

## The Northern Territory Working Women's Centre

Providing information, advice and support to Territory Women since 1994

## Working Women's Centre for Timor Leste

Staff members of the NTWWC have just returned from Dili, Timor Leste where we attended the first ever Our Work Our Lives conference to be held outside Australia, as well as the launch of the newest Working Women's Centre, the WWC Timor Leste (WWCTL).



The new Working Women's Centre Timor Leste is launched by the Deputy Vice President of Timor-Leste left: Milena Pires, Rep of SE Asia on CEDAW Committee; right: Elisabeth Araujo, Apheda Dili and WWCTL Board member

Words cannot really express the excitement and inspiration that was generated by these events. The women of Timor Leste have been so central to their new nation's struggles, and the WWCTL will be playing a central role in providing education, support and advocacy for vulnerable women workers in Timor Leste. The WWCTL has received support from AusAID, and will initially be focusing on the rights of women working as domestic workers.

The Our Work Our Lives conference in Dili showcased the research and advocacy being undertaken by a range of academics, unions and advocates from across Australia and Timor Leste. We were very honoured to mingle with incredible guest speakers and supporters, including Milena Pires (SE Asian Rep on the CEDAW committee), Senator Jacinta Collins, Senator Trish Crossin, Roberto Pes from the ILO, Ged Kearney from the ACTU, Rigoberto Monterio from the KSTL, and Malarndirri McCarthy. The papers from the conference will soon be available on the WWCTL blogspot ([www.workingwomenscentretimor-leste.blogspot.com](http://www.workingwomenscentretimor-leste.blogspot.com)) It is so very exciting to all of the three WWCs in Australia (Queensland, SA and NT) to welcome a new Centre to the sisterhood, and we look forward to updating you with all the news of their successes!

In the next newsletter we also hope to have some news for you about the ongoing funding for the NTWWC.

Anna Davis and Rachael Uebergang  
Co-ordinators

## A new Aboriginal Liaison Officer for the NTWWC

We are very excited to announce that the NTWWC was successful in securing some grant funds from FaHCSIA to employ an Aboriginal Liaison Officer. The Aboriginal Liaison Officer will dedicate 100% of their time to the needs of Aboriginal women across the NT.

The focus of the position is to reach women in regional and remote locations to educate them about their work rights and support them to resolve their issues at work. All of the support and information provided by the Aboriginal Liaison Officer will be free and confidential. We hope that the position will be up and running in November 2011.



If you are interested in applying for the position or contacting the new Aboriginal Liaison Officer please email Rachael Uebergang: [rachael@ntwwc.com.au](mailto:rachael@ntwwc.com.au)

Patron of the National Working Women's Centres

Her Excellency Ms Quentin Bryce AC, Governor-General of the Commonwealth of Australia



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### Special points of interest

#### NTWWC AGM 11/10/2011

Don't forget the NTWWC AGM is fast approaching!

This year the AGM will be held at 5pm on the 11 October, at the Litchfield Room, Parliament House, Darwin.

All members and interested parties are welcome to attend.

Come along and join on the day so you can have your say and support the Centre's important work.



## NTWWC Client Case Study

Rowena, a middle aged health professional, first contacted the NTWWC for assistance responding to her professional licensing body regarding a complaint made about her. An initial clinic was provided by telephone as Rowena was not in Darwin.

Some weeks later, a telephone call was received from an extremely distressed Rowena. The expected 'show cause' letter from the licensing body had been sent to the wrong address, meaning she now had only two days to respond.

The Industrial Liaison Officer was able to reassure Rowena that the board would be sure to grant an extension under

the circumstances, and given Rowena's emotional state, undertook to obtain the extension on her behalf.

However, despite reassurance that the NTWWC would help, Rowena was inconsolable and expressed suicidal thoughts and a lengthy suicide intervention ensued. At the time of the call, the NTWWC staff member was on the road, delivering training - and it was only by luck that they were in mobile range; Rowena was in a Centrelink office interstate.

This highlighted the way in which the NTWWC is able to support vulnerable women when they fall through the cracks of other service providers.

\* Case Studies are based on actual clients however names and details are changed to protect privacy



NT Working Women's Centre

**We help with  
Problems at work**



*“Most helpful service. I am so grateful for their help and professionalism! Without the assistance I have received from the NTWWC, I don't know how I would have managed.”* NTWWC Client Feedback

## Adverse Action—what does it mean for you?

Sometimes employees are singled out and treated badly compared to their workmates, or feel that they are being punished for having stood up for their rights in some way. In some instances, this treatment may be unlawful and have a potential remedy under the *Fair Work Act*.

Under the General Protections provisions of the *Fair Work Act*, if an employer takes an adverse action against an employee **for certain reasons**, then it is unlawful. These protections are extended to prospective as well as current employees.

### What is an Adverse Action?

Under the *Fair Work Act*, an employer takes an adverse action against an employee when they:

- dismiss the employee;
- injure them in their employment;
- alter their position to their detriment (eg demotion); or
- discriminate between them and other employees

Some examples of being injured in your employment are having your hours reduced, having responsibility taken away from you, having a leave application refused unreasonably or being offered lesser conditions than a colleague who does the same job.

In order for the adverse action to be unlawful under the General Protections provision, it has to be taken for a discriminatory reason, because the employee has, has exercised, or proposes to exercise (or not exercise) a workplace right; or to prevent the employee (or another person on their behalf) from exercising a workplace right..

### What is a Workplace Right?

According to the *Fair Work Act*, a workplace right exists where a person is entitled to a benefit or has a role or responsibility under a workplace law, workplace instrument

## Adverse Action — continued from page 2

(such as an award or agreement) or an order made by an industrial body.

A workplace right also exists when a person is able to initiate or participate in a process or proceedings under a workplace law or workplace instrument, including making a complaint or inquiry to a person or body to seek compliance with that law or instrument, or simply when they make a complaint or inquiry regarding their employment (including to their employer).

Workplace rights include, for example, taking leave, joining or not joining a union, making an enquiry about your working conditions or pay and reporting dangerous equipment.

*For example, an employer will be in contravention of this provision where an employee is overlooked for promotion, and a substantial reason for the decision is that the employee makes persistent complaints to his or her union or safety committee about alleged safety breaches.*

### What kind of Discrimination is covered?

The *Fair Work Act* specifically prohibits adverse action being taken against an employee or a prospective employee because of their race, colour, sex, sexual preference, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction or social origin.

Discriminatory action may not be prohibited if the action is based on the inherent requirements of the position or where it is taken within an institution run in accordance with religious beliefs and is taken in good faith to protect those religious beliefs.

*An example of discriminatory Adverse Action would be an employer refusing to provide an annual pay increment to an employee because the employee was pregnant and would be going on leave, despite there being no performance issues and all other employees receiving their annual increase.*

### What can I do about it?

If you have been subject to an Adverse Action that is not a dismissal and you wish to make a complaint, there are three avenues available to you.

You can lodge a complaint with the Fair Work Ombudsman, who has the power to investigate the allegations and where a contravention is identified may initiate legal action. This process is at no cost to you, however the choice is not yours as to whether any legal action is taken or not.

Alternatively, you may make an application to Fair Work Australia. This is known as a General Protections Dispute Application. If the adverse action was not a dismissal, you have 6 years to lodge this application. If both parties agree, then Fair Work Australia must hold a private conference to try and resolve the dispute. If the dispute is not resolved, you may make an application for a court to deal with it.

You may proceed directly to the Magistrates Court in some cases. You should seek advice on this.

If your employment has been terminated and you believe it was an adverse action, then you can apply to Fair Work Australia to deal with the matter. This is also called a General Protections Dispute Application, however in this case the application must be made **within 60 days** of your dismissal.

Depending on the circumstances, another option if you have been discriminated against at work may be to make a complaint through either the Northern Territory Anti-discrimination Commission or the Australian Human Rights Commission. Every situation is different, so seek advice from the NTWWC, or your union or legal advisor before you decide which is the best option for you!



### UPCOMING EVENTS

- October 11th 2011 NTWWC AGM 5pm at the Litchfield Room, Parliament House
- October 6-8th Fremantle — Australian Labour and Employment Relations Association National Convention, registrations now open <http://www.industrialrelations.com.au/viewStory/id/66039>
- October 13th Darwin — Women in Global Business Seminar <http://www.austrade.gov.au/EventViewBookingDetails.aspx?Bck=Y&EventID=3099>



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## What is the NT Working Women's Centre?

The NT Working Women's Centre (NTWWC) is a community based, non-profit organisation that provides free and confidential advice to women about work related matters. The NTWWC receives funding from the Commonwealth and Northern Territory Governments.

The NT Working Women's Centre provides information, advice, representation and referral to NT women about work related issues such as: pay, working conditions, unfair dismissal, superannuation, discrimination, bullying and sexual harassment.

Every day women from all walks of life contact the centre for assistance, either through the free call number or personally in our office. Each year the NTWWC answers thousands of queries from Territory women from short inquiries to more complex matters involving case management.

Throughout the NT we provide advice and representation about unfair dismissal and discrimination. For example, assistance can be provided to help women to prepare their forms and statements and support them throughout the process. The centre also provides community education to women about their rights at work, and our staff members conduct visits to regional centres and some remote communities.

The NTWWC is a member based organisation, and so is dependent on support from the NT Community. For a nominal fee of \$10.00 a year any woman in the NT (or any organisation for \$30) can become a supporting member of the NTWWC.



**Please note:** This newsletter contains general information available at the time of printing. While every effort is made to ensure that the information provided is accurate, it does not constitute legal advice.

For further advice about your individual situation, please contact the NT Working Women's Centre.

## Join the NT Working Women's Centre

Membership of the NTWWC will support the Centre to continue to provide services to women throughout the NT who are in a disadvantaged bargaining position, insecure and low paid work. The Centre gives particular attention to vulnerable groups of women, including Aboriginal and Torres Strait Islander women, women from Culturally & Linguistically Diverse backgrounds, women who have a disability, women with family responsibilities and those living in regional and remote areas.

If you are interested in becoming a member of the NTWWC please complete the form below and return it to us. We will contact you to arrange payment of your membership fee.

Name: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Contact Phone No.: \_\_\_\_\_

Email: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_