

What are my employment rights?

Am I being treated fairly at work?

Where do I go for help?

assistant, laborer.
employer noun
One that employs
employment noun
The act of employing
hire, hiring, rehire



2020

Annual Report

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Our Work

JobWatch is an Employment Rights Community Legal Centre which provides assistance to Victorian, Queensland and Tasmanian workers regarding their rights at work. We are an independent, not-for-profit organisation funded by the Office of the Fair Work Ombudsman and the Victorian government.

JobWatch services are provided free to Victorian, Queensland and Tasmanian workers. JobWatch is an active member of the Federation of Community Legal Centres and is accredited by Community Legal Centres Australia.

Our Services

VICTORIA

Telephone Information Service
Legal Representation
Employment Law Publications
Lawapp
Community Legal Education
Self-Representation Assistance
Clinical Legal Education
Law Reform

QUEENSLAND

Telephone Information Service
Employment Law Publications
Lawapp
Community Legal Education
Self-Representation Assistance
Law Reform

TASMANIA

Telephone Information Service
Employment Law Publications
Lawapp
Community Legal Education
Self-Representation Assistance
Law Reform

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Acknowledgement to Country

JobWatch acknowledges the Aboriginal and Torres Strait Islander peoples of this nation. We acknowledge the traditional custodians of the lands on which we are located and where we conduct our business. We pay our respects to ancestors, and Elders, past, present and emerging.

Our Vision

JobWatch is committed to improving the lives of workers, particularly those most disadvantaged by advising, representing, informing, educating and empowering, advocating and campaigning for law reform and social change.

Our Mission

JobWatch aims to improve the working conditions and workplace outcomes for Victorian, Queensland and Tasmanian workers and strives for a fair and just working environment for all Victorian, Queensland and Tasmanian workers.

Our People

Committee of Management

Dianne Cullen, Chair
Kathryn Duncan, Deputy Chair
Terry McGann, Secretary
Sandrah Crabb, Treasurer
Adrian Chevalier, Member
Elise Paynter, Member
Joanna Fitch, Member
Rosemary Shaw, Member
Tamsin Webster, Member

Office Staff

Zana Bytheway, Executive Director
Gabrielle Marchetti, Senior Lawyer
Ian Scott, Senior Lawyer
Melissa Favasuli, Lawyer/Administrative Manager
John O'Hagan, Lawyer
Héloïse Williams, Lawyer
Priscilla Tung, Accountant
Tamasan Freyer, Office Manager
Lilian Tang, Administrative Assistant

TIS Staff

Alan Hawkey
Geoff Charles

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Chair's Report

It is with pleasure that I present the JobWatch Annual Report 2019-2020.

JobWatch provides essential services to Victorian, Queensland and Tasmanian workers via the provision of employment law information. Legal representation is also provided to Victorian workers. Additionally, JobWatch engages in community education and law reform activities.

Despite the challenges JobWatch has faced in the second half of the 2019-2020 financial year due to COVID-19, JobWatch has remained resilient and risen to the occasion, assisting thousands of workers in extraordinarily difficult circumstances.

Notably, JobWatch worked extremely hard to produce accessible online resources in direct response to the effects of COVID-19 on employment and the introduction of the JobKeeper payment scheme. The resources were well received and proved to be an effective means of imparting vital information quickly.

Following the publication of the 'COVID-19 Employment Rights Q&A' on 23/03/2020 and the 'JobKeeper Payment Scheme Q&A' on 16/04/2020, the JobWatch website recorded 56,174 website visits between 23/03/2020 and 23/06/2020. This represents a 530% increase in website hits, compared to the same three-month period in 2019.

The legal practice has assisted a multitude of disadvantaged workers during 2019/2020,

through numerous projects including the International Students Work Rights Legal Service at the Study Melbourne Student Centre, the Workplace Advice Service at the Fair Work Commission, the Temporary Visa Workers Project and the running of both the JobWatch Dismissed Workers Project as well as the JobWatch Family Violence and the Workplace Project.

The legal practice also conducts community legal education including training, seminars, and the production of a variety of publications on employment law and workers' rights.

I take the opportunity to thank my fellow Committee members for their invaluable contribution and dedication to the organisation. In particular, I would like to thank Elise Paynter who retired from the JobWatch Committee of Management this financial year. Elise's expertise and commitment over the years has been a great support to JobWatch. We also welcome Tamsin Webster to the Committee and look forward to working together in the years to come.

I would also like to acknowledge Zana Bytheway who this year achieved 20 years as JobWatch's Executive Director. Zana, we thank you for your hard work and commend you on your consistently strong management which has guided the organisation to its current position of financial viability and strength.

Many thanks also to the wonderful JobWatch staff, interns and volunteers for their passion, commitment and outstanding service delivery

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to so many disadvantaged workers requiring much needed assistance at a crucial time. We all look forward to a less challenging but prosperous year ahead.



Dianne Cullen
JobWatch Chair

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Executive Director's Report

This year marks 40 years of JobWatch. The planning of our much anticipated celebration was well under way, however as with many other planned activities, the celebration had to be postponed.

Founded in 1980, JobWatch remains committed to improving the lives of workers, particularly the most disadvantaged.

Commencing as a grassroots organization with only a handful of dedicated volunteers and passionate advocates for social justice, JobWatch has evolved to become Victoria's, and arguably Australia's, foremost not-for-profit employment rights community legal centre.

Our achievements over the 40 years have been many and outstanding but most significantly we are here, connected to our community, reaching more, doing more and doing it better.

I would like to acknowledge and thank the founders of JobWatch, Martin Willoughby-Thomas and Brian Couldrey, who saw the need to protect workers.

I would also like to note the special contribution of Rob Hulls, our former Deputy Premier and Attorney-General, and Brian Corney, former head of Industrial Relations Victoria, who wanted to provide access to justice to those needing it most. Their door was always open and they remained true to their values.

Whilst this year's annual report was to be dedicated entirely to the JobWatch 40th Anniversary, COVID-19 has taken precedence.

An extraordinary life experience which dominated the year. With far reaching implications, the impact of which will remain entrenched, the pandemic has caused us all to reflect on our short-term and long-term plans.

Employment is integral to our well-being. It sustains us financially and psychologically. The implications of losing a job are well researched, analysed and documented. The causal connection between loss of employment and mental health, family relationships, homelessness and the economy is obvious. However, as vulnerable employees desperately struggled to keep their jobs, this pandemic highlighted more than ever the significance of employment in our lives. As various measures were introduced across the nation as a consequence of the pandemic, a key focus was the preservation of business and jobs.

It is no great surprise that JobWatch during this time was inundated with calls for assistance. Recognising the unprecedented demand and long-term implications, the state and federal governments stepped in to provide essential and much needed funding support. JobWatch is extremely grateful for the financial and other support it has received from the Commonwealth of Australia Attorney-General's Department, the Victorian government's, Department of Justice and Community Safety and Victoria Legal Aid.

As JobWatch itself commenced working remotely in March, we became even more acutely aware that the COVID-19 pandemic would cause dramatic changes to Australian workplaces.

As a specialist employment rights community legal centre dealing with thousands of calls, we

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not only had a direct insight into the impact of the pandemic on Australian workers, but also the collaborative response from the legal assistance sector, providing support to the community and each other. One such example was the collaboration with Victoria Legal Aid, providing crucial information to thousands of workers about their employment rights during the pandemic. Another example included providing a tailor-made Hard Lockdown fact sheet to our CLC colleagues to assist clients in their catchments.

Operating a free and confidential telephone information service for employees in Victoria, Tasmania and Queensland, our first challenge was addressing the loss of support from student intern and volunteer programs and operating the service remotely. With a fortuitous recent and pre-pandemic upgrade to our systems, the transition was surprisingly straightforward and implemented quickly.

The next challenge was meeting the community's need for information at a time when circumstances were rapidly changing. Workers were desperate for assistance, however the level of demand was so high that we could not respond to all the calls. We had to consider new ways of providing accessible information quickly.

Using data and information tracked through the telephone service, JobWatch created online resources to respond to frequently asked questions including queries about the JobKeeper scheme, health and safety concerns, dismissal, redundancy and discrimination.

JobWatch understood as a consequence of thousands of calls, the extent of the anxiety

around health and the need for work and in turn financial security. We had to provide timely and accessible information. In times of crisis, when armed with knowledge, workers are empowered and have a better understanding of their choices. Sometimes this reassurance is all they need.

With a focus on returning to the workplace, JobWatch is not anticipating a drop in the need for information about employment law. Health and safety concerns will feature strongly as will requests for a change in employment arrangements. The aftermath of the rolling back of JobKeeper in March 2021 will bring further and potentially more complex employment law issues, such as the validity of variations of contract. Redundancies, dismissals, bullying and discrimination will feature significantly, requiring greater response rates and assistance.

JobWatch staff are resilient and hardworking, and as challenging as this period has been and will continue to be, the rewarding aspect is being able to do something about it - helping others.



Zana Bytheway
Executive Director

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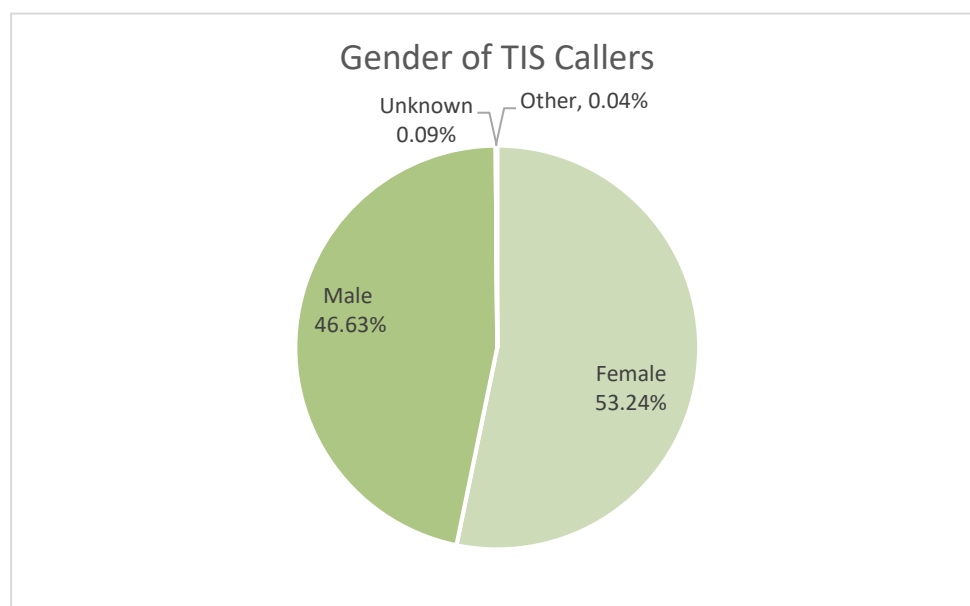
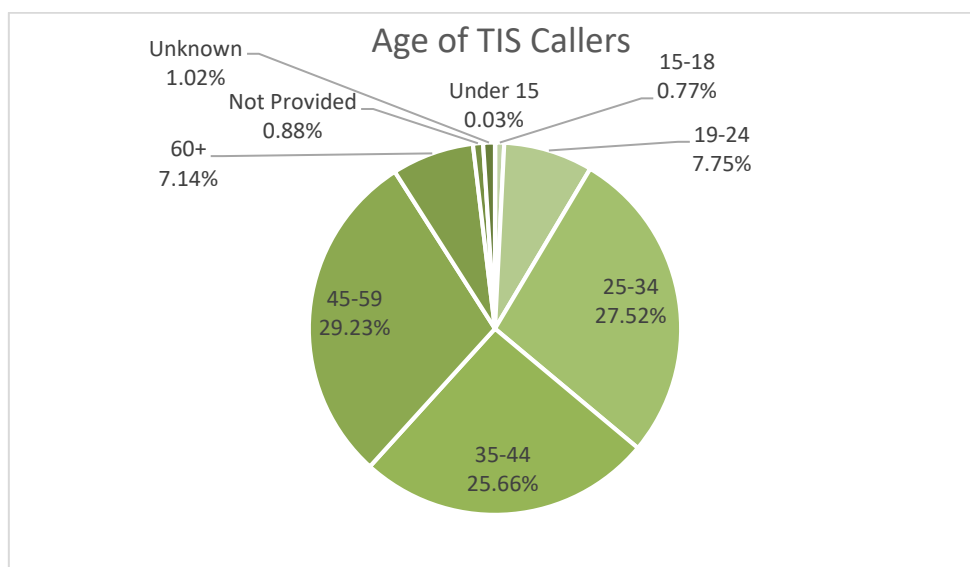
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Telephone Information Service (TIS) - Overview

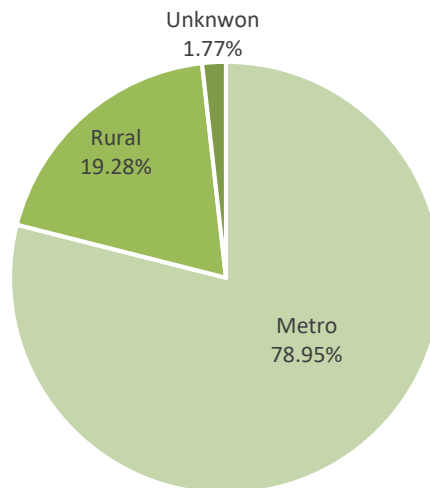
The JobWatch Telephone Information Service (TIS) provides vital assistance to Victorian, Queensland and Tasmanian workers who encounter difficulties with their employment. There was a continued high level of demand for this service, particularly given the expansion of the service into Queensland and Tasmania from January 2017 and the COVID-19 pandemic in 2020. The number of caller responses increased over this financial year, from 12,065 responses to 12,873 responses.

Who's Calling JobWatch?

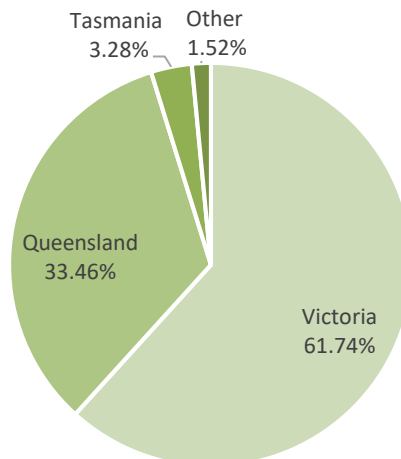


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Residence of TIS Callers - Victorian



Residence of TIS Callers Assisted - State



The gender, age and residence of JobWatch TIS callers from Victoria are all comparable to the previous year.

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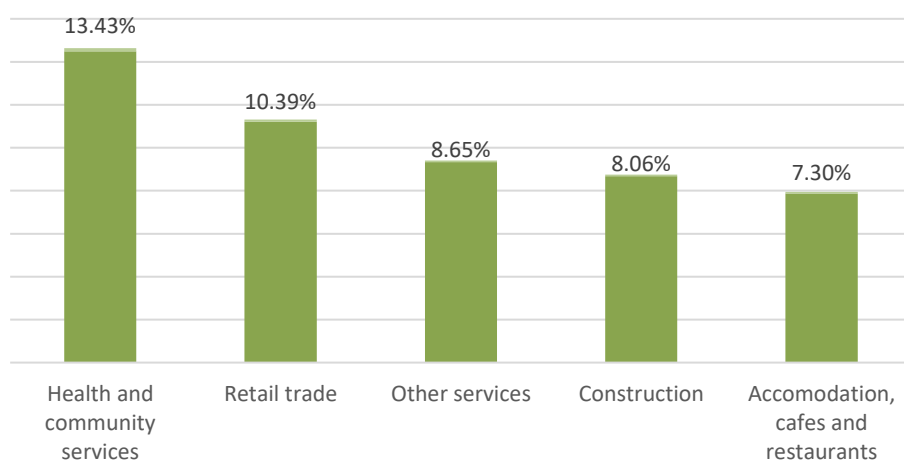
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Where Our Callers Work

JobWatch callers are employed predominantly in Health and Community Services (13.43%), Retail Trade (10.39%), Other Services (8.65%) Construction (8.06%) and Accommodation, Cafes and Restaurants (7.30%). The most significant variances when compared to the previous year were: Property and business (-1.21%), Construction (+0.76%), Retail Trade (+0.74%), Transport and storage (-0.72%) and Other services (+0.71%).

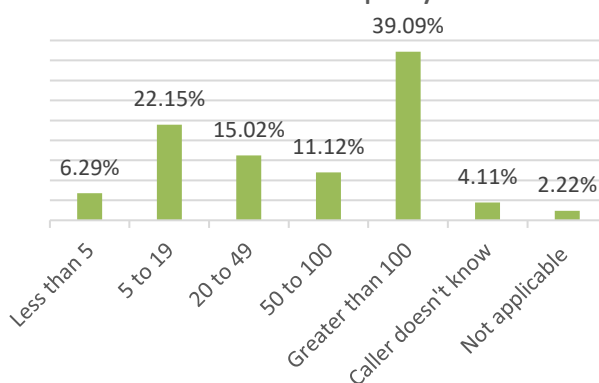
Top 5 Industries TIS Callers Work In



Size of Employer

The percentages across all 'Size of Employer' categories are comparable to the previous year. Minor deviations are as follows: less than 5 employees (-0.41%), between 5 and 19 employees (+0.11%), between 20 and 49 employees (-0.49%), between 50 and 100 employees (+0.78%), 100+ employees (+1.31%).

Size of Company



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Employment Status

Overall, 78.14% of callers to JobWatch were employed on a permanent basis with 62.46% of callers employed on a permanent full-time basis and 15.68% of callers employed on a permanent part-time basis. A total of 14.18% of callers were employed on a casual basis. This data is similar to that reported in the last financial year.

Employment Status	%
Apprentice/Trainee	0.70
Casual Full-Time	5.39
Casual Part-Time	8.79
Fixed Term Contract	1.61
Fixed Term Contract (extended)	0.17
Independent Contractor	2.15
Job Seeker	0.98
Not Applicable	1.36
Permanent Full-Time	62.46
Permanent Part-Time	15.68
Unknown	0.71
Total	100

Problem Type

The most prevalent problems affecting callers were: Unfair Dismissal (15.99%), Wage Issues (including Under/Non-Payment and Overpayment) (11.50%), General Protections Dispute (Termination) Claims (7.90%), Redundancy issues (7.47%) and COVID-19 Related (7.32%)

The reported percentages were reasonably comparative to the previous year with the most notable variation occurring in the Wages Issues (Including Under/Non Payment and Overpayment) problem type which decreased by 2.31%. The most significant variation was the introduction of the COVID-19 related workplace problem type.

Problem Type	%	Problem Type	%
Common Law Contract Issues	3.88	Notice Issues	2.21
Constructive Dismissal	4.12	Occupational Health and Safety	0.35
COVID-19 Related	7.32	Other/Various (<1% = 39 categories)	8.89
Discrimination	5.57	Redundancy Issues	7.47
General Inquiry	6.63	Resignation	0.90
General Protections Dispute (Non-Termination)	3.60	Superannuation	0.59
General Protections Dispute (Termination)	7.90	Unfair Dismissal	15.99
Harassment Issues (Bullying. Also Includes Sexual Harassment)	5.02	Wages Issues (Including Under/Non Payment and Overpayment)	11.50
Independent Contracting Arrangements	1.33	Warnings/Procedural fairness	1.48
Leave Issues	2.31	WorkCover	2.26
Maternity	0.68		



A representative summary of the positive comments callers offered about the assistance they received from the TIS is below:-

- *"I want JobWatch to know that you didn't just help me, but you also helped all 18 staff at my job who weren't confident enough to approach our employer about the issue. After getting the information from JobWatch and discussing it with my boss over several meetings, we were all back paid which was a great outcome. I'm really grateful for JobWatch's assistance."*
- *"Really grateful for this service as I was at a complete loss as to what I could do about my situation."*
- *"The approach and tone of the people and their thoroughness. Didn't try to rush through it, made sure they obtained all the right details by asking the right questions. All round a really good experience."*
- *"The person who I spoke to was helpful and took their time to listen to my situation, then spoke to their supervisor and gave me a call back with all the information. The information was easy to understand and I was referred to the JobWatch website which has so many resources."*
- *"Professional yet personal-enough support that really helps when someone requires JobWatch assistance. A wealth of knowledge, and when something is not known or sure of, I appreciated the efforts of my TIS consultant who reached out to seniors to get the information required."*
- *"The consultant was very helpful. She listened to me and took notes of my situation before confirming the information with her supervisor. The information was useful and very applicable to my situation. The consultant informed me of the various options that were available to me and explained the pros and cons of each."*
- *"The information was really informative and the consultant was professional and spoke clearly so I understood everything."*
- *"The consultant listened to me and took notes down of my situation, then went to speak with their supervisor to confirm the information. I liked that because it meant that two people were looking at my situation and gave me information about it. I felt reassured with the information that I received."*
- *"JobWatch provides an essential service to workers in Australia and was of enormous help to me."*

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Legal Practice

JobWatch's Legal Practice has had a challenging but rewarding year managing a diverse caseload involving proceedings in courts and tribunals. In addition, the Legal Practice has participated in the Workplace Advisory Service (WAS) at the Fair Work Commission (FWC), a program run in conjunction with the FWC and the Springvale Monash Legal Service.

As a peak body for employment law service delivery in Victoria, JobWatch supports other CLCs as the demand for employment law assistance increases.

In 2018, JobWatch received funding from the Department of Justice and Community Safety to provide legal advice and assistance/representation regarding workplace issues for workers experiencing or having survived family and domestic violence. Since the pilot year, client assistances through this Project have more than doubled, reinforcing the legal need for the provision of such services to workers across the service area. JobWatch continues to build and maintain strong referral pathways with community partners working in the area of family and domestic violence, ensuring that the reach of this Project is cast as wide as possible.

The JobWatch Dismissed Workers Project has also continued. This Project is designed to increase legal assistances provided to young workers in regional/rural Victoria and other Victorian workers experiencing serious disadvantage who have been dismissed from their employment. Through this Project, JobWatch makes referrals to Justice Connect's Pro Bono Assistance Scheme and also provides direct legal advice or representation at the FWC conciliation or conference. Despite the challenges presented by COVID-19 in 2020, JobWatch achieved favourable outcomes for 52% of clients represented at their FWC conciliation or conference between January 2020 and June 2020.

After 18 months assisting temporary visa workers with employment related matters in conjunction with Goulburn Valley Community Legal Centre and Barwon Community Legal Service, the Employment Law Project Assisting Temporary Workers formally came to an end on 31 March 2020. The Project was an enormous success with 100% of clients surveyed reporting a greater understanding of employment law rights in Australia and with over \$100,000 of monies having been recovered. JobWatch firmly believes that there is more work to be done for this particularly vulnerable cohort and hopes to continue to build on the Project's successes.

The Legal Practice has also operated the International Students Work Rights Legal Service (ISWRLS) in conjunction with the Study Melbourne Student Centre. In addition to assisting international students to enforce their employment rights and thereby gain access to justice, JobWatch has also strengthened relationships with key stakeholders and engaged in strategic advocacy. It is with great pride that JobWatch reports having recovered more than \$70,000 on behalf of ISWRLS clients during the 2019-2020 financial year and we look forward to continuing this great work into the future.

Beyond casework, JobWatch's lawyers are involved in training and supervising student interns and volunteers and delivering community legal education. Our lawyers are also engaged in law reform



work and play an active role in delivering our TIS on a daily basis.

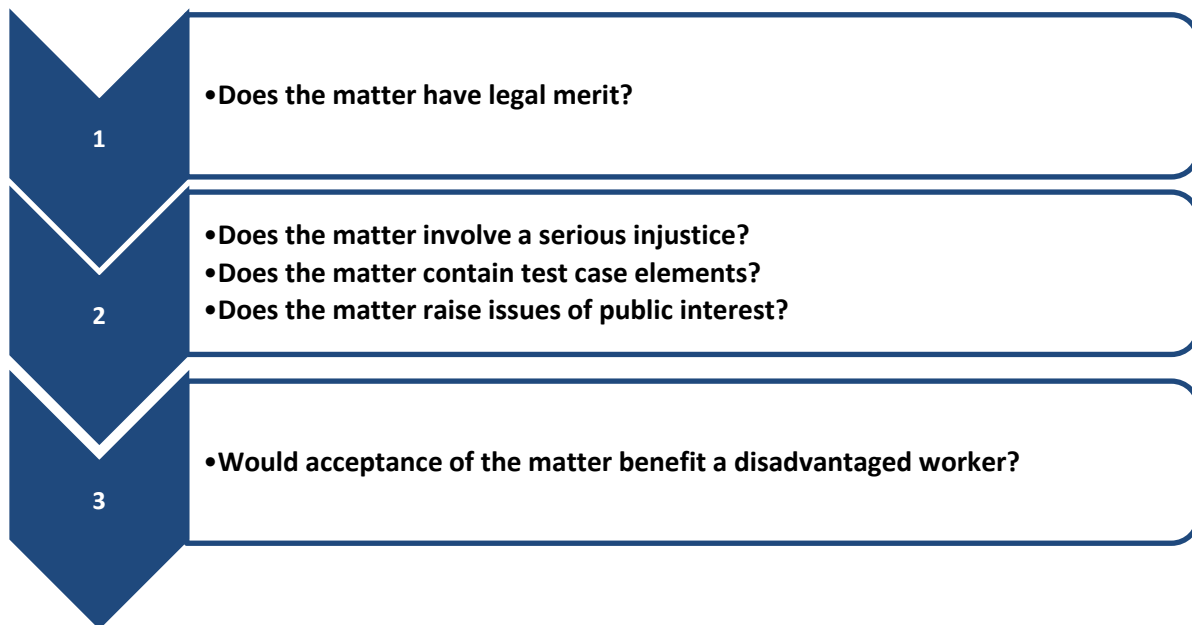
JobWatch's mission is to help disadvantaged workers. The Legal Practice broadly measures disadvantage by considering a range of factors including the person's income, their ability to speak English and their bargaining power.

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Prior to opening a matter, our Legal Practice considers the following key questions:



Legal Cases

Case Study 1

Ashley is a 20-year-old student who worked as a casual in a cafe. She had worked there for a number of years, but had been employed by the current owners of the cafe for about a year.

As the COVID-19 pandemic began to affect the availability of work in late March 2020, Ashley asked her employer if they intended to register for the JobKeeper scheme. The employer responded that they didn't intend to, partly because they thought it was "unfair" that employees would receive \$1,500 per fortnight regardless of whether they earned that much for hours worked.

Over the following weeks, Ashley's financial position worsened due to the continuing lack of work, and she politely persisted in asking the employer to reconsider JobKeeper.

In May, the employer abruptly dismissed Ashley, citing poor performance. Ashley filed an unfair dismissal claim.

JobWatch represented Ashley at the Fair Work Commission conciliation of the matter. After the dismissal, the employer had raised a number of new factual allegations, which JobWatch disputed on Ashley's behalf. No settlement was reached and a hearing date has been set. JobWatch believes the claim is strong and will continue to negotiate to settle the matter as the hearing date approaches. The matter is ongoing.

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Case study 2

Angela worked full-time in a managerial role for an educational media business. About six months into her employment, her former domestic partner began making threats against her by telephone, by attending the workplace, and by going to her home and vandalising her house. Angela took out court orders to prevent this, but her former partner ignored them and continued to threaten and harass her over the next few months.

As a result, Angela missed some days at work. Sometimes this was to attend court dates, but sometimes she was unexpectedly unable to attend work due to imminent threats by her former partner, or because she was too distressed by the events.

Angela's employer initially showed some sympathy towards her situation but became increasingly impatient with her absences. She was eventually dismissed after approximately eight months' employment, with the employer citing the absences as part of the reason for the dismissal.

JobWatch assisted Angela to make a general protections dispute (termination) claim on the basis that she had been dismissed in part for exercising her workplace right to take family and domestic violence leave under the Fair Work Act 2009. The matter did not settle at conciliation and court documents were filed, however JobWatch negotiated a financial settlement before a hearing became necessary.

Case Study 3

Rima is in Australia on a student visa and was employed as an Accounting Assistant. She was paid \$10 per hour for the first 6 months and then \$20 per hour after that. No

superannuation was paid on her behalf. Initially, no payslips were issued, but eventually, after Rima insisted on getting them, they were issued with false or misleading information. Rima was also sexually harassed by her boss.

JobWatch is in the process of writing to Rima's former employer with a view to resolving this matter.

Case Study 4

Monica is a NESB client who has a permanent residency visa. Monica was underpaid for a number of years in her retail job and was highly distressed when she sought assistance from JobWatch.

A settlement was reached that was favourable to Monica after JobWatch wrote letters on her behalf and negotiated with the employer's lawyers. Monica was very pleased with the outcome.

Case Study 5

Jennifer is a young East Asian woman who is in Australia on a student visa. She worked as a kitchen hand/waitress in a restaurant for two years. She worked 6 days a week, up to 12 hours a day and was paid \$400 a month in cash. The owner of the restaurant was not only her boss but also her landlord and her education agent, as he managed her studies. This is the second time JobWatch has represented a client against the same employer.

JobWatch has calculated the amount of the underpayment and has written a detailed letter of demand to the employer. Preparations are now being made to issue proceedings on behalf of Jennifer in the Federal Circuit Court of Australia.

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Case Study 6

Anna is in Australia on a student visa and has worked as a seamstress for a fashion designer. Anna completed a free trial before being paid \$22 per hour as a contractor through an ABN. Her boss asked her to post an ad on social media calling for more seamstresses to work there. Someone from her ethnic community responded to the advertisement and secured the position, but after 2 days' work she was told she wouldn't be paid during her trial period. This friend complained to Anna who, in turn, told the supervisor that it wasn't right to treat workers like this. The working relationship then began to deteriorate. The bosses reprimanded Anna for speaking in Spanish to a co-worker and they took her off certain jobs, denying her the better opportunities and excluding her. Anna was also punished financially by being told to go home and take unpaid leave because she was seen as a trouble maker for advocating for her co-worker's rights.

Having taken detailed instructions, JobWatch is now in the process of negotiating with the employer in an effort to avoid issuing legal proceedings. However, if the parties do not reach a settlement, JobWatch is prepared to file legal proceedings on Anna's behalf.

Case Study 7

Emma had worked in marketing for a small manufacturing company for almost six months.

Prior to and during her employment, Emma had experienced family and domestic violence. This resulted in several absences from work due to health problems and family and carer responsibilities.

About five months into the employment, the employer proposed to meet with Emma to

discuss these absences. This never occurred. Instead, just short of six months' employment, the employer dismissed her without warning, citing performance issues, and significantly, the fact that she had not worked the necessary six-month employment period to be protected from unfair dismissal.

JobWatch assisted Emma to file a general protections dispute (termination) claim under the Fair Work Act 2009, on the basis that the employer had unlawfully dismissed her because of her carer responsibilities, her physical disability, her absence due to illness, and her workplace rights to take leave and to be protected from unfair dismissal at six months' service.

JobWatch represented Emma at the Fair Work Commission conciliation of the matter. No settlement was reached, so JobWatch filed an application in the Federal Circuit Court of Australia on Emma's behalf.

JobWatch negotiated a financial settlement of the matter just prior to the first hearing of the matter.

Case Study 8

Siobhan is a working holiday maker (subclass 417) working full-time in the telecommunications industry.

After working for approximately two months, Siobhan injured herself outside of work, tripping over and fracturing her wrist. The injury Siobhan sustained still enabled her to fulfil the majority of her work duties – however, there were a few duties that her doctor advised her to avoid.

Upon informing her employer of the injury and obtaining a clearance from her doctor outlining

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the duties she could and could not perform, Siobhan was informed by her employer that the company did not 'do' light duties and told her that she required a full medical clearance before she would be permitted to return to work. In the meantime, Siobhan was not receiving any income.

JobWatch was able to assist Siobhan with the aid of the Victorian Equal Opportunity and Human Rights Commission, by negotiating with Siobhan's employer on her behalf. JobWatch argued that in failing to make reasonable adjustments for Siobhan to enable her to perform her employment duties, her employer was discriminating against her.

This process was facilitated via telephone conversations and emails and JobWatch was able to negotiate a \$5000 settlement on Siobhan's behalf.

Case Study 9

Klaus is a working holiday maker (subclass 417) working full time as a café attendant in inner city Melbourne.

Klaus was originally hired by the café owner as he had prior experience in setting up a small business. Klaus assisted his employer by working long hours, helping to order supplies, arranging the rental space as well as serving customers and preparing drinks.

After having worked for approximately two weeks, during which time Klaus had often worked ten to twelve-hour days and received no overtime pay, Klaus' employer accused him of stealing money from the cash register. Klaus was summarily dismissed via text message and was only paid for his first week of work.

JobWatch was able to assist Klaus by arranging a warm referral to Fitzroy Legal Service to obtain advice regarding the criminal matter.

JobWatch also assisted Klaus to recover the wages he was not paid, including penalties, overtime and unpaid superannuation in the Federal Circuit Court. On the eve of the hearing date, the respondent employer agreed to pay all outstanding entitlements, amounting to approximately \$1200.

Case Study 10

Jamie, a young woman with a young daughter had recently separated from her abusive husband in India. She was working on secondment in Australia from the Indian company where she had been employed for nearly 10 years. Her husband came over from India to visit and committed acts of violence against Jamie and her daughter. As a result, Jamie needed to bring her daughter into work with her for a few days and she also reported the abuse to her employer.

From that point in time, Jamie noticed that her employer's attitude towards her changed with comments being made like "you should be at home with your daughter" and shortly thereafter she was told that the secondment had ended due to a lack of work and that Jamie had to return to India. By this time, Jamie had obtained a permanent residency visa and because she was not required to return to India she was able to seek assistance from JobWatch.

JobWatch advised Jamie that her position was being made redundant and that she should be paid redundancy pay on her entire length of service with the two companies because they were associated entities. JobWatch also advised Jamie that she has a meritorious unfair

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dismissal claim because it was reasonable for her to be redeployed, or a meritorious general protections dispute (termination) claim because she was being selected for redundancy due to her family responsibilities.

JobWatch negotiated with the employer's lawyers and the matter was settled in Jamie's favour without the need to commence legal proceedings.

Case Study 11

Karen, a single parent in her 50s, was employed for over 20 years (part-time) by a large hospital in various administrative roles. Karen suffers from a severe chronic illness which has not yet been diagnosed.

While she was suffering a severe bout of her illness and caring for her son who was also ill, Karen's pay was withheld by her employer, who required her to provide a medical certificate for a day she was away from work while ill. Unable to get a doctor's appointment and with her judgment impaired by ongoing illness and stress, Karen changed the date on a recent certificate she had obtained for the same illness and submitted it to the employer.

This was immediately noticed by the employer. Karen expressed regret and contrition, but was dismissed for "obtaining a financial advantage by deception".

JobWatch assisted Karen to make an unfair dismissal claim, arguing that Karen admitted and regretted her dishonest act, and that it was harsh and unjust to dismiss her for this in all the circumstances, including her length of service, otherwise unblemished record, and her genuine remorse. JobWatch also argued that there was no fraud by Karen, because she was entitled to be paid for personal leave

because of illness, regardless of the employer's requirement for evidence, and that the employer's withholding of pay in those circumstances was therefore unlawful.

JobWatch represented Karen at the conciliation and in subsequent negotiations, and a settlement was reached in Karen's favour.

Case Study 12

Peta worked in customer support for a small service retailer for around 18 months when her employer was acquired by a large retailer in the same sector.

A few months after the acquisition, after the staff Christmas party, a senior manager got into a taxi with her where he sexually assaulted her, and then entered her home uninvited where he sexually harassed her over a period of several hours.

The next day, Peta complained to her employer and provided detailed allegations. After a brief investigation, the employer response was that the allegation of assault in the taxi was unsubstantiated, and did not deal with the harassment allegations at all.

Peta was severely distressed by the harassment and assault. She was diagnosed with anxiety and found it difficult to leave her house, and was unable to attend work. A few weeks after the incidents, she wrote to her employer to say that she would no longer be able to work for them due to their failure to deal with the harassment and assault.

Peta was able to find new employment almost immediately but has ongoing health issues resulting from the incidents.

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JobWatch advised Peta that the employer's failure to deal with the harassment and assault could amount to a constructive dismissal from her employment. As she already has new employment, there would be little remedy available for unfair dismissal, but she could claim pay in lieu of notice from her employer.

More importantly, the employer's conduct could give rise to a claim for sexual harassment under the Sex Discrimination Act 1984 or the Equal Opportunity Act 2010 (EOA). The claim against the employer would be based on their vicarious liability for the conduct of the manager, and their failure to prevent the conduct.

JobWatch is assisting Peta and intends to represent her in a claim under the EOA, where she will seek compensation for the distress caused by the conduct of the employer and its manager. The matter is ongoing.

Case Study 13

Taylor is a 28-year-old CALD woman with a mild learning disability. She worked at a large supermarket as a cashier for almost seven years.

Returning from a break during a shift, Taylor took a \$4 pack of nail-files from the shelves to use herself. She was aware of the employer's

procedure for staff purchases of goods and intended to comply with it at her first opportunity. The store became busy and Taylor placed the opened pack next to her register. On returning from her next break, the pack was gone. Unbeknownst to Taylor, another staff member had already removed the pack and reported Taylor for taking it.

The following day, before Taylor had a chance to look for the missing pack, Taylor was informed by the staff member who had reported her that she was about to be dismissed. She was called into a meeting with management, where she was dismissed summarily for theft. Taylor contacted JobWatch.

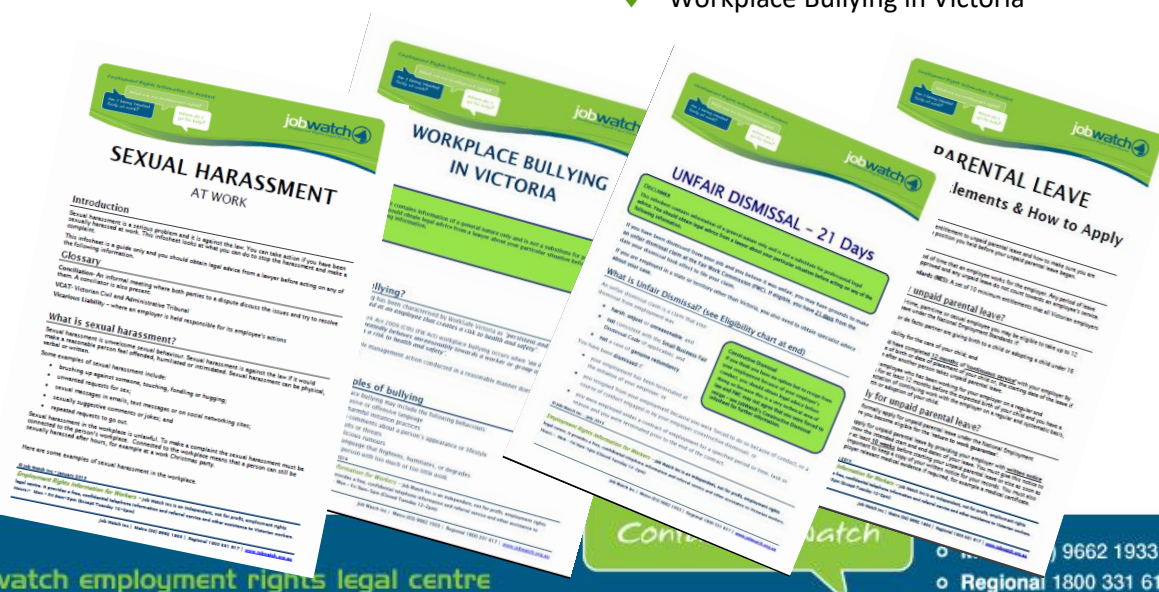
JobWatch assisted Taylor to make an unfair dismissal claim, alleging that Taylor had not intended to steal the pack, but admitted that she had failed to comply with a procedure. JobWatch argued that it was harsh and unjust to dismiss her for this in all the circumstances, including her length of service and otherwise unblemished record, and the failure by the employer to accord her procedural fairness. Taylor sought reinstatement or compensation.

JobWatch represented Taylor at the conciliation conference and in subsequent negotiations, and a settlement was reached.

Resources

JobWatch produces a number of employment law related publications which are regularly updated to reflect relevant state or federal legislative changes and changes to organisational names. At the end of the 2019/2020 financial year, the following information sheets, kits and Q&As were available on our website (www.jobwatch.org.au).

- ◆ Cash in Hand (English)
- ◆ Cash in Hand (普通话)
- ◆ Casual Employment
- ◆ Constructive Dismissal
- ◆ COVID-19 Employment Rights Q&A
- ◆ COVID-19 and Returning to Work Q&A
- ◆ Employment Contracts
- ◆ Employment Contracts: Changes to Existing Contracts
- ◆ Family and Domestic Violence and Employment Law
- ◆ Getting Paid and Payslips
- ◆ General Protections Dispute - Non-Termination Claim
- ◆ General Protections Dispute - Termination Claim
- ◆ Hazards of Door to Door Selling
- ◆ Independent Contracting Traps
- ◆ International Students (English)
- ◆ International Students (普通话)
- ◆ JobKeeper Payment Scheme Q&A
- ◆ Making a Small Claim under the Fair Work Act 2009 – Self-Representation Kit
- ◆ Maternity Leave and Redundancy
- ◆ Medical Divulgence, During Employment
- ◆ Medical Divulgence, Pre-Employment
- ◆ Misleading Employment Advertising
- ◆ Modelling and Acting
- ◆ Notice of Termination
- ◆ Parental Leave
- ◆ Private Training Courses
- ◆ Race Discrimination
- ◆ Redundancy and Retrenchment
- ◆ Sexual Harassment
- ◆ Social Media
- ◆ Superannuation
- ◆ Unpaid Trial Work
- ◆ Unfair Dismissal
- ◆ Unfair Dismissal - Conciliation Self-Representation Kit
- ◆ Unlawful Wage Deductions
- ◆ Warnings
- ◆ Working Overseas
- ◆ Workplace Bullying in Victoria




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Law Reform Work: Submissions

	Submission to the Attorney-General on the Religious Freedom Bills (October 2019)
	Inquiry into a Legislated Spent Convictions Scheme/Controlled Disclosure Framework (October 2019)
	Submission to The Economy and Infrastructure Committee: <i>Inquiry into Sustainable Employment for Disadvantaged Jobseekers</i> (October 2019)
	Submission to the Industrial Relations Consultation: <i>Inquiry into the Criminalisation of Wage Theft</i> (November 2019)
	Submission to the Legislative Assembly Legal and Social Issues Committee: <i>Inquiry into Victoria's Anti-Vilification Protections</i> (December 2019)
	Submission on 2nd Exposure Draft Religious Discrimination Bill to the Attorney- General (January 2020)
	Submission regarding Harmonious Workplaces to Attorney -General's Department (March 2020)
	Submission regarding Temporary Migration to the Department of the Senate (March 2020)

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Submission regarding Wage Theft to the Senate Standing Committee on Economics (March 2020)



Submission regarding Long Service Leave Scheme (June 2020)

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JobWatch Media Work

JobWatch continued to promote community awareness of important workplace issues through the media this year. Interviews and reports included COVID-19 related issues in employment, underpayments, issues faced by migrant workers, temporary visa holders and wage theft laws.



The Age

- ◆ Interview about migrant workers (September 2019)

ABC Life Work Stories

- ◆ Interview about unfair dismissal: 'How to know if you have been dismissed unfairly?' (November 2019)
- ◆ Interview about resigning from work: 'How to quit your job like a boss' (November 2019)

ABC Life

- ◆ Interview regarding criminal records (January 2020)
- ◆ Interview regarding JobKeeper, (May 2020)
- ◆ Interview regarding Temporary Visa Workers (May 2020)
- ◆ Interview regarding COVID-19 and Temporary Visa Workers (May 2020)

Lifehacker

- ◆ Interview regarding COVID-19 and returning to work (May 2020)

ABC News

- ◆ Interview regarding JobKeeper for ABC News Hobart (April 2020)
- ◆ Interview regarding JobKeeper for online Hobart (May 2020)
- ◆ Interview regarding JobKeeper (May 2020)



ABC PM

- ◆ Interview regarding JobKeeper (April 2020)
- ◆ Interview regarding JobKeeper (May 2020)

ABC Morning Radio Brisbane

- ◆ Interview regarding employer software surveillance (May 2020)

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SBS Italian Radio

- ◆ Interview regarding underpayments and temporary visa holders (July 2019)
- ◆ Interview regarding COVID-19 (March 2020)
- ◆ Interview regarding wage theft laws passed in Vic (June 2020)

Radio National

- ◆ Interview regarding JobKeeper, for Radio National Life Matters (May 2020)
- ◆ Interview regarding returning to work, for This Working Life (June 2020)

Reta Italia

- ◆ Interview regarding COVID-19 and impact on temporary visa holders (April 2020)

ABC The Drum

- ◆ Interview regarding COVID-19 employment issues (April 2020)

Channel 7 News

- ◆ Interview regarding Casual Workers Decision (May 2020)
- ◆ Interview regarding JobKeeper (May 2020)

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Thank You

Organisations

JobWatch would like to thank the following people, organisations and businesses who have worked with us throughout the year to improve the quality of workers' lives, especially the most disadvantaged within the community.

- ◆ Federal government - Attorney-General's Department
- ◆ The Office of the Fair Work Ombudsman
- ◆ The Victorian government – Department of Justice and Community Safety
- ◆ Victoria Legal Aid
- ◆ The Victorian government – Department of Jobs, Precincts and Regions
- ◆ Collier Charitable Fund
- ◆ Fair Work Commission
- ◆ Justice Connect
- ◆ University of Melbourne
- ◆ Monash University
- ◆ RMIT University
- ◆ RMIT University – Centre for Innovative Justice
- ◆ Australian Catholic University
- ◆ Deakin University
- ◆ La Trobe University
- ◆ Swinburne University of Technology
- ◆ Federation of Community Legal Centres
- ◆ WEstjustice
- ◆ Study Melbourne Student Centre
- ◆ Leo Cussen Centre for Law
- ◆ Finrea – IT Consultants
- ◆ Jingl IT
- ◆ Digital Bridge-Website Development
- ◆ Springvale Monash Legal Service
- ◆ Barwon Community Legal Service
- ◆ Goulburn Valley Community Legal Centre
- ◆ Woor-Dungin Inc
- ◆ Web and Design Bros
- ◆ Print, radio and T.V. media

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Interns and Volunteers

JobWatch hosts student interns and volunteers, providing students with the opportunity to gain practical legal experience. Students assist on the TIS, with legal casework, research and administration. JobWatch would like to thank the following student interns and volunteers for their contributions during 2019/2020

- Adam Reisner
- Addison Naylor
- Akaash Kumar
- Alan Truong
- Alana Ticchi
- Alex Welsh
- Alexandra Lioudvigova
- Alice Gleisner
- Alisha Roberts
- Amelia (Milly) Berry
- Anas Mawali
- Andrea Lee
- Andrea Sreedharan
- Andreas Scicluna
- Annaleigh Tan
- Annelise O'Kane
- Annika D'Sa
- Ashish George
- Ashleigh Trotter
- Asli Kacar
- Bang Zhang
- Ben Reid
- Benjamin Menahem
- Bich-Huyen Nguyen
- Bishrelt Otgonchimeg
- Blake Trad
- Caitlyn Gibbs
- Cameron Buck
- Candice Fernandes
- Charmian Sim
- Chelsea Aminde
- Chris Warwick
- Claudia Lynch
- Cody Walsh
- Courtney Poje
- Daniel Fuimaono
- Daniel Noto
- Daniella Moserow
- Dannielle Wright
- Declan Melia
- Defne Duran
- Delon Ranasinghe
- Dilshan Ranasinghe
- Edmund Yuan
- Eleesha Hardeman
- Ellen Niven-Hubble
- Ellie Keshishian
- Elly Pan
- Emily Mansie
- Emily Peck
- Emma Karacsonyi
- Fatuma Jacob
- Felicia Torcasio
- Frances Jackson
- Frances Lovel
- Gabrielle Stolzenhain
- Gemma Sibley-Lewis
- Geordie Wilson
- George Aprim
- Georgia Barendse
- Georgia Husselbee
- Georgia Johnstone
- Georgia Lloyd
- Georgio Giannellis
- Gulafshan Akhlaqi
- Guy Stephens
- Hannah Irvine
- Hayden Brodie
- Hilary Ung
- Hugo Murata
- Iris Pene
- Isobel Riggall
- Isobel Watters
- Jackson Almenara
- Jacqueline Craven
- James Gao
- James Plunkett
- James Rodgers
- James Tennant
- James Xue
- Janine van Eyk
- Jason Pan
- Jay Dee
- Jean Jacob
- Jess Gillson
- Jesse Guo

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- Jessica Ding
- Joel Dodge
- John Woo
- Jonathan Walshe
- Jooyoung Choi
- Joseph Micallef
- Joshua Rainbow
- Justin Ng
- Jyothi Chaganti
- Kaitlin Bakkan
- Kartia Bouras
- Katie Gamble
- Katie Zhang
- Katrina Bell
- Kaylah Hunter
- Khushboo Ruhel
- Kira Hardiker
- Kirk Bustin
- Kristen Cann
- Kristoff Cabral
- Krystal Gayton
- Kyah Murphy
- Lachlan Scott
- Laura Armstrong
- Laura Bartuccio
- Laura McFarlane
- Leanne Chew
- Leila Frizza
- Lexi Savage
- Louisa Lin
- Lucy McNicholas
- Luke Wescombe
- Manny De Silva
- Mariah Tiganis
- Mark Antonopoulos
- Mark Beddard
- Markus Tan
- Marli Munien
- Mary Nguyen
- Masa Tawalbeh
- Max Augier
- Maximilian Augier
- Michael Muscari
- Michael Poci
- Michaela Biggins
- Michaela Shade
- Michail Varnis
- Miranda Aprile
- Molly Kinghorn
- Molly Scott
- Mona Krombholz
- Monica Bradford
- Montana Howard
- Naa Darko
- Nathan Herlinger
- Nathaniel McCracken
- Nicholas Kierce
- Nicholas Kong
- Noemi Baquing
- Nora Mosa
- Nyakuma Gilelul
- Octavian Catrinei
- Olivia Henson-Inkster
- Omro Alansari
- Paris Hazell
- Paryce Bausch
- Patrick Ryan
- Paul Goddard
- Phillip Ngo
- Pierce Duffy
- Priiyan Sathiyaseelan
- Rachel Adams
- Rachel Caruana
- Rachel Waters
- Raianne Shaaban
- Raneisha Legah
- Ravi Nindra
- Remy Interligi
- Renee Cuzzilla
- Rhiannon McCorriston
- Richard Lyons
- Richard Pagone
- Riordan Jones
- Robert Natenzon
- Rossalean To
- Ruby Leonard
- Ryan Arulrajah
- Saajal Maharaj
- Sabrina Lees
- Samantha Glavan
- Samantha Marks
- Samuel Gard
- Samuel Pennell
- Sarah Brown
- Sarah Eid
- Sarjit Chohan
- Sebastian Withers
- Serena Joseph
- Setareh Aminian
- Shene Pratt
- Sheruni Fernando
- Soham Kulur
- Sonja Santa
- Sophie Whiteside
- Stacey Nitchov
- Stephanie Raux
- Supipi Amarasekera
- Tanisha Whitfield

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- Taylor Read
- Tess Warren
- Tharushi Perera
- Tianhao Wu
- Tianyu Xue
- Tianzhen Xia
- Tiegan Martin
- Tim Sheehan
- Tiong Hoe Chuah
- Tom Borland
- Tommy Eardley
- Valerie Tan
- Veronica Belot
- Victor Korng
- Vishmitha de Alwis
- Wayne Poh
- Will McKay
- William Ma
- Yanyun Zhang
- Zihang Pi (Steven)
- Zinzi Mkhize

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Financials – Audit Letter

Sean Denham & Associates Pty Ltd
 Accountants & Auditors

INDEPENDENT AUDIT REPORT TO THE MEMBERS OF JOB WATCH INC.

Opinion

I have audited the accompanying financial report, of Job Watch Inc., which comprises the statement of financial position as at 30 June 2020, statement of changes in equity, statement of cash flows and the statement of profit or loss and other comprehensive income for the year then ended, notes comprising a summary of significant accounting policies and the certification by members of the committee.

In my opinion, the accompanying financial report of Job Watch Inc. has been prepared in accordance with Div 60 of the *Australian Charities and Not-for-profits Commission Act 2012 (ACNC Act)* including:

- a) giving a true and fair view of the Association's financial position as at 30 June 2020 and of its financial performance for the year then ended; and
- b) complies with Australian Accounting Standards to the extent described in Note 1 to the financial statements, and the requirements of the *Associations Incorporation Reform Act 2012 (Vic)* and Div 60 of the *Australian Charities and Not-for-profits Commission Regulation 2013*.

Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Report section of my report. I am independent of the association in accordance with the *Associations Incorporation Reform Act 2012 (Vic)* and the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 Code of Ethics for Professional Accountants (the Code) that are relevant to my audit of the financial report in Australia. I have also fulfilled my other ethical responsibilities in accordance with the Code.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Emphasis of Matter - Basis of Accounting

We draw attention to Note 1 to the financial report, which describes the basis of accounting. The financial report has been prepared for the purpose of fulfilling the association's reporting responsibilities under the *Associations Incorporation Reform Act 2012 (Vic)* and the *Australian Charities and Not-for-profits Commission Act 2012*. As a result, the financial report may not be suitable for another purpose. My opinion is not modified in respect of this matter.

Responsibility of the Committee for the Financial Report

The committee of the association are responsible for the preparation of the financial report that gives a true and fair view and have determined that the basis of preparation described in Note 1 of the financial report is appropriate to meet the requirements of the *Associations Incorporation Reform Act 2012 (Vic)* and the *Australian Charities and Not-for-profits Commission Act 2012* and the needs of the members. The committee's responsibility also includes such internal control as the committee determine is necessary to enable the preparation of a financial report that gives a true and fair view and is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the committee are responsible for assessing the association's ability to continue as a going concern, disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting unless the committee either intend to liquidate the association or to cease operations, or have no realistic alternative but to do so.

Suite 1, 707 Mc Alexander Road, Mooroolbark VIC 3638 T 03 9326 2093 F 03 9372 7280 M 0417 041 851 E sean@sdpa.com.au

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Auditor's Responsibility for the Audit of the Financial Report

My objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial report.

As part of an audit in accordance with Australian Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the association's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the committee.
- Conclude on the appropriateness of responsible entities' use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the association's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in our auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions that may cause the to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

I communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.


Sean Denham

Dated: 27th October 2020
Suite 1, 707 Mt Alexander Road
Moonee Ponds VIC 3039

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Financials – Income & Expenditure

JOB WATCH INC.
ABN 74 615 132 361

STATEMENT OF PROFIT OR LOSS AND OTHER COMPREHENSIVE INCOME FOR THE YEAR ENDED 30 JUNE 2020

	Note	2020 \$	2019 \$
INCOME			
Grants - Project Funds:			
DBI/VLA (State Funding)	7(a)	287,999	367,366
OFWO (Commonwealth Funding)		416,178	416,864
Miscellaneous Income		324,347	328,010
Government subsidies		152,500	-
Interest		24,002	36,658
		<u>1,205,026</u>	<u>1,148,898</u>
EXPENDITURE			
Salary & On-Costs:			
Salaries		570,546	533,832
Salaries - Salary Packaging		139,286	140,081
Leave Provisions		(18,952)	55,717
Superannuation		63,302	63,019
Other employment related costs		26,023	18,147
		<u>780,203</u>	<u>810,796</u>
Operating Expenses			
Accounting Fees and audit fees		32,864	22,535
Client Disbursements and Costs		5,650	3,496
Conferences (Inc. Fees, Travel and Accom)		1,988	2,921
Sundry expenses		2,719	2,716
Depreciation		26,058	13,495
Equipment Repair		-	1,349
IT Support and Software		9,377	12,263
Insurances		3,553	2,467
Marketing and Promotion		13,866	191
Memberships		9,922	7,961
Printing, Stationery and Postage		15,046	21,266
Rent and Outgoings		95,657	97,874
Practice Certificates		2,861	1,918
Staff Amenities		6,460	9,213
Telephones		37,024	37,544
		<u>263,045</u>	<u>237,209</u>
TOTAL EXPENDITURE		<u>1,043,250</u>	<u>1,048,005</u>
Surplus/(Loss) before income tax		161,776	100,893
Income tax expense		-	-
Other comprehensive income net of income tax		-	-
Total comprehensive income for the year		<u>161,776</u>	<u>100,893</u>

The accompanying notes form part of these financial statements.

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Financials – Assets & Liabilities

JOB WATCH INC.
ABN 74 615 132 361

STATEMENT OF FINANCIAL POSITION AS AT 30 JUNE 2020

	Note	2020 \$	2019 \$
CURRENT ASSETS			
Cash and cash equivalents	2	1,052,615	816,018
Trade and other receivables	3	1,181,670	257,659
Financial assets	4	551,689	540,792
TOTAL CURRENT ASSETS		2,785,974	1,614,469
NON-CURRENT ASSETS			
Property, plant and equipment	5	31,181	57,239
TOTAL NON-CURRENT ASSETS		31,181	57,239
TOTAL ASSETS		2,817,155	1,671,708
CURRENT LIABILITIES			
Trade and other payables	6	101,740	(16,423)
Amounts received in advance	7	1,118,586	234,126
Provisions	8	290,636	313,577
TOTAL CURRENT LIABILITIES		1,510,962	531,280
NON-CURRENT LIABILITIES			
Provisions	8	3,989	-
TOTAL NON-CURRENT LIABILITIES		3,989	-
TOTAL LIABILITIES		1,514,951	531,280
NET ASSETS		1,302,204	1,140,428
MEMBERS' FUNDS			
Retained Profits		1,302,204	1,140,428
TOTAL MEMBERS' FUNDS		1,302,204	1,140,428

The accompanying notes form part of these financial statements.

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Financials – Statement of Changes in Equity

JOB WATCH INC.
ABN 74 615 132 361

STATEMENT OF CHANGES IN EQUITY FOR THE YEAR ENDED 30 JUNE 2020

	Note	Retained Earnings \$	Total \$
Balance at 1 July 2018		1,039,535	1,039,535
Surplus attributable to the entity		100,893	100,893
Other comprehensive income		-	-
Balance at 30 June 2019		1,140,428	1,140,428
Surplus attributable to the entity		161,776	161,776
Other comprehensive income		-	-
Balance at 30 June 2020		1,302,204	1,302,204

The accompanying notes form part of these financial statements.

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Financials – Statement of Cash Flows

JOB WATCH INC.
ABN 74 615 132 361

STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30 JUNE 2020

	Note	2020 \$	2019 \$
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts from Government Grants - recurrent		844,204	736,848
Receipts from Other Sources		296,436	399,386
Interest Received		24,002	33,196
Payments to Suppliers and Employees		(917,148)	(1,102,648)
Net cash provided by operating activities	8	247,494	86,782
CASH FLOWS FROM INVESTING ACTIVITIES			
Investment of funds in term deposit		(10,897)	(13,791)
Purchase of plant and equipment		-	(43,962)
Proceeds from sale of equipment		-	-
Net cash used in investing activities		(10,897)	(57,753)
Net increase in cash held		236,597	29,029
Cash at the beginning of the year		816,018	786,989
Cash at the end of the year	2	1,052,615	816,018

The accompanying notes form part of these financial statements.

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Financials – Notes to Accounts

JOB WATCH INC.
 ABN 74 615 132 361

**NOTES TO THE FINANCIAL STATEMENTS
 FOR THE YEAR ENDED
 30 JUNE 2020**

Note 1: Statement of Significant Accounting Policies

The Board has determined that the Association is not a reporting entity because it is unlikely there are users of these financial statements who are not in a position to require the preparation of reports tailored to their information needs.

Accordingly, these financial statements have been prepared to satisfy the Committee's reporting requirements under the *Australian Charities and Not-for-profits Commission Act 2012*. The Association is a not-for-profit entity for financial reporting purposes under Australian Accounting Standards.

Statement of Compliance

The financial statements have been prepared in accordance with the mandatory Australian Accounting Standards applicable to entities reporting under the *Australian Charities and Not-for-profits Commission Act 2012*. These special purpose financial statements do not comply with all the recognition and measurement requirements in Australian Accounting Standards.

The recognition and measurement requirements that have not been complied with are those specified in AASB 15 *Revenue from Contracts with Customers* and AASB 1058 *Income of Not-for-Profit Entities* as, in accounting for income, recognition of some grant income has been deferred until the related expenses are incurred without assessing whether there are enforceable performance obligations to transfer a good or service to a third party which are sufficiently specific to know when the performance obligation has been satisfied. Refer to Note 1(f) Revenue below.

Basis of Preparation

The financial statements, except for the cash flow information, have been prepared on an accrual basis and are based on historical costs unless otherwise stated in the notes. The material accounting policies adopted in the preparation of these financial statements are presented below and have been consistently applied unless stated otherwise. Where applicable they indicate how the recognition and measurement requirements in Australian Accounting Standards have not been complied with. The amounts presented in the financial statements have been rounded to the nearest dollar.

Impact of COVID-19

Job Watch Inc. has recorded a surplus for this financial year. A surplus has also been achieved in the previous two financial years after experiencing significant losses in prior financial years due to reduced funding. The entity is dependent upon funding received from both the state and federal governments to operate. Funding is received from the Fair Work Ombudsman, (federal) and the funding is committed until 31 December 2020. State funding administered by VLA is committed until 30/6/2021 and is applied for on an annual basis. There are currently no indications that either source of funding is at risk of cessation or reduction.

Significant additional funding was received at the end of the current financial year from state and federal government sources and administered by VLA in order to expand services during the COVID-19 pandemic. Subsidies have also been received from the federal government to mitigate any COVID-19 impacts on the entity. COVID-19 is not expected to adversely impact the entity as a going concern.

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JOB WATCH INC.
ABN 74 615 132 361

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED
30 JUNE 2020**

Note 1: Statement of Significant Accounting Policies (cont.)

a. Cash and Cash Equivalents

Cash and cash equivalents includes cash on hand, deposits held at call with banks, and other short-term highly liquid investments with original maturities of three months or less.

b. Property, Plant and Equipment

Leasehold improvements and office equipment are carried at cost less, where applicable, any accumulated depreciation.

The depreciable amount of all property, plant and equipment is depreciated over the useful lives of the assets to the association commencing from the time the asset is held ready for use. Leasehold Improvements are amortised over the shorter of either the unexpired period of the lease or the estimated useful lives of the improvements.

c. Employee Entitlements

Provision is made for the Association's liability for employee benefits arising from services rendered by employees to the end of the reporting period. Employee benefits have been measured at the amounts expected to be paid when the liability is settled.

Provision is made for the Association's liability for long service leave from commencement of employment service with the Association.

d. Provisions

Provisions are recognised when the Association has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured. Provisions are measured at the best estimate of the amounts required to settle the obligation at the end of the reporting period.

e. Impairment of Assets

At the end of each reporting period, the entity reviews the carrying values of its tangible and intangible assets to determine whether there is an indication that those assets have been impaired. If such an indication exists, the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, is compared to the asset's carrying amount. Any excess of the asset's carrying value over its recoverable amount is recognised in the income and expenditure statement.

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**NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED
30 JUNE 2020**

Note 1: Statement of Significant Accounting Policies (cont.)

f. Revenue

Revenue is brought to account when received and to the extent that it relates to the subsequent period it is disclosed as a liability.

Grant Income

All grant income is recognised as revenue in the year of receipt except where substantially all the related expenses will be incurred in subsequent accounting periods without assessing whether sufficiently specific performance obligations exist. These unspent funds are deferred as a liability in the financial statements until spent for the purpose received. This does not comply with AASB 13 Revenue from Contracts with Customers or AASB 1038 Income of Not-for-Profit Entities.

Interest Revenue

Interest revenue is recognised using the effective interest rate method, which for floating rate financial assets is the rate inherent in the instrument.

Donations

Donation income is recognised when the entity obtains control over the funds which is generally at the time of receipt.

All revenue is stated net of the amount of goods and services tax (GST).

g. Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with other receivables or payables in the assets and liabilities statement.

h. Income Tax

The Association is exempt from paying income tax by virtue of Section 50-45 of the Income Tax Assessment Act, 1997. Accordingly, tax effect accounting has not been adopted.

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JOB WATCH INC.
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NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED
30 JUNE 2020

	2020 \$	2019 \$
Note 2: Cash and cash equivalents		
Cash on Hand	308	667
Cash at Bank	1,052,107	815,351
	<u>1,052,615</u>	<u>816,018</u>
Note 3: Trade and other receivables		
Trade debtors	1,136,500	237,994
Prepayments	9,702	10,535
Bond - Security Deposits	5,468	5,468
Sundry receivables	30,000	3,662
	<u>1,181,670</u>	<u>257,659</u>
Note 4: Financial Assets		
Term deposits	<u>551,689</u>	<u>540,792</u>
Note 5: Property, plant and equipment		
Computers - at cost	131,574	131,574
Less accumulated depreciation	<u>(111,336)</u>	<u>(89,050)</u>
	<u>20,238</u>	<u>42,524</u>
Furniture & Equipment - at cost	146,854	146,854
Less accumulated depreciation	<u>(135,911)</u>	<u>(132,139)</u>
	<u>10,943</u>	<u>14,715</u>
	<u>31,181</u>	<u>57,239</u>
Note 6: Trade and other payables		
Current		
Trades and other payables	31,233	26,389
PAYG withholding payable	<u>(8,792)</u>	-
Accrued expenses	35,747	20,291
GST payable	<u>43,552</u>	<u>(63,103)</u>
	<u>101,740</u>	<u>(16,423)</u>

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 NOTES TO THE FINANCIAL STATEMENTS
 FOR THE YEAR ENDED
 30 JUNE 2020

	2020 \$	2019 \$
Note 7: Amounts Received in Advance		
Funding Grants in Advance - VLA Surplus (a)	1,117,591	14,614
Funding Grants in Advance - VLA Other Projects	-	64,444
Funding to be distributed	-	128,889
Funding Grants in Advance - Other	995	26,179
	<u>1,118,586</u>	<u>234,126</u>
(a) Reconciliation of VLA Funds received		
	VLA COVID-19 & ITC	VLA Surplus Total
Opening balance	-	14,614
Funds received	1,021,500	369,478
Funds utilised (net of interest)	-	(288,001)
Balance Funds Carried Forward	<u>1,021,500</u>	<u>96,091</u>
		<u>1,117,591</u>
	2020 \$	2019 \$
Note 8: Provisions		
Current		
Provision for Annual Leave	96,830	109,481
Provision for Long Service Leave	193,806	204,096
	<u>290,636</u>	<u>313,577</u>
Non-Current		
Provision for Long Service Leave	<u>3,989</u>	-
Note 10: Cash Flow Information		
Reconciliation of Cash Flow from Operations with Profit from Ordinary Activities		
Surplus after income tax expense	161,776	100,893
Non-cash flows in profit		
- Depreciation	26,038	13,495
- profit on disposal of asset	-	-
Changes in assets and liabilities:		
- (Increase)/decrease in trade and other receivables	(924,011)	412,799
- Increase/(decrease) in trade and other payables	118,163	(123,795)
- Increase/(decrease) in grants in advance	884,460	(372,326)
- Increase/(decrease) in provisions	(18,952)	55,716
Net cash provided by operating activities	<u>247,494</u>	<u>86,782</u>

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JOB WATCH INC.
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STATEMENT BY MEMBERS OF THE COMMITTEE
FOR THE YEAR ENDED
30 JUNE 2020

The Committee has determined that the Association is not a reporting entity and that this special purpose report should be prepared in accordance with the accounting policies outlined in Note 1 to the financial statements.

In the opinion of the committee of Job Watch Inc.:

a) the financial statements and notes of Job Watch Inc. are in accordance with the *Associations Incorporation Reform Act (Vic) 2012* and the *Australian Charities and Not-for-profits Commission Act 2012*, including:

- i. giving a true and fair view of its financial position as at 30 June 2020 and of its performance for the financial year ended on that date; and
- ii. complying with the *Australian Charities and Not-for-profits Commission Regulation 2013*; and

b) there are reasonable grounds to believe that Job Watch Inc. will be able to pay its debts as and when they become due and payable.

This statement is made in accordance with a resolution of the Committee and is signed for and on behalf of the Committee by:

Dianne Cullen
Committee member

26-10-2020

Dated:

[Signature]
Committee member

Dated: 26 October 2020

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**AUDITOR'S INDEPENDENCE DECLARATION UNDER SECTION
60-40 OF THE AUSTRALIAN CHARITIES AND NOT-FOR-PROFITS COMMISSION ACT 2012**

In accordance with the requirements of section 60-40 of the *Australian Charities and Not-for-profits Commission Act 2012*, as auditor for the audit of Job Watch Inc. for the year ended 30 June 2020, I declare that, to the best of my knowledge and belief, there have been:

- i. no contraventions of the auditor independence requirements of the *Australian Charities and Not-for-profits Commission Act 2012* in relation to the audit; and
- ii. no contraventions of any applicable code of professional conduct in relation to the audit.


Sean Denham

Dated: 27th October 2020
Sean Denham & Associates
Suite 1, 707 Mt Alexander Road
Moonee Ponds VIC 3039

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JobWatch

Employment Rights Legal Centre

www.jobwatch.org.au

(03) 9662 1933 (Melbourne Metro)
1800 331 617 (Country VIC, QLD, TAS)