchange for a loss of other conditions.
- v. Whether your wages and conditions are covered by:
 - ⇒ an existing enterprise agreement negotiated 'on your behalf' with your employer; or
 - ⇒ whether your wages and conditions are covered under a modern award (there are 120+ as at late-2023).
- vi. Whether you are employed by a pty. ltd. or any other form of a non-incorporated entity such as a partnership or sole trader (usually a small business).
- vii. Whether you are employed in:
 - ⇒ Vic, ACT, NT, NSW, QLD, Tas, SA: in these states and territories almost all entities are covered under the national system and modern awards.
 - ⇒ WA; all pty. ltd. entities are covered under the national system, but others might be covered under some existing enterprise awards.
- viii. Whether you have an individual contract negotiated with your employer (usually for senior management and professional positions).

Your teacher will give you more information or advice if you need it. You should also interview someone in a workplace to see how these apply for an occupation(s) in which you are interested.



“So how much do we get paid?”



“Beats me, I only work here!”

PACT tool

Fair Work Ombudsman has an online **Pay Calculator** tool that will help you determine which award you are employed under, relevant job classifications and associated rates of pay. It takes a bit of getting used to but can be a good starting point for your research.

<https://calculate.fairwork.gov.au/FindYourAward>



Employee interview 3J



Finding out your relevant workplace conditions can be quite complex! The easiest way to get help is by calling the **Fair Work Infoline** on **13 13 94** between 8am - 5:30pm, Mon to Fri. You should do this before starting a new job.

Another way is by **asking employers** and **employees** who are working. Complete the table about **wage** and **pay rates** by **interviewing** an employer of, or an employee working as, an occupation in a **workplace** in which you are interested.

Interviewee:	
Workplace:	Occupation:
Full-time/part-time or casual?	How long been working in this job?
Award name? or Registered agreement name? or (other?)	
Rates of pay: (Include penalties, casual loadings and junior rates if applicable).	
Superannuation:	Allowances or bonuses:
Other pay-related conditions:	

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3.21 Pay

Pay

The most basic work condition that workers need to know about is their correct rate of pay. Remember that it is your right to receive a fair day's pay for your work. It is a **legal responsibility** of your employer to ensure that they are paying you at the appropriate and correct **pay rate**. Some of the different types of pay are summarised below.

You are most likely to be paid a set wage as a younger or new worker. But we are seeing too many cases of workers, especially younger or casual workers, being underpaid.

In some cases this is accidental, because the boss hasn't kept up with, or properly checked out, the correct pay rate, or recent changes to pay rates. But in other cases, workers are being deliberately ripped-off by dodgy employers. And this seems to be happening more in workplaces that consider themselves 'hip', 'cool' or 'on trend'.

🧠 You have a responsibility to check that you are being paid the correct rate of pay. But how do you know? And how can you find out what is the correct pay?

Types of 'Pay'

<p>Wages</p> <ul style="list-style-type: none">⇒ Wages are income amounts paid for an employee's labour and determined on an hourly basis. e.g. \$20 per hour.⇒ Wages normally apply in trades for skilled and semi-skilled employees, and many other employees.⇒ Junior wage rates usually apply to workers aged under 21. e.g. 55% of the adult rate for a 15 year-old.	<p>Salaries</p> <ul style="list-style-type: none">⇒ Salaries are income amounts paid to professional and 'higher-skilled' or managerial employees.⇒ Salaries are calculated (but not paid) on a yearly (annual) basis. e.g. \$2,000 per year.⇒ Salary workers do not necessarily earn more than wage earners; but many higher-level jobs are paid according to a salary.
<p>Allowances</p> <ul style="list-style-type: none">⇒ Allowances are extra amounts given to employees based on special requirements, specific skills needed, or other duties related to their jobs⇒ e.g. Uniform allowance, tool allowance, travel allowance, meals allowance (for extended working hours), first-aid allowance, (dangerous) site allowance, etc..	<p>Commission/Retainer</p> <ul style="list-style-type: none">⇒ A commission is an incentive payment usually based on a proportion of sales, fees or revenue.⇒ It is often used for people in sales roles.⇒ A retainer is a base level of payment made in conjunction with a commission. e.g. Retainer \$20k pa plus 10% of monthly sales amount.
<p>Payment-in-kind</p> <ul style="list-style-type: none">⇒ Payment-in-kind refers to non-monetary payments given in return for labour. e.g. A caretaker who is employed at an island resort might receive payment-in-kind of accommodation and food in addition to their wages. A nanny might also receive similar payment-in-kind, as well as their wages.	

Image: prettyvectors/Depositphotos.com

Superannuation

- ⇒ Under law, employers are required to contribute at least 11% of an employee’s average annual income as superannuation (as at 2023 and rising to 12% by '25/26).
- ⇒ Workers can choose to elect their own superannuation fund.
- ⇒ This **superannuation guarantee** contribution applies to full-time, part-time and casual employees, for all employees aged 18+, and also for employees under 18 working 30+ hours/week. Contractors that are engaged mainly for their labour are also considered employees for superannuation guarantee (SG) purposes.
- ⇒ Some employers offer higher superannuation as part of their employment conditions, which encourages workers to be loyal to that organisation. This can really build up over the long term.
- ⇒ Employees can also elect to put some of their own income into their superannuation fund.



Image: Goir/positphotos.com

Pay 3K

Answer the following statements as true or false. Discuss these as a class.

- a. All employees earn wages on a per/hourly basis.
- b. Junior wage rates are usually calculated as a proportion of adult rates.
- c. The minimum adult wage rate is currently \$23.23 per hour.
- d. A person on a salary always earns more than a person on a wage.
- e. Many employees paid a salary are usually not likely to be paid overtime.
- f. Employees who work as professionals are more likely to be paid a salary.
- g. Salespeople are often paid a combination of retainer and commission.
- h. A piece-rate is paid on a per/hourly basis.
- i. Payment-in-kind refers to non-monetary payments given in return for labour.
- j. By law, employers must pay superannuation on behalf of most of their employees.
- k. The super guarantee amount as at 2023 was 11%
- l. Employees must never work more than 38 hours per week.
- m. Full-time employees are entitled to four weeks annual leave per year.
- n. All employees are entitled to paid parental leave.
- o. Part-time employees can take ten days of paid personal/carer’s leave per year.
- p. An employee on the minimum wage will earn about \$882 for a 38-hour week.
- o. No employee in Australia can be paid less than \$23.23 per hour (as at late-23).

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3.23 Pay

Traineeship wage rates

Hundreds of thousands of young people start their long-term career development by undertaking a traineeship type of Australian Apprenticeship. These are paid according to the **National Training Wage** and based on the *Miscellaneous Award 2020, Schedule E*. This is, of course, updated annually.

Traineeship wages are set down on a weekly basis. The standard full-time working work in Australia is 38 hours. But a traineeship has a shorter 'working' week. A traineeship work week is 4 days instead of 5, as one day a week is allocated for training.

So, to calculate the wage rate per hour for a traineeship, you need to divide the weekly wage by 30.4 (and not 38) (e.g. $\$384.30/30.4 = \12.64).

3L Traineeship wage

Given below are National Training Wage rates for a non-adult trainee as applicable to 2023/24, based on school level, and years out of school.

1. Calculate how much a **trainee** would **earn per hour** and **annually**.

Note: To calculate wage per hour you will need to divide the weekly wage by 30.4.

National Training Wage Pay Rates: 2023/24 According to the Miscellaneous Award Schedule E (Wage Level A)			
School Leaver Wage Level A	...and has completed Year 10	...and has completed Year 11	...and has completed Year 12
Just left school	Week: \$384.30	Week: \$455.10	Week: \$503.30
	Hour: \$12.64	Hour:	Hour:
	Year: \$19,603.50	Year:	Year:
Plus 1 year out of school	Week: \$543.10	Week: \$503.30	Week: \$585.70
	Hour:	Hour: \$16.55	Hour:
	Year:	Year: \$26,171.60	Year:

2. Find out the **current rates** for this year. Complete the same type of table.

National Training Wage Pay Rates: 20__/__ According to the:			
School Leaver Wage Level A	...and has completed Year 10	...and has completed Year 11	...and has completed Year 12
Just left school	Week:	Week:	Week:
	Hour:	Hour:	Hour:
	Year:	Year:	Year:
Plus 1 year out of school	Week:	Week:	Week:
	Hour:	Hour:	Hour:
	Year:	Year:	Year:

Apprenticeship wage rates

Many young people also start their long-term careers by undertaking a 3-4 year 'trade' Australian Apprenticeship. Shown in the table are rough approximations of what non-adult apprentices might earn at different stages of their training.

These percentages are only a general guide and are not relevant to all jobs and industries. The percentages might vary slightly for apprenticeships in different occupations within different industries. Variations exist because different industries and types of work might be covered under specific industry awards, or registered agreements. These hourly pay rates also don't include allowances, penalty rates and other conditions.

"I love my apprenticeship, but a bit more pay would help!"



Image: Goodluz/Depositphotos.com

Apprenticeship wage 3M

Given below are rough approximations of what **non-adult apprentices** might earn at different stages of their training.

1. Calculate how much each would **earn per hour**, **per week** (38 hours) & **per year**.

'Adult' wage	1st year 55%	2nd year 60%	3rd year 80%	4th year 95%
\$20	Pay: \$11/hour	Pay: \$12/hour	Pay: \$15/hour	Pay: \$19/hour
	Week: \$418	Week: \$456	Week: \$570	Week: \$722
	Year: \$21,736	Year: \$23,712	Year: \$27,168	Year: \$37,544
\$25	Pay:	Pay: \$15/hour	Pay:	Pay:
	Week:	Week:	Week:	Week:
	Year:	Year:	Year:	Year:
\$30	Pay:	Pay:	Pay: \$24/hour	Pay:
	Week:	Week:	Week:	Week: \$1,083
	Year:	Year:	Year:	Year:

2. Research the **hourly pay rate** associated with an **occupation** related to an **Australian Apprenticeship** you are interested in. If you find out different percentages, then change those in the table. Complete this table.



Australian Apprenticeship/ Occupation				
'Adult' wage	1st year 55%	2nd year 60%	3rd year 80%	4th year 95%
	Pay:	Pay:	Pay:	Pay:
	Week:	Week:	Week:	Week:
	Year:	Year:	Year:	Year:

Employed or Exploited

Illegal labour and pay practices

Over many years there have been thousands of examples whereby employees (especially casual workers, migrants, international students, younger, inexperienced or lower-skilled workers) are employed using exploitative or illegal conditions. This can involve paying **under-award wages** (or outside-agreement wages). Often this practice is coupled with cash-in-hand pay ('non-employees'), black market labour (illegal migrants) and cashback pay arrangements.

Towards the end 2010s, there were numerous instances where workers were found to have been underpaid, with some underpayments going on for years. A number of 7-Eleven franchisee-owned outlets were discovered as the biggest culprits.

This underpayment was not just the domain of exploitative retailers, hospitality operators, beauty parlours and celebrity chef restaurants. Many reputable organisations were either investigated or self-reported, or were issued with compliance notices to repay workers; including Woolworths, Sunglass Hut, Commonwealth Bank, Subway, Domino's, ABC, Qantas, Super Retail Group (Rebel Sport, Supercheap Auto and BCF), Mineral Hill, and many more. The accusations and/or breaches centred mainly on **underpayment**.

In 2019/20 alone, the FWO 'recovered' over \$123m in unpaid wages and other worker entitlements.

Labour exploitation is not new, nor is it uncommon; and accusations have spread to other firms - both locally and globally-owned; as well as to smaller firms such as restaurants, cafés, bars and others in similar industries (with many of these accusations centred on non-payment of **penalty rates**). And the problem still keeps happening either unintentionally or deliberately.

This is a complex situation that involves legal considerations. Research this by accessing reputable and independent sources to assess the extent to which this reporting, and subsequent investigations, have resulted in improved ethical work practices. Start with the [Newsroom](#) and [Media Releases](#) at the [Fair Work Ombudsman](#) website.

Workers or self-employed contractors?

Another area of concern is the growing incidence of employing workers as **independent self-employed contractors**, rather than as **award** or agreement **employees**. Once again this practice is not new. However, the staggering growth in digital app-based service providers (who often act as commercial **disruptors** or **aggregators**) has led to an increasing use of **contract-based work arrangements**.

As well as what has entered into the 2020s, this practice is still generating an increasingly noisy chorus of disgruntled workers.

One major disruptor such as Uber, UberEats and Deliveroo (which has now left Australia) and others have been accused of using unethical and **exploitative employment arrangements**.

It is interesting to note that many of these service providers make use of digital technologies in the '**gig-economy**'.

These overseas-owned, digital disruptors are preferred by younger, hip, new-school consumers, often the very same people (as employees) most at risk of the type of labour exploitation that is prevented by (dull, but nonetheless important) old-school institutions and laws!

Accusations surround contracts that involve the payment of **below award rates**, topped-up by **incentive** per delivery '**piece-rates**'. Firms claim workers can earn more than standard award rates. Some workers claim that this is impossible.



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Some workers claim they have to take out their own **insurances**, are offered little **training** to assist them to reach higher pay rate targets, that they work under **restrictive operational conditions**, that they often have to pay for their own uniforms, that they exist under a 'grey area classification' in regards to **WorkCover** - and of course (with some of these services) that they have to provide their own transport vehicle, (i.e. **capital investment**).

In Australia, as at late-2023, these types of workers are generally still regarded as self-employed contractors; although some overseas courts have ruled otherwise.

But are these work practices ethical or unethical? Are workers being exploited as self-employed contractors? Or should they be regarded as **employees**, and protected under **Australian workplace relations laws**?

Or is the legislation outdated for this now-entrenched 'army' of **flexible independent contractors**, who do sign transparent contracts, who do earn an income, and who are providing an important service for consumers who rely on their smart phones to feed them, and to get them more nearby around town?

Why work for free?

Volunteering and community service are some of the most rewarding things a person can do to help their community and to assist **not-for-profit enterprises** provide social services. And it builds **skills, experience** and **network** contacts.

But what about the growing incidence of **interns**; most of whom are unpaid? Why has this trend taken hold? Many school, TAFE and university **courses** make use of unpaid **work placements** as part of building **experience** to gain **qualifications**. Imagine being a teacher without ever doing teaching placements, or a social worker

without client experience! And many courses, especially uni courses, require students to take on paid roles as an intern in a professional firm as part of the course structure. And as you know, trainee doctors are called interns, some traineeships are called internships, and many graduate employment programs use the term as well (and yes, they are all paid)!

So why are there now so many low-paid, unpaid or even pay-to-be (and find) **internship programs**? Internships help to build skills, offer real experience, give industry insight, provide mentoring and support, and can help an intern build a network. Good!

But are internships just a new form of **exploitative 'gig' labour**, with younger workers doing tasks that their bosses are unwilling to pay for? Are interns left to do the **menial** and support tasks; i.e. **relaying for** or paid labour?

And if an internship is good for your career then why not do it two, or even ten? How do you compete in the **labour market** against someone who can afford to rack up five years of internship experience?

So before you dive into that expanding internship pool, consider these questions. How long is the internship? At the end is the intern then just replaced (rolled-over) with another? Are you getting real training? What is the success rate of interns in gaining work at that firm or in that industry? But if you are working in a cool 'new economy' firm, including creative and design work, then be prepared for an internship or three in your future; and also get used to being asked to provide your work for free, because you know, "we're doing you a favour - it's good exposure for your career!"

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Employed or exploited? 3N

So many **dodgy issues** here! So, how **might** these **impact** on **you**?



3.27 Putting It All Together

Finding out

It is not always easy to find out about the correct wages and other conditions associated with an employment position.

Wages and other **conditions vary** depending on the type of job, the classification level of the job role, the age of the worker, whether the worker is employed as a casual, whether the employer's organisation operates using registered agreements, awards or award-free conditions; and other influencing factors including apprenticeship and traineeship status.

But it is your responsibility to find out as much information as possible. You can **ask** your **employer** to clarify, especially about the type of **workplace arrangement** that applies (e.g. registered agreement, award, award-free).

You should also ask about your specific **job classification**, e.g. Retail Worker - Level 2. If you know those two key bits of information, then you can check your pay rates and other conditions with the **Fair Work Ombudsman**.

However, if you don't, you can still use the Fair Work Ombudsman's information tools to help you establish the correct rates of pay and other conditions that might apply.

30 PACT tool

The **Fair Work Ombudsman** is one of the agencies involved in Australia's industrial relations system and is the source for information about rates of pay and other conditions. On its website it hosts the **PACT tool** which enables you to find out the correct rates of pay and other conditions for occupations covered under the Fair Work System - which means your employer is using the **award system**.

However, if your employer is using **registered agreements**, then it is important to know that the pay rates etc. are likely to be higher than for awards. And this is relevant for many young workers who are employed by the major retailers, take-away franchises and similar large businesses that have established their own registered agreements and had them approved by the **Fair Work Commission**.

Use the PACT tool to find out pay and other conditions for these occupations. Add 1 of your own. <https://calculate.fairwork.gov.au/>



PACT step	Retail worker Level 1	Take-away worker Level 1	Your choice
Select: Pay Calculator			
Choose: Employee (the default)			
Do you know your award? Choose: No/yes.	Award is:	Award is:	Award is:

PACT step	Retail worker Level 1	Take-away worker Level 1	Your choice
What is your occupation? (Or search by industry.)			
Choose if: Trainee/ support wage/ apprentice			
What is your classification?			
Type of employment status: Choose: Full-time, part-time, casual.			
Choose: Age			
View: <u>Hourly & Weekly</u> Your award is:			
Penalties			
Allowances (if relevant)			
View pay guide This includes all the relevant rates.			

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Registered agreements: You can find registered agreements by searching through:

<https://www.fwc.gov.au/agreements-awards/enterprise-agreements/find-enterprise-agreement>

You'll need to enter key words including the employer and/or the industry.

But perhaps it might be better to call Fair Work Ombudsman:

Fair Work Infoline 13 13 94 8am - 5:30pm Mon to Fri.



3.29 Putting It All Together

3P Online investigation

The Australian workplace relations system is a complex area and could be an entire vocational subject in itself.

But it is vital that young employees are aware of the main legislative requirements that apply to workplace arrangements and employment contracts. This is important for two main reasons.

- i. Many of you will work in casual or part-time positions while you are studying and you need to be aware of the conditions, other entitlements and responsibilities stipulated in your job contract.
- ii. As you develop your career pathway you are likely to be confronted with totally new conditions and entitlements as part of the award system, a registered agreement, or indeed even a common law contract for higher-level managerial and professional positions.

The best way for you to get your head around this area is to actively investigate the specific information as it relates to either a job you are employed in now; or one that matches your career pathways goals.

The online information is pretty good, but it can be a bit complex to navigate when first starting out. So let's see how you go.

Tasks

1. List the key **website tools** and **URLs** that can assist you to find out information about employment arrangements and conditions.

2. Investigate the **wages** and **conditions** of a **position** in which you are interested. This might be your current job; or a position aligned with your preferred career pathway. Use the table opposite to draft your information, then finish this in your work folios.
3. Identify and outline any differences that apply to **younger workers** aged under 21, or to **apprentices** and **trainees**, that you have discovered through your investigation. Include this in your table, or do a second table for the same occupation.
4. Develop **advice** that you would give **young people** trying to find out this information. Summarise these as a series of dot points, and **present** to the **class**.

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Name:	
Occupation/classification:	Workplace:
Type of workplace agreement that applies:	Title of workplace agreement that applies:
Position title/main functions or description:	Job classification/level or grade:
Relevant wage rates:	Casual loading & minimum shift hours:
Junior wage rates (%'s):	Apprenticeship, traineeship rates (%'s):
Relevant allowances:	Other:
Loading/penalty rates:	Overtime loadings:
Meal/rest breaks:	Leave provisions:
Other information:	

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3.31 Disputes

Disputes - Fair Work Ombudsman

Disputes about **pay** and **conditions** are the responsibility of the **Fair Work Ombudsman**. The FWO recommends using its **website** to clarify your entitlements, and then to contact it if you need further help, by raising an **online enquiry** or calling the **Fair Work Infoline**. The FWO suggests that most disputes can be quickly settled by talking to your employer.

Disputes - Fair Work Commission

The **Fair Work Commission** has responsibility for disputes involving **unfair dismissal**, **equal opportunity**, **discrimination**, **industrial action** and a range of other areas of workplace relations.

It is important to realise that every **award** and **registered agreement** has a built-in **dispute resolution clause** to guide stakeholders.

In nearly all cases, it is recommended that employers and employees talk with each other and try to settle the matter quickly and effectively. Some disputes are simply errors and misunderstandings.

However, this may not be possible, nor even safe to do, in situations involving harassment, bullying, aggression, non-compliance, exploitation and other unsafe, unsavoury and at times, illegal work practices.

If you can't resolve the dispute at the workplace level, the dispute resolution clause may allow you to refer the dispute to the Fair Work Commission. The commission will then determine both if, and how, it might be able to work with the affected parties to resolve the dispute.

This might include **mediation** which involves using a neutral mediator who gets the parties together and leads them through a process of talking through the dispute and reaching a settlement. This saves everyone time, money and a lot of angst.

Conciliation is a step forward in which the mediator or conciliator taking a more active role to help the parties reach a settlement.

However, some disputes will not be settled through mediation and conciliation and will need to be heard through a **formal legal process**. This involves an **arbitrator**, a Fair Work Commissioner (i.e. a type of judge), presiding over either a **hearing** or **conference** at the FWO tribunal and making a ruling on the matter.

Image: IgorVetushko/
Depositphotos.com



3Q Disputes

I should be a last resort in disputes, not a first-step.



1. This is a complex area. So work in small groups to outline the basic **roles**, **rights** and **responsibilities** of the **parties involved** in **workplace relations disputes**.
2. Report back to the class, and develop a **whole-class summary** of these roles, rights and responsibilities.
3. Strongly consider getting a **union rep** or **HR professional** in to **talk** to the **class** about this area of workplace relations.

Fair Work Commission - Disputes



Note:

This is just a general summary of areas of dispute that the Fair Work Commission can help deal with (as at late-2023).

For any official or legal information, you must always go directly to the source at:

<https://www.fwc.gov.au>



Termination of employment

One of the most common disputes is in relation to termination of employment. The three categories are:

1. Unfair dismissal:

An employer should not dismiss an employee if it is:

- ⇒ **harsh** i.e. an extreme reaction to a situation
- ⇒ **unjust** i.e. the employee is not responsible, or to blame, (i.e. 'not guilty') for the action used to justify their dismissal
- ⇒ **unreasonable** i.e. the evidence used to justify the dismissal does not support this action.

The rules are different for small businesses (under 15 workers) whereby the Small Business Fair Dismissal Code will apply.

Note: An employer is not dismissing an employee just because they do not offer a new contract.

2. General protections dismissal: Relates to employees who are dismissed based on prohibited reasons under the Fair Work Act. These include, discrimination, workplace rights, sham contracting, temporary absence due to illness or injury, and freedom of association.

3. Unlawful termination: Only applies in a small number of situations as most disputes about 'ending employment' will be covered by unfair dismissal or general protections.

Casual conversion

As part of The National Employment Standards (NES) casual employees have the right to become a full-time or part-time employee (in some circumstances).

- ⇒ This applies to casual employees who have worked for their employer for 12

months (and who meet eligibility such as regular working hours); whereby they can convert to relevant permanent employment.

- ⇒ But an employer doesn't have to offer an employee casual conversion if there are reasonable grounds for them not to do so, such as there won't be enough hours to give the worker, or their position will no longer exist.
- ⇒ Small businesses (< 15 employees) don't have to offer casual conversion, but they can choose to.

Industrial action

Under law, there are two types of industrial action: Protected actions and unprotected actions.

1. Protected industrial action applies when:

- ⇒ good faith bargaining over a new enterprise agreement breaks down
- ⇒ the existing enterprise agreement has expired.
- ⇒ to take protected industrial action, employees (unlike in most cases is their views on behalf of them based on a ballot) must first apply to the Fair Work Commission.

2. Unprotected industrial action is that which occurs

- ⇒ before an agreement's expiry date, or
- ⇒ without a successful ballot of workers, or
- ⇒ involves trying to include unlawful terms in an agreement

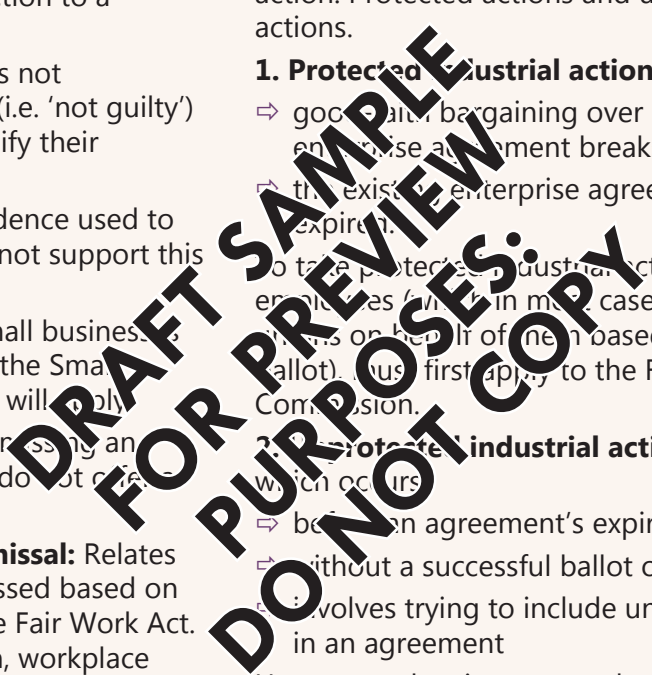
Unprotected action means that those taking the action are liable for any consequences arising from their actions.

Right of entry

This dispute might occur when an employer refuses a union's access to a workplace.

Parties disagreeing in relation to making an enterprise agreement

This is a complex area and beyond the scope of this level.



3.33 Graduated Assessment - AOS2

AT3 Workplace Relations: Investigative Case Study - AOS2: Workplace responsibilities and rights

For this assessment task, you are required to complete 2 parts.

- a. Identify and explain the role of the **National Employment Standards, workplace arrangements**, and the **Fair Work Commission**, in **workplaces generally** as part of workplace relations in Australia.
- b. Undertake an **investigative case study** into **workplace relations** in a **particular workplace or enterprise**, by identifying the application of the National Employment Standards and workplace arrangements, for workers in that workplace.

Part A: General Overview

To complete the requirements for Part A you might develop a stand-alone description and summary according to points 1-6 in the **AT3 pro-forma** opposite.

You might also develop tables or diagrams to better organise and illustrate your information.

However, you may have already demonstrated the required knowledge for some, or all, of these points, when completing activities throughout this section.

Your teacher will advise you appropriately. If so, allocate the appropriate activities to the points below.

Part A (completed activities)

1. *e.g. or 3G, p.61*
- 2.
- 3.
- 4.
- 5.
- 6.

Part B: Case Study

For Part B, you are required to investigate workplace relations in a specific enterprise or workplace.

You will also need to focus on just 1 or 2 occupations or job classifications, especially if the workplace is large and has many different types of workers.



You should always investigate an Australian Apprenticeship role if these are present in that workplace.

You will need to interview workplace personnel to find out much of the information.

Again, you might present your findings in a series of tables or diagrams to better organise and illustrate your information.

If you have prepared the right questions, you might also choose to record an interview with a manager, owner, union rep or HR person to present some of your case study responses to Part B: Points 1-7.

Your teacher will advise you on the most suitable approach.

Name:		Key dates:		UNIT 3 AOS2
Tasks - AT3: Workplace Relations: Investigative Case Study	Must Do?	Due Date	Done	Level
Part A: Workplace relations and arrangements in workplaces generally.				
1. Identify the application of the NES for workers.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
2. Describe the different types of workplace agreements.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
3. Give examples of the different workplace agreements.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
4. Identify relevant job classifications that exist.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
5. Explain how pay and conditions are determined:	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
- in registered agreements	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
- under the awards system	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
- for agreement and award-free workers.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
6. Describe the role of the FWC in settling disputes.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
⇒	<input type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
⇒	<input type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
Part B: Workplace relations and arrangements in a workplace				
Workplace & occupation:				
1. Identify the application of the NES for workers.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
2. Describe the type(s) of agreement(s) that apply.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
3. Identify relevant job classifications that apply.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
4. Outline the main rates of pay in the agreement.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
5. Outline the main other conditions in the agreement.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
6. Describe other relevant stipulations in the agreement.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
7. Describe the process used to deal with any disputes.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
⇒	<input type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
⇒	<input type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
Prepare and submit my final report and other information				
 Draft my case study report and get feedback.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
⇒ Submit my final report.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
 Present or report to the class (if required).	<input type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>

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Additional information:

Signed: _____ Date: _____

3.35 Review and Reflection

Review and Reflection

Which work-related skills did I develop during this unit?

→ _____

→ _____

→ _____

→ _____

How have my work-related skills also helped me to improve in my personal life?

→ _____

→ _____

→ _____

How have my work-related skills helped improve my future career prospects?

→ _____

→ _____

→ _____

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My performance in developing my work-related skills this unit was:

0 not shown	1 low	2 reasonable	3 good	4 very good	5 excellent
-----------------------	-----------------	------------------------	------------------	-----------------------	-----------------------

What were my strongest areas of performance? What should I work on improving?

My strongest topics/skills were:	But I need to improve my skills in:

Signed: _____ Date: _____

Workplace Behaviours

4

4.01 Unit 3: AOS2b - Introduction.....88	4.23 Workplace Exploitation..... 110
4.03 Rights and Responsibilities.....90	4.27 Workplace Dismissal..... 114
4.07 Equal Opportunity94	4.29 Grievance Procedures 116
4.15 Workplace Bullying..... 102	4.33 Graduated Assessment - AOS2b. 120
4.19 Workplace Sexual Harassment... 106	

Activities 4: Workplace Behaviours		p.	Due date	Done	Comment
4	U4 AOS2b: My Requirements	89		<input type="checkbox"/>	
4A	Workplace issues	91		<input type="checkbox"/>	
4B	What's going on?	92-93		<input type="checkbox"/>	
4C	Help and support	95		<input type="checkbox"/>	
4D	Lawful discrimination	97		<input type="checkbox"/>	
4E	Discrimination and disputes	98		<input type="checkbox"/>	
4F	Equal opportunity and anti-discrimination	100-101		<input type="checkbox"/>	
4G	Workplace bullying	105		<input type="checkbox"/>	
4H	Sexual harassment	106		<input type="checkbox"/>	
4I	Workplace exploitation	112-113		<input type="checkbox"/>	
4J	Workplace dismissal	115		<input type="checkbox"/>	
4K	What would you do?	117		<input type="checkbox"/>	
4L	Grievance procedures	119		<input type="checkbox"/>	
AT4	Investigative Case Study Report - Workplace Behaviours	120-121		<input type="checkbox"/>	
R4	Review and Reflection	122		<input type="checkbox"/>	

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Comments:

4.01 Unit 3: AOS2b - Introduction

Unit 3: AOS2 - Workplace Behaviours

In **Section 4: Workplace Behaviours** you will explore the rights and responsibilities associated with appropriate workplace behaviour. As part of this exploration you will specifically investigate:

- ⇒ workplace bullying
- ⇒ workplace discrimination,
- ⇒ workplace harassment, and
- ⇒ common issues affecting younger workers.

AOS2: Workplace responsibilities and rights		S4: Workplace Behaviours
Rights and Responsibilities		90
Workplace issues		
Equal Opportunity		94
Equal opportunity	Discrimination	Areas of discrimination
Lawful discrimination		Affirmative action
Discrimination complaints	Dispute resolution	
Workplace Bullying		102
Workplace bullying	What can I do?	Legal consequences
Workplace Harassment		106
Sexual harassment	What can I do?	Legal consequences
Workplace Exploitation		110
Exploitation	Job classification	Penalty rates
Overtime	Cashback schemes	Sham contracting
Dismissal		114
Resignation	Dismissal	Redundancy
Grievance Procedures		116
Conciliation	Mediation	Arbitration
AT4: Investigative Case Study Report - Workplace Behaviours pp.119-120		

Unit 3: AOS2 - Workplace Behaviours (cont.)

Your work for this part of AOS2 follows on from **Section 3: Workplace Relations**.

So again you must identify and explore how these topics relate to the world of work by investigating workplaces you are familiar with.

You can do this by completing the relevant activities in your Work Related Skills: Applied Vocational Booklet.

And it is vital that you link your applied VET studies, work experiences and work placements to your future career choices.

To fully satisfy AOS2 you need to complete both:

AT4: Investigative Case Study Report - Workplace Behaviours, (for this section) and

AT3: Workplace Relations: Investigative Case Study (from Section 3).

Once again, your teacher might modify these assessment tasks, or develop others that are more suitable for you and your learning program.

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Your teacher will discuss your unit requirements for AOS2 with the class. List the important information, and make diary notes and reminders where relevant.

Requirement	Activities/ Resources/ Applied	Assessment

4.03 Rights and Responsibilities

Workplace issues

As you are already aware, workers and other work-related stakeholders have a range of **rights**, many of which are set down in **law**. As always, rights are balanced by **responsibilities**. The way that employers, workers and other workplace stakeholders act and behave goes a long way to ensuring that these rights are met.

Some of the most common issues faced by workers include **discrimination**, **bullying** and **sexual harassment**. These actions are all **outlawed** by state legislation, and in some cases, Commonwealth laws.

Discrimination and vilification contradict the notions of fairness and **equal opportunity**. In Australian workplaces, the burden of discrimination is borne by people from **diverse** and **marginalised** backgrounds. However, don't simply buy into the prevailing social media discourse that discrimination and vilification are only committed by 'white', male, Anglo-centric perpetrators. People from many different backgrounds and demographics can discriminate against others who are different from themselves.



Sexual harassment is still an all too common occurrence.

Workplace bullying, including **emotional**, **mental** and **physical** actions, is **workplace violence**. In many cases, younger workers are particularly vulnerable to bullying at work. Bullying can often manifest in a cycle of **constructive** (i.e. non-inclusion) and **active** (i.e. hazing) behaviours. Workplace bullying is one of the most common causes of **emotional anguish** for young workers.

Thankfully, in the Australian labour market, most employers are looking-out for their workers and are committed to rewarding them with fair pay and **conditions** for work done. However, there is a consistent (and in some industries, increasing) trend in **underpayment**, **wage theft**, and incorrect **employment classification**. These dodgy and illegal practices **exploit** workers, particularly younger workers, **casual** employees, **sub-contractors** and **overseas** student workers. And this often happens in 'cool' and 'hip' workplaces.

Workers, especially newer employees, younger workers and other less 'valuable' staff members, might be vulnerable to losing their jobs. In some instances, this may be a situation of **unfair dismissal** or **unlawful termination**.

Workplace Issues

Image: sangoiri/Depositphotos.com

Discrimination
& vilification

Workplace
bullying

Sexual
harassment



Employment
classifications

Underpayment
& wage theft

Dismissal &
termination

1. In your **own words**, what do each of these **terms mean** to you?
2. Describe **examples** of how each of **these** nasty, threatening and illegal **behaviours** might occur in work-related situations. (Note: Don't just think of workers - extend your descriptions to other work-related stakeholders).

<p style="text-align: center;">Discrimination</p>	<p style="text-align: center;">Vilification</p>
<p style="text-align: center;">Harassment</p>	<p style="text-align: center;">Sexual harassment</p>
<p style="text-align: center;">Workplace bullying</p>	<p style="text-align: center;">Wage discrimination</p>
<p style="text-align: center;">Underpayment</p>	<p style="text-align: center;">Worker exploitation</p>

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3. Based on your **level of experience** and **learning right now**, what would **you do** if you **experienced** any of these **happening to you**, or to others, at your **work**?



4.05 Rights and Responsibilities

4B What's going on?



Part A: What do you think?

Form into **pairs** and discuss these work-related **situations** based on your **knowledge right now**. **Report back** to the class.

1. Consider: Is the **behaviour** and/or **response**: correct or incorrect; and/or appropriate or inappropriate; and/or **legal** or **illegal**?
2. What might be the **next step**?

Mel gets a job as a cocktail maker in a cool bar in a trendy suburb. The boss says, "FYI, all our female staff have to wear a black crop top as part of our uniform policy."	Sandy is 7 months pregnant. In a job interview she is told, "We need someone long-term, but you'll be gone in 2 months and we will be back at square one."
Sam's looking for an apprenticeship and a local mechanic tells him to come in after school on Friday for an unpaid trial so he can see if Sam is any good on the tools.	Sam's looking for a retail traineeship and a local discount store says their policy is that potential workers have to work an unpaid 4-hour trial shift.
Jo-Jo works at a local record store. Business is slowing due to online sales, so the boss says Jo-Jo has to go as another worker. Mel has a young child to support.	Fenris has a very friendly personality and chats with each customer warmly - but they are getting sick of one of the customers repeatedly asking for their number.
Azra starts a new job for a small builder, working in housing estate construction. The other worker onsite says that it's a common rule that the new worker has to buy the beers for the Friday knock-off drinks.	Joyce is refused entry to a busy, small café. The manager says her assistance dog threatens hygiene laws and that Joyce is clearly not blind anyway!
Johnson is offered a full-time job with a hip burger place. But when he gets his employment contract he sees it's a contract of training for an Australian Apprenticeship - Cert 3 traineeship.	Roy is of Torres Strait Islander descent. The manager interviewing him for the waiter job in the Korean restaurant job says they really wanted a Korean, because their customers are all young Koreans. Royce points out he speaks and writes fluent Korean.

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Part B: Come back to this after you've finished Section 4. Now what do you think?

1. Is the **behaviour** and/or **response**: correct or incorrect; and/or appropriate or inappropriate; and/or **legal** or **illegal**?
2. What is the **next step** - and with **whom** should **contact** be made?

Mel	Sandy
Sam	Sami
Jo-Jo	Chloris
Azra	Joyce
Johnson	Roy

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4.07 Equal Opportunity

Equal opportunity

It is essential for both your own wellbeing, and for the wellbeing of society in general, that workplaces are free from unlawful discrimination, free from harassment, and that wherever possible they provide positive incentives to help promote a more **culturally diverse** society.

As you know from Section 1, the **Victorian Equal Opportunity and Human Rights Commission** is the state government agency responsible for dealings and actions related to the *Equal Opportunity Act 2010* and the *Racial and Religious Tolerance Act 2001*.

The Commission deals with complaints related to Victorian equal opportunity and anti-discrimination laws. The Commission offers a free and voluntary dispute resolution service that uses **conciliation** to bring the affected parties together to reach a mutually acceptable outcome that they can agree on. The process of conciliation saves the complaint from having to go to the Victorian Civil and Administrative Tribunal (VCAT).

The Australian Human Rights Commission operates under federal anti-discrimination law. People can make a complaint to the AHR Commission in relation to unlawful sex, race, disability and age discrimination. If relevant, the Commission might investigate and work with the affected parties to try to resolve a complaint without the need for court action.



Areas of discrimination

Discrimination is against the law when it happens in a specific area (setting) of public life. When you are working, you are dealing with clients and customers in public life.

So just as you expect to be treated fairly by your employer, colleagues, customers and other work-related stakeholders, you also need to ensure that your actions, and the actions of your employing organisation, are not discriminatory.

In Victoria, this responsibility is called a 'positive duty'. These public places (settings) include:

- | | | |
|---------------------------------|---|-------------------------------------|
| ⇒ aged care and retirement | ⇒ hotels, camping sites and rental properties | ⇒ schools, TAFE and universities |
| ⇒ banking and insurance | ⇒ local government | ⇒ shops, restaurants and nightclubs |
| ⇒ clubs | ⇒ Police, the courts and government departments | ⇒ sports |
| ⇒ employment | ⇒ prisons and youth detention | ⇒ transport services |
| ⇒ healthcare, hospitals and GPs | | ⇒ volunteering. |

Equal opportunity in action

Given that discrimination is prohibited by law, it is important that organisations ensure that they do not discriminate against certain groups (e.g. people from culturally and linguistically diverse backgrounds), on certain bases (e.g. ethnicity), and in particular areas of operation (e.g. provision of goods and services).

For example, a real estate agent might (illegally) refuse to take the rental application of a refugee family from Syria.

At times, discrimination might not be deliberate, but an organisation or a worker might inadvertently break the law. Appropriate training in the understanding of the scope and application of equal opportunity legislation can help prevent this accidental discrimination.

For example, an employer might advertise for an older worker to fulfil the role of a delivery driver. This is age discrimination. They should have advertised for an experienced worker who has achieved certain licensing certification.

Organisational policies might also lead to indirect discrimination.

For example, the specification of wearing a type of uniform that clashes with the modesty requirements of a religion, or mandating specific types of work safety footwear that a worker with leg impairment might not be able to wear.

Equal opportunity, achieved through anti-discrimination laws, prohibits these key types of discrimination that might happen in work-related situations.

- ⇒ Advertising for (and only hiring) a particular type of employee such as an Italian for an Italian restaurant, a male for a construction firm, or a Christian for a charity agency.
- ⇒ Refusing to provide goods and services to a particular client/customer, such as refusing a hotel booking to a parent with a young child, preventing an Indigenous person from joining a sporting club, or refusing access to a night club to a person in a wheelchair.
- ⇒ Harassment and vilification of a person, such as inappropriate sexual comments made to an employee, racial slurs made by a manager to workers from different ethnicities, or excluding a co-worker because of their sexual orientation.
- ⇒ Workplace bullying of any internal or external work-related stakeholder because of their 'differences' including, overlooking them for promotion, excluding them from overtime, age-based bullying (both young and old), sexual harassment, refusing to provide service to a person from a particular religion, questioning a person's gender history, and many other situations.

Help and support 4C

The most important government agency that can help you with issues related to equal opportunity is the state-based **Victorian Equal Opportunity and Human Rights Commission** (or a similar agency for your state).

<https://www.humanrights.vic.gov.au> What is its vision & mission?



4.09 Equal Opportunity

Lawful discrimination

You must keep in mind that there may be exceptions and exemptions where it is **lawful** to discriminate against people in some limited work-related situations.

These might apply whereby certain **characteristics** such as race, sex or age are an absolute **necessity** to perform the **role**. For example, a female clothing store worker needed to supervise change rooms, or a driver who can only achieve licensing beyond a certain age.

Also, it is not illegal to discriminate against a person whose situation or characteristics renders them unable to perform the necessary duties related to an occupational role. For example, a parent applying for an advertised night-shift role but who can only do day shift; a person with an impairment that prevents them from performing day-to-day tasks safely, or a model, actor, dancer or performer who doesn't fulfil the specific requirements needed for the work task or role. And what about lawful discrimination due to (**non**) **vaccination** status?

💡 Does that even apply now?

Exclusions and **exemptions** can include the following (and there may be more).

- ⇒ Offers of employment in small family businesses (i.e. by not employing non-family members).
- ⇒ The distribution of charitable benefits and the provision of targeted welfare services by relevant organisations.
- ⇒ Religious entities and religious schools may, in certain circumstances, discriminate against a person because of certain personal characteristics.
- ⇒ Compliance with legislation such as not employing someone under 18 for a position that requires a driver's licence or some other legislative requirement.
- ⇒ Occupational requirements including the presentation of decency; or dramatic or artistic performance, including modelling.
- ⇒ Payment of youth and trainee wages.
- ⇒ Single-sex, age-based or minority cultural characteristic member clubs; and single-sex sporting teams.
- ⇒ Temporary exemptions (for a set period of time) such as those granted for women's fitness centres.

Although it is against the law to discriminate against an employee because of their **dress** or **appearance**:

“Schools and workplaces can set standards of dress and appearance but these should be reasonable.

Standards set by schools should reflect the views of the school community. Schools should make reasonable adjustments to uniform policies for people wearing religious dress, for example, allow students to wear hijab, yarmulkes or patkas in the same colour as the school uniform.

The dress codes of workplaces should also allow people to make reasonable adjustments to accommodate their disability, pregnancy or religious belief.”¹

¹Source: <https://www.humanrights.vic.gov.au/for-individuals/physical-features/> Creative Commons 4.0

The twins play for the same club, but at their age they must now represent different teams.



Image: image-hit/Depositphotos.com



Affirmative action

Affirmative action is a policy (not a law) used by the government and by some organisations to positively target groups that are considered as **under-represented** in an organisation, in types of industries, or in society generally.

Organisations use **affirmative action policies** to try and attract, recruit, develop and retain students, trainees, employees and others so as to promote a more culturally diverse and inclusive workforce.

Under-representation is often caused by socio-demographic factors such as gender, ethnicity, age, disability, income level, geographical location and other factors.

In response, firms might discriminate **positively** as part of affirmative action **employment policies** to try and target under-represented groups, such as female **leadership** programs, **Indigenous** employment training initiatives, supported **disability** employment programs, or **youth** training and mentoring programs.

Lawful discrimination 4D

1. Identify and explain **6 areas** where **discrimination** is **not unlawful** based on required **characteristics, exceptions** and **exemptions**. What type of **occupations** might this involve?

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2. What is **affirmative action**? Could **you benefit** from a targeted **Affirmative action policy**, and if so, **how**?

4.11 Equal Opportunity

Discrimination complaints

When people lodge a discrimination complaint with the Victorian Equal Opportunity and Human Rights Commission, they do so in relation to an **issue** of discrimination, and for a **setting**.

The **issue of discrimination** is the **grounds**, or reasons, for which a discrimination complaint is being lodged, such as gender, age, religion, etc..

The **setting** is the type of action in public life that was being undertaken at the time, such as employment (i.e. as a worker), buying goods or services (i.e. as a customer or client), education, etc..

e.g. “They said I was too old (issue of discrimination) to be employed and work for them as a video games sales assistant (setting of discrimination).”

“They wouldn’t rent the apartment to me (setting of discrimination) because I was a single parent (issue of discrimination).”

In 2021/22 the Victorian Equal Opportunity and Human Rights Commission:

- ⇒ “...received 8,490 **enquiries**, raising 12,499 issues of discrimination, human rights, harassment and vilification...”
- ⇒ “...received 980 complaints and reports, with 1,033 instances of discrimination, sexual harassment, victimisation, vilification and change or suppression (conversion) practices.
- ⇒ [the five most common **issues** were: Disability (772), Race (129), Sex (116), Employment activity (97) and Sexual Harassment (76)]
- ⇒ [the top three **settings** were: Employment (700), Goods and services (618) and Education (149)]
- ⇒ “...had a 97% satisfaction rate from people accessing our dispute resolution service”²

²Source: Victorian Equal Opportunity & Human Rights Commission, 2021-22 Annual Report



4E Discrimination and disputes



1. What is the meaning of an **issue** and a **setting** in relation to discrimination complaints? Give common examples.

2. In your work folios, **summarise** the Victorian Equal Opportunity and Human Rights Commission’s **dispute resolution process**. A **diagram** would be better!

Dispute resolution

The Victorian Equal Opportunity and Human Rights Commission has a **complaints process** that aims to help participants (or parties) resolve disputes as quickly as possible. The following information is current as at late-2023.

“We help people resolve complaints of discrimination, sexual harassment, racial or religious vilification and victimisation.

We can help resolve complaints under two Victorian laws: the *Equal Opportunity Act 2010* and the *Racial and Religious Tolerance Act 2001*.

If you are making a complaint about discrimination under the *Equal Opportunity Act 2010*, it must:

- have happened in an area of public life that is protected by the law – such as in recruitment or at work, in education, in the delivery of goods and services, or in accommodation, sport or clubs
- be about something that happened because of at least one personal characteristic that is protected by the law – such as your race, disability, sex, age, sexuality or gender identity.

The incident or behaviour must have happened in Victoria unless your complaint is about racial or religious vilification, which only requires one of the participants to be a resident of Victoria.”³

“The complaints process applies an informal process based on **conciliation**. “Our service is free, impartial, and confidential. It is voluntary for everyone involved. It is a simple and flexible alternative to taking a complaint to the Victorian Civil and Administrative Tribunal (VCAT)...”³

“A Commission staff member, called a conciliator, helps the participants explore ways and options to resolve the issue.”³ Conciliation supports “both parties to:

- tell their stories
- listen to one another
- understand the impact
- work together to find an outcome.”³

To make a complaint...

“the first step is to contact us.

You can:

- ⇒ fill in our online complaint form
- ⇒ send an email to enquiries@veohrc.vic.gov.au
- ⇒ call us on 1300 292 153 for more information or assistance.”³

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Image: Dmyrta_Z Depositphotos.com

The aim is to de-escalate the conflict, hear the parties out, and reach a mutually acceptable agreement.”



Sources: Licensed - Creative Commons 4.0

³ <https://www.humanrights.vic.gov.au/complaints/what-you-need-to-know/#What-is-the-complaints-process>

4.13 Equal Opportunity

4F Equal opportunity and anti-discrimination

Complete the following questions in your work folios.

1. What is **discrimination**? Why is **discrimination unfair**?
2. What is **equal opportunity**? How does **equal opportunity make things fairer**?
3. List 10 of the main **issues** (or grounds) on which it is **unlawful** to discriminate against people. Find **others** to add to the list.
4. What are the main **roles** of the **Victorian Equal Opportunity and Human Rights Commission**?
5. What is **affirmative action**?
6. How is **affirmative action different** from **equal opportunity**?
7. Give 3 **examples** of **affirmative action policies**.
8. Describe 3 **examples** of **lawful discrimination**.
9. **Justify** 3 of the **examples** of **lawful discrimination** you **agree with**. Discuss any you **disagree with**.

Investigation

Part A

1. Visit the commission's website at www.vic.gov.au/human-rights-commission.vic.gov.au
2. Find the current **annual report** which will have statistics for discrimination complaints handled by the commission for that year (right near the end).
3. Rank the **top 10 issues** of discrimination that were the cause for a **complaint**.
4. Are **complaints** **rising** or **falling**? Use evidence to explain.
5. How many of these complaints were related to the '**setting**' of **employment**?
6. Find out more information about some of the **cases** that were **settled** during that year. What **settlements** and **monetary amounts** were involved? Do you think that these were **reasonable**? Why or why not? Discuss these as a class.

Part B

Design a poster, multimedia presentation or infographic that illustrates an area of **equal opportunity/anti-discrimination** that **you believe** is **important**. Be sure to show the audience:

- ⇒ why the discrimination is not on,
- ⇒ who they can contact or go to for help,
- ⇒ the name and contact details of outside agencies that they can get help from. Consider: Victorian Equal Opportunity and Human Rights Commission, JobWatch, ACTU, THC, diversity@work and other agencies.

Check out their websites for ideas and get designing! You might be better off doing this activity in pairs or groups.

Case studies

1. Consider each of these scenarios and outline if they are **discriminatory**. If so, identify the **issue**, and the **setting**, of discrimination. If not, explain why not.



<p>a. Leo responds to an ad for an international student to work as a waiter in Chinatown. The owner says they are looking for a Chinese international student, not one from Ecuador.</p>	<p>b. Kai Lin talks to her boss about a possible inter-departmental transfer to further her skills. Her boss says that Kai Lin wouldn't like it there because it's a blokey environment and that her colleague Biff would be more suited to the transfer.</p>
<p>c. Deaf lobbyists complain that there is only limited access to Auslan interpreters at the main Carols by Candlelight event.</p>	<p>d. Pieter (g) and Tash (f) have opened a joint bank account. The bank puts Pieter as the main signatory without really explaining what that means. Tash discovers that she needs Pieter's signature for withdrawals over a certain amount, but not vice versa.</p>

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2. Have you ever **experienced** or **witnessed** discrimination or **harassment** in work-related situations? What **would you do** if you think you are being discriminated against or harassed in a work-related situation? If you don't know - then find out.



🔍

4.15 Workplace Bullying

Workplace bullying

Workplace bullying is one of the most common causes of **psychological stress** and **illness** affecting young workers. Some workplace bullying can result in **physical harm** in addition to the associated **emotional** and **mental** stress and **anguish**.

Workplace bullying can happen between **workers**, between workers and **managers** and between workers and **customers** and **clients** - of any age. New workers are often exposed to workplace bullying as part of a **toxic workplace culture**.

What is workplace bullying?

The main agency that deals with workplace bullying in Victoria is **WorkSafe Victoria** as part of the *Occupational Health and Safety Act 2004*. So it is important that we use its definition and descriptions of workplace bullying. WorkSafe Victoria classifies workplace bullying as a **psychosocial hazard**.

According to WorkSafe Victoria (as at late-2023), "Workplace bullying is repeated, unreasonable behaviour directed at an employee or group of employees that creates a risk to health and safety."¹ The main (but not all) examples of bullying include:

¹ Source: <https://www.worksafe.vic.gov.au/what-do-if-workplace-bullying-happens-you>

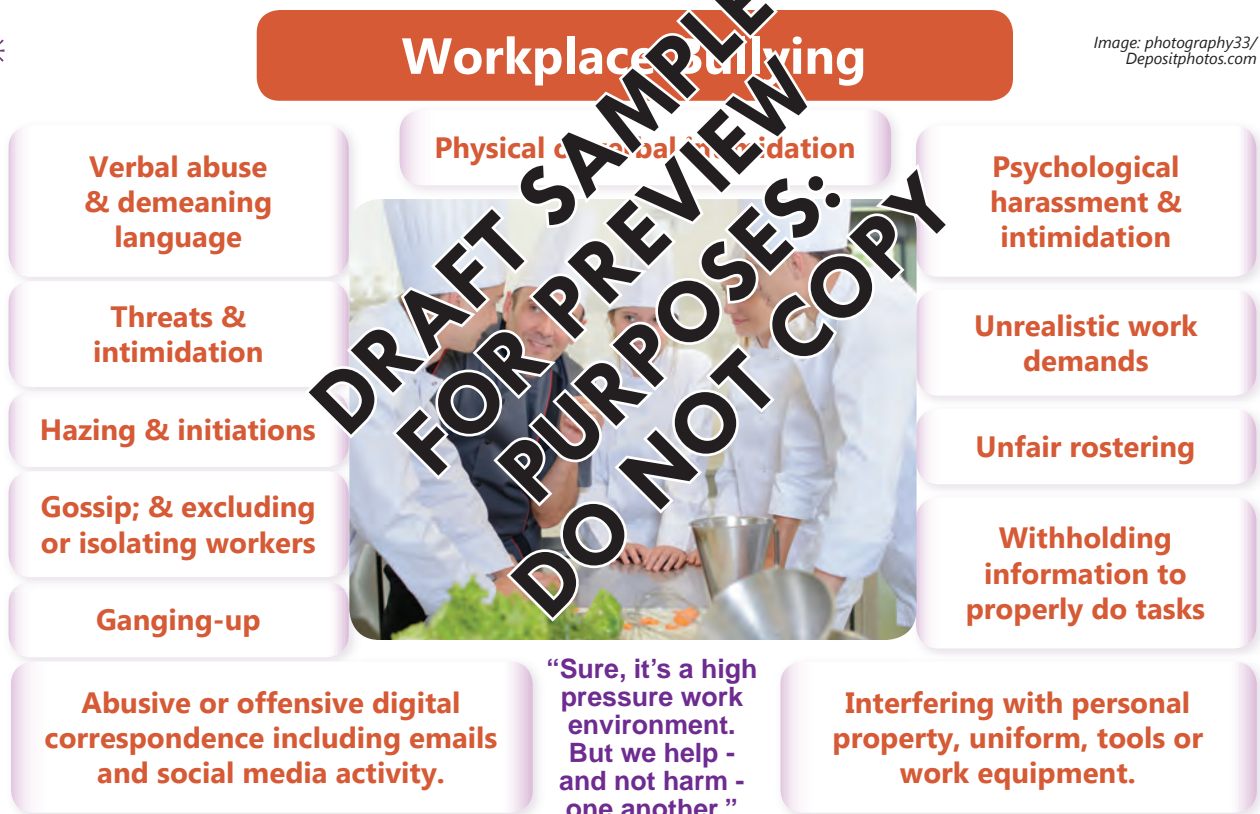


Image: photography33/Depositphotos.com

What is not workplace bullying?

According to WorkSafe Victoria (as at late-2023) these actions, as well as many others, are not workplace bullying.

- ⇒ one-off incidents
- ⇒ disagreeing with a point of view
- ⇒ difference of opinion
- ⇒ statements of dislike of a person
- ⇒ workplace conflict that is not abusive
- ⇒ informing a worker of poor performance
- ⇒ not selecting a worker for a promotion
- ⇒ taking appropriate disciplinary action such as suspension, or in severe cases, termination.



What can I do? - Generally

If you are experiencing workplace bullying, or are a witness to someone else being bullied in the workplace, there are a number of actions you need to take.

1. **Talk to someone.** Share what is happening with someone else. This can be your manager or business owner, a safe colleague, a trusted adult such as a parent, teacher, counsellor or doctor, your union representative, your HSR, or an apprenticeship supervisor or trainer.
2. **Check the bullying policy of the organisation.** Ask key workplace personnel about the standards of behaviour expected from employees and find out the process for preventing bullying, and dealing with workplace bullying.
3. **Seek advice.** Take action to deal with issues as soon as possible - don't let it drag on. This might involve not only informing your supervisor, manager, HSR or HR officer, but also finding out how to make a formal complaint (a grievance) using the appropriate incident reporting form.
4. **Report the workplace bullying.** If that matter hasn't been dealt with and/or the bullying is continuing, then make a formal complaint within the workplace, or to an outside agency such as WorkSafe Victoria.

What can I do? - Specifically

Wherever possible you should let the person know, firmly and assertively, that their behaviour is unreasonable and inappropriate. "This must stop now."

As a next step you must talk to a trusted adult (parent, manager, teacher and/or HSR in the workplace at the first opportunity; and a parent, teacher, supervisor, etc. as soon as you can. Write down what happened.

You should also seek direct help from the health and safety representative (HSR).

You should see a doctor if your injury includes psychological injury. You should report the incident to the police for assault and similar bullying actions that are criminal offences.

Always make written records of what has happened. Include the names of the people involved, as well as any witnesses. Focus on the facts of what happened - use point form. Try to quote anything that was said as closely as possible. Record the key dates, times, location and any documentary evidence, e.g. for digital bullying.

In line with steps 2-4 above, report the bullying using the appropriate steps in the organisation's policy.

For your own health and wellbeing, seek professional counselling and/or advice. As a starting point - you can always contact Kids Help Line for its advice and support.

In addition to the formal reporting process, make an appointment to talk through the incident with trusted people at your workplace such as a manager, HSR, or HR person.

If your employer doesn't deal with the issue, or if their actions have not stopped the bullying, or the employer is the issue, you can take the matter further by contacting **WorkSafe's advisory service** (1800 036 089). This also applies if you have left a job because of bullying.



If the bullying doesn't stop then the **Fair Work Commission** might be able to investigate the grievance. When the Commission is involved, it is the start of a legal process.

4.17 Workplace Bullying

Legal consequences of bullying

In Victoria, and throughout Australia, workplace bullying is considered a serious issue and is governed by both state and federal laws. The legal consequences of workplace bullying in Victoria may include the following.

- ⇒ **Criminal charges:** If the bullying involves physical violence or threats of violence, or abusive or offensive acts, criminal charges can be laid against the perpetrator. Serious bullying now carries a maximum penalty of 10 years jail in response to **Brodie's law**.
- ⇒ **Breaches of Occupational Health and Safety Act 2004:** Employers have a duty to provide a safe workplace for their employees, which includes preventing and addressing workplace bullying. Failure to comply with OHS/WHS laws may result in fines or other penalties for the employer.
- ⇒ **Workers' compensation claims:** If an employee suffers physical or psychological injury due to workplace bullying, they may be able to make a workers' compensation claim.
- ⇒ **Intervention orders:** Victims of workplace bullying can apply for an intervention order, also known as a restraining order or apprehended violence order, to prevent the bully from contacting or approaching them.
- ⇒ **Loss of employment:** If an employee engages in bullying behaviour, they may be subject to disciplinary action from their employer, including termination of employment.

Under the **Victorian Equal Opportunity Act 2010**, workplace bullying that is related to a protected attribute such as race, gender, sexual orientation, disability, or age may be considered a form of **discrimination** and therefore illegal.

The legal consequences of workplace bullying under the Act may include the following.

- ⇒ **Complaints to the Victorian Equal Opportunity and Human Rights Commission:** Employees who experience workplace bullying related to a protected attribute can make a complaint to the Commission. They can investigate the matter and take action, such as conciliation; or even prosecute if the employer violates it. The employer might have to pay compensation to the affected party.

A bullying grievance case that progresses to the **Fair Work Commission** can involve a **legal order** to the employer to ensure that the bully(ies) stop the behaviour and comply with a reviewed anti-bullying policy, that there is regular monitoring of behaviours by the employer, and that additional anti-bullying support and training is given to workers. Note: The Commission cannot order reinstatement of the bullied party, nor the payment of compensation.



Brodie's law

Brodie's Law makes serious bullying a criminal offence by extending the application of the stalking provisions in the Crimes Act 1958 to include behaviour that involves serious bullying.

The offence of stalking, and therefore conduct that amounts to serious bullying, carries a maximum penalty of 10 years imprisonment.

Brodie's Law Foundation <https://www.brodieslaw.org/>

"Damian and Rae Panlock established Brodie's Law Foundation in memory of their 19-year-old daughter, Brodie, who tragically took her own life in September 2006 after being relentlessly bullied at work."

See also: <https://www.justice.vic.gov.au/saynotobullying>



Complete the following tasks in your work folios. Your teacher might get you to work in pairs or small groups to broaden your knowledge and examples.

1. In your words, what is **workplace bullying**?
2. Outline common **examples** of **workplace bullying** that might happen in a workplace.
3. What types of **language** and **actions** should **you** be on the **lookout** for when it comes to **workplace bullying**?
4. Why is it that **new** or **younger workers** face an **increased risk** of **workplace bullying**? How does that make you **feel**?
5. Summarise the **4 steps** that a **worker** should **take** if they feel they are **being bullied**.
6. What are some of the **specific actions** **you** should take to deal with **workplace bullying**? Include **actions** that help your own **personal health and wellbeing**.
7. Identify the official **organisations** and **agencies** that help **workers** to **report** and **resolve workplace bullying**. What is the **role** of each?

Applied

The first stage in dealing with an incident of workplace bullying is to report the matter to someone senior in the workplace.

Interview key personnel in a workplace you are familiar with, and ask them about the reporting process a worker experiencing bullying would use.

Ask them for other advice about the role of key people in the workplace to prevent or deal with workplace bullying - including the consequences of bullying.

Discussion

Discuss whether these situations constitute workplace bullying - and why or why not? What should they (or would you) do in response? Consider role-playing these.

Con starts work as an apprentice carpenter. At the end of the first week, the older workers chase him down and spray him with the hose. His boss says, "It's Ok, it's a welcome. You're one of us now. It won't happen again."	Suze works in a cafe. It's all good when the owner is there. But when the shift manager is in charge, and the workers are taking too long because it's busy, they get told off loudly in front of customers and called 'stupid' and 'slackers'.
Mo gets promoted to shift manager. Some of the casuals are much older and have been employed longer. When Mo asks them to do duties such as cleaning, they complain and don't do it. They also now don't let Mo join them at lunch.	Betty thinks there's something going on at work but no-one says anything bad to her - but she has a gut feeling from their body language. She overhears about a WhatsApp group where her colleagues have created a nasty meme about her.

Problem-solving

All the advice on workplace bullying says to report the situation to a senior person in the workplace. But what if that senior person is the bully (which might be the case in small workplaces, stand-alone or off-site worksites, or enterprises with a toxic management culture)? Get advice on what you can do.

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4.19 Workplace Sexual Harassment

Sexual harassment

According to the **Victorian Equal Opportunity and Human Rights Commission**,
“Sexual harassment is unwelcome sexual behaviour that could make a person feel offended, humiliated or intimidated. It can be a symptom of gender inequality and most often – but not always – affects women. Sexual harassment can be a single incident or repeated behaviour; a suggestive comment or an offensive joke. It may happen in the office, a work party or at school. It doesn’t matter what the intention is, sexual harassment is against the law.”¹

Specifically, the Victorian Equal Opportunity and Human Rights Commission says that:
“The law defines sexual harassment as unwelcome sexual behaviour that causes a person to feel offended, humiliated or intimidated, where a reasonable person could have anticipated that reaction in the circumstances.

Sexual harassment includes:

- ⇒ an unwelcome sexual advance
- ⇒ an unwelcome request for sexual favours
- ⇒ any other unwelcome conduct of a sexual nature

Sexual harassment can be physical, verbal or written. Examples include:

- ⇒ comments about someone’s private life or the way they look
- ⇒ sexually suggestive behaviour, such as leering or staring
- ⇒ brushing up against someone, touching, fondling or hugging
- ⇒ sexually suggestive comments or jokes
- ⇒ displaying offensive images or objects
- ⇒ repeated requests to go to bed
- ⇒ requests for sex
- ⇒ sexually explicit emails, text messages or posts on social media
- ⇒ sexual assault
- ⇒ suggestive behaviour.”¹

The Victorian Equal Opportunity and Human Rights Commission goes on to explain that:

“The large majority of sexual harassment complaints that come to us are work related (80% in 2020-21). Women are also more likely to experience sexual harassment than men (85 per cent of Australian women have been sexually harassed at work at some point in their lives.)

While a person who sexually harasses someone else is primarily responsible for their own behaviour, in some cases employers can also be held responsible.

Under the Equal Opportunity Act, employers have a positive duty to provide a safe workplace and to take all reasonable steps to prevent sexual harassment at work. This means that positive action should be taken to prevent these behaviours – regardless of whether someone has made a complaint.

The positive duty applies to employers of all sizes, regardless of whether they are a major company or a small cafe, and covers all types of workers...[paid or unpaid].”¹

¹ Source: (As at late-2023)

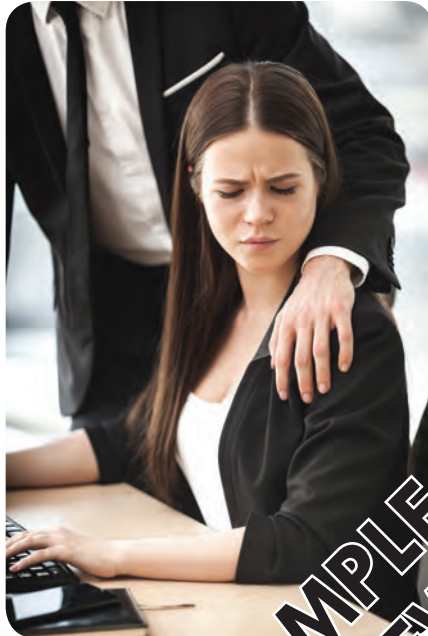
<https://www.humanrights.vic.gov.au/for-individuals/sexual-harassment/>



Workplace Sexual Harassment



No tolerance for sexual harassment - ever. It's not on!



Can happen in any work environment or worksite.

Can happen 'off-site' away from the principal workplace.

Can happen at work functions, work trips and work parties.

Can happen in online and digital work spaces.

Can include being directed to wear 'suggestive' clothing.

Extends to people involved in a job application process.

A perpetrator saying, "I was only joking" is not a defence.

Employers are required by law to make reasonable and appropriate measures to eliminate sexual harassment.

Could be perpetrated by supervisors and managers, colleagues, customers, clients, volunteers, visitors, contractors or other people with whom a worker interacts in the course of doing their job.

Employers are held liable for workplace sexual harassment perpetrated by their employees if they haven't taken appropriate preventive measures.

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Image: mtoome/Depositphotos.com

Under-reporting

Many reports and studies conducted by key agencies in Australia have found that sexual harassment is significantly under-reported.

"The reasons people don't report sexual harassment include:

- ⇒ not knowing what constitutes sexual harassment or where to go for help
- ⇒ community attitudes that condone, excuse, minimise or deny sexual harassment
- ⇒ fear of reprisal and victimisation, such as being sacked, losing shifts or being denied promotions or opportunities
- ⇒ inadequate support from supervisors,
- ⇒ those in management and co-workers to make a complaint
- ⇒ lack of faith that a complaint will be effectively managed (that is, believing nothing will change)
- ⇒ lack of job security, particularly for migrant workers, workers on temporary visas, casual or contract workers
- ⇒ trauma and shame." ²

Source: Victorian Equal Opportunity and Human Rights. Guideline. Preventing and responding to workplace sexual harassment, p.28 Available through:

² <https://www.humanrights.vic.gov.au/resources/sexual-harassment-guideline/>



4.21 Workplace Sexual Harassment

What should I do?

If you are experiencing sexual harassment, or are a witness to someone else being sexually harassed in the workplace, there are a range of actions you need to take, just like with workplace bullying.

Always talk to someone and share what is happening with a trusted person in the workplace and with someone from your own personal network. Don't carry the burden alone. Always make written **records** of what has happened. Include the names of the people involved, as well as any witnesses. Focus on the facts and quote anything that was said as closely as possible. Record the key dates, times, location and any documentary evidence.

It is a good idea to check the **anti-sexual harassment policy** of the **organisation**. You should always **seek advice** so as to deal with issues as soon as possible. Inform your supervisor, manager, HSR, or someone from human resources, and find out how to make a **formal complaint** within the workplace. The workplace might caution, reprimand or even dismiss the perpetrator depending on the facts of the complaint.

If the matter hasn't been dealt with, and/or the sexual harassment is continuing, then make a **formal complaint** to an outside **agency** such as the **Victorian Equal Opportunity and Human Rights Commission**. You can contact the Commission by phone, by live chat or via email to get advice on what to do next.

In some cases, a **crime** might have been committed, such as assault, indecent assault and other serious matters. For those criminal matters, you will also need to report the matter to the **police**.

🧠 For your own health and wellbeing, seek professional counselling and/or advice. As a starting point - you can always contact **Kiwi Help Line** for its advice and support.

Legal consequences

Workplace sexual harassment is outlawed under the *Victorian Equal Opportunity Act, 2010*. Breaches of these laws are governed by the Victorian Equal Opportunity and Human Rights Commission. Complainants can also go straight to VCAT.

The Commission offers an impartial **dispute resolution service**. Outcomes of dispute resolution might be that:

- ⇒ the perpetrator (and possibly the employer) cease and stop any sexual harassment
- ⇒ the complainant be compensated for loss, damage, or injury (and legal costs)
- ⇒ training and further policy development occur to ensure changes to the workplace culture and grievance processes.

If the matter is not resolved then it can proceed to a **VCAT** hearing. This course of action might be necessary for very **serious matters**, in workplaces with a toxic culture, or in situations where the perpetrator is the person in a trusted position, i.e. a senior manager or the employer.

Of course, **criminal offences** are dealt with under the *Crimes Act, 1958*. Penalties could include court orders, fines and even imprisonment for serious matters.

Situations that occur in Commonwealth government organisations, or across state borders, will be governed under Commonwealth legislation: the *Sex Discrimination Act 1984 (Cth)*, and the *Australian Human Rights Commission Act 1986*. In these situations, the regulator is the Australian Human Rights Commission.

Complete the following tasks in your work folios. Your teacher might get you to work in pairs or small groups to broaden your knowledge and examples.

1. In your words, what is **workplace sexual harassment**?
2. Outline common **examples** of **workplace sexual harassment** that might happen in a workplace.
3. What types of **language** and **actions** should **you** be on the **lookout** for when it comes to **workplace sexual harassment**?
4. Why is it that **new** or **younger workers** face an **increased risk** of **workplace sexual harassment**? How does that make you **feel**?
5. Summarise the **steps** that a **worker** should **take** if they feel they are **being sexually harassed**. Include **actions** to help your **personal health and wellbeing**.
6. Identify the official **organisations** and **agencies** that help **workers** to **report** and **resolve workplace sexual harassment**. What is the **role** of each?
7. What are the legal consequences of **workplace sexual harassment**?

Applied

The first stage in dealing with an incident of workplace sexual harassment is to report the matter to someone senior in the workplace.

Interview key personnel in a workplace you are familiar with and ask them about the reporting process a worker experiencing sexual harassment should use.

Ask them for other advice about the role of key personnel in the workplace to prevent or deal with workplace sexual harassment, including the consequences.

Discussion

Discuss whether these situations constitute workplace sexual harassment - and why or why not? What should they (or would you) do in response? Consider role-playing these scenarios.

<p>Kazza gets told by a co-worker, "You're the hottest gal in here." She tells the boss who says, "Oh that's just Frank - he's full of it. He won't harm you." But now Kazza is not comfortable around Frank - he creeps her out!</p>	<p>Minh is a new worker in a bar. One of the older male workers, says, "You look great in our uniform, I'm glad you have the physique for it." Minh calls him out. He replies "Chillax dudette - learn how to take a compliment."</p>
<p>At the work Christmas party, the boss has put money on the bar. One of the quietest workers, Robyn - who never says boo to anyone - suddenly is drunk and hugging all the other staff, and saying how much they love them all.</p>	<p>Nancye, as the junior, picks up the daily lunch orders for her office from the local café. One of the owners is always creepy and greets her with "What's cooking today, sexy." She no longer wants to go there any more - at all!</p>

Problem-solving

Again, the advice on workplace sexual harassment is to report the situation to a senior person in the workplace. But what if that senior person is the perpetrator (which might be the case in small workplaces, stand-alone or off-site worksites, or enterprises with a toxic management culture)? Get advice on what you can do.

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4.23 Workplace Exploitation

Exploitation

Workers, and especially younger workers, are often subjected to exploitation related to their wages and working conditions. Some of these are referred to generally as **wage theft**, but the real issues at play are much more complex than that.

It is important to clarify that sometimes **mistakes** occur because an employer is not fully aware of the correct pay and conditions, or hasn't kept up to date. Although the error wasn't intentional, it is still wrong. It is their responsibility to meet their legal requirements. However, what we are experiencing is a growing range and incidence of exploitative practices, that are **deliberate**; sometimes **unethical**, and at other times **illegal**.



Exploitation of Younger Workers

Wage theft

Under-award wages/
less than minimum
wages

Underpayment

Incorrect
employment
classification

Non-payment
of overtime and
penalty rates

Sub-contracting &
sham contracting

Being paid in cash

Cashback schemes

'Docking' pay

Unpaid 'trials'

Unpaid interns

Not granting other
working conditions

Unfair dismissal
or unlawful
termination

Image: nullplus/
Depositphotos.com



"They expect the floor staff to stay back and work for free when they're busy. They say the only worker would stop at that point to work in a celebrity restaurant!"

Job classification

Young workers are often misclassified. This can include engaging them as **trainees** and paying them the **trainee wage**, when they are, in reality, full-time (or part-time) workers. Often their **employment** is **terminated** at the end of the traineeship and the business simply hires a new trainee.

Another type of misclassification involves employing people under a particular **job classification**, but giving them **extra duties**, such as supervision of others, yet still paying them at the lower classification. As at late-23¹, the *Fast Food Industry Award 2020* job classifications include:

- ⇒ Fast Food Employee Level 1 who is your standard worker,
- ⇒ Fast Food Employee Level 2 who has responsibility for supervising workers, and/or training new employees,
- ⇒ Fast Food Employee Level 3 who is appointed to be in charge of a shop, food outlet or delivery outlet.

Penalty rates

Another common way that younger workers can be exploited is the **non-payment**, or **underpayment** of penalty rates for Saturdays, Sundays and public holidays.

As an example, the *Fast Food Industry Award 2020*¹ stipulates that non-casual Level 1 employees should be paid at 125% for Saturdays and Sundays, and 225% for public holidays. The penalty rates for casuals are 150% and 250% respectively. (Note: There are other rates based on working during late hours, and for different job classifications).

Overtime

Sometimes workers are **not paid** for overtime worked, or their overtime is not paid at **overtime rates**. Overtime rates apply when workers work beyond their **ordinary hours** of work, or beyond a certain amount of hours per day.

Under the *Fast Food Industry Award 2020*¹, ordinary hours are 38 hours per week, or an average of 38 hours over 4 weeks, for full-time, part-time and casual workers. (Note: There are other measures that can apply).

Cashback schemes

Cashback schemes involve paying a worker their correct amount as shown on their pay slip, but then forcing them to **give back** some of their wages to their **employers** in cash.

This can particularly affect **international students** who are forced into exceeding their allowable working hours (48 per fortnight from June 2023). The worker is often threatened with being reported for breaching their visa if they don't pay back some of their wages.

Sham contracting

In the contemporary world of work, a growing number of workers are being employed as independent contractors or sub-contractors, rather than traditional employees.

Sub-contracting has long been prevalent in the building and construction industry where independent self-employed tradespeople (**subbies**) are engaged to perform 'short-term', work on construction and building projects at sites. Consider a plumber who is engaged by a developer to do all the plumbing jobs on a new set of units that are being built. This is standard practice and legitimate. Other common examples include workers in creative industries, freelancers and specialist professionals, advisors and consultants.

However, the **gig economy** has accelerated the use of sub-contracting, especially for drivers, couriers and delivery drivers. These workers are usually engaged as independent contractors who are paid on a piece-rate basis, or per 'gig' or job.

They often have to supply their own vehicle, any relevant equipment, and in many cases, insurances.

They are not classified as employees. They do not get access to the other conditions of work including minimum rates of pay, sick or annual leave, penalties, allowances, etc..

They are not protected by the National Employment Standards, or an award, or a registered agreement nor even the national minimum pay rates. Essentially, they're on their own - it's a take it or leave it approach!

Think you are being ripped-off?
Contact the Fair Work Ombudsman on 13 13 94.



4.25 Workplace Exploitation

Permitted	Not permitted
<ul style="list-style-type: none"> ✓ Not paying portions of wages for lateness or certain absences. ✓ Unpaid trial, fully supervised, and for a short period of time, to assess the skills of an applicant. ✓ Paying junior workers a % of the adult rate according to the award, agreement, or pay minima. ✓ Expecting employees to provide their own work-related attire, such as black pants and white shirt in hospitality. ✓ Recovering costs for personal use by a worker on a work phone or work vehicle; or for misuse. 	<ul style="list-style-type: none"> ✗ Docking pay for till shortfalls, mistakes, or missing items. ✗ Unpaid trial, loosely supervised, usually lasting more than one shift, and doing the work of a 'regular' employee. ✗ Paying junior workers at %'s below amounts stipulated in the award, agreement, or pay minima. ✗ Charging workers for, or forcing them to purchase, a specific, prescribed work uniform. ✗ Expecting workers to pay for a work phone or vehicle for work purposes. (Note: Contractors are usually expected to supply their own 'tools of trade'.)

4I Workplace exploitation



1. Choose **10** of the **issues** in the 'Exploitation of Younger Workers' diagram from p.110. **Discuss** these in **pairs** and then **explain** to your group in your own words to **explain** what each of these issues involves. Report back to the group.

<p style="font-size: 2em; transform: rotate(-45deg); opacity: 0.5;">DRAFT SAMPLE FOR PREVIEW: DO NOT COPY</p>		

Investigation



The best way to know about your true wages and other entitlements, is to be clear about the award or registered agreement that you are employed under. Note: In some cases, this might be the minimum pay rates aligned to the National Employment Standards.

1. Are you currently working? Which **award** or **registered agreement** are you **employed under**? How did you find out?
2. Are you doing work placement? Find out which **award** or **registered agreement** you would be **employed under** if you were an employee in a **similar role** at the **organisation**. How will you find out?
3. What about next year and your future career goals? Find out the most likely **award** or **registered agreement** that you might be **employed under**, if you get the job you want within an **organisation** that you prefer. How will you find out?

Applied



Visit the PACT tool: <https://calculator.fairwork.gov.au>

Use the different search features to find out the appropriate entitlements for an occupation within an industry relevant to you. Focus on an award that you might be employed under, or a different award from the one which you have investigated before.

Use the Pay Calculator first. Also use the Super Calculator and the Leave Calculator.

Use the pro-forma on pp.78-79 to guide your research and record your findings in your work folios. Also find out minimum shift requirements.

Problem-solving



Explain how each of the following sources can help you to find out your correct entitlements, and what to do if underpayment or other exploitation might be occurring to you. What questions would you ask?

Your manager/HR

Fair Work Ombudsman

A union or union rep

4.27 Workplace Dismissal

Termination of employment

Termination refers to the ending of employment either by the employer, the employee, or by mutual agreement. The three most common types of termination are: **resignation**, **dismissal** or **redundancy**.

Usually, the ending of employment involves a written **notice** of the termination: by the employee (via a **resignation letter**), or by the employer (using a **notice of termination**).

There are strict legal rights and obligations that apply relating to the length of notice periods, withholding (or not) of wages owed, and the payment of employee entitlements such as unused accrued annual leave and long-service leave. So let's investigate the main rights and responsibilities as outlined by the **Fair Work Ombudsman** (as at late-23).

Resignation

Resignation is when an employee voluntarily decides to 'leave' their job.

When resigning, employees usually are **required to give notice** to their employer.

In the first instance, the award, enterprise agreement, or employment contract is likely to stipulate notice requirements (which are usually similar or the same as those below).

If there aren't stipulations, then these general guidelines are likely to apply.

- ⇒ Working 1 year or less: 1 week
- ⇒ 1 year to 3 years: 2 weeks
- ⇒ 3-5 years: 3 weeks
- ⇒ 5+ years: 4 weeks

There are a number of employment situations where **notice does not apply**.

The most common exclusions are for **casual workers**, fixed-term **contracts**, **seasonal workers**, dismissal for **serious misconduct**, the conclusion of a **training agreement** (i.e. Australian Apprenticeships) and award or agreement-free employees (unless stipulated in their contract.)

If an **employee** does **not give the required notice** and **quits**, then the employer can **deduct** up to one week's **wages** from an employee's final pay if:

- ⇒ the employee is over 18
- ⇒ the employee hasn't given the right amount of notice
- ⇒ the deduction isn't unreasonable.

However, employers can only deduct pay from **wages owed**. They cannot deduct from other entitlements owed to the employee, such as accrued leave.

Dismissal

Dismissal is when the employer ends the employment relationship with the employee.

When dismissing, employers also must give a **notice period** to the employee.

Again, the award, enterprise agreement, or employment contract is likely to stipulate notice requirements (which might be the same or even longer, than those below).

If there aren't stipulations, then these general guidelines are likely to apply.

- ⇒ Working 1 year or less: 1 week
- ⇒ 1 year to 3 years: 2 weeks
- ⇒ 3-5 years: 3 weeks
- ⇒ 5+ years: 4 weeks

If an employee is 45+ and has been working for > 5 years they have to get an extra week notice.

There are a number of dismissal situations where **notice does not apply**. Again, these include: **casual workers**, fixed-term **contracts**, **seasonal workers**, dismissal for **serious misconduct**, the conclusion of a **training agreement** (i.e. Australian Apprenticeships) and award or agreement-free employees (unless stipulated in their contract.)

Employees and employers can agree to end their notice period earlier.

When dismissed, employees must be paid their entitlements such as unused accrued annual leave and long-service leave.



Image: vladvitek/
Depositphotos.com

Redundancy

Redundancy is a different type of termination that happens when the employer no longer needs anyone to fulfil an employee’s job, or the business becomes insolvent or bankrupt. Redundancy can be **voluntary** - i.e. offering ‘packages’ to encourage workers to leave; or **involuntary** - making workers redundant. Redundancy can also happen when the business:

- ⇒ introduces new technology that replaces workers,
- ⇒ experiences a slowdown in trading conditions,
- ⇒ closes down a work site, or ends the entire business,
- ⇒ relocates interstate or overseas,
- ⇒ is subject to a merger or takeover which results in the restructuring of operations.

As always, all awards and registered agreements will include a mandated consultation process to handle major

changes to the workplace that result in redundancies.

When workers get made redundant, they get paid a **redundancy payment**. The amount of redundancy pay the employee gets is based on their **continuous service** with their employer.

For example, under the *General Retail Industry Award*, workers who have worked: 1 to 2 years are entitled to 4 weeks, 2 to 3 years: 6 weeks, 3 to 4 years: 7 weeks; up to a maximum of 16 weeks.

Many **small businesses** do **not need** to **make redundancy payments**.

The following **employees don’t get redundancy pay**: employees working less than **12 months**, **casuals**, those engaged on a fixed **contract**, **season** or for a task or project, termination due to **serious misconduct**, **trainees** engaged for the length of the training agreement, and **apprentices**.

P.A.C.T. Notice and Redundancy Calculator
<https://calculate.fairwork.gov.au/CalculatingEmployment>



DRAFT SAMPLE FOR PREVIEW PURPOSES: DO NOT COPY

Workplace dismissal 4J

When you are researching your rights and responsibilities you have to be 100% accurate. So it is better to work in pairs so that you (can) bring in ‘2 minds’ to check things over and make sure that you are correct.

1. Work in **pairs** to create a **mind-map** or **diagram** that describes the **differences** between **resignation**, **dismissal** and **redundancy**, as well as the key **legal provisions** that apply. Don’t forget about **unfair dismissal** (p.83).

You can also make an appointment to get advice from a manager, owner, or HR person at a relevant workplace.

When workers are dismissed, they often complain that they didn’t get a warning; or in some cases that the workplace needed to have given them 3 warnings.

2. Do you think that this **requirement** about warnings is **correct**?
3. Use the **Fair Work Ombudsman** website to find out about warnings.



4.29 Grievance Procedures

Grievance procedures

Some workplaces, especially larger organisations, will have in place a set of formal grievance procedures to be followed when dealing with unfair or conflict situations.

A **grievance** refers to a situation whereby one or more parties are aggrieved or hurt as a result of the action of another party. Sometimes the issues and conflict surrounding a grievance are not straightforward nor easy to sort out. Grievance procedures will outline a **process** that enables workplace conflict to be dealt with in an impartial manner.

Typical workplace grievances may centre around discrimination, bullying, victimisation, harassment, unfair treatment, aggression, intimidation, workplace safety, dismissal and so on. Many of these issues have remedies under Australian law. So, all workplaces should consider having established procedures for dealing with grievances.



Grievance procedures

- ⇒ Grievance procedures are established guidelines that apply in a workplace to deal with conflict and other issues. They allow aggrieved parties to have their say in a fair and impartial manner.
- ⇒ Grievance procedures are normally initiated with a complaint that is put in writing as part of an **incident report**.
- ⇒ Some issues might just be misunderstandings and can be resolved quickly and easily through communication, clarification and consultation with senior staff members.
- ⇒ However, more complex and serious grievances may have to be heard by independent parties.
- ⇒ Issues should be dealt with confidentially involving only the parties concerned, as well as any people responsible for hearing and dealing with the grievance.
- ⇒ At times, an external party such as an HR professional or a professional mediator might be best to coordinate or mediate the grievance hearing.
- ⇒ Grievance procedures should include an **appeals process**.
- ⇒ Serious issues might not be heard internally and might have to be dealt with by a statutory agency or body (e.g. discrimination by the Victorian EO & HR Commission); or at **law**, e.g. assaults, criminal accusations and so on.
- ⇒ However, a workplace's grievance procedures normally will outline how this process will be handled. i.e. Employees might need to stand down or be suspended until the case is heard.
- ⇒ However, many smaller enterprises might not have established, or formal, grievance procedures.

Conciliation and mediation

This is where aggrieved parties are brought together to settle their differences (grievances). An impartial and trained mediator or conciliator can be used to help:

- ✓ identify the issues that are part of the conflict or dispute
- ✓ help develop possible options to settle the conflict or dispute
- ✓ guide the parties at dispute through the consideration of different alternatives, and
- ✓ assist the parties at dispute to reach a negotiated agreement.

Conciliation and mediation

Conciliation helps remove personality differences and is very useful for dealing with personal disputes and conflict situations in the workplace. Many schools have set up their own peer mediation programs for dealing with schoolyard conflict; has yours?

Mediation as part of a conciliation process is often used in family law, local neighbourhood disputes, work-related matters and in cases of discrimination. It helps parties avoid an expensive and time-consuming court system that often forces a lose:lose situation.

Conciliation may involve one of the parties **apologising** or making amends for some wrongdoing. For example, a supervisor using intimidating language might apologise when they have 'heard' how it affects their workers. In this case workers feel listened to; and the supervisor is also supported to learn how to develop a more appropriate method of communication.

As another example, the **Fair Work Commission** offers a voluntary conciliation process for resolving **unfair dismissal** claims. Conducted over the telephone, this informal process has a success rate of about 80% in resolving disputes. Thereby avoiding the time, cost and emotional angst of having to proceed to a formal hearing

You could consider requesting to use mediation or conciliation if you have a work-related conflict situation, and/or need to settle a work-related dispute. However, this method requires a mediator who is skilled in conciliation; and who is able to remain neutral. The mediator or conciliator does not 'rule' on the conflict or dispute. Rather, it is their role to facilitate communication and guide the dispute resolution process, to achieve a better outcome for all parties.

What would you do? 4K

In pairs, discuss this case study, then report back to the class to reach a group consensus on what to do.

1. What are the **issues** or **conflicts** arising on and **between whom**? Explain whether this is a **misunderstanding**, **discrimination**.
2. What might be the **next steps** to take; and by **whom**?

Kelli, 18, works with other young female staff under her supervisor, Bud, who has an abrupt, and at times, impatient manner.

He gives direct orders to all the staff without 'pleases' and 'thankyous.' The young staff often complain a lot about this to each other when on their breaks.

But Bud does know his job and he doesn't treat staff any better or worse than one another, nor is he rude or aggressive. It's for this reason that his boss likes him to direct the younger workers to keep them on track.

One day Kelli replies to a directive saying she can't do that job task until tomorrow. Bud replies, "That's just typical of you lot."

Kelli takes this as a gender-based comment and wants the matter dealt with officially.

Bud insists that the comment was not about her gender but about how the younger workers slack off if he is not on their backs.

Neither will back down or apologise. The boss wants this sorted, as it's now causing friction in the workplace!

4.31 Grievance Procedures

Arbitration

Arbitration refers to when an independent third party makes a decision or a ruling. Arbitration is often used to settle disputes or in legal settings. For example, a judge is an arbiter. This style of conflict resolution generally creates a win:lose situation, as the final and binding decision is made by someone with authority external to the enterprise and the parties involved. As a result, arbitration can lead to resentment among the 'losing' parties and should be used as a last resort.

However, arbitration is vital when one party has breached a **law**, such as a business or employer underpaying workers, or involves **accusations** of **violence** or other **criminal offences**; or when the parties at dispute cannot settle their differences, even after trying negotiating through conciliation and mediation.

Arbitration is usually used as a last resort when resolution doesn't occur in the following situations.

- ⇒ Unfair dismissal cases that don't get resolved by conciliation.
- ⇒ Disputes about awards.
- ⇒ Disputes arising from the negotiation of registered agreements.
- ⇒ Disputes about the particulars specified in registered agreements.
- ⇒ Disputes over discrimination, and breaches of human rights and protected areas, that don't get resolved by conciliation or mediation.
- ⇒ Serious workplace safety breaches (investigated by WorkSafe agencies).

Industrial tribunal

The formal resolution of work-related arbitration involves a hearing before an industrial tribunal. If the parties to a dispute cannot settle their differences then they might have their dispute resolved by a binding decision given by a formal commissioner or commissioners (judges).

The **Fair Work Commission** will encourage parties to use conciliation and/or conferences to try and avoid the matter having to progress to the formal hearing stage.

But some disputes do not get settled by alternative methods and the parties will therefore seek this formal hearing. Once again, this hearing is likely to result in a win:lose situation!

Court system

In **criminal matters**, and some other areas of serious misconduct or unresolved conflict, one party might be suspended by their employer, until the matter is fully investigated (i.e. by WorkSafe), or heard in a court of law.

This can be especially relevant if the accused party has been accused of **serious misconduct**, a serious **safety breach**, or **breaking** or transgressing a **law**, legal guideline or regulation associated with their terms of employment.

Some matters involving threats, assault, indecent assault and other serious matters might be prosecuted as **criminal offences**.

And as you have learned, sexual harassment complaints that are not resolved satisfactorily, might proceed to a **VCAT** hearing.



Image: IgorVetushko/
Depositphotos.com

“Hello again! If you come before me, then the dispute has escalated to a legal matter.”

1. Over what type of **issues** might an **employee**, or an **employer**, have a **grievance**?

2. What is a **grievance procedure**, and why are grievance procedures **important**?
Find an **example** from a workplace with which you are familiar.

3. What is the **difference** between **conciliation**, **mediation** and **arbitration**? Which **method** for dealing with **grievances** would **you prefer** to be involved in? Why?

4. Why do you think that some **grievances** escalate to **termination**?

5. When might you need to escalate a grievance to **arbitration**? Which **agencies** and **statutory bodies** would you contact to **escalate** with to do this?

6. In pairs, discuss this case study, then report back to the class to reach a group consensus on what to do.

- What are the **issues** or **conflict** that are going on, and **between whom**?
Explain whether this action is **lawful**.
- What might be the **next steps** to take; and by **whom**?

Rex is 19, and has been working in his first ever job for a large transport company for seven months. On Friday his boss asked him in to the office and told him that they were 'letting him go' because his performance wasn't up to scratch.

Rex asked why he never got any warnings and also why he can't have a chance to improve, but his boss remained firm and dismissed him, with 2 weeks' notice pay, and all his accrued entitlements.

Rex feels that his termination isn't right and thinks he might have a case for unfair dismissal!

4.33 Graduated Assessment - AOS2

AT4 Investigative Case Study Report - Workplace Behaviours - AOS2: Workplace responsibilities and rights

Overview: Investigative Case Study Report - Workplace Behaviours

For this assessment task, you are required to:

- undertake an investigation into various **workplace responsibilities and rights**
- describe the characteristics of **workplace discrimination**, workplace **bullying**, workplace **sexual harassment**; and **other workplace issues** if relevant
- explain the **process** for dealing with these issues
- discuss the **consequences** and **ramifications** of breaches related to these issues.



Process: Investigative Case Study Report - Workplace Behaviours

You should work in groups of no less than 4. And you should split into pairs within your group to tackle different workplace issues. You can also change the pairs for different issues. At all stages, you need to report back, discuss and refine as a whole group.


You should use different methods for the communication of your findings. These might include a dot point summary, a diagram or mind-map, a presentation, a video, an infographic, a role-play, a case study analysis; and other suitable communication media depending on the issues under investigation. In your Investigative Case Study Report you need to include at least:

- 1 diagram/mind-map: _____
- 1 presentation: _____
- 1 direct-to-class, or video, role-play: _____
- other formats as required: _____

Create this table in a larger format to guide your research (identify key resources, organise and summarise important information, and to report back to your group.

	Workplace discrimination	Workplace bullying	Workplace sexual harassment	Other
Who researching & why?				
Definitions				
Characteristics				
Agencies/bodies				
Processes/procedures				
Potential outcomes				
Consequences inc. legal.				
Applied examples/case studies				
Our reporting format & why?				

Note: To fully satisfy the requirements for Unit 3 AOS2, you will also need to complete AT3: Workplace Relations: Investigative Case Study (pp.84-85); or a suitable task on Workplace Relations set by your teacher.

Names:		Key dates:		UNIT 3 AOS2
Tasks - AT4: Investigative Case Study Report Workplace Behaviours	Must Do?	Due Date	Done	Level
A. Workplace discrimination (& Equal opportunity)				
1. Definition and characteristics	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
2. Agencies and statutory bodies	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
3. Process and procedures	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
4. Outcomes, consequences and ramifications	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
5. Applied example(s)/case studies	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
B. Workplace bullying				
1. Definition and characteristics	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
2. Agencies and statutory bodies	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
3. Process and procedures	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
4. Outcomes, consequences and ramifications	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
5. Applied example(s)/case studies	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
C. Workplace sexual harassment				
1. Definition and characteristics	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
2. Agencies and statutory bodies	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
3. Process and procedures	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
4. Outcomes, consequences and ramifications	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
5. Applied example(s)/case studies	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
D. Other:				
1. Definition and characteristics	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
2. Agencies and statutory bodies	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
3. Process and procedures	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
4. Outcomes, consequences and ramifications	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
5. Applied example(s)/case studies	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
Prepare submit and present our final communications and other information				
A. Into workplace discrimination:	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
B. Into workplace bullying:	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
C. Into workplace sexual harassment:	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
D. Into:	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
⇒ Complete our diagrams, video, role-plays, etc..	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>
 Present, report or model to the class or an audience.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="radio"/>	<input type="text"/>

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4.35 Review and Reflection

Review and Reflection

Which work-related skills did I develop during this unit?

→ _____

→ _____

→ _____

→ _____

How have my work-related skills also helped me to improve in my personal life?

→ _____

→ _____

→ _____

How have my work-related skills helped improve my future career prospects?

→ _____

→ _____

→ _____

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My performance in developing my work-related skills this unit was:

0 not shown	1 low	2 reasonable	3 good	4 very good	5 excellent
-----------------------	-----------------	------------------------	------------------	-----------------------	-----------------------

What were my strongest areas of performance? What should I work on improving?

My strongest topics/skills were:	But I need to improve my skills in:

Signed: _____ Date: _____

Communication & Collaboration

5

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5C	Team Dynamics	135	<input type="checkbox"/>	<input type="radio"/>	
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5G	Asking questions	143	<input type="checkbox"/>	<input type="radio"/>	
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5.01 Unit 3: AOS3 - Introduction

Unit 3: AOS3 - S5: Communication and collaboration

In **Section 5: Communication & Collaboration** you will explore the applied nature of workplace communication and collaboration in the workplace. Specifically, you will undertake various tasks that will enable you to:

- ⇒ describe the importance and development of networks,
- ⇒ identify and evaluate techniques for effective communication, collaboration and teamwork,
- ⇒ apply the use of open questioning and active listening techniques.

You must identify and explore how these topics relate and apply to the world of work by investigating workplaces you are familiar with, and possibly also simulated workplace environments. You can support this by completing the relevant activities in your Work Related Skills: Applied Vocational Booklet. And it is vital that you link your applied VET studies, work experiences and work placements to your future career choices.

To satisfy AOS3, you need to complete **AT5: A Day in The Life**.

Once again, your teacher might modify this assessment task, or develop others that are more suitable for you and your learning program.

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AOS3 ACS: My Requirements 5

Your teacher will discuss your unit requirements for AOS3 with the class. List the important information, and make diary notes and reminders where relevant.

Requirement	Activities/ Resources/ Applied	Assessment

5.03 Teamwork

Workplace teams

All workplaces consist of teams of people working together. Being able to work effectively as part of a team is a fundamental **employability skill**.

Everyone must co-exist in the workplace, no matter the work environment or the organisation. This includes large organisations employing tens of thousands of people, all the way through to small organisations, or even micro businesses with fewer than five people. Even a sole-trader (someone who works on their own) has to interact with **customers, clients, suppliers, contractors** and workers from other enterprises.

Your role in a team

As you know, work environments are team environments. One of the most important factors that employers look for when employing someone is their ability to work with other people. So, what **strengths** do you have that you can contribute to creating a positive team environment?

And while we're at it, what are your **weaknesses**? What are the areas you need to build and develop to make you a more effective team member and therefore more employable? Are you avoiding things because they're too hard or just too hard for you? An honest assessment of your strengths, as well as the areas in which you need to improve, will help you understand your potential to contribute to a team.

When you first start working, your role in a team will be different from that of the experienced workers. You will be expected to **learn, listen** and to follow **instructions, orders** and directives. But that doesn't mean that you should be yelled at, belittled or treated like an idiot.

Even though you may be new to the workplace, you will be expected to ask **questions**. For example: to clarify your **work tasks**, to understand any **complex systems** and **processes**, and to ask about **workplace safety** issues. A good question to ask is: "What safety problems do new workers have to be especially careful of?"

As you become more **experienced** you will be able to solve, and you might take on greater **responsibilities** as you find your niche in the **workplace culture**. You might indeed become highly proficient at your job, or even become a **specialist** in certain areas. This means that you might be a 'go-to' person who can help solve problems for other workers needing advice or support in their work tasks.

Synergy

Have you heard the saying, "The sum of the whole is greater than the sum of the parts"? We call this 'synergy'.

Effective teams are based on team members having a range of skills. This means that individual weaknesses can be avoided.

Working as a team creates **synergy** because people are selected to work together based on their **complementary strengths** and **weaknesses** and not on their friendships.

Hospitality operations can only succeed with effective team work and synergy.



Image: wavebreakmedia/
Depositphotos.com

Team skills

When you enter the workforce in an entry-level position, in casual or part-time work, in a work placement, or in a volunteer role, you will need to both apply and develop effective team skills. Three key skills that drive team success are:



Image: Ryan McVay/Digital Vision/Thinkstock

- i. **collaboration**
- ii. **communication**
- iii. **negotiation.**

i. Collaboration

All work tasks require employees to work with one another. Even tasks you do independently are part of a network of interconnected activities.

Some key collaborative tips for success are:

- ⇒ you are working together as part of a team to achieve a shared objective
- ⇒ you can ask for help, support and feedback from other team members
- ⇒ you should treat one another professionally and respectfully
- ⇒ teams create synergy by combining members who have complementary strengths and weaknesses
- ⇒ communication and negotiation are vital to collaborative success.

ii. Communication

Communication is the key to workplace success. Employees are required to communicate both formally and informally using a variety of methods.

Some key communication tips for success are:

- ⇒ everyone in the work setting must be aware of their roles and responsibilities
- ⇒ if you are not sure about something, ask for help
- ⇒ just because you have communicated a message it doesn't mean that it has been 'received' nor understood
- ⇒ appropriate communication types and methods will change depending on the task, the work environment and other factors
- ⇒ poor communication alienates people (i.e. staff and customers)!

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iii. Negotiation

Workers may have to negotiate with others on issues such as deadlines, roles and responsibilities, and other matters. The aim of effective negotiation is to create a win:win situation (and not a win:lose)! Some key negotiation tips for success are:





- ⇒ negotiation relies on effective communication
- ⇒ a win:win outcome usually requires parties to compromise so as to achieve a better overall result
- ⇒ effective negotiation is not a power game; and not everything needs to be negotiated
- ⇒ the language of negotiation relies on asking (questions), and not making demands (directives)
- ⇒ negotiated outcomes can help empower employee decision-making.

5.05 Teamwork

5A Effective team skills



1. Consider each of these work-related **statements**. Briefly explain if they are primarily examples of **collaboration**, **communication** or **negotiation** (or even 2 or 3 of these)!

<p>“From now on bonuses will be paid based on the performance of your work team.”</p> 	<p>“All staff will now be required to spend one day a month on an innovation project of their choice; email me to discuss.”</p> 
<p>“The rosters will now be hosted on poogle docs. It’s your responsibility to check this.”</p> 	<p>“All workers will now be allocated into project teams with a designated team leader for each project.”</p> 

Images from: VLADG, iStock/Thi...

2. Can you **anticipate** any **problems**? Discuss in the groups and then report to the class.
3. Consider these work-related scenarios. For each, explain how **collaboration**, **communication** and **negotiation** could help achieve a **better outcome**.

Scenario	Collaboration	Communication	Negotiation
<p>Mindeh and Syndyee are employed weekdays in a funky boutique from 10am-6pm. They both want their break from 12:30-1:15. But the shop has to be staffed at all times!</p>			
<p>Staff arrive at work to an email from their boss saying that from now on he will handle all workplace OH&S/WHS issues directly.</p>			
<p>An app design team is struggling to meet their deadline for a client. They want Jakup to help them because he is the best at this work, but he is working on a different project.</p>			

Applied

Think about a **workplace** you are familiar with. Outline the main **examples** of **teamwork** that occur during a normal **work day**. **Who** is involved? **Who leads?** And **how** do workers **know what to do?**

Teamwork examples	Who is involved?	Who leads/how?	How do workers know what to do?

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5.07 Teamwork

Different strokes...

People in work-related situations have to deal with owners, managers, colleagues, customers, clients - all sorts of people on a daily basis!

Working effectively with others and in teams is probably the most important employability skill needed for just about all occupations.

Professor Howard Gardner of Harvard University developed eight '**multiple intelligences**'. Gardner says that people have varied skills and abilities much different from 'the usual IQ'. Each of us is likely to have different levels of intelligence in each of these eight categories.

However, you must not just see yourself as being strong in only one category. Rather, you should reflect on your strengths across a range of co-related intelligences.

Multiple intelligences (as well as **emotional intelligence**) have become key considerations in developing workplaces and teams.

Emotional intelligence

Some generally accepted traits related to emotional intelligence are:

- ⇒ empathy
- ⇒ self-awareness
- ⇒ self-assessment
- ⇒ self-confidence
- ⇒ self-control
- ⇒ teamwork
- ⇒ communication
- ⇒ flexibility
- ⇒ adaptability
- ⇒ trustworthiness
- ⇒ conscientiousness
- ⇒ conflict management
- ⇒ initiative
- ⇒ intuition.

💡 So what are you good at?



Image: Piscine/Depositphotos.com

1. List each **multiple intelligence**. Rank yourself using *very low, low, medium, high, very high*. Also rank another member of the class. Tabulate and discuss these results as a class.



My multiple intelligence rankings.			
Interpersonal			
⇒	⇒	⇒	⇒
⇒	⇒	⇒	⇒
Multiple intelligence rankings for:			
Interpersonal			
⇒	⇒	⇒	⇒
⇒	⇒	⇒	⇒

2. Outline 3 **examples** from your **skills, competencies, workplace experiences**, or when working in teams, that **match** each of the **multiple intelligences**. For each MI you must include a **strength**, as well as an area that you could **improve**.

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3. In your work folios, choose **3 occupations** and explain how **2 different multiple intelligences** would be **needed** by **employees** in each occupation. Find or create a **graphic** to illustrate these.

5.09 Team Dynamics

Team dynamics

When people are working in team situations, they tend to naturally take on various **roles**. These roles reflect peoples' personalities, attitudes, skills and experiences. These roles help create **synergy** and can assist to drive a team forward. But at other times, these roles could cause **conflict** and team disunity.

It is important that you understand the role of team dynamics in building effective team cohesion. In many cases, these team roles both drive and reflect the **workplace culture** that you might be expected to quickly read and 'fit into'. This is why you might also study this in PDS.

💡 If you search for team roles online, you will get thousands of hits. Most of the information is similar, but this over-information can be confusing. So, we will use the team roles listed below. See if you can recognise yourself, or other team members, as these roles.

Team Roles

Driver

Their role is to lead the group so as to achieve the team's goals.

Facilitator

Their role is to provide resources and links that help goals get achieved.

Supporter

Their role is to go along with good ideas and support what is being suggested.

Timekeeper

Their role is to make the team aware of deadlines and to establish urgency.

Innovator

Their role is to suggest new and creative ideas and processes.

Peacemaker

Their role is to ensure that team harmony is achieved and people get along.

Monitor

Their role is to chair, review and make sure that everything is on track.

Influencer

Their role is to encourage members to accept existing ideas; or perhaps even new ideas.

Recorder

Their role is to take minutes and keep records of all the important matters.

Implementer

Their role is to put the plans into action by organising and doing.

Critic

Their role is to challenge ideas to make sure that things are being done properly.



Image: A Lot Of People / Depositphotos.com

Team Dynamics

Balance is needed in the workplace to achieve a spread of employability skills, competencies, and intelligences. Balance can create a sense of synergy whereby the whole is greater than the sum of its parts. Team strength.

One key aspect of team effectiveness relates to having an understanding of the different roles that people’s personality types dictate they play in a team. Or in simpler words, team roles.

Imagine being in a class with 24 other students just like you - all good at the same things, all interested in the same things, all approaching work tasks in the same way and all wanting to do the same activities.

Not only would this be boring, but it would limit what gets done, and how it gets done. And there would be little opportunity for new ideas and breakthroughs; no challenges and little leadership. No cultural diversity!

It is essential to have a spread of work styles, abilities and personalities in a workplace to ensure that a broader range of work tasks is managed effectively. This promotes adaptability, creativity, teamwork and diversity. If you don’t have all the skills and competencies needed - then perhaps your fellow team member has.

Determining the functional, technical and specific work-related skills needed by employees to perform a role is usually a straightforward task. But the more ‘human’ aspects of how an employee operates may be more difficult to determine. Therefore, an understanding of multiple intelligences and emotional intelligence, as well as communication techniques, are essential for effective workplace relations and team-building.

When people work in teams they cannot help but perform certain roles. Some common examples of types you might find in a team include these.



Image: mast3r / Depositphotos.com

“If you don’t have all the skills and competencies needed then perhaps your fellow team member has?”

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Dirk Blocker: Wants to scrutinise everything, doesn’t easily accept new ideas, “...it won’t work.”

Norman Fuzzy: Can’t bear conflict, wants to keep everyone friendly and agreeing, “...now come on guys.”

Ivan Tornewidea: Comes up with new ideas, new ways of thinking, lateral thought, “...have you thought about this one?”

Stickla Inzumud: Everything must be by the book, follows processes and procedures to the letter, “...we must address agenda item 2.74-27b before we can continue.”

Lain Backly: The cruisey dude or dudette, happy to go with the flow, “...whatever you say, just tell me what I need to know.”

Les Talkitover: The communicator or facilitator, helps put thoughts into words, “...so what you are suggesting...”

Mi-Way or Hi-Way: Often promotes their own idea or suggestion; unwilling to be swayed, “...we should do it this (my) way.”

Timmy Timmy: Hurries things along, keeps people on track, “...come on, we need to get this finished.”

Flucosa: Gets around and tries to get others to change their mind, for good or bad, “But what about...”

Freeda: Takes everything down, keeps notes and records, “...well according to the minutes...”

Dus: Sets up and initiates the process, keeps things moving along, “...now what we need to do next is...”

Happy Mc Slappy: Sees the funny side, is the distracting entertainer, “...look at me, I’ve got a pencil up my nose.”

Effent Aintbroke: Doesn’t want to change things for fear of creating more work, “I don’t see why we have to...”

Undy Mineya: Wants to make someone (usually the leader or initiator) look stupid or ineffective, “...well, you would say that.”

It is important to note that people may exhibit one or more characteristics; and similar people often sit and work together.

Also, it is important to have a mix of personality types on a team; both proactive and reactive types of people.

All ‘new ideas and no criticism’ is just as bad as ‘no new ideas and all criticism’. What might seem like negative traits can sometimes be quite helpful for a positive group dynamic.

5.11 Team Dynamics

Meetings

One of the keys to effective collaboration and teamwork is communication. When people work in teams they need to meet together to find out what has gone on, to discuss what they need to do, and to determine how things are going to proceed. Meetings allow team members to communicate and share ideas with each other as part of a collaborative workplace culture.



Image: AndrePopov/Depositphotos.com

- There are many different types of work-related meetings, and some are listed below. You have probably participated in some of these types of meetings before. And you will also be looking at these in PDS. Which of these are you are familiar with?

Running meetings

Meeting **agendas** enable meetings to run more smoothly. Each meeting should have someone **chair** (run) the meeting and someone else should take notes or **minutes**. Having a pre-planned agenda:

- ✓ ensures that everyone knows where, when, and how long, the meeting will be,
- ✓ sets out the order of affairs of the meeting
- ✓ allows meetings to be run professionally,
- ✓ makes sure that people stay on topic,
- ✓ supports the taking of notes (minutes), which means that all important information is put into writing, and
- ✓ enables teams to work more effectively together.

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Types of Meetings

Briefings

These short meetings are usually run each morning by managers to provide updates, advice and short-term goals.

Staff meetings

These might be regular weekly or monthly meetings of all staff. Various managers make reports on the progress of an organisation.

Planning (Plenary) sessions

These meetings normally involve key people who will investigate ways of achieving goals, developing processes and implementing procedures.

Committee meetings

These normally involve selected employees with responsibility over a particular area, (such as finance, safety, etc.), or who are involved in a specific project.

Consultative meetings

These might be held with clients/ customers, suppliers, contractors or some other stakeholder in regard to planning or developing a new or potential project.

Project meetings

These usually involve teams of workers who get together to achieve a specific task or outcome.



Part B: After reading and discussing the article, Team Dynamics, complete these tasks in your work folios.

1. For **each** of the personality **types** given in the article, suggest a **positive** and a **negative** associated with their behaviour.
2. Suggest **2 more team characters**.
3. Come up with **new names** for **all** the **characters**.
4. Create a **graphic** that shows where they might sit in a **meeting**; consider a round table and/or your school's staff room.
5. Create a **poster**, multimedia **presentation** or other visual **aid** with a **graphic** and **explanation** of **each character**.
6. Explain how a **mix** of **types** can **create** an **effective team**. (Consider **synergy**.)
7. Pick **3 trios** who would **work well together** and **describe** a **situation** for **each** when they would **work well together**.
8. Ivan Tornewidea has come up with a **new proposal** for a way of **marketing** the company's **products**.
 - a. **Which** of his **colleagues** are likely to **support** and **encourage** his initiative? Why?
 - a. Who is likely to have **reservations**? Why?
 - b. Who is likely to **go along** without **questions**? Why?
 - c. Who is likely to **insist** on a **lot** of **conditions** before **agreeing**? Why?
 - d. Who is likely to **guide** the **team** to their **final decision**? Why?

Extension

Form teams of 3-5. Develop a new lunch menu item for your canteen. Name it, price it and consider its market appeal.

Appoint an independent observer to watch and note down who is performing in the 'roles' from pp. 132-133.

Report to the class as a group, and comment whether you agree with your observer.

Applied

You are required to suggest teams for each of these activities. Use information you know about the skills, competencies and experiences of your fellow class members. Explain why you chose each team member and discuss with the class.

Making a presentation as part of a school diversity and inclusion celebration.

Running a peer support program for new year 7 students.

Conducting a school safety audit of the buildings and the grounds.

Organising the table settings for a formal dinner function for 30 people.

5.13 Teamwork and Communication

Communication methods

When you are working you will be expected to communicate with other work-related stakeholders in many team-based situations.

It is vital that you are able to choose the most appropriate methods of communication to target your information and message to your intended audience.

One of the first areas to consider is the use of both **formal** and **informal methods** of communication. Some work-related situations require you to have skills related to formal communication; whereas others may only need informal communication skills.



Image: Alex Slobodkin/
iStock/Thinkstock

Formal communication

Formal communication refers to a range of communication methods and styles that are used by workplace stakeholders on a day-to-day basis.

Formal communication is recommended when completing work-related tasks or when dealing with colleagues, managers and customers and clients in a **professional capacity** related to your work. You can build your skills in formal communication through:

- ⇒ practical workplace experience
- ⇒ on-the-job training by supervisors and managers
- ⇒ off-the-job training such as vocational training courses.

Informal communication

Informal communication refers to the way that people might communicate when they know one another quite well. Consider the way that you talk with family, friends and other personal and social contacts. The 'rules' of communication with personal friends and family are much different from how you communicate in the workplace.

Sometimes in the workplace it is OK to communicate informally, or 'behind closed doors', with trusted colleagues, or a coach or mentor.

However, informal communication should be used carefully or sparingly in work-related situations. Informal communication might lead to misunderstandings, embarrassment, cross-cultural insensitivity or even workplace discrimination and harassment. So it should be left until when you are experienced and have a better understanding of the **workplace culture**.

Formal communication methods

- ⇒ instructions and orders
- ⇒ professional advice
- ⇒ business emails
- ⇒ business letters and documents
- ⇒ presentations
- ⇒ reports
- ⇒ technical information
- ⇒ workbooks and manuals
- ⇒ meetings, briefings and seminars
- ⇒ policy documents and procedures
- ⇒ training programs; and many more.

Informal communication methods

- ⇒ conversations
- ⇒ notes
- ⇒ chatting
- ⇒ coaching and mentoring advice
- ⇒ text messaging
- ⇒ using social media
- ⇒ communicating with people who you know well; and many more.

1. What is **formal** workplace **communication**? Describe some **examples** relating to **workplaces**, or to an **industry**, with which **you** are **familiar**.

2. What is **informal** workplace **communication**? Describe some **examples** relating to **workplaces**, or to an **industry**, with which **you** are **familiar**.

Applied investigation

Although most workplaces might use similar communication methods and media, the specific ways that work-related stakeholders communicate with each other can vary depending on the type of industry, workplace (the work-related tasks being performed). Work-related communication also varies depending on the workplace culture, and the presence of both formal and informal networks.

- Outline examples of communication in a workplace you are familiar with, including preferred communication methods. Justify why these types of communication are used.
- Interview a class member who has different vocational interests from you, and compare each other's responses. What is similar; what is different; and most importantly - why?

5.15 Teamwork and Communication

Networks

You already know about the importance of networking for **job-seeking**. But in essence, when you are working you are doing so within a **formal network** (e.g. your colleagues, managers and others completing mandated work tasks). You will also naturally develop **informal networks** which can include other colleagues who you might come into contact with occasionally, suppliers, contractors, people in other enterprises and even customers and clients. Building networks, either **face-to-face** or through **e-networking**, offers many potential benefits for you as a new worker, or as part of your career development.

Mentoring and advice

In the workplace, you naturally work with, talk with, and ask questions of people whom you feel comfortable talking to, and whose advice you listen to; i.e. **coaching** and **mentoring**.

These members of your formal **workplace network** can provide valuable **advice** about how best to deal with day-to-day work **problems** so as to effectively complete your **job tasks**.

They can also give you **insights** into the industry or vocation that you are interested in.

They can serve as **mentors** or **role models** to help guide your development and to help you to take steps to achieve your career pathway goals.

By building a strong relationship with these types of **workplace leaders** you have someone who you can quickly turn to when you need help. The result is better-aligned and more productive work teams - **synergy!** And then sometime down the track, that leader might be you.

So have a think about how you could apply **networking strategies** to build your formal and informal networks at work and for your career development.



Networking: So what can I do?

- ⇒ Develop strong communication and interpersonal skills.
- ⇒ Be willing to listen actively and be responsive to others' needs and interests.
- ⇒ Develop your public speaking and presentation skills to confidently communicate your ideas and expertise.
- ⇒ Show an interest in others' work and expertise, and be willing to share your own expertise.
- ⇒ Ask questions and learn from the experience of others.
- ⇒ Be professional and courteous in all your interactions.
- ⇒ Be proactive and aim to grow your internal and external network.
- ⇒ Create opportunities to meet with others, such as co-workers, one-on-one for coffee or lunch.
- ⇒ Be open to making new connections and building relationships with people outside of your immediate work network, including e-networking.
- ⇒ Join online e-networks to connect with others and to develop your industry knowledge and work skills.
- ⇒ Join professional associations or organisations to connect with like-minded individuals.
- ⇒ Volunteer for industry-related activities or events to build connections and demonstrate your skills.
- ⇒ Showcase your work skills (if appropriate i.e. technical, artistic, practical, etc.) through online video-sharing e-networks.

1. Who is currently in your **job-seeking** network? Why them?
2. Who are the key people in your **educational** network? Why them?
3. Who in your **social** network can help with vocational advice? Why them?
4. Who in your **community** network can help with vocational advice? Why them?
5. Who is in your **VET** network? Why them?
6. Who is in your formal **professional (work) network** Why them?

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Applied investigation

At this stage of your career development, you should be taking active steps to develop your network. You should also consider forming a professional relationship with a career mentor. Complete this action plan, including names, contact details and other important information.

What can I do to develop my network...			
By the end of...	Who can help me?	Contact details	What should I do next?
Today			
This week			
This month			
This term			

5.17 Communicating Effectively

Active listening

You have investigated active listening throughout your vocational studies, especially in Literacy. So it is important to emphasise that active listening is not a theoretical concept that you have to memorise. Rather, active listening is an applied skill that you need to master.

When communicating, active listening involves not only hearing the words, but also interpreting the **non-verbal communication** cues of the communicator. Active listening requires you to hear what the person is saying, as well as to also notice how they are saying it. This is about matching **content** with **context**.

Sometimes words and actions match. People who do this are seen as honest, sincere and reliable. But sometimes words and actions don't match. Those people might be seen as dishonest, insincere and unreliable - even if sometimes they are totally on the level.

This means that active listening skills are important in one-to-one work-related communication situations (such as your manager emphasising how important it is to get a big order correct); as well as in group and team work-related situations (such as your manager asking your work team to provide suggestions to improve workplace safety).



Active listening tip

You can apply three main strategies to improve your active listening skills.

1. Use your ears and eyes.

Is the person backing up what they say with their actions? Listen for voice tone, pitch and emphasis.

Pay attention to 'see' if what a person is saying verbally is matched by their body language.

Gestures support what is said. Look for a shifting gaze, covering their eyes, closed body language, and so on.

e.g. A worker shaking their head, with arms folded and looking down says, "You're the boss, I fully support you". Really?

2. Using your mouth and eyes.

Don't be a silent participant in a conversation. But be careful not to dominate a conversation either. Make it a two-way exchange, or more!

Show with your face, body and words that you are taking in what they are saying. If you are unsure, ask questions to clarify.

In learning and work situations you can even take notes.

Taking notes is a way of remembering and clarifying! In the digital age people have forgotten the importance of writing quick summaries of key points. This helps to remember vital information. e.g. A 5-minute directive may be summarised as '1. Jenkins order. Must go out today.'

3. Feedback

All communication involves a sender, the message and the receiver. And effective communication should flow two ways, or more.

So feed back that you have understood. Or ask to make sure that they have understood.

Ask questions to clarify anything complex - especially lists, procedures and instructions. Read back your notes.

e.g. "So you want me to get halal sausages; not veggie burgers but vegan burgers; and enough chilli sauce to launch a rocket!"



Image: sangoiri/
Depositphotos.com

Active listening 5F



As a class, discuss the **principles** of **active listening** in the table. Make **notes** about **tips** and **techniques** to use to **improve your active listening**.

Form into groups of **3**. You are going to **ask each other** about their **vocational experiences**, their **career goals**, **work-related issues** and **problems** they have to deal with, and other information about their **work-related experiences**.

Take turns as: The **questioner**, the **responder** and the **recorder**. At the end of 3-5 minutes, the **recorder** will **report back** on each person's success in **applying** the **principles** of **active listening**. You could consider videoing these exchanges.

<p>Pay attention Focus on the speaker, maintain eye contact, and avoid distractions such as mobile phones or screens.</p>	<p>Use body language Nod your head, lean forward, and adopt an open posture to show that you are engaged and interested.</p>
<p>Paraphrase Repeat the speaker's words in your own words to confirm understanding and show that you are actively listening. For example, "What I hear you saying is..."</p>	<p>Summarise At key points in the conversation, summarise the speaker's main points to check for accuracy and demonstrate that you are paying attention.</p>
<p>Ask open-ended questions Use open-ended questions to encourage the speaker to elaborate on their thoughts and feelings, and to show that you are interested in their perspective.</p>	<p>Avoid interrupting Allow the speaker to finish their thoughts before responding, and avoid interrupting or talking over them.</p>
<p>Show empathy Try to see the situation from the speaker's perspective, and respond in a way that acknowledges their feelings and experiences.</p>	<p>Be patient Give the speaker time to express themselves fully, and avoid rushing or jumping to conclusions.</p>

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5.19 Communicating Effectively

Asking questions

One of the most alarming trends arising from contemporary communication methods is that people are increasingly becoming reluctant to ask **clarifying questions** - especially in **face-to-face communication**. This has been particularly amplified by the use of **digital communication devices**, where **tone** and **context** are more difficult to infer.

In work-related situations you must develop both the **skills**, and the **confidence**, to ask questions to help you **clarify** and **understand directions, instructions** and **processes**, especially with regard to workplace safety.

You already know about the difference between open and closed questions.

Closed: "Do you want Pizza?" "Yes."

Open: "What do you think about a pizza for lunch?" "That would be great. I really fancy a Capricciosa with anchovies, what about you?"

Open-question techniques are very useful in workplace communication as they encourage conversation and create opportunities for **understanding** and **collaboration**.

Like all communication, it is important to remember that the tone and phrasing of the questions can affect the response and outcome of the conversation. Open-ended questions that are neutral, non-judgmental, and respectful are most effective in encouraging honest and productive communication in the workplace.

🗣️ So as a class, discuss these techniques for asking open questions and how they might help workplace communication and collaboration.

Open Questioning Techniques

'What' questions

'What' questions are used to gather information and clarify understanding.

For example, "What did you mean by that?" or "What steps did you take to decide on stocking that product?"

'Why' questions

'Why' questions are useful for understanding motivation and reasoning.

For example, "Why did you pack the goods that way?" or "Why do you think that the issue of diversity is important?"

'How' questions

How questions help to explore processes and identify potential solutions.

For example, "How can we get this job done in time?" or "How do you think we could improve this safety process?"

'Tell me more' questions

'Tell me more' questions encourage the speaker to expand on their thoughts or share their knowledge or experience.

For example, "Tell me more about your views on this issue." or "Tell me more about laws that impact on our job."

'What if' questions

'What if' questions can be used to explore possibilities and alternatives and are a good problem-solving tool.

For example, "What if we tried a different approach?" or "What if we considered opening later and closing later?"

Note: A key element of **active listening** is to **absorb** the response, **reflect** on the response and then **act** on the response. So don't just ask one open-ended question after another, as a string of open-ended questions, one after another, could drive the other person around the bend.

Asking questions 5G

1. What is the **difference** between a **closed question** and an **open question**? Give **examples**.

2. Develop **work-related examples** of how **you** could use ‘what’, ‘why’, ‘how’, ‘tell me more’ and ‘what if’ questions to **understand** things in the **workplace**, to clarify work-related information, and to help **solve** work-related **problems**.

What	Why	How
Tell me more	What if	Other questions?

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Applied investigation



Talk to, or interview, a supervisor or manager at a workplace with which you are familiar. Ask them for advice about these areas (and then report back to the class).

- a. The types of questions young or new workers should ask.
- b. Who they should ask?
- c. How to best ask or phrase these questions?
- d. How to get follow-up support and guidance?

5.21 Communicating Effectively

Diversity and inclusion

You are already aware that diversity refers to differences in culture, ethnicity, gender, age, religion, sexual orientation, ability and more. **Embracing diversity** in the workplace can bring a range of **benefits** to individuals, workplaces and organisations, such as increased creativity, innovation, productivity and a more reflective customer/client focus.

Adjusting to diversity means respecting and valuing:

- ✓ the differences among co-workers
- ✓ creating a workplace culture that celebrates diversity, and
- ✓ adapting to varied communication styles and work styles by developing **cross-cultural skills**.

By **embracing** diversity, workplaces can create a more **inclusive** and welcoming environment that promotes **collaboration** and teamwork as part of **inclusivity**.

Ignoring diversity or failing to adjust to it can lead to **conflict**, **misunderstandings**, and even unintended **discrimination**.

Workers that are able to work effectively with others who are different from them build **stronger relationships**, gain **new ideas** and **new perspectives**, and help foster the organisation's overall success.

This all comes back to the very real notion that in essence - we are all more alike than we are different.

Benefits for work teams

There are clear benefits that arise from embracing diversity. Many of these rely on **empathy** and a sense of understanding of **different perspectives**. When have you witnessed or experienced these benefits in action in workplaces with which you are familiar?

1. **Improved teamwork and collaboration:** When workers come from diverse backgrounds, they bring unique perspectives and experiences. This can lead to more creative solutions to problems and improved teamwork and collaboration.
2. **Increased innovation and creativity:** Diversity in the workplace can lead to new ideas and innovative solutions. Workers from different backgrounds may approach problems differently and come up with new and creative ways to solve them.
3. **Enhanced cultural competence:** Working with colleagues from diverse backgrounds can help workers develop cultural competence, which is the ability to understand, appreciate, and effectively work with people from different cultures. This is an important skill in today's globalised economy.
4. **Better decision-making:** When teams are diverse, they are more likely to consider a range of perspectives and make more informed decisions. This can lead to better outcomes for the organisation.
5. **Improved customer service:** Customers and clients come from diverse backgrounds, and having a diverse workforce can help organisations better understand and meet their needs.



Never underestimate the power of workplace diversity - including age diversity - for workplace success.

Image: Rawpixel/Depositphotos.com

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Reflect on the extent to which **diversity** and **inclusion** are **embraced** within an **industry**, or in a **workplace** in which you are interested, or have worked in. Complete this table by:

- a. describing the **characteristics** of **diversity**,
- b. outlining the **actions** that are being **taken** to **embrace diversity** and **inclusion**
- c. explaining the **benefits** of diversity and inclusion,
- d. outlining any **industry** or **workplace-specific requirements**.

Diversity characteristics	Actions to embrace diversity	Benefits of diversity and inclusion	Industry/workplace-specific requirements

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Applied investigation



What strategies, skills and experience could you bring to a workplace to help it better embrace diversity and inclusion? How would you communicate these?

5.23 Communicating Effectively

Digital communication

You have grown up in the information age. As a digital native, you are expected to be able to use and apply a plethora of digital communication tools. But it is important to emphasise that the way that **digital communication** is used and **applied** in **vocational** situations varies depending on the **workplace culture**, the **nature** of the **work** being undertaken, and the type of **workplace relationships** that drive **communication** in the workplace.

Benefits of digital collaboration and teamwork

- 1. Improved efficiency:** Digital and electronic collaboration tools like video-conferencing, instant messaging, and project management software, allow team members to work together more efficiently and effectively, reducing the time spent on tasks and increasing productivity.
- 2. Increased flexibility:** Digital communication and collaboration tools enable team members to work from anywhere and at any time, making it easier to work remotely or from different locations. This flexibility also enables organisations to collaborate with partners and stakeholders from different parts of the world.
- 3. Enhanced communication:** Digital communication and collaboration tools like email, messaging apps, and video-conferencing allow team members to communicate in real-time, share ideas, and collaborate more effectively. This helps to build stronger relationships among team members, leading to improved teamwork and productivity.
- 4. Improved decision-making:** Digital collaboration tools enable teams to make better and more informed decisions by providing access to real-time data, analytics, and insights. This can help organisations make more informed decisions and drive better results.
- 5. Cost Savings:** Digital collaboration and communication tools often result in cost savings for organisations. For example, video-conferencing can reduce travel costs and time, while electronic document sharing and storage can reduce paper usage and storage costs.
- 6. Improved Accessibility:** Digital communication tools like email, messaging apps, and chatbots, allow customers to access services and support quickly and easily. This means that customers can get help and support whenever they need it, without having to wait for traditional business hours.
- 7. Customer/client focus:** Digital communication tools, platforms and portals can also result in more accessibility, enhanced personalisation, improved responsiveness, greater fulfilment efficiency and better customer/client database management.

Potential problems

But always be wary of the negatives associated with digital communication tools such as:

- ✗ overcommunication
- ✗ information overload
- ✗ miscommunication
- ✗ security risks
- ✗ an over-dependency on technological processes
- ✗ lack of accessibility for some diverse groups, and
- ✗ the lack of face-to-face interaction that can undermine the trust and relationships between enterprises and their customer and clients.

Image: Ellagrin/
Depositphotos.com



Reflect on how **digital communication** is **used** within an **industry**, or in a **workplace** in which you are interested, or have worked in. Complete this table by:

- a. describing the **digital communication** and how it is **used**,
- b. explaining the **benefits** of this **digital communication**,
- c. outlining any **industry** or **workplace-specific requirements**, and
- d. discussing **potential negatives** for different work-related **stakeholders**.

Digital communication	Benefits for the workplace	Industry/workplace-specific requirements	Potential negatives

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5.25 Putting It All Together

Workplace communication

Successful collaboration in the workplace involves being able to communicate information effectively with managers, staff, customers/clients and many other workplace stakeholders.

Successful business people often say that one of the key reasons for their success, is that they have access to the best **information** and **networks**.

Workplace communication occurs between...

- ⇒ Colleagues & workers
- ⇒ Managers & supervisors
- ⇒ Shareholders and owners
- ⇒ Other departments
- ⇒ Admin and support staff
- ⇒ OH&S/WHS reps
- ⇒ Existing customers/clients
- ⇒ Potential customers/clients
- ⇒ Suppliers & service providers
- ⇒ Contractors and sub-contractors
- ⇒ Government agencies
- ⇒ Inspectors & regulators
- ⇒ Technicians & experts
- ⇒ Industry advisers
- ⇒ Professional advisers
- ⇒ Market researchers
- ⇒ Unions and employer associations

Finding out

So, do you know how to find out information in a workplace? Where would you look? Who would you ask within your networks? What would you ask? Who should you listen to?

Within workplaces, there's always someone you can ask who can tell you the things you need to know. Once you know the shortcuts for finding out information, you're well on the way to becoming more enterprising. But be careful! How do you know that you have been given the right information and advice? Some people simply make stuff up to make themselves seem knowledgeable, because they are too lazy to find out the real information.

Workplace communication can take various forms, what have you experienced?

- ⇒ A manager might give you a verbal directive or order to complete a task.
- ⇒ A supervisor or mentor might give you informal guidance, coaching and support when training you.
- ⇒ Organisations might have processes and policy documents that must be followed.
- ⇒ Organisations might use standardised invoices, receipts, quotes, purchase orders and other business transactional documents.
- ⇒ The finance department might prepare and circulate documents such as budgets.
- ⇒ Organisations might publish written and online information about themselves.
- ⇒ Organisations might have training manuals, videos and online learning tools.
- ⇒ Products might come with manuals and product specification datasheets.
- ⇒ Workplaces might use safety signage, maps and point-of-sale displays.
- ⇒ Customers might communicate face-to-face, by phone, through email or by social networking.
- ⇒ Other departments might send internal memos or emails about their requirements.

Types of workplace information

- ⇒ Employee information
- ⇒ Organisational details
- ⇒ Worksite information
- ⇒ Task instructions
- ⇒ Safety information
- ⇒ Rosters and timelines
- ⇒ Roles and responsibilities
- ⇒ Product information
- ⇒ Processes and policies
- ⇒ Customer details
- ⇒ Customer support
- ⇒ Financial information
- ⇒ Sales data
- ⇒ Market research
- ⇒ Legal requirements
- ⇒ Professional advice
- ⇒ Industry information
- ⇒ Economic information

Communication in action 5J

Using the ‘Types of workplace information’ on p.148, **describe** specific **examples** how this **communication** occurs between relevant **stakeholders** (from the top of p.148), in **work-related situations** with which you are familiar with.



Also describe the use of **formal** and **informal** communication and communication **methods**, including face-to-face and/or digital communication.

Workplace information	between...	Example of communication...	Communication methods used

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Reflection

What would you rate as your strongest skills related to collaboration, teamwork and communication? How could you/do you apply these in work-related situations?

Which skills/areas of collaboration, teamwork and communication do you need to improve? How could you improve in these; and who could help you?

5.27 U3 AOS3 Assessment Task

AT5 A Day in The Life - Investigation and Presentation AOS3 - Communication and collaboration

Overview



For this assessment task, you are required to complete an **investigation** and **presentation** into a workplace or work-related situation by:

- ✓ describing the importance and development of **networks**,
- ✓ the techniques used for effective **communication**, **collaboration** and **teamwork**,
- ✓ the applied use of **questioning** and **active listening** techniques.

You might focus on:

- a workplace in which you are employed
- a workplace in which you have completed work experience or work placement
- a workplace that you are interested in, as part of your future career pathways development
- a simulated workplace environment
- a self-directed teams-based activity for a WRS and/or PDS activity
- a self-directed teams-based enterprise activity
- a combination of these, and/or other appropriate work-related situations.

Requirements

1. Undertake an appropriate **investigation** by documenting and **reporting** on **work-related activities**.
2. Arrange and conduct **interviews** with **key stakeholders** and apply appropriate **questioning** and **active listening** techniques.
3. Describe the **roles** of **key stakeholders** within **collaborative** workplace.
4. Describe the existence of both **formal** and **informal networks** within the workplace, and explain the **importance** of these networks for **collaboration**.
5. Describe the operation of both **normal** and **informal communication** within the workplace, and explain the **importance** of this communication for **collaboration**.
6. Describe the extent to which **diversity** and **inclusion** are promoted in the workplace, and the **benefits** of these for **teamwork** and **collaboration**.
7. Explain the role of **communication**, **collaboration** and **networks** in **dealing** with work-related **problems**.
8. Discuss the role and **effectiveness** of **digital communication** and **networking** techniques.
9. Evaluate **skills**, **techniques** and **strategies** that are used to **develop** effective **professional relationships**,
10. Justify **applied skills**, **techniques** and **strategies** that **you** can use to **develop** effective **professional relationships**.

Information

Name:		Key dates:		UNIT 3 AOS3
Tasks - AT5: A Day in The Life - Investigation & Presentation	Must Do?	Due Date	Done	Level
Work-related situation(s)				
Part A: Investigation and Documentation				
1. Investigate appropriate work-related activities.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>
2. Interview key stakeholders and document responses.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>
3. Investigate the roles of key stakeholders in the workplace	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>
4. Investigate the importance of formal & informal networks.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>
5. Investigate the use of formal & informal communication.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>
6. Investigate the presence of diversity & inclusion.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>
7. Investigate collaborative problem-solving strategies.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>
8. Investigate the role and effectiveness of digital techniques.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>
9. Investigate strategies for professional relationships.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>
⇒ Collect and use a range of media formats.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>
⇒ Organise, draft and submit documentary evidence	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>
Part B: Description and Presentation				
1. Describe the work-related situation.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>
2. Explain key stakeholders and summarise their responses.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>
3. Describe the roles of key stakeholders in the workplace.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>
4. Describe the importance of formal & informal networks.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>
5. Describe the use of formal & informal communication.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>
6. Describe the presence of diversity & inclusion.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>
7. Explain collaborative problem-solving strategies.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>
8. Discuss the role and effectiveness of digital techniques.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>
10. Justify applied strategies for professional relationships.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>
⇒ Apply and use a range of media formats.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>
⇒ Organise and draft my descriptions/report.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>
Prepare and complete my presentation				
Draft my presentation and get feedback.	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>
⇒ Submit my presentation & documentation (if required).	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>
Present to the class or audience.	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>

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Additional information:

Signed: _____ Date: _____

5.29 Unit Review and Reflection

Unit Review and Reflection

Which work-related skills did I develop during this entire unit?

→ _____

→ _____

→ _____

→ _____

How have my work-related skills also helped me to improve in my personal life?

→ _____

→ _____

→ _____

How have my work-related skills helped improve my future career prospects?

→ _____

→ _____

→ _____

My performance in developing my work-related skills this entire unit was:

0 not shown	1 low	2 reasonable	3 good	4 very good	5 excellent
-----------------------	-----------------	------------------------	------------------	-----------------------	-----------------------

What were my strongest areas of performance? What should I work on improving?

My strongest topics/skills were:	But I need to improve my skills in:

Signed: _____ Date: _____

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