



Employment Service Providers – your rights

Going to an Employment Service Provider can be overwhelming. It is important you know how you can expect to be treated (your rights) and how to get the most out of your time with them. The term “Employment Service Provider” is used to refer to both Job Services Australia and Disability Employment Service providers.

What can you expect from your Employment Service Provider?

Your right to be treated fairly

Employment Service Providers have “Service Guarantees” which are a set of standards they must follow. These include treating you fairly and with respect, taking account of your parenting or caring responsibilities and recognising other limits on your ability to find work. Job Services Australia Services must ensure that the standards are prominently displayed and available to people who access their services. You can ask for a copy of the service standards for your program at any time. They are also available at:

<http://www.deewr.gov.au/Employment/JSA/Resources/Pages/Home.aspx>

Within Disability Employment Services these standards must be outlined in the initial interview with you and they must also comply with the national Disability Service Standards (for more information please see <http://www.crrs.org.au/disability-service-standards.html>).

Your right to customised / individual service

If you are receiving income support and have activity requirements, your provider will work with you in your first contact on an Employment Pathway Plan. You will be required to sign the Employment Pathway Plans (EPP) to say you agree to participate in the activities outlined within it. An EPP will generally not be required if you have a full activity test exemption.

Your employment provider must tailor your EPP to address your individual needs and barriers to work and specify when activities within the plan must be started and finished and how many contacts you must have with the provider. Your EPP should be drawn up in negotiation with you

however there will be some activities which are not flexible, such as regular face-to-face meetings with the provider.

Your right to privacy

The Privacy Act 1988 governs what information can be gathered by government departments, how it can be gathered, and how and when it can be released. Employment Service Providers can lawfully collect information relevant to your situation without breaching privacy legislation.

Employment Service Providers cannot give your personal information to other people, for example a friend, ex-partner or community worker without your consent. They do share some information with Centrelink, including personal information, but do not assume that because you told Centrelink something (that you changed your phone number for example), your Employment Service Provider will know this. The Welfare Rights Centre (WRC) advises welfare recipients to tell both Centrelink and your Employment Service Provider everything they need to know to help you find employment.

Your right to see your employment services file

Under the Freedom of Information Act, 1982 you can access a copy of your Employment Services file, computer records and archived records, or you can view these records, within 30 days of a written request. There are many reasons a person would want to see their file but usually it is an indicator that you are not happy with the service you have been receiving. If you need to see your file and you are refused you should seek assistance from the Welfare Rights Centre (WRC).

Your right to give feedback

Your Employment Service Provider must establish and promote a customer feedback process. The customer feedback process should outline how feedback can be provided and include complaints. Your provider must provide you with a copy of these procedures if you request them.

Generally it is best to raise complaints directly with the Employment Service Provider and the



most logical starting point is your Case Manager. If for any reason you are uncomfortable doing this you should ask to speak to the Manager. If you are unhappy with the outcome of your complaint or feel that you cannot raise your complaint with the Employment Service Provider you can contact the WRC for assistance on 3421 2520 or if outside of Brisbane on 1800 358 511.

Your right to change providers

You have the right to change providers if they have not providing you with the services outlined in their service guarantee or if you think they have treated you unfairly or discriminated against you.

Talk to your Employment Service Provider about your concerns – they won't exit you unless you do and you might get improved service by raising your concerns with them.

Other avenues of complaint or appeal

If you have not been able to resolve your issue, directly with your Employment Services Provider, there are other options:

- Contact the Department of Education, Employment and Workforce Relations Customer Service Line on 1800 805 260.
- You can also make a complaint to Centrelink: 1800 050 004 or 1800 000 567 if you are hearing impaired.
- Ombudsman's Office: 1300 362 072

If you have a disability you may have additional avenues of redress including:

- Calling the Complaints Resolution and Referral Service on 1800 880 052 (free call) only if you are complaining about a Disability Employment Service.
- Contact the Disability Discrimination Legal Service (07 3421 2510) if the complaints is based on a discrimination matter.

What is your part?

Before you make a complaint you may want to check your obligations to your Employment Service Provider. Are you keeping up with your end of the bargain?

Compliance obligations

The activities you agree to in your Employment Pathway Plan are subject to penalties for non-compliance. That means is you do not turn up for

appointments and interviews (with a reasonable excuse) you could be frustrating your caseworker and their level of trust and support for you could deteriorate. It is your responsibility to get in contact with your Employment Services Provider if you are unable to attend an appointment or activity.

Please see the Fact Sheet *Penalties for Non-Compliance* for more information.

Tell them what you want

Employment Service Providers can only work with what they know and the best person to tell them about you is you. It is in your best interests to be honest and upfront about what job areas you are interested in, the skills you currently have and what training you believe will help you to get a job that is right for you.

Employment Service Providers often actively market particular job seekers to potential employers. If they know your skills and interests they will be able to target the right jobs and industries for you.

Let them know when something changes

If anything happens in your life to make it difficult to look for work it is important to let your Employment Service Provider and Centrelink know. It is possible for your Employment Pathway Plan to be renegotiated and/or for you to be transferred into a program where you can receive more support (this could be with the same provider).

If your change in circumstances has affected your ability to follow your Employment Pathway Plan, letting them know your situation has changed will mean you are less likely to get a penalty for non-compliance.

Please note:

This Fact Sheet contains general information only. It does not constitute legal advice. If you need legal advice please contact the Welfare Rights Centre on 3421 2510 or if outside of Brisbane on 1800 358 511.

The Welfare Rights Centre is a community legal centre, which provides specialist advocacy and legal services in Social Security law, administration and policy. We are independent of Centrelink. All assistance is free.

This Fact Sheet was updated in June 2011.

www.wrcqld.org.au