

What are my employment rights?

Am I being treated fairly at work?

Where do I go for help?

WORKING OVERSEAS

DISCLAIMER

This infosheet contains information of a general nature only and is not a substitute for professional legal advice. You should obtain legal advice from a lawyer about your particular situation before acting on any of the following information. This infosheet is designed for Victorian and national system employees in Tasmania and Queensland only. If you are not a Victorian employee or a Queensland or Tasmanian national system employee, you should obtain specialist legal advice about your case as soon as possible.

Introduction

The aim of this information sheet is to assist people wishing to apply for work overseas. JobWatch has concerns about some recruitment practices. Working in another country seems exciting but there are a few important issues to look into to avoid exploitation and other problems.

This information sheet does not set out to discourage people from working overseas but rather to point out some of the traps and issues to consider. Being prepared by checking out the employer (if practicable) and knowing exactly what to expect is important to help make working overseas as positive as possible.

We also recommend reading the Department of Foreign Affairs and Trade's publication "Essential Information for Australians living and working overseas". Visit the following website:
www.smarttraveller.gov.au/tips/working_os.html

Travellers should consider the issues raised in this infosheet before accepting an overseas offer of work.

Advertisements

JobWatch has received complaints from job seekers who applied for overseas jobs that did not exist!

We have also had complaints about job seekers paying money for employment contacts in other countries. The employers never came through with the employment promised.

Common sense should always be used when looking for work overseas. Does it make sense that local people are not available to do the work?

Ask yourself- Why is this company recruiting people from Australia?

Issues to think about before accepting overseas work

It is essential to think about the reasons for going overseas. Is your priority the job or travel? Are you travelling to experience another culture or because of financial necessity?

In addition, JobWatch recommends that you consider the following issues:-

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Employment Rights Information for Workers – Job Watch Inc is an independent, not for profit, employment rights legal centre. It provides a free, confidential telephone information and referral service and other assistance to workers.

Hours: Mon-Fri 9am-5pm and Wednesday until 8:30pm.

Job Watch Inc | Metro (03) 9662 1933 | Regional Victoria, Queensland and Tasmania 1800 331 617 | www.jobwatch.org.au

1. Political issues (eg: civil war or any other form of civil unrest).

Callers to JobWatch have alerted us about advertisements for employment in war zones. Working in a country where there is civil unrest is dangerous and even life threatening.

It is important to weigh up whether the risk of going there to work is worth it. One way to do this is to check with the Department of Foreign Affairs and Trade (DFAT) to see if the country is on their travel warnings list (see 'Error! Reference source not found.' 4 for contact details).

2. Cultural issues

Is fluency in another language required? Are there customs that could limit/restrict your lifestyle? Research the country through travel guides, travel agents or the internet to find out this sort of information.

3. Cost of living

- Is it costly to live in the country/city?
- Will the job provide enough money to live on without breaching any visa requirements?
- Would the standard of living in Australia be achievable there?

Some countries have limits on the amount of hours a visitor can work - this could also affect the level of income expected. Check with the embassy or consulate of the relevant country if there are limits. Details of embassies or consulates can be obtained from the Department of Foreign Affairs and Trade (DFAT) or the yellow pages. Also, speak to people who have recently travelled to the country to get their impression on how much it costs to live there. Travel guides for the region or country can also provide this information.

4. Visas

Is a special working visa needed and who pays for it? Complying with the guest country's visa requirements is essential. Travelling to a country illegally, on falsified or misleading documents, or working without the relevant work permit/visa could lead to prosecution, deportation and even prohibition from travelling to that country ever again. Contact the relevant embassy or consulate to find out all visa and work permit requirements.

5. Employment conditions

- Does the country have minimum employment standards/conditions and does the position offered abide by these?
- What are the wages and conditions like?
- Would you be entitled to things like paid annual leave and sick leave, and is superannuation available?
- Will the wages be enough to live on?

Not all countries have minimum rates of pay and conditions like those set down by modern awards, enterprise agreements and legislation in Australia.

To find out what conditions are available in the country, contact their consulate or embassy in Australia.

6. Other conditions

Will you need to organise health/travel insurance? Is there a public health system or is private insurance required? Not all countries have universal health coverage like Australia. Some may have reciprocal schemes in place for Australians to get medical/health coverage, but you should find out about these things before leaving Australia. No one wants to pay an unexpected and exorbitant medical bill.

Find out also if you need vaccinations or preventative medication before you leave Australia by visiting your doctor.

7. Accommodation

Who pays for it, who provides it and who finds it? What about relocation costs? Finding accommodation that is reasonable in price in an unfamiliar country can be difficult. Paying the cost of relocation on top of the cost of establishing new accommodation is very expensive. Always find out who is bearing the costs for relocation before accepting a job offer.

8. Agencies

Employment agencies that advertise work overseas often charge for their services. This can range from a registration fee, to charges for putting job seekers in contact with an employer. You should not have to pay to work. Employers contract agencies to find workers so they are the ones who should pay! Usually the agency is not the employer and is therefore not a party to the employment contract. This can be a problem if you try to take legal action against the agency about an employment issue.

Some of the questions to ask an agency are:

- Are there any fees?
- Is there a refund if no work is available?
- Is there a contract?
- Who is the employer?

When offered a job by an agency, you may wish to tell the agent that you want to contact the employer directly in order to confirm the job offer.

9. Job Offers

After receiving a job offer always ask for a letter of offer and a duty statement or job description. They should include the following information: the duties, hours of work, wages and general entitlements (eg: annual leave, sick leave, period of engagement, travel allowances, accommodation costs and overtime rates).

10. Contracts

- Is there a contract?
- Can changes be negotiated?
- Is there a penalty for getting out of the contract?

Always try to get written contracts checked by a lawyer. **No one should ever sign anything they haven't read and fully understood.** Always keep copies of signed contracts. When leaving a job always give the correct amount of notice (usually stipulated in a contract or terms of employment). This is to avoid any penalties that could be incurred.

Before signing a contract it is advisable to check if there are relevant trade unions for your type of work in the applicable country. Also check if the country allows for freedom to join unions and/or to engage in union activity.

CHECK LIST

- Read travel guides or visit the internet to obtain information about the country you intend to work in.
- Contact the Department of Foreign Affairs and Trade (DFAT) or visit their website.
- Contact the Consulate/Embassy of the relevant country in Australia for more information.
- If a written contract is to be signed, try to get it checked over by a lawyer beforehand. A community legal centre can help with this. For the nearest centre contact NACLC.....
- Contact the Australian union that covers the type of work, to see if they have received any complaints.

Where to get help

For further information regarding working overseas, you may wish to contact the relevant organisations below.

ORGANISATION	PHONE	WEBSITE
JobWatch <i>(Telephone interpreters available for non-English speakers.)</i>	Metro: 9662 1933 Queensland, Tasmania & Regional Victoria: 1800 331 617	www.jobwatch.org.au
Australian Human Rights Commission	Complaints Infoline: 1300 656 419 General Enquiries: 1300 369 711	www.humanrights.gov.au
Fair Work Infoline (Office of the Fair Work Ombudsman)	13 13 94	www.fairwork.gov.au
Fair Work Commission Helpline	1300 799 675	www.fwc.gov.au
ACTU Worker Information Line <i>(for referral to a union)</i>	1300 362 223	www.actu.org.au
Department of Foreign Affairs and Trade	1300 555 135	http://dfat.gov.au/pages/default.aspx
Legal Referral Service (Law Institute of Victoria)	(03) 9607 9311	www.liv.asn.au
Queensland Law Society <i>(for referral to a lawyer)</i>	1300 367 757	www.qls.com.au/Home
Law Society of Tasmania <i>(for referral to a lawyer)</i>	(03) 6234 4133	http://lst.org.au

National Association of Community Legal Centres <i>(for your local CLC)</i>	(02) 9264 9595	www.naclc.org.au
International Labour Organization		www.ilo.org

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