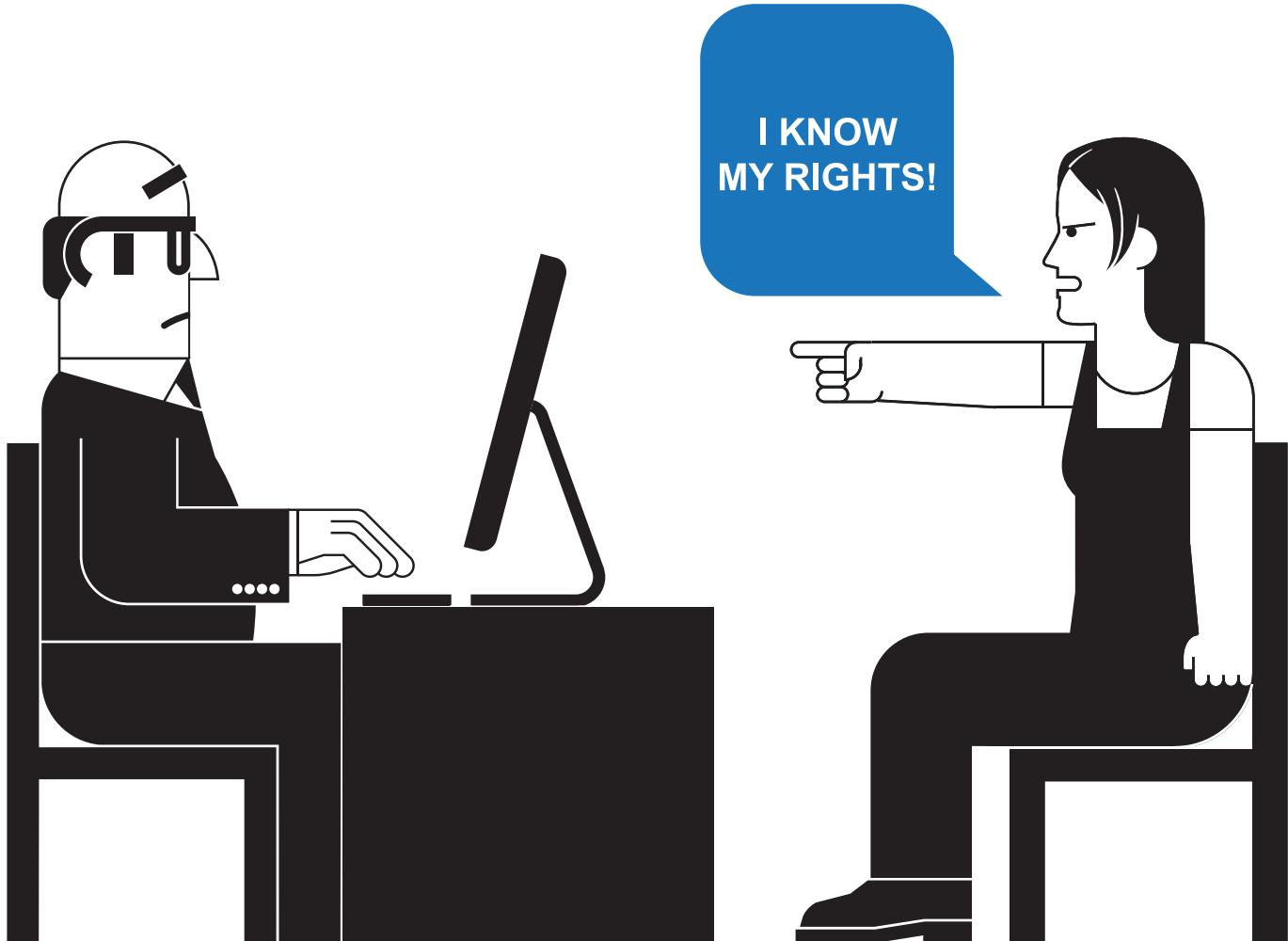


AUWU

UNEMPLOYED WORKERS' RIGHTS GUIDE



October 2017 Edition
Created by the volunteers of the Australian Unemployed Workers' Union

Arise,
find friends,
join hands,
help others,
make haste.

Produced by the Australian Unemployed Workers' Union, Melbourne branch

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Disclaimer:

The information in this publication is of a general nature only and is not intended to be relied upon as, or to be a substitute for, specific professional advice. Although we endeavour to provide accurate and timely information, there can be no guarantee that such information is accurate as of the date it is received or that it will continue to be accurate in the future.

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Introduction

Congratulations on obtaining the AUWU's guide to unemployed workers' rights! You are now reading information written *by* and *for* the unemployed and underemployed workers of Australia. We hope this guide helps you to survive the punitive, unpleasant, and often harrowing experience of getting by on the Newstart Allowance.

If you're on Newstart, you have rights. These rights are protected by a number of government documents called 'deeds,' which are supposed to regulate the employment services industry. Every job agency in Australia is contractually bound to uphold either the *jobactive* or DES deed, depending on which services they offer.

If you find some information in this guide at odds with what you've been told by your job agent or by Centrelink, it's not because we haven't done our homework. Wherever there are ambiguous passages in deeds and guidelines (and there are many) we choose to interpret them in your favour (whereas job agencies tend to do the opposite). The simple fact is that **they want to make money by pushing you into a range of lucrative activities and appointments.** To accomplish this they depend on the threat of penalties, intimidation, and ultimately, **your ignorance and isolation.**

The Federal Government is complicit, and has no incentive to ensure unemployed workers know their rights under the law – it knows that **if we all become well-informed, assertive, and organised, the current system will become unprofitable and untenable!**

If you're struggling to cope, or feel you are being treated disrespectfully, chances are your rights are being violated. The good news is you are not alone in this struggle. Over 800,000 people receive Newstart and more than one million people are underemployed. Understanding your rights is the first step to taking control, fighting back, and making the best of a bad situation.

Where to go for help and advice

Australian Unemployed Workers' Union (AUWU)

Our hotline:	(03) 8394 5266
Our website:	unemployedworkersunion.com
Contact us:	contact@unemployedworkersunion.com

Government Agencies

Department of Employment Customer Service Hotline:	1800 805 260 (<i>jobactive</i> complaints)
Complaints Resolution and Referral Service:	1800 880 052 (DES complaints)
National Disability Abuse and Neglect Hotline:	1800 880 052
National Relay Service (hearing/speech impairment):	1800 555 660 hotline@workfocus.com
Centrelink Participations Line:	1300 306 325
Feedback and Complaints:	1800 132 468

Welfare Rights Networks (Centrelink matters only)

Adelaide Welfare Rights Centre:	(08) 8223 1338 or 1800 246 287
Barwon Community Legal Service:	(03) 5221 4744 or 1300 430 599
Canberra Community Law:	(02) 6218 7977
Central Australian Aboriginal Legal Aid Service:	(08) 8950 9300 or 1800 636 079
Darwin Community Legal Centre:	(08) 8982 1111 or 1800 812 953
Darwin Northern Australian Aboriginal Justice Agency:	(08) 8982 5100 or 1800 898 251
Fremantle Community Legal Centre:	(08) 9432 9790
Hobart Community Legal Service:	(03) 6223 2500
Illawarra Legal Centre:	(02) 4276 1939
Launceston Community Legal Centre:	(03) 6334 1577 or 1800 066 019
Perth – Sussex Street Community Law Service:	(08) 6253 9500 or 1800 642 791
Perth – Welfare Rights and Advocacy Service:	(08) 9328 1751
Queensland Basic Rights:	(07) 3847 5532 or 1800 358 511
Sydney Welfare Rights:	(02) 9211 5300 or 1800 226 028
Townsville Community Legal Service:	(07) 4721 5511
Victorian Social Security Rights (SSRV):	(03) 9481 0355 (Melbourne) (03) 5221 4744 (Geelong) 1800 094 164 (Rural)

Other Agencies and organisations

Commonwealth Ombudsman (social security matters): 133 362 072

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

Tenants' Union of Victoria: (03) 9416 2577 tuv.org.au

National Disability Insurance Scheme (NDIS): <https://www.ndis.gov.au/>

Didn't find what you're looking for? Visit <http://unemployedworkersunion.com/helpful-links/> for many other links, letter templates, government documents, and more.

Recent government attacks on the unemployed

Since the Coalition Government came to power in 2013 unemployed and underemployed workers (and social security recipients as a whole) have been subjected to a vicious assault, making today the worst time in our post-war history to be looking for work. These attacks include:

- Failure to address our employment crisis

Going by the official ABS figures, there are currently 17 job seekers competing for every advertised job vacancy. This ratio has doubled since 2008.

- Refusing to raise the dole to the poverty line

As of November, the Newstart Allowance is currently just under \$400 below the poverty line per fortnight and sinking deeper. This payment has not increased in real terms for 22 years.

- Giving job agencies the power to fine the poor

In July 2015, job agencies were given the power to fine the unemployed for not attending job agency interviews (No Show No Pay penalty) and behaving ‘inappropriately’ at Work for the Dole. The Government is currently pushing to expand these powers.

- Work for the Dole expansion

On 1 July 2015, Work for the Dole was expanded so that it occurred sooner into the period of receiving unemployment entitlement (six months rather than a year), and for longer (25 hours a week for under 30 year olds). Please note: For those entering the Work for the dole phase after 1 Oct 2016, the waiting period was increased to 1 year.

- Income management expansion

In March 2016, the Federal Government began to trial a new income management program called the ‘Healthy Welfare Card’ across three sites in South Australia and Western Australia. The ‘Healthy Welfare Card’ goes further than the already discredited ‘Basics Card’ by restricting 80% of income to the card (the Basics Card restricts 50%), which can only be used at ‘Government approved’ places. The Government has indicated it will expand the Healthy Welfare card (renamed the ‘Cashless Debit Card’ in 2017) to additional areas in Australia.

- Centrelink Debt Debacle

At least 20,000 vulnerable Australians have been issued fraudulent ‘robo-debt notices.’ Since Government officials chose to remove human oversight over the objections of Centrelink advisors, we submit that this was an intentional and cynical ploy to raise revenue.

In late July 2017, roughly 38,000 Australians with alleged debts received threatening letters bearing the crest of the Australian Federal Police – ACOSS CEO Cassandra Goldie denounced the tactic as ‘completely inappropriate.’

- Mandatory drug testing

The government plans to trial mandatory drug testing of Youth Allowance and Newstart recipients in 2018. The Victorian Mental Health Minister called the proposal a ‘scam,’ and ‘cheap populist nonsense,’ which won’t work. Other organisations – among them Jobs Australia and the Law Council of Australia – have also excoriated the proposed measure.

- Outsourcing Centrelink's call-centre services

In what may be the first step to privatise Centrelink as a whole, the government has announced that a subsidiary of the multinational Serco Citizen Services would be contracted to help operate Centrelink's call centre. The CPSU has blasted the move, calling it 'an absolute disaster,' and an attack on public servants, a threat to the integrity of private information and a privatisation that would downgrade the quality of a critical public service.

[Protecting your basic rights: a checklist](#)

To ensure your job agency respects your basic rights, the AUWU recommends you take the following precautions:

a) *Negotiate a fair job plan*

Check your job plan to make sure you aren't being forced to do things that you don't have to (see Appendix B, and section 1.9). Be wary of broad terms and vague language (eg. 'I agree to undertake any additional activities as directed by my provider'), and remember that a job plan must be tailored to your particular circumstances and capabilities.

b) *Choose your own activity*

If you are not happy with your Work for the Dole activity, find a suitable volunteer activity and inform your job agency. You have a right to undertake a suitable voluntary activity as the *jobactive* deed considers it an 'approved activity' (see section 2.1).

c) *Get your barriers to work recognised*

If you feel that your job agency is not recognising your personal circumstances that make it difficult for you to work (medical condition, caring responsibilities, family issues), call Centrelink and ask them for an 'Employment Services Assessment'. *Once booked, all mutual obligation requirements will cease* until this assessment is attended. If your barriers to work are considered credible, Centrelink may exempt you from activities or significantly reduce your obligations (see section 1.3.).

d) *Ensure your job agency meets its obligations*

See section 1.1.

PART 1: JOBACTIVE AGENCIES

1.1. What assistance is my job agency required to provide?

Job agencies speak a lot about the mutual obligations you have as an unemployed worker. However, they often fail to mention their own obligations. According to the *jobactive* deed (section 85-86), there are three main ways your job agency is supposed to help you find work. These are:

a) General employment services

Regardless of the stream you are in, your job agency must:

- canvass jobs available in the local labour market
- explain your rights and obligations under the Social Security Law
- help you to prepare a resume
- refer you to suitable vacancies; help you to apply for jobs
- provide you with information about skill shortages and advise about local, regional, or national employment opportunities
- explain all the services they can provide to you
- identify your strengths and any issues that you may have relating to finding employment

If your job agency refuses to provide you with any of these services, they are breaking the *jobactive* deed.

b) Employment fund

As an unemployed worker, in certain cases you are entitled to receive money from your job agency for expenses that relate to looking for and maintaining a job.

The amount of money you are entitled to depends on your stream:

- Stream A - \$300 credited at 13 weeks of registration
- Stream B - \$850 credited upon commencement into Stream B
- Stream C - \$1200 credited upon commencement in to stream C

These fees are generally only paid once per stream, per period of unemployment (a period of unemployment starts when you commence services with a job agent and ends when you exit). Your job agent must pay for the purchases and then seek reimbursement through the Employment Fund General Account.

According to the *Employment Fund Guideline*, the money in the employment fund is designed to 'provide eligible job seekers with the work-related tools, skills and experience that correspond with their difficulties in finding and keeping a job in the relevant labour market.' Here are some examples given in the *Employment Fund Guideline* of what expenses are covered by the Employment Fund:

- Accredited interpreters
- Accredited training

- Clothing and presentation (for job interviews, commencement of employment etc.)
- Employer related training (non-accredited only) – should your provider need to train your employer in a particular process or management strategy to meet a job seeker's needs)
- Cards and vouchers for food, phone calls or petrol
- Jobseeker transport (eg. public transport, rego, and compulsory insurance)
- Medical expenses
- Non-Work for the Dole Activity costs (eg. Risk Assessments)
- Post placement support (should a jobseeker require assistance in addressing issues for maintaining employment)
- Professional services (registered psychologists or allied health professionals)
- Relocation assistance (including overnight accommodation when attending an interview in another city)
- Rent and crisis accommodation (only when the job agency has exhausted all other avenues – only available one per period of unemployment, unless under special circumstances such as domestic violence)
- Assistance with legal and utility expenses (electricity etc.) - offered to Stream C unemployed workers only.
- Targeted pre-employment preparation (foundation skills training, employability training for one period of unemployment by jobseeker, capped at \$300 per Stream B and \$500 per Stream C) -- offered to Stream B and C unemployed workers only
- Tools and equipment for jobseekers to find and keep a job (this may not be approved until you have secured the job and have a start date)
- Books and equipment for job seekers to undertake training or educational placements
- The cost of basic mobile phones (calls, texts, possible emails), for the handset only – not credit.
- Other work related items that will assist the jobseeker in securing and/or maintaining employment.
- Work Trials limited to no more than 2 weeks and only for the wages earned in that period. There must be a position available to be filled for a paid job trial to go ahead. The employer must pay the jobseeker and the provider can reimburse them. This must be agreed upon between all parties prior to the work trial taking place.
- Work-related licensing (Forklift, OHS etc.)
- Other work-related checks and expenses (Working with Children checks, medical checks, out-of-pocket expenses such as childcare etc.)

If your job agent refuses to use the Employment Fund for approved expenses, they are breaking their obligations as set out in the *jobactive* deed.

c) *Wage subsidies*

If you find a job, in certain circumstances your employer may be entitled to a wage subsidy from your job agency.

According to the Wage Subsidy Guidelines, a wage subsidy to the employer of up to \$10,000 may be available to support unemployed workers into employment.

To receive a wage subsidy, you must enter into one of the following programs:

- *jobactive*
- Transition to Work
- Disability Employment Services (DES) or
- Community Development Programme (CDP);

Ask your provider if you can qualify for any of these programs.

"Nothing was done to help me get a job. They did not refer me to any vacancies, got me no interviews, didn't offer me any useful training or anything else of note that would have helped me gain and maintain employment."

- Lorelai 29/7/17

1.2. Why won't Centrelink accept my medical certificate?

Centrelink commonly reject medical certificates without adequate explanation and forces unemployed workers with serious medical conditions to attend appointments and activities with their job agency.

Below is an excerpt of a letter from the Department of Social Services explaining how to successfully submit a medical certificate to Centrelink:

To be granted an incapacity exemption, the job seeker must provide a medical certificate signed by a medical practitioner which states:

- the medical practitioner's diagnosis and prognosis;
- that the person is temporarily incapable of any work (of at least 8 hours per week; and
- the period for which they are incapacitated.

You may not be granted an incapacity exemption if:

- the medical condition is not temporary (ie. likely to persist for more than 2 years) nor a temporary exacerbation of a chronic condition
- you can participate in a suitable program (eg. Employment Services)
- you're able to work at least 8 hours per week
- insufficient evidence was supplied (eg. medical certificate was incomplete)

See also section 3.12.

1.3. I have a medical condition/caring responsibilities yet my job agent is forcing me into an activity. What can I do?

Ask Centrelink for an Employment Services Assessment (ESAt).

Employment Services Assessments are one of the most important rights that unemployed Australians have. They are designed for those who have barriers to work that are not being recognised by their job agency. The AUWU strongly encourages all unemployed workers to request an ESAt as *all appointments or activities (including job search requirements) should be suspended from the moment it's booked*.

When you attend the ESAt, make sure to bring all relevant documentation that proves that you have barriers to work. Some of these barriers to work might include:

- physical condition
- psychological condition
- caring responsibilities

If your barriers to work are proven to be genuine, you can be exempted from mutual obligation activities (including Work for the Dole) for a certain period. In other cases, you will be considered to have a Partial Capacity to Work (PCW) and your obligations will decrease.

Whatever Centrelink decides, you have the right to have it sent to you in writing. As with every Centrelink decision, it can be reviewed upon your request by a Centrelink Authorised Review Officer (ARO). For more information on appealing, see Part 4).

You can request an ESAt by contacting Centrelink by phone, in writing or in person.

Centrelink *must* book you into an Employment Services Assessment. If they do not book you in, you should ask to speak to a manager and state that it is your right to be booked in for an ESAt.

If Centrelink say that they can't book you in, make it clear that you won't leave/hang up until they schedule an appointment, and if they still refuse, ask how you can lodge a complaint. It is not your fault that Centrelink can't accommodate your request – *they are obliged to help you*.

If the person you're dealing with refuses to process your complaint, get their name and a reference number, and call the Commonwealth Ombudsman (1300 362 072) to lodge a complaint.

"Have to look for 12 jobs a month, even though I have many specialist reports saying that I have a Brain Injury / Post Concussion Syndrome. Have to see job agency every fortnight, makes me depressed and anxious. I keep applying for Disability Pension- GP says none of her patients are getting it unless she can tick box saying they are going to die within 3 months."

- Anonymous 13/9/17

"I am at university and raising three kids - when would I get time for work?"

- Megan 5/9/17

1.4. I'm being forced to sign a job plan that doesn't recognise my needs and abilities. What can I do?

Your job agency must ensure that your job plan reflects your personal circumstances. If you feel that your job plan does not accurately reflect your needs and abilities, request to renegotiate your job plan at your next appointment (you can do so at any time, and as many times as necessary).

According to the ‘Job Plans Guideline’, when setting and approving the terms of your job plan, your job agency *must* take into account the following:

- individual circumstances, in particular your assessed work capacity (where relevant), your capacity to comply with the requirements, and your personal needs
- your level of education, experience, skills and age
- the impact of any disability, illness, and mental or physical condition on your ability to work, look for work or participate in activities
- the state of the local labour market and the transport options available
- the participation opportunities available to you
- your family and caring responsibilities (including availability of child care)
- the travel time required to comply with the requirements (90 minutes each way or 60 minutes if the job seeker is a principal carer parent or has a Partial Capacity to Work)
- the costs (such as travel costs) of complying with the requirements, and your capacity to pay them
- any other matters that the Provider considers relevant in the circumstances (eg. if you’re a victim of domestic violence)
- any vulnerabilities or vulnerability indicators (as identified by DHS) such as homelessness, psychiatric problems or mental illness, severe drug or alcohol dependency, traumatic relationship breakdown, etc.
- cultural factors

If your job agent refuses to recognise your personal circumstances, they are breaking the terms of the *jobactive* deed.

NB: Your job agent may insist that it’s not technically possible to alter certain components of your job plan. This may be the case, but bear in mind that any such component can be deleted and replaced with custom text (‘free-text’).

1.5. Do I have to sign my job plan when it is first presented to me?

Under the *jobactive* guidelines, unemployed workers are entitled to negotiate an appropriate job plan. However, job agencies are known to threaten unemployed workers with penalties if they do not immediately agree to the terms in the job plan. This is a breach of the *jobactive* guidelines.

Before signing or accepting a Job Plan, all job seekers may have two Business Days ‘think time’ to consider the requirements of the Job Plan. They may discuss them with a third party if they wish. The ‘think time’ can only be used once each time a Job Plan is created or updated. If the job seeker wants to use the ‘think time’, the Provider should book another Appointment for two Business Days ahead.

Whilst you cannot outright refuse to sign a job plan, you cannot be forced to sign a plan that is outside the parameters of the deeds and guidelines. You have the right for the negotiation to be reviewed by the Department of Employment if there is no agreement after the think time of two business days. According to the *Job Seekers Compliance Framework Guideline*:

Failure to enter into or vary a Job Plan — This is submitted when the job seeker attended their Appointment but did not enter into a Job Plan or did not agree to their Job Plan on the jobactive powered by JobSearch website or jobactive Job Seeker App in the required timeframe. DHS will investigate the incident with the job seeker and will book another Appointment with their Provider for them to sign the Job Plan. If the first failure is applied by DHS and the job seeker again refuses to enter into/vary their Job Plan, an ongoing failure to meet a condition of their payment may exist. If DHS confirms this, the jobseeker's payment may be cancelled from the date of the second refusal.

Also note that the *Managing and Monitoring Mutual Obligation Requirements and Job Plan Guideline* states:

The items job seekers undertake must be included in their Job Plan as either a compulsory or voluntary item. There must be at least one compulsory item included in a Job Plan for job seekers with Mutual Obligation Requirements. Voluntary items are not subject to the job seeker compliance framework.

1.6. What are my job search requirements? Can I have them reduced?

Under the *jobactive* system, most unemployed workers are required to look for 20 jobs per month (depending on capacity). However, as section 3 of the *Mutual Obligation Requirements and Job Plan Guideline* explains, there many circumstances that may affect your job-search requirements:

Providers may reduce the number of Job Searches as a result of a job seeker's:

- physical, intellectual or psychiatric impairment;
- alcohol or drug abuse, where this is likely to impede Job Search;
- substantially elevated level of family and caring responsibilities;
- accommodation situation, where this is likely to impede Job Search;
- education or skill level, where this is likely to substantially limit job opportunities;
- current Employment status (Part-Time or casual work);
- domestic violence (including family violence) or family relationship breakdown (the Department of Human Services may also grant an Exemption from Mutual Obligation Requirements in these circumstances);
- final three months of pregnancy;
- level of English language skills, where the job seeker is undertaking a course to improve these skills;
- cultural factors;
- the state of the labour market and the transport options available to the person in accessing that market (for example, taking into account travel time).

For example, a Stream A job seeker either living in a metropolitan area or within 90 minutes travel time to a metropolitan area would be expected to have 20 Job Searches per month. In a regional area with limited vacancies and where the travel time to more positive labour markets is more than 90 minutes, it might be appropriate that a Stream A job seeker has a lower Job Search requirement, for example, 15 Job Searches per month.

Providers must not reduce the number of Job Searches a job seeker is required to undertake merely because the job seeker is undertaking other Activities—in particular study or during the Work for the Dole Phase.

Pregnant job seekers

During the three months before a pregnant job seeker's expected due date they will not be required to undertake Job Search. During this time Providers cannot compel these job seekers to accept job offers or referrals to job interviews.

Language, Literacy and Numeracy courses

For those job seekers who Providers have identified as needing to improve their Language Literacy and Numeracy skills, Providers may reduce the number of Job Searches during but not remove job searches for the period when the job seeker is actively participating in a Language Literacy and Numeracy course. The job seeker would need to be undertaking the Skills for Education and Employment (SEE) programme, Adult Migrant English Programme (AMEP) or another accredited Language Literacy and Numeracy course. However, Providers must ensure that the job seeker has some Job Search recorded in their Job Plan while participating in these programmes.

For Stream C job seekers and job seekers aged 60 years and over

The number of Job Searches required by Stream C job seekers and job seekers aged 60 years and over depends on their capacity. However, in general they would be expected to undertake 10 Job Searches per month.

In setting an appropriate number of Job Searches, in addition to the considerations outlined above, Providers may also consider the extent to which:

- other non-vocational issues or vocational issues are being, or have been, addressed; and
- whether the job seeker has undertaken re-skilling or re-training.

For Stream C job seekers, it might be appropriate in some Exceptional Circumstances to have no Job Searches for a period while non-vocational issues are actively being addressed. For example, where a job seeker is undertaking a residential drug and alcohol rehabilitation programme.

The number of Job Searches required of Stream C job seekers would be expected to increase over time as they overcome or sufficiently manage personal or non-vocational issues.

Paid work

For job seekers with full-time Mutual Obligation Requirements:

- if undertaking at least 40 hours of declared paid work (including self-employment) per fortnight, the number of Job Searches should be halved (if the job seeker is undertaking a significant number of hours of paid work per week and receiving only a residual amount of income support, Providers have the discretion to reduce the number of Job Search further); and
- if undertaking at least 70 hours of declared paid work (including self-employment) per fortnight, the job seeker should have no Job Search requirement.
- For job seekers with part-time Mutual Obligation Requirements (Principal Carer Parents and those with a Partial Capacity to Work of 15 to 29 hours per week):
- if undertaking 11 to 29 hours of declared paid work (including self-employment) per fortnight, the number of Job Searches should be halved; and

- if undertaking 30 hours or more of declared paid work (including self-employment) per fortnight, the job seeker should have no Job Search requirement.

Other circumstances

Providers must not include Job Search requirements for Early School Leavers undertaking appropriate hours of education or training as part of meeting their Mutual Obligation Requirements, or for Early School Leavers who are also Principal Carer Parents or have a Partial Capacity to Work of 15-29 hours per fortnight and are fully meeting their part-time Mutual Obligation Requirements. However, Early School Leavers with full-time Mutual Obligation Requirements who are not engaged in education or education in combination with paid work for 25 hours a week **must** have a compulsory requirement to look for up to 20 jobs each month included in their Job Plans.

Providers **must not** include Job Search requirements for job seekers while they are undertaking **NEIS Training** or the **NEIS Programme**.

Principal Carer Parents and those with a Partial Capacity to Work of 15 to 29 hours per week who are fully meeting their part-time Mutual Obligation Requirements **must not** have any Job Search requirements included in their Job Plans.

Job seekers **aged 55 years and over** who are meeting their full-time Mutual Obligation Requirements through 30 hours per fortnight of paid work or approved Voluntary Work **must not** have Job Search requirements included in their Job Plans.

1.7. My job agent is bullying me. What can I do?

All job agencies must uphold the 'Employment Service Provider Guarantees' and 'Employment Services Code of Practice' (see Appendix D). These documents guarantee that you must be treated 'fairly and with respect.' If you feel your job agency is breaking these commitments, we encourage you to take the following actions:

- Take a friend or family member to your next appointment

Having a witness present will make your job agent much less likely to bully you. This is your right. If you would like an advocate to help you deal with Centrelink as well, ask a friend or family member to sign a Centrelink nominee form (can be found at: <http://unemployedworkersunion.com/helpful-links/>).

- Request a new case manager

Ask to speak to the manager at your job agency (alternatively you can write a letter/email). Inform them that your job agent is not fulfilling its basic commitments to treat you fairly and with respect as stated in the 'Employment Service Provider Guarantees' and 'Employment Services Code of Practice' and you would like to be given a different case manager (see Appendix D).

- Change job agencies

Fill out a transfer by request form (see helpful links) and state that you wish to transfer agencies on the basis that you can get better services elsewhere (see section 1.11).

- Make a complaint

Lodge a formal complaint with the Department of Employment by calling 1800 805 260 (see Part 4 for more details).

"Rude, condescending, and cruel case workers who delight in degrading, dehumanising, and humiliating. One in particular made a point of adding up all of the jobs I had applied for since I was old enough to work (several hundred!) and then saying that I must be a terrible person to still be unemployed after applying for that many jobs. This kind of thing wreaks absolute havoc on a person's mental health and DOES NOT encourage or support them to get a job."

- Lorelai 29/7/17

1.8. I am being threatened with a penalty or activity that I don't understand. What can I do?

If your job agency requests something you object to, explain that you won't co-operate unless they can justify their request with reference to the *jobactive* deed or a relevant guideline.

"As someone who is a recovering alcoholic they forced me to do my RSA [certificate of Responsible Service of Alcohol] which I found shocking to say the least."

- Anonymous 2/9/17

1.9. I'm being forced to attend multiple appointments per month. What can I do?

According to the *jobactive* deed (84.1), job agencies must provide unemployed workers with 'one Contact each month to discuss Job Searches they have undertaken in the previous month and to identify jobs that they can be referred to.' Anything above this monthly appointment is therefore voluntary. If your job agent demands that you attend any more appointments on top of this monthly appointment, request that they:

- produce the relevant section of the *jobactive* deed or guidelines to provide evidence for this requirement; and
- re-negotiate your job plan to put it in line with your minimum Mutual Obligations Requirements.

The monthly job agency appointment is in addition to your job searches and Annual Activity Requirement (Work for the Dole, voluntary activity etc.) See Appendix B for more details.

If you are unable to attend your monthly job agency appointments due to certain issues, you have the right to call 24 hours in advance to reschedule your appointment. You have the right in certain circumstances to conduct the appointment over the phone.

1.10. My job agent doesn't give me enough notice before scheduling an appointment or activity. What can I do?

As noted in the *Job Seeker Compliance Framework Guideline*, your job agent must give you reasonable notice ahead of any appointment or activity. How 'reasonable notice' is defined depends on the method of contact:

If your provider contacts you by **phone, face to face, or hands you a letter** to organise an appointment or activity, you **must** be given **3 Calendar days notice**.

Note: If you are contacted by phone, the provider must speak directly to the job seeker.

If you are contacted by **email** (only available when it is the job seeker's notification preference), you **must** be given **2 business days notice**.

Note: For an email notification to be valid, Providers must ensure that the job seeker has read and understood the email—for example, by using a 'read receipt'—at least one day before the

Appointment or activity. Where the job seeker does not respond to email notification, another method should be used.

If you are contacted by **mail**, you must be given **6 business days notice** (formerly 4).

However, according to Social Security Law, job agents can simply bypass these rules by organising an appointment or activity directly with the unemployed worker as long as the unemployed worker agrees.

This relies on the job seeker not knowing their rights. If your job agent tries to organise an appointment or activity without the required notice, simply inform them of your rights and lodge a formal complaint to the Department (see Part 4).

1.11. How can I change job agencies?

Transferring providers is an important right of unemployed workers. To transfer you must call the Department of Employment's National Customer Service Line on 1800 805 260. The Department will generally only accept your transfer request under specific circumstances as noted under the *Transfers Guideline*. These are:

- Transfer by agreement

You can request a transfer at any time by filling out a 'Transfer By Agreement' form (see 'helpful forms' section). This must be signed by your current and future job agencies.

- Change of Address

After a change of address, the Department can automatically transfer you to a new provider if your current one is 'not within a reasonable distance.'

If the department does not do this automatically, then call the Department of Employment.

On the other hand, if you get transferred automatically and you would prefer to stay at your old provider, you can also request a transfer through the Department.

- Relationship Failure

If you believe you cannot maintain a 'reasonable and constructive relationship' with your Employment Service Provider, call the Department of Employment and request a transfer. A customer service officer will record the request and help to make the transfer if approved.

- Better Servicing

If you believe that you could receive services that could 'better enhance' your employment prospects from another provider, you have the right to request a transfer.

If the Department agrees, they will accept the transfer. If they do not agree, you will be informed of the decision. The Department can be quite difficult to deal with, so be sure to ask for a reference number for your call and stand your ground if they refuse to process your request. If you feel they have treated you unfairly, contact the Commonwealth Ombudsman (1800 362 072) to make a complaint.

"They refused to transfer me to a Neato that was 5 minutes away and forced me to walk and catch 3 buses on a knee that requires surgery."

- Anonymous 2/9/17

1.12. Do I have to hand over my payslips if asked?

There is no section of the *jobactive* deed that states unemployed workers are required to hand in payslips to their job agency. *As an unemployed worker, you are required to report your income to Centrelink, not your job agency.* Job agencies are able to see your latest reporting details on its system.

If your job agency requests that you hand in your payslips, inform them in writing that you will only provide payslips if they present evidence (from within the *jobactive* deed) that it's a requirement. The AUWU website has a template letter for this situation (can be found at <http://unemployedworkersunion.com/helpful-links/>).

1.13. What's a reasonable excuse for missing an appointment or activity?

Before your job agency can penalise you for failing to attend an appointment or activity, the *jobactive* deed states that they must contact you on the day of being made aware of the compliance failure to ensure a reasonable excuse 'does not exist.'

This means that if your job agency issues you with a financial penalty without contacting you to see if you have a reasonable excuse, the penalty is unfair.

As stated in the Job Seeker Compliance Framework Guideline:

A Provider Appointment Report (PAR) can only be submitted after contact has taken place between the Provider and job seeker to confirm Reasonable Excuse does not exist.

Under Social Security Law, a reasonable excuse has a very vague definition. Below is an excerpt of the *Job Seeker Compliance Framework* issued by the Government:

When determining whether a reason for non-attendance is valid, Providers will need to use their judgement and knowledge of the job seeker. Generally, the measure of 'validity' is whether a member of the public would accept the circumstances as reasonable. For example, given that the focus is for job seekers to develop work-like behaviours and move into sustainable paid employment, would the reason that the job seeker provides be accepted by an employer?

Based on the discussion with the job seeker, the Provider must assess whether the jobseeker had a Reasonable Excuse for failing to comply with the requirement. A 'Reasonable Excuse' is an excuse that would seem reasonable to a member of the public. Given that each situation is different, Providers need to consider what is reasonable in the specific context of the non-compliance.

There are two stages in assessing whether the job seeker has a "Reasonable Excuse" for failing to comply with the requirement:

Providers must consider why the job seeker did not comply. If the job seeker provides an acceptable reason, the Provider must then consider why the job seeker did not give prior notice. Where a job seeker does not give prior notice of their inability to attend and it would be reasonable to have expected them to do so, they do not have a Reasonable Excuse. In some instances, prior notice will not be relevant for Providers to consider—for example; inappropriate behaviour or declining suitable paid employment.

"Every time i have been penalised I have been in hospital and have rung them before hand to inform them, yet they never listened."

- Anonymous 2/9/17

1.14. I'm being forced to accept unsuitable work. What can I do?

The *Mutual Obligation Requirements Guideline* gives you the right to reject work that is considered 'unsuitable':

Work will be Unsuitable if it:

- aggravates a job seeker's medical illness, disability or injury
- is above the job seeker's assessed work capacity within the next two years with Intervention
- does not meet the applicable statutory conditions of work
- requires the person to change their place of residence where they are unwilling to move
- involves unreasonable commuting time from home to work (more than 60 minutes one way for PCPs and job seekers with an assessed PCW and more than 90 minutes one way for other job seekers)
- involves skills the job seeker does not possess and appropriate training will not be provided by the Employer.

Where job seekers are undertaking an education or training activity that is included as a compulsory item in their Job Plan, the job seeker is only required to accept a job that does not conflict with the timing of that education or training.

PART 2: WORK FOR THE DOLE

2.1. Can I undertake study or volunteer work instead of Work for the Dole?

Job agencies routinely – and falsely – claim that Work for the Dole is a compulsory activity for most unemployed workers.

The latest *Mutual Obligation Requirements Guideline* clearly states that other approved activities – namely: voluntary work; part-time study; and accredited literacy and numeracy courses – will enable a job seeker to meet their Annual Activity Requirement.

Don't forget Job agencies have incentives to place unemployed workers into a Work for the Dole activity (see Appendix C). As a result, it is commonplace for job agencies to force unemployed workers into a Work for the Dole activity without informing them of these important options.

Below is an excerpt from the *Mutual Obligation Requirements Guideline* on what is an approved activity:

For job seekers aged 18 to 49 years with full-time Mutual Obligation Requirements, Work for the Dole is the principal Activity to meet their Annual Activity Requirement unless they:

- have arranged to meet their Annual Activity Requirement through another approved Activity that will start at the time they become subject to the Annual Activity Requirement, or
- are already undertaking other approved Activities at the time they enter the Work for the Dole Phase.
- are Job seekers aged 50 to 59 with full-time Mutual Obligation Requirements may choose to undertake Work for the Dole or other approved Activities to meet their Annual Activity Requirement.
- are PCP (Primary Care Participants) and PCWs (Partial Capacity to Work) of any age may choose to undertake Work for the Dole or other approved Activities to meet their Annual Activity Requirement.
- In addition to Work for the Dole, the other approved Activities that will enable a job seeker to meet their Annual Activity Requirement are:
 - part-time employment
 - unpaid work-experience placements (only an approved AAR for Stream C participants)
 - voluntary work
 - part-time study/training (in a Certificate III or higher)
 - accredited language, literacy and numeracy courses (which can include Skills for Education and Employment, and the Adult Migrant English Programme)
 - Defence Force Reserves
 - other government programmes, including state government programmes and the Green Army Programme.

Job seekers may also undertake a combination of the Activities listed above where it is deemed suitable or necessary by the Provider. For Stream C job seekers, participation for the

relevant number of hours in non-vocational assistance and interventions will meet their Annual Activity Requirement.

PLEASE NOTE, there are certain Activities that will not count towards meeting a job seeker's Annual Activity Requirement. These include:

- non-accredited education and training (such as Masters or Doctorate Courses)
- Certificate I or II courses
- non-vocational assistance and interventions (except for Stream C job seekers). For example, careers counselling, personal development courses and addictions interventions.

Note: For study to be approved, it must meet the Short Course approval conditions (i.e. less than 12 months or 2 semesters duration). If your course is longer, you may be eligible for AUSTUDY (see helpful links for more information).

Unemployed workers of all ages can undertake voluntary work instead of Work for the Dole. According to the *Mutual Obligation Requirements Guideline*, volunteer work is an approved activity that will enable unemployed workers to meet their Annual Activity Requirement.

It is important to note that 'voluntary work' and 'Work for the Dole' are two different activities. The place where you do Work for the Dole is called a 'host site', whereas the place where you can do voluntary work is called an 'approved volunteer organisation.' Work for the Dole host organisations and job agencies get paid for participating in the Work for the Dole program (see Appendix C), while volunteer organisations do not. This is one of the main reasons job agencies are so keen to funnel people into Work for the Dole activities.

The AUWU encourages all unemployed workers to seek out a volunteer organisation – not only do you get to choose something that suits your interests, but you undermine the punitive Work for the Dole system.

It's important to note that a volunteer organisation is suitable only if it's not for profit, and approved by Centrelink. To make sure your volunteer organisation of choice is an approved Centrelink volunteer organisation, you must fill out a 'Request for Organisation Approval' (SU461). After that form is submitted to Centrelink, both you and your chosen volunteer organisation must fill out a 'Verification of Voluntary Work' form (SU462). These forms can be found here:

<https://www.humanservices.gov.au/business/forms/su461>

<https://www.humanservices.gov.au/customer/forms/su462>

Unfortunately, due to the fact that there are no incentives for your job agent to place you in a volunteer activity, you must do most of the leg-work to undertake voluntary work with your chosen non-for-profit organisation.

Your job agency may even go out of their way to make it difficult for you to attend a volunteer activity, or try and convert this volunteer activity into a Work for the Dole activity.

Consequently, the AUWU recommends that you ask Centrelink for stamped copies of the processed voluntary forms when you submit them. You can provide this to your job agency later as proof.

2.2. I have concerns about the safety and suitability of my Work for the Dole activity. What are my rights?

You have the right to work in a safe and suitable Work for the Dole activity. However, as job agencies are subject to perverse incentives to place unemployed workers into the Work for the Dole program (see Appendix C), safety checks are routinely rushed through or conducted improperly.

According to the *Work for the Dole Guideline*, a risk assessment must be conducted for each Work for the Dole location and for each individual placed there (see Appendix F). These assessments are conducted either by the Work for the Dole Coordinator or the job agency depending on the situation. Both of these assessments give unemployed workers important protections:

a) *Work for the Dole risk assessment (place) checklist*

The Work for the Dole Risk Assessment (place) is designed to ensure that Work for the Dole activities have all 'work health and safety issues...addressed and managed before the Place/Activity commences and at all times during the Place/Activity' (see Appendix F).

If you believe that your Work for the Dole activity does not have adequate 'work health and safety processes' as defined by the risk assessment checklist, inform your job agency and your onsite Work for the Dole supervisor that you will not work there until the issue has been addressed. If no action is taken, report the site and the agency to the Department of Employment (see Part 4 for more details).

b) *Work for the Dole risk assessment (job seeker) checklist*

Your job agency must undertake a Risk Assessment for each individual participating in a Work for the Dole activity. The assessment must ensure the Work for the Dole activity is 'suitable and safe.' As stated in the government's *Work for the Dole Guideline*, this risk assessment guarantees all unemployed workers are provided:

- training and supervision
- personal protection equipment and clothing
- onsite facilities (access to drinking water and toilet)
- instructions on reporting any OHS issues

Additionally, job agencies must take into consideration your 'personal circumstances such as working capabilities and capacity and whether the level of supervision will be adequate.' If you do not feel these rights are being respected, inform your Work for the Dole site and your job agency. If no action is taken, report the site and the agency to the Department of Employment (for more details see Part 4).

"I suffer [from] chronic asthma and was made to breath cigarette [smoke] constantly which triggered day long asthma attacks. Job Agency completely ignored me and Department of Employment customer service line refused to process complaint."

- Jeromy 6/9/17

2.3. Am I insured if I am injured during my Work for the Dole activity?

Yes. Even though you are not legally considered a 'worker' and therefore not entitled to State Government protections, the Department of Employment has engaged insurance company

Arthur J. Gallagher Australia to arrange insurance for all unemployed workers undertaking a placement as a part of the *jobactive* system. To read their insurance guide, visit the Helpful Links section of our website:

<http://unemployedworkersunion.com/helpful-links/>

To provide further recourse to unemployed workers who suffer injuries at Work for the Dole sites, the AUWU has partnered up with Turner Freeman law firm. Turner Freeman has agreed to provide no-win-no-fee advice to all AUWU members. Call them on 13 43 63 for free legal advice (see helpful links for more information).

2.4. Can my job agency force me to Work for the Dole if I'm doing paid work?

No. Work for the Dole must *not* be included in a job plan if you're:

receiving less than the full rate of Newstart Allowance, Youth Allowance (other) or Parenting Payment Single, where the rate is reduced due to the income test (Note: A reduced rate can result from the job seeker's own income and / or their partner's income.)

In other words, since any paid work will result in a reduction of your payments, you will become ineligible for Work for the Dole. Bear in mind that in *any* circumstances, you can avoid Work for the Dole by substituting it with volunteer work at a Centrelink-approved organisation (see section 2.1).

2.5. How many hours do I have to do for Work for the Dole?

The hours you are required to work depends on three things:

- your age
- whether you are in stream A, B, or C
- whether you are a single parent (known as Primary Care Provider) or you have been given a Partial Work Capacity (PWC)

You are only required to fulfil these obligations when you are within your Work for the Dole phase, which lasts for six months. To find how many hours you have to work, please see Appendix B.

PART 3: DISABILITY EMPLOYMENT SERVICES (DES)

3.1. What is a Disability Employment Service (DES)?

Disability Employment Services (DES) are contracted by the government to help unemployed workers with disability, injury or health conditions to prepare for, find, and keep a job.

There are two types of Disability Employment Services available:

- Disability Management Service (DMS) - for people with disability, an illness or injury who need help from an employment service but aren't expected to need long term support in the workplace
- Employment Support Service (ESS) - for people with permanent disability and with an assessed need for longer term, regular, ongoing support in the workplace

3.2. How can I register for DES?

In order to register with DES, you must be either:

- In receipt of DSP with a recent job capacity assessment with a work capacity of 8 hours per week; or
- in receipt of Newstart with a recent Centrelink assessment referring you to DES; or
- a school leaver or other special class of job-seeker.

Generally, you will be eligible for DES if you have serious health or other barriers to employment that will not be stabilised or addressed within the next 2 years without intensive support (as in the support that DES can provide in comparison to *jobactive*). You must complete a job capacity assessment or have already completed one within the last 12 months with the outcome, in relation to job service provisions, resulting in a 'Referral to DES'.

3.3. Am I eligible for DES?

To be eligible for Disability Employment Services you must:

- have a permanent, or potentially permanent disability [for example sensory, physical, psychiatric, intellectual, neurological or acquired brain injury] or a mental health condition
- be assessed as eligible by an independent Job Capacity Assessor or Employment Services Assessment (see Part One, Question 3)
- require support for more than six months after placement in employment or require specialist assistance in order to meet participation requirements
- have an assessed future work capacity of eight or more hours per week
- require long-term support in the workplace and/or are unable to work at full wages

You do not need to be receiving income support payments to be eligible for the DES. School leaver or other special class job seeker may also be eligible.

3.4. What are the national standards for DES?

As a jobseeker with a disability you have rights. All DES job agencies must adhere to the Disability Service Standards. According to the Government's *National Standards for*

Disability Services – Summary Table (see Appendix E), these standards are broken down into the following six categories:

1. Rights: The service promotes individual rights to freedom of expression, self-determination and decision-making and actively prevents abuse, harm, neglect and violence.
2. Participation and Inclusion: The service works with individuals and families, friends and carers to promote opportunities for meaningful participation and active inclusion in society.
3. Individual Outcomes: Services and supports are assessed, planned, delivered and reviewed to build on individual strengths and enable individuals to reach their goals.
4. Feedback and Complaints: Regular feedback is sought and used to inform individual and organisation-wide service reviews and improvement.
5. Service Access: The service manages access, commencement and leaving a service in a transparent, fair, equal and responsive way.
6. Service Management: The service has effective and accountable service management and leadership to maximise outcomes for individuals.

3.5. How can a DES assist me?

DES agencies must offer you support to suit your individual needs, which according to the DES deed and guidelines includes:

- help preparing for work, including training in specific job skills; help with writing a resume and interview skills
- access to job search facilities
- information on local employment opportunities
- help to gain new skills or qualifications
- help with overcoming other barriers to employment
- access to financial assistance to purchase work-related modifications and services, like adjustments to your work environment, communication devices or Auslan interpreting
- on-the-job support when you are placed into a job, including support for your co-workers and employer
- ongoing support in a job if you need it
- help if you are at risk of losing your job because of your disability, injury or health condition (this is under the Job in Jeopardy service)

Your DES agency is under agreement with the Government to work with you every step of the way by getting to know your individual circumstances. They should work with you to develop your own personal Job Plan that sets out the services and assistance you will receive.

DES agencies are contracted to deliver employment services funded by the Australian Government, and they have agreed and are committed to observe the Employment Services Code of Practice (see Appendix E).

You should receive ongoing personalised employment services from your DES agency. These services must be sensitive to your circumstances and background. The *Disability Employment Services Service Guarantee* (see Appendix E) outlines the level of service you should expect to receive.

3.6. What are my job-search requirements with a DES?

DES job search requirements are very similar to *jobactive* and are generally 20 jobs per month (depending on capacity). Unemployed workers who are registered with DES may have full-time requirements or part-time and Principal Carer requirements. Unlike *jobactive*, DES agencies must provide ongoing support as you search for work, secure employment and then maintain employment. In DES, there is funding available to provide longer and higher levels of support. This is to assist unemployed workers with disabilities to address any barriers that their disabilities/conditions may trigger or arise due to new employment.

3.7. How do I transfer to a different DES provider?

To request a transfer to a new DES agency, call the Department of Employment Customer Service Line on 1800 805 260. Similar to *jobactive*, the Department will only accept your transfer request if you have an approved reason. Below is an excerpt of the Government's *Disability Employment Services Transfer Guideline* detailing the circumstances in which the Department will accept a transfer:

A Participant may change DES Providers in their local Employment Service Area (ESA) if the Participant:

- moves to a new location—relocation
- or DES Provider, requests a transfer by the Department, if at any time the Participant and DES Provider are unable to achieve or maintain a reasonable and constructive service relationship—relationship failure
- requests to change DES Provider and both DES Providers agree to the change—by agreement or
- requests the Department to change DES Provider where the Participant can demonstrate they would receive better services that could enhance their employment prospects from another DES Provider — better services for the Participant with another DES Provider; or
- requires a change of DES Provider as a result of an Ongoing Support Assessment recommendation—Assessment.

For more information on this process, see section 1.11.

3.8. How often must I attend an appointment at my DES provider?

You are required to 'make contact' with your DES agency *every fortnight*.

Below is a direct extract from the DES deed:

Participant	Minimum Contacts
All Participants (excluding Job in Jeopardy Participants)	Initial Interview on Commencement
	Six Contacts over each period of three months (fortnightly appointments/contacts) for Participants receiving Employment Assistance

	and Extended Employment Assistance
	Regular Contacts, as deemed appropriate by the Provider, for Participants receiving Post Placement Support
	Initial Interview for a New Programme when a Participant moves from Disability Employment Services – Disability Management Service to Disability Employment Services – Employment Support Service or vice versa
	As required, for Participants receiving Flexible Ongoing Support
Job in Jeopardy Participants	Initial Interview on Commencement
	Regular Contacts, as deemed appropriate by the Provider, during the Period of Service
Disability Employment Services – Employment Support Service Participants only (applicable to Disability Employment Services – Employment Support Service Providers only)	Six Contacts over each period of three months for Participants receiving Moderate Ongoing Support
	Twelve Contacts over each period of three months for Participants receiving High Ongoing Support

Note 1: The timing and duration of Contacts is not specified but will depend on the individual circumstances of each Participant, as determined by the Programme Provider.

Note 2: There is no minimum number of Contacts specified for Participants who are receiving Flexible Ongoing Support

Post Placement Support (PPS): For jobseekers who have secured employment, they will receive support to assist them in maintaining employment.

Extended Employment Assistance: Once 18 months of service with DES has been completed, your provider will be required to submit a report to Human Services advising if they recommend a further 6 months in DES or if they are ready to be exited to mainstream (jobactive) job services.

3.9. Am I entitled to any wage subsidies?

As a DES recipient, you may be eligible for a wage subsidy. Below is an excerpt from the *DES Wage Subsidy Scheme Guidelines*:

Objective	To provide a flexible financial incentive for Employers to offer DES Participants an opportunity to demonstrate suitability for on-going employment.
Eligibility	The following eligibility requirements apply to this wage subsidy: <ul style="list-style-type: none"> • Participants: all DES Participants are eligible for this subsidy; and

	<ul style="list-style-type: none"> • Placements: expected to provide at least 8 hours of employment per week for at least 13 weeks (or at least 6 weeks for seasonal work placements).
Subsidy details	<p>Maximum of \$1,500 pre- GST is available. May be used for:</p> <ul style="list-style-type: none"> • Wage Subsidy: to be negotiated commensurate to the Participant's level of disadvantage, for a subsidy period of 13 weeks; and optionally • Provider Expenses: up to \$400 of the \$1,500 can be used for items essential to the placement. Up to \$100 of this \$400 can be claimed as an administration fee.
Other conditions	Nil
Maximum duration	26 weeks. The subsidy is payable for first 13 weeks the Participant works 8 or more hours. The subsidy period is extended for each non- payable week that the Participant does not work 8 hours, to a maximum of 26 weeks from placement start date.
Agreement	<p>The subsidy must be negotiated before the placement commences. The Wage Subsidy Agreement may be created as a Manual Agreement or as a DEEWR's IT System generated Agreement.</p> <p>The subsidy must be recorded on the Participant's Placement Record in DEEWR's IT Systems within 28 days of the placement commencing.</p> <p>The Employer may choose to sign and manage Wage Subsidy Agreements online, and submit documentary evidence online.</p>
Payments	Wage subsidy payments to Employers may not be made without appropriate documentary evidence that the Employer has paid the Participant wages.
Claims	A single claim for reimbursement of actual expenses incurred by the DES Provider, up to the maximum amount allowed, may be lodged through DEEWR's IT Systems when the subsidy ends.

DES participants over the age of 50 may also eligible for the Restart Wage Subsidy of up to \$10,000, ask your DES Provider if you are qualify.

3.10. What is the Employment Assistance Fund (EAF)?

The EAF gives financial help to eligible people with disability and mental health conditions. It also assists employers to buy work related modifications and services. The EAF is available to people with disability who are about to start a job or who are currently working, as well as people who need help to find and prepare for a job. It is also available to people with

disability who are self-employed, and jobseekers who need Auslan assistance, or special work equipment to look for and prepare for a job.

A free workplace assessment (Workplace Modification Assessment) through the EAF is available to help work out what modifications will best meet your needs and help you do your job. The assessment will look at your role and workplace and any barriers that you might have to identify any equipment or modifications that would work for you and your workplace. The Assessor will recommend any equipment or modifications from the assessment and liaise with you and your employer to find and access solutions to make your workplace more flexible and accessible.

All applications are made through JobAccess. JobAccess may waive your need for an assessment, for example, if your EAF application is submitted by a Government Employment Service provider like a Disability Employment Services (DES), and items cost less than \$10,000.

Ask your DES, *jobactive*, Community Development Programme provider or a friend or advocate to help you submit an online enquiry to JobAccess, or call JobAccess on 1800 464 800 and get a JobAccess Adviser to help you to submit an application. Your application may take 10 days to assess and refer for further assessment.

3.11. Am I eligible for the EAF?

Funding through the EAF is dependent on eligibility requirements, workplace assessment outcome and sourcing equipment and modifications from suppliers – this may take some time to finalise. Once you make a request for funding through JobAccess on 1800 464 800, a JobAccess Advisor will be in contact with you to request any further documentation and to help guide you through the application process.

To be eligible for the EAF you:

- must be an Australian citizen or a permanent resident
- are currently in a job that is expected to continue for 13 weeks or more
- are working at least 8 hours per week, or 20 hours per week if you are self-employed
- have an ongoing disability that has lasted, or will last at least two years. Your disability must limit, restrict or impair your ability to work.

There are special conditions that must be met for your EAF application to be approved. Your EAF will not be approved if you:

- do not meet the eligibility criteria
- do not complete the application entirely
- don't provide the required supporting information with your application
- have not provided enough evidence that the requested modification will help you do your job or improve your work productivity
- have bought a modification without having your EAF application approved
- can access funding for workplace modifications through another Government source or state, territory or local government bodies. For example, the National Disability Insurance Scheme (NDIS)

- have received a compensation payment from your employer or someone else in the last seven years
- want to purchase medical, therapeutic, health related aids, equipment or services including prescription glasses, cochlear implants and hearing aids and/or;
- the cost of the modification is unreasonable and there are other ways to help you do your job and/or;
- the application is for repairs or maintenance.

3.12. Why won't Centrelink accept my medical certificate?

As noted in section 1.2, Centrelink commonly rejects medical certificates without providing adequate explanation. In addition to the information already mentioned, below are some tips and information on getting your certificate accepted:

- 1) Firstly, make sure that your doctor has completed a Centrelink Medical Certificate (see the Helpful Links section on our website). On the whole, these are the only medical certificates that Centrelink will accept.
- 2) If you are registered with a DES and you present a medical certificate for illness/conditions that you have already reported to Centrelink and have undergone a Job Capacity Assessment (JCA) or Employment Services Assessment (ESAt), then Centrelink may refuse your Medical Certificate. This is because your illness/conditions have already been taken into account.
- 3) If you present a Centrelink approved medical certificate with a new illness/condition, then Centrelink should accept this. The Centrelink Representative should update your Jobseeker Circumstances Indicator and this will determine if you should be referred to a further JCA/ESAt due to new barriers to employment, or alternatively, your updated condition might have no effect on your current work capacity.

If for any reason your current illness/condition worsens, and you're unable to fulfil your obligations (eg. attend an appointment) then present a medical certificate to your DES provider as soon as possible.

You should not have to participate in job search activities if your doctor has provided you with a medical certificate declaring you unfit for work. Usually, DES staffers aren't medical practitioners, and cannot overrule a doctor's diagnosis.

3.13. Can my DES provider force me to do Work for the Dole?

Commonwealth funding is not provided for DES Participants placed in Work for the Dole. Providers may broker or purchase Work for the Dole as a form of unpaid voluntary Work Experience Placement Activity if the placement meets all of the requirements in the Disability Employment Services Deed and any Guidelines. In this case you have the right to refuse if you find another suitable activity.

PART 4: APPEALS, COMPLAINTS, & FIGHTING BACK

4.1. Will I be punished if I assert my rights?

Asserting your rights can be daunting, but as long as you meet your minimum mutual obligations, your job agency should not penalise you. If your job agency threatens to do so, this is bullying (see section 1.7 on dealing with bullying).

4.2. How do I appeal a penalty imposed by Centrelink?

Under social security law, Centrelink makes all compliance decisions. Your job agent only sends a recommendation to Centrelink that a financial penalty should be imposed – Centrelink is the one that implements it. For this reason, all appeals/reviews must be made through an Authorised Review Officer (ARO) at Centrelink. The ARO reverses over *one-third* of Centrelink decisions.

To ensure Centrelink fairly reviews your case, take the following steps:

Step 1: Request a Review

You can request a review by:

- Calling Centrelink;
- completing a Review of Decision Form (SS351, which can be found at <http://unemployedworkersunion.com/helpful-links/>);
- or visiting a service centre.

Step 2: Contact your local MP and write to the AUWU

Contacting your local MP in relation to your matter is a good way to apply maximum pressure on Centrelink. The AUWU will be able to publish your story (anonymously if you wish) to gain public support.

Step 3 (in case of an unsuccessful appeal): Contact the Administrative Appeals Tribunal

If you disagree with the decision of the Authorised Review Officer, apply to the Administrative Appeals Tribunal (AAT) for a review of the decision by calling 1800 228 333. This application must be made within 13 weeks of the initial decision. There are two levels of AAT review. The AAT reverses around one quarter of Centrelink decisions.

Step 4: Lodge a Complaint

If you are not satisfied with the way your case has been handled, call 1300 132 468 and lodge a formal complaint with Centrelink. If you are not satisfied with how this complaint was handled, call the Commonwealth Ombudsman on 1800 362 072

4.3. How do I appeal my job agency's decision to cut off my payments?

If you believe that your job agency either did not make an attempt to contact you to determine if you had a 'reasonable excuse' or unfairly rejected your excuse, you should challenge the penalty immediately by taking the following steps:

Step 1: Write to your job agency (using one of our letter templates)

Write to your job agency case manager informing them that: you believe you've been treated unfairly; that they have broken the *jobactive* deed; that you'll be lodging an official

complaint with the Department of Employment. Also be sure to mention the AUWU and your local MP.

Additionally, you can request to be assigned a different job agent, or to transfer to a different agency (see section 1.11).

NB: If you do not wish to make a complaint and want to have your payment reinstated, call your job agent to organise a re-engagement appointment.

It's important to submit a written complaint as it provides a record, which you can use later. Documenting your mistreatment with accurate dates and names ensures that any future appeal you undertake will be given the best possible chance of success.

Step 2: Contact Centrelink's Participation Team (if unsuccessful)

If your job agency has treated you unfairly, you have the right to go over your job agency's head and ask Centrelink to resume payments. To do this, call Centrelink's Participation Team on 1300 306 325.

Step 3: Lodge a complaint with the Department of Employment

It is important that you contact the Department of Employment National Customer Line on 1800 805 260 to officially lodge your complaint. Inform the phone operator in clear language the nature of your complaint, how your job agency broke the deed, and request that the Department investigate the matter.

Lodging a complaint with the Department can be difficult. The AUWU has received cases where the phone operator refused to lodge the complaint. If this happens, inform the Department that it is your right to have your complaint processed.

When talking to the Department make sure to ask them for the reference number for the call and the name of the phone operator. This will be useful later if you need to take further steps.

If the Department processes the complaint, they will contact the job agency and inform them of the complaint and ask them for a response. The Department may send you some material in the mail giving them permission to contact the job agency on your behalf.

Step 4: Contact the Commonwealth Ombudsman (if still unsuccessful)

If Centrelink or the Department of Employment refuse to process your appeal, or fail to investigate your appeal adequately, contact the Commonwealth Ombudsman on 1300 362 072.

It is the Ombudsman's role to ensure Government departments effectively process reviews. Make sure you get a reference number for your appeal from Centrelink as the Ombudsman will ask for it.

Step 5: Get Legal Support

If Centrelink, the Department of Employment and the Ombudsman have all failed to adequately deal with your complaint, contact your local Welfare Rights Centre, Community Legal Centre or Legal Aid Centre for legal advice. These services may not be able to assist with your case directly, but they will be able to offer some free advice (see 'Where to go for help and advice'). In relation to discrimination and personal injury issues, contact Turner Freeman law firm on 13 43 63.

Step 6: Write to the Australian Unemployed Workers' Union

It is important to challenge the dominant myths about unemployment that are used by the Government to justify its punitive treatment of unemployed and underemployed workers.

For this reason, we encourage all unemployed workers to contact the AUWU to tell us your story (anonymously if you wish). We can then publicise it throughout our networks to gain public support. This will apply extra pressure on Centrelink and your job agency to deal fairly with your case.

4.4. I want to get involved - how can I help the AUWU?

In addition to offering advocacy and support services for our members, the AUWU provides a platform to fight back against the Government's ongoing attacks against unemployed and underemployed workers. Our overall aim is to initiate a national grassroots political movement to address Australia's employment crisis.

Uniting with other social security recipients and the public to fight back against unfair treatment is the only way this system will ever change. If you are interested in becoming more involved in the AUWU, please follow these steps:

Become a member

Join the Australian Unemployed Workers Union today by visiting our website.

It is free and all are welcome. By joining you will get:

- free access to our National Advocacy Hotline to support you in your dealing with your job agent
- copies of our leaflets and posters
- the opportunity to meet other AUWU activists in your area
- notification of upcoming meetings, actions, legislative changes etc.
- access to our growing list of contacts and friendly organisations

Join your local branch, attend meetings and workshops

If you are interested in joining your local branch, go to the 'Find Your Branch' page on our website. There are four national working groups you can join:

- Advocacy (hotline work, rights workshops, lobbying etc.);
- Communications (media releases; creating leaflets, and other artwork; managing our website and social media accounts, etc.);
- Administration (co-ordinating national organisation, membership lists etc.);
- Campaigns (building alliances, organising protests and campaigns etc.).

Please email us on contact@unemployedworkersunion.com to express your interest, or call us on (03) 8394 5266 if you don't have internet access, and we will be happy to assist you.

APPENDIX A: Glossary

The government uses a raft of deliberately confusing jargon and initialisms. Here is a (by no means exhaustive) list:

AAR:	Annual Activity Requirement
AAT:	Administrative Appeals Tribunal
ARO:	Authorised Review Officer at Centrelink
DES:	Disability Employment Services
Dole-bludgers:	unemployed workers entitled to respect, dignity, and the material necessities of life
DSP:	Disability Support Pension, (or sometimes: Disability Services Provider)
DSS:	Department of Social Services
EAF:	Employment Assistance Fund
ESA:	Employment Service Area
ESAt:	Employment Services Assessment
ES Provider	Employment Services Provider
JCA:	Job Capacity Assessment. Necessary step to obtaining a DSP, usually preceded by an ESAt
<i>jobactive</i> :	the latest iteration of the Australian Government's outsourced public employment services, replacing the Job Services Australia model
JSP:	Job Services Provider (a.k.a. Employment Services Provider)
PCP/PCW:	Primary Care Provider / Partial Capacity to Work
WFTD:	Work for the Dole; an odious form of unpaid labour that can usually be avoided (see section 2.1)

APPENDIX B: MUTUAL OBLIGATION REQUIREMENTS

(the full document can be found at <https://docs.employment.gov.au/>)

Mutual Obligation Requirements - job seekers up to 30 years

Period of Service	Stream A & Stream B SPL job seekers	Other Stream A Job Seekers	Other Stream B Job Seekers	Stream C
Started in the Work for the Dole Phase for the first time before 1 October 2016	Did not start in the Work for the Dole Phase for the first time before 1 October 2016	Started in the Work for the Dole Phase for the first time before 1 October 2016	Did not start in the Work for the Dole Phase for the first time before 1 October 2016	
0–6 months	<p>Case Management</p> <p>Appointments</p> <p>Job Search—generally 20 per month</p> <p>Other suitable Activities as appropriate</p>	<p>Case Management</p> <p>Appointments</p> <p>Job Search—generally 20 per month</p> <p>Other suitable Activities as appropriate</p>	<p>Self Service and Job Activity</p> <p>Appointments</p> <p>Job Search—generally 20 per month</p> <p>Other suitable Activities as appropriate</p>	<p>Case Management</p> <p>Appointments</p> <p>Job Search—generally 20 per month</p> <p>Other suitable Activities as appropriate</p>
6–12 months	<p>Work for the Dole Phase</p> <p>Appointments</p> <p>Job Search—generally 20 per month</p> <p>AAR—650 hours over 26 weeks (50 hours/fortnight), Work for the Dole as the principal Activity (that is the default Activity where another Activity is not undertaken for the 18-49 year old cohort)</p>	<p>Work for the Dole Phase</p> <p>Appointments</p> <p>Job Search—generally 20 per month</p> <p>AAR—650 hours over 26 weeks (50 hrs/fortnight), Work for the Dole as the principal Activity (that is the default Activity where another Activity is not undertaken for the 18-49 year old cohort)</p>	<p>Case Management</p> <p>Appointments</p> <p>Job Search—generally 20 per month</p> <p>Other suitable Activities as appropriate</p>	<p>Case Management</p> <p>Appointments</p> <p>Job Search—depends on capacity</p> <p>Other suitable Activities as appropriate</p>

Mutual Obligation Requirements - job seekers up to 30 years (part 2)

Period of Service	Stream A & Stream B SPI job seekers		Other Stream A Job Seekers		Other Stream B Job Seekers		Stream C	
	Case Management	Work for the Dole Phase	Case Management	Work for the Dole Phase	Appointments	Job Search—generally 20 per month	Appointments	Work for the Dole Phase
12-18 months;	Appointments Job Search—generally 20 per month Other suitable Activities as appropriate	Appointments Job Search—generally 20 per month AAR—650 hours over 26 weeks (50 hrs/fortnight), Work for the Dole as the principal Activity (that is the default Activity where another Activity is not undertaken for the 18-49 year old cohort)	Appointments Job Search—generally 20 per month Other suitable Activities as appropriate	Appointments Job Search—generally 20 per month AAR—650 hours over 26 weeks (50 hrs/fortnight), Work for the Dole as the principal Activity (that is the default Activity where another Activity is not undertaken for the 18-49 year old cohort) AAR for PCP/PCW—390 over 26 weeks (30 hrs/fortnight), choice of activities	Appointments Job Search—generally 20 per month AAR—650 hours over 26 weeks (50 hrs/fortnight), Work for the Dole as the principal Activity (that is the default Activity where another Activity is not undertaken for the 18-49 year old cohort) AAR for PCP/PCW—390 over 26 weeks (30 hrs/fortnight), choice of activities	Appointments Job Search—generally 20 per month AAR—650 hours over 26 weeks (50 hrs/fortnight), Work for the Dole as the principal Activity (that is the default Activity where another Activity is not undertaken for the 18-49 year old cohort) AAR for PCP/PCW—390 over 26 weeks (30 hrs/fortnight), choice of activities	Appointments Job Search—generally 20 per month AAR—650 hours over 26 weeks (50 hrs/fortnight), Work for the Dole as the principal Activity (that is the default Activity where another Activity is not undertaken for the 18-49 year old cohort) AAR for PCP/PCW—390 over 26 weeks (30 hrs/fortnight), choice of activities	Appointments Job Search—generally 20 per month AAR—650 hours over 26 weeks (50 hrs/fortnight), Work for the Dole as the principal Activity (that is the default Activity where another Activity is not undertaken for the 18-49 year old cohort) AAR for PCP/PCW—390 over 26 weeks (30 hrs/fortnight), choice of activities
24-30 months; etc	Work for the Dole Phase	Case Management	Work for the Dole Phase	Case Management	Appointments Job Search—generally 20 per month Other suitable Activities as appropriate	Appointments Job Search—generally 20 per month Other suitable Activities as appropriate	Appointments Job Search—generally 20 per month Other suitable Activities as appropriate	Appointments Job Search—depends on capacity Other suitable Activities as appropriate

Mutual Obligation Requirements - job seekers 30 years up to 49 years

Period of Service	Stream A		Stream B	Stream C
	Started in the Work for the Dole Phase for the first time before 1 October 2016	Did not start in the Work for the Dole Phase for the first time before 1 October 2016		
0–6 months	Self Service and Job Activity	Self Service and Job Activity	Case Management	Case Management
6–12 months	Appointments Job Search—generally 20 per month Other suitable Activities as appropriate	Appointments Job Search—generally 20 per month Other suitable Activities as appropriate	Appointments Job Search—generally 20 per month Other suitable Activities as appropriate	Appointments Job Search—depends on capacity Other suitable Activities as appropriate
12–18 months; 24–30 months; etc	Work for the Dole Phase Appointments Job Search—generally 20 per month AAR—390 hours over 26 weeks (30 hours per fortnight), Work for the Dole as the principal Activity (that is the default Activity where another Activity is not undertaken for the 18-49 year old cohort) AAR for PCP/PCW—200 hours over 26 weeks (15–16 hours per fortnight), choice of Activities	Work for the Dole Phase Appointments Job Search—generally 20 per month AAR—390 hours over 26 weeks (30 hours per fortnight), Work for the Dole as the principal Activity (that is the default Activity where another Activity is not undertaken for the 18-49 year old cohort) AAR for PCP/PCW—200 hours over 26 weeks (15–16 hours per fortnight), choice of Activities	Work for the Dole Phase Appointments Job Search—generally 20 per month AAR—390 hours over 26 weeks (30 hours per fortnight), Work for the Dole as the principal Activity (that is the default Activity where another Activity is not undertaken for the 18-49 year old cohort) AAR for PCP/PCW—200 hours over 26 weeks (15–16 hours per fortnight), choice of Activities	Work for the Dole Phase Appointments Job Search—depends on capacity AAR—390 hours over 26 weeks (30 hours per fortnight), Work for the Dole as the principal Activity, (that is the default Activity where another Activity is not undertaken for the 18-49 year old cohort), can also use non-vocational Activities AAR for PCP/PCW—200 hours over 26 weeks (15–16 hours per fortnight), choice of Activities, can also use non-vocational Activities.
18–24 months; 30–36 months; etc	Work for the Dole Phase As above for the Work for the Dole Phase for six months	Case Management	Case Management	As above for the Case Management for six months

Mutual Obligation Requirements - job seekers 50 to 59 years

Period of Service			
	Stream A	Stream B	Stream C
<u>Started</u> in the Work for the Dole Phase for the first time before 1 October 2016	<u>Did not start</u> in the Work for the Dole Phase for the first time before 1 October 2016		
0–6 months	<p>Self Service and Job Activity</p> <p>Appointments Job Search—generally 20 per month Other suitable Activities as appropriate</p>	<p>Self Service and Job Activity</p> <p>Appointments Job Search—generally 20 per month Other suitable Activities as appropriate</p>	<p>Case Management</p> <p>Appointments Job Search—generally 20 per month Other suitable Activities as appropriate</p>
6–12 months	<p>Work for the Dole Phase</p> <p>Appointments Job Search—generally 20 per month AAR—390 hours over 26 weeks (30 hours per fortnight), choice of activities AAR for PCP/PCW—200 hours over 26 weeks (15–16 hours per fortnight), choice of Activities</p>	<p>Case Management</p> <p>Appointments Job Search—generally 20 per month Other suitable Activities as appropriate</p>	<p>Case Management</p> <p>Appointments Job Search—depends on capacity Other suitable Activities as appropriate</p>
12–18 months; 24 – 30 months; etc	<p>Case Management</p> <p>Appointments Job Search—generally 20 per month Other suitable Activities as appropriate</p>	<p>Work for the Dole Phase</p> <p>Appointments Job Search—generally 20 per month AAR—390 hours over 26 weeks (30 hours per fortnight), choice of activities AAR for PCP/PCW—200 hours over 26 weeks (15–16 hours per fortnight), choice of Activities</p>	<p>Work for the Dole Phase</p> <p>Appointments Job Search—depends on capacity AAR—390 hours over 26 weeks (30 hours per fortnight), choice of activities AAR for PCP/PCW—200 hours over 26 weeks (15–16 hours per fortnight), choice of Activities, can also use non-vocational Activities</p>
18–24 months; 30 – 36 months; etc	<p>Work for the Dole Phase</p> <p>As above for the Work for the Dole Phase for six months</p>	<p>Case Management</p> <p>As above for the Case Management for six months</p>	<p>Case Management</p> <p>As above for the Case Management for six months</p>

Mutual Obligation Requirements - job seekers 60 years and over

Period of Service	Stream A			Stream B			Stream C		
	Started in the Work for the Dole Phase for the first time before 1 October 2016	Did not start in the Work for the Dole Phase for the first time before 1 October 2016	Self Service and Job Activity	Case Management	Appointments	Job Search—generally 10 per month Other suitable Activities as appropriate	Case Management	Appointments	Job Search—depends on capacity Other suitable Activities as appropriate
0–6 months			Appointments Job Search—generally 10 per month Other suitable Activities as appropriate	Appointments Job Search—generally 10 per month Other suitable Activities as appropriate	Appointments Job Search—generally 10 per month Other suitable Activities as appropriate	Appointments Job Search—generally 10 per month Other suitable Activities as appropriate	Appointments Job Search—generally 10 per month Other suitable Activities as appropriate	Appointments Job Search—depends on capacity Other suitable Activities as appropriate	Appointments Job Search—depends on capacity Other suitable Activities as appropriate
6–12 months	Work for the Dole Phase		Appointments Job Search—generally 10 per month No AAR Other suitable Activities as appropriate	Appointments Job Search—generally 10 per month Other suitable Activities as appropriate	Appointments Job Search—generally 10 per month Other suitable Activities as appropriate	Appointments Job Search—generally 10 per month Other suitable Activities as appropriate	Appointments Job Search—generally 10 per month Other suitable Activities as appropriate	Appointments Job Search—depends on capacity No AAR Other suitable Activities as appropriate	Appointments Job Search—depends on capacity No AAR Other suitable Activities as appropriate
12–18 months; 24 – 30 months; etc	Case Management		Appointments Job Search—generally 10 per month Other suitable Activities as appropriate	Work for the Dole Phase	Appointments Job Search—generally 10 per month No AAR Other suitable Activities as appropriate	Work for the Dole Phase	Appointments Job Search—generally 10 per month No AAR Other suitable Activities as appropriate	Work for the Dole Phase	Appointments Job Search—depends on capacity No AAR Other suitable Activities as appropriate
18–24 months; 30 – 36 months; etc	Work for the Dole Phase	As above for the Work for the Dole Phase for six months	Case Management	As above for the Case Management for six months	Case Management	As above for the Case Management for six months	Case Management	As above for the Case Management for six months	Case Management

Notes:

Principal Carer Parents with the youngest child aged six years or over have to meet part time Mutual Obligation Requirements. A Principal Carer Parent can choose to fully meet their Mutual Obligation Requirements by undertaking 30 hours per fortnight of (or any combination of) suitable paid work and / or approved study (where the total number of hours includes contact and non-contact hours). In limited circumstances, a Principal Carer Parent is also able to meet their part-time Mutual Obligation Requirements through Voluntary Work alone, or in combination, with paid work or study for 30 hours per fortnight—refer to the [activities that can meet part-time Mutual Obligation Requirements](#) section of this Guideline.

Job seekers with a Partial Capacity to Work can fully meet their Mutual Obligation Requirements by undertaking 30 hours per fortnight of study and/or paid work.

Volunteer job seekers do not have a mandatory number of Job Searches.

Outside the Annual Activity Requirement, Providers can require job seekers to participate in other activities (in addition to Job Search and Provider Appointments).

Job seekers aged 60 years and over do not have an Annual Activity Requirement but may choose to undertake activities.

All job seekers can meet their Annual Activity Requirement through full participation in the Defence Reserves (240 hours over 26 weeks or 18–20 hours per fortnight).

APPENDIX C: How job agencies make their money
 (taken from the jobactive deed 2015-2020, Chapter B4)

OUTCOME PAYMENTS

Table 1A – Outcome Payments for Stream Participants in Non-regional Locations

	Period of Unemployment (less than 24 months inclusive)		Period of Unemployment (24-59 months inclusive)		Period of Unemployment (60 months inclusive plus)	
Employment Outcomes						
Stream A and Volunteers	Partial Outcome	Full Outcome	Partial Outcome	Full Outcome	Partial Outcome	Full Outcome
4 Week	\$160	\$400	\$200	\$500	\$240	\$600
12 Week	\$200	\$500	\$400	\$1,000	\$500	\$1,250
26 Week	\$0	\$650	\$0	\$1,250	\$0	\$1,550
Total	\$360	\$1,550	\$600	\$2,750	\$740	\$3,400
Stream B	Partial Outcome	Full Outcome	Partial Outcome	Full Outcome	Partial Outcome	Full Outcome
4 Week	\$300	\$750	\$400	\$1,000	\$500	\$1,250
12 Week	\$600	\$1,500	\$800	\$2,000	\$1,000	\$2,500
26 Week	\$0	\$1,900	\$0	\$2,500	\$0	\$3,150
Total	\$900	\$4,150	\$1,200	\$5,500	\$1,500	\$6,900
Stream C	Partial Outcome	Full Outcome	Partial Outcome	Full Outcome	Partial Outcome	Full Outcome
4 Week	\$400	\$1,000	\$600	\$1,500	\$800	\$2,000
12 Week	\$800	\$2,000	\$1,200	\$3,000	\$1,600	\$4,000
26 Week	\$0	\$2,500	\$0	\$3,750	\$0	\$5,000
Total	\$1,200	\$5,500	\$1,800	\$8,250	\$2,400	\$11,000
Education Outcomes	\$1000					

Table 1B – Outcome Payments for Stream Participants in Regional Locations

	Period of Unemployment (less than 24 months inclusive)		Period of Unemployment (24-59 months inclusive)		Period of Unemployment (60 months inclusive plus)	
Employment Outcomes						
Stream A and Volunteers	Partial Outcome	Full Outcome	Partial Outcome	Full Outcome	Partial Outcome	Full Outcome
4 Week	\$200	\$500	\$250	\$625	\$300	\$750
12 Week	\$250	\$625	\$500	\$1,250	\$625	\$1563
26 Week	\$0	\$813	\$0	\$1,563	\$0	\$1,938
Total	\$450	\$1,938	\$750	\$3,438	\$925	\$4,251
Stream B	Partial Outcome	Full Outcome	Partial Outcome	Full Outcome	Partial Outcome	Full Outcome
4 Week	\$375	\$938	\$500	\$1,250	\$625	\$1,563
12 Week	\$750	\$1,875	\$1000	\$2,500	\$1,250	\$3,125
26 Week	\$0	\$2,375	\$0	\$3,125	\$0	\$3,938
Total	\$1,125	\$5,188	\$1,500	\$6,875	\$1,875	\$8,626
Stream C	Partial Outcome	Full Outcome	Partial Outcome	Full Outcome	Partial Outcome	Full Outcome
4 Week	\$500	\$1,250	\$750	\$1,875	\$1000	\$2,500
12 Week	\$1000	\$2,500	\$1,500	\$3,750	\$2,000	\$5,000
26 Week	\$0	\$3,125	\$0	\$4,688	\$0	\$6,250
Total	\$1,500	\$6,875	\$2,250	\$10,313	\$3,000	\$13,750
Education Outcomes	\$1250					

Note 1: Employment Providers providing Services to Stream Participants who live in Regional Locations are entitled to claim an Outcome Payment with a regional loading as set out in Table 1B.

Note 2: The amount of the Outcome Payment payable to the Provider is determined by:

- (a) the Stream Participant's Period of Unemployment;
- (b) the Stream that the Stream Participant was in on the Job Seeker Placement Start Date; and
- (c) whether the Stream Participant has satisfied the requirements for a Full Outcome or a Partial Outcome.

Note 3: In accordance with clause 126.1(a), the amounts of the Outcome Payments in Tables 1A and 1B will increase by 7.8% from 1 January 2018 for all Employment Outcomes and Education Outcomes lodged on or after 1 January 2018.

ADMINISTRATION FEES AND WORK FOR THE DOLE FEES

Table 2A – Administration Fees

	(1) Fee	(2) Fee with regional loading
SPI Participants	\$350	\$438
All other Stream Participants	\$250	\$313

Note 1: In accordance with clause 75, Volunteers will receive a maximum of six months of Employment Provider Services including from any other Employment Provider and the Provider will only be entitled to an Administration Fee in respect of its servicing of any Volunteer during that six months of service.

GDV 2

Note 2: In accordance with clause 123.1(c)(ii), the Provider is entitled to an Administration Fee with a regional loading for providing Services to Stream Participants in Regional Locations.

Note 3: In accordance with clause 126.1(b)), the amounts of the Administration Fees in Table 2A will increase by 7.8% from the start of the next Administration Fee Period following 1 January 2018.

Table 2B – Work for the Dole Fees

Place	Fee
Six month Work for the Dole Place in an Individual Hosted Activity	\$1000
Six month Work for the Dole Place in Group Based Activity	Up to \$3500

Note 1: Where a Work for the Dole Place is for less than six months in duration or the date on which the relevant Fully Eligible Participant commences in the place is after the start date of the relevant Work for the Dole activity, the applicable Work for the Dole Fee will be pro-rated in accordance with clause 124.3.

AA. Fees (clause 3)

AA.1 Subject to this Deed and Your compliance with Your obligations thereunder, We will pay You the following fees:

- (a) **Establishment Fee** – an establishment fee of \$64,000 (GST inclusive) paid within 14 days of the Deed Commencement Date;
- (b) **Service Fees** – a service fee paid in accordance with *Table 1: Service Fee Schedule* for each Payment Period during the Term of this Deed; and
- (c) **Work for the Dole Place Fees** – a Work for the Dole Place fee of the following amount paid for each Work for the Dole Place recorded in Our IT Systems, and provided that at least one Eligible Job Seeker is placed in each Work for the Dole Place:
 - (i) \$220 (GST inclusive) for each Work for the Dole Place in a Employment Region other than a Employment Region (Regional); and
 - (ii) \$275 (GST inclusive) for each Work for the Dole Place in a Employment Region (Regional).

Table 1: Service Fee Schedule

Service Fee payment no.	Payment Period	Amount (GST inclusive)	Payment due within 14 days of:
1	1 July 2015 – 31 December 2015	190,000	1 July 2015
2	1 January 2016 – 30 June 2016	190,000	1 January 2016
3	1 July 2016 – 31 December 2016	190,000	1 July 2016
4	1 January 2017 - 30 June 2017	190,000	1 January 2017
5	1 July 2017 – 31 December 2017	190,000	1 July 2017
6	1 January 2018 - 30 June 2018	190,000	1 January 2018
7	1 July 2018 – 31 December 2018	190,000	1 July 2018
8	1 January 2019 - 30 June 2019	190,000	1 January 2019
9	1 July 2019 – 31 December 2019	190,000	1 July 2019
10	1 January 2020 - 26 June 2020	95,000	1 January 2020
		95,000	1 June 2020



Australian Government

 jobactive

Service Guarantee for jobactive

This Service Guarantee for jobactive reflects the Australian Government's expectations of jobactive providers. It sets out the minimum level of service each job seeker can expect to receive, as well the requirements they need to meet while looking for employment.

The Australian Government provides a range of services to help people looking for work. The Government delivers jobactive through a national network of providers, and people who need assistance to find work can access a range of help that's based on their individual needs. The main objective of jobactive is to promote stronger workforce participation and help more job seekers move from welfare to work.

What you can expect from your jobactive provider

Your jobactive provider will:

- work with you to develop your Job Plan. This sets out the services you will receive and the minimum requirements you need to meet while you are on activity tested income support
- identify your strengths and any challenges you face to increase your job readiness
- refer you to suitable jobs
- match you to a suitable Work for the Dole placement (where appropriate)
- reassess your needs if your circumstances change
- help you with wage subsidies or relocation assistance (where appropriate)
- keep in contact with you and your employer once you have started a job
- provide the services that are set out in their Service Delivery Plan
- treat you fairly and with respect in a culturally sensitive way.

- make every effort to get and keep a job
- do the required number of job searches in your Job Plan
- meet your annual activity requirements—such as taking part in Work for the Dole—as outlined in your Job Plan
- contact your jobactive provider as soon as possible if you are unable to attend an appointment or do an activity
- notify your jobactive provider of any changes in your circumstances.

If you fail to do any of the above it could affect your income support payments.

Your personal information is confidential

Your personal information is protected by law, including the Privacy Act 1988. Your jobactive provider will only tell employers things about you that relate to job opportunities or, with your permission, your employment with them.

Your jobactive provider may also share information with other government agencies if they need to, to make sure you are getting the right level of support. These agencies may contact your employer to check that the information they have is correct.

You can ask to get access to any information your jobactive provider holds about you, and have it corrected if needed.

What is expected of you

There are some things you need to do, including:

- do everything you have agreed to do in your Job Plan
- accept any suitable job

Compliments, suggestions or complaints

Your views about the service you receive are important. The Department of Employment and your jobactive provider value any feedback you may have.

If you don't think you are receiving the right help and would like to make a complaint, please talk to your jobactive provider first. Your jobactive provider will offer a feedback process which is fair and will try to resolve your concerns.

If you feel you can't talk to your jobactive provider, or you are still not happy, you can contact the Department of Employment's National Customer Service Line on 1800 805 260 (free call from land lines) or email

nationalcustomerserviceline@employment.gov.au.

If you have suggestions to improve the service that you are getting or would like to make a compliment about the help you have received, please let your jobactive provider know or call the National Customer Service Line.

If you have any concerns about your income support payments, you should contact the Department of Human Services. Contact details for the Department of Human Services can be found at

www.humanservices.gov.au.



DISABILITY EMPLOYMENT SERVICES PROGRAMS — YOUR SERVICE GUARANTEE

As your Disability Employment Services Provider:

- We will clearly explain to you what services you can receive, what we will do for you, and what you have to do, including how often we will meet.
- We will provide help for you to find and keep a job. This includes giving you ongoing support once you get a job, if you need it.
- We will treat you fairly and with respect, in line with the Disability Services Standards.
- We will be sensitive to your individual needs when helping you, including any impact that your disability, injury or health condition might have on your ability to find and keep a job. This could also include any parenting or caring responsibilities you might have.
- We will deliver services that are culturally appropriate.

What help can I expect?

We will work with you to agree on a plan with assistance and activities to help you find and keep a job. This is called your Employment Pathway Plan.

We will work with you to help you deal with any issues that might be making it hard for you to look for work. Some of the ways we might do this include:

- looking at what work you have done before, and what work is available in your area
- looking at what skills and education you have and what skills and education might help you get work
- working with prospective employers to match your skills to their needs
- providing you with help which may include training, work experience or services to help you overcome any issues that are making it difficult for you to find and keep a job
- helping you to be ready for a job
- helping you to access other support services you may need
- helping you to write a résumé
- providing you with advice on the best ways to look for work
- providing you with information about computer and internet facilities relevant to helping you to find and keep a job, including access to Australian Jobsearch (jobsearch.gov.au)
- providing you with access to an interpreter if you need one
- checking that work is suitable for your condition or injury.

Once you have a job, we will continue to support you and will develop a plan with you to help you keep your job.

This may include:

- support to help you settle into your job
- on-the-job training
- information, support and training for your employer and/or co-workers
- help to resolve any problems you may have at work
- ongoing support appropriate to your needs, which may include meeting with you regularly, or giving you more intensive support when you need it.

Depending on your circumstances, we can also help you and your employer access a range of other support services which may include:

- modifications for your work area
- help to purchase specialised technology
- financial help for other services, available through a fund called the Employment Assistance Fund
- access to extra help if you are at risk of losing your job.

For Aboriginal and Torres Strait Islander Peoples

We will deliver services and engage with Aboriginal and Torres Strait Islander participants in a way that acknowledges and respects these cultures.

We will ensure that staff are appropriately trained and that this organisation is committed to getting the best employment opportunities for Aboriginal and Torres Strait Islander participants.

What are my responsibilities?

If you can't do an activity listed in your Employment Pathway Plan, or can't attend an appointment that has been arranged for you, contact us as soon as possible.

If you do so we may make another time for you to attend your activity or appointment. If you don't contact us beforehand when you are able to do so, your income support payment may be reduced, or stopped, even if you have a good reason for not being able to attend.

To make sure you get the right support, you should let us know if something in your life changes, like your health, your parenting responsibilities, whether you're doing voluntary or paid work or undertaking education, or if you experience a personal crisis.

If you are entitled to compensation or damages from someone for your disability, injury or illness, you should let us know.

What if I receive Newstart Allowance, Youth Allowance or Parenting Payment (with participation requirements)?

If you are receiving support from Centrelink through Newstart Allowance, Youth Allowance or Parenting Payment (with participation requirements), there are some extra things that you will have to do. If you want to keep receiving income support, you need to:

- make every effort to get a job, and accept any suitable job you are offered
- do your best at every job interview
- do everything that you have agreed to do in your Employment Pathway Plan. This includes going to all appointments.

What happens to the information I tell you?

We will collect information about you for the purpose of providing disability employment related services to you. We will keep all information about you in accordance with the Privacy Act 1988 (Cth).

If you ask, we will usually be able to show you the information we hold about you. If you have any concerns about the way in which information about you is being managed, you can discuss your concerns with us.

More information about the Privacy Act 1988 (Cth) can be found on the Office of the Federal Privacy Commissioner's website at www.privacy.gov.au.

Disability Services Standards

The Disability Services Standards set out the quality of services we will deliver to you. We will let you know about these standards, and they can also be found online at www.fahcsia.gov.au/our-responsibilities/disability-and-carers/program-services/for-service-providers/quality-strategy-for-disability-employment-and-rehabilitation-services/disability-services-standards-easy-english.

All Disability Employment Services Program Providers have been assessed by independent auditors as meeting the Disability Services Standards.

Connections for Quality

Choosing a provider to help you find work is an important decision.

To assist you, information about providers in your local area can be found through Connections for Quality on the Australian JobSearch website at jobsearch.gov.au. When you are looking for a provider, Connections for Quality information about the services they provide is available on each Provider Site Detail page. This information will answer your questions about who will work with you and how they will help you find employment.

What can I do if I'm not happy with the service I receive?

If you think you aren't receiving the right help, you should first try to talk to us. We will provide a feedback process which is fair and we will try to resolve your concerns.

If you feel you can't talk to us about your concerns, or you are still not happy, you can access the Complaints Resolution and Referral Service by calling the Government's Customer Service Line on **1800 805 260** (free call from land lines).

You can also call the Complaints Resolution and Referral Service directly on **1800 880 052** (free call from land lines), or on the TTY number: **1800 301 130** (free call from land lines).

The National Relay Service: **1800 555 677** (free call from land lines), fax **02 9318 1372**

National Standards for Disability Services – Summary Table

The Human Rights principles overarch all the National Standards

Table 1: Rights for people

1. Rights	2. Participation and Inclusion	3. Individual Outcomes	4. Feedback and Complaints	5. Service Access	6. Service Management
I have the right to exercise control and choice when I use services or supports. I also have the right to dignity of risk and to be free from discrimination or harm.	I have the right to participate in my chosen community. I also have the right to decide how I have contact with family, friends and community.	I have the right to lead and direct decisions about my life and how the services I use support me.	I have the right and freedom to give positive and negative feedback about all aspects of my supports and services. I also have the right to independent advice and support to provide feedback or make a complaint when I need it.	I have the right to access services based on fair and equal and transparent criteria, and support for referral when a service is not available.	I have the right to services and supports that are effectively managed, regularly reviewed, accountable and contemporary.

Table 2: Outcomes for people

1. Rights	2. Participation and Inclusion	3. Individual Outcomes	4. Feedback and Complaints	5. Service Access	6. Service Management
I can make choices about the services and supports I use, and how I use them. When I use a service or support, I am respected and safe.	I follow my interests, with the support of my services, family, friends, carers or advocates.	I use services and supports which build on my strengths and support me to reach my life goals.	I have a range of ways to speak up about my supports and services and play an active role in working out how things will improve. I know how to access independent support and advice when providing feedback or making a complaint.	I understand what the service offers, access to the service is fair and equal and I am supported with other options when I can't access a service.	My strengths and needs are effectively supported through soundly managed services.

Table 3: Standards for services

1. Rights	2. Participation and Inclusion	3. Individual Outcomes	4. Feedback and Complaints	5. Service Access	6. Service Management
The service promotes individual rights to freedom of expression, self-determination and decision-making and actively prevents abuse, harm, neglect and violence.	The service works with individuals and families, friends and carers to promote opportunities for meaningful participation and active inclusion in society.	Services and supports are assessed, planned, delivered and reviewed to build on individual strengths and enable individuals to reach their goals.	Regular feedback is sought and used to inform individual and organisation-wide service reviews and improvement.	The service manages access, commencement and leaving a service in a transparent, fair and equal and responsive way.	The service has effective and accountable service management and leadership to maximise outcomes for individuals.

The Quality Management principles underpin all the National Standards

APPENDIX F: WORK FOR THE DOLE RISK ASSESSMENT (PLACE)



Australian Government



Host Organisation and Work for the Dole Place/Activity Details

Host Organisation:

Place/Activity name/ID:

Individual Hosted Activity: **Group Based Activity:** **Number of Places:**

Description of Work for the Dole Place/Activity and details of core duties to be undertaken by a job seeker(s):

Place/Activity risk (what risks are associated with the core duties):

Contact person for Place/Activity:

Telephone:

Supervisor for Place/Activity:

Telephone:

Note: This checklist is provided for use by Work for the Dole Coordinators (Coordinators) and Employment Providers (Providers) as a guide only. It lists some of the types of matters that Coordinators and Providers may need to consider and address to meet their obligations under the jobactive Deed 2015-2020- Work for the Dole Coordinator) when sourcing and securing Places/Activities.

Disclaimer: Notwithstanding any information provided on this checklist, Coordinators and Providers must ensure that they, and any Host Organisation, are adhering to all obligations under the relevant Deeds and any relevant legislation. This checklist should be read in conjunction with the relevant Deeds and Guidelines and any reference material issued by the Department of Employment under, or in connection with, the Deeds. The checklist must under no circumstances be used as a replacement for a risk assessment (Place) for assessing work health and safety for Work for the Dole Places or Work for the Dole activities (Place/activity).

'Host Organisation' in this checklist has the same meaning as:

- 'Work for the Dole Host Organisation' under the jobactive Deed 2015-2020- Work for the Dole Coordinator
- 'Activity Host Organisation' under the jobactive Deed 2015-2020.

References to 'job seekers' in this checklist have the same meaning as:

- 'Eligible Job Seekers' under the jobactive Deed 2015-2020- Work for the Dole Coordinator
- 'Fully Eligible Participant' under the jobactive Deed 2015-2020.

To be completed by the Work for the Dole Coordinator or the Employment Provider who has sourced and secured the Place/Activity

Host Organisation		Yes	No
1	Is the Host Organisation operating as a not-for-profit entity/charity or a local, state or territory government or Australian Government agency?		
2	Are you satisfied that the Host Organisation understands and will be able to meet its obligations and responsibilities under the Activity Host Organisation Agreement at all times?		
3	Have you advised the Host Organisation that it must immediately contact the Lead Provider if the circumstances or tasks being undertaken by the job seeker change and that: (a) another risk assessment of the Place/Activity will be required (b) depending on the outcome of the risk assessment, the Provider may need to remove the job seeker or bring the Place/Activity to an end?		
Policy and procedures		Yes	No
4	Are you, and is the Host Organisation, satisfied that there are appropriate processes in place to ensure		

	that the job seeker is aware of the relevant work health and safety issues and how to report, prevent and manage those issues and concerns (i.e. induction/consultations/toolbox meetings)?		
5	Is the Host Organisation satisfied that it has current and appropriate insurance to cover any risks associated with the Place/Activity?		
6	Does the Place/Activity meet the Department's insurance policies purchased for job seekers as outlined in the Deeds and Guidelines?		
7	If the Place/Activity involves work exclusively on private property, has Departmental approval been sought in accordance with the Guidelines? If yes, include the approval and any conditions in the risk assessment (Place).		
Place/Activity assessment		Yes	No
8	Have you undertaken a risk assessment (Place), as required under the Deed and Guidelines?		
9	Will identified work health and safety issues be adequately addressed and managed before the Place/Activity commences and at all times during the Place/Activity?		
10	Does the Place/Activity involve work that is inherently dangerous (i.e. working with electricity, heavy machinery or at heights; or work that requires formal competency assessment or operator tickets)?		
11	Have you identified the particular work health and safety training to be undertaken by the job seeker to participate safely in the task(s) and have you outlined this information in the risk assessment (Place)?		
12	Is personal protection equipment and clothing required to undertake the Place/Activity? Will the Host Organisation provide this for the job seeker? If not, the safety equipment that is required and that will be arranged by the Provider is to be detailed in the risk assessment (Place).		
13	Will the Host Organisation make available appropriate facilities (i.e. access to drinking water, lunchroom facilities and toilets) to the job seeker at all times during the course of the Place/Activity?		
14	Is there any reason that it would not be appropriate for the Place/Activity to be filled?		
15	Have you negotiated the cost for the Place/Activity?		
Displacement, suitability and supervision		Yes	No
16	Has the Host Organisation confirmed and are you satisfied that this Place/Activity does not involve work that would have been undertaken by a paid worker if the Place/Activity had not taken place, as outlined in the Deeds and Guidelines?		
17	Have you ensured that the Place/Activity does not fall within the excluded activities, as outlined under the Deed and Guidelines, unless otherwise agreed by the Department in writing? For example, on private property, in child care, at pre-schools or involving overnight accommodation		
18	Have you identified the level of supervision that will be provided to the job seekers as part of undertaking the Place/Activity and outlined this information in the risk assessment (Place)? For example, continuous supervision for vulnerable cohorts, ratio and frequency of supervision and so on		
19	Are you and the Host Organisation satisfied that the supervisor(s) are appropriate and adequate for the specific Place/Activity, as per the Deed and Guidelines?		

Coordinator or Provider name:

Signature:

Date:

OUR DEMANDS

- Raise all Centrelink benefits to Henderson Poverty Line (\$517 per week).
- Abolish Work for the Dole.
- End discrimination against Centrelink recipients (including income management).
- Remove punitive eligibility for Centrelink payments.
- Abolish use of privately owned employment services industry and reinstate Commonwealth Employment Service.
- Undertake extensive government-run job creation programs (ie. Job Guarantee Program).
- Secure employment for all workers.
- Enforce minimum wage and Award conditions in all workplaces.
- Reduce working week to 35 hours.
- Lower retirement age to 60.

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AUWU