



Australian Government

WorkChoices

Under WorkChoices there are specific protections for young workers in addition to those that apply to employees generally.

For more information on general protections for employees, see the 'WorkChoices and employee protections' fact sheet.

Australian Workplace Agreements (AWAs)

Written adult consent

An employee's approval of an AWA is indicated by the employee signing and dating the AWA. If the employee is under 18 years of age, his or her AWA must also be signed by an appropriate person (such as a parent or guardian – but not the employer who is party to the AWA). If the AWA is not signed by an appropriate adult, the requirements for approval will not have been met. This additional protection is designed to help younger employees who may have less experience in negotiating agreements.

Bargaining agents

Any employee is able to appoint a bargaining agent to help them to negotiate an AWA. Anyone may be a bargaining agent as long as they meet the qualifications for a bargaining agent. The qualifications are that they must not be:

- under 18 years of age;
- acting for the other party to the AWA;
- a bankrupt; or
- convicted of certain criminal offences.



WorkChoices and young people

As long as they meet these requirements, the bargaining agent could be a parent, family member, friend, trade union representative or any other person.

The employee must appoint the bargaining agent in writing and give a copy of the appointment document to the employer before agreement negotiations begin.

An employer or employee in relation to a proposed AWA may be liable for a penalty for failing to recognise the other party's bargaining agent. The penalties are \$3,300 for an individual or \$16,500 for a corporation.

An employee cannot be sacked for refusing to negotiate, make, sign, extend, vary or terminate an AWA.

Unlawful termination

The unlawful termination provisions of the Workplace Relations Act prohibit dismissal on a range of grounds including age. This means an employee cannot be sacked because the employer thinks they are too young (or too old).

Unlawful termination (which is different from unfair dismissal) applies to all employees in Australia, regardless of the size and type of the business in which they are employed.

The Government will provide financial assistance of up to \$4,000 for legal advice for employees who believe they have been unlawfully dismissed and who meet certain eligibility criteria.

For more information on this assistance scheme, see the 'WorkChoices and termination of employment' fact sheet.

Youth wages

The Australian Fair Pay Commission (Fair Pay Commission) is responsible for setting and

adjusting minimum wages, including minimum wages for juniors.

Minimum wage rates for juniors will not fall below the level specified in awards after the increase from the 2005 Safety Net Review.

The Fair Pay Commission must have regard to ensuring that junior employees are 'competitive in the labour market' when setting and adjusting their minimum wages.

The Fair Pay Commission will also be able to determine one or more special Federal Minimum Wages (special FMWs) for particular groups of junior employees.

For further information on youth wages, see the 'WorkChoices and junior rates' fact sheet.

Assistance

The Office of the Employment Advocate (OEA) provides a free service for employees to explain the contents of workplace agreements and AWAs. The OEA takes into account the circumstances of particularly vulnerable employees, such as young people when explaining agreements.

The Office of Workplace Services undertakes comprehensive compliance and enforcement functions, and assists employees to understand their rights and responsibilities under the new workplace relations arrangements.

Further information

- Visit **www.workchoices.gov.au**
- Contact the OEA at **www.oea.gov.au** or call **1300 366 632**.

WorkChoices is a new system of workplace relations legislation that covers up to 85 per cent of Australian employees. This series of fact sheets is available to assist workers and employers to understand their rights and obligations under the legislation.

For more information call the **WorkChoices Infoline** on **1300 363 264** or visit the **WorkChoices** website **www.workchoices.gov.au**



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