

RESPONSE TO QUESTION TAKEN ON NOTICE
Thursday, 12 October 2017
Standing Committee on Education, Employment and Youth Affairs
Inquiry into the extent, nature and consequence of insecure work in the ACT

Asked by Mr Chris Steel MLA on 12 October 2017: Dr John Boersig took on notice the following question(s):

Thursday 12 October 2017, Standing Committee on Education, Employment and Youth Affairs
Inquiry into the extent, nature and consequence of insecure work in the ACT

In relation to: Number of young people seen by Legal Aid ACT in relation to employment matters

MR STEEL: “And how many young people are you seeing? You mention in your submission that young people are particularly vulnerable to insecure work. Are they—are there a significant number of young people coming to see you around issues around casual work?”

The answer to the Member’s question is as follows:–

In 2016-17, Legal Aid ACT provided 13 advices to 9 clients aged 18 and under where employment was the primary matter.

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In relation to: Differences between full-time and casual workers and unjustified reductions in shifts

MR STEEL: And have you come across a situation where the employer has cut someone's shifts and that the reasons for cutting those shifts are not justified?

The answer to the Member's question is as follows:–

Legal Aid ACT has assisted a number of clients that have sought advice and assistance in relation to their employment rights and entitlements as casual workers.

The most common enquiry being in relation to whether clients have been paid in accordance with relevant Award, had their compulsory superannuation entitlements correctly paid or advice in circumstances where a client has had their hours reduced by their employers either without explanation or seemingly for exercising a workplace right such as enquiring about their pay and conditions.

The following information concerns four typical clients that Legal Aid ACT may assist who have been employed casually and were subject to unjust hour reductions. These case studies are representative of the types of clients and legal problems that Legal Aid ACT would assist with through the General Practice's employment clinic and the nature of client's request for advice and assistance in relation to their casual employment.

Mary is a 25 year old pregnant woman who was employed by a café on full time hours but on a casual basis for 2 years. Mary and her employer had a positive relationship before Mary disclosed that she was pregnant. Once Mary notified her employer of her pregnancy her hours and regular shifts changed and became quite erratic, including having some weeks where she was not rostered on at all. When she asked her employer about the changes to her roster, her employer indicated that he couldn't give her more shifts as business had been slow. Mary was the only employee who had her shifts reduced and other employees were rostered onto her old regular shifts. Mary had to find other employment as she couldn't financial support herself on the reduced shifts.

Taylor is a 17 year old student who had started her first job as a casual employee in a clothing shop two months prior to consulting Legal Aid ACT. Soon after starting, Taylor's father passed away with the funeral arranged to be on a day Taylor was rostered on to work. Taylor talked to her manager about taking that day off to attend the funeral on compassionate grounds. While she was allowed to do so, she received a stern warning that she should not make a habit of missing shifts. Shortly after taking a day off for her father's funeral, Taylor was no longer rostered onto any further shifts. When she talked to her manager about her change in the roster, her manager told her it was important the people rostered on were reliable and able to work. Taylor left the store and remained out of work for some time after this experience.

Geoff is a 54 year old man who was employed by a grocer to work regular shifts throughout the week. After suffering a fall in the workplace, Geoff made a worker's compensation claim to cover his medical costs during the time he would be unable to attend work. When Geoff returned to work, he noticed he was rostered on for less than half the time he had been before he had injured himself at work. Geoff decided to remain with the employer as he felt he had little hope of finding other employment, despite the reduction in his shifts.

Robert is a 33 year old man who worked during regular weekday hours on a casual basis at a department store. A change in his family's circumstances meant Robert had to start leaving early from work to pick up his children from school. Originally, Robert's manager allowed him to do so, and there were no problems for the first few weeks. However after a change in managers, Robert was not rostered on to work on days where he had been leaving early. Robert's new manager told him she was adjusting the roster to best meet the needs of the business. This left Robert

and his family in a difficult financial situation, with the reduction in shifts forcing Robert to find other employment to support his family.

Inquiry into the extent, nature and consequence of insecure work in the ACT

Asked by Mrs Elizabeth Kikkert MLA on 12 October 2017: Dr John Boersig took on notice the following question(s):

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In relation to: Number of clients Legal Aid ACT has provided services to from culturally and linguistically diverse backgrounds

MRS KIKKERT: Yes. I am just interested. How many clients have come to Legal Aid who are culturally and linguistically diverse background?

DR BOERSIG: We are increasingly getting—about two years ago we created a cultural liaison unit, and we employed a couple of people who are from Muslim background. We have started expanding. Since that time we have had an exponential increase in a whole range of communities, non-English speaking, who were not accessing Legal Aid.

I can tell you a report that outlines this, and we have gone from a relatively small identifiable number to some 450 people who would not have otherwise be receiving our services. That is across the range. So that is in particular around family law and domestic violence, and—but yes, we have seen a tremendous increase. I do not have the actual numbers, but it is somewhere in the order of about 450 people, which I do not think we would have seen otherwise, because they would not come in our door.

MRS KIKKERT: If we could have that report you mentioned—

The answer to the Member's question is as follows:—

Since 23 December 2015 Legal Aid ACT's Cultural Liaison Officers have provided services to 501 clients from culturally and linguistically diverse backgrounds. These clients have come from 72 different countries. In addition to this, Legal Aid ACT's Cultural Liaison Officers have been involved in conducting 104 community outreach programs and 25 Community Legal Education sessions.

Please find a copy of the Cultural Liaison Officer's Progress Report attached.

Cultural Liaison Officers Progress Report 23/12/2015 to 27/10/2017

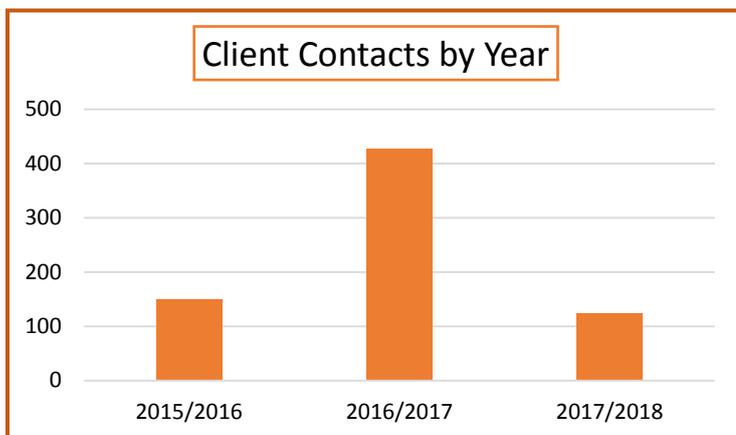
Cultural Liaison Officers

The Legal Aid Commission has two cultural liaison officers (CLOs), Engy Abdelsalam and Zouheir Dalati. The CLOs perform a number of duties to assist people from a culturally and linguistically diverse (CALD) background. These duties include:

- Supporting clients to access legal assistance and ensure they are aware of their rights and responsibilities in each stage of the legal process
- Analysing client problems to develop and coordinate holistic solutions and arrange referrals to appropriate agencies
- Supporting clients at court and tribunal hearings
- Establishing and maintaining good relationships with the sector to ensure community groups and their clients are aware of legal issues and how to obtain legal assistance
- Organise and deliver community education and cultural awareness training.

Summary of Outcomes

- Number of clients: **501**
- Number of contacts: **700**
- Client countries: **72**
- Stakeholder engagement: **94 meetings**
- Outreach: **104 sessions**
- Community education: **25 sessions**



Area of Law

The CLOs assist CALD clients across the commission, in the family law, criminal law and civil law practice. Zouheir also operates the Commission's migration clinic, which involves ensuring clients with a migration problem get free advice from a migration agent. Several case studies explain this work at the end of this report.

Cultural Awareness Training / Community Education

The year the CLOs organised a number of training sessions or delivered presentations at services. These training and education activities included:

- Community Conversations – refugees and asylum seekers
- Partner visas and family violence – an introduction to the law
- Visa training, working, skilled, studying and family and spousal visas

- Visa training, protection, onshore, ministerial intervention, and what's new in refugee and humanitarian visa's
- Forced Labour (Human Trafficking)
- Forced Marriage (being held on 16 November)
- Refugee Week film night – Constance on the edge
- Worked with Attorney General's Department on their communications strategy that looked at countering religious and racial discrimination and violent extremism
- Worked with the Migration Council of Australia
- Worked with the Law Council on their Justice Project.

Destitution and Need in Migrant Communities

The CLOs jointly organised a forum with the Red Cross which looked at the issues faced by refugees and migrants in accessing assistance. This forum had 100 attendees from across ACT services and departments discussing practical, affordable ways, services could assist refugees and migrants who fall through the gaps.

Stay Here, Stay Safe

The CLOs helped produce a new resource titled Stay Here, Stay Safe which sets out information about the family violence provisions in Australia Migration law.

Stakeholder Engagement

The CLOs have built a close working relationship with a number of organisations to ensure warm referrals for clients can happen quickly and our clients are provided with the assistance needed. Key stakeholders are:

- Australian National University Students Association (ANUSA)
- ACT Civil and Administrative Tribunal
- Canberra Islamic Centre
- Care Financial Counselling Service
- Companion House
- Domestic Violence Crisis Service
- Onelink
- Red Cross
- Refugee Advice and Casework Service
- Salvation Army
- St Johns Church Reid
- Migration Council of Australia
- Settlement Council of Australia

Outreach

Each week the CLOs undertake outreach at a number of places in the community. This work is to provide information to those services about the work we undertake and to speak with possible clients.

- Civic Musala
- UC Musala
- ANU Musala
- Yarralumla Mosque
- Saudi Embassy Mosque
- Spence Mosque
- Atfal Playgroup
- Multicultural playgroup
- Spence Musalla playgroup

Country of Birth

Client country of birth spanned at least 72 countries, these countries included the following.

Afghanistan (Islamic State of Afghanistan)
Australia (Commonwealth of Australia)
Austria (Republic of Austria)
Azerbaijan (Republic of Azerbaijan)
Bangladesh (People's Republic of Bangladesh)
Bosnia and Herzegovina
Brazil (Federative Republic of Brazil)
Chile (Republic of Chile)
China (People's Republic of China)
Colombia (Republic of Colombia)
Congo – Brazzaville (Republic of the Congo)
Congo – Kinshasa (Democratic Republic of the Congo)
Croatia (Republic of Croatia)
Cuba (Republic of Cuba)
Egypt (Arab Republic of Egypt)
Eritrea (State of Eritrea)
Ethiopia (Federal Democratic Republic of Ethiopia)
Fiji (Republic of the Fiji Islands)
Germany (Federal Republic of Germany)
Ghana (Republic of Ghana)
Hong Kong (Hong Kong Special Administrative Region)
India (Republic of India)
Indonesia (Republic of Indonesia)
Poland (Republic of Poland)
Iran (Islamic Republic of Iran)
Iraq
Iraq (Republic of Iraq)
IRELAND
Italy (Italian Republic)
Japan
Jordan (Hashemite Kingdom of Jordan)
Kenya (Republic of Kenya)
Kuwait (State of Kuwait)
Lebanon
Lebanon (Lebanese Republic)
LIBERIA
Liberia (Republic of Liberia)
Macedonia (Republic of Macedonia)
Mexico (United Mexican States)
Morocco (Kingdom of Morocco)
Myanmar (Burma) (Union of Myanmar)
New Zealand
Nigeria (Federal Republic of Nigeria)
Not Stated
Pakistan (Islamic Republic of Pakistan)
Palestinian Territories (Gaza Strip and West Bank)
Papua New Guinea (Independent State of Papua New Guinea)
Peru (Republic of Peru)
Philippines (Republic of the Philippines)
Russia (Russian Federation)
Samoa (Independent State of Samoa)
Saudi Arabia (Kingdom of Saudi Arabia)
Serbia (Republic of Serbia)
Sierra Leone (Republic of Sierra Leone)
Slovakia (Slovak Republic)
Somalia
South Africa (Republic of South Africa)
South Korea (Republic of Korea)
SOUTH SUDAN
Sri Lanka (Democratic Socialist Republic of Sri Lanka)
Sudan
Sudan (Republic of the Sudan)
Syria (Syrian Arab Republic)
Thailand (Kingdom of Thailand)
Turkey (Republic of Turkey)
Uganda (Republic of Uganda)
Ukraine
United States (United States of America)
Uzbekistan (Republic of Uzbekistan)
Venezuela (Bolivarian Republic of Venezuela)
Vietnam (Socialist Republic of Vietnam)
Yemen (Republic of Yemen)
Zimbabwe (Republic of Zimbabwe)

Case Study One

Our client came to Australia on a partner visa. After her arrival in Australia her partner subjected her to sexual and emotional violence. Engy was our client's first point of contact with services. Engy connected her to services to assist her with counselling and accommodation and also assisted her to speak with a Legal Aid lawyer to obtain a family violence order, pursue a property settlement and resolve her visa status. Engy supported her every step of the way and during mediation and court hearings. Our client was usually quite distressed and emotional, Engy would manage to calm and reassure her which enabled her to deal with her legal problems. Our client received a sum of money from the property settlement, was granted permanent residency under the family violence provisions and obtained a final family violence order against her ex-partner. Our client accesses counselling and now has fulltime job.

Case Study Two

Our client speaks no English and was badly injured in a car accident. Our client spent 3 weeks in hospital, lost his casual employment as he was unable to work for 3 months. OC held no car insurance because he was unable to afford insurance, was at risk of becoming homeless as he was in rent arrears and ended up with an ambulance bill he did not have the funds to pay. Zouheir met with our client on a home visit, as his injuries meant he was unable to leave the house. Zouheir assisted our client to obtain legal advice with regards to his employment, assisted him to have the ambulance bill waived, obtain assistance from Centrelink, and access some of his super so he could pay his rent. Zouheir referred OC to Care Financial Counselling and is continuing to support him to ensure he gets back on his feet.

Case Study Three

Our client is an international postgraduate student on a student visa. He recently brought his pregnant wife and children to Australia. He was under the impression that his medical insurance would cover the medical bills for the birth of his child. Our client was also involved in a car accident and received correspondence from the other party's insurance claiming that he was responsible for the damage caused and wanting to recover costs directly from him.

Engy assisted our client by advocating for the client with Canberra Hospital and liaising with ACT Health and Care Financial Service to support the client's application for financial hardship and requested the waiver of the medical bills. The medical expenses were estimated to be almost \$15,000. Engy also booked the client an appointment to receive civil duty advice from our general practice to address the debt rising from the car accident. Canberra hospital wrote off the debt arising from the delivery procedures. One of our lawyers at the general practice assisted the client on duty basis to negotiate the debt issue arising from the car accident.

Case Study Four

Our client arrived with his family in Australia in 2010 on a working visa. His employment ceased in 2015, he did not feel he and his family could return to their home country. Subsequently, he and his family applied for protection. During this time, his relationship broke down. His ex-wife and children were granted a protection, our client's application was refused at the Administrative Appeal Tribunal.

When government income support ceased, he found himself in the community without permission to work, study or receive income. Our client was evicted from his house as he could no longer afford the rent leaving him homeless, sleeping rough in parking lots and public parks. He came to Zouheir's attention in mid-2017, Zouheir linked our client with an emergency relief provider to assist with food vouchers, bus tickets and essential personal hygiene products.

Finding him a place to sleep was a challenging process, the majority of emergency relief providers in the ACT are not funded to provide housing support. We linked him with a local housing hub for single homeless men, however, he was told that he does not meet their eligibility criteria for emergency housing as he cannot legally work and therefore he has no means to transition out of these service. As a result of this outcome, Zouheir reached out to one of his stakeholders to see if there is a way to cover the required fees to stay at the housing hub. The charity organisation agreed to pay his accommodation bill for four months. Our client also has regular access to his children with the support of a caseworker.